
INDEPENDENT ENVIRONMENTAL AUDIT 2020

PATRICK PORT BOTANY TERMINAL

DA 494 (PORT BOTANY EXPANSION)

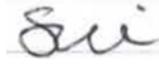
DA 453 (PATRICK PORT BOTANY TERMINAL
REDEVELOPMENT)

FEBRUARY 2021

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EXECUTIVE SUMMARY

Patrick Stevedores Operations Pty Ltd (Patrick's) operates an international shipping container terminal (the Terminal) on land at Brotherson Dock, Port Botany leased from NSW Ports. The Terminal loads and unloads containers from ships berthed at the dock and has temporary container storage capabilities for its customers. The Terminal facilitates the transfer of goods between land and sea. Road and rail access to the site enables trucks and trains to transport containers to and from the Terminal, where the containers are transferred to and from ships.

The Terminal operations are covered by two separate development consents. The development of Patrick's the Knuckle terminal (Berth 6) and Ramp D were completed in accordance with development consent Port Botany Expansion (DA 494) for which Sydney Ports was the applicant and was subsequently transferred to NSW Ports. The existing area of the Patrick Port Botany Terminal was redeveloped under a separate development consent and was specific to Patrick's existing Port Botany Terminal (DA 453) excluding the terminal areas covered by DA 494 (Original terminal). The main features of the Terminal are:

- 62 hectares of land
- 1400 metres of quay line
- 4 vessel berths
- 9 quay cranes
- 47 Auto Strads
- 4 reach stackers; and
- 1.49 kilometres of rail siding (2 parallel lines of 745 metres each).

This Independent Audit is required to satisfy Condition 6.7 of DA 453 and Condition C4.5 of DA 494. DA 494 requires an independent operational environmental audit to be carried out every 12 months (for the Port Botany Expansion Project area), whereas DA 453 requires such an audit 12-months after commissioning and then every 3 years. The Independent Audit seeks to verify compliance with the relevant Conditions of Approval (CoA) and assess the effectiveness of environmental management on the Project. The audit period is the 2020 calendar year. The operations during the 2020 calendar year remains unchanged from previous years, with the exception of construction of a 600m rail spur on the existing terminal footprint (refer to Section 3.5).

The overall outcome of the Independent Audit is moderate. Most compliance records were organised and available at the time of the site. Relevant environmental and compliance monitoring records were being collected and reported as required to provide verification of compliance to statutory requirements and the broader Project environmental requirements. In summary:

- Actions from the previous Independent Audit:
 - One observation and one non-compliance remain open.
- DA 494 findings for 2020:
 - Six non-compliances were identified in relation to five issues.
 - Two observations were identified.

- DA 453 findings for 2020:
 - 10 non-compliances were identified in relation nine issues. To note, four of these non-compliances arise from the same issues that triggered non-compliances under DA 494.
 - Two observations were identified.

The Auditor would like to thank the auditees from Patrick Stevedores for their cooperation and assistance during the Independent Audit.

1. INTRODUCTION

1.1 Project overview

Patrick Stevedores Operations Pty Ltd (Patrick's) operates an international shipping container terminal (the Terminal) on land at Brotherson Dock, Port Botany leased from NSW Ports. The Terminal loads and unloads containers from ships berthed at the dock and has temporary container storage capabilities for its customers. The Terminal facilitates the transfer of goods between land and sea. Road and rail access to the site enables trucks and trains to transport containers to and from the Terminal, where the containers are transferred to and from ships.

As part of the Port Botany Expansion Project the Terminal underwent a major redevelopment, including the development and incorporation of the 'Knuckle' area and 'Ramp D' into operations, as well as the procurement of Auto Strads™ (Automated Straddle Carriers) and associated infrastructure. The redevelopment has increased the total area, quay line and Twenty-Foot Equivalent Unit (TEU) capacity of the Patrick Port Botany Terminal.

The Terminal operations are covered by two separate development consents. The development of Patrick's the Knuckle terminal (Berth 6) and Ramp D were completed in accordance with development consent Port Botany Expansion (DA 494) for which Sydney Ports was the applicant and subsequently transferred to NSW Ports. The existing area of the Patrick Port Botany Terminal was redeveloped under a separate development consent and was specific to Patrick's existing Port Botany Terminal (DA 453) excluding the terminal areas covered by DA 494 (Original terminal). The main features of the Terminal are:

- 62 hectares of land
- 1400 metres of quay line
- 4 vessel berths
- 9 quay cranes
- 47 Auto Strads
- 4 reach stackers; and
- 1.49 kilometres of rail siding (2 parallel lines of 745 metres each).

A general overview of the Port Botany Terminal is presented in Figure 1 and Figure 2.

The operations during the 2020 calendar year remains unchanged from previous years, with the exception of construction of a 600m rail spur on the existing terminal footprint (refer to Section 3.5).



Figure 1 Terminal locations at Port Botany.



Figure 2 Patrick Stevedores site at Port Botany showing areas covered by DA 453 (Original terminal) & DA 494 (The Knuckle).

1.2 Approval requirements

Project Approval for DA 494 (Port Botany Expansion) was granted by the Minister for Planning on 10 October 2005 pursuant to section 80 (4) and (5) of the Environmental Planning and Assessment Act 1979 subject to a number of Minister's Conditions of Approval (CoA). This Independent Audit is being carried out in accordance with the annual requirements of CoA C4.5.

DA 494 - CoA C4.5 – Environmental Auditing requires that:

“Within one year of the commencement of operations and every year thereafter, the Applicant shall fund a full independent environmental audit. The audit must be undertaken by a suitably qualified person/team approved by the Director-General”. The audits would be made publicly available and would:

- a) *be carried out in accordance with ISO 14010 – Guidelines and General Principles for Environmental Auditing and ISO14011 – Procedures for Environmental Auditing;*
- b) *Assess compliance with the requirement of this consent, other licences/ approvals that apply to the Development;*

- c) *Assess the construction against the predictions made and conclusions drawn in the development application, EIS, additional information and Commission of Inquiry material and:*
- d) *Review the effectiveness of environmental management of the development, including any environmental impact mitigation works.*

In addition to the above, Project Approval for DA 543 (Patrick Port Botany Redevelopment) was granted by the Minister for Planning under the Act on 27 October 2003, subject to a number of CoA. This Independent Audit is being carried out under that approval in accordance with the requirements of CoA 6.7.

DA 453 - CoA 6.7- Independent Environmental Audit requires that:

“Within 12 months of commissioning the development and every three years thereafter, unless the Director-General directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit. The Independent Environmental Audit shall:

- a) *Be conducted by a suitably qualified, experienced, and independent person whose appointment has been endorsed by the Director-General;*
- b) *Be consistent with ISO 14010 – Guidelines and General Principles for Environmental Auditing, and ISO 14011 – Procedures for Environmental Auditing, or updated versions of these guidelines/manuals;*
- c) *Assess the environmental performance of the development, and its effects on the surrounding environment;*
- d) *Assess whether the development is complying with the relevant standards, performance measures, and statutory requirements;*
- e) *Review the adequacy of the Applicant’s Environmental Management Plan, and Environmental Monitoring Program; and, if necessary*
- f) *Recommend measures or actions to improve the environmental performance of the plant, and/or the environmental management and monitoring systems”*

1.3 Audit team

In accordance with DA 453 CoC 6.7, DA 494 CoC C4.5 and Section 3.1 of the Department of Planning Industry and Environment (the Department or DPIE) 2020 document entitled *Independent Auditor Post Approvals Requirements (IAPAR)*, Independent Auditors must be suitably qualified, experienced, and independent of the Project, and appointed by the Planning Secretary.

The Audit Team comprises:

- Derek Low (Auditor Lead): Master of Environmental Engineering Management, Exemplar Global Certified Principal Environmental Auditor (Certificate No 114283).
- Steve Fermio (Auditor): Bachelor of Science (Hons), Exemplar Global Certified Principal Environmental Auditor (Certificate No 110498).

Approval of the Audit Team was approved by the Department on 10 October 2017. The letter is presented in Appendix C.

1.4 Audit objectives

The purpose of this Independent Audit was to undertake the necessary assessment and review of compliance with approvals to assess the effectiveness of environmental management of Patrick's operations at its Port Botany Terminal.

1.5 Audit scope

This Independent Audit covers the 2020 calendar year. It comprises:

- an assessment of:
 - CoAs applicable to the phase of the development that is being audited.
 - all post approval and compliance documents prepared to satisfy the conditions of consent, including an assessment of the implementation of Environmental Management Plans and Sub-plans
 - all environmental licences and approvals applicable to the development excluding environment protection licences issued under the *Protection of the Environment Operations Act 1997*
- a review of the environmental performance of the development, including but not necessarily limited to, an assessment of:
 - actual impacts compared to predicted impacts documented in the environmental impact assessment
 - the physical extent of the development in comparison with the approved boundary
 - incidents, non-compliances and complaints that occurred or were made during the audit period
 - the performance of the development having regard to agency policy and any particular environmental issues identified through consultation carried out when developing the scope of the audit
 - feedback received from the Department, and the EPA
- a review of the status of implementation of previous Independent Audit findings, recommendations and actions (if any)
- a high-level assessment of whether Environmental Management Plans and Sub-plans are adequate; and
- any other matters considered relevant by the auditor or the Department, taking into account relevant regulatory requirements and legislation, knowledge of the development's past performance and comparison to industry best practices.

The scope of this Independent Audit included the CoA relevant to operations and implementation and effectiveness of its OEMP for the Port Botany Terminal. Construction related CoA are not included in this Independent Audit. As stated in the IAPAR, the scope has not included Patrick's

Environment Protection Licence (EPL) No 6962. Commonwealth Approval – EPBC 2002/543 is relevant to NSW Ports but not applicable to Patrick's operations at Terminal 3.

DA 494 CoA C4.5 (3rd bullet point) refers to an assessment of construction against predictions made and conclusions drawn in the development application, EIS (Environmental Impact Statement), additional information and Commission of Inquiry material. A review of this particular requirement has not been included in the Independent Audit as construction of The Knuckle was completed in February 2015 as evidenced in the Construction Completion Compliance Report, Patrick Terminal Port Botany Redevelopment Project, and The Knuckle December 2015 (WolfPeak).

Verifying the on-ground implementation of specific site-based conditions and mitigation measures in the OEMP was undertaken during a site inspection of the Terminal on 21 January 2021. Publicly available information on the Patrick's website, site-based records and information provided to me by Patrick's before and after the site inspection were also used to verify compliance.

2. AUDIT METHODOLOGY

2.1 Audit process overview

The Independent Audit was conducted in a manner consistent with AS/NZS ISO 19011.2019 – Guidelines for Auditing Management Systems (ISO 19011) and the methodology set out in the Department’s IAPAR. ISO 19011 supersedes ISO 14010 and ISO 14011 as referred to in DA 494 and DA 453. An overview of the Independent Audit activities, as specified in AS/NZS ISO 19011, is presented in Figure 3.

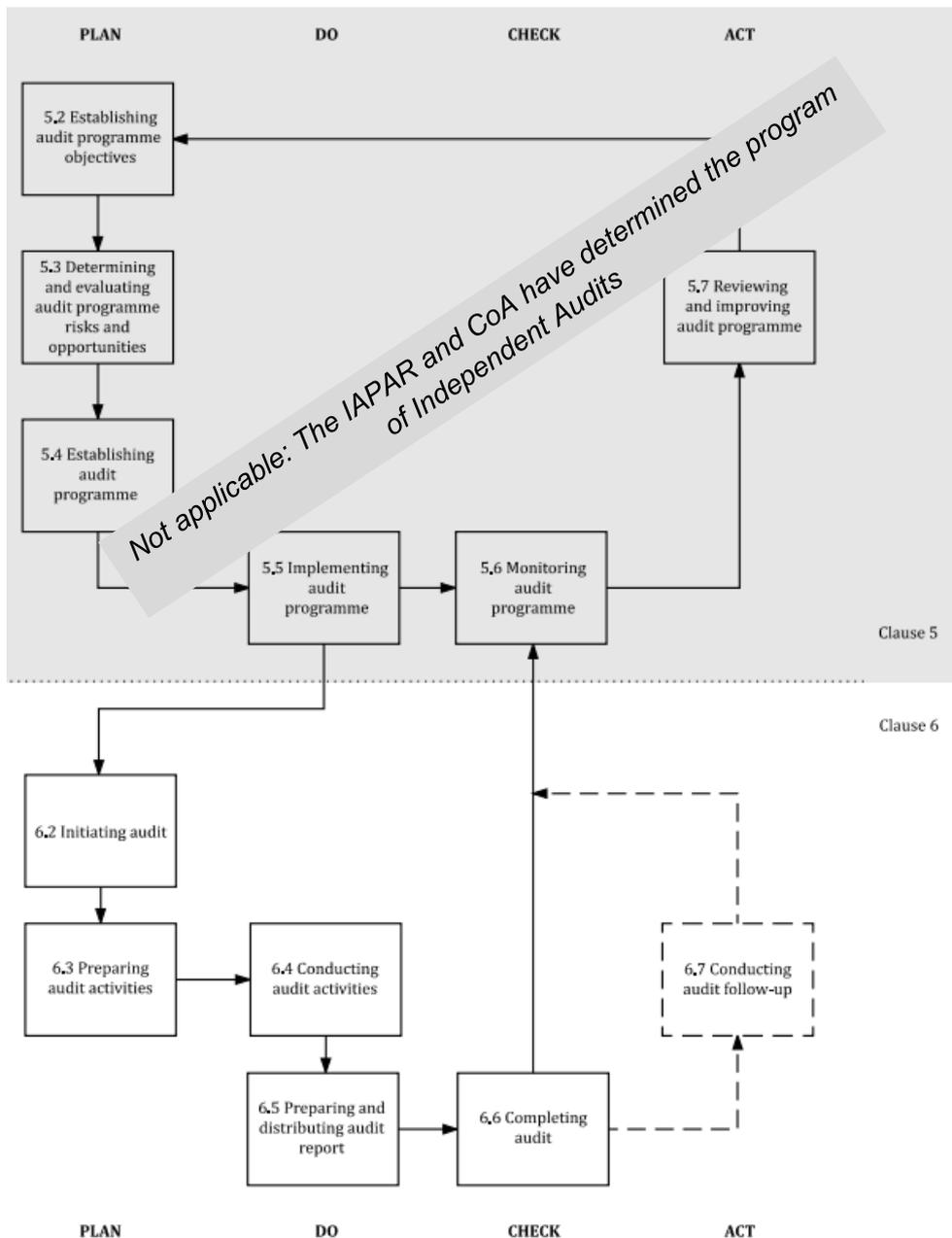


Figure 3 Audit activities overview (modified from AS/NZS ISO 19011). Subclause numbering refers to the relevant subclauses in the Standard.

2.2 Audit process detail

2.2.1 Audit initiation and scope development

Prior to the commencement of the Independent Audit the following tasks were completed:

- Establish initial contact with the auditee
- Confirm the audit team
- Confirm the audit purpose, scope and criteria.

On 11 January 2020 WolfPeak consulted with the Department and the EPA to obtain their input into the scope of the Independent Audit in accordance with Section 3.2 of the IAPAR. The consultation records are presented in Appendix D. A summary of the areas of focus raised is presented in Table 1.

Table 1 Key areas of focus raised during consultation

Stakeholder	Issues and Focus	How Addressed
DPIE	An analysis of all incidents during the reporting period in tabular format, including details of how each of these incidents were closed out and any pending actions to be undertaken as a result of those incidents. Include dates when actions items arising from an incident were closed or are expected to be closed. Any regulatory enforcements arising from any of the incidents in the reporting period should be reported.	Refer to Section 3.7 of this Report regarding the provision of the incident register. Findings were made in relation to incident management. Refer to Table 2 for details.
	Any outstanding actions from the findings in the previous Annual Environmental Management Report and Independent Environmental Audit Report under the two consents completed during the reporting period.	Refer to Table 2 and Section 3.5 of this Report for details.
	Consideration be given to the Independent Audit Post-Approval Requirements (Department, May 2020)	Refer to Section 2 and Section 3. The Independent Audit was conducted in accordance with the IAPAR 2020.
EPA	On 9 March 2020 the EPA issued an Official Caution to Patrick Stevedores for a spill of hydraulic fluid at the premises on 31 January 2020. The Official Caution was issued because the EPA had reasonable grounds to believe that Patrick Stevedores committed two offences under the Protection of the Environment Operations Act 1997, by failing to prevent pollution of waters in relation to the spill, and by failing to operate plant and equipment in a proper and efficient manner.	The Official Caution recommended that Patrick Stevedores undertake a review of its procedures and engineering protections relating to long travel of quay cranes. Refer to Section 3.4 and Appendix A and B.

2.2.2 Preparing audit activities

The Auditor performed a document review, prepared an audit plan, and prepared work documents (audit checklists) and distributed to the Project team in preparation for the Independent Audit.

The primary documents reviewed prior to and after the site visit are as follows:

- *Port Botany Expansion Environmental Impact Statement*, URS Australia, November 2003, (EIS) and [Modification Reports 1 - 17](#),
- Development Consent 494 (the DA 494 Consent)
- Development Consent 453 (the DA 453 Consent)
- *Operational Environmental Management Plan*, Patrick Stevedores Operations Pty Ltd, 5 July 2019, Revision 2 (OEMP) inclusive of the:
 - *Operational Air Quality Management Plan (OAQMP)*
 - *Operational Noise Management Plan (ONMP)*
 - *Operational Traffic Management Plan (OTMP)*
 - *Waste Management Plan (WMP)*
 - *Stormwater Management Plan (SMP)*
 - *Vegetation Management Plan (VMP)*
 - *Bird Hazard Management Plan (BHMP)*
 - *Aviation Operational Impacts Management Plan (AOIMP)*
- *Emergency Management Plan*, Patrick Stevedores Operations Pty Ltd, 12 November 2019, Revision 12 (EMP).

2.2.3 Site personnel involvement

The on-site audit activities took place on 21 January 2021. The following personnel took part in the audit:

- Clay Marks – HSE Manager – Patrick Stevedores Pty Ltd
- Derek Low – Auditor – WolfPeak.

2.2.4 Meetings

Opening and closing meetings were held with the Auditor and Project personnel. The attendance sheet can be found in Appendix E.

During the opening meeting the objectives and scope of the Independent Audit, the resources required and methodology to be applied were discussed. At the closing meeting, preliminary audit findings were presented, preliminary recommendations (as appropriate) were made, and any post-audit actions were confirmed.

2.2.5 Interviews

The Auditor conducted interviews during the site inspection with key personnel involved in Project delivery, including those with responsibility for environmental management, to assist with verifying the compliance status of the development. All other communication was conducted remotely, which included detailed request for information and auditee responses to the request.

2.2.6 Site inspection

The on-site audit activities took place on 21 January 2021. The on-site audit activities included an inspection of the site and work activities. Photos are presented in Appendix F.

2.2.7 Document review

The Independent Audit included investigation and review of Project files, records and documentation that acts as evidence of compliance (or otherwise) with a compliance requirement. The documents sighted are included within Appendices A and B.

2.2.8 Generating audit findings

Independent Audit findings were based on verifiable evidence. The evidence included:

- relevant records, documents and reports.
- interviews of relevant site personnel.
- photographs.
- figures and plans; and
- site inspections of relevant locations, activities and processes.

2.2.9 Compliance evaluation

The Auditor determined the compliance status of each compliance requirement in the Audit Table, using the descriptors from Table 2 of the IAPAR, being:

- **Compliant** – The Auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit.
- **Non-compliant** – The Auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit.
- **Not triggered** – A requirement has an activation or timing trigger that has not been met at the time when the audit is undertaken, therefore an assessment of compliance is not relevant.

Observations and notes may also be made to provide context, identify opportunities for improvement or highlight positive initiatives.

2.2.10 Evaluation of post approval documentation

The Auditor assessed whether post approval documents:

- have been developed in accordance with the CoAs and all other environmental licences and approvals applicable to the Project (if any) and their content is adequate.
- have been implemented in accordance with the CoAs and all other environmental licences and approvals applicable to the Project (if any).

The adequacy of post approval documents was determined on the basis of whether:

- there are any non-compliances resulting from the implementation of the document.
- whether there are any opportunities for improvement.

2.2.11 Completing the audit

The Independent Audit Report was distributed to the proponent to check factual matters and for input into actions in response to findings (where relevant). The Auditor retained the right to make findings or recommendations based on the facts presented.

3. AUDIT FINDINGS

3.1 Approvals and documents audited and evidence sighted

The documents audited comprised all the conditions from Project Approval DA 453 and Project Approval DA 494 applicable to the works being undertaken, and selected mitigation measures and commitments from the following plans that relate to compliance:

- OEMP inclusive of the OAQMP, ONMP, OTMP, WMP, SMP, VMP, BHMP, AOIMP, and
- EMP

The evidence sighted against each requirement is detailed within Appendix A and Appendix B.

3.2 Non-compliance, Observations and Actions

This Section, including Table 2, presents the non-compliances and observations from the Independent Audit. Actions in response to each of the findings are also presented. Detailed findings against each requirement are presented in Appendix A and B. In summary:

- Actions from the previous Independent Audit:
 - One observation and one non-compliance remain open.
- DA 494 findings for 2020:
 - Six non-compliances were identified in relation to five issues.
 - Two observations were identified.
- DA 453 findings for 2020:
 - 10 non-compliances were identified in relation nine issues. To note, four of these non-compliances arise from the same issues that triggered non-compliances under DA 494.
 - Two observations were identified.

Table 2 Independent Audit findings and actions.

Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
STATUS OF ACTIONS IDENTIFIED AS OPEN AT THE 2019 AUDIT						
DA 494						
1	DA 494 C4.4	Non-compliance	<p>Prior to the commencement of operations an Environmental Training Program shall be developed and implemented to establish a framework in which relevant employees will be trained in environmental management and the operation of plant and equipment, including pollution control equipment, where relevant. The Program shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> a) identification of relevant employment positions associated with the development that have an operational or management role related to environmental performance; b) details of appropriate training requirements for relevant employees c) a program for training relevant employees in operational and/ or management issues associated with environmental performance; and d) a program to confirm and update environmental training and knowledge during employment of relevant persons <p>Environmental management is covered only very briefly in the Site Induction. No evidence was provided of more specific environmental training, toolbox talks or similar covering topics such as bunding, spill response, noise mitigation etc.</p>	Site induction has been significantly revised in June 2018 and draft Toolbox Training Talks covering key issues such as noise, littering and spills were sighted. These Talks are to be rolled out in Feb 2019.	Patrick Stevedores 31/03/20	CLOSED with comments The induction has been updated and it contains sufficient detail on environmental, compliance and security management. Refer to finding in relation to DA 494 C4.4 for the 2020 audit period below.
DA 453						
2	DA 453 1.9	Non-compliance	<p>The Applicant shall ensure that all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent.</p> <p>The site induction was recently updated and does not appear to contain appropriate references to environmental requirements. Observation: Environment, Compliance & Security needs to be included as part of the change management process for approval of inductions.</p>	Revision of site induction to include appropriate environmental requirements.	Patrick Stevedores 31/03/20	CLOSED The induction has been updated and it contains sufficient detail on environmental, compliance and security management.
3	DA 453 5.7	Observation	<p>Within 6 months of consent being granted and every 6 months thereafter, the Applicant shall submit a report to the EPA containing the following information: (a) A pollutant inventory that qualifies waters discharged from the site. This shall include identification of all water pollutants likely to be discharged from each final stormwater pit on the 11 stormwater lines serving the container handling operation area within the site. The water pollutants shall include but are not limited to: total phenolics, polycyclic aromatic hydrocarbons, oil and grease, total petroleum hydrocarbons, total organic carbon, biochemical oxygen demand, chemical oxygen demand, pH, zinc, copper, lead, cobalt, chromium, manganese, cobalt, nickel and iron.</p> <p>This and other redundant conditions of the approvals should be removed if possible. This would benefit and assist the compliance task by simplifying and streamlining the conditions that really matter to protecting the environment and community from what is now an integrated Terminal operation.</p>	Modification discussed internally and in brief with NSW Ports and the Department. Patrick has prepared a draft proposed consolidation document and is now waiting for details of potential major upgrade to rail area which may necessitate modification to approval conditions that could also address this finding in a consolidated manner.	Patrick Stevedores Ongoing	OPEN

Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
4	DA 453 7.19	Non-compliance	Signs shall be displayed adjacent to all stormwater drains on the premises indicating that only clean water is allowed to enter these drains. Examples of possible signage include: 'Clean Rainwater Only', 'Clean water only - NO waste' or 'H2Oonly'. Some stormwater drains have this signage installed but not in all instances.	Signage or ground stencils to be installed at the remainder of stormwater drains.	Patrick Stevedores 31/03/20	OPEN
5	DA 453 7.25	Non-compliance	An Energy Efficiency Compliance Report shall be prepared within 15 months of the issuing of the occupation certificate. The Report shall certify that energy efficiency measures have been installed and verify that the building's energy performance complies with Councils Energy Efficiency DCP. A copy of the Report shall be made available to Council on request. In Patrick's 2019 Annual Environmental Management Report it was observed that a copy of the Energy Efficiency Report could not be located. An action has been assigned to have the Report either located or repeated/undertaken.	Report to be submitted by March 2020. Occupation certificate obtained in May 2018 so report due in September 2019. Extension to timeframe provided by Laura Papoulias DPIE via email on 7/11/19 to 31/1/2020. GHD energy consultant inspected site on 14/15 January 2020.	Patrick Stevedores 29/02/20	CLOSED The Energy Efficiency Report was prepared in the first half of 2020. Patrick's submitted the Energy Efficiency Report and on 07/09/2020 the Department advised that it had no comments.
2020 INDEPENDENT AUDIT FINDINGS						
DA 494						
6	DA 494 C2.5	Observation	C2.5 states that prior to the commencement of operations, the Applicant must prepare an Operation Noise Management Plan in consultation with EPA, DPIE, Botany and Randwick Councils. The Plan shall include noise management, mitigation monitoring and reporting to ensure that local acoustic amenity is not adversely impacted. In addition, the Operational Noise Management Plan must (among other things): - detail noise monitoring, reporting and response procedures consistent with the requirements of EPA. Biannual Noise Compliance Monitoring Reports for May and November 2020 are prepared in accordance with EPL 6962. However the November 2020 Noise Monitoring Report is not published on the website. The November 2020 Noise Monitoring Report is not published on the website.	Publish noise monitoring report on the website.	Patrick Stevedores 31/03/21	OPEN
7	DA 494 C2.13	Non-compliance	C2.13 states that management of waste must be in accordance with the environment protection licence issued by EPA under the Protection of the Environment Operations Act 1997. Whilst a request was made by the Auditor, no evidence was provided by the Auditee to demonstrate that: <ul style="list-style-type: none"> • Solid waste was being directed to waste facilities lawfully permitted to receive waste • Waste tyres being tracked in accordance with the POEO Waste Regulation. The Auditor also observes that the Patricks waste register previously used to track waste types, volumes, transporters and destinations etc is incomplete for the audit period.	Obtain and retain records of disposal for solid waste and records of tracking for waste tyres. Update and maintain the waste register to continue tracking of wastes.	Patrick Stevedores 31/03/21	OPEN

Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
8	DA 494 C2.13A	Non-compliance	<p>C2.13A states that the management of waste for uses and activities not subject to an Environmental Protection Licence, shall be managed and disposed of in accordance with the Protection of the Environment Operation (Waste) Regulation 2005 and the Waste Classification Guidelines (DECCW 2009), or any future guideline that may supersede that document. All waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials</p> <p>Note that this non-compliance arises from the same issue as for CoA C2.13.</p> <p>Whilst a request was made by the Auditor, no evidence was provided by the Auditee to demonstrate that:</p> <ul style="list-style-type: none"> • Solid waste was being directed to waste facilities lawfully permitted to receive waste • Waste tyres being tracked in accordance with the POEO Waste Regulation. <p>The Auditor also observes that the Patricks waste register previously used to track waste types, volumes, transporters and destinations etc is incomplete for the audit period.</p>	<p>Obtain and retain records of disposal for solid waste and records of tracking for waste tyres.</p> <p>Update and maintain the waste register to continue tracking of wastes.</p>	Patrick Stevedores 31/03/21	OPEN
9	DA 494 C2.14	Non-compliance	<p>Except as may be expressly permitted by a licence under the Protection of the Environment Operations Act 1997 in relation to the development, section 120 of that Act (prohibition of the pollution of waters) shall be complied with in connection to the development.</p> <p>On 09/03/20 the EPA issued an Official Caution to Patrick Stevedores for a spill of hydraulic fluid at the premises on 31 January 2020. The Official Caution was issued because the EPA had reasonable grounds to believe that Patrick Stevedores committed two offences under the Protection of the Environment Operations Act 1997, by failing to prevent pollution of waters in relation to the spill, and by failing to operate plant and equipment in a proper and efficient manner. The Official Caution recommended that Patrick Stevedores undertake a review of its procedures and engineering protections relating to long travel of quay cranes. There is no evidence to demonstrate that a review was completed in accordance with the Official Caution.</p> <p>Both incident registers provided identify environmental incidents including those with the potential to result in pollution of waters. There is no evidence to demonstrate that these events were notified in accordance with the condition, as per the requirements of Part 5.7 of the POEO Act, (or were not required to be).</p> <p>Refer to section 3.7 regarding the provision of the incident register(s) to the Auditor.</p>	<p>Review incident management protocols to ensure appropriate response and notification in line with Part 5.7 of the POEO Act and the Development Approvals.</p> <p>Include additional detail in incident register as to the nature / potential impact from incidents to support position for notifying / not notifying authorities.</p> <p>Complete review of procedures and engineering protections relating to long travel of quay cranes and retain records as evidence.</p>	Patrick Stevedores 30/06/21	OPEN
11	DA 494 C3.1	Non-compliance	<p>C3.1 states that the Applicant must (among other things) provide quarterly reports to the Department and the EPA, where relevant, outlining details of complaints received.</p> <p>Quarterly Community Feedback Reports for Q1 – Q3 2020 are available on Patrick’s website and contain the information and details required by this condition. These were submitted to the stakeholders. However there is no evidence of a Community Feedback Report being prepared (or submitted to the Department and EPA) for Q4 of 2020.</p>	<p>Prepare and submit the Community Feedback Report for Q4 2020 (or retrieve evidence of this having been done).</p>	Patrick Stevedores 31/03/21	OPEN
12	DA 494 C4.1	Non-compliance	<p>C4.1 states that the Director-General shall be notified of any incident with actual or potential significant off-site impacts on people or the biophysical environment within 12 hours of the Applicant, or other relevant party undertaking the development, becoming aware of the incident. Full written details of the incident shall be provided to the Director-General within seven days of the date on which the incident occurred. The Director-General may require additional measures to be implemented to address the cause or impact of any incident, as it relates to this consent, reported in accordance with this condition, within such period as the Director-General may require.</p> <p>Both incident registers provided identify environmental incidents including those with the potential to result in pollution of waters. There is insufficient evidence available to demonstrate that these events were notified in accordance with the condition, (or were not required to be). For example:</p> <ul style="list-style-type: none"> - The September 20 Incident Register identifies 14 incidents deemed reportable. The Auditee has provided only 5 incident notification records dated 13/07/20, 11/08/20, 07/08/20, 21/08/20 and 18/09/20 for the audit period. The reporting of these 5 events occurred within 12 hours. However similar evidence was not provided for the remaining 9 events. <p>Refer to section 3.7 regarding the provision of the incident register(s) to the Auditor.</p>	<p>Review incident management protocols to ensure appropriate response and notification in line with Part 5.7 of the POEO Act and the Development Approvals.</p> <p>Include additional detail in incident register as to the nature / potential impact from incidents to support position for notifying / not notifying authorities.</p>	Patrick Stevedores 31/03/21	OPEN

Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
13	DA 494 C4.2	Observation	C4.2 states that the Applicant must prepare an Annual Environmental Management Report for the development. The Annual Environmental Management Report must address the information specified in the condition. The 2020 Annual Environmental Management Report is due in mid-March 2021 but is yet to be developed.	Prepare and submit the Annual Environmental Management Report for 2020.	Patrick Stevedores 18/03/21	OPEN
14	DA 494 C4.4	Non-compliance	C4.4 states that prior to the commencement of operations an Environmental Training Program shall be developed and implemented to establish a framework in which relevant employees will be trained in environmental management and the operation of plant and equipment, including pollution control equipment, where relevant. The Program shall include, but not necessarily be limited to: a) identification of relevant employment positions associated with the development that have an operational or management role related to environmental performance; b) details of appropriate training requirements for relevant employees c) a program for training relevant employees in operational and/ or management issues associated with environmental performance; and d) a program to confirm and update environmental training and knowledge during employment of relevant persons. Section 4.3 of the OEMP identifies the training framework in operations. This includes induction, toolbox talks and specific task / work area training. Section 4.3.2 of the OEMP identifies that Maintenance personnel, Shift & Yard Managers, Facilities Manager would be trained in drain wardens. Interviews with project personnel (maintenance manager and HSE manager) indicated that only the plumber has been trained. Further, no toolboxes were provided detailing environmental training elements.	Implement the training framework from Section 4.3.2 of the OEMP.	Patrick Stevedores 30/06/21	OPEN
DA 453						
15	DA 453 3.33	Non-compliance	3.33 states that ¹ except as may be expressly provided by a licence issued under the <i>Protection of the Environment Operations Act 1997</i> in relation of the development, section 120 of the <i>Protection of the Environment Operations Act 1997</i> shall be complied with and in connection with the carrying out of the development. Note that this non-compliance arises from the same issue as for DA 494 CoA C2.14. On 09/03/20 the EPA issued an Official Caution to Patrick Stevedores for a spill of hydraulic fluid at the premises on 31 January 2020. The Official Caution was issued because the EPA had reasonable grounds to believe that Patrick Stevedores committed two offences under the Protection of the Environment Operations Act 1997, by failing to prevent pollution of waters in relation to the spill, and by failing to operate plant and equipment in a proper and efficient manner. The Official Caution recommended that Patrick Stevedores undertake a review of its procedures and engineering protections relating to long travel of quay cranes. There is no evidence to demonstrate that a review was completed in accordance with the Official Caution. Both incident registers provided identify environmental incidents including those with the potential to result in pollution of waters. There is insufficient evidence available to demonstrate that these events were notified in accordance with the condition, as per the requirements of Part 5.7 of the POEO Act, (or were not required to be). Refer to section 3.7 regarding the provision of the incident register(s) to the Auditor.	Review incident management protocols to ensure appropriate response and notification in line with Part 5.7 of the POEO Act and the Development Approvals. Include additional detail in incident register as to the nature / potential impact from incidents to support position for notifying / not notifying authorities. Complete review of procedures and engineering protections relating to long travel of quay cranes and retain records as evidence.	Patrick Stevedores 30/06/21	OPEN

¹ EPA General Terms of Approval – L 1.1

Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
14	DA 453 3.40	Non-compliance	<p>3.40 states that the quantity of hazardous and/or industrial and/or Group A waste generated on the premises shall not exceed 200 tonnes per year.</p> <p>Records of waste oil (the main hazardous waste generated from site) indicate the total amount generated for 2019 was approximately 40 tonnes. Whilst waste streams would be generally consistent with previous years due to operations remaining largely unchanged, the waste register provided did not include records for 2020 and so there is no quantitative evidence available to support compliance with this condition.</p>	<p>Obtain and record evidence of disposal for solid, and liquid waste and records of tracking for waste tyres.</p> <p>Update the waste register to ensure all required content is included.</p>	Patrick Stevedores 31/03/21	OPEN
	DA 453 3.41	Non-compliance	<p>3.41 states that the quantity of hazardous and/or industrial and/or Group A waste stored on the premises shall not exceed 70 tonnes at any one time.</p> <p>Note that this non-compliance arises from the same issue as for CoA 3.40.</p> <p>Records of waste oil (the main hazardous waste generated from site) indicate the total amount generated for 2019 was approximately 40 tonnes. Whilst waste streams would be generally consistent with previous years due to operations remaining largely unchanged, the waste register provided did not include records for 2020 and so there is no quantitative evidence available to support compliance with this condition.</p>	<p>Obtain and record evidence of disposal for solid, and liquid waste and records of tracking for waste tyres.</p> <p>Update the waste register to ensure all required content is included.</p>	Patrick Stevedores 31/03/21	OPEN
16	DA 453 3.43	Non-compliance	<p>3.43 states that all wastes and material generated on the site during construction and operation shall be classified in accordance with the EPA's <i>Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes</i> and be disposed of to a facility that may lawfully accept the waste.</p> <p>Note that this non-compliance arises from the same issue as for DA 494 CoA C2.13 and C2.13A.</p> <p>Whilst a request was made by the Auditor, no evidence was provided by the Auditee to demonstrate that:</p> <ul style="list-style-type: none"> • Solid waste was being directed to waste facilities lawfully permitted to receive waste • Waste tyres being tracked in accordance with the POEO Waste Regulation. <p>The Auditor also observes that the Patricks waste register previously used to track waste types, volumes, transporters and destinations etc is incomplete for the audit period.</p>	<p>Obtain and retain records of disposal for solid waste and records of tracking for waste tyres.</p> <p>Update and maintain the waste register to continue tracking of wastes.</p>	Patrick Stevedores 31/03/21	OPEN
17	DA 453 3.52	Non-compliance	<p>3.52 states that within 24 hours of any incident or potential incident with actual or potential significant off-site impacts on people or the biophysical environment, a report shall be supplied to the Department outlining the basic facts. A further detailed report shall be prepared and submitted following investigations of the causes and identification of necessary additional preventive measures. That report must be submitted to the Director-General no later than 14 days after the incident or potential incident. The Applicant shall maintain a register of accidents, incidents and potential incidents. The register shall be made available for inspection at any time by the independent hazard auditor, the Director-General and Council.</p> <p>Note that this non-compliance largely arises from the same issue as for DA 494 CoA C4.1.</p> <p>Both incident registers provided identify environmental incidents including those with the potential to result in pollution of waters. There is insufficient evidence available to demonstrate that these events were notified in accordance with the condition, (or were not required to be). For example:</p> <ul style="list-style-type: none"> - The September 20 Incident Register identifies 14 incidents deemed reportable. The Auditee has provided only 5 incident notification records dated 13/07/20, 11/08/20, 07/08/20, 21/08/20 and 18/09/20 for the audit period. The reporting of these 5 events occurred within 12 hours. However similar evidence was not provided for the remaining 9 events. <p>Refer to section 3.7 regarding the provision of the incident register(s) to the Auditor.</p>	<p>Review incident management protocols to ensure appropriate response and notification in line with Part 5.7 of the POEO Act and the Development Approvals.</p> <p>Include additional detail in incident register as to the nature / potential impact from incidents to support position for notifying / not notifying authorities.</p> <p>Complete review of procedures and engineering protections relating to long travel of quay cranes and retain records as evidence.</p>	Patrick Stevedores 30/06/21	OPEN
18	DA 453 3.53	Non-compliance	<p>3.53 states that twelve months after the commencement of operations of the proposed development or within such further period as the Director-General may agree, the Applicant shall carry out a comprehensive hazard audit of the proposed development and within one month of the audit submit a report to the Director-General.</p> <p>The Hazard Audit Report was submitted to the Director-General more than one month from the date of the audit. To note, the Department's correspondence on their review of the Hazard Audit Report did not raise the delay in submission as an issue.</p>	NA	NA	CLOSED

Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
21	DA 453 3.64	Non-compliance	<p>3.64 states that the Applicant shall record details of all complaints received in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:</p> <ul style="list-style-type: none"> a) the date and time of the complaint; b) the means by which the complaint was made; c) any personal details of the complainant that were provided, or if not, details were provided, a note to that effect; d) the nature of the complaints; e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and f) if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken. <p>The Complaints Register shall be made available for inspection by the Director-General, EPA and Council upon request. The Applicant shall also make summaries of the register, without details of the complainants, available for public inspection.</p> <p>Note that this non-compliance arises from the same issue as for DA 494 CoA C3.1.</p> <p>Quarterly Community Feedback Reports for Q1 – Q3 2020 are available on Patrick’s website and contain the information and details required by this condition. These were submitted to the Department. However there is no evidence of a Community Feedback Report being prepared for Q4 of 2020.</p>	Prepare and submit the Community Feedback Report for Q4 2020 (or retrieve evidence of this having been done).	Patrick Stevedores 31/03/21	OPEN
22	DA 453 5.1 and 5.2	Observation	<p>5.1 states that ²the results of any monitoring required to be conducted by the EPA’s general terms of approval, or a licence under the <i>Protection of the Environment Operations Act 1997</i>, in relation to the development or in order to comply with the load calculation protocol shall be recorded and retained as set out in conditions 5.2 and 5.3 of this consent.</p> <p>5.2 states that ³all records required to be kept by the licence shall be:</p> <ul style="list-style-type: none"> a) In a legible form, or in a form that can readily be reduced to a legible form b) Kept for at least four years after the monitoring or event to which they relate took place; and c) Produced in a legible form to any authorised officer of the EPA who asks to see them. <p>The November 2020 Noise Monitoring Report is not published on the website.</p>	Publish noise monitoring report on the website.	Patrick Stevedores 31/03/21	OPEN

² EPA General Terms of Approval – M 1.1 (as revised in Special Condition E1).

³ EPA General Terms of Approval – M 1.2 (as revised in Special Condition E1).

Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
24	DA 453 5.8	Non-compliance	<p>5.8 states that ⁴within 6 months of consent being granted and every 6 months thereafter, the Applicant shall submit a report to the EPA containing the following information:</p> <ul style="list-style-type: none"> a) Identification and ranking by sound power level (in 1/3 octave bands for any source with potentially undesirable noise character) all significant noise sources on site. This is to include container impact noise(s), audible alarms, all significant plant and equipment; b) Identification of all noise sensitive receivers that may be affected by the operation, and select an appropriate number of representative receiver locations to represent all sensitive receivers; c) The results of all noise measurements undertaken to assess compliance with condition 3.3 of this consent; d) A statement of whether noise levels from all activities at the site comply with the specified noise limits at the representative receiver locations. The statement shall take into account tonal, impulsive and short duration noises originating from the facility; e) Where noise levels have been assessed to exceed licence limits, a statement explaining the reason why this has taken place; and f) A statement of what feasible and reasonable additional measures may be implemented to further reduce noise levels below that specified in the licence. <p>There is no evidence available to demonstrate that the reports for 2020 have been submitted to the EPA as required by this condition.</p>	Submit the noise monitoring reports to the EPA (or retrieve evidence of this having been done)	Patrick Stevedores 31/03/21	OPEN
25	DA 453 6.6	Observation	<p>6.6 states that within twelve months of the date of this consent, and annually thereafter, unless the Director-General directs otherwise, the Applicant shall submit a Compliance Report to the Director-General.</p> <p>The 2020 Annual Compliance Report is due in mid-March 2021 but is yet to be developed.</p>	Prepare and submit the Annual Compliance Report for 2020.	Patrick Stevedores 18/03/21	OPEN
26	DA 453 7.11	Non-compliance	<p>All service entries to workshop areas shall be provided with a trafficable bund with a minimum height of 100mm to prevent any spillage exiting the workshop area and entering the stormwater system.</p> <p>The bunding at the workshop comprises surface drains that act as bunding. The facility does not have a 100mm trafficable bund. Note that this requirement appears to be inconsistent with condition 7.14.</p>	Install trafficable bund or address compliance inconsistency to remove this requirement.	Patrick Stevedores Prior to next audit	OPEN
28	DA 453 7.23	Non-compliance	<p>All vehicle washing bays that discharge to sewer shall meet the following requirements (among others):</p> <ul style="list-style-type: none"> i) Have a 1000 L general purpose pit; and j) Carry out appropriate inspections and maintenance of the General Purpose Pit. The thickness of the sediment and oil levels, and outflow oil concentrations to be logged quarterly and submitted to Council. The pit is to be pumped out at least every 12 months or at more frequent interval as nominated by Council. <p>The Auditor requested evidence of the general purpose pit being operational, with reporting occurring as per this condition. The Auditee stated that the facility does not have a General Purpose pit. As such no reporting to Council is occurring.</p>	Install and operate the general purpose pit in accordance with parts i) and j) of this condition or modify or remove condition to allow for compliance.	Patrick Stevedores Prior to next audit	OPEN

⁴ EPA General Terms of Approval – E 1.1

3.3 Adequacy of Environmental Management Plans, sub-plans and post approval documents

The adequacy of post approval documents was determined on the basis of whether:

- there are any non-compliances resulting from the implementation of the document; and
- whether there are any opportunities for improvement.

A review was conducted of the

- OEMP inclusive of the OAQMP, ONMP, OTMP, WMP, SMP, VMP, BHMP, AOIMP, and
- EMP.

The documents are adequate for the works being undertaken.

3.4 Summary of notices from agencies

On 9 March 2020 the EPA issued an Official Caution to Patrick Stevedores for a spill of hydraulic fluid at the premises on 31 January 2020. The Official Caution was issued because the EPA had reasonable grounds to believe that Patrick Stevedores committed two offences under the Protection of the Environment Operations Act 1997, by failing to prevent pollution of waters in relation to the spill, and by failing to operate plant and equipment in a proper and efficient manner. The Official Caution recommended that Patrick Stevedores undertake a review of its procedures and engineering protections relating to long travel of quay cranes.

There was no evidence to demonstrate that the procedures and engineering protections had been reviewed by Patrick Stevedores in response to this Official Caution. The OEMP and associated sub-plans were last updated in 2019. Similar incidents continue.

3.5 Other matters considered relevant by the Auditor or DPIE

3.5.1 Matters from the Auditor

Only one matter, other than those presented in Table 2 and Section 3.7, was considered relevant by the Auditor. There is a 600m long rail upgrade under construction on the Patrick Stevedores site (a joint initiative) between NSW Ports and Patrick Stevedores (as reported in the 2019 Annual Environmental Management Report). It is understood that these works were approved by Bayside Council under the State Environmental Planning Policy (Three Ports) 2013. The relevant approval has not been sighted by the Auditor.

3.5.2 Matters from the Department

Refer to Table 1 for details raised by the Department during the consultation in preparation for this Independent Audit. Details regarding the incident register are presented in Section 3.5. The Auditors view on outstanding actions identified from the previous Independent Audit is presented in Table 2. The Auditors view on outstanding actions from previous Annual Environmental Management Report and Independent Environmental Audit Report are presented in Table 3.

Table 3: Outstanding actions from the previous AEMR

Relevant Approval	Cond.	Condition Description (Summary)	Compliance Status	Patrick's Comment	Where addressed in AEMR	Auditor's finding on status
EPL 6962, DA 453	L1.1, 3.33	Except as provided by a licence issued under the POEO Act 1997 s120 shall be complied with and in connection with the carrying out of the development.	Non - Compliant	A minor water pollution incident – 12 July 2019 – (Crane (PT08) at Berth 8, the western end waterside gantry rail clamp leaked hydraulic oil onto the sealed ground of the wharf area and crane trench was reported to the EPA, DPIE and NSW Ports.	Section 11, Appendices E & H	CLOSED Note the findings in relation to incident reporting and management in Table 2 and Section 3.7 of this Report.
EPL 6962	R2.2	The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.	Non - Compliant	14 July 2019, at Berth 8 (covered by DA 453). Patrick self-reported the incident to the EPA's Pollution Incident Call Line (Ref. C09594-2019). A detailed written report was sent to the EPA, NSW Ports and DPIE. A formal warning letter (dated 12 December 2019) was received from the EPA on the 16 December 2019 – under Section 148 (2) of the NSW Protection of the Environment Operations Act 1997 given that 'several' hours had elapsed between the incident and the self-report to the EPA.	Section 11, Appendix E	CLOSED Note the findings in relation to incident reporting and management in Table 2 and Section 3.7 of this Report.
DA-453	1.9	The Applicant shall ensure that all employees, contractors and sub- contractors are aware of, and comply with the conditions of this consent.	Non - Compliant	The Site Induction for employees has been recently updated however it does not appear to contain the appropriate references to environmental requirements as showing in the Site Induction for Contractors.	Sections 10 (1/2019) & 2; Appendix B	CLOSED Note the findings in relation to DA 494 condition C4.4 for the current audit period in Table 2.
DA-453	7.19	Signs shall be displayed adjacent to all stormwater drains on the premises indicating that only clean water is allowed to enter these drains. Examples of possible signage includes: 'Clean Rainwater Only', 'Clean Water Only' or 'H2O Only'.	Non - Compliant	Some stormwater drains have this signage installed but not alongside every stormwater drain readily accessible.	Sections 10 (2/2019) & 2; Appendix B	OPEN Note the finding in relation to DA 453 condition 7.19 for the previous audit period in Table 2.
DA-453	7.25	An Energy Efficiency Compliance Report shall be prepared within 15 months of the issuing of the occupation certificate. The Report shall certify that energy efficiency measures have been installed and verify that the building's energy performance complies with Councils Energy Efficiency DCP. A copy of the Report shall be made available to Council on request.	Non - Compliant	In Patrick's 2019 AEMR it was observed that a copy of the Energy Efficiency Report could not be located. An action has been assigned to have the Report either located or repeated / undertaken.	Sections 5, 10 (3/2019) & 12; Appendix B	CLOSED Note the findings in relation to DA 453 condition 7.25 for the current audit period in Table 2.
DA 494 DA 453	-- --	Raise with DPIE and NSW Ports, inconsistencies in DA 494 and DA 453.	Non - Compliant	Modification discussed internally and in brief with NSW Ports and DPE. Patrick has prepared a draft proposed consolidation document, waiting for details of potential major upgrade to rail area which may necessitate modification to approval conditions that could also address this finding in a consolidated manner.	Sections 6.2 & 12 (4/2019)	OPEN
DA 494 DA 453	C4.2 6.6	AMER to be completed within 60 days following the end of the monitoring period.	<i>None identified by Patrick Stevedores</i>	Sought an extension for the submission of the 2019 AEMR, which includes the Annual Compliance Report, DA 435, condition	Sections 6.2 & 12 (5/2019)	OPEN Note the findings in relation to DA 494 condition C4.2 and DA 453 condition 6.6 for the current audit period in Table

3.6 Complaints

A complaints register is being maintained by the Project team and was made available to the Auditor upon request. Community Feedback Reports, summarising the complaints received for given periods are also available online at: <https://patrick.com.au/environmental-monitoring/>

No complaints were received during the audit period. The Community Feedback Report for Q4 2020 is not currently available on the Project website.

3.7 Incidents

The Department requested that an incident register identifying various information be included in the scope of the Independent Audit. Two requests were made to the Auditee to provide an incident register in a format appropriate for inclusion in this Audit Report and in accordance with the Departments request during consultation on the scope of the Independent Audit.

On the first request (during the on-site component of the Independent Audit), two incident register were presented; one covering the period up to September 2020 (September 20 IR) and one covering the period of October 2020 to January 2021 (January 21 IR). Neither were in a standard appropriate for sharing in this Audit Report. The January 21 IR in particular, which was a download from the Patrick Terminals Incident Management Software, was unedited, containing extensive sets of code, errors, abbreviations and so forth. The Auditor was not able to extract the information in a reliable way.

In response to the second request (made via a written request for information), the Auditee responded by referring the Auditor to 2019 Annual Environmental Management Report – section 11, page 57 and stating that the *current incident register is in the form of our online HSE reporting program (Noggin). The same program used by federal government agencies such as CASA, Aviation Maritime Security, Australian Federal Police.* The 2019 AEMR deals with a period outside that of the current audit period. A revised incident register was not provided.

Notwithstanding the above, the Auditor was able to identify the following:

- The September 20 IR identifies 14 incidents deemed by the Auditee as reportable. It appears as though a number of spill related incidents that were reported to the EPA were not reported to the Department. There is not sufficient information available for the Auditor to determine why this was the case.
- The January 21 IR identifies 22 environmental incidents including those with the potential to result in pollution of waters. Actions to address the incidents were not able to be identified with any certainty.
- The Auditor cannot confirm whether this list is exhaustive.

The Auditor notes that the DA 453 CoA 3.52 states that the applicant *shall maintain a register of accidents, incidents and potential incidents. The register shall be made available for inspection at any time by the independent hazard auditor, the Director-General and Council.* The Auditor referred to in this condition is not the Hazard Auditor (this is a separate function as per CoA 3.53). Should the Department require the incident register to be provided by the Auditee it can exercise its function to obtain this under CoA 3.52.

3.8 Actual versus predicted impacts

As stated in Section 1.5, a review of construction impacts has not been included in the audit as construction of The Knuckle was completed in February 2015.

The Port Botany Expansion Environmental Impact Statement (EIS) for DA 494 was prepared in 2003, with the project originally approved in 2005. DA 494 has undergone 17 modifications since its initial approval. The Patrick Port Botany Container Terminal Upgrade EIS for DA 453 was prepared in 2002, with the project originally approved in 2003. DA 453 has undergone eight modifications since its initial approval.

Substantial changes to the local and regional environment, and commercial setting have occurred since the granting of both approvals, as such, it is the Auditors opinion that by and large:

- the predicted operational impacts are no longer relevant, and actual impacts are regulated through both approvals and EPL 6962, and
- the differentiation in actual impacts vs those predicted are by the most part influenced by external factors (such as commercial arrangements, external market forces and developments in Government policy).

The Auditor does however note that:

- upgrades to plant, equipment and ancillary facilities are ongoing, which would generally provide continual improvement on operational impacts
- the scale of operations (TEU throughput) and the proportion of mode share varies year on year
- there have been no complaints received during the audit period
- the non-compliances identified in Table 2, and notifiable incidents that have occurred on the facility during the audit period, may be considered departures from the predicted impacts.

4. CONCLUSIONS

Patrick's the Knuckle (Berth 6) and Ramp D were completed in accordance with development consent Port Botany Expansion (DA 494) for which NSW Ports was the applicant and was issued to the Sydney Ports Corporation (subsequently transferred to NSW Ports). The existing area of the Patrick Port Botany Terminal was redeveloped under a separate development consent and was specific to Patrick's existing Port Botany Terminal (DA 453) excluding the terminal areas covered by DA 494.

This Independent Audit is required to satisfy Condition 6.7 of DA 453 and Condition C4.5 of DA 494.

The overall outcome of the Independent Audit is moderate. Most compliance records were organised and available at the time of the site. Relevant environmental and compliance monitoring records were being collected and reported as required to provide verification of compliance to statutory requirements and the broader Project environmental requirements. In summary:

- Actions from the previous Independent Audit:
 - One observation and one non-compliance remain open.
- DA 494 findings for 2020:
 - Six non-compliances were identified in relation to five issues.
 - Two observations were identified.
- DA 453 findings for 2020:
 - 10 non-compliances were identified in relation nine issues. To note, four of these non-compliances arise from the same issues that triggered non-compliances under DA 494.
 - Two observations were identified.

Detailed findings are presented in Section 3, along with actions taken by the Project team to address the findings.

The Auditor would like to thank the auditees from Patrick Stevedores for their cooperation and assistance during the Independent Audit.

Limitations

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APPENDIX A – DEVELOPMENT CONSENT CONDITIONS - OPERATIONAL COA FOR DA 494

CoA No	Auditee NSW Ports/ Patrick Stevedores	DA-494-11-2003 Condition of Consent Compliance Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
					C	NC	NT
SCHEDULE A: OVERALL SCOPE OF DEVELOPMENT WORKS AND GENERAL PROVISIONS							
A1 GENERAL							
Scope of Development							
A1.1		<p>The approved aspects of the development shall be carried out generally in accordance with:</p> <ul style="list-style-type: none"> a) Development Application DA-494-11-2003-i, lodged with the Department on 26 November 2003. b) <i>Port Botany Expansion: Environmental Impact Statement</i> (ten volumes), prepared by URS Pty Ltd and dated November 2003; c) <i>Port Botany Expansion Commission of Inquiry – Primary Submission</i> d) <i>Port Botany Expansion Commission of Inquiry – Supplementary Submission to Environmental Impact Statement</i>, prepared by URS Pty e) <i>Port Botany Expansion Environmental Impact Statement – Supplementary Submission</i> (two volumes), prepared by URS Pty Ltd and dated October 2004; and, and f) modification application MOD-107-9-2006-i, accompanied by <i>Port Botany Expansion, Section 96(1A) Application: Modification of Consent</i> g) modification application MOD-134-11-2006-i, accompanied by <i>Port Botany Expansion, Section 96(1A) Modification – Wharf Structure Design</i>, prepared by Sydney Ports Corporation and dated November NSW Government Department of Planning h) modification application MOD-149-12-2006-i, accompanied by <i>Port Botany Expansion, Section 96(1A) Modification – Application to Modify Conditions B2.9 and B2.22 of the Port Botany Consent</i>, prepared by i) modification application MOD-78-9-2007-i, accompanied by <i>Port Botany Expansion – Modification of Conditions C2.20 & C2.25</i>, prepared by j) modification application MOD-60-9-2008, accompanied by <i>Port Botany Expansion – Modification of Conditions B2.46 and C2.25</i>, prepared by k) modification application MOD-68-12-2008, accompanied by a letter from l) modification application MOD-08-03-2009, accompanied by a letter from Sydney Ports Corporation dated 16 February 2009 and assessment report titled <i>Port Botany Expansion – Rail Operations Section 96(1A)</i> m) modification application 494-11-2003-I MOD 8, accompanied by an assessment report titled <i>Port Botany Expansion – Ship Turning Area</i> n) modification application DA-494-11-2003-i MOD 9, accompanied by an assessment report titled <i>Port Botany Expansion – Additional High Spot Dredging off Molineux Point Section 96(1A) Modification</i> dated May o) modification application DA-494-11-2003-i MOD 10, accompanied by an assessment within letter titled <i>Port Botany Expansion – Section 96(1A) Modification – Additional Ship Turning Area Dredging</i> dated 8 July p) modification application DA-494-11-2003-i MOD 11, accompanied by an assessment report titled <i>Sydney Port Botany Terminal No. 3 PKG-17.1 Planning Section 75W Modification Operations Building and</i> q) modification application DA-494-11-2003-i MOD 12, accompanied by an assessment report titled <i>Sydney Port Botany Terminal No. 3 PKG-17.1 Planning Section 75W Modification to Stormwater First Flush System</i> dated 15 February 2012 and supplementary advice provided on 6 June 	Evidence referred to elsewhere in the compliance table.	Compliance with these requirements is verified through this independent audit process. Assessment of compliance is made against the consolidated condition approval inclusive of MODS 1-17 and considers the EIS and associated documents.	C		

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		<p>r) modification application DA-494-11-2003-i MOD 13, accompanied by an assessment report titled "Project No. 231658 Section 75W Modification to Stormwater Management System for Southern Expansion Area" dated 31 October 2012;</p> <p>s) modification application DA-494-11-2003-i MOD 14, accompanied by assessment reports titled "Port Botany Expansion – Section 75W Modification 14 to DA-494-11-2003i for Temporary Uses at northern tip of Hayes Dock", dated January 2013; and "Port Botany Expansion, Cumulative Construction Traffic Impact Assessment, Terminal Operations Infrastructure (March 2013 – March 2014)", dated April</p> <p>t) modification application DA-494-11-2003-i MOD 15, accompanied by assessment report titled 'SICTL Quay Crane Operations', prepared by HPH and dated 20 March 2013;</p> <p>u) modification application DA-494-11-2003-I MOD 16, accompanied by assessment report titled 'Port Botany Expansion Modification Application 16 to DA-494-11-2003i Permanent Uses Hayes Dock Services Area and administrative Changes to Some Conditions', prepared by Lendlease and dated September 2016;</p> <p>v) modification application DA-494-11-2003-I MOD 17, accompanied by letter titled 'Port Botany Expansion s4.55(1) Modification Application to DA-494-11-2003i – Administrative Update to Conditions of Approval', prepared by NSW Ports and dated 16 October 2018; and</p> <p>w) the conditions of this consent.</p> <p>Insofar as they relate to the approved development.</p>					
A1.2		<p>A1.2 In the event of an inconsistency between:</p> <p>a) the conditions of this consent and any document listed from condition A.1.1a) to w) inclusive, the conditions of this consent shall prevail to the extent of the inconsistency; and</p> <p>b) any document listed from condition A1.1 a) to w) inclusive, the most recent document shall prevail to the extent of the inconsistency.</p>	Evidence referred to elsewhere in the compliance table.	Noted. This audit assesses compliance with these conditions of consent	C		
Statutory Requirements							
A1.3	NSW Ports/ Patrick Stevedores	All licences, permits and approvals shall be obtained and maintained as required throughout the life of the development. No condition of this consent removes the obligation to obtain, renew or comply with such licences, permits or approvals.	<p>EPBC Approval 2002/543.</p> <p>EPL 6962.</p> <p>Sydney Water Trade Waste Consent No. 24990.</p> <p>Patrick Port Botany Terminal Operational Environmental Management Plan' dated 2019, revision 02.</p> <p>Available on website: https://patrick.com.au/about/safety-and-environment/</p>	The Federal EPBC Approval 2002/543 and EPL 6962 remain valid. Sydney Water Trade Waste Consent No. 24990 is current. A number of other permits, licences and approvals, as issued by various government authorities, have been obtained for the operation of the terminal and are listed in Section 2.3 of the OEMP which is available on the Patrick website: https://patrick.com.au/about/safety-and-environment/	C		
A1.4	NSW Ports/ Patrick Stevedores	Port throughput capacity generated by operations in accordance with this consent shall be consistent with the limits specified in the EIS, that is, a maximum throughput capacity at the terminal of 1.6 million TEUs per annum and a total throughput at Port Botany of 3.2 million TEUs. These limits may not be exceeded by the development without further	Trade bulletin December 2020 https://www.nswports.co	Trade bulletins published on NSW Ports website indicate these limits are not being exceeded at present.	C		

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		environmental assessment and approval. Sydney Ports Corporation shall prepare, or have prepared on its behalf, such further environmental assessment for the determination of the Minister	m.au/resources-filtered/trade-reports				
SCHEDULE C: TERMINAL OPERATIONS							
C1 GENERAL							
Application of Schedule							
C1.1	Patrick Stevedores	The conditions in this Schedule of the consent relate to all the development and activities associated with the operation of the container terminal and associated infrastructure	Evidence referred to elsewhere in the compliance table.	Noted. Patrick Stevedores is a Terminal operator and has commissioned this Audit to assess compliance against these conditions with respect to its own operations	C		
C1.2	Patrick Stevedores	The conditions in this sub-schedule of the consent must be complied with by the Applicant, or any party undertaking the activities and works referred to under condition C1.1, with the exception of the undertaking of Temporary Uses, which are subject to condition C1.2A. Should more than one terminal operator undertake operations within the terminal area, compliance with the conditions of this Schedule may be undertaken individually by operators, or collectively	Evidence referred to elsewhere in the compliance table.	Noted. Patrick Stevedores is a Terminal operator and has commissioned this Audit to assess compliance against these conditions with respect to its own operations	C		
Interim Uses Port, Maritime and Waterway Related Uses- Hayes Dock Service Area							
C1.2A		C1.2A The conditions in this sub-schedule of the consent must be complied with by the Applicant, or any party undertaking activities and works associated with Port, Maritime and Waterway Related Uses Interim Uses, except conditions C1.3, C1.4 C1.5, C2.5, C2.12, C2.16, C2.17, C2.18, C2.20, C2.25, C3.1, C3.2, C3.3, C4.2, C4.3, C4.4 and C4.5.	Site inspection 21/01/21	Patricks do not use Hayes Dock. This condition is not applicable to Patrick's operation.			NT
Operation Environmental Management Plan-Port, Maritime and Waterway Related Interim Uses Hayes Dock Services Area							
C1.2B		<p>C1.2B The Applicant shall prepare an Operation Environmental Management Plan (OEMP) – Port, Maritime and Waterway Related Interim Uses prior to the commencement of Port, Maritime and Waterway Related Interim Uses on the site. The Plan shall include details of how environmental performance would be managed and monitored to meet acceptable environmental outcomes, including what actions will be taken to address potential adverse environmental impacts. In particular, the following environmental issues shall be addressed in the Plan:</p> <ul style="list-style-type: none"> - Odour and Air Quality; - Noise Management; - Waste Management; - Water and Wastewater Management; - Hazard and Risk Management; - Amenity, including lighting; and - Incident Reporting. <p>The OEMP shall also address:</p> <ul style="list-style-type: none"> - details of operation activities including key noise and/or vibration generating activities and machinery that have the potential to generate noise and/or vibration impacts on surrounding sensitive receivers; - Identification of feasible and reasonable measures proposed to be implemented to minimise and manage operation noise and vibration impacts, especially during sleep disturbance; - A description of how the effectiveness of mitigation and management measures would be maintained. <p>Noise Management shall include:</p> <ul style="list-style-type: none"> - hours in which particularly activities are undertaken; - use of shore power where available; - restrictions on notably noisy vehicles and vessel from the site; 	Site inspection 21/01/21	Patricks do not use Hayes Dock. This condition is not applicable to Patrick's operation.			NT

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		<p>- use of building and vehicle alarms and/or alternatives available.</p> <p>The Plan shall also</p> <ul style="list-style-type: none"> - identify all statutory obligations that the applicant is required to fulfil in relation to operation of the development, including all consents, licences, approvals and consultations; - include a description of the roles and responsibilities for all key employees involved in the operation of the development; and - include overall environment policies and principles to be applied to the operation of the facility. <p>A copy of the updated OEMP shall be submitted for approval by the Secretary within (3) months of the date of approval of Modification 16, unless otherwise agreed by the Secretary.</p>					
Noise Management Plan- Interim Uses Hayes Dock Services Area Operation							
C1.2C		<p>The noise management plan shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> - compliance standards, - community consultation, - complaint handling monitoring system, - site contact person to follow up complaints, - mitigation measures, - the design/orientation of the proposed mitigation methods demonstrating best practice, - operation times, - contingency measures where noise complaints are received, and - monitoring methods and program. 	Site inspection 21/01/21	Patricks do not use Hayes Dock. This condition is not applicable to Patrick's operation.			NT
Noise Compliance Assessment – Interim Uses Hayes Dock Services Area Operation							
C1.2D		<p>Noise from the Hayes Dock Services Area must not exceed the Leq (15 minute) noise limits presented in the Table at C2.6 by more than 5d(B)A between 10:00pm and 7:00am. The Secretary may require a detailed noise compliance assessment, prepared by a qualified acoustic consultant. The noise compliance assessment shall meet the requirements of the Environment Protection Authority.</p> <p>The noise compliance assessment shall include the representative residential receiver locations identified in the table in C2.6.</p>	Site inspection 21/01/21	Patricks do not use Hayes Dock. This condition is not applicable to Patrick's operation.			NT
C1.2E		<p>A complaint handling procedure shall be implemented for the Hayes Dock Services Area. Annual reports shall be provided to the Department, outlining details of the complaints received. A register of complaints shall be kept and include the following:</p> <ul style="list-style-type: none"> - date and time, where relevant, of the comment, inquiry or complaint, - how the comment, inquiry or complaint was communicated, - any personal details of the commenter, inquirer or complainant that were provided. If no details were provided this should be recorded, - the nature of the comment, inquiry or complaint, - any actions taken by the Applicant in relation to the comment, inquiry or complaint, including any follow-up contact, and - if no action was taken, record the reason(s) why. 	Site inspection 21/01/21	Patricks do not use Hayes Dock. This condition is not applicable to Patrick's operation.			NT
C1.2F		<p>Annual reporting on the compliance of the Hayes Dock Services Area shall be conducted. The first report for the Hayes Dock Services Area shall be provided to the Department twelve (12) months from the date of the approval of modification 16, unless otherwise agreed by the Secretary.</p>	Site inspection 21/01/21	Patricks do not use Hayes Dock. This condition is not applicable to Patrick's operation.			NT

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Operation Environmental Management Plan							
C1.3	Patrick Stevedores	<p>The Applicant shall prepare an Operation Environmental Management Plan (OEMP) which must be approved by the Director-General prior to commencement of any operations at the terminal. The OEMP must:</p> <ul style="list-style-type: none"> - identify all statutory obligations that the Applicant is required to fulfil in relation to operation of the development, including all consents, licences, approvals and consultations; - describe any relevant staging or phasing of the commencement of operations within the terminal envelope and any relevant timeframes; - clearly outline what aspects of environmental management, monitoring and reporting would be undertaken by the Applicant or jointly with other operators within the terminal area; - include a description of the roles and responsibilities for all key employees involved in the operation of the development; - include overall environment policies and principles to be applied to the operation of the facility; - include specific consideration of measures to address any requirements of DPIE, EPA, and the Council during operation; - detail standards and performance measures to be applied to the development, and a means by which environmental performance can be periodically reviewed and improved, where appropriate; - detail management policies to ensure that environmental performance goals are met and to comply with the conditions of this consent; - include the Management Plans relevant to operation, include the environmental monitoring requirements relevant to operation; and - be made available for public inspection after approval of the Director General. 	<p>Patrick Port Botany Terminal Operational Environmental Management Plan' dated 2019, revision 02.</p> <p>Available on website: https://patrick.com.au/about/safety-and-environment/</p>	<p>The 'Patrick Port Botany Terminal Operational Environmental Management Plan' (OEMP) – Version 2 (5-Jul-2019) has been prepared to satisfy this condition and is available on the Operators website. The document was approved by the Department prior to the current audit period.</p>	C		
Compliance Certification							
C1.4	Patrick Stevedores	<p>Prior to each of the events listed from a) to b) below, or within such period otherwise agreed by the Director-General, documentation certifying that all conditions of this consent applicable prior to that event have been complied with shall be submitted to the satisfaction of the Director-General. Where an event is to be undertaken in stages, submission of compliance certification may be staged consistent with the staging of activities relating to that event, subject to the prior agreement of the Director-General.</p> <p>a) commencement of any operations within the terminal area; and b) commencement of each stage or phase of operations</p>	<p>Pre-Operational Compliance Report dated December 2015</p> <p>Letter of submission of report, 11/01/16</p> <p>DPIE approval dated 04/02/16</p>	<p>The Pre-Operational Compliance Report for the Patrick Port Botany 'Knuckle' and Ramp D (dated December 2015) was approved by the Director-General on 4 February 2016 (refer to letter from Ms Karen Harragon, NSW Department of Planning & Environment to Mr Trevor Brown, NSW Ports).</p>	C		
C1.5	NSW Ports/ Patrick Stevedores	<p>Notwithstanding condition C1.4 of this consent, the Director-General may require an update report on compliance with all, or any part, of the conditions of this consent. Any such update shall meet the requirements of the Director-General and be submitted within such period as the Director-General may agree</p>	<p>Pre-Operational Compliance Report dated December 2015</p> <p>Letter of submission of report, 11/01/16</p> <p>DPIE approval dated 04/02/16</p> <p>Interview with auditees 21/01/21</p>	<p>The Department of Planning & Environment (DP&E) requested (22 December 2017) a copy of the Action Plan addressing the findings detailed in Patrick's 2016 Annual Environmental Management Report (section 7). This was provided to the DP&E on 5 January 2018.</p>	C		
Air quality management							
C2.1	Patrick Stevedores	<p>The development shall be undertaken so as not to permit any offensive odour, as defined under section 129 of the Protection of the Environment Operations Act 1997, to be emitted beyond the boundary of the site</p>	<p>Site inspection 21/01/21</p> <p>Complaints register current to 20/01/21</p>	<p>No offensive odours were detected during the audit site inspection on and no complaints from parties external to the site regarding odours have been received during the reporting period.</p>	C		

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C2.2	Patrick Stevedores	All activities shall be undertaken in a manner that minimises or prevents dust emissions from the site, including wind-blown and traffic-generated dust. All activities undertaken on the site shall be undertaken with the objective of preventing visible emissions of dust from the site. Should such visible dust emissions occur at any time, all practicable dust mitigation measures, including cessation of relevant works, as appropriate, shall be identified and implanted such that emissions of visible dust cease	Operation Air quality Management Plan Section 6.1 of the Patrick Port Botany Terminal Operational Environmental Management Plan' dated 2019, revision 02. Available on website: https://patrick.com.au/about/safety-and-environment/ Site inspection 21/01/21 Complaints register current to 20/01/21	The Air Quality Management Plan sits (OEMP, V2, 2019 – Section 6.1) has been prepared in consultation with the relevant stakeholders and approved by the Department prior to the current audit period. The OEMP underwent a minor update in 2019. No dust emissions were detected during the audit site inspection and no complaints from parties external to the site regarding dust emissions have been received during the reporting period.	C		
C2.3	Patrick Stevedores	All trafficable and vehicle manoeuvring areas shall be maintained at all times in a condition that minimises the generation and emission of dust	Site inspection 21/01/21 Complaints register current to 20/01/21	Surfaces are paved and no loose materials were noted during site inspection	C		
C2.4	Patrick Stevedores	All vehicles entering or leaving the site carrying a load must be covered or otherwise enclosed at all times, except during loading and unloading, to minimise the generation and emission of dust	Site inspection 21/01/21	Heavy vehicles entering or leaving the site carry containers or are closed liquid / solid waste trucks or are flat beds. The requirement to cover loads is a requirement under NSW road. Laws.	C		
Noise Management							
C2.5	Patrick Stevedores	Prior to the commencement of operations, the Applicant must prepare an Operation Noise Management Plan in consultation with EPA, DPIE, Botany and Randwick Councils. The Plan shall include noise management, mitigation monitoring and reporting to ensure that local acoustic amenity is not adversely impacted. In addition, the Operational Noise Management Plan must: <ul style="list-style-type: none"> - identify general activities that will be carried out and associated noise sources; - assess operation noise impacts at the relevant receivers; - a primary objective of achieving the operational noise limits outlined in this consent; - provide details of overall management methods and procedures that will be implemented to control noise from the development; - include a pro-active and reactive strategy for dealing with complaints including achieving the operation noise limits, particularly with regard to verbal and written responses; - detail noise monitoring, reporting and response procedures consistent with the requirements of EPA; - provide for internal audits of compliance of all plant and equipment; - indicate site establishment timetabling to minimise noise impacts; - include procedures for notifying residents of operation activities likely to affect their noise amenity; - address the requirements of EPA; - a strategy to identify operational practices and noise controls that can minimise/or reduce noise levels from container impacts, audible alarms and other short duration high level noise events; - identify opportunities to reduce operational noise levels including, but not necessarily limited to, selection of equipment, engineering noise controls and shore-based power; and, - be approved by the Director-General prior to the commencement of operation 	Operation Noise Management Plan Section 6.6 of the Patrick Port Botany Terminal Operational Environmental Management Plan' dated 2019, revision 02. Available on website: https://patrick.com.au/about/safety-and-environment/ Noise Monitoring Reports May and Nov 20, Rodney Stevens Acoustics. https://patrick.com.au/environmental-monitoring/	The Operational Noise Management Plan (OEMP, V2, 2019 – Section 6.6) has been prepared in consultation with the relevant stakeholders and approved by the Department prior to the current audit period. The OEMP underwent a minor update in 2019. Biannual Noise Compliance Monitoring Reports for May and November 2020 sighted. They are prepared in accordance with EPL 6962. Observation: Biannual Noise Compliance Monitoring Reports for May and November 2020 are prepared in accordance with EPL 6962. However the November 2020 Noise Monitoring Report is not published on the website. The November 2020 Noise Monitoring Report is not published on the website.	C		

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C2.6	Patrick Stevedores	<p>Noise from the premises must not exceed the sound pressure level (noise) limits presented in the Table below. Note the limits represent the sound pressure level (noise) contribution, at the nominated receiver locations in the table.</p> <table border="1"> <thead> <tr> <th rowspan="2">Most affected residential Location</th> <th>Day</th> <th>Evening</th> <th colspan="3">Night</th> </tr> <tr> <th>LAeq (15 minute)</th> <th>LAeq (15 minute)</th> <th>LAeq (15 minute)</th> <th>LAeq,9hrs</th> <th>LA1(1 minute)</th> </tr> </thead> <tbody> <tr> <td>Chelmsford Avenues</td> <td>40</td> <td>40</td> <td>40</td> <td>38</td> <td>53</td> </tr> <tr> <td>Dent Street</td> <td>45</td> <td>45</td> <td>45</td> <td>43</td> <td>59</td> </tr> <tr> <td>Jennings Street</td> <td>36</td> <td>36</td> <td>36</td> <td>35</td> <td>55</td> </tr> <tr> <td>Botany Rd (nth of golf club)</td> <td>47</td> <td>47</td> <td>47</td> <td>45</td> <td>59</td> </tr> <tr> <td>Australia Ave</td> <td>35</td> <td>35</td> <td>35</td> <td>35</td> <td>57</td> </tr> <tr> <td>Military Road</td> <td>42</td> <td>42</td> <td>42</td> <td>40</td> <td>60</td> </tr> </tbody> </table> <p>For the purpose of this condition;</p> <ul style="list-style-type: none"> Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays, Evening is defined as the period from 6pm to 10pm Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays 	Most affected residential Location	Day	Evening	Night			LAeq (15 minute)	LAeq (15 minute)	LAeq (15 minute)	LAeq,9hrs	LA1(1 minute)	Chelmsford Avenues	40	40	40	38	53	Dent Street	45	45	45	43	59	Jennings Street	36	36	36	35	55	Botany Rd (nth of golf club)	47	47	47	45	59	Australia Ave	35	35	35	35	57	Military Road	42	42	42	40	60	<p>Noise Monitoring Reports May and Nov 20, Rodney Stevens Acoustics. https://patrick.com.au/environmental-monitoring/</p> <p>Complaints register current to 20/01/21</p>	<p>Biannual noise monitoring reports are completed. The reports conclude that 'operational noise is considered to comply with EPL 6962, day, evening and night-time noise limits.</p> <p>It is noted that noise limits within the EPL are equal to or more stringent than those quoted in this Condition.</p> <p>Noise complaints received during the audit period were investigated and determined by the auditee to not be attributable to their operations.</p>	C		
Most affected residential Location	Day	Evening		Night																																																		
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Military Road	42	42	42	40	60																																																	
C2.7	Patrick Stevedores	Noise from the premises is to be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary, to determine compliance with the noise level limits in Condition C2.6 unless otherwise stated	<p>Noise Monitoring Reports May and Nov 20, Rodney Stevens Acoustics. https://patrick.com.au/environmental-monitoring/</p>	Biannual noise monitoring reports are completed. The noise reports satisfy this requirement	C																																																	
C2.8	Patrick Stevedores	Noise from the premises is to be measured at 1m from the dwelling façade to determine compliance with the LA1 (1 minute) noise level in Condition C2.6	As above.	Biannual noise monitoring reports are completed. The noise reports identify this requirement and satisfactorily address it.	C																																																	
C2.9	Patrick Stevedores	Where it can be demonstrated that direct measurement of noise from the premises is impractical, the EPA may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy	As above.	Biannual noise monitoring reports are completed. The noise reports use measurement of noise.	C																																																	
C2.10	Patrick Stevedores	The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable	As above.	Biannual noise monitoring reports are completed. The noise reports address the methodology.	C																																																	
C2.11	Patrick Stevedores	The noise emission limits identified in Condition C2.6 apply under meteorological conditions of wind speed up to 3 metres per second at 10 metres above ground level, and temperature inversion conditions up to 1.50C/100m positive lapse rate	As above.	Biannual noise monitoring reports are completed. The noise reports address weather conditions.	C																																																	
Operational Traffic Management Plan																																																						

CoA No	Auditee NSW Ports/ Patrick Stevedores	DA-494-11-2003 Condition of Consent Compliance Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
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C2.12	Patrick Stevedores	<p>Prior to the commencement of terminal operations, the applicant must prepare an Operational Traffic Management Plan in consultation with TfNSW (RMS), DPIE, Botany and Randwick Councils and SSROC. The Applicant shall address the requirements of these organisations in the Plan. The Applicant shall also consult with the Community Consultative Committee in preparation of the Plan. The plan must include, but not be confined to, mitigation measures identified in EIS such as:</p> <ul style="list-style-type: none"> - identification of preferred routes to minimise noise impacts on the surrounding community; - physical and operational measures (including signage) to mitigate noise impacts from vehicles accessing and leaving the terminal; - measures to limit the impact of traffic noise on Foreshore Road and Botany Road; - driver education and information to promote driver habits to minimise noise; and - timetabling, scheduling and details of vehicle booking systems. <p>The plan must be submitted and approved by the Director-General prior to the commencement of operations</p>	<p>Operational Traffic Management Plan Section 6.7 of the Patrick Port Botany Terminal Operational Environmental Management Plan' dated 2019, revision 02. Available on website: http://www.patrick.com.au/environment-sustainability</p>	<p>The Operational Traffic Management Plan (OEMP, V2, 2019 – Section 6.7) has been prepared in consultation with the relevant stakeholders and addresses the requirements of this condition. The OEMP was approved by the Department prior to the current audit period. The OEMP underwent a minor update in 2019.</p>	C		
Waste Management on Site							
C2.13	Patrick Stevedores	<p>Management of waste must be in accordance with the environment protection licence issued by EPA under the Protection of the Environment Operations Act 1997</p>	<p>Waste Management Plan Section 6.4 of the Patrick Port Botany Terminal Operational Environmental Management Plan' dated 2019, revision 02. Available on website: https://patrick.com.au/environmental-monitoring/ EPL 6962 Transport Certificate for J12 liquid waste, 29/09/20, 17/11/20, 20/03/20 Site inspection 21/01/21</p>	<p>A Waste Management Plan (OEMP, V2, 2019 – section 6.4) identifies the approach to managing wastes on site. The OEMP was approved by the Department prior to the current audit period. A minor update to the OEMP occurred in 2019.</p> <p>EPL 6962 Condition L2 allows Patrick Stevedores to receive types of waste at the premises.</p> <p>Waste management on site (liquid and solid waste) was satisfactory.</p> <p>Non-compliance: Whilst a request was made by the Auditor, no evidence was provided by the Auditee to demonstrate that:</p> <ul style="list-style-type: none"> • Solid waste was being directed to waste facilities lawfully permitted to receive waste • Waste tyres being tracked in accordance with the POEO Waste Regulation. <p>The Auditor also observes that the Patricks waste register previously used to track waste types, volumes, transporters and destinations etc is incomplete for the audit period.</p>		NC	
C2.13A	Patrick Stevedores	<p>The management of waste for uses and activities not subject to an Environmental Protection Licence, shall be managed and disposed of in accordance with the Protection of the Environment Operation (Waste) Regulation 2005 and the Waste Classification Guidelines (DECCW 2009), or any future guideline that may supersede that document. All waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.</p>	<p>Waste Management Plan Section 6.4 of the Patrick Port Botany Terminal Operational Environmental Management Plan' dated 2019, revision 02. Available on website: https://patrick.com.au/environmental-monitoring/</p>	<p>A Waste Management Plan (OEMP, V2, 2019 – section 6.4) identifies the approach to managing wastes on site.</p> <p>EPL 6962 Condition L2 allows Patrick Stevedores to receive types of waste at the premises.</p> <p>Waste management on site (liquid and solid waste) was satisfactory.</p>		NC	

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			EPL 6962 Transport Certificate for J12 liquid waste, 29/09/20, 17/11/20, 20/03/20 Site inspection 21/01/21	<p>Non-compliance: Whilst a request was made by the Auditor, no evidence was provided by the Auditee to demonstrate that:</p> <ul style="list-style-type: none"> • Solid waste was being directed to waste facilities lawfully permitted to receive waste • Waste tyres being tracked in accordance with the POEO Waste Regulation. <p>The Auditor also observes that the Patricks waste register previously used to track waste types, volumes, transporters and destinations etc is incomplete for the audit period.</p>			
Water and Wastewater Management							
C2.14	Patrick Stevedores	Except as may be expressly permitted by a licence under the Protection of the Environment Operations Act 1997 in relation to the development, section 120 of that Act (prohibition of the pollution of waters) shall be complied with in connection to the development.	Letter EPA to Patricks, 09/03/20 Email chain Patricks and EPA, 30/06 – 23/07/20. Incident register September 2020 Incident register October 2020 – January 2021 EPL 6962	<p>No water quality monitoring is required by the EPL (6962) and there are no licenced discharge points.</p> <p>Non-compliance: On 09/03/20 the EPA issued an Official Caution to Patrick Stevedores for a spill of hydraulic fluid at the premises on 31 January 2020. The Official Caution was issued because the EPA had reasonable grounds to believe that Patrick Stevedores committed two offences under the Protection of the Environment Operations Act 1997, by failing to prevent pollution of waters in relation to the spill, and by failing to operate plant and equipment in a proper and efficient manner. The Official Caution recommended that Patrick Stevedores undertake a review of its procedures and engineering protections relating to long travel of quay cranes. There is no evidence to demonstrate that a review was completed in accordance with the Official Caution.</p> <p>Both incident registers provided identify environmental incidents including those with the potential to result in pollution of waters. There is no evidence to demonstrate that these events were notified in accordance with the condition, as per the requirements of Part 5.7 of the POEO Act, (or were not required to be).</p> <p>Refer to section 3.7 regarding the provision of the incident register(s) to the Auditor.</p>			NC

CoA No	Auditee NSW Ports/ Patrick Stevedores	DA-494-11-2003 Condition of Consent Compliance Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
					C	NC	NT
Pollutant Concentration Limits							
C2.15	Patrick Stevedores	For each monitoring/discharge point or utilisation area, the concentration of any pollutant discharged at that point, or applied to that area, must not exceed concentration limits specified in the relevant environment protection licence	As above.	No discharge points in EPL.			NT
Hazards and Risk Management- Hayes Dock Interim Uses							
C2.15A		Port, maritime and waterway related with in Hayes uses Dock may involve the loading, unloading and storage of minor volumes of dangerous goods (DGs) for the sole purpose of minor site maintenance; line boat, barge and tug maintenance; related service activities and boat refuelling.	Site inspection 21/01/21	Patricks do not use Hayes Dock. This condition is not applicable to Patrick's operation.			NT
Hazards and Risk Management							
C2.16	Patrick Stevedores	Prior to the commencement of operation, the Applicant shall develop management measures in consultation with the Major Hazards Unit of DPIE regarding the use of the new terminal for loading, unloading and storage of dangerous goods of Classes 2.3 and 6	Emergency Response Plan (including PIRMP), 12/11/19. https://patrick.com.au/about/safety-and-environment/	The Emergency Response Plan (including PIRMP) was developed prior to the current audit period, to meet the expectation of the DPIEs Major Hazards Unit i.e. to ensure the actions of Patrick when dealing with an emergency involving Class 2.3 or Class 6 dangerous goods did not increase the off-site risk described in the Preliminary Hazard Analysis.	C		
Hazards and Risk Management- Storage and Handling of Dangerous Goods							
C2.17	NSW Ports	Twelve months after the determination of DA 494-11-2003-i MOD 16, the Applicant shall submit an annual report to the Secretary which provides details on actual Dangerous Goods movements listed in the Table 1 provided in Schedule 4. Should the threshold limits listed in Table 2 in Schedule 4 be exceeded for three consecutive annual reporting years, or if the maximum limits are reached in a single 12-month reporting period, the Applicant shall prepare an updated hazard analysis for the PBE operations. The hazards analysis shall: - Be prepared in consultation with the Department. - Be prepared in accordance with <i>Hazardous Industry Planning Paper No. 6, 'Hazard Analysis'</i> ; - Assess compliance against the land use safety planning risk criteria (including individual fatality risk, injury/irritation risk and societal risk), as outline in <i>Hazardous Industry Planning Advisory Paper No. 4, 'Risk Criteria for Land Use Safety Planning'</i> ; and - Assess whether the risks from PBE operations will significantly impact on the cumulative risk contour of 1 x 10 ⁻⁶ per annum, contained in Figure 2 of the <i>Port Botany Land Use Safety Study Overview Report 1996</i> , or any other revised land use safety study for the Port that supersedes the 1996 study. The report shall be prepared to the satisfaction of the Secretary. The hazard analysis is to be submitted to the Secretary within 6 months of an identified threshold exceedance, or as agreed to by the Secretary	Annual Dangerous Goods Report dated 01/09/19 – 31/08/20. Email, Patrick to NSW Ports, 12/10/20 DPIE Post Approval lodgement record, 12/10/2020	The Annual Dangerous Goods Report (which was below the thresholds), was submitted to the Department on 12/10/2020. A response has not been provided by the Department.	C		
C2.18	Patrick Stevedores	The Applicant shall not store or handle or permit to be stored or handled, dangerous goods of Class 2.3, toxic compressed or liquefied gases above the quantities stored or handled in 1995/96 except in accordance with recommendations 1.1 and 1.2 in the Port Botany Land Use safety Study (1996).	Patricks Annual Dangerous Goods Report dated 01/09/19 – 31/08/20.	Patricks hold approximately 18 containers. Well below the 157 container threshold for the Port Botany Facility.	C		
Emergency Incident Management							
C2.20	Patrick Stevedores	The Applicant shall develop an Emergency Response and Incident Management Plan in consultation with the EPA, DPIE, Council and the Community Consultative Committee. The Plan must be approved by the Director-General prior to the commencement of operations and shall detail:	Emergency Response Plan (including PIRMP), 12/11/19.	The Emergency Management Plan was prepared, consulted on and approved by the Department prior to the current audit period.	C		

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					C	NC	NT
		<ul style="list-style-type: none"> - terminal security and public safety issues; - effective spill containment and management; - effective firefighting capabilities; - effective response to emergencies and critical incidents; and - a single set of emergency procedures, consistent with the existing Port Botany Emergency Plan, should be developed that be scaled as appropriate for any incident or emergency. 	https://patrick.com.au/about/safety-and-environment/	The latest minor update was completed in 2019.			
Aviation Operational Impacts							
C2.21	Patrick Stevedores	The Applicant shall ensure that the location of fixed terminal operating infrastructure adequately takes into account the required lateral separation distances to minimise the interference to Sydney Airport radar and navigational systems	Department of Infrastructure and Transport approval, 12/12/12	Patrick has obtained approval under the Airports (Protection of Airspace) Regulations 1996 (APAR) (Ref: 12/5083) for the intrusion of three quay cranes into prescribed airspace for Sydney Airport. Approval was granted by Flysafe Aerodrome Precincts, Aviation and Airports Division of the Department of Infrastructure and Transport on 12 December 2012.	C		
C2.22	Patrick Stevedores	The Applicant shall ensure that all operation equipment is below the obstacle limitation surface, unless otherwise permitted by an approval under the Airports Act 1999 and Airports (Protection of Airspace) Regulation 1966	Department of Infrastructure and Transport approval, 12/12/12	Patrick has obtained approval under the Airports (Protection of Airspace) Regulations 1996 (APAR) (Ref: 12/5083) for the intrusion of three quay cranes into prescribed airspace for Sydney Airport. Approval was granted by Flysafe Aerodrome Precincts, Aviation and Airports Division of the Department of Infrastructure and Transport on 12 December 2012.	C		
C2.23	Patrick Stevedores	The Applicant shall ensure design specifications of the terminal lighting conform to the requirements of Regulation 94 of the Civil Aviation regulations 1988	Department of Infrastructure and Transport approval, 12/12/12 Aviation Operational Impacts Management Plan Section 6.8 of Patrick Port Botany Terminal Operational Environmental Management Plan' dated 2019, revision 02. Available on website: https://patrick.com.au/about/safety-and-environment/ Complaints register current to 20/01/21	Patrick has obtained approval under the Airports (Protection of Airspace) Regulations 1996 (APAR) (Ref: 12/5083) for the intrusion into prescribed airspace for Sydney Airport (including light). Approval was granted by Flysafe Aerodrome Precincts, Aviation and Airports Division of the Department of Infrastructure and Transport on 12 December 2012. Section 6.8 of the OEMP addresses potential aviation operational impacts and controls which include monitoring, including light management in service agreements, direction of plant and facility downwards. No complaints regarding lighting were received during the audit period.	C		
C2.24	Patrick Stevedores	The Applicant shall adopt measures to ensure that there is minimal light spill from ships which may cause distraction, confusion or glare to pilots. These may include: <ul style="list-style-type: none"> - minimising shipboard lighting while berthed; - orientating ships in a specific direction; and or - providing temporary shielding on the ship mounted floodlights while docked 	Maritime Order 32 Schedule 1 (2) Aviation Operational Impacts Management Plan Section 6.8 of Patrick Port Botany	Maritime Order 32 Schedule 1 (2) lighting requires adequate lighting during loading or unloading activities. When vessels are loaded and unloaded at night and sufficient lighting will be required to undertake loading or discharge operations.	C		

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			Terminal Operational Environmental Management Plan' dated 2019, revision 02. Available on website: https://patrick.com.au/about/safety-and-environment/ Complaints register current to 20/01/21	Section 6.8 of the OEMP addresses potential aviation operational impacts and controls which include monitoring, including light management in service agreements, direction of plant and facility downwards. Additionally, LED lights are being progressively installed throughout the berth 6 areas to further reduce light spill. No complaints regarding lighting were received during the audit period.			
C2.25	Patrick Stevedores	Prior to operations, the Applicant shall develop a Bird Hazard Management Plan to minimise the attraction of bird species that pose a risk to aircraft movements. The Plan is to be prepared in consultation with the Department of Transport and Regional Services, Sydney Airport Corporation and Botany and Randwick Councils. The Plan must be approved by the Director-General prior to the commencement of operations	Bird Hazard Management Plan Section 6.9 of Patrick Port Botany Terminal Operational Environmental Management Plan' dated 2019, revision 02. Available on website: https://patrick.com.au/about/safety-and-environment/	The Bird Hazard Management Plan sits within the OEMP and was prepared, consulted and approved prior to the current audit period. A minor update was undertaken on the OEMP was made during 2019.	C		
COMMUNITY INFORMATION, INVOLVEMENT AND CONSULTATION							
C3.1	Patrick Stevedores	The Applicant must meet the following requirements in relation to community consultation and complaints management: <ul style="list-style-type: none"> - all monitoring, management and reporting documents required under the development consent shall be made publicly available; - provide means by which public comments, inquiries and complaints can be received, and ensure that those means are adequately publicised; and - includes details of a register to be kept of all comments, inquiries and complaints received by the above means, including the following register fields: <ul style="list-style-type: none"> - the date and time, where relevant, of the comment, inquiry or complaint; - the means by which the comment, inquiry or complaint was made (telephone, fax, mail, email or in person); - any personal details of the commenter, inquirer or complainant that were provided, or if no details were provided, a note to that effect; - the nature of the complaint; - any action(s) taken by the Applicant in relation to the comment, inquiry or complaint, including any follow-up contact with the commenter, inquirer or complainant; and if no action was taken by the Applicant in relation to the comment, inquiry or complaint, the reason(s) why no action was taken. - Provide quarterly reports to the Department and EPA, where relevant, outlining details of complaints received 	Community Feedback Reports Q1-Q3 2020. https://patrick.com.au/environmental-monitoring/ DPIE Post Approval Portal Lodgement records 27/10/20, 04/08/20, 28/04/20.	Documentation including management plans and monitoring reports are available on the Patrick website. https://patrick.com.au/environmental-monitoring/ Contact details and complaints line are available at: https://patrick.com.au/contact/ Patrick Port Botany Quarterly Community Feedback Reports are available on Patrick's website http://www.patrick.com.au/environment-monitoring-reporting and contain the information and details required by this condition. These were submitted to the Department. Non-compliance: Quarterly Community Feedback Reports for Q1 – Q3 2020 are available on Patrick's website and contain the information and details required by this condition. These were submitted to the stakeholders. However there is no evidence of a Community		NC	

CoA No	Auditee NSW Ports/ Patrick Stevedores	DA-494-11-2003 Condition of Consent Compliance Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
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				Feedback Report being prepared (or submitted to the Department and EPA) for Q4 of 2020.			
C3.2	NSW Ports Patrick Stevedores	At least 6 months prior to commencement of operations, the Applicant shall establish a Community Consultative Committee to oversee the environmental performance of the development. This committee shall: (a) be comprised of: · 2 representatives from the Applicant, including the person responsible for environmental management; · 1 representative from Botany Bay City Council; and · at least 3 representatives from the local community, whose appointment has been approved by the Director-General in consultation with the Council; (b) be chaired by an independent party approved by the Director-General; (c) meet at least four times a year, or as otherwise agreed by the CCC; (d) review and provide advice on the environmental performance of the development, including any construction or environmental management plans, monitoring results, audit reports, or complaints; and Note: The Applicant may, with the approval of the Director-General, combine the function of this CCC with the function of other existing Community Consultative mechanisms the area, including the construction phase CCC (Condition B3.2) however, if it does this it must ensure that the above obligations are fully met in the combined process	Community Consultative Committee meeting minutes https://www.nswports.com.au/resources-filtered/port-botany-CCC-minutes	The Port Botany Expansion Community Consultative Committee has been combined into the Port Botany Neighbourhood Liaison Group, which was approved in a letter from the Director General on 16/9/2013. NSW Ports manage the meeting, SICTL is a participant as an operator. This audit assesses SICTLs compliance with the conditions. Minutes of the meetings are on NSW Ports website at: https://www.nswports.com.au/resources-filtered/port-botany-CCC-minutes Representatives and the chair are presented in each of the minutes. The CCC meets four times per year and minutes show environmental, community and rail matters are discussed.	C		
C3.3	NSW Ports Patrick Stevedores	The Applicant shall, at its own expense: (a) ensure that 2 of its representatives attend the Committee's meetings; (b) provide the Committee with regular information on the environmental performance and management of the development; (c) provide meeting facilities for the Committee; (d) arrange site inspections for the Committee, if necessary; (e) take minutes of the Committee's meetings; (f) make these minutes available on the Applicant's website within 14 days of the Committee meeting, or as agreed to by the Committee; (g) respond to any advice or recommendations the Committee may have in relation to the environmental management or performance of the development; and (h) forward a copy of the minutes of each Committee meeting, and any responses to the Committee's recommendations to the Director-General within a month of the Committee meeting	As above.	Refer response to CoA C3.2 above. The Auditor notes that NSW Ports (not the auditee) is responsible for the CCC.	C		
ENVIRONMENTAL MONITORING AND AUDITING							
C4.1	Patrick Stevedores	The Director-General shall be notified of any incident with actual or potential significant off-site impacts on people or the biophysical environment within 12 hours of the Applicant, or other relevant party undertaking the development, becoming aware of the incident. Full written details of the incident shall be provided to the Director-General within seven days of the date on which the incident occurred. The Director-General may require additional measures to be implemented to address the cause or impact of any incident, as it relates to this consent, reported in accordance with this condition, within such period as the Director-General may require	Notification and incident reporting records to DPIE dated 13/07/20, 11/08/20, 07/08/20, 21/08/20 and 18/09/20 Incident register September 2020 Incident register October 2020 – January 2021	The Auditee has provided two separate incident registers due to an update of the incident management system; one covering the period up to September 2020 (September 20 IR) and one covering the period of October 2020 to January 2021 (January 21 IR). Non-compliance: Both incident registers provided identify environmental incidents including those with the potential to result in pollution of waters. There is insufficient evidence available to demonstrate that these events were		NC	

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					C	NC	NT
				<p>notified in accordance with the condition, (or were not required to be). For example:</p> <ul style="list-style-type: none"> - The September 20 Incident Register identifies 14 incidents deemed reportable. The Auditee has provided only 5 incident notification records dated 13/07/20, 11/08/20, 07/08/20, 21/08/20 and 18/09/20 for the audit period. The reporting of these 5 events occurred within 12 hours. However similar evidence was not provided for the remaining 9 events. <p>Refer to section 3.7 regarding the provision of the incident register(s) to the Auditor.</p>			
C4.2	Patrick Stevedores	<p>The Applicant must prepare an Annual Environmental Management Report for the development. The Annual Environmental Management Report must:</p> <ul style="list-style-type: none"> - detail compliance with the conditions of this consent; - contain a copy of the Complaints Register (for the preceding twelve-month period, exclusive of personal details) and details of how these complaints were addressed and resolved; - include a comparison of the environmental impacts and performance predicted in the EIS and additional information documents provided to the Department and Commission of Inquiry; - detail results of all environmental monitoring required under the development consent and other approvals, including interpretations and discussion by a suitably qualified person; - contain a list of all occasions in the preceding twelve-month period when environmental performance goals have not been achieved, indicating the reason for failure to meet the goals and the action taken to prevent recurrence of that type of incident; - be prepared within twelve months of the commencement of operation, and every twelve months thereafter; - be approved by the Director-General each year; and - be made available for public inspection 	<p>Annual Environmental Management Report and Annual Compliance Report 2019, 13/03/20.</p> <p>Available online at https://patrick.com.au/environmental-monitoring/</p> <p>Post approval portal lodgement 18/03/20</p> <p>Letter DPIE to Patricks, 03/11/20.</p>	<p>2019 AEMR on website. https://patrick.com.au/environmental-monitoring/. The Department approved the 2019 report in November 2020.</p> <p>Observation: The 2020 Annual Environmental Management Report is due in mid-March 2021 but is yet to be developed.</p>	C		
C4.3		Removed – refer MOD 17.					
C4.4	Patrick Stevedores	<p>Prior to the commencement of operations an Environmental Training Program shall be developed and implemented to establish a framework in which relevant employees will be trained in environmental management and the operation of plant and equipment, including pollution control equipment, where relevant. The Program shall include, but not necessarily be limited to:</p> <ol style="list-style-type: none"> identification of relevant employment positions associated with the development that have an operational or management role related to environmental performance; details of appropriate training requirements for relevant employees a program for training relevant employees in operational and/ or management issues associated with environmental performance; and a program to confirm and update environmental training and knowledge during employment of relevant persons 	<p>Induction and training Section 4.3 of Patrick Port Botany Terminal Operational Environmental Management Plan' dated 2019, revision 02.</p> <p>Available on website: https://patrick.com.au/about/safety-and-environment/</p> <p>Induction - LITMOS Patricks e-learning system.</p> <p>Induction Register 2020</p>	<p>Section 4.3 of the OEMP identifies the training framework in operations. This includes induction, toolbox talks and specific task / work area training.</p> <p>The induction program indicates that environment and community matters are included. Records of induction completion for 2020 were sighted for the audit period.</p> <p>Non-compliance: Section 4.3 of the OEMP identifies the training framework in operations. This includes induction, toolbox talks and specific task / work area training. Section 4.3.2 of the OEMP identifies that Maintenance personnel, Shift & Yard Managers, Facilities</p>		NC	

CoA No	Auditee NSW Ports/ Patrick Stevedores	DA-494-11-2003 Condition of Consent Compliance Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
					C	NC	NT
				Manager would be trained in drain wardens. Interviews with project personnel (maintenance manager and HSE manager) indicated that only the plumber has been trained. Further, no toolboxes were provided detailing environmental training elements.			
C4.5	Patrick Stevedores	<p>Within one year of the commencement of operations and every year thereafter, the Applicant shall fund a full independent environmental audit. The audit must be undertaken by a suitably qualified person/team approved by the Director-General. The audits would be made publicly available and would:</p> <ul style="list-style-type: none"> - be carried out in accordance with ISO 14010 – Guidelines and General Principles for Environmental Auditing and ISO 14011 – Procedures for Environmental Auditing; - assess compliance with the requirements of this consent, and other licences and approvals that apply to the development; - assess the construction against the predictions made and conclusions drawn in the development application, EIS, additional information and Commission of Inquiry material; and - review the effectiveness of the environmental management of the development, including any environmental impact mitigation works. <p>Note: An independent and transparent environmental audit can verify compliance (or otherwise) with the Minister's consent and various approvals. Auditing also provides an opportunity for continued improvement in environmental performance</p>	<p>Letter, DPIE to NSW Ports, 10/10/17.</p> <p>Independent Environmental Audit, WolfPeak, 24/02/20. https://patrick.com.au/environmental-monitoring/</p> <p>Email DPIE to WolfPeak, 12/01/21.</p>	<p>WolfPeak were approved as the auditors in 2017.</p> <p>The Audit of the facility for the 2019 audit period was completed by WolfPeak in 2020 in accordance with this condition.</p> <p>This audit assesses compliance for the 2020 audit period and addresses each requirement of this condition, along with the requirements identified by the Department in consultation for this audit.</p>	C		

APPENDIX B – DEVELOPMENT CONSENT CONDITIONS - OPERATIONAL COA FOR DA 453

CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
				C	NC	NT
GENERAL						
1. OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT						
1.1	The Applicant shall implement all practicable measures to prevent or minimise any harm to the environment that may result from the construction and operation of the development.	Patrick Port Botany Terminal Operational Environmental Management Plan' dated 2019, revision 02. Available on website: https://patrick.com.au/about/safety-and-environment/ Evidence referred to elsewhere in this audit table.	The 'Patrick Port Botany Terminal Operational Environmental Management Plan' (OEMP) – Version 2, 2019) has been prepared to document management measures and is available on Patrick's Details regarding the implementation of the OEMP are provided in Section 1.3 of the plan. On-site inspection noted pollution control measures in place throughout the site and evidence provided below. Other than the observations and non-compliances identified in this table, the auditor is satisfied that the project has implemented all practicable measures.	C		
SCOPE OF DEVELOPMENT						
1.2	⁵ The Applicant shall carry out the development generally in accordance with: <ul style="list-style-type: none"> a) Development application DA-453-12-2002-I lodged with the Department on 16 December 2002, accompanied <i>Patrick Port Botany Container Terminal Upgrade, Environmental Impact Statement</i> (three volumes), dated November 2022 and prepared by Parsons Brinckerhoff; b) Additional information provided in respect of development application DA-453-12-2202-I, including: <ul style="list-style-type: none"> i) the letter from Parsons Brinckerhoff to Planning NSW dated 17 April 2003 titled <i>Patrick Port Botany EIS – Response to Hazard and Risk Issues</i>; ii) <i>Upgrade of Port Botany Container Terminal, Revised Noise Assessment</i>, dated May 2003 and prepared by Wilkinson Murray Pty Ltd; iii) <i>Supplementary Avifauna Survey & Assessment of Impacts</i>, dated 26 May 2003 and prepared by AMBS Consulting; iv) the memorandum from Patricks Brinckerhoff dated 30 May 2003 and titled <i>Patrick Water Quality Assessment</i>; v) the amended development application submitted to the Department on 30 May 2003 and associated drawings; vi) the letter from Patrick Terminals to Planning NSW dated 11 June 2003 titled <i>Patrick Port Botany EIS</i>; vii) the memorandum from Fielders Engineers Pty Ltd to Parsons Brinckerhoff dated 20 June 2003 titled <i>Transport NSW's Comments</i>; viii) the letter from Qest Consulting Group to Parsons Brinckerhoff dated 3 July 2003 titled <i>Preliminary Hazard Analysis for Patrick Stevedores</i>; c) modification application MOD-56-6-2004-I, lodged with the Department on 28 May 2004 and accompanied by the supplementary document titled <i>Application to Modify Development Consent</i>, dated 19 May 2004; d) modification application MOD-83-8-2004-i, lodged with the Department on 16 August 2004, accompanied by four plans titled <i>Proposed Staff Amenities</i> (Job No. 0400107, Revision C) numbered 01 to 04 respectively; e) modification application MOD-156-10-2005-I, lodged with the Department on 6 October 2005, accompanied correspondence dated 6 October 2005 and titled <i>S96(1A) Application: Patrick Corporation – Port Botany Terminal</i> and plan titled <i>Proposed Administration Building</i> (Job No. PDS-06-38, Revision A); f) modification application MOD-38-3-2006-i, lodged with the Department on 2 March 2006, accompanied correspondence dated 1 March 2006 and titled <i>S96(1A) Application: Patrick Corporation – Port Botany Terminal</i>, and plans titled <i>Proposed Administration Building</i> (Job No. PDS-06-38, Revision D); g) modification application MOD-38-4-2007-i, lodged with the Department on 11 April 2007, accompanied correspondence dated 10 April 2007 and titled <i>S.96(1A) Application, Patrick Corporation – Port Botany Terminal</i>, and plans titled <i>Proposed Additional Staff Amenities</i> (Job No. PDS-07-81, Issue E); 	Evidence referred to elsewhere in the compliance table.	Compliance with these requirements is verified through this independent audit process. Assessment of compliance is made against the consolidated condition approval inclusive of MODS 1-8 and considers the EIS and associated documents.	C		

⁵ Incorporates EPA General Terms of Approval – A 1.1

CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
				C	NC	NT
	<p>h) modification application MOD-76-9-2007-i, lodged with the Department on 24 August 2007, accompanied correspondence 19 June 2007 and 5 November 2007 titled <i>S.96(1A) Application, Patrick Corporation - Port Botany Terminal</i>, and the following plans:</p> <p>i) <i>Proposed Camco Trafficgate</i> (Job No. PDS-07-84, Issue B, Drg. No.: 01);</p> <p>ii) <i>Proposed Camco Trafficgate</i> (Job No. PDS-07-84, Issue B, Drg. No.: 02);</p> <p>iii) <i>Proposed Camco Trafficgate</i> (Job No. PDS-07-84, Issue B, Drg. No.: 03);</p> <p>iv) <i>Truck Portal Gate Frame Arrangement and Details</i> (Project No. SY070313, Dwg No. S5.00, Issue A);</p> <p>v) <i>Train Portal Gate Frame Arrangement and Details</i> (Project No. SY070313, Dwg No. S4.00, Issue E);</p> <p>vi) <i>Train Portal Gate Frame Footing Plan and Details</i> (Project No. SY070313, Dwg No. S4.00, Issue D);</p> <p>vii) <i>Structural Notes</i> (Project No. SY070313, Dwg No. S1.00, Issue D);</p> <p>i) modification application DA-453-12-2002-i MOD 7, accompanied by an assessment report titled <i>Section 75W Modification Port Botany Container Terminal Environmental Assessment</i> prepared by GHD and dated June 2013; and</p> <p>j) the conditions of this consent.</p> <p>In the event of an inconsistency between a condition of this consent and the documents listed under (a) to (i) above, the conditions of consent shall prevail to the extent of the inconsistency.</p>					
Staged Development						
1.3	Under Section 80(4) of the Act, this consent applies to the development, as described in Schedule 1, only.	-	Noted.	C		
Provision of Documents						
1.6	<p>Where practicable, the Applicant shall provide all documents and reports required to be submitted to the Director-General under this consent in an appropriate electronic format. Provision of documents and reports to other parties, as required under this consent, shall be in a format acceptable to those parties and shall aim to minimise resource consumption.</p> <p>Note: At the date of this consent, an appropriate electronic format for submission to the Director-General in the "portable document format" (pdf) or another format that may be readily converted to pdf.</p>	DPIE Post approval portal lodgement records (various)	The Department has established the post approval portal for lodgement of all post approval and compliance related documentation. Evidence demonstrates that the auditee is utilising this portal as per the Departments requirements.	C		
Statutory Requirements						
1.7	The Applicant 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 Applicant to obtain, renew or comply with such licences, permits or approvals.	<p>EPBC Approval 2002/534 EPL 6962</p> <p>Sydney Water Trade Waste Consent No. 24990.</p> <p>Patrick Port Botany Terminal Operational Environmental Management Plan' dated 2019, revision 02.</p> <p>Available on website: https://patrick.com.au/about/safety-and-environment/</p>	<p>The Federal EPBC Approval 2002/543 and EPL 6962 remain valid. Sydney Water Trade Waste Consent No. 24990 is current. A number of other permits, licences and approvals, as issued by various government authorities, have been obtained for the operation of the terminal and are listed in Section 2.3 of the OEMP which is available on the Patrick website.</p> <p>Trade Wastewater Discharge Schedule Permit No 40110 issued by Sydney Water for grease arrestor at canteen.</p>	C		
Compliance						
1.9	The Applicant shall ensure that all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent.	Induction - LITMOS Patricks e-learning system.	The induction program includes details on the consent and EPL, environmental responsibilities, spill management, waste, noise and so forth.	C		
1.10	The Applicant shall be responsible for the environmental impacts resulting from the actions of all persons on the site, including any visitors.	<p>Incident register September 2020</p> <p>Incident register October 2020 – January 2021</p>	The October 2020 – January 2021 incident register indicates that Patricks take responsibility for all incidents on site.	C		
1.12	Prior to the commencement of operation of the development, the Applicant shall certify in writing, to the satisfaction of the Director-General that it has obtained all the necessary statutory approvals for operations, and complied with all relevant conditions of this consent and/or any other statutory requirements for this development.	<p>Pre-operational Compliance Report dated December 2015.</p> <p>DPIE Approval dated 4/02/2016.</p>	The Pre-Operational Compliance Report for the Patrick Port Botany 'Knuckle' and Ramp D (dated December 2015) was approved by the Director-General on 4 February 2016 (refer to letter from Ms Karen Harragon, NSW Department of Planning & Environment to Mr Trevor Brown, NSW Ports).	C		

CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status																
				C	NC	NT														
1.13	Notwithstanding conditions 1.11 and 1.12 of this consent, the Director-General may require an update on compliance with all, or any part, of the conditions of this consent. Any such update shall meet the reasonable requirements of the Director-General and be submitted within such period as the Director-General may agree.	Annual Environmental Management Report and Annual Compliance Report 2019, 13/03/20. Letter DPIE to Patricks, 10/08/20	2019 Annual Compliance Report was submitted 28/04/20. The Department approved the report on 10/08/20. No actions were identified by the Department other than resubmission for DA494.	C																
1.14	The Applicant shall meet the requirements of the Director-General in respect of the implementation of any measure necessary to ensure compliance with the conditions of this consent, and general consistency with the EIS and those documents listed under condition 1.2 of this consent. The Director-General may direct that such a measure be implemented in response to the information contained within any report, plan, correspondence or other document submitted in accordance with the conditions of this consent, within such time as the Director-General may agree.	Annual Environmental Management Report and Annual Compliance Report 2019, 13/03/20. Letter DPIE to Patricks, 10/08/20	2019 Annual Compliance Report was submitted 28/04/20. The Department approved the report on 10/08/20. No actions were identified by the Department other than resubmission for DA494.	C																
Dispute Resolution																				
1.15	In the event that a dispute arises between the Applicant and Council or a public authority other than the Department, in relation to a specification or requirement applicable under this consent, the matter shall be referred by either party to the Director-General, or if not resolved, to the Minister, whose determination of the dispute shall be final and binding on all parties. For the purpose of this condition, "public authority" has the same meaning as provided under Section 4 of the Act. Note: Section 121 of the Environmental Planning and Assessment Act 1979 provides mechanisms for resolution of disputes between the Department, the Director-General, councils and public authorities.	Interview with auditees 21/01/21	There have been no known disputes in relation to this condition.			NT														
3. ENVIRONMENTAL PERFORMANCE																				
Noise Limits																				
3.3	⁶ Noise generated by the development shall not exceed the noise limits presented in the table below, unless otherwise agreed by the Director-General: <table border="1" data-bbox="296 1150 1389 1339"> <thead> <tr> <th>Location</th> <th>Day L_{Aeq} (15 minute)</th> <th>L_{A1} (1 minute)</th> <th>Evening L_{Aeq} (15 minute)</th> <th>L_{A1} (1 minute)</th> <th>Night L_{Aeq} (15 minute)</th> <th>L_{A1} (1 minute)</th> </tr> </thead> <tbody> <tr> <td>Most affected residential premises</td> <td>55</td> <td>55</td> <td>43</td> <td>55</td> <td>43</td> <td>55</td> </tr> </tbody> </table>	Location	Day L _{Aeq} (15 minute)	L _{A1} (1 minute)	Evening L _{Aeq} (15 minute)	L _{A1} (1 minute)	Night L _{Aeq} (15 minute)	L _{A1} (1 minute)	Most affected residential premises	55	55	43	55	43	55	Noise Monitoring Reports May and Nov 20, Rodney Stevens Acoustics. https://patrick.com.au/environmental-monitoring/ Complaints register current to 20/01/21	Biannual noise monitoring reports are completed. The reports conclude that 'operational noise is considered to comply with EPL 6962, day, evening and night-time noise limits. It is noted that noise limits within the EPL are equal to or more stringent than those quoted in this Condition. Noise complaints received during the audit period were investigated and determined by the auditee to not be attributable to their operations.	C		
Location	Day L _{Aeq} (15 minute)	L _{A1} (1 minute)	Evening L _{Aeq} (15 minute)	L _{A1} (1 minute)	Night L _{Aeq} (15 minute)	L _{A1} (1 minute)														
Most affected residential premises	55	55	43	55	43	55														
3.4	⁷ For the purpose of condition 3.3 of this consent: (a) Day is defined as the period from 7.00am to 6.00pm Monday to Saturday and 8.00am to 6.00pm Sundays and Public Holidays; (b) Evening is defined as the period from 6.00pm to 10.00pm; and (c) Night is defined as the period from 10.00pm to 7.00am Monday to Saturday and 10.00pm to 8.00am Sundays and Public Holidays.	As above	As above.	C																
Noise Assessment Report																				

⁶ EPA General Terms of Approval – L 6.1

⁷ EPA General Terms of Approval – L 6.2

CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
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3.6	⁸ Noise from the site shall be measured at the most affected point on or within the residential boundary, to determine compliance with the noise limits in condition 3.3 of this consent. Where it can be demonstrated that direct measurement of noise from the site is impractical, the EPA may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy. The modification factors provided in Section 4 of the NSW Industrial Noise Policy shall be applied to the measured noise levels where applicable.	Noise Monitoring Reports May and Nov 20, Rodney Stevens Acoustics. https://patrick.com.au/environmental-monitoring/	Biannual noise monitoring reports are completed. The noise reports satisfy this requirement	C		
3.7	⁹ Noise from the site shall be measured at 1 metre from the bedroom window to determine compliance with the LA ₁ (1 minute) and LA _{MAX} noise limits in condition 3.3 of this consent.	As above.	Biannual noise monitoring reports are completed. The noise reports identify this requirement and satisfactorily address it.	C		
3.8	¹⁰ The noise emission limits identified in condition 3.3 of this consent apply under meteorological conditions of: (a) wind speeds of up to 3 m/s at 10 metres above ground level; and (b) temperature inversion conditions of up to 3°C/100 metres.	As above.	Biannual noise monitoring reports are completed. The noise reports address weather conditions.	C		
3.22	Vehicles associated with the development are not permitted to park, queue or stand on Penrhyn Road, Foreshore Road or the boat ramp car park and access road at any time.	Site inspection 21/01/21 Complaints register current to 20/01/21 Incident register September 2020 Incident register October 2020 – January 2021	No parking or queuing was observed. No complaints relating to parking or queuing were raised during the audit period. No incidents of this nature were identified.	C		
3.23	No parking shall be permitted on the internal roadways and outside the designated parking areas.	Site inspection 21/01/21 Complaints register current to 20/01/21 Incident register September 2020 Incident register October 2020 – January 2021	No parking or queuing was observed. No complaints relating to parking or queuing were raised during the audit period. No incidents of this nature were identified.	C		
3.24	All trucks entering the development shall be wholly contained within the site before being required to stop.	Site inspection 21/01/21 Complaints register current to 20/01/21 Incident register September 2020 Incident register October 2020 – January 2021	No parking or queuing was observed. No complaints relating to parking or queuing were raised during the audit period. No incidents of this nature were identified.	C		
3.25	The use of landscaping shall not affect driver sight distance for vehicles entering and exiting the site.	Site inspection 21/01/21	Landscaping does not affect the site lines.	C		
Water Quality Impacts						

⁸ EPA General Terms of Approval – L 6.3

⁹ EPA General Terms of Approval – L 6.4

¹⁰ EPA General Terms of Approval – L 6.5

CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status														
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Pollution of Waters																		
3.33	¹¹ Except as may be expressly provided by a licence issued under the <i>Protection of the Environment Operations Act 1997</i> in relation of the development, section 120 of the <i>Protection of the Environment Operations Act 1997</i> shall be complied with and in connection with the carrying out of the development.	Letter EPA to Patricks, 09/03/20 Email chain Patricks and EPA, 30/06 – 23/07/20. Incident register September 2020 Incident register October 2020 – January 2021 EPL 6962	No water quality monitoring is required by the EPL (6962) and there are no licenced discharge points. Non-compliance: On 09/03/20 the EPA issued an Official Caution to Patrick Stevedores for a spill of hydraulic fluid at the premises on 31 January 2020. The Official Caution was issued because the EPA had reasonable grounds to believe that Patrick Stevedores committed two offences under the Protection of the Environment Operations Act 1997, by failing to prevent pollution of waters in relation to the spill, and by failing to operate plant and equipment in a proper and efficient manner. The Official Caution recommended that Patrick Stevedores undertake a review of its procedures and engineering protections relating to long travel of quay cranes. There is no evidence to demonstrate that a review was completed in accordance with the Official Caution. Both incident registers provided identify environmental incidents including those with the potential to result in pollution of waters. There is insufficient evidence available to demonstrate that these events were notified in accordance with the condition, as per the requirements of Part 5.7 of the POEO Act, (or were not required to be). Refer to section 3.7 regarding the provision of the incident register(s) to the Auditor.		NC													
Concentration Limits																		
3.34	¹² The concentration limit of a pollutant discharged at Point 1 of the existing licence, shall not exceed the concentration limits specified for that pollutant in the table in condition 3.36 of this consent.	EPL 6962	No discharge points in EPL. No discharges permitted.			NT												
3.35	¹³ Where a pH quantity limit is specified in the table in condition 3.36 of this consent, the specified percentage of samples shall be within the specified ranges.	EPL 6962	No discharge points in EPL. No discharges permitted.			NT												
3.36	¹⁴ To avoid any doubt, this condition does not authorise the discharge of emission of any other pollutants. Discharge Location - Point 1	EPL 6962. Sydney Water Trade Waste Consent No. 24990.	This discharge point was made redundant by the construction of the covered workshop area. A Trade Waste Agreement is now in place with Sydney Water for discharges from this area.			NT												
	<table border="1"> <thead> <tr> <th>POLLUTANT</th> <th>UNIT OF MEASURE</th> <th>100% CONCENTRATION LIMIT</th> </tr> </thead> <tbody> <tr> <td>Oil and Grease</td> <td>mg/L</td> <td>10</td> </tr> <tr> <td>Total Suspended Solids</td> <td>mg/L</td> <td>30</td> </tr> <tr> <td>pH</td> <td>pH</td> <td>6.5-8.5</td> </tr> </tbody> </table>	POLLUTANT	UNIT OF MEASURE	100% CONCENTRATION LIMIT	Oil and Grease	mg/L	10	Total Suspended Solids	mg/L	30	pH	pH	6.5-8.5					
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pH	pH	6.5-8.5																
Waste Management																		

¹¹ EPA General Terms of Approval – L 1.1 and A 2.1

¹² EPA General Terms of Approval – L 3.1

¹³ EPA General Terms of Approval – L 3.2

¹⁴ EPA General Terms of Approval – L 3.3

CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
				C	NC	NT
3.38	<p>¹⁵The Applicant shall not cause, permit, or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing, or disposal; or any waste generated at the premises to be disposed at the premises, except as expressly permitted by a licence issued by the EPA under the <i>Protection of the Environment Operations Act 1997</i>.</p> <p>This condition only applies to the storage, treatment, processing, reprocessing, or disposal; or any waste generated at the premises if it requires an environment protection licence under the <i>Protection of the Environment Operations Act 1997</i>.</p>	<p>Waste Management Plan Section 6.4 of the Patrick Port Botany Terminal Operational Environmental Management Plan¹ dated 2019, revision 02.</p> <p>Available on website: https://patrick.com.au/environmental-monitoring/</p> <p>EPL 6962</p> <p>Transport Certificate for J12 liquid waste, 29/09/20, 17/11/20, 20/03/20</p> <p>Site inspection 21/01/21</p>	<p>A Waste Management Plan (OEMP, V2, 2019 – section 6.4) identifies the approach to managing wastes on site. The OEMP was approved by the Department prior to the current audit period. A minor update to the OEMP occurred in 2019.</p> <p>EPL 6962 Condition L2 allows Patrick Stevedores to receive types of waste at the premises.</p> <p>Waste management on site (liquid and solid waste) was satisfactory.</p> <p>Liquid waste was being tracked in accordance with the POEO Act and Waste Regulation.</p>	C		
3.39	<p>¹⁶Except as expressly permitted by a licence issued by the EPA under the <i>Protection of the Environment Operations Act 1997</i>, only the hazardous and/or industrial and/or Group A waste listed below may be generated and/or stored at the premises:</p> <p>waste oil/water, hydrocarbons/water mixtures or emulsions; and grease trap waste</p>	<p>Site inspection 21/01/21</p>	<p>Site records and observations made during the audit inspection are consistent with this requirement. No hazardous wastes identified other than those listed.</p>	C		
3.40	<p>¹⁷The quantity of hazardous and/or industrial and/or Group A waste generated on the premises shall not exceed 200 tonnes per year.</p>	<p>Waste Management Register dated 29/01/21</p>	<p>Observation: Records of waste oil (the main hazardous waste generated from site) indicate the total amount generated for 2019 was approximately 40 tonnes. Whilst waste streams would be generally consistent with previous years due to operations remaining largely unchanged, the waste register provided did not include records for 2020 and so there is no quantitative evidence available to support compliance with this condition.</p>	C		
3.41	<p>¹⁸The quantity of hazardous and/or industrial and/or Group A waste stored on the premises shall not exceed 70 tonnes at any one time.</p>	<p>Site inspection 21/01/21</p> <p>Waste Management Register dated 29/01/21</p>	<p>Estimate made during site inspection on 21/01/21 indicated that ~200k L of waste oil is able to be stored. Waste register provided did not include records for 2020.</p> <p>Non-compliance: Records of waste oil (the main hazardous waste generated from site) indicate the total amount generated for 2019 was approximately 40 tonnes. Whilst waste streams would be generally consistent with previous years due to operations remaining largely unchanged, the waste register provided did not include records for 2020 and so there is no quantitative evidence available to support compliance with this condition.</p>		NC	
3.42	<p>A designated area for the storage and collection of waste and recyclable materials shall be provided on the site. Details of this shall be provided in the Waste Management Plan required under condition 6.4 (d) of this consent.</p>	<p>Site inspection 21/01/21</p> <p>Waste Management Plan Section 6.4 of the Patrick Port Botany Terminal Operational</p>	<p>A Waste Management Plan (OEMP, V2, 2019 – section 6.4) identifies the approach to managing wastes on site. The OEMP was approved by the Department prior to the current audit period. A minor update to the OEMP occurred in 2019.</p>	C		

¹⁵ EPA General Terms of Approval – L 5.1 and L 5.2

¹⁶ EPA General Terms of Approval – L 5.3

¹⁷ EPA General Terms of Approval – L 5.4

¹⁸ EPA General Terms of Approval – L 5.5

CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
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		Environmental Management Plan' dated 2019, revision 02. Available on website: https://patrick.com.au/environmental-monitoring/	Waste streams have been identified in the WMP referenced in Condition 3.38. Implementation of waste collection and recycling evident during site inspection.			
3.43	All wastes and material generated on the site during construction and operation shall be classified in accordance with the EPA's <i>Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes</i> and be disposed of to a facility that may lawfully accept the waste.	Waste Management Plan Section 6.4 of the Patrick Port Botany Terminal Operational Environmental Management Plan' dated 2019, revision 02. Available on website: https://patrick.com.au/environmental-monitoring/ EPL 6962 Transport Certificate for J12 liquid waste, 29/09/20, 17/11/20, 20/03/20 Site inspection 21/01/21	A Waste Management Plan (OEMP, V2, 2019 – section 6.4) identifies the approach to managing wastes on site. The OEMP was approved by the Department prior to the current audit period. A minor update to the OEMP occurred in 2019. To note: the wastes being generated are pre-classified within the NSW Waste Classification Guidelines. Waste management on site (liquid and solid waste) was satisfactory. Non-compliance: Whilst a request was made by the Auditor, no evidence was provided by the Auditee to demonstrate that: <ul style="list-style-type: none"> • Solid waste was being directed to waste facilities lawfully permitted to receive waste • Waste tyres being tracked in accordance with the POEO Waste Regulation. The Auditor also observes that the Patricks waste register previously used to track waste types, volumes, transporters and destinations etc is incomplete for the audit period.		NC	
3.44	The Applicant shall be responsible for involving and encouraging employees and contractors to minimise domestic waste production on site and to reuse/recycle where possible.	Induction - LITMOS Patricks e-learning system. Interview with auditees 21/01/21 Site inspection 21/01/21	The induction includes details on the consent and EPL, environmental responsibilities, spill management, waste, noise and so forth. Waste segregation for the purposes of reuse and recycling observed. Waste tyres are collected by the supplier for recycling. The auditees identified work gloves as a potential opportunity for further waste reduction for 2021.	C		
Air Quality Impacts						
Dust Emissions						
3.45	¹⁹ The Applicant shall design, construct, operate and maintain the development in a manner which minimises or prevents the emission of dust from the site.	Operation Air quality Management Plan Section 6.1 of the Patrick Port Botany Terminal Operational Environmental Management Plan' dated 2019, revision 02. Available on website: https://patrick.com.au/about/safety-and-environment/ Site inspection 21/01/21 Complaints register current to 20/01/21	The Air Quality Management Plan sits (OEMP, V2, 2019 – Section 6.1) has been prepared in consultation with the relevant stakeholders and approved by the Department prior to the current audit period. The OEMP underwent a minor update in 2019. No dust emissions were detected during the audit site inspection and no complaints from parties external to the site regarding dust emissions have been received during the reporting period.	C		
3.46	All trafficable areas and vehicle manoeuvring areas in or on the premises shall be maintained, at all times, in a condition that will minimise the generation or emission from the premises, of windblown or traffic generated dust.	Site inspection 21/01/21 Complaints register current to 20/01/21	Surfaces are paved and no loose materials were noted during site inspection	C		

¹⁹ EPA General Terms of Approval – O 3.1

CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
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Ventilation						
Hazards and Risk Impacts						
3.49	The Applicant shall not store or handle Dangerous Goods of Class 2.3, toxic compressed or liquefied gases above the quantities stored or handled in 1995/96 except in accordance with recommendations 1.1 and 1.2 in the <i>Port Botany Land Use Safety Study (1996)</i> .	Patricks Annual Dangerous Goods Report dated 01/09/19 – 31/08/20.	Patricks hold approximately 18 containers. Well below the 157 container threshold for the Port Botany Facility.	C		
Incident Report						
3.52	Within 24 hours of any incident or potential incident with actual or potential significant off-site impacts on people or the biophysical environment, a report shall be supplied to the Department outlining the basic facts. A further detailed report shall be prepared and submitted following investigations of the causes and identification of necessary additional preventive measures. That report must be submitted to the Director-General no later than 14 days after the incident or potential incident. The Applicant shall maintain a register of accidents, incidents and potential incidents. The register shall be made available for inspection at any time by the independent hazard auditor, the Director-General and Council.	Notification and incident reporting records to DPIE dated 13/07/20, 11/08/20, 07/08/20, 21/08/20 and 18/09/20 Incident register September 2020 Incident register October 2020 – January 2021	Non-compliance: Both incident registers provided identify environmental incidents including those with the potential to result in pollution of waters. There is insufficient evidence available to demonstrate that these events were notified in accordance with the condition, (or were not required to be). For example: - The September 20 Incident Register identifies 14 incidents deemed reportable. The Auditee has provided only 5 incident notification records dated 13/07/20, 11/08/20, 07/08/20, 21/08/20 and 18/09/20 for the audit period. The reporting of these 5 events occurred within 12 hours. However similar evidence was not provided for the remaining 9 events. Refer to section 3.7 regarding the provision of the incident register(s) to the Auditor.		NC	
Hazard Audit						
3.53	Twelve months after the commencement of operations of the proposed development or within such further period as the Director-General may agree, the Applicant shall carry out a comprehensive hazard audit of the proposed development and within one month of the audit submit a report to the Director-General. The audit shall be carried out at the Applicant's expense by a duly qualified independent person or team approved by the Director-General prior to commencement of the audit. Further audits shall be carried out every three years or as determined by the Director-General and a report of each audit shall be submitted to the Director-General within one month of the audit. Hazard audits shall be carried out in accordance with the Department's <i>Hazardous Industry Planning Advisory Paper No. 5, "Hazard Audit Guidelines"</i> . The audit shall include a review of all entries made in the incident register since the previous audit.	Hazard audit report dated 27/02/20 DPIE submission correspondence dated 27/02/20. DPIE approval correspondence dated 26/06/20	Hazard Audit of Patrick Port Botany Terminal, NSW dated 27/02/20 undertaken by Planager on 22/10/19 and 25/10/19. Submission to DPIE dated 27/02/2020 and approval dated 26/06/200 Non-compliance: The Hazard Audit Report was submitted to the Director-General more than one month from the date of the audit. To note, the Department's correspondence on their review of the Hazard Audit Report did not raise the delay in submission as an issue.		NC	
Further Requirements						
3.54	The Applicant shall comply with all reasonable requirements of the Director-General in respect of the implementation of any measures arising from the reports submitted in respect of conditions 3.50 (a) to (d) inclusive, within such time as the Director-General may agree.	-	No requirements apply			NT
Landscaping						
3.57	²⁰ A Vegetation Management Plan shall be prepared in accordance with condition 6.4 (b) of this consent. The Plan shall detail the proposed methods to be used to maintain the revegetated areas after completion of the works. The Plan shall be submitted to the Waterways Authority prior to a Part 3A Permit being issued.	Vegetation Management Plan section 6.10 of Operational Environmental Management Plan' dated 2019, revision 02. Available on website: https://patrick.com.au/about/safety-and-environment/	The Vegetation Management Plan (OEMP V2, 2019 – Section 6.10) has been prepared in consultation with the relevant stakeholders and addresses the requirements of this condition. The OEMP was approved by the Department prior to the current audit period. The OEMP underwent a minor update in 2019	C		
3.58	All noxious weeds, as listed under the <i>NSW Noxious Weed Act 1993</i> , on site shall be removed during construction and operation of the development.	Vegetation Management Plan section 6.10 of Operational	The Vegetation Management Plan (OEMP V2, 2019 – Section 6.10) has been prepared in consultation with the relevant stakeholders and addresses the	C		

²⁰ Waterways Authority General Terms of Approval

CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
				C	NC	NT
		Environmental Management Plan' dated 2019, revision 02. Available on website: https://patrick.com.au/about/safety-and-environment/ Site inspection 21/01/21	requirements of this condition. The OEMP was approved by the Department prior to the current audit period. The OEMP underwent a minor update in 2019 No weeds or vegetation were observed during the audit.			
3.59	Appropriate weed management for the site, especially landscaped areas, shall be undertaken for the life of the development. Details of this shall be included in the Vegetation Management Plan required under condition 6.4 (b).	Vegetation Management Plan section 6.10 of Operational Environmental Management Plan' dated 2019, revision 02. Available on website: https://patrick.com.au/about/safety-and-environment/ Site inspection 21/01/21	The Vegetation Management Plan (OEMP V2, 2019 – Section 6.10) has been prepared in consultation with the relevant stakeholders and addresses the requirements of this condition. The OEMP was approved by the Department prior to the current audit period. The OEMP underwent a minor update in 2019 No weeds or vegetation were observed during the audit.	C		
3.60	The Applicant shall install, operate and maintain an irrigation system throughout all landscaped areas with no overspray onto hard surfaces. Details of the irrigation system proposed shall be included in the Vegetation Management Plan required under condition 6.4(b) of this consent. The system shall comply with all relevant Australian Standards. Note: It is recognised that some irrigation is necessary, however, the Applicant is encouraged to reduce the dependence on irrigation by planting trees and shrubs that are endemic to the area and capable of withstanding low levels of water as reflected in condition 3.60 of this consent.	Vegetation Management Plan section 6.10 of Operational Environmental Management Plan' dated 2019, revision 02. Available on website: https://patrick.com.au/about/safety-and-environment/	The area of land under Ramp D (also known as The Undercroft) has been transferred from Patricks to NSW Ports and is now under the latter organisation's control.			NT
Lighting						
3.61	The Applicant must ensure that all external lighting associated with the development is mounted, screened, and directed in such a manner so as not to create a nuisance to surrounding properties or roadways. The lighting shall be the minimum level of illumination necessary and shall comply with AS 4282 1997 – <i>Control of the Obtrusive Effects of Outdoor Lighting</i> .	Aviation Operational Impacts Management Plan Section 6.8 of Patrick Port Botany Terminal Operational Environmental Management Plan' dated 2019, revision 02. Available on website: https://patrick.com.au/about/safety-and-environment/ Complaints register current to 20/01/21	Patrick has obtained approval under the Airports (Protection of Airspace). Section 6.8 of the OEMP addresses potential aviation operational impacts and controls which include monitoring, including light management. No complaints regarding lighting were received during the audit period.	C		
Staff Induction Program						
3.62	The development's staff induction program shall incorporate special instructions relating to noise control and related "on the job" training, as deemed appropriate. Such training shall ensure that all staff involved in the operation of the terminal's mobile equipment, such as the straddle carriers, reach stackers and forklift trucks, and the gantry cranes and quay cranes, are aware of the need to ensure the following: a) The correct placement and/or lowering of containers to minimise potential adverse noise impacts and specifically the control of transient impact noise; b) The site's environment officer shall carry out routine inspections during the day, evening and night. Individual operations staff shall be assessed to determine the performance rating on each staff member and his or her duties; and That each employee is made aware that one of the conditions of his or her continued employment shall be compliance with the site's noise emission goals and guidelines relating to the operational impact noise reduction. Those documented conditions will form an integral part of the project's Environmental Quality Assurance Program.	Induction - LITMOS Patricks e-learning system	The project induction includes details on the consent and EPL, environmental responsibilities, spill management, waste, noise management and so forth	C		
Telephone Hotline						
3.63	Prior to the commencement of construction, the Applicant shall establish and list with the telephone company a 24-hour free call complaints contact telephone number. The Applicant shall provide the telephone number to the Department, EPA and Council and written notification shall be given to the surrounding residents.	Phone hotline number publicly displayed at https://patrick.com.au/contact/	This information is available on the Patrick website. Complaints number tested and call was answered during a test. No issues.	C		

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	The aim of the complaints line is to enable any member of the public to reach a person who can arrange appropriate corrective action to the complaint within two hours, 24 hours per day for the duration of construction and operation of the development.					
Complaints Register						
3.64	<p>The Applicant shall record details of all complaints received in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:</p> <ul style="list-style-type: none"> k) the date and time of the complaint; l) the means by which the complaint was made; m) any personal details of the complainant that were provided, or if not, details were provided, a note to that effect; n) the nature of the complaints; o) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and p) if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken. <p>The Complaints Register shall be made available for inspection by the Director-General, EPA and Council upon request. The Applicant shall also make summaries of the register, without details of the complainants, available for public inspection.</p>	<p>Complaints register current to 20/01/21</p> <p>Community Feedback Reports Q1-Q3 2020.</p> <p>https://patrick.com.au/environmental-monitoring/</p>	<p>The complaints register was sighted. It addresses each of the requirements in this condition. According to the register 6 complaints have been received in 2020. These related to noise (of which investigations found that none were attributable to the project), and a sediment issue on the boundary with SICTL Terminal 3.</p> <p>Quarterly Community Feedback Reports are prepared and submitted to the Department in accordance with DA 494 Condition C3.1.</p> <p>Observation: Quarterly Community Feedback Reports for Q1 – Q3 2020 are available on Patrick’s website and contain the information and details required by this condition. These were submitted to the Department. However there is no evidence of a Community Feedback Report being prepared for Q4 of 2020.</p>	C		
5. ENVIRONMENTAL MONITORING						
General Monitoring Requirements						
5.1	²¹ The results of any monitoring required to be conducted by the EPA’s general terms of approval, or a licence under the <i>Protection of the Environment Operations Act 1997</i> , in relation to the development or in order to comply with the load calculation protocol shall be recorded and retained as set out in conditions 5.2 and 5.3 of this consent.	<p>Noise Monitoring Reports May and Nov 20, Rodney Stevens Acoustics.</p> <p>https://patrick.com.au/environmental-monitoring/</p>	<p>Biannual Noise Compliance Monitoring Reports for May and November 2020 sighted. They are prepared in accordance with EPL 6962.</p> <p>Observation: The November 2020 Noise Monitoring Report is not published on the website.</p>	C		
5.2	²² All records required to be kept by the licence shall be: <ul style="list-style-type: none"> (a) In a legible form, or in a form that can readily be reduced to a legible form (b) Kept for at least four years after the monitoring or event to which they relate took place; and (c) Produced in a legible form to any authorised officer of the EPA who asks to see them. 	<p>Noise Monitoring Reports 2016 - 2020.</p> <p>https://patrick.com.au/environmental-monitoring/</p>	<p>Biannual Noise Compliance Monitoring Reports are legible and available on the website as far back as 2016. They are prepared in accordance with EPL 6962.</p> <p>Observation: The November 2020 Noise Monitoring Report is not published on the website.</p>	C		
5.3	²³ The following records shall be kept in respect of any samples required to be collected: <ul style="list-style-type: none"> (a) The date(s) on which the sample was collected; 	As above.	Refer Condition 5.2. No other monitoring has been required during the audit period.	C		

²¹ EPA General Terms of Approval – M 1.1

²² EPA General Terms of Approval – M 1.2

²³ EPA General Terms of Approval – M 1.3

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	(b) The time(s) at which the sample was collected; (c) The point at which the sample was taken; and (d) The name of the person who collected the sample.																																													
Requirement to Monitor Concentrations of Pollutants Discharged																																														
5.4	<p>The Applicant shall monitor the discharge of pollutants at monitoring location Point 2. The Applicant shall monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in column 1 of the Table below. The Applicant shall use the sampling methods, units of measure, and sample at the frequency, specified in the columns of the Table below.</p> <table border="1"> <thead> <tr> <th>POLLUTANT</th> <th>UNITS OF MEASURE</th> <th>FREQUENCY</th> <th>SAMPLING METHOD</th> </tr> </thead> <tbody> <tr> <td>Oil and Grease</td> <td>mg/L</td> <td>Special Frequency 1</td> <td>Representative</td> </tr> <tr> <td>Total Suspended Solids</td> <td>mg/L</td> <td>Special Frequency 1</td> <td>Representative</td> </tr> <tr> <td>Turbidity</td> <td>NTU</td> <td>Special Frequency 1</td> <td>Representative</td> </tr> <tr> <td>Chemical Oxygen Demand</td> <td>mg/L</td> <td>Special Frequency 1</td> <td>Representative</td> </tr> <tr> <td>Total Organic Carbon</td> <td>mg/L</td> <td>Special Frequency 1</td> <td>Representative</td> </tr> <tr> <td>Total Petroleum Hydrocarbons</td> <td>mg/L</td> <td>Special Frequency 1</td> <td>Representative</td> </tr> <tr> <td>Lead</td> <td>mg/L</td> <td>Special Frequency 1</td> <td>Representative</td> </tr> <tr> <td>Zinc</td> <td>mg/L</td> <td>Special Frequency 1</td> <td>Representative</td> </tr> <tr> <td>pH</td> <td>pH</td> <td>Special Frequency 1</td> <td>Representative</td> </tr> </tbody> </table> <p>Special Frequency 1 means a sample must be collected and analysed not more than one hour before the commencement of any discharge on any day and a further sample of the wastes being discharged not more than one hour after the commencement of the discharge on that day.</p> <p>Note: The monitoring results collected in compliance with condition 5.4 for Point 2 can be used to determine compliance with the concentration limit specified in Condition 3.36 for discharge from Point 1.</p>	POLLUTANT	UNITS OF MEASURE	FREQUENCY	SAMPLING METHOD	Oil and Grease	mg/L	Special Frequency 1	Representative	Total Suspended Solids	mg/L	Special Frequency 1	Representative	Turbidity	NTU	Special Frequency 1	Representative	Chemical Oxygen Demand	mg/L	Special Frequency 1	Representative	Total Organic Carbon	mg/L	Special Frequency 1	Representative	Total Petroleum Hydrocarbons	mg/L	Special Frequency 1	Representative	Lead	mg/L	Special Frequency 1	Representative	Zinc	mg/L	Special Frequency 1	Representative	pH	pH	Special Frequency 1	Representative	EPL 6962.	No water quality monitoring is required by the EPL (6962) and there are no licenced discharge points.			NT
POLLUTANT	UNITS OF MEASURE	FREQUENCY	SAMPLING METHOD																																											
Oil and Grease	mg/L	Special Frequency 1	Representative																																											
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Zinc	mg/L	Special Frequency 1	Representative																																											
pH	pH	Special Frequency 1	Representative																																											
Water Quality Monitoring and Compliance Reporting																																														
5.7	<p>²⁴Within 6 months of consent being granted and every 6months thereafter, the Applicant shall submit a report to the EPA containing the following information:</p> <p>(a) A pollutant inventory that qualifies waters discharged from the site. This shall include identification of all water pollutants likely to be discharged from each final stormwater pit on the 11 stormwater lines serving the container handling operation area within the site. The water pollutants shall include but are not limited to: total phenolics, polycyclic aromatic hydrocarbons, oil and grease, total petroleum hydrocarbons, total organic carbon, biochemical oxygen demand, chemical oxygen demand, pH, zinc, copper, lead, cobalt, chromium, manganese, cobalt, nickel and iron;</p> <p>(b) Identify all existing and potential sources of water pollutants from the areas that drain into the 11stormwater lines serving the container handling operation area within the site;</p> <p>(c) Quantify the concentration of pollutant types identified as part of the pollutant inventory as prescribed in subclause(a) of this condition. The quantification of pollutants shall be undertaken by collecting a grab sample within the first hour of a discharge and at hourly intervals after the commencement of that discharge for at least three hours after the initial sample was taken; and</p> <p>(d) A statement of whether identification and quantification of pollutants in stormwater discharges that have been</p>	EPL 6962. Patrick Port Botany Terminal 2016 Annual Environmental Management Report, 14/11/17.	<p>As referred to in the 2016 AEMR reference to this requirement has been removed from EPL 6962 primarily because the main workshop area has been covered and a Trade Waste Agreement is in place with Sydney Water.</p> <p><i>NB: A Modification to this condition has been discussed internally and with NSW Ports. Parties are waiting for details of the upgrade to rail area which may necessitate modification to approval conditions that could also address this finding in a consolidated manner.</i></p>			NT																																								

²⁴ EPA General Terms of Approval – E 1.1

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	developed in accordance with the water quality objectives as specified in the Water Quality Guidelines for Fresh and Marine Waters published by Australian and New Zealand Environment and Conservation Council.					
Noise Monitoring and Compliance Reporting						
5.8	<p>²⁵Within 6 months of consent being granted and every 6 months thereafter, the Applicant shall submit a report to the EPA containing the following information:</p> <p>(a) Identification and ranking by sound power level (in 1/3 octave bands for any source with potentially undesirable noise character) all significant noise sources on site. This is to include container impact noise(s), audible alarms, all significant plant and equipment;</p> <p>(b) Identification of all noise sensitive receivers that may be affected by the operation, and select an appropriate number of representative receiver locations to represent all sensitive receivers;</p> <p>(c) The results of all noise measurements undertaken to assess compliance with condition 3.3 of this consent;</p> <p>(d) A statement of whether noise levels from all activities at the site comply with the specified noise limits at the representative receiver locations. The statement shall take into account tonal, impulsive and short duration noises originating from the facility;</p> <p>(e) Where noise levels have been assessed to exceed licence limits, a statement explaining the reason why this has taken place; and</p> <p>(f) A statement of what feasible and reasonable additional measures may be implemented to further reduce noise levels below that specified in the licence.</p>	<p>Noise Monitoring Reports May and Nov 20, Rodney Stevens Acoustics. https://patrick.com.au/environmental-monitoring/</p>	<p>Biannual Noise Compliance Monitoring Reports for May and November 2020 sighted. They are prepared in accordance with EPL 6962.</p> <p>Non-compliance: There is no evidence available to demonstrate that the reports for 2020 have been submitted to the EPA as required by this condition.</p>		NC	
6. ENVIRONMENTAL MANAGEMENT						
Operation Environmental Management Plan (OEMP)						
6.3	<p>The Applicant shall prepare and implement an Operation Environmental Management Plan (OEMP) to detail an environmental management framework, practices and procedures to be followed during the operation of the development. The Plan shall include, but not necessarily be limited to:</p> <p>(a) identification of all statutory and other obligations that the Applicant is required to fulfil in relation to operation of the development, including all consents, licences, approvals and consultations;</p> <p>(b) a description of the roles and responsibilities for all relevant employees involved in the operation of the development;</p> <p>(c) overall environmental policies and principles to be applied to the operation of the development;</p> <p>(d) standards and performance measures to be applied to the development, and a means by which environmental performance can be periodically reviewed and improved;</p> <p>(e) management policies to ensure that environmental performance goals are met and to comply with the conditions of this consent;</p> <p>(f) the Management Plans listed under condition 6.4 of this consent; and</p> <p>(g) the environmental monitoring requirements outlined under section 5 (Environmental Monitoring) of this consent, inclusive.</p> <p>The OEMP shall be submitted for the approval of the Director-General no later than one month prior to the commencement of operation of the development, or within such period as otherwise agreed by the Director-General. Operation shall not commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the Applicant shall supply a copy of the OEMP to the EPA, Waterways Authority and Council as soon as practicable.</p>	<p>Operational Environmental Management Plan dated 2019, revision 02 available online at http://www.patrick.com.au/environment-sustainability</p>	<p>The 'Patrick Port Botany Terminal Operational Environmental Management Plan' (OEMP) – Version 2 (5 July 2019) has been prepared to satisfy this condition and is available on the Patrick website: http://www.patrick.com.au/environment-sustainability</p> <p>The document was prepared, consulted on and approved by the Department prior to the current audit period. The OEMP underwent a minor update in 2019.</p>	C		
6.4	<p>As part of the OEMP for the development, required under condition 6.3 of this consent, the Applicant shall prepare and implement the following Management Plans:</p> <p>(a) a Stormwater Management Plan to outline environmental management practices and procedures to be followed during the operation of the development in order to control and manage site drainage and stormwater. The Plan shall include, but not necessarily be limited to:</p> <p>(i) detailed plans showing the design of the stormwater control infrastructure;</p> <p>(ii) demonstration that the stormwater control infrastructure will conform with, or exceed all relevant Council requirements and guidelines;</p> <p>(iii) description of the procedures for the installation, inspection and maintenance of the stormwater control</p>	<p>Operational Environmental Management Plan dated 2019, revision 02 available online at https://patrick.com.au/about/safety-and-environment/</p> <p>Inclusive of sub-plans:</p> <ul style="list-style-type: none"> Section 6.2 Stormwater Management 	<p>The OEMP was prepared, consulted on and approved by the Department prior to the current audit period. The OEMP underwent a minor update in 2019. The following plans are available as part of the OEMP on Patrick Stevedores website to address the requirements of this condition:</p> <p>Stormwater Management Plan (V 2, 2019)</p> <p>Vegetation Management Plan (OEMP - V2, 2019, Section 6.10)</p> <p>The Operational Traffic Management Plan (OEMP - V2, 2019, Section 6.7)</p> <p>Waste Management Plan (OEMP - V2, 2019, Section 6.4))</p>	C		

²⁵ EPA General Terms of Approval – E 1.1

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	<p>infrastructure, including stormwater pollution control devices; and</p> <p>(iv) description of the procedures to be undertaken if any non-compliance is detected.</p> <p>(b) a Vegetation Management Plan to outline measures to ensure appropriate development and maintenance of landscaping on the site and revegetation in the vicinity of the boat ramp access road. The Plan shall include, but not necessarily be limited to:</p> <p>(i) details of all landscaping to be undertaken on the site and revegetation in the boat ramp access road area, including details of additional features such as soil and mulch details, irrigation details, retaining wall details, fencing details, details of hard surfaces, and any other landscape elements in sufficient detail to fully describe the proposed landscape works;</p> <p>(ii) details of existing and proposed utilities, as they relate to the development;</p> <p>(iii) maximisation of flora species endemic to the locality in landscaping the site;</p> <p>(iv) details of the proposed weed management system;</p> <p>(v) identification and details of staff recreation areas;</p> <p>(vi) details of car parking and measures to prevent vehicle encroachment onto landscaped areas; and</p> <p>(vii) a program to ensure that all landscaped and revegetated areas are maintained in a tidy, healthy state.</p> <p>(c) a Transport Management Plan to outline management of traffic conflicts associated with the operation of the development. The Plan shall include, but not necessarily be limited to:</p> <p>(i) details of measures that would be implemented to minimise noise and amenity impacts on residential areas resulting from heavy vehicle movements;</p> <p>(ii) outlines the monitoring procedures for major truck routes inbound and outbound from the site through the City of Botany Bay, as well as destinations within the City of Botany Bay;</p> <p>(iii) procedures for monitoring the effectiveness and suitability of these measures, particularly the periodic and random monitoring of heavy vehicle routes; and</p> <p>(iv) details of additional measures that would be implemented should non-compliance be detected.</p> <p>(d) a Waste Management Plan to outline measures to manage resource consumption resulting from the operation of the development. The Plan shall meet the requirements of Council, should there be any. The Plan shall include, but not necessarily be limited to:</p> <p>(i) identification of the type and quantities of waste that would be generated;</p> <p>(ii) description of measures and actions to be taken to minimise waste generated by the operation of the development;</p> <p>(iii) description of how waste would be handled and stored during operation, and reused, recycled and, if necessary, appropriately treated and disposed of in accordance with the EPA's guidelines <i>Assessment, Classification and Management of Liquid and Non-Liquid Waste</i>; and</p> <p>(iv) details of programs for involving and encouraging employees and contractors to minimise domestic waste production on the site and reuse/recycle where possible.</p> <p>(e) an Operational Noise Management Plan to outline measures to minimise impacts from the operation of the development on local noise levels. The Plan shall include, but not necessarily be limited to:</p> <p>(i) identification of all major sources of noise that may be emitted as a result of the operation of the development;</p> <p>(ii) specification of the noise criteria as it applies to the particular activity;</p> <p>(iii) procedures for the monitoring of noise emissions;</p> <p>(iv) protocols for the minimisation of noise emissions;</p> <p>(v) description of procedures to be undertaken if any non-compliance is detected;</p> <p>(vi) application of appropriate noise control measures to all the lifting equipment (gantry cranes, forklift trucks, etc.) that are proposed to be used on the site; and</p> <p>(vii) the powering-down of locomotives standing on the rail sidings on the site until such time as the train is about to depart the site.</p>	<ul style="list-style-type: none"> Section 6.10 Vegetation Management Section 6.7 Transport Management Section 6.4 Waste Management Section 6.6 Operational Noise Management 	Operational Noise Management Plan (OEMP - V2, 2019, Section 6.6)			
6.5	<p>Within three years of the commencement of operation, and at least every three years thereafter, the Applicant shall undertake a formal review of the OEMP required under condition 6.3 of this consent. The review shall ensure that the OEMP is up-to-date and all changes to procedures and practices since the previous review have been fully incorporated into the OEMP. The Applicant shall notify the Director-General of completion of each review and shall supply a copy of the updated OEMP to the Director-General, EPA, Waterways Authority and Council on request.</p>	Operational Environmental Management Plan dated 2019, revision 02 available online at https://patrick.com.au/about/safety-and-environment/	The last revision of the OEMP was in 2019. No review was completed during the audit period. The next review is due July 2022.			NT
Annual Compliance Report						
6.6	<p>Within twelve months of the date of this consent, and annually thereafter, unless the Director-General directs otherwise, the Applicant shall submit a Compliance Report to the Director-General. The Compliance Report shall:</p> <p>(a) Identify all the standards, performance measures, and statutory requirements the development is required to comply with, including the conditions of this consent;</p> <p>(b) Review the environmental performance of the development to determine whether it is complying with these</p>	Annual Environmental Management Report and Annual Compliance Report 2019, 13/03/20.	2019 Compliance report on website. https://patrick.com.au/environmental-monitoring/ . The Department approved the 2019 report in August 2020. Observation: The 2020 Annual Compliance Report is due in mid-March 2021 but is yet to be developed.	C		

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	<p>standards, performance measures, and statutory requirements.</p> <p>(c) Identify all the occasions during the previous year when these standards, performance measures, and statutory requirements have not been complied with;</p> <p>(d) Include a copy of the Complaints Register for the preceding twelve month period and indicate what actions were taken(or are being taken) to address complaints;</p> <p>(e) Include the detailed reporting from any monitoring requirements, and identify any trends in the monitoring over the life of the project; and</p> <p>(f) Where non-compliance is occurring, describe what actions will be taken to ensure compliance, who will be responsible for carrying out these actions, and when these actions will be implemented.</p> <p>The Director-General may require the Applicant to address certain matters identified in the Annual Compliance Report. Any action required to be undertaken shall be completed within such period as the Director-General may agree. The Applicant shall provide a copy of the Annual Compliance Report to the EPA and Council. The report shall be made available to the public on request.</p>	<p>Available online at https://patrick.com.au/environmental-monitoring/</p> <p>Post approval portal lodgement 18/03/20</p> <p>Letter DPIE to Patricks, 10/08/20</p>				
Independent Environmental Audit						
6.7	<p>Within 12 months of commissioning the development and every three years thereafter, unless the Director-General directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit. The Independent Environmental Audit shall:</p> <p>(a) Be conducted by a suitably qualified, experienced, and independent person whose appointment has been endorsed by the Director-General;</p> <p>(b) Be consistent with <i>ISO 14010 – Guidelines and General Principles for Environmental Auditing</i>, and <i>ISO 14011 – Procedures for Environmental Auditing</i>, or updated versions of these guidelines/manuals;</p> <p>(c) Assess the environmental performance of the development, and its effects on the surrounding environment;</p> <p>(d) Assess whether the development is complying with the relevant standards, performance measures, and statutory requirements;</p> <p>(e) Review the adequacy of the Applicant's Environmental Management Plan, and Environmental Monitoring Program; and, if necessary</p> <p>(f) Recommend measures or actions to improve the environmental performance of the plant, and/or the environmental management and monitoring systems.</p>	<p>Letter, DPIE to NSW Ports, 10/10/17.</p> <p>Independent Environmental Audit, WolfPeak, 24/02/20. https://patrick.com.au/environmental-monitoring/</p> <p>Email DPIE to WolfPeak, 12/01/21.</p>	<p>WolfPeak were approved as the auditors in 2017.</p> <p>The Audit of the facility for the 2019 audit period was completed by WolfPeak in 2020 in accordance with this condition.</p> <p>This audit assesses compliance for the 2020 audit period and addresses each requirement of this condition, along with the requirements identified by the Department in consultation for this audit.</p>			C
6.8	<p>Within 2 months of commissioning the audit, the Applicant must submit a copy of the audit report to the Director-General. After reviewing the report, the Director-General may require the Applicant to address certain matters identified in the report. The Applicant must comply with any reasonable requirements of the Director-General</p>	<p>Independent Environmental Audit, WolfPeak, 24/02/20. https://patrick.com.au/environmental-monitoring/</p> <p>DPIE submission correspondence 26/02/20.</p> <p>DPIE acceptance correspondence dated 12/08/20.</p>	<p>The 2019 IA report was commenced in January 2020 and finalised 24/02/20. Submission to DPIE was undertaken on 26/02/20.</p> <p>DPIE provided an acceptance letter dated 12/08/20 requesting the next IA (this Report) include the following"</p> <ul style="list-style-type: none"> Please ensure all future IEA's include an analysis of monitoring data that enables the Department to identify that the management and performance of the project is consistent with the relevant consent conditions. <ul style="list-style-type: none"> This Report has been developed in a manner that allows DPIE to identify the management of compliance of the Project. The consent only requires noise monitoring. Refer to findings in relation to DA 494 CoA C2.5 – C2.11, DA 453 CoA 3.3 – 3.8, 5.1, 5.2 & 5.8. The Department requests that all future IEA's include a completed declaration form by the audit team to confirm independence from the project. <ul style="list-style-type: none"> This Report has been developed in compliance with IAPAR 2020. Appendix G contains a completed declaration form for the Audit Team. The Department requests under Schedule 3 Condition 1.14 of DA 453, that future IEA's be prepared consistent with the current Independent Audit Post Approval Requirements (May 2020) 			C

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				C	NC	NT
			<ul style="list-style-type: none"> This Report has been developed in compliance with IAPAR 2020. Section 2.0 contains details on how this report complies with IAPAR 2020. 			
EPA Annual Return						
6.9	²⁶ The Applicant shall provide an annual return to the EPA in relation to the development as required by any licence under the <i>Protection of the Environment Operations Act 1997</i> in relation to the development. In the return the Applicant shall: <ol style="list-style-type: none"> report on the annual monitoring undertaken (where the activity results in pollutant discharges); provide a summary of complaints relating to the development; report on compliance with licence conditions; and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load-based fees apply to the activity the Applicant will be required to submit load based fee calculation worksheets with the return.	EPA Annual Return, submitted 10/06/20	Annual Return submitted to EPA on 10/06/20. Two non-compliances identified: <ul style="list-style-type: none"> O2.1: Two 20' containers being unloaded from the ship MSC Florentina dislodged from the loading crane and fell into the ship's cargo hold. L1.1 and O2.1(b): Crane (PT07) long-travelled over a twist lock on the waterside crane rail. The twist lock jammed under the crane rail clamp, damaging the rail clamp hydraulic hose and causing oil to leak into the crane rail trench alongside the vessel Kota Lambang. The EPA provided written response to both. No further action identified by the EPA during consultation completed on this audit.	C		
6.10	Where standards, guidelines or other documents are referred to in the conditions, the latest version of these standards, guidelines or documents shall apply, unless otherwise agreed by the Director-General.	Operational Environmental Management Plan dated 2019, revision 02 available online at https://patrick.com.au/about/safety-and-environment/ Noise Monitoring Reports May and Nov 20, Rodney Stevens Acoustics. https://patrick.com.au/environmental-monitoring/	Noted. The 2019 OEMP and Noise Monitoring Reports appear to reference current guidelines and standards.	C		
7 REQUIREMENTS OF BOTANY BAY COUNCIL						
Storage of Chemicals/Dangerous Goods (Other Than Shipping Containers)						
7.4	The storage and handling of flammable and combustible liquids for use on the site (other than shipping containers) shall be in accordance with Australian Standard AS1940-1993 <i>The Storage and Handling of Flammable and Combustible Liquids</i> .	Site inspection 21/01/21	Flammable and combustible liquid storage was adequate on the day of the audit.	C		
Storage of Waste Oil						
7.5	Waste oil shall be stored in a covered and bunded area prior to offsite recycling/disposal. Copies of receipts for the recycling of oil shall be kept onsite and made available to Council on request.	Site inspection 21/01/21 Transport Certificate for J12 liquid waste, 29/09/20, 17/11/20, 20/03/20	Waste oil storage was sighted. No issues observed. Liquid waste was being tracked in accordance with the POEO Act and Waste Regulation.	C		
Fuel Tanks and Fuel Filling Areas						
7.6	The fuel tank and fuel filling area shall be designed and operated in accordance with the <i>Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems</i> by the Australian Institute of Petroleum (CP4-1998) and AS1940: 1993 <i>The Storage and Handling of Flammable and Combustible Liquids</i> .	Site inspection 21/01/21	The fuel tank and fuel storage system are above ground units (with some subsurface lines). The system design / operation has not been altered during the audit period. The area had adequate separation, bunding and was in good condition.	C		
Fuel Bowers						

²⁶ EPA General Terms of Approval – R 1.1

CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
				C	NC	NT
7.7	Fuel bowsers and service areas shall comply with the EPA's Environmental Guideline: <i>Surface Water Management On The Covered Forecourt Areas Of Service Stations</i> .	Site inspection 21/01/21	The fuel tank and fuel storage system are above ground units (with some subsurface lines). The system design / operation has not been altered during the audit period. The area had adequate separation, bunding and was in good condition. A secondary shut off system exists for recovery of spill events.	C		
Bunding – Multiple Containers (Excluding Shipping Containers)						
7.8	The area used for the storage of chemicals/liquids in containers (other than shipping containers) shall be banded. The bund (walls and floor) shall be constructed of impervious materials. The bund walls shall be a minimum of 100 mm high and be of a sufficient volume to contain 25% of the maximum volume of liquids likely to be stored within the bund. The bund shall be designed and installed in accordance with <i>AS1940-1993 The Storage And Handling Of Flammable And Combustible Liquids</i> .	Site inspection 21/01/21	The bunding sighted during the inspection comprised permanent fixtures and pallet bunds. Permanent fixtures appeared to comply with AS1940. Pallet bunds are used for storage of 20 – 240L containers of fuels and oils. These containers are in use. To note: AS1940 states <i>that portable bunding units, e.g. banded pallets, or flexible bunding units are not suitable for permanent storage as there are no uniform performance criteria for chemical resistance or fire resistance and they can be easily moved to an unsuitable location. They may be suitable for the short-term holding of damaged packages, or where goods are in transit or in manufacturing and handling areas.</i>	C		
Bunding – Tank						
7.9	The area used for the storage of chemicals/liquids in tanks shall be banded. The bund (walls and floor) shall be constructed of impervious materials and shall be of sufficient volume to contain at least 110% of the volume of the tank(s). The bund shall be designed and installed in accordance with <i>AS1940-1993 The Storage And Handling Of Flammable And Combustible Liquids</i> .	Site inspection 21/01/21	The bunding sighted during the inspection comprised permanent fixtures and pallet bunds. Permanent fixtures appeared to comply with AS1940.	C		
Maintenance of Banded Area						
7.10	Banded areas shall be properly maintained and all spillages and/or wastes within the banded areas cleaned up as soon as practicable and disposed of in a manner that does not pollute waters.	Site inspection 21/01/21	Bands and banded areas were well maintained.	C		
Traffic Bund						
7.11	All service entries to workshop areas shall be provided with a trafficable bund with a minimum height of 100mm to prevent any spillage exiting the workshop area and entering the stormwater system.	Site inspection 21/01/21	Non-compliance: The bunding at the workshop comprises surface drains that act as bunding. The facility does not have a 100mm trafficable bund. Note that this requirement appears to be inconsistent with condition 7.14.		NC	
Spill Cleanup						
7.12	Sufficient supplies of appropriate absorbent materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill, and sweeping or shovelling the material into a secure bin. Absorbent materials used to clean up spills shall be disposed of to an appropriately licensed waste facility.	Site inspection 21/01/21	Spill kits were available across the site at suitable locations and suitably stocked.	C		
Emergency Spill Response Management Plan						
7.13	The Applicant shall develop an Emergency Response and Incident Management Plan in consultation with the EPA and Council. The Plan must be approved by the Director-General prior to the commencement of operations and shall include the following: (a) list of chemicals and maximum quantities to be stored at the site; (b) identification of potentially hazardous situations; (c) procedure for incident reporting; (d) details of spill stations and signage; (e) containment and clean-up facilities and procedures; and (f) the roles of all staff in the Plan and details of staff training.	Emergency Response Plan (including PIRMP), 12/11/19. https://patrick.com.au/about/safety-and-environment/	The Emergency Management Plan was prepared, consulted on and approved by the Department prior to the current audit period. The latest minor update was completed in 2019.	C		
AUTOMOTIVE / WORKSHOP						
7.14	All servicing, mechanical repairs and detailing shall be conducted in a covered, banded work area. All work areas, including workshops and lube bays, shall be graded into collection sumps and/or grated drains such that surface effluent generated within the workshop area is directed into a dedicated drainage system and disposed of to sewer in accordance with a Trade Waste Agreement from Sydney Water or collected for reuse/disposal by an EPA licensed waste contractor.	Site inspection 21/01/21 EPL 6962 Sydney Water Trade Waste Consent No. 24990.	Workshop under cover and being used for mechanical repairs, servicing etc. The facility is graded with pipework going to the treatment plant to sewer, or to a blind underground tank for collection by a liquid waste contractor.	C		

CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
				C	NC	NT
		Transport Certificate for J12 liquid waste, 29/09/20, 17/11/20, 20/03/20				
Storage of Mechanical Parts						
7.15	Automotive parts in contact with any automotive fluid shall be stored in a covered, bunded area that is graded into collection sumps and/or grated drains which are directed into a dedicated drainage system and disposed to sewer in accordance with a Trade Waste Agreement from Sydney Water or collected for reuse/disposal by an EPA licensed waste contractor.	Site inspection 21/01/21 EPL 6962 Sydney Water Trade Waste Consent No. 24990. Transport Certificate for J12 liquid waste, 29/09/20, 17/11/20, 20/03/20	Workshop under cover and being used for mechanical repairs, servicing etc. The facility is graded with pipework going to the treatment plant to sewer, or to a blind underground tank for collection by a liquid waste contractor.	C		
Spray Painting						
7.16	All spray painting is to be carried out in a spray booth constructed and ventilated in accordance with AS 1668.2-2002 – <i>The Use of Mechanical Ventilation and Air-Conditioning in Buildings</i> . Exhausts from the spray booth shall be discharged through a single stack with a minimum height of 3 metres above the ridge of the building. The stack shall be located not less than 6 metres from any fresh air intake or openable window. Disposal of wastewater from wet scrubbing shall be disposed of in accordance with Sydney Water's <i>Trade Waste Policy and Management Plan</i> .	Site inspection 21/01/21 EPL 6962 Sydney Water Trade Waste Consent No. 24990. Transport Certificate for J12 liquid waste, 29/09/20, 17/11/20, 20/03/20	Workshop under cover and being used for mechanical repairs, servicing etc. There is no specific booth for spraying. it is understood that no spraying was undertaken during the audit period.			NT
Maintenance of Filters						
7.17	All spray booth filters shall be regularly maintained to ensure emissions of air pollutants are minimised.	Site inspection 21/01/21 EPL 6962 Sydney Water Trade Waste Consent No. 24990. Transport Certificate for J12 liquid waste, 29/09/20, 17/11/20, 20/03/20	Workshop under cover and being used for mechanical repairs, servicing etc. There is no specific booth for spraying. it is understood that no spraying was undertaken during the audit period.			NT
STORMWATER						
Vehicle Wash Bay						
7.18	Washing of vehicles shall be conducted in a wash bay that is roofed and bunded to exclude rainwater. The wash bay shall be installed in accordance with Sydney Water's requirements . A Permission to Discharge Trade Wastewater permit shall be obtained from Sydney Water before discharge to sewer commences. The wash bay shall be regularly cleaned and maintained. Alternative water management and disposal options may be appropriate where water is recycled, minimised or re-used on the site.	Site inspection 21/01/21 EPL 6962 Sydney Water Trade Waste Consent No. 24990. Transport Certificate for J12 liquid waste, 29/09/20, 17/11/20, 20/03/20	Workshop under cover and being used for mechanical repairs, servicing etc. The facility is graded with pipework going to the treatment plant to sewer, or to a blind underground tank for collection by a liquid waste contractor. The wash bay is the only portion of the facility that goes to tradewaste. The area appeared clean,	C		
Signage on Stormwater Drains						
7.19	Signs shall be displayed adjacent to all stormwater drains on the premises indicating that only clean water is allowed to enter these drains. Examples of possible signage include: 'Clean Rainwater Only', 'Clean water only - NO waste' or 'H2Oonly'.	Site inspection 21/01/21	Non-compliance: some stormwater drains have this signage but not in all instances. For example the drains near the rail upgrade works were not marked.		NC	
Maintenance of Stormwater Treatment Devices						
7.20	All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the devices shall be disposed of in a manner that does not pollute waters.	Site inspection 21/01/21 Puraceptor maintenance records 25/07/20 and 18/11/20.	Stormwater drain wardens and puraceptor have been included into the maintenance scheduling system (Maximo). Periodic maintenance of puraceptor undertaken dated 25/07/20 and 18/11/20.	C		
Wastewater Recycling For Vehicle Washing						

CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
				C	NC	NT
7.21	All vehicle washing bays that recycle filtered and treated wastewater for re-use for vehicle washing shall meet the following requirements: (a) Have an appropriate method for the removal of contaminants such as grease, oil, sediment and cleaning agents before reuse of the wastewater and have an appropriate method for the disposal of wastewater contaminants. Have a floor that is sealed and graded to an internal drainage point, so that all wastewater and surface spillage is directed and drains to the approved treatment point; (b) Is roofed and bunded so that all uncontaminated stormwater from the roof areas and uncovered areas, are directed away from the bay; (c) At a minimum the bay constructed with a minimum 20mm bund around the perimeter of the bay; (d) At a minimum the bay should be protected from the entry of external surface waters, by either; a minimum 2%change in grade; or combination of a minimum 2% grade change and a grated drainage system; (e) At a minimum the bay should have a roof that has a minimum height of 2.5m; (f) All uncontaminated stormwater/rainwater must be directed to the dedicated stormwater drainage systems; (g) Ensure all contaminants removed from the recycled wastewater are disposed of appropriately; (h) Have an appropriately designed wastewater/recycled water storage tank; (i) All contaminants and gross solids removed from the recycled water are disposed of appropriately; (j) Ensure that the wastewater recycling system is functioning as intended; and (k) Ensure that all wastewater is retained within the recycling system.	Site inspection 21/01/21 Interview with auditees 21/01/21	Recycled water has not been used for vehicle wash bays.			NT
Removal Off-Site By An Authorised Liquid Waste Disposal Contractor						
7.22	All vehicle washing bays that will have all wastewater removed off site shall meet the following requirements: (a) Have a floor that is sealed and graded to an internal drainage point, so that all wastewater and surface spillage is directed and drains to the approved treatment and disposal point; (b) Roofed and bunded so that all uncontaminated stormwater from the roof areas and uncovered areas, are directed away from the bay; (c) At a minimum the bay should be constructed with a minimum 20 mm bund around the perimeter of the bay; (d) At a minimum the bay should be protected from the entry of external surface waters, by either; a minimum 2%change in grade; or combination of a minimum 2% grade change and a grated drainage system; (e) At a minimum the bay should have a roof that has a minimum height of 2.5 m; (f) All uncontaminated stormwater/rainwater must be directed to the dedicated stormwater drainage systems; (g) Have an appropriate capacity storage tank designed to hold all wastewater; (h) Keep and retain records for a period of five years, of when and how much water was removed by the authorised liquid waste disposal contractor when this occurs, on an annual basis. Provide a copy of the records to Council on request; and (i) That the water storage tank is maintained so that there are no leaks and is functioning as intended	Site inspection 21/01/21 Interview with auditees 21/01/21 Transport Certificate for J12 liquid waste, 29/09/20, 17/11/20, 20/03/20	Wastewater from the vehicle wash bay is collected via a sealed and graded floor to internal drainage point and treated through the Auto Batch Unit and the treated water discharged to sewer under the Sydney Water Trade Waste Consent No. 24990. The bay has grading and bunding, is covered and prevents rain ingress. The treatment plant (and tanks) are sufficiently sized to hold generated waste water. Liquid waste contractor records were sighted. No issues. A second wash bay has been constructed however the wastewater collection system does not go to the treatment plant and Trade Waste. As such it has not been commissioned or used.	C		
Discharge To The Sewer Via Appropriate Pre-Treatment						
7.23	All vehicle washing bays that discharge to sewer shall meet the following requirements: (a) Discharges into the sewer requires a <i>Permission to Discharge Trade Wastewater</i> certificate issued by Sydney Water; (b) Have a floor that is sealed and graded to an internal drainage point, so that all wastewater and surface spillage is directed and drains to the approved treatment and disposal point; (c) Is roofed and bunded so that all uncontaminated stormwater from the roof areas and uncovered areas, are directed away from the bay; (d) At a minimum the bay should have a roof that has a minimum height of 2.5 m; (e) Have a roof that has a minimum height of 2.5 m; (f) Be constructed with a minimum 20 mm bund around the perimeter of the bay; (g) Be protected from the entry of external surface waters, by either; a minimum 2% change in grade; or combination of a minimum 2% grade change and a grated drainage system; (h) All uncontaminated stormwater/rainwater must be directed to the dedicated stormwater drainage systems; (i) Have a 1000 L general purpose pit; and (j) Carry out appropriate inspections and maintenance of the General Purpose Pit. The thickness of the sediment and oil levels, and outflow oil concentrations to be logged quarterly and submitted to Council. The pit is to be pumped out at least every 12 months or at more frequent interval as nominated by Council.	Site inspection 21/01/21 Interview with auditees 21/01/21 Transport Certificate for J12 liquid waste, 29/09/20, 17/11/20, 20/03/20	Wastewater from the vehicle wash bay is collected via a sealed and graded floor to internal drainage point and treated through the Auto Batch Unit and the treated water discharged to sewer under the Sydney Water Trade Waste Consent No. 24990. The bay has grading and bunding, is covered and prevents rain ingress. The treatment plant (and tanks) are sufficiently sized to hold generated waste water. The Auto Batch Unit is regularly inspected and maintained to ensure the solid conveyor is functioning correctly and A second wash bay has been constructed however the wastewater collection system does not go to the treatment plant and Trade Waste. As such it has not been commissioned or used. Non-compliance: The Auditor requested evidence of the general purpose pit being operational, with reporting occurring as per this condition. The Auditee stated that the facility does not have a General Purpose pit. As such no reporting to Council is occurring.		NC	
Disposal of Wastewater To Land Incorporating Appropriate Treatment Devices						
7.24	All vehicle washing bays that discharge wastewater shall meet the following requirements: (a) The Applicant shall prove that the environmental conditions of the site are appropriate and provide appropriate professional site assessment information on the presence of environmentally sensitive areas on the	Site inspection 21/01/21 Interview with auditees 21/01/21	Wastewater from the vehicle wash bay is collected via a sealed and graded floor to internal drainage point and treated through the Auto Batch Unit and the treated water discharged to sewer under the Sydney Water Trade Waste			NT

CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
				C	NC	NT
	building site, in the adjoining areas or within the downstream catchment; (b) Soil characteristics including soil permeability, depth to be rock/hardpan, depth to high episodic water table, %coarse fragments; electrical conductivity; solidity, cation exchange capacity, phosphorous absorption and any other Council requirement; (c) Site flood potential, exposure to sun and wind, slope, erosion potential, drainage, plant growth conditions; (d) Buffer distances from permanent surface waters, domestic groundwater wells, other waters, property boundaries, driveways, swimming pools and buildings; and (e) Other site assessment details as required by Council.	Transport Certificate for J12 liquid waste, 29/09/20, 17/11/20, 20/03/20	Consent No. 24990. The bay has grading and bunding, is covered and prevents rain ingress. The treatment plant (and tanks) are sufficiently sized to hold generated waste water. There are no discharges to land.			
Energy Efficiency						
Energy Efficiency Compliance Report						
7.25	An Energy Efficiency Compliance Report shall be prepared within 15 months of the issuing of the occupation certificate. The Report shall certify that energy efficiency measures have been installed and verify that the building's energy performance complies with Councils Energy Efficiency DCP. A copy of the Report shall be made available to Council on request.	DPIE Post Approval Portal correspondence 07/09/2020	The Energy Efficiency Report was prepared in the first half of 2020. Patricks submitted the Energy Efficiency Report and on 07/09/2020 the Department advised that it had no comments.	C		

APPENDIX C – PLANNING SECRETARY AGREEMENT OF INDEPENDENT AUDITORS

Mr Trevor Brown
NSW Ports
Level 3, Maritime Centre
91 Foreshore Road
Port Kembla NSW 2505

Our ref: DA-494-11-2003-i

trevor.brown@nswports.com.au

Dear Mr Brown

**Port Botany Expansion (DA-494-11-2003-i) – Nomination of Independent
Environmental Auditors for Patrick Terminal Condition 4.5 – Environmental
Auditing**

I refer to your correspondence on the 28 September 2017 seeking approval for Mr Steve Ferimo and Mr Derek Low of Wolfpeak Pty Ltd (Wolfpeak) to undertake the independent environmental audits required under condition C4.5 of the above development consent.

The Department notes that the IEA is to be undertaken for the year 2017 and as outlined under condition C4.5.

Having reviewed details of Wolfpeak's company profile, and the qualifications and experience of Mr Ferimo and Mr Low, approval is granted. The approval is conditional upon their independence from the project.

In preparing the IEA, you must ensure the audit:

- is carried out in accordance with AS/NZS ISO 19011 Australian/New Zealand Standard: Guidelines for auditing management systems and the Department's Independent Audit Guideline – Post-approval requirements for State significant developments, October 2015;
- includes a compliance table indicating the compliance status of each condition of approval (and any other statutory instrument required to be audited);
- includes recommended actions in response to non-compliances; and
- identifies opportunities for improved environmental management and performance.

Finally, the Department recommends you:

- Review the IEA report to ensure it complies with the relevant conditions of approval, prior to submitting the report to the Secretary; and
- Submit an action plan detailing your response to the recommendations and timeframes outlined in the audit report to implement any adopted recommendations.

Should you have any enquiries, please contact Kate Graham, Planning Officer on (02) 9373 2826.

Yours sincerely

 10/10/2017

Karen Harragon
Director
Social and Other Infrastructure Projects
Nominee of the Secretary

APPENDIX D – CONSULTATION RECORDS

From: Mark Hanemann <Mark.Hanemann@epa.nsw.gov.au>
Sent: Tuesday, 12 January 2021 10:17 AM
To: Derek Low
Cc: Steve Fermio; Marks, Clay; Gibbs, Marie; Jacqueline Ingham
Subject: RE: Patrick Stevedores - Port Botany: Independent Environmental Audit 2020
Attachments: Notice 1592276 - OFFICIAL CAUTION - Patrick Stevedores Port Botany.pdf; RE: Patrick Stevedores - Hydraulic Oil Spill 30 June 2020 - Auto Straddle (AS19)

Hi Derek,

Thank you for your email below in relation to the proposed independent audit of Patrick Stevedores Port Botany operations during 2020, as required under the relevant Development Approvals.

The NSW Environment Protection Authority (EPA) has no comments on the proposed audit, other than noting that:

- On 9 March 2020 the EPA issued an Official Caution (attached) to Patrick Stevedores for a spill of hydraulic fluid at the premises on 31 January 2020. The Official Caution was issued because the EPA had reasonable grounds to believe that Patrick Stevedores committed two offences under the *Protection of the Environment Operations Act 1997*, by failing to prevent pollution of waters in relation to the spill, and by failing to operate plant and equipment in a proper and efficient manner. The Official Caution recommended that Patrick Stevedores undertake a review of its procedures and engineering protections relating to long travel of quay cranes.
- Patrick Stevedores reported several further spills of hydraulic fluid at the premises after the spill on 31 January 2020 (see attached email).

I recommend that the matters raised in the attached Official Caution and the attached email are included in the proposed audit.

Please call me if you have any questions.

Kind regards,

Mark

Mark Hanemann
Senior Operations Officer
Regional Operations
NSW Environment Protection Authority
D 02 9995 6845



www.epa.nsw.gov.au @NSW_EPA

The EPA acknowledges the traditional custodians of the land and waters where we work. As part of the world's oldest surviving culture, we pay our respect to Aboriginal elders past, present and emerging.

Report pollution and environmental incidents 131 555 or +61 2 9995 5555

From: Alfarid Hussain <Alfarid.Hussain@planning.nsw.gov.au>
Sent: Tuesday, 12 January 2021 3:42 PM
To: Derek Low <dlow@wolfpeak.com.au>
Subject: RE: Patrick Stevedores - Port Botany: Independent Environmental Audit 2020

No worries, Derek! Just wanted to correct the citation in my previous email where I refer to the Department's Independent Audit Post-Approval Requirements (Department, 2018). It should be *Independent Audit Post-Approval Requirements* (Department, May 2020) instead, available on the following link:

<https://www.planning.nsw.gov.au/-/media/Files/DPF/Other/Assess-and-regulate/About-Compliance/independent-audit-post-approval-requirements-2020-05-19.pdf>

Kind regards,

Alfarid Hussain
Compliance Officer

Planning Services | Department of Planning, Industry and Environment
T 02 9274 6456 | M 0436 681 733 | E Alfarid.Hussain@planning.nsw.gov.au
4 Parramatta Square, 12 Darcy St, Parramatta, NSW 2150.
www.dpie.nsw.gov.au



If you are submitting a compliance document or request as required under the conditions of consent or approval, please note that the Department is no longer accepting lodgement via compliance@planning.nsw.gov.au.

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

The Department of Planning, Industry and Environment acknowledges that it stands on Country which always was and always will be Aboriginal land. We acknowledge the Traditional Custodians of the land and waters, and we show our respect for elders past, present and emerging. We are committed to providing places in which Aboriginal people are included socially, culturally and economically through thoughtful and collaborative approaches to our work.

From: Derek Low <dlow@wolfpeak.com.au>
Sent: Tuesday, 12 January 2021 3:33 PM
To: Alfarid Hussain <Alfarid.Hussain@planning.nsw.gov.au>
Subject: RE: Patrick Stevedores - Port Botany: Independent Environmental Audit 2020

Thanks Alfarid.

Derek Low
Principal Environmental Consultant



E: dlow@wolfpeak.com.au
P: 1800 979 716
M: 0402 403 716
A: Suite 2, Level 10, 189 Kent Street, Sydney NSW 2000
www.wolfpeak.com.au



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From: Alfarid Hussain <Alfarid.Hussain@planning.nsw.gov.au>
Sent: Tuesday, 12 January 2021 3:22 PM
To: Derek Low <dlow@wolfpeak.com.au>
Cc: Julia Pope <Julia.Pope@planning.nsw.gov.au>
Subject: RE: Patrick Stevedores - Port Botany: Independent Environmental Audit 2020

Hi Derek,

Thank you for your time on the phone this afternoon. As discussed, the Department requests that the 2021 Independent Environmental Audit for Patrick Port Botany Redevelopment operating under DA 494-11-2003-i (DA 494), as modified, and DA453-11-2002i (DA 453), as modified, include the following:

- 1) An analysis of all incidents during the reporting period in tabular format, including details of how each of these incidents were closed out and any pending actions to be undertaken as a result of those incidents. Include dates when actions items arising from an incident were closed or are expected to be closed. Any regulatory enforcements arising from any of the incidents in the reporting period should be reported.
- 2) Any outstanding actions from the findings in the previous Annual Environmental Management Report and Independent Environmental Audit Report under the two consents completed during the reporting period.

The Independent Audit must be prepared, undertaken and finalised in accordance with the requirements Condition 6.7 of DA 453 and Condition C4.5 of DA 494. The Department also recommends consideration be given to the *Independent Audit Post Approval Requirements* (Department 2018) to the extent that it does not contradict Condition 6.7 of DA 453 and Condition C4.5 of DA 494.

If you have any further questions, please do not hesitate to contact me.

Kind regards,

Alfarid Hussain
Compliance Officer

Planning Services | Department of Planning, Industry and Environment
T 02 9274 6456 | M 0436 681 733 | E Alfarid.Hussain@planning.nsw.gov.au
4 Parramatta Square, 12 Darcy St, Parramatta, NSW 2150.
www.dpie.nsw.gov.au



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The Department of Planning, Industry and Environment acknowledges that it stands on Country which always was and always will be Aboriginal land. We acknowledge the Traditional Custodians of the land and waters, and we show our respect for elders past, present and emerging. We are committed to providing places in which Aboriginal people are included socially, culturally and economically through thoughtful and collaborative approaches to our work.

From: Derek Low <dlow@wolfpeak.com.au>
Sent: Monday, 11 January 2021 2:03 PM
To: DPE PSVC Compliance Mailbox <compliance@planning.nsw.gov.au>
Cc: Marks, Clay <C.Marks@patrick.com.au>; Steve Fermio <sfermio@wolfpeak.com.au>; Gibbs, Marie <M.Gibbs@patrick.com.au>
Subject: Patrick Stevedores - Port Botany: Independent Environmental Audit 2020

Hi there.

I am one of the independent auditors engaged to undertake an independent audit of Patrick Stevedores Port Botany operations under DA 494, Port Botany Expansion Project and DA 453, Patrick Port Botany Redevelopment.

The audit covers the 2020 calendar year and is required to satisfy Condition 6.7 of DA 453 and Condition C4.5 of DA 494. The approval conditions and DPIE's letter approving us as auditors require that the audits:

- a) Be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
- b) Be consistent with ISO 14010 – Guidelines and General Principles for Environmental Auditing, and ISO 14011 – Procedures for Environmental Auditing, or updated versions of these guidelines/manuals;
- c) Include consultation with relevant agencies and any community consultation group as required under DPIE's Independent Audit Guideline – Post Approval Requirements for State Significant Developments, October 2015 (hence this email to you);
- d) Assess compliance with the requirement of the consents, other licences / approvals that apply to the Development;
- e) Review the effectiveness of environmental management of the development, including any environmental impact mitigation works;
- f) Assess the environmental performance of the development, and its effects on the surrounding environment;
- g) Review the adequacy of the Applicant's Environmental Management Plan, and Environmental Monitoring Program; and, if necessary, recommend measures or actions to improve the environmental performance of the plant, and/or the environmental management and monitoring system.

We are consulting with you as part of the development of the audit scope, and we kindly request if you could advise if there are any key issues you consider should be examined as part of the audit. As the audit is scheduled to occur on 19 January 2021.

Please do not hesitate to contact me if you have any queries regarding this matter.

Kind regards

Derek Low
Principal Environmental Consultant



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A: Suite 2, Level 10, 189 Kent Street, Sydney NSW 2000
www.wolfpeak.com.au



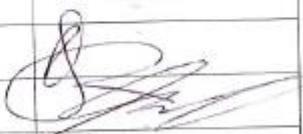
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APPENDIX E – AUDIT ATTENDEE LIST

INDEPENDENT AUDIT MEETING ATTENDANCE RECORD

PROJECT (NAME AND APPROVAL NUMBER)		PATRICKS POOL BARR - DA 494 DA 453	
DATE		21/1/21	
LOCATION		POOL BARR - 177m ²	
OPENING MEETING			
NAME	POSITION / TITLE	ORGANISATION	SIGNATURE
DEBBE LAW	AUDITOR	WOLFPEAK	
Clay Marks	HSE Manager	Patrick	
CLOSING MEETING			
NAME	POSITION / TITLE	ORGANISATION	SIGNATURE
DEBBE LAW	AUDITOR	WOLFPEAK	
Clay Marks	HSE Manager	Patrick	

APPENDIX F – SITE INSPECTION PHOTOS



Site Photo 1 Waste collection point.



Site Photo 2 Wastewater treatment plant (collecting water from the washbay)



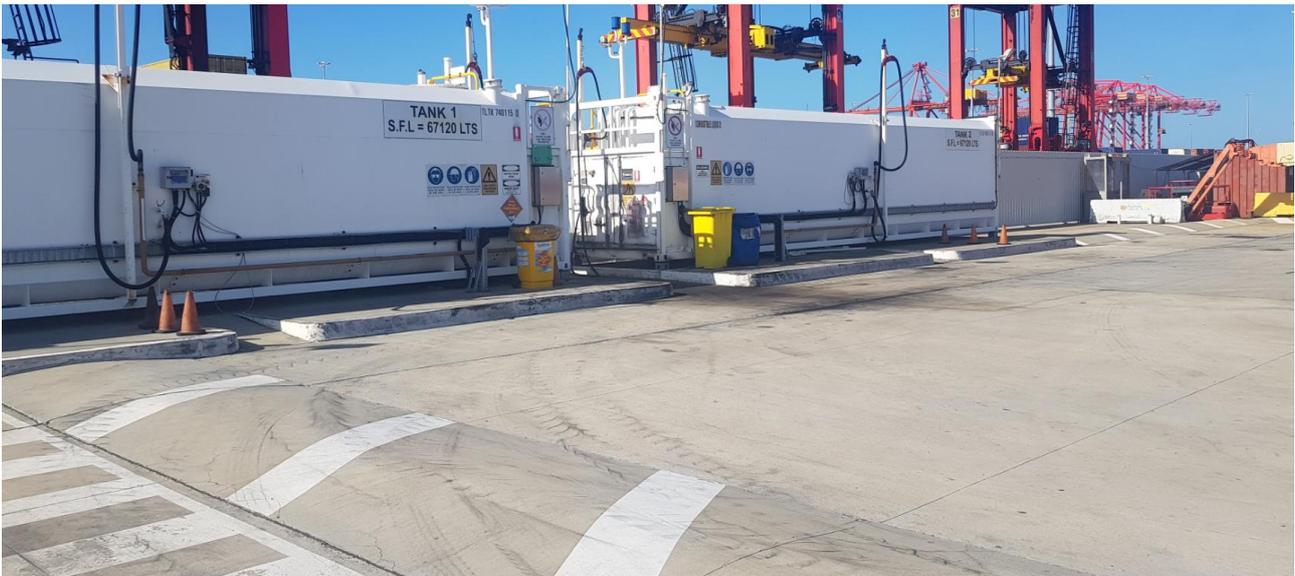
Site Photo 3 Wash bay that drains to pit connected to wastewater treatment plant.



Site Photo 4 Maintenance shed with in ground bunding (drains).



Site Photo 5 Example of unmarked stormwater pit.



Site Photo 6 Refuelling bay and tank farm with bunding.



Site Photo 7 Maintenance shed oil storage in bunds.



Site Photo 8 Completed portion of rail spur construction.



Site Photo 9 Portion of rail spur still under construction.

APPENDIX G – INDEPENDENT DECLARATION FORMS

Appendix E – Independent Audit Report Declaration Form Template

Independent Audit Report Declaration Form

Project name	Patrick Port Botany Terminal Expansion and Terminal Redevelopment
Consent number	DA 494 and DA 453
Description of Project	Operation of the Patrick Port Botany Terminal
Project address	SSD DA 494: Lot 2 DP 10009870, Lot 6 DP 1053768, Lots 301 and 302 DP 712991, Part of Crown Reserve R91288, Lots 203 and 205 DP 712991 and Lot 401 DP 816961 (Botany Bay LGA). SSD DA 453: Brotherson Dock, Penrhyn Road, Port Botany Lot 1-6, 8-14 and 16-19 DP 452236, Lot 1 DP 804556, Lots 1 and 2 DP 1009870 (Botany Bay LGA).
Proponent	SSD DA 494: Sydney Ports Corporation SSD DA 453: Patrick Stevedores Operations Pty Ltd
Title of audit	Independent Audit
Date	09/02/2021

I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:

- i. the audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Compliance Requirements (Department 2019)*;
- ii. the findings of the audit are reported truthfully, accurately and completely;
- iii. I have exercised due diligence and professional judgement in conducting the audit;
- iv. I have acted professionally, objectively and in an unbiased manner;
- v. I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- vi. I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- vii. neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- viii. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

- a) Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- b) The *Crimes Act 1900* contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of Auditor	Derek Low
Signature	
Qualification	Master of Environmental Engineering Management Exemplar Global Auditor Number 114283
Company	WolfPeak Pty Ltd
Company address	Suite 2, Level 10, 189 Kent Street Sydney NSW 2000

Appendix E – Independent Audit Report Declaration Form Template

Independent Audit Report Declaration Form

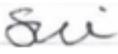
Project name	Patrick Port Botany Terminal Expansion and Terminal Redevelopment
Consent number	DA 494 and DA 453
Description of Project	Operation of the Patrick Port Botany Terminal
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- v. I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- vi. I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- vii. neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- viii. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

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- b) The *Crimes Act 1900* contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of Auditor	Steve Fermio
Signature	
Qualification	Bachelor of Science (Honours) Exemplar Global Auditor Number 110498
Company	WolfPeak Pty Ltd
Company address	Suite 2, Level 10, 189 Kent Street Sydney NSW 2000