

ANNUAL INDEPENDENT ENVIRONMENTAL AUDIT REPORT



Warehouse C1 rear - landscaping and rainwater harvesting surge tank

Project:	Enfield Intermodal Logistics Centre
Scope:	Construction & Operational Environmental Management
Works / Process:	Operations, Tenancies and Warehouse Development
Auditee:	NSW Ports and tenants

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Registration	Exemplar Global EMS Auditor Accreditation no. 12355
Audit dates:	14 th & 19 th November 2019
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EXECUTIVE SUMMARY

An annual Independent Environmental Audit was conducted of the Enfield Intermodal Logistics Centre (ILC) to assess compliance with Conditions of Planning Approval 05_0147 by NSW Ports and related obligations by their Intermodal Operator, warehouse tenants and construction contractor at the time. The audit assessed compliance evidence in support of the 2019 NSW Ports Compliance Report, focussing on operation activities and implementation of various Environment (and other) Management Plans by all concerned. Site maintenance and systems of impact mitigation and/or control were also verified to the extent necessary to determine effectiveness.

Since the last audit, it was evident that NSW Ports had invested considerable time and effort into warehouse development and/or related letting compliance, as well as working with the IMT operator to address ongoing chemical and fuel issues by a novated sub-lease tenant. As such, prior Audit Findings had been addressed by removal of hazardous substances and bulk fuel operations from site, with plans to provide improved infrastructure should this be a future business need.

Regarding the IMT operator LINX Cargo Care, management and compliance staff demonstrated commitment and awareness of planning obligations enacted by management plans, particularly in relation to noise, traffic, and tenant management. The audit assessed and/or sighted formal evidence including monthly inspections of sublet tenants, training around hazardous chemicals and commissioning of an independent environmental audit report to name a few.

Warehouse developer Goodman provided considerable evidence in support of design compliance, as well as tenant Operational Management Plans. Also, their constructor of (substantially complete) warehouses in precinct H had applied resources to implement both practical and formal requirements of their site-specific Construction Management Plan. NSW Ports' management were also actively involved in site surveillance and management of construction related temporary contamination stockpiling prior to re-introduction into designated cells.

In general, the intermodal site, tenanted warehouses, construction site and access roads and landscaping were well maintained. This audit did however determine that there had been a decline in required maintenance in the Southern Ecological Area. Contributing factors appeared to be staff organisational changes, focus on commercial aspects and tenants (as indicated above), plus time required for review and maintenance of an extraordinary quantum of compliance plans. In summary, three (3) non-compliances were raised, plus several recommendations. Regarding the former, these included lapses around:

- Formal inspections of detention basins, frog pond water levels and the Southern Ecological Area, as well as formally recorded corrective actions to previously identified issues;
- Updating the Landscape & Ecological Area Management (and O&M) Plans to lock in current and required operational practices, plus changed organisational responsibilities and legislation around weeds;
- Completion of Mount Enfield revegetation and ongoing landscape management thereof, including weed control.

Notwithstanding the above, the outcomes of this audit were generally positive, with NSW Ports continuing to resource the Environment & Planning team, as well as routine activities including Site Security (a strength in CCTV interpretations of trucking compliance), as well as ad hoc studies including tasking a specialist noise consultant to investigate night-time noise complaints.

1.0 AUDIT DETAILS

1.1 Purpose

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

CoA 4.1 requires 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, and
- Operation and maintenance of the ILC site by NSW Ports, including Heritage values and the Southern Ecological Area.

Since the last audit, warehouses built for Goodman in Precincts C and F were substantially tenanted, new Intermodal Terminal (IMT) operator, LINX Cargo Care was in their 2nd year of operation, and new warehouses being constructed in area H were approaching completion early 2020.

1.3 Audit Objectives & Focus

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

- Compliance with Conditions of Planning independently 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;
- 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.

The audit focussed on operation activities and implementation of various Environment (and other) Management Plans by NSW ports and their Intermodal Operator, warehouse tenants and construction contractor.

1.4 Audit Scope & Criteria

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 year. The audit included an assessment of the ongoing management of activities on the site by NSW Ports, and the management of operational environment risks and community impacts by the IMT operator and new tenants. Construction of new warehouses was assessed, albeit briefly.

Audit criteria comprised relevant Project Approval conditions and Statement of Commitments documented in the NSW Major Project Planning Approval 05_0147 dated 5 September 2007 including but not limited to:

- CoA 6.3, 6.4 & 6.5

Subsequent Section 75W Modification Applications:

- 1, 2, 4, 5, 6, 8, 11, 12, 13 & 14.

Statements of Commitment were not specifically assessed given that most have been incorporated in information relating to CoA's. However, both SoC 34 (energy) and SoC 35 (water) were briefly assessed as a result of prior audit finding actions.

1.5 Audit Process & Methodology

The audit comprised an off-site desktop review, preparation of an Audit Plan Checklist, an onsite desktop audit, site inspections, and a post audit assessment of documentation and records. 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. The audit process including scoping and planning was undertaken in accordance with the principals of ISO 19011:2018 – Guidelines for Auditing Management Systems.

1.6 Auditees & participation

The following persons were interviewed during the audit:

Name	Organisation	Position
Trevor Brown	NSW Ports	HSE & Risk Manager
Natalia McGregor	NSW Ports	Environment & Sustainability Co-ordinator
Adriane Whiley	NSW Ports	Planning Officer
Tim Arkell	NSW Ports	Project Manager Enfield ILC
Carsten Varming	NSW Ports	Port Development Manager
Megan Bedingfield	NSW Ports	Logistics Manager
Frank Andriano	LINX	East Coast Rail Manager
Robyn Simpson	LINX	LINX Environment Manager / Site ER
Cory Page	LINX	East Coast HSE Leader
Hannah Edwards	Goodman	Project Administrator
Geoff DeSantis	Swift	Performance & Compliance Manager
Russell Robinson	Qanstruct	Project Manager
Matt Gordon	Qanstruct	Site Manager
Richard Hanh	Qanstruct	OHS Co-ordinator

1.7 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 AS / NZS / ISO 19011:2018, Guidelines for Auditing Management Systems, 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.

1.8 Auditor certification

The undersigned certifies as having personally undertaken this Independent Environmental Audit and preparing the contents of this Independent Audit Report; and that the findings of the audit are reported truthfully, accurately and completely; and that he has exercised due diligence and professional judgement in conducting the audit. There were no conflicts of interest and/or pecuniary interest in the audited project or stakeholders.

Report Author (& Auditor):

L J Weiss

Larry Weiss

2.0 AUDIT FINDINGS

2.1 Compliance Summary

This table provides a summary of compliance against audit criteria and area of focus, indicating the **number** of actions required:

Planning Conditions	Focus Area	STATUS			
		Compliant			Non-Compliant
		NP	IO	OBS	NC
Administrative	Warehousing				
Environment Specific	Noise & Ecology				
Environmental Monitoring & Auditing	Traffic & related movements		1	1	
Compliance Monitoring & Tracking	Supporting evidence of implementation		1	2	
Community Involvement & Consultation	Consultation & Complaints				
Environmental Management	Management Plan implementation		3	1	3
Environmental Reporting	Incidents				

Note: Compliance is limited to demonstrated objective evidence referenced in Appendix 1.

Audit Findings are classified as follows:

Status	Explanation
Notable Practice (NP)	Outstanding positive observation about a system, process or practice, for recognition and/or sharing purposes.
Improvement Opportunity (IO)	A suggestion or opportunity to implement a good or better practice to improve efficiency, further reduce exposure to risk or improve information management.
Observation (OBS)	Documented requirement and/or implementation issue which may not strictly affect required performance or compliance outcomes. Also termed a non-conformance (as opposed to non-compliance) in the industry, observations could be an early indication of potential non-compliance and/or an adverse performance outcome.
Non-compliant (NC)	The intent of one or more specific requirements of a condition or obligation have not been met, based on insufficient objective evidence to demonstrate required outcomes or deliverables being achieved and/or complied with. Together with or without a Recommendation, the latter also required Corrective Action.

Note: 'Compliant' status is determined where sufficient verifiable evidence demonstrates that intent, specific requirements or elements of a condition / obligation have been met within the scope of the Independent Audit. As a result, no actions may be required this, or, actions commensurate with an Improvement or Observation status above will be needed

2.2 Audit findings (requiring action)

No	Ref.	Criteria / Requirement	Audit Finding	Status
ENVIRONMENTAL MONITORING & AUDITING				
1.	CoA 3.6	<p>Planning Approvals require implementation of a Traffic & Capacity Monitoring Program, in particular CoA 3.6 c):</p> <p><i>Periodic monitoring of movements generated by the project in the surrounding road network focussing on residential areas.</i></p> <ul style="list-style-type: none"> ➤ NSW Ports Enfield Overarching Operational Traffic Management Plan, section 13 entitled "Traffic & Capacity Monitoring Program" requires implementation by random surveys utilising an appended Truck Route Survey Form. Frequency of truck surveys stated in Table 3 of the OTMP would be within 12 months of commencement of ILC operations and within 90 days of annual throughput reaching 50,000, 150,000 and 250,000 TEUs. 	<p>Whilst truck driver route surveys were conducted over June / July 2017 in conjunction with the independent Traffic Audit required by CoA 3.7, current data and projections of TEU volumes indicate that achievement of the (next) annual 150,000 TEU threshold might take some years.</p> <ul style="list-style-type: none"> ➤ It is the opinion of the Auditor that trucking movement surveys conducted perhaps 5+ years after the initial assessment does not constitute "periodic monitoring". Consequently, there would be gap in objective evidence demonstrating compliance or otherwise with prescribed access routes, in particular around Cosgrove Road residential. <p>It is therefore recommended that:</p> <ol style="list-style-type: none"> a) Current surveillance processes such as Site Security reports, CCTV observations and Site "Environment" Inspection templates be utilised to evidence compliance, the latter utilising said Truck Route Survey Form if appropriate; b) The "Traffic & Capacity Monitoring Program" be updated accordingly with respect to a) above; failing which c) NSW Ports to secure Department of Planning, Infrastructure Environment approval of periodic monitoring requirements being activated some years hence, attaching this correspondence to the next update of the Overarching Operational Traffic Management Plan. 	OBS

No	Ref.	Criteria / Requirement	Audit Finding	Status
2.	CoA 3.6	<p>Planning Approvals require implementation of a Traffic & Capacity Monitoring Program, in particular CoA 3.6 d): <i>A framework for recording and reporting the outcomes of the Program and a system for considering data generated through the Program.</i></p> <ul style="list-style-type: none"> ➤ NSW Ports Enfield Overarching Operational Traffic Management Plan, section 13 entitled "Traffic & Capacity Monitoring Program" commits to reporting outcomes of surveys and audits to the RTCG. 	<p>Other than tabling outcomes such as audit reports to the RTCG (only one triggered and tabled to date), there did not appear to be any underlying system for recording and considering traffic compliance data. Apart from occasional known breaches of designated traffic routes, tenant data on hours of traffic movements / scheduling could also be made available to evidence compliance with CoA 3.6 b), CoA 6.5 b) ii) et al.</p> <p>It is therefore suggested that Overarching Operational Traffic Management Plan be updated to reflect current and/or intended systems to capture (record) and review (consider) traffic and capacity data on a more regular basis than occasional audits. This update might also allude to monitoring regimes relating to CoA 2.2A & 2.2B (Freight Transportation Framework).</p>	IO
COMPLIANCE MONITORING & TRACKING				
3.	CoA 4.1	<p>Planning Approvals require periodic reviews of the project performance. To satisfy this condition:</p> <ul style="list-style-type: none"> ➤ The IMT operator's OEMP commits to undertaking monthly site inspections and conducting an Annual Site Environment Compliance Audit (s4.1), maintenance of a Compliance Tracking Program (s4.5) and production of an Annual Environment Compliance Report (s4.3). ➤ Both NSW Ports and LINX OEMP's state that the LINX Annual Environment Compliance Report should be furnished to NSW Ports. 	<p>Whilst routine and annual compliance monitoring activities were implemented by IMT operator (LINX Cargo Care) this information had not systematically informed the compilation of the NSW Ports Compliance Tracking Register (Spreadsheet) and the 2019 Annual Compliance Tracking Report.</p> <p>It is therefore recommended that:</p> <ul style="list-style-type: none"> • NSW Ports implement their OEMP requirements in that the IMT Operators Annual Environment Compliance Report is obtained and utilised in the compilation of project Annual Compliance Reports. 	OBS

No	Ref.	Criteria / Requirement	Audit Finding	Status
4.	CoA 4.1	NSW Ports Enfield ILC Compliance Tracking Annual Report dated November 2019 indicated that the Planning Condition status would indicated as Open, Closed or Future depending on whether there were outstanding actions or if requirements of a specific CoA have been met.	<p>It was noted (repeat audit finding) that some conditions were prematurely or inadvertently CLOSED in the CTR Summary Table, when indeed they currently applied. For example:</p> <ul style="list-style-type: none"> ○ Green & Golden Bell Frog mitigation measures required by CoA 2.48A to be incorporated into Construction Environmental Management Plans (these would be needed for development in the southern ecological area or Tarpaulin Factory) ○ Stormwater Detention basin water reuse, CoA 2.31 ○ Construction Wheel Wash, CoA 2.27 <p>It is therefore recommended that the Enfield ILC Compliance Tracking Annual Report be:</p> <ol style="list-style-type: none"> a) Reviewed to ensure that CLOSED Planning Conditions have not been inadvertently allocated an incorrect status; b) Updated to change the Future status to become "Not triggered" which would also be consistent with documented Department of Planning compliance status descriptors. 	OBS
5.	CoA 4.1 b	The NSW Ports Enfield ILC Compliance Tracking Program V0.3 dated 10 Nov 2017 commits to an annual Compliance Tracking report, published on the NSW Ports website and transmitted to the Secretary DPIE.	<p>The NSW Ports Compliance Tracking Register (Spreadsheet) used to notate supporting compliance evidence for the 2019 Annual Compliance Tracking Report did not reflect (and therefore assess) all subcomponents of the Planning Approval.</p> <p>For example:</p> <ul style="list-style-type: none"> ○ Landscape/Ecology Management CoA 6.3 d) and Mount Enfield Management CoA 6.3 f) 	IO
ENVIRONMENTAL MANAGEMENT				
6.	MOD 14 SEARS	Contaminated Soil Disturbance and Construction Environmental Management Plans require stockpiles of excavated contamination to be covered by a geo-textile or equivalent materials to minimise potential adverse health and environmental impacts.	<p>Whilst asbestos containing temporary stockpiles in Precinct A were covered and surrounded by siltation fences, it was observed on the day that some sections of the geo-textile covers had come adrift in the wind.</p> <p>It is suggested that these stockpiles be added to formal / recorded inspection regimes.</p>	IO

No	Ref.	Criteria / Requirement	Audit Finding	Status
7.	EMP's	NSW Ports & Tenant Environmental Management Plans require induction be given to staff and contractors to highlight important site specific requirements including Green & Golden Bell Frog protection measures, Driver Behaviour etc.	<p>It appeared as if the implementation of environment / ecological induction requirements was not diligently practiced as in the past, for example:</p> <ul style="list-style-type: none"> ○ Induction content and currency of Dragonfly personal working in the Frog Habitat Creation Area was unknown to NSW Ports Environment and Operational staff on the day. ○ Induction aids were not displayed on the crib room walls as specified by the Precinct H construction contractors CEMP. <p><u>Post audit information:</u> A "RIPremium" report was supplied evidencing HSE inductions by a number of Dragonfly personnel including as recent as October and November 2019.</p> <p>It is suggested however that</p> <ul style="list-style-type: none"> ○ NSW Ports site and support personnel be made aware of training material and training records; ○ Content of HSE Induction material be assessed for adequacy in Green & Golden Bell Frog identification and protection measures. 	IO
8.	CoA 6.3 d)	<p><u>Management Plan (document) update</u> Planning Approvals require a Landscape & Ecological Area Management Plan (document) to facilitate the establishment of prescribed landscaping species, which are to be managed thereafter in the operational phase.</p>	<p>The LEAMP document had not been <u>updated</u> since August 2016, with practices not always aligning with that specified and/or changed arrangements, including but not limited to:</p> <ul style="list-style-type: none"> • Changed responsibilities in s1.5 around maintenance responsibilities supplied by an off-site functional area; • Updates to legislation and prescription around so-called noxious weeds of s2.3; • MEX maintenance inspection forms not referenced and/or attached, AND • The attached Operations & Maintenance Plan dated July 2014 had not been maintained as current to include for example: <ul style="list-style-type: none"> ○ Alternative infrastructure arrangements to supply town water during dry periods when Basin D and supplementary ponds 1 and 2 were dry; ○ Consulting Herpetologist protocols around the use of chlorinated potable water to top up frog ponds during dry periods had not been formally captured. 	NC

No	Ref.	Criteria / Requirement	Audit Finding	Status
9.	CoA 6.3 d)	<p><u>Management Plan implementation</u> Planning Approvals required a Landscape & Ecological Area Management Plan to be implemented to maintain prescribed local-endemic native species plantings, in particular; iii) removal of weeds and non-indigenous vegetation; and iv) on-going management of the Ecological Area on the site, including measures to provide suitable habitat for Litoria Aurea.</p>	<p>Components of the LEAMP had not been <u>routinely implemented</u> in recent times including but not limited to:</p> <ul style="list-style-type: none"> • Ineffective or incomplete weed removal on Mount Enfield slopes and Frog Habitat area surrounds (some FHA removal sighted as taking place though) • No recent evidence of formal Southern Ecological Area inspections by NSW Ports personnel per Table 6 • No recent evidence of routine Stormwater Detention Basin inspections by NSW Ports personnel per Table 8 • No evidence of frog pond levels inspections per Frog Habitat Creation Area Operations & Maintenance Plan s2.3 – also captured in Audit Finding #11 further against CoA 6.4e; • No recent evidence of monthly and annual GGBF surveys – captured in Audit Finding #11 against CoA 6.4e. <p>Note: actions to some of the abovementioned might be addressed through Audit Finding #11, as the finding above is also described in another (but similar) Management Plan.</p>	OBS
10.	CoA 6.3 f) iv)	<p><u>Management Plan implementation</u> Planning Approvals required a Mount Enfield Stabilisation Management Plan during construction, in particular revegetation and ongoing landscape management. Subsequent to this phase, on-going landscape management requirements were <u>to be incorporated</u> into the Operational Environmental Management Plan.</p>	<p><u>Implementation</u> of the Mt Enfield Enhancement, Revegetation and Landscape Management Plan 2012 had not progressed** over the last couple of years, with the northern eastern slope still utilising weeds and other species as a stabilisation mechanism - refer to additional Audit Finding #9 against the LEAMP.</p> <p>** Further to actions required to address the above-mentioned, it is suggested that agreed staging requirements (CoA 1.3B) for the Flower Power Tarpaulin Factory site Mt Enfield interface be defined, and/or interim arrangements for weed removal and slope revegetation – should this site redevelopment not be forthcoming in the near future.</p> <p>Furthermore, Ongoing landscape management arrangements for Mt Enfield had not been incorporated in NSW Ports OEMP's and/or referenced to the LEAMP.</p>	NC

No	Ref.	Criteria / Requirement	Audit Finding	Status
11.	CoA 6.4 e)	<p><u>Monitoring & Action</u> Planning Approvals require environmental performance of operations to be monitored and actions to be taken to address identified adverse environmental impacts.</p> <p>To satisfy this condition:</p> <ul style="list-style-type: none"> ➤ The NSW Ports Overarching OEMP s7.4 requires implementation of inspections, audits and surveys, the latter of frog ponds by both NSW Ports personal and Specialist Herpetologist. 	<p>There had been a lapse in maintenance <u>inspections</u> for some months including that of detention basins and frog pond water levels. Similarly, monthly and annual GGBF surveys required by OEMP Table 7.1 had not been undertaken in 2019. Additionally, the Southern Ecological area including Mount Enfield still evidenced weeds that had not been systematically eradicated as yet. And lastly, <u>actions</u> to address identified frog pond leakage identified in the 2018 Herpetologist Report were either not undertaken, or managed through a formal corrective action system.</p> <p>Further to the actions required to address the above-mentioned, it is recommended that:</p> <ul style="list-style-type: none"> a) OEMP and sub plan <u>audits</u> be conducted annually by NSW Ports some time before the annual independent audit to minimise the risk of systemic operational implementation lapses potentially impacting the environment, this obviating reliance on the annual independent audit; b) An effective Corrective Action system be implemented to manage and track required improvements or corrective actions to effective and timely completion. 	NC
12.	OEMP	<p>Linx OEMP 4.10.1 and Appendix E Site Inspection checklist require that weeds be managed through environmentally sensitive herbicides and maintenance hereof by tenants be checked monthly.</p>	<p>Whilst evidence of weed spraying at the Swift site was evident, there were still a few parches near the access road that required attention.</p>	IO

2.3 Previous audit findings

A detailed NSW Ports Action Plan tracker reflected most items closed, or progressed to the extent appropriate to their classification. Verification of a sample of stated evidence to address key findings enabled this audit to accept all prior findings as effectively closed.

2.4 Recommendations

As required by the NSW Ports Compliance Tracking Program, recommendations may be warranted as a result of assessing the effectiveness of environmental mitigation measures, controls and outcomes noted during this Independent Environmental Audit. Other than recommendations already included together with Audit Findings of 2.2 above, the following are tabled for consideration:

2.4.1 It was observed that NSW Ports, Goodman, Linx, construction companies and warehouse tenants were being "consumed" by a plethora of management plans, some extremely lengthy and difficult to navigate, with others duplicating or overlapping content, or often aspirational (as opposed to being prescriptive), not serving to clearly define practical operational requirements.

Consequently, it is recommended that:

- A document streamlining plan be developed to facilitate the creation and rationalisation of new and existing plans, procedures and protocols to minimise unnecessary bureaucracy and facilitate practical and sustainable use by all levels of site management, operators and tenants.

2.4.2 Over the years, it was observed that valuable resources were expended in regular specialist maintenance of the Frog Habitat Area, including surveys by a Herpetologist to determine if this habitat had been re-occupied by the iconic Green & Gold Bell Frog. To date these efforts appear to have been wasted and a reasonable person might question these activities and potential difficulties maintaining water supply to frog ponds during a period of low rainfall and/or drought.

With due consideration of potentially scarce water resources until the current drought is broken, it is suggested that:

- A proactive tadpole introduction program be discussed with Herpetologist Dr White, similar to some other Sydney infrastructure projects, as a means to effectively implement the Planning Approval regarding the Frog Habitat Area achieving its intended purpose.

--- END OF SUMMARY REPORT ---

APPENDIX: Audit checklist (detailed findings)

Key Planning Conditions assessed below are based on perceived risk and past audit compliance or otherwise:


ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	STATUS
TABLE 1: ADMINISTRATIVE CONDITIONS				
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 were noted according to the NSW Ports Compliance Tracking Report #12 for the period ending October 2019 . <u>This</u> independent audit did not identify any inconsistencies from information volunteered and/or 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.	Appeared to be no further requests by DPIE since Show Cause Letter of 23 April 2018	C
3.	CoA 1.6	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. Warehouse C – 10, 487 m² Warehouse F – 9,620 m²	Warehouse Developer Goodman Certifier (Blacket Maguire & Goldsmith) supplied Construction Certificates dated September and November 2018 sighted for Precinct C and F. Plus interim CC for Precinct F Lot 8 and 9 dated July 2019. Geosurv (Consulting Surveyors) As-Built Plans from January 2018 to May 2019 sighted - data indicated Gross Lettable Areas of 10,485 m ² and 9,608 m ² for warehouse C and F respectively. Richard Crookes Constructions GA Elevations drawing RLs demonstrating warehouse maximum heights of: C1 = 13.7m, as-built drawing dated 2/9/19 C2 = 13.7m, as-built drawing dated 9/6/19 F1 = 13.7m, as-built drawing dated 28/6/19 F2 = 13.7m, as-built drawing dated 28/6/19 F3 = 13.7m, as-built drawing dated 18/7/19	C

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	STATUS
4.	CoA 1.7	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).	Warehouse operations have commenced in Precincts C & F, with NSWP CTR #12 noting there were no current plans by these tenants to package, repack or decant dangerous goods - information sampled during this audit corroborated this statement.	C
5.	CoA 1.8	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: 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; c) the findings and recommendations of any approved risk assessment undertaken in accordance with condition 1.7 of this approval; and 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).	Final designs for Warehouse Precinct H were submitted to DPIE and approval (sighted) was dated 19 February 2019	C
6.	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.	Compliance Tracking Report #12 for the period ending October 2019 states <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> Observed LINX compliance information, plus Environmental Representative OEMP and Independent environmental audit indicating compliance. Fumigation requirements in the future should be assessed for permitting requirements though.	C


ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	STATUS
TABLE 2: SPECIFIC ENVIRONMENTAL CONDITIONS				
7.	CoA 2.2A	The proponent is to provide an Intermodal Freight Transportation Report , prepared by an independent qualified person(s) approved by the Planning Secretary. The purpose of the Intermodal Freight Transportation Report is to detail how the Proponent is working to increase the modal share of rail. The report is to be submitted throughout operation of the project, with the first report to be submitted one year after the commencement of operation of the first warehouse/s permitted as part of the approval of MP 05_0147 MOD 14, unless otherwise agreed by the Planning Secretary. Subsequent reports will be completed and submitted to the Planning Secretary on a two-yearly basis, or as otherwise agreed.	Sighted DPIE 6/3/2019 approved of GHD to prepare the Intermodal Freight Transportation Report and associated Framework per CoA 2.2B below Intermodal Freight Transportation Report planned for 2020 publication	C
8.	CoA 2.2B	A framework for recording and reporting on the data required for the Transportation Report required under condition 2.2A is to be prepared by an independent qualified person(s) approved by the Planning Secretary, and submitted to the Planning Secretary for approval three months prior to the commencement of operation of any warehouse permitted as part of the approval of MP 05_0147 MOD 14.	Qualified person(s) approval as above. Sighted GHD Intermodal Freight Transportation REPORT FRAMEWORK dated May 2019, this to enable the report of CoA 2.2A above. Sighted DPIE approved of above Framework dated 10/9/2019.	C
9.	CoA 2.3	The Proponent shall design, construct and maintain all internal road works, including the associated 816 parking facilities and loading bays for operational areas associated with the ILC, warehouses and light industrial/commercial uses, to meet or exceed requirements (a) to (f) such as the following (report text summarised for brevity purposes): signage, directional arrows, roadways wide enough to accommodate through traffic and turning two-way traffic; visitor, disabled, ambulance and service vehicle parking areas.	Goodman (developer) Site Plans indicated warehouse parking spaces as being C1 = 53 spaces, C2 = 26 spaces, F1 & F2 = 51 spaces and F3 = 15, totalling 145 spaces . Goodman Certifier, Blacket Maguire & Goldsmith supplied Construction & Occupational Certificates and associated checklist indicated that CoA 2.3 was being assessed – however there could be a risk of undersupply on the 816 spaces if a holistic approach / tally is not taken for the entire precinct. Otherwise, internal road arrangements including line marking, parking signage etc. appeared to practically comply, limited to the extent of observations during the site inspections.	Note

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	STATUS
10.	CoA 2.3A	<p>The Proponent must prepare a Work Place Travel Plan to the satisfaction of the Planning Secretary prior to the issue of any Occupation Certificate for any warehouse permitted as part of the approval of MP 05_0147 MOD 14.</p> <p>The Proponent must ensure that the Work Place Travel Plan (as revised from time to time) is implemented for the life of the Project.</p>	<p>NSW Ports 2019 Compliance Tracking Report #12 stated: Work Place Travel Plans approved by DPIE being Warehouse C2 on 5/6/2019, Warehouse F1, F2 and F3 on 2/7/2019 and Warehouse C1 on 15/10/19.</p> <p>These sighted on a sampling basis during this audit.</p>	C
11.	CoA 2.6A & B	<p>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>	<p>Previous 2018 Independent Environmental Audit reported compliance for the Precinct C construction undertaking.</p> <p>NSW Ports 2019 Compliance Tracking Report #12 stated: a dilapidation report was produced and submitted to DPE (19/02/19) and Strathfield Council (21/02/19)</p>	C
12.	CoA 2.12	<p>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>	<p>RTCG meeting minutes continued to be available on the NSW website, last being January 2019, still waiting minutes from the November 2019 meeting to be published, the next meeting planned for February 2020.</p> <p>The Terms of Reference was also updated, being a 2018 Independent Environmental Audit recommendation.</p>	C
13.	CoA 2.13	<p>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).</p>	<p>Appeared compliant limited to the extent of observations during the site inspections, observing quacker reverse alarms in use at Swift and LINX operational areas, as well as Quanstruct construction site.</p> <p>Noted - increased operational noise complaints reported elsewhere in this report, including forklift/container banging and clanging in the night.</p>	C
14.	CoA 2.17	<p>The Proponent shall design, construct, operate and maintain the project to ensure that the operational noise contributions from the project do not exceed the maximum allowable noise contributions specified in Table 3. (Further details omitted for brevity purposes)</p>	<p>Maximum Allowable Noise Contributions predominantly compliant, however some night (10 PM - 7 AM) dBA levels were exceeded, these reported in previous periods (against CoA 3.3 and 3.4), but most recently in the Noise Complaint Investigation Report referenced under CoA 5.3 further.</p>	C

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	STATUS
15.	CoA 2.18	Noise contributions specified under condition 2.17, noise from the development shall be measured at the most affected point on or within the site boundary at the most sensitive locations to determine compliance with LAeq (15-minute) and LA eq (period) noise limits.	Consultant (SLR) report alluded to above appeared to satisfy this condition.	C
16.	CoA 2.19	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.	The LINX Noise Management Plan sets out operation noise management measures which considers the conditions of approval as well as trigger points for noise monitoring and reporting requirements. Since LINX commenced operations, there have been no triggers for noise monitoring, exceedances measured in above-mentioned noise reports or complaints relating to locomotives.	C
17.	CoA 2.22	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.	NSW Ports 2019 Compliance Tracking Report #12 stated: no complaints have been made to NSW Ports. Auditor comment - appeared compliant limited to the extent of observations during the site inspections.	C
18.	CoA 2.29	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	There were no reported s120 pollution incidents (only an operational near miss reported against CoA 7.1 further). Other activities including construction (CoA 6.2 further) appeared to be well controlled.	C
19.	CoA 2.30	All stockpiled construction materials shall be adequately located, stabilised and maintained to prevent erosion or dispersal of the materials.	NSW Ports 2019 Compliance Tracking Report #12 stated: All stockpiles have been appropriately managed to date with Stockpiles associated with the Warehouse Precinct C and F construction have been inspected and stabilised. Refer to Auditor observation below:	C
20.		Stockpiles, continued.	Asbestos containing temporary stockpiles in undeveloped NSW Ports Precinct A were mostly covered with geo-textile and surrounded by siltation fences, a few sections of covers had come adrift in the wind though:	IO

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	STATUS
			 <p data-bbox="1200 647 1883 738">Whilst the stockpiles were not located near to stormwater systems, the above-mentioned represented additional dust and personal contamination risks</p>	
21.	CoA 2.31	The Proponent shall construct and maintain stormwater detention basins on the site, generally consistent with the basin sizes / locations presented in the document referred.	Refer to Audit Findings relating to premature Approval Condition closure and the LEAMP further.	
22.	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.	<p data-bbox="1200 855 1883 986">2018 Independent Environmental Audit confirmed that 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.</p> <p data-bbox="1200 1023 1883 1153">Anecdotally, this was confirmed by Goodman representative during <u>this</u> audit as being the case for warehouses, typically driven by the Goodman Base Building Brief which requires incorporation of Environmentally Sustainable Development (ESD) principles.</p>	C
23.	CoA 2.34 – 2.38	Heritage Impacts & Management	No changes since the 2018 Independent Environmental Audit.	C
24.	CoA 2.39 – 2.42	Waste Generation & Management	<p data-bbox="1200 1230 1883 1326">In general, the NSW Ports 2019 Compliance Tracking Report #12 claimed compliance based on OEMP documentation implementation.</p> <p data-bbox="1200 1331 1883 1457">Auditor comment (and area for future assessment) - other than inspection and audit reports, objective evidence (records) were not readily available to substantiate implementation and/or compliance.</p>	C Note

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	STATUS
25.	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.	Bulk remediation works and validation was reported in previous NSW Ports Compliance Tracking Reports, with table 1 of CTR #12 indicating completed SAS's for Warehouses A, B, D, E & F and Basin F and Warehouse C 1 st stage (Lot 7).	C
26.	CoA 2.43C	Prior to commencement of operation of the development permitted as part of the approval of MP 05_0147 MOD 14, a Validation Report is to be prepared by an Environmental Consultant, and a final Site Audit Statement for the warehousing precincts must be prepared by a NSW EPA accredited site auditor stating that the contaminated areas were remediated to a standard suitable for the proposed use.	NSW Ports 2019 Compliance Tracking Report #12 claimed Warehouse C2 SAS submitted to DPIE 5/6/19.	C
27.	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	Section 1.5.4 of CTR #12 and associated compliance notes against CoA 2.44 indicated that <i>“asbestos management activities continued as part of the construction program on the Warehouse C, F and H precincts. Exposed contaminated material was covered by orange marker layer fabric to mitigate dust. Construction contractors, RCC and Qanstruct maintained continuous air monitors around construction areas for any air borne contaminates. An Asbestos Removal Control Plan was developed for the works and copies of relevant permits from SafeWork NSW were obtained and sighted. The construction program was 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 fibres”</i> .	C
28.	CoA 2.45 – 2.46	Visual Amenity & Urban Design to ensure design and construction addresses natural ventilation lighting requirements, electrical standards etc.	Currently enabled by Goodman Base Building Brief which requires incorporation of Environmentally Sustainable Development (ESD) principles, sighting drawings, as-builts and construction certifications as evidencing these being addressed.	C
29.	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.....	Since Warehouse Precincts C and F approvals of September 2018, approval letter from DPIE of February 2019 had been secured for Precinct H.	C

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	STATUS
30.	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 <p>Restrictions on the use of herbicides in known frog habitat and attainment of water quality standards for water discharged from the site.</p>	<p>Maintenance of the Frog Habitat Creation Area continued to be undertaken by a specialist service provider Dragonfly Environmental with hand weeding (see photo below) rather than use of herbicides.</p> <p>The 2018 Independent Environmental Audit noted the assessment undertaken by Dr White on 12 November 2018, commented on invasive weeds blanketing the surface of the ponds due to leakage, this requiring action - refer to Audit Finding against CoA 6.4 e) further.</p> <p>Also, refer to comments about water quality standards reported against CoA 6.3 d) further in this report.</p>	C
31.	CoA 2.48		<p>Skip bin, showing hand-removed weeds from FHCA being a mixture of Lantana and Castor Oil plant and shrubs:</p> 	C
32.	CoA 2.50	<p>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:</p> <ul style="list-style-type: none"> a) all relevant Australian Standards; b) a minimum bund volume requirement of 110%... 	<p>The storage and handling of dangerous goods by the IMT operator (LINX) was again noted to be satisfactory. It was pleasing to note that ongoing chemical and fuel issues by novated sub-lease tenant Swift had been resolved by removal of hazardous substances and bulk fuel operations from their site. This was evidenced by NSW Ports Audit Action Tracker, inspection reports and during the brief site inspection by the Independent Environmental Auditor at the time <u>this</u> audit. Swift intimated that all their maintenance related hydrocarbons were handled by an off-site operation.</p>	C

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	STATUS
TABLE 3: ENVIRONMENTAL MONITORING & AUDITING				
33.	CoA 3.1	Meteorological Monitoring	Planning Approval is construction focussed - concur with NSW Ports' status being CLOSED.	N/A
34.	CoA 3.2	Dust Monitoring	Planning Approval (substantially) construction focussed, concur with NSW Ports' status being CLOSED, this addressed through past, current and future CEMP requirements.	N/A
35.	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.	2017 Independent Environmental Audit observation remains: Noise Audit Report dated 9 November undertaken in response to 50,000 TEU being triggered, noise performance therein being deemed compliant – refer complaints CoA 5.3 further. Verified ongoing TEU volume data from IMT operator LINX, confirming that the IMT has not yet triggered the 150,000 EU threshold.	C
36.	CoA 3.4	Noise Performance Report.	As above, assessed in 2017 Independent Environmental Audit	C
37.	CoA 3.5	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.	NSW Ports 2019 CTR #12 noted no additional requirements had been requested by DPIE under this condition to date.	C
38.	CoA 3.6	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: 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	The CoA 3.6 mandated "Traffic & Capacity Monitoring Program" is described in s13 of the Overarching NSW Ports Operational Traffic Management Plan, but components hereof (below) had only been conducted once during the August 2017 Traffic Audit: C2: Automatic tube traffic counters to obtain 7-day, 24-hour volumes. C3: Random surveys utilising an appended Truck Route Survey Form to be undertaken by NSW Ports and tenants. Refer to Audit Finding #2 otherwise.	IO

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	STATUS
		<p>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</p> <p>d) A framework for recording and reporting the outcomes of the Program and a system for considering data generated through the Program.</p>	<p>The Logistics Manager did provide a comprehensive Traffic Reporting Datasheet template however, this intended to be rolled out in 2020 for tenants to complete monthly.</p> <ul style="list-style-type: none"> ➤ This could facilitate CoA 3.6 d) i.e. a system for recording and reporting outcomes and generating data. 	
39.			<p>Infrequent surveys / questionnaires around routes (as mentioned above) in favour of management by exception meant CoA 3.6 c) compliance could not be demonstrated:</p> <ul style="list-style-type: none"> ➤ 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; / <p>Sighted detailed BSMS Security reports though, with photographs and CCTV footage of a few non-compliances around truck access and departure routes from/to the Cosgrove exit / entrance point.</p> <p>Refer to Audit Finding #1 otherwise.</p>	OBS
40.	CoA 3.7	<p>Independent Traffic Audit. Undertake a Traffic Audit of the project 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.</p>	<p>2017 Independent Environmental Audit observation remains: <i>“Combined with CoA 3.3 audit above evidenced by Transport & Urban Planning Pty Ltd report entitled “Traffic Monitoring Program Report and Traffic Audit” dated August 2017”.</i></p> <p>Sighted ongoing container monitoring report from banks entitled Enfield Volume, the monthly TEU of import, export and de-hire typically 4,000 with a maximum of 6,208 registered in November 2018.</p>	C
41.	CoA 3.8	<p>Traffic Report.</p>	<p>As above, assessed in 2017 Independent Environmental Audit</p>	C


ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	STATUS
42.	CoA 3.9	Additional Traffic Management.	NSW Ports 2019 CTR #12 noted no further measures had been requested by DPIE under this condition to date.	C
TABLE 4: COMPLIANCE MONITORING & TRACKING				
43.	CoA 4.1	The Proponent shall develop and implement a Compliance Tracking Program to track compliance with the requirements of this approval. The Program shall include, but not necessarily limited to: <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. 	Implementation of Compliance Program dated 10 November 2017 was assessed as complaint – refer to items 43-46 below however. <ul style="list-style-type: none"> a) Enfield ILC Compliance Tracking Report #12 for the period ending October 2019 was available final stages of drafting, together with a.NSW Ports Compliance Tracking Register (Spreadsheet) also being finalised at the time of <u>this</u> audit b) Noted that the 2018 annual CTR was published on the NSW Ports website, but not formally transmitted DPIE. c) <u>This</u> audit satisfies the condition. d) A detailed Action Table had been developed to address the numerous 2018 and repeat (in the case of subtenant Swift) audit findings. This had identified responsible parties and tracked targeted actions, providing evidence upon completion and closure status. This audit utilised this Audit Action Table plus abovementioned CTR, with evidence sampled and sighted as necessary to confirm accuracy and compliance.	C
44.	CoA 4.1	Compliance Tracking Program cont'd	The IMT(LINX Cargo Care) operator's OEMP commits to undertaking monthly site inspections, conducting an Annual Site Environment Compliance Audit (s4.1), maintenance of a Compliance Tracking Program (s4.5) and production of an Annual Environment Compliance Report (s4.3) – all of which were being undertaken. This information had not systematically informed the compilation of the NSW Ports Compliance Tracking Register (Spreadsheet) and the 2019 Annual Compliance Tracking Report – a risk of inaccurate reporting if not considered. At least, the LINX Annual Environment Compliance Report should be furnished to NSW Ports as specified in the respective OEMP's.	OBS

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	STATUS
45.	CoA 4.1	Compliance Tracking Program cont'd	It was noted (repeat audit finding) that some conditions were prematurely CLOSED in the Summary Table, when indeed they applied, or may do so in the future. For example: <ul style="list-style-type: none"> • Green & Golden Bell Frog mitigation measures required by CoA 2.48A to be incorporated into Construction Environmental Management Plans (these would be needed for development in the southern ecological area or Tarpaulin Factory) • Stormwater Detention basin water reuse, CoA 2.31 • Construction Wheel Wash, CoA 2.27 	OBS
46.	CoA 4.1	Compliance Tracking Program cont'd	The NSW Ports Compliance Tracking Register (Spreadsheet) used to notate compliance evidence for the 2019 Annual Compliance Tracking Report did not reflect (and therefore assess) all subcomponents of the Planning Approval. For example, Landscape/Ecology Management CoA 6.3 d) and Mount Enfield Management CoA 6.3 f)	IO
TABLE 5: COMMUNITY INVOLVEMENT & CONSULTATION				
47.	CoA 5.1	Document Availability	Statement about information access through NSW Ports website in the NSW Ports 2019 CTR #12 deemed appropriate	C
48.	CoA 5.2	Community Contact Requirements	Email address and telephone numbers sighted in various location and documents	C
49.	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.	A NSW Ports Environmental Complaint Register continued to be maintained, with the Linx and subtenant registers supporting this. Most complaints were initially received by NSW Ports per contact details above and community group relationships. It was noted that there had been an increase in complaints over prior years, with most of the 9+ related to noise. Some of these were from sensitive receivers in the Belfield area, most relating to forklift and container banging noises in the night. Details including investigation are to be found in the NSW Ports Compliance Tracking Report #12 for the preceding year.	C

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	STATUS
			<p>This audit sighted the investigation outcomes of an acoustic investigation commissioned of an Acoustic Consultant (draft SLR Complaint & Noise Investigation Report dated 27 October 2019). The consultants concluded that noise was attributable to both a winter temperature inversion effect, plus specific tenant equipment some of which exceeded NSW Noise Policy criteria and maximum SPL equipment contributions.</p>	
50.	CoA 5.4	<p>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>	<p>A dedicated page for the provision of electronic information & documents required by this condition for the ILC at Enfield project was maintained at the following website page:</p> <p>https://www.nswports.com.au/community-and-environment-hub/project-compliance/enfield/</p>	C
TABLE 6: ENVIRONMENTAL MANAGEMENT				
51.	CoA 6.1	<p>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.</p>	<p>Prior approvals for ERs remained as currently implemented i.e.</p> <ul style="list-style-type: none"> • Trevor Brown and Alison Wedgewood, for NSW Ports since 2015: and • Robyn Simpson and Andrew Simpson, for IMT operator LINX since November 2018. 	C
52.	CoA 6.2	<p>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>	<p>NSWP Overarching CEMP for Enfield ILC v2.0 dated January 2019 was available to direct future construction / development works.</p> <p>Sighted DPIE approval letter of 19/2/2019 for Precinct H Qanstruct Warehouse construction CEMP dated 19/2/2019 plus associated Noise & Vibration Management Plan, Traffic Management Plan, Contaminated Soil Disturbance Management Plan (Coffey, rev. 2, 8 February 2019) et al, with implementation as noted below.</p>	C
53.	CoA 6.2	<p>CEMP implementation (continued):</p>	<p>A brief site inspection of the substantially completed Precinct H warehouses was undertaken during <u>this</u> audit of NSW Ports / (Goodman) contractor, <u>Qanstruct</u> Pty Ltd:</p>	C

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	STATUS
			<ul style="list-style-type: none"> In general, housekeeping of the construction site was good. Controls include siltation fences, dust suppression and use of a small Dangerous Goods trolley. Three (3) arrays of solar panels were reportedly installed, as were inbuilt stormwater storages. An operational GPT was sighted as being constructed. <u>Qanstruct</u> records sighted included inductions (680 to date), environmental training and site inspections. 	
54.	CoA 6.2	CEMP implementation (continued):	<p>A “shaker grid” required by <u>Qanstruct</u> CEMP Table 15 AND abovementioned DPIE approval of 19/2/19 stipulating a wheel wash be installed to prevent soil tracking off site – this was not in place on the day of <u>this</u> audit.</p> <p>Management demonstrated that the entrance to the construction site / precinct was being prepared for a permanent pavement concrete pour. A satellite Nearmap image evidenced prior recent use however, none of the minor soil staining of the IMT internal roads appeared to go beyond the operation site.</p>	Note
55.	CoA 6.3 d)	<p>As part of the Construction Environmental Management Plan the following plans to be prepared and implemented per CoA 6.3 d):</p> <p>Landscape & Ecological Area Management Plan, to detail how the site will be landscaped and <u>maintained</u>. The LEAMP shall be generally consistent with the Landscape Masterplan presented in the document referred to under condition 1.1b) of this approval and shall include, but not be limited to:</p> <ol style="list-style-type: none"> use of locally-endemic native species for landscaping; maximise visual screening of the project from residential receptors and public open space; maximise the retention of locally-endemic native species existing on the site, and removal of weeds and non-indigenous vegetation; and measures for the enhancement, revegetation and <u>ongoing management</u> of the Ecological Area on the site, including measures to provide suitable habitat for Litoria Aurea (Green & Gold Bell Frog) 	<p><u>Document</u> LEAMP v2.0 dated August 2016 had <u>not</u> been <u>updated</u> to align with current and/or changed practices or arrangements, including but not limited to:</p> <ul style="list-style-type: none"> Changed responsibilities in s1.5 around maintenance responsibilities supplied by an off-site functional area; Updates to legislation and prescription around so-called noxious weeds of s2.3; MEX maintenance inspection forms were not referenced and/or attached, AND Attached Operations & Maintenance Plan dated July 2014 had <u>not been maintained</u> as current to include for example: <ul style="list-style-type: none"> Alternative infrastructure arrangements to supply town water during dry periods when Basin D and supplementary ponds 1 and 2 were dry; Consulting Herpetologist protocols around the use of chlorinated potable water to top up frog ponds during dry periods. 	NC

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	STATUS
56.	CoA 6.3 d)	LEMP, <u>implementation</u> of above including iii) and iv)	<p>Components of the LEAMP and/or Operations & Maintenance Plan had not been routinely implemented in recent times, including but not limited to:</p> <ul style="list-style-type: none"> • Ineffective weed eradication on Mount Enfield slopes (Weed removal in Frog Habitat Area sighted as taking place though, refer photo of CoA 2.48 previously) • No recent evidence of formal Southern Ecological Area inspections by NSW Ports personnel per Table 6 • No recent evidence of routine Stormwater Detention Basin inspections by NSW Ports personnel per Table 8 • No evidence of frog pond levels inspections per Frog Habitat Creation Area Operations & Maintenance Plan s2.3 • No recent evidence of monthly and annual GGBF surveys 	OBS
57.	CoA 6.3 f) iv)	<p>As part of the Construction Environmental Management Plan the following plan to be <u>implemented</u> per CoA 6.3 f) iv): Mount Enfield Stabilisation Management Plan, in particular revegetation and ongoing landscape management.</p> <p>Subsequent to the main construction phase, on-going landscape management requirements were <u>to be incorporated</u> into the Operational Environmental Management Plan.</p>	<p>Implementation of the so-called Mt Enfield Enhancement, Revegetation and Landscape Management Plan 2012 had not progressed** over the last couple of years, with the northern eastern slope still utilising weeds (photo below) and other species as a stabilisation mechanism - refer to additional Audit Finding against the LEAMP.</p> <p><i>** Further to actions required to address the above-mentioned, it is suggested that CoA 1.3B) staging requirements for the Flower Power Tarpaulin Factory interface with Mt Enfield be defined, together with interim arrangements for weed management and slope revegetation should this site redevelopment not be forthcoming in the near future.</i></p> <p>Furthermore, ongoing landscape management arrangements for Mt Enfield had not been incorporated in NSW Ports OEMP's and/or referenced to the LEAMP.</p>	NC

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	STATUS
58.			<p>Mt Enfield slopes, weeds</p> 	As above
59.	CoA 6.4	<p>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 an environmental management framework, practices and procedures to be followed during the operation of the project.</p>	<p>OEMP's prepared, submitted / updated and approved included</p> <ul style="list-style-type: none"> • NSW Ports Overall OEMP v4 dated 30/08/2016 was available • LINX OEMP rev 3 dated 19/09/2019, approved 29/10/19 • Swift OEMP dated 11/3/2019 • Tenant OEMP for Warehouse F1, F2, F v1 dated 10/5/19, approved 2/7/19 • Tenant OEMP for Warehouse C2 dated 28/5/19, approved 28/5/19 • Tenant OEMP for Warehouse C1 approved 15/10/19 	C
60.	CoA 6.4	<p>OEMP implementation:</p>	<p>NSW Ports implementation of the above-mentioned overarching OEMP included the following information:</p> <ul style="list-style-type: none"> • Review of IMT Operator and Warehouse tenants OEMPs • Site landscaping inspection dated October 2019 • Environmental inspection (and documentation review) of LINX dated October 2019 included sub-tenant (Swift) component • Management of the 2018 Independent Environmental Audit Action Plan • Performance system management such as Complaints and Incidents covered elsewhere in this report. 	C

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	STATUS
61.	CoA 6.4 e	CoA 6.4 e): Performance of operations to be monitored and actions to be taken to address identified adverse environmental impacts.	<p>There had been a lapse in maintenance <u>inspections</u> for some months including that of detention basins and frog pond water levels. Similarly, monthly and annual GGBF surveys required by OEMP Table 7.1 had not been undertaken in 2019. Additionally, the Southern Ecological area including Mount Enfield still evidenced weeds that had not been systematically eradicated as yet. And lastly, <u>actions</u> to address identified frog pond leakage identified in the 2018 Herpetologist Report were either not undertaken, or managed through a formal corrective action system.</p> <p>Further to the actions required to address the above-mentioned, it is recommended that:</p> <ul style="list-style-type: none"> a) OEMP and sub plan <u>audits</u> be conducted annually by NSW Ports some time before the annual independent audit to minimise the risk of systemic operational implementation lapses potentially impacting the environment, this obviating reliance on the annual independent audit; b) An effective Corrective Action system be implemented to manage and track required improvements or corrective actions to effective and timely completion. 	NC
62.	CoA 6.4	OEMP implementation, continued:	<p>IMT Operator LINX implementation of the above-mentioned OEMP included the following information:</p> <ul style="list-style-type: none"> • IMT footprint inspection (and documentation review) of LINX dated November 2019 • Tenant (Swift, ACFS and Harper Jack) site inspection (and documentation review) of August, September and October 2019 • Dangerous Goods / Hazardous Substances Warehouse Operations training raining records • Independent Environmental Audit Report dated July 2019 • "Lifeguard" complaint and action tracking system • "Pipeline" incident register 	C

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	STATUS
63.	CoA 6.4	OEMP implementation, continued:	This audit comprised a brief site visit of the IMT, with a number of LINX OEMP management measures around stormwater, spill response, Dangerous Goods etc. observed to be in place. The site was clean and tidy and well controlled, with management and staff appearing very professional, aware and committed.	C
64.	CoA 6.5 a)	As part of the Operational Environmental Management Plan the following plans to be prepared and implemented per CoA 6.5 a): Operational Noise Management Plan , to outline monitoring, management procedures and measures to minimise operational noise impacts associated with the project and traffic-related noise.	Operational Noise Management Plans included: <ul style="list-style-type: none"> • NSW Ports ONMP as Appendix H to Overall OEMP in CoA 6.4 above • LINX ONMP rev 4 dated 19/09/2019, approved 29/10/19 • Tenant OEMP for Warehouse F1, F2, F3 v1 dated 10/5/19, approved 2/7/19 	C
65.			Implementation of these plans were observed to be compliant to the extent assessed through related CoAs such as 2.13 & 2.17 described earlier in <u>this</u> report, plus NSW Ports and LINX audits and inspections covering this topic. Increased noise complaints were noted however. LINX and Swift operations were not observed to be noisy on the day though, there being no complaints against locomotives with noisy empty container movements restricted to day time by LINX	C
66.	CoA 6.5 b)	As part of the Operational Environmental Management Plan the following plans to be prepared and implemented per CoA 6.5 b): Traffic Management Plan , to outline measures to minimise and manage any impacts from the operation of the project and the local road network.	Traffic Management Plans included: <ul style="list-style-type: none"> • NSW Ports Overarching Operational TMP v3 dated December 2018 • LINX OTMP rev 2 dated 31/8/2019 • Swift OTMP dated March 2019 • Tenant OEMP for Warehouse F1, F2, F v1 dated 10/5/19, approved 2/7/19 	C
67.			Implementation of these plans were observed to be compliant to the extent assessed through related CoAs such as 2.3 described earlier in <u>this</u> report, plus NSW Ports and LINX audits and inspections covering this topic. LINX and Swift traffic movements were observed on the day to follow prescribed internal and external routes, arrangements and signage.	C

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	STATUS
			The Driver Code of Conduct required by CoA i-a) and/or equivalent were sighted as incorporated in the above-mentioned TMP's and covered through inductions. There had not been very many behavioural type complaints recorded, which is good.	
68.	CoA 6.5 c)	As part of the Operational Environmental Management Plan the following plans to be prepared and implemented per CoA 6.5 c): Long Term Environmental Management Plan	Development of Long Term Environmental Management Plan(s) were being progressed e.g. Goodman LTEMPs for warehouses: Precinct C dated 30/5/19 Precinct F dated 14/6/19 NSW Ports 2019 CTR #12 indicating: Suitably qualified and experienced consultant approved by DPIE to prepare LTEMP 24/4/2019 and Warehouse C2 LTEMP approved by DPIE on 5/06/2019	C
69.	CoA 6.5 c)		Sighted DPIE approval letter of 5/6/2019 for the Warehouse C2 Work Place Travel Plan and the Long Term Environmental Management Plan (LTEMP), noting that the Site Auditor had reviewed the latter.	C
TABLE 7: ENVIRONMENTAL REPORTING				
70.	CoA 7.1	The Proponent shall notify the Planning Secretary 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.	NSW Ports 2019 CTR #12 stated there were no significant incidents in the reporting period. It was noted that around 800L of hydraulic oil from a forklift on 20 May 2019 had travelled 150m inside a site stormwater drain system, but was contained within the IMT precinct. Lessons learnt included training and drain mats, with budgetary quotations for remediation of oil soaked into the pavement subsurface was thought to be around \$80,000. This a financial lesson in itself for the tenant.	C
71.	CoA 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 Planning Secretary.	The NSW Ports' STEMS database reflected 11 minor incidents and/or near misses in the period, including event ID 6581 articulated above. Tenant Linx and subtenant Swift were observed to be maintaining registers in parallel. Some of these incidents were driver or vehicular movement related, not environmental but nonetheless good that they were recorded.	C