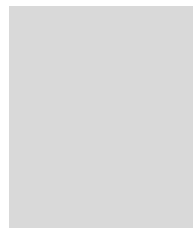


Construction Completion Compliance Report

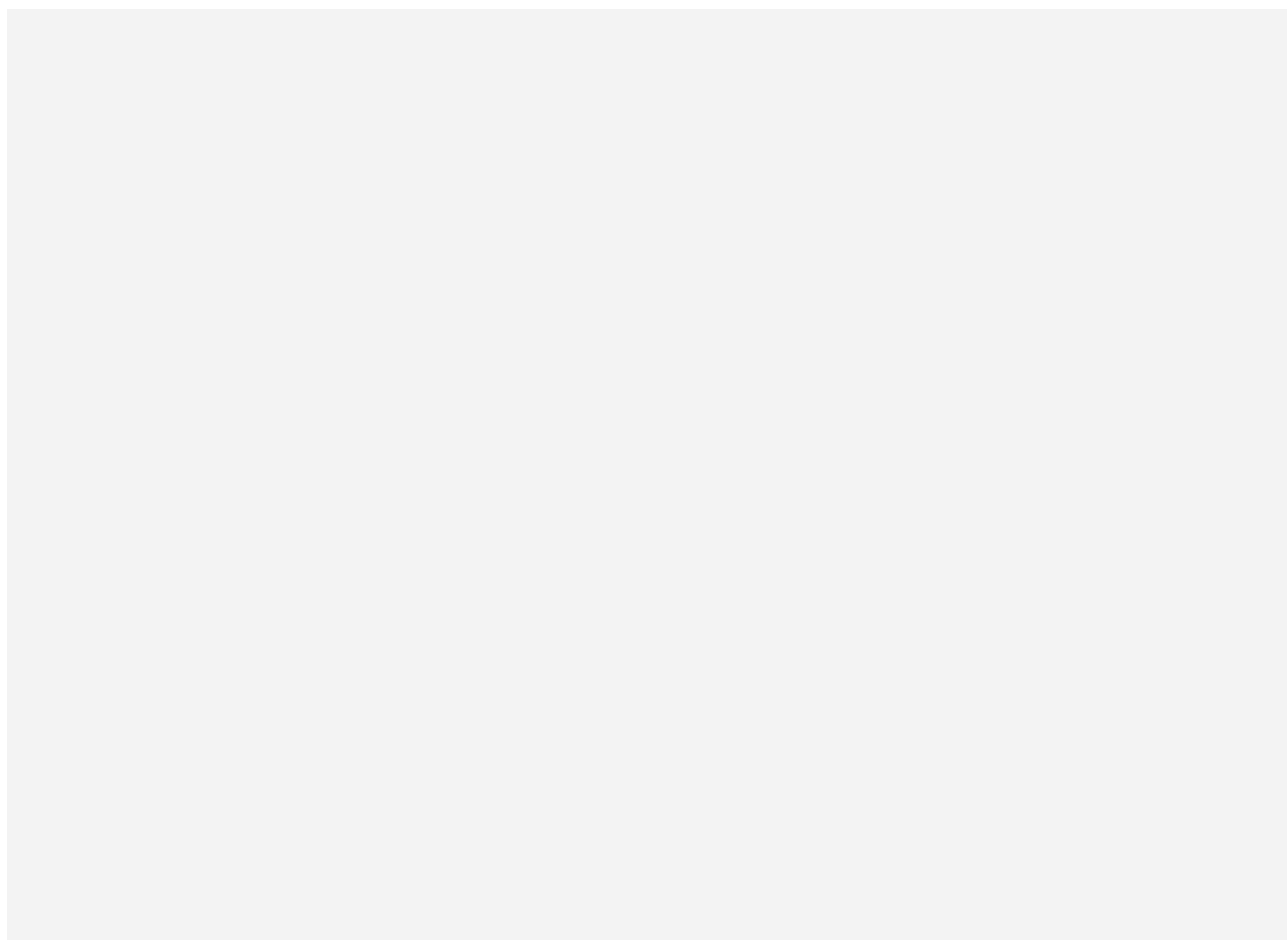
Patrick Terminal Port Botany Redevelopment Project
The Knuckle - December 2015



 wolfpeak

Document History

Revision	Date	Prepared By	Reviewed By	Report Description
V0-1	1/12/2015	Steve Fermio	Patrick Stevedores	Draft Construction Completion Report
V1.0	4/12/2015	Steve Fermio		Final Construction Completion Report



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Executive Summary

The purpose of this audit was to undertake the necessary assessment and review of compliance against the Minister's Conditions of Approval (MCoA) issued on 13 October 2005 for the Port Botany Expansion Project (PBEP) required under MCoA B1.4 for the completion of construction of Patrick's 'The Knuckle' Works at the PBEP. The works were commenced in May 2013 and were completed in February 2015. The works were undertaken on behalf of Patrick by Fulton Hogan.

A review of the available records indicate that in relation to the completion of construction of the Knuckle works there are no non-compliances and all of the MCoA relevant to the construction phase of the project have been closed out within the newly completed terminal area.

An observation arising from the audit is noted below:

- MCoA B3.1 requires a means by which public comments, inquiries and complaints can be received, and ensure that those means are adequately publicised. It was found that complaints regarding terminal operations can only be made online via Asciano's website entry form. This means that unless the complainant has access to the website they are unable to make a complaint.

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1.0 Introduction

1.1 The works

The works that are the subject of this audit are Patrick Stevedore's Port Botany Redevelopment Project (PBRP) in the area known as 'The Knuckle'.

The Knuckle works (hereafter known as the Project), are being developed by Patricks to incorporate new terminal handling technology including new cranes and straddles and employee facilities. The redevelopment will increase Patrick's capacity at Port Botany to 1.6m TEU per year.

The Project works were delivered for Patricks by Fulton Hogan, with McConnell Dowell Constructors Pty Ltd having performed works during the period 2013 until early 2014. Fulton Hogan was also engaged to manage and mitigate the environmental impacts of construction activities and to ensure compliance with the Planning Approval conditions.

The general location of the Project is provided in Figure 1. The area the subject of this Compliance Completion Report (CCR) is shown in Figure 2. Construction within Zones 13, 14 and 15 indicated in Figure 2 has not been completed.

The Project is part of NSW Ports' wider Port Botany Expansion (PBE) Project being delivered by other port operators. The Project is located within the City of Botany Bay, 12 kilometres south of the Sydney CBD adjacent to the existing Patricks Terminal at Port Botany.

The works delivered by Fulton Hogan (and formerly McConnell Dowell) included:

- Heavy duty pavements for a future terminal including:
- Post tensioned/reinforced concrete pavement for heavy straddle traffic;
- Post tensioned/reinforced concrete pavement for truck and forklift roadways;
- Concrete pavers and sub-base designed for low movement volumes in container stacking areas and asphalt pavement for roadway type traffic;
- Storm water drainage infrastructure including pumps, trenching and kerbing;
- Light tower foundations and light and radar poles;
- Water, waste and firefighting services; and
- Low voltage, high voltage and data pits including access hatches, fencing, boundary walls and waiting shelters.

At the time of this audit the Project works had been underway since approximately May 2013 and were completed within the relevant area indicated in Figure 2. This CCR does not cover Zones 13, 14 or 15 indicated in Figure 2.

The Project was constructed under Fulton Hogan's ISO 14000 accredited Environmental Management System (EMS), and a Construction Environmental Management Plan and sub plans prepared by Fulton Hogan and approved by the Director-General of the Department of Planning and Environment. The relationship between the EMS and the plans is shown in Figure 3 below.

Figure 1: Location of The Knuckle site at Port Botany



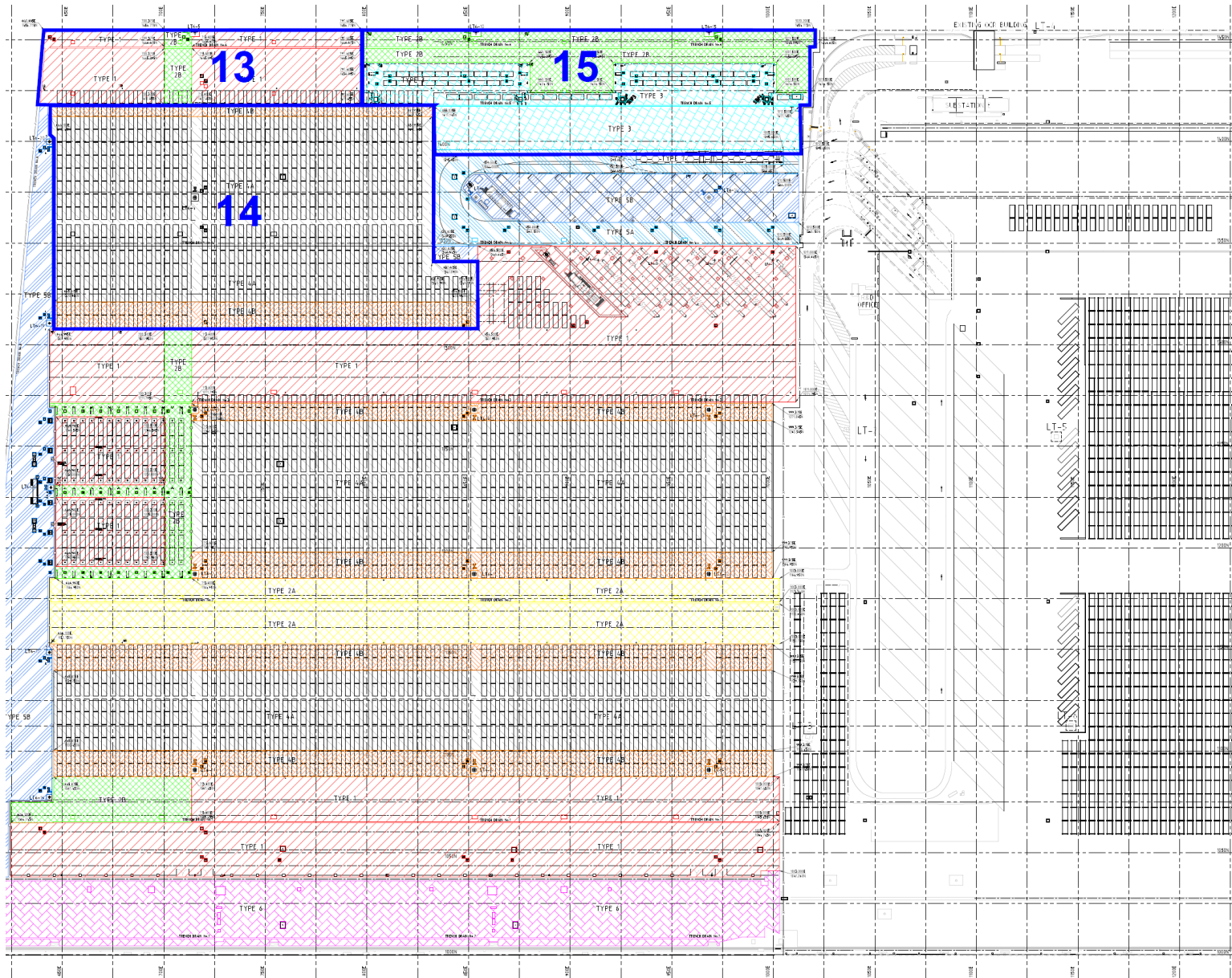


Figure 2: The Area covered by this CCR excludes Zones 13, 14 & 15 above (the completed area is colour hatched)

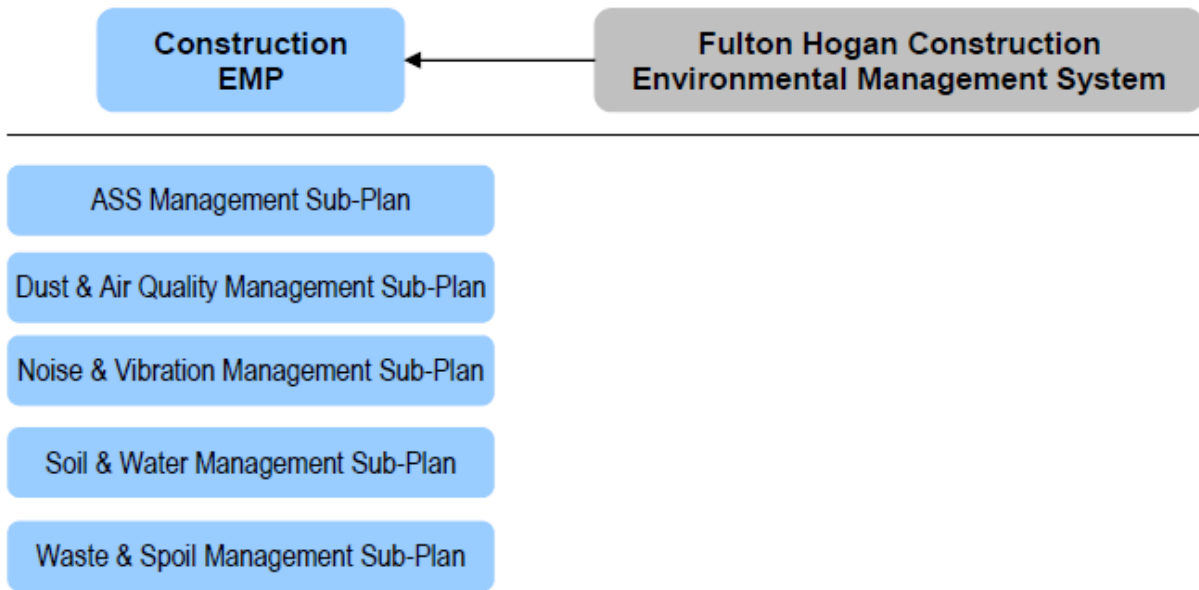


Figure 3: Construction Environmental Management Framework

1.2 Approval requirements

Planning approval for PBEP was granted by the Minister for Planning pursuant to section 80 (4) and (5) of the Environmental Planning and Assessment Act 1979. Stage 1 was approved on 13 October 2005 and Stage 2 was approved on 22 August 2006 subject to a number of MCoA.

The Project is part of Stage 1 which includes expansion of the existing Patrick container handling facility on reclaimed land (“the Knuckle”). The Knuckle extends from the existing Grade Separation Works completed separately by NSW Ports and other contractors.

MCoA Condition B1.4 states:

‘Prior to each of the events listed from a) to c) 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.

- a) commencement of construction works associated with the development;
- b) commencement of each phase of construction works established under the program required under condition B1.3; and
- c) completion of each phase of construction works established under the program required by condition B1.3.**

The certifying documentation shall clearly outline any on-going environmental management, monitoring or reporting requirements associated with the concluded construction works phase.’

This report covers event c), as it relates to the completion of construction of The Knuckle and also identifies any ongoing environmental management, monitoring or reporting requirements associated with The Knuckle.

1.3 Scope

The scope of this report includes a detailed assessment of the relevant MCoA, (including Modifications) applicable to the completion of construction of The Knuckle by Patrick Stevedores. Patrick holds an EPL for chemical storage and shipping

facilities at its Port Botany terminal facility (which includes The Knuckle) however an assessment of compliance with the conditions of the EPL are outside the scope of this CCR.

1.4 Methodology

This report was conducted in accordance with the principles of ISO 14010 and ISO 14011 whereby an evidence based approach to the certification of compliance has been applied.

The assessment of compliance and this report was prepared by Steve Fermio, an Exemplar certified environmental auditor.

In relation to findings against conditions:

- **Compliant:** Complies with all requirements of the condition(s)
- **Observation:** A situation observed during the audit that is not necessarily best practice and/or required some corrective action or further consideration.
- **Non-compliance:** Does not fully comply with all requirements of the condition. These are categorised as minor or major, depending on the severity of the non-compliance.
- **Not Applicable:** There were either no compliance issues related to the condition, is a future required action or was not applicable at the time of the audit.

2.0 Compliance Review Findings

The checklist in Appendix A includes details of all of the evidence collected, observed and provided in support of compliance against the MCoA, including publicly available information on NSW Ports and Patricks' websites, in relation to the completion of construction of The Knuckle.

A review of the available records indicate that in relation to the completion of construction of The Knuckle works there are no non-compliances and all of the MCoA relevant to the construction phase of the project have been closed out within the newly completed terminal area indicated in Figure 2.

An observation arising from the audit is noted below:

- MCoA B3.1 requires a means by which public comments, inquiries and complaints can be received, and ensure that those means are adequately publicised. It was found that complaints regarding terminal operations can only be made online via Asciano's website entry form. This means that unless the complainant has access to the website they are unable to make a complaint.

In response to this observation Patrick's has proposed the following action:

Patrick's has a general Port Botany site contact number in the phone directory and has now designated the Shift Yard Manager as the person on site who will take any calls or complaints to this number, log the complaint into the SHED system as required and respond as required. The Shift Yard Manager is available 24/7 to meet this need.

The auditor recommends that the Port Botany site contact number referred to above be included on Asciano's Port Botany website as the number for the community to contact in relation to complaints about Terminal 2 operations - as opposed to general queries - which can be dealt with using Asciano's general contact number (business hours only).

3.0 Conclusions

The review of the evidence of compliance against the MCoA relevant to the completion of construction of The Knuckle identified no non-compliances with those conditions relevant to the construction phase. No construction conditions remain incomplete at the completion of construction within the relevant area as indicated in Figure 2.

An observation arising from the audit is noted below:

MCoA B3.1 requires a means by which public comments, inquiries and complaints can be received, and ensure that those means are adequately publicised. It was found that complaints regarding terminal operations can only be made online via Asciano's website entry form. This means that unless the complainant has access to the website they are unable to make a complaint.

CERTIFICATION:

This CCR certifies that all of the conditions relevant to the completed phase of construction within the new Patrick's Terminal 2 area (as indicated in Figure 2) have been complied with.

Ongoing obligation:

The auditor recommends that the Port Botany site contact number is included on Asciano's Port Botany website as the number for the community to contact in relation to complaints about Terminal 2 operations. General queries can still be directed to the existing general contact number on the website.

Appendix A. Ministers Conditions of Approval (MCoA) Checklist

CoA No	Auditee NSW Ports/ Patrick	CoA Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
		SCHEDULE A: OVERALL SCOPE OF DEVELOPMENT WORKS AND GENERAL PROVISIONS					
A1		GENERAL					
		Scope of Development					
A1.1	NSW Ports Patrick	<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 Department on 26 November 2003. b) Port Botany Expansion: Environmental Impact Statement (ten volumes), prepared by URS and dated Nov 2003; c) Port Botany Expansion Commission of Inquiry – Primary Submission (two volumes), prepared by URS dated May 2004 d) Port Botany Expansion Commission of Inquiry – Supplementary Submission to Environmental Impact Statement, prepared by URS and dated August 2004 e) Port Botany Expansion Environmental Impact Statement – Supplementary Submission (two volumes), prepared by URS and dated October 2004; 	<p>No non-compliances against the CoA were identified during this audit.</p> <p>Compliance with these requirements has been verified through this CCR process, regular Independent Environmental Representative inspections, review of monthly contractor monitoring reports.</p>	C			



CoA No	Auditee NSW Ports/ Patrick	CoA Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
		f) modification application MOD-107-9-2006-i accompanied by <i>Port Botany Expansion, Section 96(1A) Application: Modification of Consent Conditions</i> , prepared by SPC and dated September 2006; g) modification application MOD-134-11-2006-i, accompanied by <i>Port Botany Expansion, Section 96(1A) Modification – Wharf Structure Design</i> , prepared by SPC and dated November 2006; 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 SPC and dated 1 December 2006; i) modification application MOD-78-9-2007-i, accompanied by <i>Port Botany Expansion – Modification of Conditions C2.20 & C2.25</i> , prepared by SPC, dated July 2007; j) modification application MOD-60-9-2008, accompanied by <i>Port Botany Expansion – Modification of Conditions B2.46 & C2.25</i> , prepared by SPC, dated 27 August 2008; k) modification application MOD-68-12-2008, accompanied by a letter from SPC dated December 2008;					



CoA No	Auditee NSW Ports/ Patrick	CoA Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
		l) modification application MOD-08-03-2009, accompanied by a letter from Sydney Ports Corporation dated 16 February 2009 and assessment report titled Port Botany Expansion – Rail Operations Section 96(1A) Modification dated February 2009 m) modification application DA-494-11-2003-I MOD 8, accompanied by an assessment report titled “Port Botany Expansion – Ship Turning Area Dredging Section 96 (1A) Modification dated May 2009; n) modification application DA-494-11-2003-I MOD 9 accompanied by an assessment report titled “Port Botany Expansion – Additional High Spot Dredging off Molineux Point Section 96 (1A) Modification” dated May 2009. o) modification application DA-494-11-2003-I MOD 10, accompanied by an assessment within the letter titled “Port Botany Expansion – Section 96(1A) Modification – Additional Ship Turning Area Dredging” dated 8 July 2009; p) modification application DA-494-11-2003-i MOD 11, accompanied by an assessment report titled “Sydney Port Botany Terminal No. 3 PKG-17.1 Planning Section 75W Modification Operations Building and Maintenance Building” dated 14 September 2011; and					



CoA No	Auditee NSW Ports/ Patrick	CoA Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
		q) modification application DA-494-11-2003-i MOD 12, accompanied by an assessment report titled “Sydney Port Botany Terminal No. 3 PKG-17.1 Planning Section 75W Modification to Stormwater First Flush System” dated 15 February 2012 and supplementary advice provided on 6 June 2012 in relation to other proprietary SQID devices; and 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; 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 2013; and 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; and u) the conditions of this consent. Insofar as they relate to the approved development.					



CoA No	Auditee NSW Ports/ Patrick	CoA Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
		Statutory Requirements					
A1.3	NSW Ports Patrick	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.	The Federal EPBC Approval 2002/543 remains valid. Patrick Stevedores EPA Licence No 6962 remains current. An assessment of compliance with the conditions of the Licence and EPBC Approval is not within the scope of this CCR	C			
A3.1	NSW Ports	Commencement of the construction of terminal operations infrastructure on the area of the Stage 1 port footprint shown hatched in Schedule 3, shall not occur until such time as the Sydney Ports Corporation has submitted documentation, to the satisfaction of the Minister, by way of a copy of a contract(s) or agreement(s), by way of lease(s) or similar arrangement, between the Sydney Ports Corporation and any other party or parties, in respect of the construction and operation of new terminal facilities on that area that demonstrate that the area shall operate as a stand-alone terminal. The Minister may exempt areas of the approved footprint from the requirements of this condition where it can be demonstrated that option agreements relating to such areas were in force prior to consent being granted.	Assessed as compliant in previous audits of Port Botany Redevelopment Project. No further assessment required.	C			
		SCHEDULE B – CONSTRUCTION WORKS AND ONGOING ENVIRONMENTAL MANAGEMENT OF THE NON-OPERATIONAL ASPECTS OF THE TERMINAL					
		GENERAL REQUIREMENTS					



CoA No	Auditee NSW Ports/ Patrick	CoA Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
		Application of Schedule					
B1.2	NSW Ports Patrick	The conditions in this Schedule of the consent must be complied with by the Applicant, or any party undertaking the activities and works referred to under condition B1.1 on behalf of the Applicant.	Noted	C			
		Construction Environmental Management Plan (CEMP)					
B 1.3	Patrick	The Applicant shall prepare a Construction Environmental Management Plan (CEMP) which, must be approved by the Director-General prior to the commencement of any site preparation or construction works. The CEMP must:	A CEMP was prepared for the Patrick PBRP (025-J002-2533) and was submitted in March 2013 to former DP&I. A letter dated 2/5/13 from the former DP&I was sighted confirming that the CEMP and associated sub-plans meet the Conditions of Approval. Rev 4 dated 15/05/2013 is on the Patrick website. Fulton Hogan implemented the approved CEMP for the Project that was prepared by the previous contractor (McConnell Dowell)	C			
		- Describe all activities to be undertaken on the site during site establishment and construction;	The CEMP and associated sub-plans described all activities to be undertaken during site establishment and construction.	C			
		- Describe relevant stages/phases of construction, including a work program outlining relevant timeframes for each stage/phase.	A schedule of Construction Activities is provided in Section 2.4 of the CEMP.	C			
		- clearly outline stages/phases of construction that require on-going environmental management monitoring and reporting up to and beyond the commencement of operations of the terminal;	Schedule of Construction – Table 2-1 in the CEMP indicates those stages of construction requiring on-going environmental management.	C			



CoA No	Auditee NSW Ports/ Patrick	CoA Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
		- detail statutory and other obligations that the Applicant is required to fulfil during site establishment and construction, including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;	Statutory requirements are addressed in Section 3 of the CEMP and includes the relevant approvals, relevant legislation and policies.	C			
		- include specific consideration of measures to address any requirements of the Department, DEC, DNR and the Council during site establishment and construction;	Consultation summary in Appendix L.	C			
		- describe roles and responsibilities for all relevant employees involved in site establishment or construction;	Roles and responsibilities are outlined in Section 4 of the CEMP and includes all relevant employees. As Fulton Hogan has now taken over the management of the site the roles and responsibilities section of the CEMP has been superseded. The new roles and responsibilities were sighted and are outlined in Fulton Hogan's "Duties and Responsibilities Matrix" that is part of the " Project Management Plan	C			
		- detail how environmental performance of the site preparation and construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts;	Monitoring is addressed in Section 6 of the CEMP – Monitoring, Inspection & Auditing Environmental Performance.	C			
		- include all Management Plans/Studies and Monitoring Programs required in this schedule;	Yes	C			
		- include arrangements for community consultation and complaints handling procedures during construction;	Patrick's PBRD Community Consultation Approach (January 2012) applies to the Project works.	C			



CoA No	Auditee NSW Ports/ Patrick	CoA Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
	NSW Ports	- be made available for public inspection after approval of the Director General.	Rev 4 dated 15/05/2013 is on the Patrick website.	C			
		- Separate CEMPs may be prepared and submitted for works associated with the construction of the terminal footprint.	Noted. Other CEMPs have been prepared for the SICTL and grade separation works.	C			
Compliance Certification							
B1.4	NSW Ports Patrick	Prior to each of the events listed from a) to c) 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.	Patrick PBRP pre-construction compliance report (025-Y013-2533) dated 27 March 2013 was submitted to former DP&I in April 2013. Former DP&I approved the report on 2/5/13.	C			
		a) commencement of construction works associated with the development;	As above.	C			
		b) commencement of each phase of construction works established under the program required under condition B1.3; and	Patrick PBRP is a separate phase of construction, and as such a pre-construction compliance report was prepared as above.	C			
		c) completion of each phase of construction works established under the program required by condition B1.3.	A CoA Post-Construction Compliance Report for the completion of construction of Ramp D was completed in March 2015.	C			



CoA No	Auditee NSW Ports/ Patrick	CoA Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
			This CCR covers the completion of construction in the area indicated in Figure 2 of this report.				
		The certifying documentation shall clearly outline any on-going environmental management, monitoring or reporting requirements associated with the concluded construction works phase.	The observation noted against CoA B3.1 should be considered by Patrick's in relation to its ongoing management of Terminal 3	C			
B1.5	As above	Notwithstanding condition B1.4, 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.	Noted.	C			
B2		CONSTRUCTION ENVIRONMENTAL PERFORMANCE					
		Air Quality Management					
		Odour Impacts and Sediment Sampling					
B2.1	Patrick	Unless otherwise permitted by an Environment Protection Licence applicable to the development, the Applicant shall ensure that construction works are undertaken in compliance with section 129 of the protection of the Environment Operations Act 1997.	Odour is addressed in the CEMP Appendix D. No odour complaints are known to have been made.	C			
		Dust Management Plan					
B2.4	Patrick	The Applicant shall prepare a Dust Management Plan in consultation with DEC, RTA, DOP, Botany and Randwick Councils. The Applicant shall address the requirements of these organisations in the Plan. The Applicant shall also consult with the Community	A Dust Management Sub-Plan (025-Y006-2533) was prepared for the Patrick PBRP and was approved by former DP&I. Rev 3 dated 15/05/2013 is on the Patrick website.	C			



CoA No	Auditee NSW Ports/ Patrick	CoA Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
		Consultative Committee in preparation of the Plan. Plan must include, but not be limited to strategies in which the construction shall:					
		- minimise or prevent the emission of dust from the site;	Included in DMSP.	C			
		- ensure that all trafficable areas and vehicle manoeuvring areas in or on the premises shall be maintained, at times, in a condition that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust;	All of the site was paved thus minimising dust emissions	C			
		- ensure that all vehicles entering and leaving the site and carrying a load that may generate dust are covered at all times, except during loading and unloading. Any such vehicles shall be covered or enclosed in a manner that will prevent emissions of dust from the vehicle at all times; and	Construction works within the area indicated in Figure 2 have been completed and therefore no vehicles carrying dust generating loads were observed leaving or entering the site on the day of the audit. No complaints regarding dust generation from Patricks area are known to have been made	C			
		- ensure that all dust source surfaces are sealed.	All of the site was paved thus minimising dust emissions	C			
		The Plan shall be approved by the Director-General prior to commencement of construction.	Plan was approved – Letter from former DP&I granting approval for CEMP and all related sub-plans dated 2/5/2013 sighted.	C			
		Soil and Water Management					
		Soil and Water Management Plan					
B2.5	Patrick	The Applicant shall prepare a Soil and Water Management Plan in consultation with DEC, RTA, DOP, DNR, Botany and Randwick Councils. The Applicant shall address the requirements of these	A Soil, Water and Waste Water Management Sub Plan (025-Y010-2533) was prepared. It includes the Concept ESCP in Appendix B. DG approval letter sighted.	C			



CoA No	Auditee NSW Ports/ Patrick	CoA Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome				
				* See footer for key				
				C	O	NC	NA	
		organisations in the Plan. The Applicant shall also consult with the Community Consultative Committee in preparation of the Plan. The Plan must detail erosion and sediment controls, prepared in accordance with Managing Urban Stormwater: Soils and Construction (available from the Department of Housing) and must:	Rev 3 dated 15/05/2013 is on the Patrick website.					
		- identify the management responses to activities that could cause soil erosion or result in the discharge of sediments and/or other pollutants from the site;	Detailed within Mitigation Measures section 5 of the Plan	C				
		- specify standards/performance criteria for erosion, sediment, and pollution control including water sediment basin locations and discharge points, for example parameters, frequency, duration location and method; and	Detailed within sections 5 and 6 – Mitigation Measures and Monitoring	C				
		- describe what actions and measures will be implemented, the effectiveness these actions and measures and how they will be monitored during the works, clearly indicating who will conduct the monitoring, how the results of this monitoring would be recorded; and, if any non-compliance is detected.	Detailed in Section 6 of the Plan - Monitoring	C				
		The Plan shall be approved by the Director-General prior to commencement of construction.	Plan was approved – Letter from former DP&I granting approval for CEMP and all related sub-plans dated 2/5/2013 sighted.	C				
		Acid Sulphate Soils						

CoA No	Auditee NSW Ports/ Patrick	CoA Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
B2.6	Patrick	Prior to the commencement of construction activities, the Applicant must prepare an Acid Sulphate Soils Management Plan to assess and manage any Acid Sulphate Soils (ASS) or potential ASS (PASS). The Plan shall be prepared in accordance with the Acid Sulphate Soils Manual 1998 published by the NSW Acid Sulphate Soil Management Advisory Committee. In the event that ASS are encountered during the works, the Applicant shall notify the NSW Maritime Authority immediately.	An Acid Sulfate Soils Management Sub Plan (025-Y004-2533) was prepared. Rev 3 dated 15/05/2013 is on the Patrick website. No acid sulphate soils were found in this area as the area is comprised of reclaimed/dredged sediments.	C			
Pollution Prevention							
B2.7	Patrick	Unless permitted through an environment protection licence applicable to the development, the Applicant must comply with section 120 of the Protection of the Environment Operations Act 1997, which prohibits the pollution of waters. [S120 prohibits pollution without a licence.]	Stormwater discharges occur via Gross Pollutant Traps installed within the terminal drainage system that Patricks advises are now operational. There are no licensed discharged points under the EPL for the terminal. Pollution of waters was not raised in the last ER report (January 2015). A review of contractors monthly monitoring reports from Dec 14 to the last one Feb 15 indicate compliance with this requirement. No other information is available that would indicate non-compliance with this condition	C			
Consultation with Sydney Water							
B2.13	Patrick	Prior to commencement of construction, the Applicant is required to consult with Sydney Water regarding the likely requirements from Sydney Water for a section 73 Compliance Certificate	Not relevant as all effluent stored on site in underfloor storage tanks and tankered away for licenced disposal.				NA
Traffic, Transport and Infrastructure Management							
Construction Traffic Management Plan							



CoA No	Auditee NSW Ports/ Patrick	CoA Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
B2.14		<p>Prior to the commencement of any construction works, the applicant must prepare a Construction Traffic Management Plan in consultation with RTA, DOP, 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. Plan must include, but not be confined to, mitigation measures identified in EIS such as:</p> <ul style="list-style-type: none"> a) identification of preferred haulage routes; b) access routes and, signage and access arrangements on site; c) measures to limit the impact on Foreshore Rd. and Botany Rd.; d) need for restrictions on delivery hours and/or routes; and, e) development of traffic management measures during construction works to ensure minimal traffic disruptions <p>The plan must be submitted and approved by the Director-General prior to the commencement of construction</p>	<p>Traffic Management Plan (025-Y004-2533) approved by Director-General of former DP&I on 2/5/2013. DG approval letter sighted.</p> <p>It contains:</p> <ul style="list-style-type: none"> (a) Preferred haulage routes addressed in section 8 – Traffic Operations (b) Signage addressed in Section 9 – temporary signage (c) Strategies for limiting impacts on Foreshore Road and Botany Road are addressed in the Plan (d) Delivery hours are addressed in Section 8.2 including restricted delivery hours (e) Addressed throughout the Plan 	C			
		Safety Audit					
B2.15	Patrick	The Applicant must undertake a safety audit in accordance with RTA guidelines upon completion of works but prior to operation to ensure the safety of any road works, traffic management facilities, cycling	Works are within a private operational area and not publicly assessable.				NA

CoA No	Auditee NSW Ports/ Patrick	CoA Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
		and pedestrian provisions undertaken as part of the proposed works.					
		Port Traffic Handbook					
2.16	Patrick	Prior to construction the Applicant must prepare a handbook and distribute it to drivers of construction related vehicles providing information on accepted routes, constraints to traffic and preferred hours of use and amenities on such routes to ensure that the impact of traffic growth on local traffic is minimised.	Traffic Handbook attached to the Traffic Management Plan Rev 4 (11 December 2013) was distributed to drivers as a requirement of the commercial agreements between Fulton Hogan and sub-contractor suppliers.	C			
		Rail Siding Capacity					
B2.17	NSW Ports	To maximise the increase in rail mode share associated with the expansion of the Port, rail siding capacity shall be provided in accordance with the Plan required by condition A2.4 of Schedule A.	Future activity – related to A2.4 Not relevant to these works				NA
		Rail Access to New Terminal					
B2.18	NSW Ports	The Applicant shall ensure that Grade separation of Penrhyn Road over the rail access to the new berth includes the grade separation of the inter-terminal road over the rail access to Patrick’s terminal. This is required to ensure efficient operation of both road and rail access to all existing and proposed new berths.	Grade Separation Works were completed.	C			
		Noise and Vibration Management					
		Restriction to Hours					



CoA No	Auditee NSW Ports/ Patrick	CoA Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
B2.19	Patrick	<p>The Applicant shall only undertake construction activities associated with the project (with the exception of dredging construction activities) that would generate an audible noise at any residential premises during the following hours:</p> <p>a) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive;</p> <p>b) 8:00 am to 1:00 pm on Saturdays; and</p> <p>c) at no time on Sundays or public holidays.</p> <p>Audible noise is defined as “noise that can be heard at the receiver”. This condition does not apply in the event of a direction from police or other relevant authority for safety or emergency reasons. Note: ‘safety or emergency reasons’ refers to emergency works which may need to be undertaken to avoid loss of life, property loss and/or to prevent environmental harm.</p>	<p>The Noise Management Sub-Plan outlines the restrictions to working hours in Section 5 - Mitigation Measures.</p> <p>No OOHW were undertaken after the last audit in Nov 14 as construction activities had largely been completed this time and were significantly reduced over the period from December 2014 until February 2015 when Fulton Hogan had vacated the site</p> <p>Monthly reports Dec 14 to Feb 15 available on project website indicate construction works were inaudible over other background noise sources at times of monitoring at the designated receiver locations.</p>	C			
B2.19A	Patrick	<p>The Applicant must seek the Director-General’s approval to conduct construction activities audible at residential premises (with the exception of dredging construction activities) outside the hours specified under condition B2.19 on a case-by-case basis. In seeking the Director-General’s approval, the Applicant shall demonstrate a need for activities to be conducted during varied hours and how local acoustic amenity will be protected, as well as details of how the EPA’s requirements with respect to the variation of hours have been addressed.</p>	<p>No OOHW were undertaken during the period Dec 14 to cessation of construction in Feb 15</p>	C			



CoA No	Auditee NSW Ports/ Patrick	CoA Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
B2.19B	Patrick	For activities subject to an environmental protection licence issued by the EPA under the <i>Protection of the Environment Operations Act 1997</i> , conditions B2.19 and B2.19A do not apply if the EPA has approved activities to be conducted outside the hours permitted by condition B2.19.	Patrick's EPL does not regulate hours of construction work.				NA
Construction Noise Management Plan							
B2.20	Patrick	Prior to the commencement of construction, the Applicant must prepare a Construction Noise Management Plan in consultation with DEC, DOP, Botany and Randwick Councils. The Plan shall include noise mitigation for piling works for diesel powered machinery, provision of training to ensure that construction workers are aware of the noise created during construction and are appropriately trained to minimise noise where possible. In addition, the Construction Noise Management Plan must:	A Noise Management Sub-Plan (025-Y009-2533) was prepared. Rev 4 dated 15/05/2013 is on the Patrick website. Plan was approved – Letter from former DP&I granting approval for CEMP and all related sub-plans dated 2/5/2013 sighted.	C			
		- identify general activities that will be carried out and associated noise sources;	Section 2 of the Plan provides construction program for activities.	C			
		- assess construction noise impacts at the relevant receivers;	Plan identifies that these will be undertaken as part of OOHW Noise Assessments.	C			
		- provide details of overall management methods and procedures that will be implemented to control noise during the construction stage;	Mitigation measures in section 5 provide details of noise mitigation.	C			
		- identification of all feasible and reasonable measures to minimise noise and vibration, including but not limited to:	Section 5 of the NVMP – Mitigation Measures addresses reasonable and feasible methods and addresses the dot points listed in the left hand adjacent column.	C			



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				* See footer for key			
				C	O	NC	NA
		<ul style="list-style-type: none"> • using least noisy construction methods, vehicles, plant and equipment; • positioning and orientating noisy plant and equipment so as to minimise noise impacts on noise sensitive receivers and wildlife in Penrhyn Estuary; • positioning items of noisy plant and equipment as far apart as is practicable from each other; • minimising noisy activities by adopting alternative construction measures; • carrying out above ground loading and unloading activities as far away as is practicable from noise sensitive receivers and wildlife in Penrhyn Estuary; • designing each work site to minimise the need for truck reversing movements; • ensuring all vehicles and self-propelled plant and equipment enter and leave the premises in a forward direction unless unforeseen accidents or other unforeseeable circumstances arise that may require reversing movements, in which case minimising any such reversing movements; • taking all practicable steps to avoid reversing movements on the surface within the premises, and where it is impracticable to avoid reversing movements, taking all necessary steps to minimise reversing movements; 	The site is no longer being used for construction.				



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				* See footer for key				
				C	O	NC	NA	
		<ul style="list-style-type: none"> preventing vehicle, plant and equipment queuing and idling outside the hours of construction prescribed by this consent. 						
B2.20		- include a pro-active and reactive strategy for dealing with complaints including achieving the construction noise goals, particularly with regard to verbal and written responses;	Section 8 of the NVMP addresses these requirements	C				
		- detail noise monitoring, reporting and response procedures consistent with DEC requirements;	Section 6 of the NVMP addresses these requirements	C				
		- provide for internal audits of compliance of all plant and equipment;	Section 5 of the NVMP addresses this requirement	C				
		- indicate site establishment timetabling to minimise noise impacts;	Section 2 of the NVMP addresses this.	C				
		- procedures for notifying residents of construction activities likely to affect noise amenity;	Section 8 of the NVMP addresses this	C				
B2.20		- address the requirements of DEC; and	NVMP Consultation and Contacts table in Appendix E of the Plan indicates consultation with EPA and that no comments were provided.	C				
		- be approved by the Director-General prior to the commencement of any works on the site.	Plan has been approved – Letter from former DP&I granting approval for CEMP and all related sub-plans dated 2/5/2013.	C				
		Construction Noise Goals						
B2.21	Patrick	The goal for noise from construction activities as the LA10 (15 minute) should not exceed the Rating Background Level (RBL) plus 5dB (A) at sensitive receivers.	Monthly monitoring reports for Dec 2014 to Feb 2015 are available on Patrick’s website. Noise goals were exceeded at various times however at no time was construction noise from The Knuckle audible at times of monitoring. Other background	C				

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				* See footer for key			
				C	O	NC	NA
			noise from sources such as the airport, local traffic etc. was the dominant noise source.				
Construction of Noise Barrier							
B2.23	NSW Ports	To help minimise the impact of operational noise on the surrounding area, a noise barrier shall be constructed by the Applicant along northern and eastern boundaries of the site prior to the commencement of operations. The applicant must seek appropriate independent expert advice to ensure the design of the noise barrier has regard to the flight path requirements of bird species using the area.	Relates to SICTL works.				NA
B2.23A	NSW Ports	Subject to the alternative rail option being implemented as described within the report listed in condition A1.1), the Applicant shall construct a three metre high noise barrier along the northern edge of the Inter-terminal Access Road Corridor prior to the commencement of operations. The bottom two metres of the barrier shall be opaque and the top one metre shall be of transparent material sufficiently patterned to minimise impacts to bird species utilising the adjacent Penrhyn Estuary.	Relates to SICTL works.				NA
Other Construction Noise Matters							
B2.24	Patrick	The Applicant is required to identify measures to be implemented to ensure that where movement alarms are fitted to vehicles, plant or equipment entering or	Addressed in NM7 of Mitigation Measures in section 5 of the NMP – install non-tonal and automatically adjusting reversing alarms where possible.	C			



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				* See footer for key				
				C	O	NC	NA	
		operating on the site, such alarms are of a type that minimises noise at noise sensitive receivers.						
B2.25	Patrick	The Applicant must install all physical noise management measures as early as is practicable during construction of the Port Botany Expansion project.	Physical measures (e.g. noise barriers) are not required for Patricks' works.	C				
B2.26	Patrick	The Applicant must not undertake any blasting on the premises	No blasting has been conducted or is required on the project due to the soft nature of the reclaimed sediments.				NA	
		Waste Management						
		Construction Waste Management Plan						
B2.33	Patrick	<p>Prior to the commencement of construction, the Applicant is required to prepare a Construction Waste Management Plan in consultation with Botany Council and DEC. The Plan must provide details of proposed waste management measures to minimise production and impact of wastes generated at the site including but not limited to:</p> <p>a) identification of the type and quantities of waste that would be generated, a description of how the waste would be handled, stored, re-used, recycled, and if necessary, appropriately treated;</p> <p>b) identification of a designated area for the storage and collection of waste and recyclable materials to be provided on the site;</p> <p>c) description of how the effectiveness of these measures would be monitored and, if non-</p>	<p>A Waste Management Sub-Plan (025-Y012-2533) was prepared.</p> <p>Rev 3 dated 15/05/2013 is on the Patrick website.</p> <p>Plan was approved – Letter from former DP&I granting approval for CEMP and all related sub-plans dated 2/5/2013 sighted. DG approval letter sighted.</p> <p>It contains:</p> <p>(a) Documented in Appendix B – Identification and management of waste streams</p> <p>(b) Documented in Appendix D – waste storage areas</p> <p>(c) Section 6 of the Plan – Monitoring includes the actions to be taken if non-compliance is detected</p> <p>(d) Waste reduction and waste management procedures are addressed in the mitigation measures (Section 5 of the Plan)</p>	C				

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				* See footer for key			
				C	O	NC	NA
		noncompliance detected, actions to be required; and d) measures to involve and encourage employees and contractors to minimise domestic waste production on site and to reuse/recycle where possible					
		Waste Management On-Site					
B2.34	Patrick	Management of waste must be in accordance with the environment protection licence issued by EPA under the Protection of the Environment Operations Act 1997.	Patrick's provide the EPA with an Annual Return detailing compliance with the EPL for its terminal operations. The last Environmental Representative inspection report in January 2015 did not identify any concerns with the management of wastes and noted that there were limited construction activities occurring at the time.	C			
B2.35	Patrick	All wastes and material generated on the site during construction and operation shall be classified in accordance with the DEC's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes prior to transporting the waste off site and be disposed of to a facility that may lawfully accept the waste.	Patrick has advised that no scheduled wastes were disposed of after the previous audit in November 2014. Construction activities were largely winding down during December 2014 and January 2015 and there is no record of scheduled wastes being generated or requiring disposal. Since the major construction contractor (Fulton Hogan) left site in February 2015 the area has been used for construction of quay cranes which is being completed as an exempt development and therefore any waste disposal post since this time was not carried out under the Planning Approval	C			
		Hazardous and Industrial Waste					
B2.36	Patrick	Except as expressly permitted by a licence issued by the EPA under the Protection of the Environment Operations Act 1997, only the hazardous and/or	Hydrocarbons, fuels or oils associated with construction are no longer stored on site as construction has been completed	C			

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				C	O	NC	NA
		industrial and/or Group A waste listed below may be generated and/or stored at the premises: -waste oil/water, hydrocarbons/water mixtures or emulsions; and -grease trap waste.					
		Heritage Management					
		Potential for Discovery of Aboriginal Heritage Objects					
B2.39	Patrick	If an Aboriginal object is discovered during the construction of the development, works should cease in the subject area and the Applicant shall notify DEC immediately.	Entire area comprises reclaimed material dredged from Port Botany. No possibility of heritage items being found. Protocols were in place should artefacts or objects have been uncovered, in the Heritage Management Sub-Plan (025-Y008-2533).	C			
		Hazards & Risk Management					
		Construction Safety Study					
B2.41	Patrick	The Applicant shall prepare a Construction Safety Study prior to commencement of construction of terminal operations infrastructure, accordance with Hazardous Industry Planning Advisory Paper No.7 – Construction Safety Study Guidelines (DoP, 1992). The commissioning portion of the Construction Safety Study may be submitted 2 months prior to commencement of commissioning. The study shall be submitted for the approval of Director-General prior to the commencement of construction of the terminal operations infrastructure.	Construction Safety Study (020-Y010-2533 Rev 2) was approved by DG. This was reviewed and sighted in the 2013 audit and was not re-checked.	C			
B2.42	NSW Ports	The Applicant shall prepare a Fire Safety Study prior to the commencement of construction of the	The NSW Ports’ Fire Safety Study was approved by Fire and Rescue NSW in a letter dated 25 October 2013.	C			



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				C	O	NC	NA
		terminal operations infrastructure in accordance with Hazardous Industry Planning Advisory Paper No.2 – Fire Safety Study Guidelines (DoP, 1992). The study shall be submitted for the approval of the Director-General and the Commissioner of the NSW Fire Brigades prior to the commencement of construction of the terminal operations infrastructure.					
		Emergency Incident Management					
		Emergency Response and Incident Management Plan					
B2.43	Patrick	<p>The Applicant shall develop an Emergency Response and Incident Management Plan in consultation with DEC, DOP, Council and the Community Consultative Committee. The Plan must be approved by the Director-General prior to the commencement of construction and shall detail:</p> <ul style="list-style-type: none"> - terminal security and public safety issues; - effective spill containment and management; - effective fire fighting 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 can be scaled as appropriate for any incident or emergency. 	<p>An Emergency Response and Incident Management Plan (no.) was prepared.</p> <p>Plan has been approved – Letter from former DP&I granting approval for CEMP and all related sub-plans dated 2/5/2013 sighted. DG approval letter sighted.</p> <p>The Plan addresses</p> <ul style="list-style-type: none"> • Terminal security, neighbours and public safety • Oil and Chemical spill containment • Fire fighting capabilities • Response to critical incidents • Single Plan for BPL project and the relationship with other emergency plans (DISPLAN and Port Botany) 	C			
		Aviation Construction Management					



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				C	O	NC	NA
Impact on Aviation Operations at Sydney Airport							
B2.44	NSW Ports	The Applicant shall ensure that all aspects associated with construction considers the required lateral separation distances to minimise the interference to Sydney Airport radar and navigational systems.	This was assessed as compliant at previous audits and was not reassessed.				NA
B2.45	NSW Ports	The Applicant shall ensure design of the navigation channel and ship turning areas considers the required lateral separation distances to minimise interference to Sydney Airport radar and navigational systems. Design shall be undertaken in consultation with Air Services Australia.	Design of the navigation channel and ship turning areas has been completed previously by others. See Conditions B2.44 and B2.48.				NA
Obstacle limitation Surface							
B2.46	Patrick	The Applicant shall ensure that all construction equipment is below obstacle limitation surface (OLS), unless otherwise permitted by an approval under <i>the Airports (Protection of Airspace) Regulation 1996</i> and following consultation with the Department of Infrastructure, Transport, Regional Development and Local Government, Civil Aviation Safety Authority and Sydney Airport Corporation Limited.	Pugmill has been removed from site and no construction equipment on site exceeded the OLS (52m LAT).				NA
Terminal Construction Lighting Design							
B2.47	Patrick	The Applicant shall ensure design specifications of any construction lighting conform to the requirements of Regulation 94 of the Civil Aviation Regulations 1988.	No out of hours works requiring lighting was carried out on site.	C			
B3.		COMMUNITY INFORMATION, INVOLVEMENT AND CONSULTATION					



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				C	O	NC	NA
		Community Information and Complaints Handling					
B3.1	NSW Ports	The Applicant must meet the following requirements in relation to community consultation and complaints management:	Coordinated overall by NSW Ports, assigned to relevant contractors as required.	C			
	Patrick	- all monitoring, management and reporting documents required under the development consent shall be made publicly available;	Monthly environmental monitoring reports (up to September 2014), management plans and 2013 Audit Report were available on http://asciano.com.au/p/environment (as checked 9/11/14).	C			
		- provide means by which public comments, inquiries and complaints can be received, and ensure that those means are adequately publicised; and	A call made to the general inquiry no 02 8484 8000 by the auditor revealed that complaints must be made online via Asciano’s website entry form. This means that unless the complainant has access to a computer they are unable to make a complaint.	C	O		
		- includes details of a register to be kept of all comments, inquiries and complaints received by the above means, including the following register fields:	Patrick’s advised that no complaints have been received but that they would be logged into their Safety Health and Environment Data System (SHEDs) in the same way as an incident	C			
		- the date and time, where relevant, of the comment, inquiry or complaint;					
		- means by which comment, inquiry, complaint was made (telephone, fax, mail, email, 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;							



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				C	O	NC	NA
	NSW Ports & Patrick	- 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.					
	NSW Ports	- Provide quarterly reports to the Department and DEC, where relevant, outlining details of complaints received.	Quarterly Complaints reports are forwarded to DP&E by NSW Ports for the PBE works as a whole; however no complaints have been made in relation to The Knuckle works.				NA
		Community Consultative Committee					
B3.2	NSW Ports	Within 6 months of this consent or prior to commencement of construction, whichever is earlier, the Applicant shall establish a Community Consultative Committee to oversee the environmental performance of the development. This committee shall:	NSW Ports website contains CCC meeting minutes The meeting minutes are available on the PBCCC website (http://www.nswportsbotany.com.au/community/port-botany-community-consultative-committee/) and confirms the make up of the CCC. Latest meeting minutes for March, May and August 2015 indicate that environmental information is being relayed to community members and stakeholders.	C			
		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.	The Community Consultative Committee continues to operate and currently comprises three NSW Ports (Applicant) representatives, at least 4 community representatives, the Environmental Representative/Manager, Stakeholder and Community Relations Manager, Representatives from City of Botany Bay and Randwick Councils and a Business Representative and representatives from Patricks	C			



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				C	O	NC	NA
		b) be chaired by an independent party approved by the Director-General;	The committee is chaired by Roberta Ryan	C			
		c) meet at least four times a year, or as otherwise agreed by the CCC;	Meeting minutes available for 3 meetings this year with next meeting scheduled for Dec 2015	C			
		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; &	An agenda is provided and minutes of meetings are kept and made publicly available on the NSW Ports website. A review of the available minutes indicates that information on the Patricks' Knuckle Works and general PBE environmental performance, management plans, construction updates, monitoring results, complaints, etc. were presented and discussed.	C			
		Note: The Applicant may, with the approval of the Director-General, combine the function of this CCC with the function of other Community Consultative mechanisms the area, however, if it does this it must ensure that the above obligations are fully met in the combined process.	The CCC was the primary mechanism for community involvement on the project.	C			
B3.3	NSW Ports	The Applicant shall, at its own expense:					
		a) ensure that 2 of its representatives attend the Committee's meetings;	Minutes indicate that Patrick's representatives were attending.	C			
		b) provide the Committee with regular information on environmental performance/management;	Information relating to the GSW was provided at meetings. Standard agenda items were addressed in the minutes.	C			
		c) provide meeting facilities for the Committee;	Meetings were held at NSW Ports' offices.	C			
		d) arrange site inspections for the Committee, if necessary;	As required.	C			



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				C	O	NC	NA
		e) take minutes of the Committee’s meetings;	Minutes to August 2015 sighted on website	C			
		f) make these minutes available on the Applicant’s website within 14 days of the Committee meeting, or as agreed to by the Committee;	As per agreement by the committee. Last meeting minutes posted on website as at the time of the audit were August 2015. It is not clear how long after meeting the minutes had been posted to the website.	C			
		g) respond to any advice or recommendations the Committee may have in relation to the environmental management or performance of the development; and	Yes – minutes show responses to advice / recommendations / questions.	C			
		h) forward 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.	Minutes and any recommendations are provided to DPE officers who attend the committee meetings	C			
B3.5	NSW Ports	As part of terminal footprint infrastructure construction, the Applicant shall construct a pedestrian bridge accessible to wheelchairs over the Botany Freight Rail line at Banksia St. Note: the pedestrian bridge required in condition B3.5 does not form part of the Community Enhancement Program in Condition B3.4	Not related to Patricks’ works at The Knuckle.				NA
B4.		ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING					
		Incident Reporting					
B4.1	Patrick	The Director-General shall be notified of any incident with actual or potential significant off-site impacts on people or biophysical environment within 12 hours of Applicant, or other relevant party undertaking the	Patricks advised that there have not been any environmental incidents that could cause offsite impacts since the last audit in Dec 2014.				



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				C	O	NC	NA
		development, becoming aware of the incident. Full written detail of the incident shall be provided to the D-G within seven days of the date on which the incident occurred. The D-G 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 D-G may require.					
		Annual Environmental Management Report (AEMR)					
B4.2	NSW Ports	The Applicant must prepare an Annual Environmental Management Report for the development. The Annual Environmental Management Report must:	The March 2014 AEMR report is available on Asciano's Website http://asciano.com.au/p/environment As construction was completed in February 2015 - within 12 months of the March 2014 report - another AEMR was not prepared	C			
		- detail compliance with the conditions of this consent;	Refer above				
		- 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;	Refer above				
		- 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;	Refer above				
		- detail results of all environmental monitoring required under the development consent and	Refer above				



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		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;	Refer above				
		- be prepared within twelve months of commencement of construction, and every twelve months thereafter;	Refer above.				
		- be approved by the Director-General; and	The AEMR report was approved by the Director General on 20 July 2015.	C			
		- be made available for public inspection.	The AEMR is available on Asciano's Website at http://asciano.com.au/p/environment	C			
		Environmental Representative					
B4.3	Patrick propose personnel , NSW Ports obtain approval	Prior to the commencement of construction, a suitably qualified and experienced Environmental Representative(s) shall be nominated and approved by the D-G. The Environmental Representative(s) shall be employed for the duration of the construction and the on-going management, mitigation and monitoring associated with the development, excluding direct terminal operation matters subject to the conditions in Schedule C, or as	Ashley Robinson (approved as ER by former DP&I on 16 April 2013 and Maurice Pignatelli as backup ER on 26 June 2013) acted as ERs until the time of construction completion in Feb 2015. The last ER report was dated 15 January 2015.	C			



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				C	O	NC	NA
		otherwise agreed by the D-G. The Environmental Representative shall be:					
		a) the primary contact point in relation to environmental performance of construction phases;	The responsibilities of the Project Environment Representative are listed in the CEMP and reflect the requirements of parts a) to f) of this condition. The ER has not been required to endorse any updates the CEMP or sub plans.	C			
		b) responsible for all Management Plans and Monitoring Programs required under this consent, in relation to construction phases;					
		c) responsible for considering/advising on matters specified in the conditions of this consent, and all other licences and approvals relating to the environmental performance and impacts of the construction phases;					
		d) responsible for the management of procedures and practices for receiving and responding to complaints & inquiries in relation to the environmental performance of construction phases;	No complaints were made since the time of the last audit in 2014 and hence none referred to the ER	C			
		e) required to facilitate an induction/training program for relevant persons involved with construction phases;	The ER was involved in the initial review of the induction materials	C			
		f) given the authority and in trained on the material dependence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant		C			



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				C	O	NC	NA
		actions be ceased immediately should an adverse impact on environment be likely to occur.					
Environmental Training							
B4.4	Patrick	Prior to commencement of any dredging, reclamation and construction an Environmental Training Program shall be developed and implemented to establish a framework in which relevant employees will be trained in environmental management and operation of plant and equipment, including pollution control equipment, where relevant. Program shall include, but not necessarily limited to:	Environmental training was provided via more informal avenues such as the site induction, pre start and tool box talks that focussed on project specific issues.	C			
		a) identification of relevant employment positions associated with the development that have an operational or management role related to environmental performance;	Roles and responsibilities are identified in Appendix 3 to the Project Management Plan	C			
		b) details of appropriate training requirements for relevant employees;	Construction was progressively wound down from Dec 14 to Feb 15 and training requirements outside of the induction process not required				NA
		c) program for training relevant employees in operational and/ or management issues associated with environmental performance;	As above	C			
		(d) program to confirm/update environmental training and knowledge during employment of relevant persons.	Relatively short duration (<12 months) of the works make this requirement superfluous.				NA
Environmental Auditing							

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				* See footer for key			
				C	O	NC	NA
B4.5	NSW Ports & Patrick	Within one year of the commencement of construction and every year thereafter for the duration of construction a full independent environmental audit shall be undertaken by a suitably qualified person/team approved by the Director-General. Audits would be made publicly available and would:	The last such audit was undertaken in December 2014 and no further audits have been required as construction was completed in Feb 2015.	C			
		- be carried out in accordance with ISO 14010 and ISO 14011 – Procedures for Environmental Auditing;	The audit was been carried out in accordance with ISO 14010 and 14011.	C			
		- assess compliance with requirements of this consent, other licences/approvals;	Refer above	C			
		- assess the construction against the predictions made and conclusions drawn in the development application, EIS, additional information and Commission of Inquiry material; and	Refer above	C			
		- review effectiveness of environmental management, including any environmental impact mitigation works.	Refer above	C			
		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.	Refer above.	C			
		Maintenance and Management Plan for Expanded Area					



CoA No	Auditee NSW Ports/ Patrick	CoA Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
B4.6	NSW Ports	Within 1 month of full reclamation, or as otherwise agreed to by D-G, the Applicant shall prepare a Maintenance and Management Plan for the expanded area to address maintenance issues including safety, vegetation management, feral pest management, other issues identified by the Applicant in consultation with DOP. The preparation and implementation is required in case the expanded area is not leased to a new operator immediately upon construction completion. The Plan is required until such time as a lease is signed	Maintenance Management Plan dated 28/09/11 referenced in 2012 audit for Grade Separation Works. No further action required.				NA