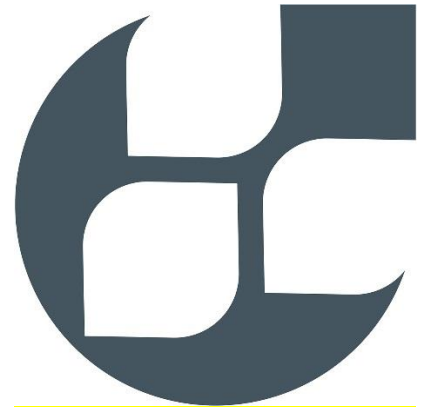


Independent Environmental Compliance Audit 2016

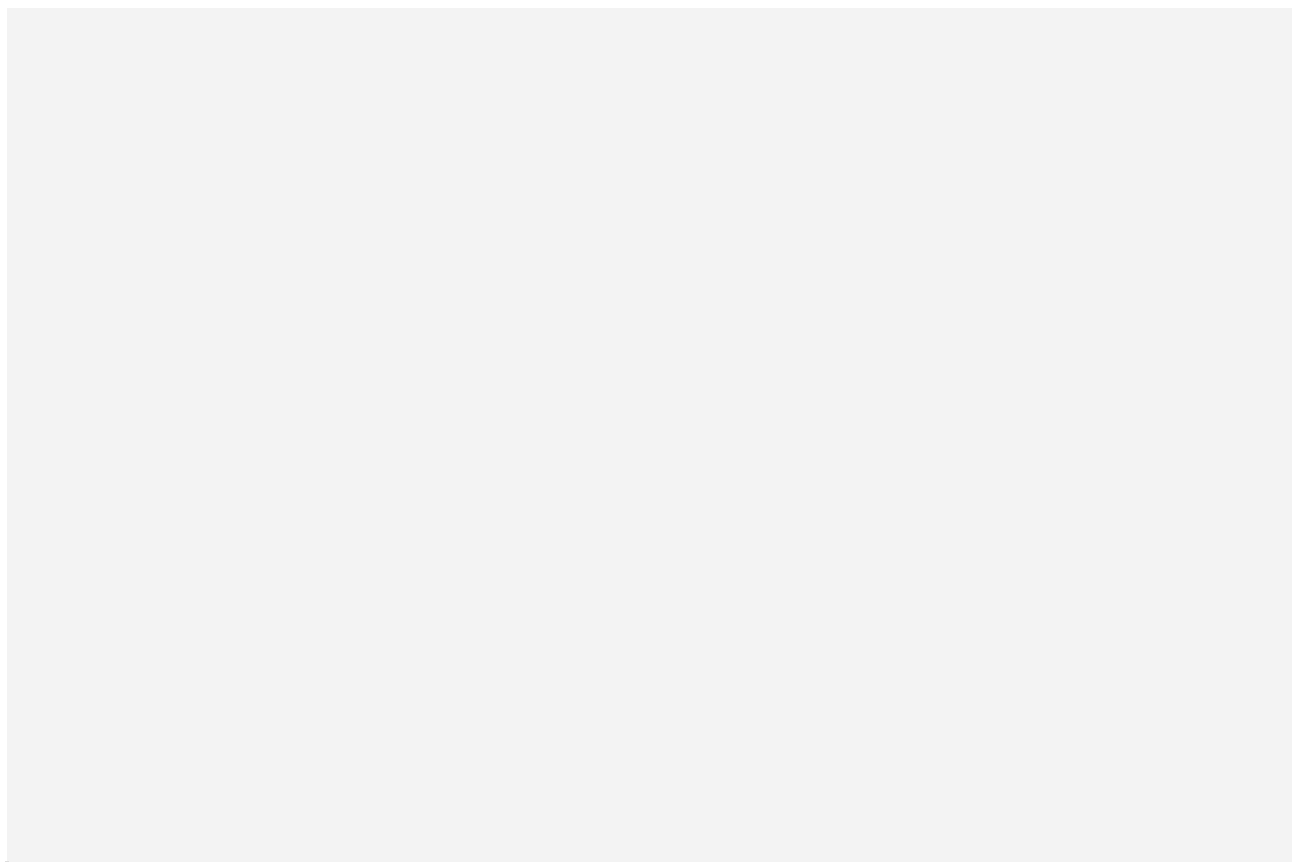
PATRICK TERMINAL PORT BOTANY
DA 494 (Port Botany Expansion)
DA 453 (Patrick Port Botany Redevelopment)



 wolfpeak

Document History

Revision	Date	Prepared By	Reviewed By	Description
V0	16/02/2018	Steve Fermio	Client	1 st draft report
Final	10/03/2018	Steve Fermio	D Low	Final audit report



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Cover photo: Patrick Terminal looking south from control tower, 15 January 2018.

Executive Summary

The purpose of this audit was to undertake the independent environmental compliance audit for 2016 of Patrick Stevedore's Port Botany Terminal operations. These operations are being carried out under two separate development consents, namely DA 494, Port Botany Expansion Project and DA 453, Port Botany Redevelopment Project.

Specifically, this 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, whereas DA 453 requires such an audit 12 months after commissioning and then every 3 years.

This audit report covers the 2016 calendar year and assesses compliance with the operational conditions of both DAs and the effectiveness of implementation of Patrick's Port Botany Terminal Operational Environmental Management Plan (OEMP).

As this audit was undertaken nearly 12 months after the relevant reporting period, it was not possible to verify the on ground implementation of specific site based conditions or mitigation measures in the OEMP. Where possible, publicly available information on the Project's website, site based records and information from the 2016 Annual Environmental Monitoring Report has been used to verify compliance.

Summary of findings:

- 14 non-compliances with conditions of the two development consents
- 6 observations against the conditions of the two development consents

There are a significant number (16) of non-compliances against the conditions of the two approvals that apply to the Terminal, primarily administrative, reporting and public information related. Noting that some of these are related to almost identical conditions in each approval. None of the non-compliances are related to instances of environmental harm to the surrounding environment or community.

It is understood that the company's transition to new owners and a period of high staff changes and vacancies at the Terminal in 2016 lead to a situation in which some information was not uploaded to the website in a timely manner. The gap in auditing and compliance reporting over the 2016 period is also understood to be related to staffing changes at that time.

While the site induction broadly states environmental requirements, it and appropriate training are not role specific. In general there is a concern with regard to the lack of appropriate and specific induction and training in relation to environmental requirements. There is also a strong need for better information and training on the storage of fuels and chemicals and the operation and capability of the stormwater collection and treatment system within the Terminal.

The Patrick Terminal (comprising the redeveloped terminal area, The Knuckle and Ramp D) is now operated as a single integrated site. Having two approvals applying to the same site creates a complex compliance regime, particularly when the conditions of each approval are inconsistent, or have been superseded by changes to the site over the last decade or more. In addition to the two approvals is an EPA Licence, which is varied more frequently to reflect current operating conditions. As a result, the current EPL is inconsistent with several EPA licence related conditions in the approvals, which are frozen in time and cannot be complied with now.

Accordingly, it is recommended that the regulatory conditions under the two approvals and EPA licence be reviewed for consistency and relevance to current operations and facilities at the Patrick Terminal and if possible, a process commenced to better align these instruments now and for the future. I note that a similar proposal has already been raised in an email on 27 September 2017 from Patrick's Environment, Sustainability & Compliance Manager to NSW Ports. I strongly support this initiative

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1.0 Introduction

1.1 The works

Patrick Stevedores Operations Pty Ltd (Patrick) operates an international shipping container terminal (the Terminal) on NSW Ports land at Brotherson Dock, Port Botany. 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 recently underwent a major redevelopment, including incorporation of the 'Knuckle' area and 'Ramp D' into operations, as well as the procurement of Autostrads (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 Terminal.

The Patrick Terminal operations are covered by two separate development consents. The development of the Knuckle and Ramp D was completed in accordance with a development consent issued as part of the Port Botany Expansion (DA 494). The Patrick Terminal redevelopment was completed under a separate development consent specific to the Patrick Terminal (DA 453). The main features of the Terminal are:

- 62 hectares of land;
- 1400 metres of quay line;
- 4 vessel berths;
- 9 quay cranes;
- 44 Autostrads;
- 4 reach stackers; and
- 650 metres of rail siding (2 lines)

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

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PORT BOTANY

NSW Ports
FIGURE 1



- NSW Ports Property Boundary
- Port Botany Rail Line
- ① Berth Numbers
- ① Bulk Liquid Berth Numbers

A ACFS	I ACFS/Patrick Port Services	M ACFS/Tyne Properties	S Patrick Container Terminals
B Vopak Terminals	J Truck Marshalling Area	N Qube/DP World	T Hutchison Ports Sydney
C Smit Lamnalco	K Department of Immigration and Border Protection	O AST Services	U Hayes Dock Services Area
D Qenos	L Trojan Transport Services & ACF Australia	P NSW Ports - Brotherson House	V Tyne Container Services
E Terminals		Q Svitzer	
F Origin Energy		R Caltex Australia	
G Elgas			
H DP World			

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 audit is being carried out in accordance with the requirements of CoA C4.5.

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

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:

- *be carried out in accordance with ISO 14010 – Guidelines and General Principles for Environmental Auditing and ISO14011 – Procedures for Environmental Auditing;*
- *Assess compliance with the requirement of this consent, other licences/ 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 environmental management of the development, including any environmental impact mitigation works.*

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*
- d) environment;*
- e) Assess whether the development is complying with the relevant standards, performance measures, and statutory requirements;*
- f) Review the adequacy of the Applicant's Environmental Management Plan, and Environmental Monitoring Program; and, if necessary*
- g) Recommend measures or actions to improve the environmental performance of the plant, and/or the environmental management and monitoring systems"*

1.3 Purpose

The purpose of this audit was to undertake the necessary assessment and review of compliance with approvals and licences and the implementation and effectiveness of environmental management and mitigation measures under the OEMP for Patrick's operations at its Port Botany Terminal.

1.4 Scope

The scope of this audit included the CoA relevant to operations, Patrick's Environment Protection Licence (EPL) No 6962 and implementation of its OEMP for the Port Botany Terminal. Construction related CoA are not included in this audit. Commonwealth Approval – EPBC 2002/543 is relevant to NSW Ports but not applicable to Patrick's operations at Terminal 3.

As 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 this particular requirement has not been included in this audit as construction of The Knuckle was completed in early 2016.

As this audit was undertaken nearly 12 months after the relevant reporting period, it was not possible to verify the on ground implementation of specific site based conditions or mitigation measures in the OEMP. Accordingly, where possible, publicly available information on the Project's website, site based records and information from the 2016 Annual Environmental Monitoring Report has been used to verify compliance

1.5 Methodology

This audit was conducted in accordance with ISO 19011 - which replaces ISO 14010 and ISO 14011 (the latter two standards are referred to in the Project Approvals).

The checklists in Appendices A and B were used to assess compliance against the:

- Operational CoA for DA 494 (Appendix A); and
- Operational CoA for DA 453 (Appendix B);

A review of Patrick's EPA Licence (No 6962) Annual Returns for the 2016 reporting period (available on the EPA's public register) along with publicly available information on the Project's website, site based records and information from the 2016 Annual Environmental Monitoring Report has been used to verify compliance with the EPL conditions.

Publicly available information on the Project's website, site based records and information from the 2016 Annual Environmental Monitoring Report has been used where possible to assess the effectiveness of implementation of the OEMP for the Project.

The audit was undertaken by Steve Fermio, a RABQSA certified environmental auditor, approved by the Department of Planning and Environment in correspondence dated 13 October 2017.

This audit included an on-site inspection and interviews with Patrick's management and environmental personnel on 30 January 2018. The audit attendee lists for the opening and closing meetings of the audit are attached at Appendix C.

In relation to findings against conditions:

- **Compliant:** Complies with all requirements of the condition(s)
- **Observation:** A situation observed during the audit that provides an opportunity for improvement, requires further consideration or could lead to a non-compliance or environmental impact if not addressed.
- **Corrective Action Request:** Observation warranting the issue of a Corrective Action Request as a result of the finding.
- **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, was not applicable at the time of the audit or was not related to a Patrick's responsibility.

2.0 Audit Findings

Table 1 provides a summary of the findings of this audit and actions proposed or completed in response to the findings.

The Audit Checklists provided in Appendices A & B include details of all the evidence collected, observed and provided in support of compliance, publicly available information on NSW Ports or Patrick's websites. Blue highlighted text indicates a finding.

2.1 Compliance Status

There were 14 *Non-Compliances* with the Conditions of the Project Approvals. Table 1 below provides further details of these.

There were no non-compliances with the Environment Protection Licence (based on the 2016 Annual Return).

2.2 Observations & Corrective Action Requests

There were no *Corrective Action Requests* identified as it was not possible to undertake a site inspection of environmental / pollution controls due to the timing of the audit.

There were 6 *Observations* made in this audit as summarised below. Table 1 below provides further details of these.

2.3 Effectiveness of environmental management & mitigation measures

It was difficult to assess the effectiveness of implementation of the OEMP during 2016 as the site inspection and audit was not carried out until nearly 12 months after the reporting period. There were 8 environmental incidents reported (one was reported to the EPA) during 2016 and no complaints made by the surrounding community. There were no non-compliances reported by Patrick's in its 2016 EPL Annual Return.

These indicators would tend to suggest that the environmental mitigation measures in the OEMP achieved a satisfactory level of environmental protection during 2016.

2.4 Environmental performance of the development

There was no evidence available that would suggest that during the report period (2016) the environmental performance of the Patrick Terminal at Port Botany was having a detrimental impact on the surrounding environment.

3.0 Audit Conclusions

Compliance records were well organised and available at the time of the site inspection and interview with Patrick's personnel on 30 January 2018.

Relevant environmental and compliance monitoring data was being collected in 2016. The majority of this information is now publicly available, along with the Terminal's environmental management plans, on Patrick's Port Botany Terminal website. It is understood that the company's transition to new owners and a period of high staff changes and vacancies at the Terminal which lead to a situation in which some information was not uploaded to the website in a timely manner. The gap in auditing and compliance reporting over the 2016 period is also related to staffing changes at that time.

There are a significant number (14) of non-compliances against the conditions of the two approvals that apply to the Terminal, primarily administrative, reporting and public information related. Noting that some of these are related to almost identical conditions in each approval. None of the non-compliances are related to instances of environmental harm to the surrounding environment.

While the site induction broadly states environmental requirements, it and appropriate training are not role specific. In general there is a concern with regard to the lack of appropriate and specific induction and training in relation to environmental requirements. There is also a strong need for better information and training on the storage of fuels and chemicals and the operation and capability of the stormwater collection and treatment system within the Terminal.

The Patrick Terminal (comprising the redeveloped terminal area, The Knuckle and Ramp D) is now operated as a single integrated site. Having two approvals applying to the same site creates a complex compliance regime, particularly when the conditions of each approval are inconsistent, or have been superseded by changes to the site over the last decade or more. In addition to the two approvals is an EPA Licence, which is varied more frequently to reflect current operating conditions. As a result the current EPL is inconsistent with several EPA licence related conditions in the approvals, which are frozen in time and cannot be complied with now.

Accordingly, it is recommended that the regulatory conditions under the two approvals and EPA licence be reviewed for consistency and relevance to current operations and facilities at the Patrick Terminal and if possible, a process commenced to better align these instruments now and for the future. I note that a similar proposal has already been raised in an email on 27 September 2017 from Patrick's Environment, Sustainability & Compliance Manager to NSW Ports. I strongly support this initiative.

Table 1: AUDIT ACTION LIST

Item No	Cond . No	Details of Condition / Requirement	Finding	Type	Proposed or Completed Action	Who By	When
DA 453 - PORT BOTANY REDEVELOPMENT APPROVAL							
1	1.9	The Applicant shall ensure that all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent.	The Site Induction contains only a brief environmental component and does not address this requirement specifically.	NC	Revise and re-issue the site induction package to include more specific environmental training, toolbox talks or similar covering topics such as bunding, spill response, noise mitigation etc.	ESC Mgr M. Gibbs	30-Apr-18
2	3.33	Except as may be expressly provided by a licence issued under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 shall be complied with and in connection with the carrying out of the development.	The stormwater collection and treatment system serving the Patrick Terminal needs to be better documented and the capability of critical controls (e.g. Drain Safe, Puraceptor, GPT etc.) better understood. It is recommended that a figure / plan of the system be prepared, and key personnel inducted into the working of the system.	O	Document the stormwater collection/treatment system and the capacity of critical controls, include a figure / plan. Induct key personnel into the stormwater management system.	ESC Mgr M. Gibbs	31-May-18
3	3.40	The quantity of hazardous and/or industrial and/or Group A waste generated on the premises shall not exceed 200 tonnes per year.	No records were available in relation to this requirement although it is noted the EPL does not set any similar limit on such wastes.	O	To be reviewed at 2018 audit	Auditor	2018 audit
4	3.41	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.	As above	O	To be reviewed at 2018 audit	Auditor	2018 audit
5	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	Compliance with this condition is difficult to assess and role of Ports Authority is also unclear.	O	Patrick to clarify with NSW Ports what compliance with this condition looks like prior to 2018 audit.	ES Mgr, M. Gibbs	31-Jul-18

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Item No	Cond . No	Details of Condition / Requirement	Finding	Type	Proposed or Completed Action	Who By	When
		recommendations 1.1 and 1.2 in the Port Botany Land Use Safety Study (1996).					
6	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...	<p>During the reporting period two incidents were reported to NSW EPA, however not notified to NSW Ports and DP&E:</p> <ul style="list-style-type: none"> • 29-Aug-16: AutoStrad leaked diesel in the Yard. • 22-Oct-16: DGs (Class 9) shipping containers were pushed over, nil leaks were found inspecting the cargo 	NC	Update the incident reporting matrix and induct key personnel on the reporting process.	ESC Mgr M. Gibbs	30-Apr-18
7	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...	The Site Induction does not include special noise control training.	NC	Revise the site induction package to include role specific noise control training. Induct key personnel on the noise control methods.	ESC Mgr M. Gibbs	31-May-18
8	3.63	Prior to the commencement of construction, the Applicant shall establish and list with the telephone company a 24 hour freecall 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.	During the reporting period up until August 2016 Patrick's then website had a contact number. During the transition to new owners the former owner's website was taken down and the Terminal relied on the public to find a means to contact Patrick. Patrick did not have a designated telephone number for reporting complaints etc.	NC	Patrick's new website uploaded and include contact phone number - Ph. 9394 0308 (providing 24/7 response).	ESC Mgr M. Gibbs	Closed
9	6.6	Within twelve months of the date of this consent, and annually thereafter, unless the Director-General directs otherwise, the Applicant shall	As the 2016 AEMR was submitted (November 2017) significantly later than 12 months after the	NC	2016 AEMR now available on website and accepted	Closed	Closed

Item No	Cond . No	Details of Condition / Requirement	Finding	Type	Proposed or Completed Action	Who By	When
		submit a Compliance Report to the Director-General. The Compliance Report shall: (a) Identify all the standards, performance measures, and statutory requirements the development is required to comply with, including the conditions of this consent...	commencement of operations in February 2016 the project was non-compliant with this requirement during the reporting period.		by DPE on 22 December 2017.		
10	6.7	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...	This audit is being undertaken to satisfy this requirement noting that it was commissioned in November 2017 and is therefore not compliant with the 12 month timeframe for the first audit (4 Feb 2016 was the commencement of operations).	NC	Closed with submission of this audit report.	Auditor	Closed
11	6.8	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	This audit report will be finalised in March 2018 but as it was due to be submitted in April 2017 Patrick was non-compliant with this requirement for the reporting period.	NC	Closed with submission of this audit report.	Auditor	Closed
12	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 'H2O only'.	Patrick has trialled various options but due to vehicles/mobile plant moving over the area paint is worn off and raised signs can cause damage to tyres etc.	NC	Patrick to seek modification of consent to remove this requirement.	ESC Mgr, M. Gibbs	30-Jun-18
DA 494 – PORT BOTANY EXPANSION APPROVAL							
13	C1.3	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.... be made available for public inspection after approval of the Director General	The 'Patrick Port Botany Terminal Operational Environmental Management Plan' (OEMP) – Version 0.7 (03/03/2015) has been prepared to satisfy this condition but was not available on the Operators website during 2016.	NC	The OEMP is now available on Patrick's website.	Closed	Closed

Item No	Cond . No	Details of Condition / Requirement	Finding	Type	Proposed or Completed Action	Who By	When
14	C2.14	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.	The stormwater collection and treatment system serving the Patrick Terminal needs to be better documented and the capability of critical controls (e.g. Drain Safe, Purceptor, GPT etc.) better understood by key personnel. It is recommended that a figure / plan of the system be prepared and key personnel inducted into the working of the system	O	Document the stormwater collection/treatment system and the capacity of critical controls, include a figure / plan. Induct key personnel into the stormwater management system.	ESC Mgr M. Gibbs	31-May-18
15	C2.18	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).	Compliance with this condition is difficult to assess and role of Ports Authority is also unclear.	O	Patrick to clarify with NSW Ports what compliance with this condition looks like prior to 2018 audit	ESC Mgr, M. Gibbs	31-Jul-18
16	C3.1	The Applicant must meet the following requirements in relation to community consultation and complaints management... all monitoring, management and reporting documents required under the development consent shall be made publicly available	Patrick has prepared and issued to NSW Ports copies of the Quarterly Complaints Reports during the reporting period of 2016. These reports have now been uploaded to the Patrick website making them publicly available. However, Patricks were not fully compliant with this requirement during the 2016 period. The OEMP was similarly not made publicly available on Patrick's website in after August 2016 when the former owner's website was taken down.	NC	All documents now available on Patrick's website.	Closed	Closed
17	C4.1	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	During 2016 two incidents were reported to NSW EPA, however not notified to NSW Ports and DP&E:	NC	Update the incident reporting matrix and induct key personnel on the reporting process.	ESC Mgr M. Gibbs	30-Apr-18

Item No	Cond . No	Details of Condition / Requirement	Finding	Type	Proposed or Completed Action	Who By	When
		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	<ul style="list-style-type: none"> • 29-Aug-16: AutoStrad leaked diesel in the Yard. • 22-Oct-16: DGs (Class 9) shipping containers were pushed over, drums came through the doors. Hazmat contacted, identified nil leaking from drums. 				
18	C4.2	The Applicant must prepare an Annual Environmental Management Report for the development. The Annual Environmental Management Report must... 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	The AEMR for 2016 had not been prepared by the due date of February 2017.	NC	As the DP&E Annual Review Guideline, October 2015) - the annual review will be provided not later than 60 calendar days after the end of the each reporting period.	ESC Mgr M. Gibbs	31-Mar-18
19	C4.4	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:	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.	NC	Revise and re-issue the site induction package to include more specific environmental training, toolbox talks or similar covering topics such as bunding, spill response, noise mitigation etc.	ESC Mgr, M. Gibbs	30-Apr-18
20	C4.5	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..	This audit report was prepared in January – March 2018 based on records available for the 2016 calendar year and the 2016 AEMR. While the audit was commissioned in November 2017 it is still considerably late.	NC	Closed with submission of this audit report.	Auditor	Closed



Appendix A. PROJECT APPROVAL CONDITIONS DA 494 – PORT BOTANY EXPANSION

PROJECT APPROVAL CONDITIONS PORT BOTANY CONSENT

CoA No	Condition of Approval 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	<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; 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; 	Compliance with these requirements is verified through this independent audit process, compliance reports etc.	C			

Independent Environmental Compliance Audit
Patrick Port Botany Terminal (2016)



CoA No	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
			* See footer for key			
			C	O	NC	NA
	<p>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;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>k) modification application MOD-68-12-2008, accompanied by a letter from SPC dated December 2008;</p> <p>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) Modification</i> dated February 2009</p> <p>m) modification application DA-494-11-2003-I MOD 8, accompanied by an assessment report titled <i>Port Botany Expansion – Ship Turning Area Dredging Section 96 (1A) Modification</i> dated May 2009;</p>					

Independent Environmental Compliance Audit
Patrick Port Botany Terminal (2016)



CoA No	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
			* See footer for key			
			C	O	NC	NA
	<p>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 2009.</p> <p>o) modification application DA-494-11-2003-I MOD 10, accompanied by an assessment within the letter titled <i>"Port Botany Expansion – Section 96(1A) Modification – Additional Ship Turning Area Dredging"</i> dated 8 July 2009;</p> <p>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 Maintenance Building"</i> dated 14 September 2011; and</p> <p>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 2012 in relation to other proprietary SQID devices; and</p> <p>r) modification application DA-494-11-2003-i MOD 13, accompanied by an assessment report titled <i>"Project No. 231658 Section 75W Modification to Stormwater Management System for Southern Expansion Area"</i> dated 31 October 2012;</p>					

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CoA No	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
			* See footer for key			
			C	O	NC	NA
	<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 2013; and</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; and</p> <p>u) the conditions of this consent.</p> <p>Insofar as they relate to the approved development.</p>					
Statutory Requirements						
A1.3	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>The Federal EPBC Approval 2002/543 and EPL 6962 remain valid. Sydney Water Trade Waste Consent No. 24990 is current.</p> <p>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 2.2 of the OEMP which is available on the website:</p> <p>http://www.patrick.com.au/environment-sustainability</p>	C			

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A1.4	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 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	Trade bulletins published on NSW Ports website indicate these limits were being met during the 2016 calendar year	C			
SCHEDULE C: TERMINAL OPERATIONS						
C1	GENERAL					
	Application of Schedule					
C1.1	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	Noted. See detailed input below				
C1.2	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	Noted. Patrick Stevedores is a Terminal operator and has commissioned this Audit to assess compliance against these conditions with respect to its own operations				

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Operation Environmental Management Plan						
C1.3	<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 DOP, DEC, 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 	<p>The 'Patrick Port Botany Terminal Operational Environmental Management Plan' (OEMP) – Version 0.7 (03/03/2015) has been prepared to satisfy this condition but was not available on the Operators website during 2016.</p> <p>The current OEMP is now available at: http://www.patrick.com.au/environment-sustainability</p> <p><i>Implementation of the OEMP on site was not able to be assessed as the site audit was undertaken nearly 12 months after the reporting period had ended.</i></p>			NC	

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	- be made available for public inspection after approval of the Director General.					
Compliance Certification						
C1.4	<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>	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			
C1.5	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				NA	
Air quality management						
C2.1	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	No odour incidents are recorded in the Incident Register for 2016 and no complaints from parties external to the site regarding odours were received during 2016	C			

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C2.2	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	No dust incidents are recorded in the Incident Register for 2016 and no complaints from parties external to the site regarding odours were received during 2016	C			
C2.3	All trafficable and vehicle manoeuvring areas shall be maintained at all times in a condition that minimises the generation and emission of dust	<i>Implementation was not able to be assessed as the site audit was undertaken nearly 12 months after the reporting period had ended.</i>				
C2.4	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	Vast majority of vehicles entering or leaving site are carrying shipping containers which are sealed	C			
Noise Management						
C2.5	Prior to the commencement of operations, the Applicant must prepare an Operation Noise Management Plan in consultation with DEC, DOP, 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: - identify general activities that will be carried out and associated noise sources;	Plan available as part of OEMP on website. http://www.patrick.com.au/environment-sustainability The Operational Noise Management Plan (V0.5, 2015) has been prepared in consultation with the relevant stakeholders and addresses the requirements of this condition.	C			

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	<ul style="list-style-type: none"> - 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 DEC; - 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 DEC; - 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; 	<p>Biannual Noise Compliance Monitoring Reports have been completed for:</p> <p>June 2016</p> <p>November 2016</p> <p>and are available on the website at:</p> <p>http://www.patrick.com.au/environment-monitoring-reporting</p>				

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	<ul style="list-style-type: none"> - 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 																																														
C2.6	<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> </tbody> </table>	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	<p>Biannual noise monitoring reports are available on Patrick Stevedores website. Each report has been prepared by Rodney Stevens Acoustics. The reports, following monitoring and assessment, 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>	C			
Most affected residential Location	Day		Evening	Night																																											
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CoA No	Condition of Approval Requirement						Comments, observations, discussion Evidence, supporting documentation		Audit Outcome				
									* See footer for key				
									C	O	NC	NA	
	Military Road	42	42	42	40	60							
	For the purpose of this condition; <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 												
C2.7	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						Noise reports referred to above satisfy this requirement		C				
C2.8	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		C				
C2.9	Where it can be demonstrated that direct measurement of noise from the premises is impractical, the DEC may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy						Refer C2.7 & 2.8 above		C				
C2.10	The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable						Noise reports referred to above satisfies this requirement		C				

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C2.11	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	Noise reports referred to above satisfies this requirement	C			
Operational Traffic Management Plan						
C2.12	<p>Prior to the commencement of terminal operations, the applicant must prepare an Operational 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. 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>Plan available as part of OEMP on website. http://www.patrick.com.au/environment-sustainability</p> <p>The Operational Traffic Management Plan (V0.5, 2015) has been prepared in consultation with the relevant stakeholders and addresses the requirements of this condition.</p>	C			

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Waste Management on Site						
C2.13	Management of waste must be in accordance with the environment protection licence issued by EPA under the Protection of the Environment Operations Act 1997	A Waste Management Plan (V0.4, 2015) is available as part of OEMP on website. http://www.patrick.com.au/environment-sustainability EPL 2669 Condition L2 allows Patrick Stevedores to receive certain types of waste at the premises.	C			
C2.13A	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	Records of waste oils and filters, transporters and waste oil receipt locations are maintained in a Waste Register.	C			
Water and Wastewater Management						
C2.14	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.	No water quality monitoring is required by the EPL (6962). Several spills (cleaned up on site) recorded on site during 2016 but no water pollution incidents in relation to Section 120 have been recorded or made.	C	O		

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		Observation: The stormwater collection and treatment system serving the Patrick Terminal needs to be better documented and the capability of critical controls (eg Drain Safe, Puraceptor, GPT etc) better understood by key personnel. It is recommended that a figure / plan of the system be prepared and key personnel inducted into the working of the system.				
C2.15	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	No discharge points in EPL.				NA
Hazards and Risk Management						
C2.16	Prior to the commencement of operation, the Applicant shall develop management measures in consultation with the Major Hazards Unit of DOP regarding the use of the new terminal for loading, unloading and storage of dangerous goods of Classes 2.3 and 6	The Emergency Management Plan and Emergency Response Plan, Appendix N of the Operational EMP was developed to meet the expectation of the DP&E's 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			

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C2.17	The Applicant shall ensure that the throughput of dangerous goods of each Class and the unit size shall not exceed those listed in table 6.8 of the Preliminary Hazard Analysis (Revision 7, June 2004) and is required to submit periodic reports to the Director-General detailing information on the actual tonnages, numbers of TEUs and package sizes for each class of dangerous goods handled in the previous five years for all port terminals	A meeting was held with the DP&E, NSW Ports, Patrick and SICTL on 4 December 2013 to discuss the requirements of C2.17. The meeting minutes confirm that as a result of Section 32 of the Ports Assets (Authorised Transactions) Act 2012 all conditions in the planning approval limiting volumes, including those related to dangerous goods limits (C2.17) no longer apply to the terminal operations in the Port Botany Expansion area. The processes and tools Patrick use to regulate the quantities of Dangerous Goods handled are described in Standard Operating Procedure for Storage & Handling of Hazardous Dangerous Goods (ST-SOP-03 v3, 15 May 2015), as Appendix J of the Operational EMP. As discussed with DP&E during the 4 December 2013 meeting, these processes operate in a transient context rather than an annual context. SOP for Storage & Handling of Hazardous Dangerous Goods (ST-SOP-03) details the management of red-line and green-line cargo. Patrick submits periodic reports to the Port Authority of NSW regarding transiting DGs on site, including daily and hourly DG status and yard movements. In				NA

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		<p>addition, the Port Authority's DG Officer inspects DG compliance and information on a weekly basis at Patrick's premises. It is recognised the SOP requires updating to include this process. Patrick is not yet required to report to the Director-General on dangerous goods handled in the past five years (est. 2020/21), as the operational period is still below this threshold.</p> <p>It is also noted that this condition is the subject of a Modification application by NSW Ports and will likely be changed in 2017.</p>				
C2.18	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).	Compliance with this condition is difficult to assess and role of Ports Authority is also unclear.		O		
Emergency Incident Management						
C2.20	<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 operations and shall detail:</p> <ul style="list-style-type: none"> - terminal security and public safety issues; 	<p>The Emergency Management Plan (Rev 10, 2015) is available as part of OEMP on website. http://www.patrick.com.au/environment-sustainability</p> <ul style="list-style-type: none"> • 	C			

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	<ul style="list-style-type: none"> - 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.					
Aviation Operational Impacts						
C2.21	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	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	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	As above	C			
C2.23	The Applicant shall ensure design specifications of the terminal lighting conform to the requirements of Regulation 94 of the Civil Aviation regulations 1988	Patrick has obtained approval under the Airports (Protection of Airspace) Regulations 1996 (APAR) (Ref: 12/5083) for the intrusion of	C			

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		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.				
C2.24	<p>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:</p> <ul style="list-style-type: none"> - minimising ship board 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) lighting requires adequate lighting during loading or unloading activities. When vessels are loaded/unloaded at night and sufficient lighting will be required to undertake loading or discharge operations. Note: The Pre-Operational Compliance Report for the Patrick Port Botany 'Knuckle and Ramp D' (dated December 2015) lists the status of this condition as "open" with comments about consultation with relevant parties	C			
C2.25	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	The Bird Hazard Management Plan is available as part of OEMP on website. http://www.patrick.com.au/environment-sustainability	C			

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COMMUNITY INFORMATION, INVOLVEMENT AND CONSULTATION						
C3.1	<p>The Applicant must meet the following requirements in relation to community consultation and complaints management:</p> <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. 	<p>Documentation including management plans and monitoring reports are now available on Patrick Stevedores website. http://www.patrick.com.au/environment-monitoring-reporting</p> <p>Contact details and complaints line are available at: http://www.patrick.com.au/environment-sustainability</p> <p>Patrick has prepared and issued to NSW Ports copies of the Quarterly Complaints Reports during the reporting period of 2016. These reports have now been uploaded to the Patrick website making them publicly available. However, Patricks were not fully compliant with this requirement during the 2016 period.</p> <p>The OEMP was similarly not made publicly available on Patrick's website in 2016</p>			NC	

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	-Provide quarterly reports to the Department and DEC, where relevant, outlining details of complaints received					
C3.2	<p>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:</p> <p>(a) be comprised of:</p> <ul style="list-style-type: none"> · 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; <p>(b) be chaired by an independent party approved by the Director-General;</p> <p>(c) meet at least four times a year, or as otherwise agreed by the CCC;</p> <p>(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</p> <p>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</p>	<p>Minutes of the meetings are on NSW Ports website at: PB CCC</p> <p>Meetings have been attended by a Patrick Stevedores representative</p>	C			

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			C	O	NC	NA
	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					
C3.3	<p>The Applicant shall, at its own expense:</p> <ul style="list-style-type: none"> (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.	C			
ENVIRONMENTAL MONITORING AND AUDITING						
C4.1	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	<i>During 2016 two incidents were reported to NSW EPA, however not notified to NSW Ports and DP&E:</i>			NC	

Independent Environmental Compliance Audit
Patrick Port Botany Terminal (2016)



CoA No	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
			* See footer for key			
			C	O	NC	NA
	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	<ul style="list-style-type: none"> • 29-Aug-16: AutoStrad leaked diesel in the Yard. • 22-Oct-16: DGs (Class 9) shipping containers were pushed over, drums came through the doors. Hazmat contacted, identified nil leaking from drums. 				
C4.2	<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; 	The AEMR for 2016 had not been prepared by the due date of February 2017.			NC	

CoA No	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
			* See footer for key			
			C	O	NC	NA
	<ul style="list-style-type: none"> - 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 					
C4.3	<p>Prior to the commencement of operations, a suitably qualified and experienced Environmental Representative(s) shall be nominated to and approved by the Director-General. The Environmental Representative(s) shall be employed for the duration of operations, or as otherwise agreed by the Director-General. The Environmental Representative shall be:</p> <ul style="list-style-type: none"> - the primary contact point in relation to the environmental performance of the terminal operations; - responsible for all Management Plans and Monitoring Programs required under this consent, in relation to the terminal operations; - responsible for considering and 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 terminal operations; - responsible for the management of procedures and practices for receiving and responding to complaints and inquiries in relation to the environmental performance of the terminal operations; - required to facilitate an induction and training program for relevant persons involved with the terminal operations; and 	<p>During 2016 the Environmental Representative (ER) nominated and approved by the Director-General was Mr Tim Cook (ex GDH, Arup).</p> <p><i>NB: Evidence of Mr Cook's involvement in ER activities during 2016 could not be provided however.</i></p>	C	O		

Independent Environmental Compliance Audit
Patrick Port Botany Terminal (2016)



CoA No	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
			* See footer for key			
			C	O	NC	NA
	- given the authority and independence 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 actions be ceased immediately should an adverse impact on the environment be likely to occur.					
C4.4	<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> <p>a) identification of relevant employment positions associated with the development that have an operational or management role related to environmental performance;</p> <p>b) details of appropriate training requirements for relevant employees</p> <p>c) a program for training relevant employees in operational and/or management issues associated with environmental performance; and</p> <p>d) a program to confirm and update environmental training and knowledge during employment of relevant persons</p>	<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> <p>Recommendation: Significant focus is required on environmental training of relevant staff within the context of a training program.</p>			NC	
C4.5	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	This audit report was prepared in January - February 2018 based on records available for the 2016 calendar year.			NC	

Independent Environmental Compliance Audit
Patrick Port Botany Terminal (2016)



CoA No	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
			* See footer for key			
			C	O	NC	NA
	<p>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>While the audit was commissioned in November 2017 it is still considerably late.</p>				

Appendix B. PROJECT APPROVAL CONDITIONS DA 453 – PORT BOTANY REDEVELOPMENT

DEVELOPMENT CONSENT CONDITIONS: DA-453-12-2002-i – Patrick Stevedores Operations Pty Ltd

CoA No	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome (See footer for key)			
			C	O	NC	NA
1. GENERAL						
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.	The 'Patrick Port Botany Terminal Operational Environmental Management Plan' (OEMP) – Version 0.7 (03/03/2015) has been prepared to document management measures and is available on the Operators website: http://www.patrick.com.au/environment-sustainability	C			
Scope of Development						
1.2	¹ 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 2002 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>; 	Compliance with these requirements is verified through this independent audit process, compliance reports etc.	C			

¹ Incorporates EPA General Terms of Approval – A 1.1

CoA No	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome (See footer for key)			
			C	O	NC	NA
	<p>ii) Upgrade of Port Botany Container Terminal, Revised Noise Assessment, dated May 2003 and prepared by Wilkinson Murray Pty Ltd;</p> <p>iii) Supplementary Avifauna Survey & Assessment of Impacts, dated 26 May 2003 and prepared by AMBS Consulting;</p> <p>iv) the memorandum from Patricks Brinckerhoff dated 30 May 2003 and titled <i>Patrick Water Quality Assessment</i>;</p> <p>v) the amended development application submitted to the Department on 30 May 2003 and associated drawings;</p> <p>vi) the letter from Patrick Terminals to Planning NSW dated 11 June 2003 titled <i>Patrick Port Botany EIS</i>;</p> <p>vii) the memorandum from Fielders Engineers Pty Ltd to Parsons Brinckerhoff dated 20 June 2003 titled <i>Transport NSW's Comments</i>;</p> <p>viii) the letter from Qest Consulting Group to Parsons Brinckerhoff dated 3 July 2003 titled <i>Preliminary Hazard Analysis for Patrick Stevedores</i>;</p> <p>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;</p> <p>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 (Job No. 0400107, Revision C)</i> numbered 01 to 04 respectively;</p> <p>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 (Job No. PDS-06-38, Revision A)</i>;</p> <p>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 (Job No. PDS-06-38, Revision D)</i>;</p> <p>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 (Job No. PDS-07-81, Issue E)</i>;</p>					

CoA No	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome (See footer for key)			
			C	O	NC	NA
	<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) Proposed Camco Trafficgate (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.				
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 is the "portable document format" (pdf) or another format that may be readily converted to pdf.</p>	Noted				
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.	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	C			

CoA No	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome (See footer for key)			
			C	O	NC	NA
		various government authorities, have been obtained for the operation of the terminal and are listed in Section 2.2 of the OEMP which is available on the website: http://www.patrick.com.au/environment-sustainability				
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.	The Site Induction contains only a brief environmental component and does not address this requirement specifically			NC	
1.10	The Applicant shall be responsible for the environmental impacts resulting from the actions of all persons on the site, including any visitors.	Noted				
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.	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			
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.	No such request has been made during the reporting period				NA
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.	See 1.13 above				
Dispute Resolution						

CoA No	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome (See footer for key)																	
			C	O	NC	NA														
C9	<p>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.</p> <p>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.</p>	The 2016 AEMR states that there have been no known disputes in relation to this condition.				NA														
2. ENVIRONMENTAL PERFORMANCE																				
Noise Limits																				
3.3	<p>²Noise generated by the development shall not exceed the noise limits presented in the table below, unless otherwise agreed by the Director-General:</p> <table border="1"> <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	<p>Two biannual noise monitoring reports for the reporting period are available on Patrick Stevedores website. Each report has been prepared by Rodney Stevens Acoustics.</p> <p>The reports, following monitoring and assessment, conclude that 'operational noise is considered to comply with EPL 6962 day, evening and night-time noise limits'.</p> <p>It is noted It is noted that noise limits within the EPL are equal to or more stringent than those quoted here and in the Port Botany Consent.</p>	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	<p>³For the purpose of condition 3.3 of this consent:</p> <p>(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;</p> <p>(b) Evening is defined as the period from 6.00pm to 10.00pm; and</p> <p>(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.</p>	Noted																		

² EPA General Terms of Approval – L 6.1

³ EPA General Terms of Approval – L 6.2

CoA No	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome (See footer for key)			
			C	O	NC	NA
Noise Assessment Report						
3.6	⁴ 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 reports referred to in condition 3.3 satisfy this requirement.	C			
3.7	⁵ Noise from the site shall be measured at 1 metre from the bedroom window to determine compliance with the L _{A1} (1 minute) and L _{A MAX} noise limits in condition 3.3 of this consent.	As above	C			
3.8	⁶ 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.	Noise reports referred to in condition 3.3 satisfy this requirement.	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.	This was not able to be assessed as the site audit was undertaken nearly 12 months after the reporting period had ended.				
3.23	No parking shall be permitted on the internal roadways and outside the designated parking areas.	This was not able to be assessed as the site audit was undertaken nearly 12 months after the reporting period had ended.				
3.24	All trucks entering the development shall be wholly contained within the site before being required to stop.	This was not able to be assessed as the site audit was undertaken nearly 12 months after the reporting period had ended.				
3.25	The use of landscaping shall not affect driver sight distance for vehicles entering and exiting the site.	This was not able to be assessed as the site audit was undertaken nearly 12 months after the reporting period had ended.				
Water Quality Impacts						
Pollution of Waters						

⁴ EPA General Terms of Approval – L 6.3

⁵ EPA General Terms of Approval – L 6.4

⁶ EPA General Terms of Approval – L 6.5

CoA No	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome (See footer for key)														
			C	O	NC	NA											
3.33	⁷ 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.	No water quality monitoring is required by the EPL (6962). No water pollution incidents in relation to Section 120 have been recorded or made during the reporting period. Observation: The stormwater collection and treatment system serving the Patrick Terminal needs to be better documented and the capability of critical controls (eg Drain Safe, Puraceptor, GPT etc) better understood. It is recommended that a figure / plan of the system be prepared and key personnel inducted into the working of the system.	C	O													
Concentration Limits																	
3.34	⁸ 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.	AEMR 2016 states 'Discharges from Point 1 are referenced in EPL version dated 18 April 2011'. Current EPL has no licensed discharge points.	C														
3.35	⁹ 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.	As above.	C														
3.36	¹⁰ To avoid any doubt, this condition does not authorise the discharge of emission of any other pollutants. Discharge Location - Point 1	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				NA											
	<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				
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															

⁷ EPA General Terms of Approval – L 1.1 and A 2.1

⁸ EPA General Terms of Approval – L 3.1

⁹ EPA General Terms of Approval – L 3.2

¹⁰ EPA General Terms of Approval – L 3.3

CoA No	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome (See footer for key)			
			C	O	NC	NA
Waste Management						
3.38	<p>¹¹The 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>A Waste Management Plan (V0.4, 2015) is available as part of OEMP on website. http://www.patrick.com.au/environment-sustainability</p> <p>EPL 6962 Condition L2 allows Patrick Stevedores to receive types of waste at the premises.</p> <p>Records of waste oils and filters, transporters and waste oil receipt locations are maintained in a Waste Register</p>	C			
3.39	<p>¹²Except 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>(a) waste oil/water, hydrocarbons/water mixtures or emulsions; and grease trap waste</p>	<p>The site's Waste Register records are consistent with this requirement</p>	C			
3.40	<p>¹³The quantity of hazardous and/or industrial and/or Group A waste generated on the premises shall not exceed 200 tonnes per year.</p>	<p>No records were available in relation to this requirement although it is noted the EPL does not set any similar limit on such wastes</p>		O		
3.41	<p>¹⁴The 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>As above</p>		O		
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>Waste streams have been identified in the WMP referenced in Condition 3.38.</p> <p><i>Implementation was not able to be assessed as the site audit was undertaken nearly 12 months after the reporting period had ended.</i></p>	C			

¹¹ EPA General Terms of Approval – L 5.1 and L 5.2

¹² EPA General Terms of Approval – L 5.3

¹³ EPA General Terms of Approval – L 5.4

¹⁴ EPA General Terms of Approval – L 5.5

CoA No	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome (See footer for key)			
			C	O	NC	NA
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 streams have been identified in the WMP referenced in Condition 3.38. Records of waste oils and filters, transporters and waste oil receipt locations are maintained in a Waste Register.	C			
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.	<i>Site Induction does not address recycling. Implementation was not able to be assessed as the site audit was undertaken nearly 12 months after the reporting period had ended</i>				
Air Quality Impacts						
Dust Emissions						
3.45	¹⁵ The Applicant shall design, construct, operate and maintain the development in a manner which minimises or prevents the emission of dust from the site.	Environmental Management Measures are documented in Section 5.2 of the OEMP. No complaints from parties external to the site regarding dust emissions were 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 wind blown or traffic generated dust.	Environmental Management Measures are documented in Section 5.2 of the OEMP. <i>Implementation was not able to be assessed as the site audit was undertaken nearly 12 months after the reporting period had ended</i>				
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> .	Compliance with this condition is difficult to assess and role of Ports Authority is also unclear		O		
Incident Report						

¹⁵ EPA General Terms of Approval – O 3.1

CoA No	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome (See footer for key)			
			C	O	NC	NA
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.	<p>The Emergency Management Plan (Rev 10, 2015) is available as part of OEMP on website.</p> <p>OEMP Table 4 also sets out reporting requirements.</p> <p>http://www.patrick.com.au/environment-sustainability</p> <p>During the reporting period two incidents were reported to NSW EPA, however not notified to NSW Ports and DP&E:</p> <ul style="list-style-type: none"> • 29-Aug-16: AutoStrad leaked diesel in the Yard. • 22-Oct-16: DGs (Class 9) shipping containers were pushed over 			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.	As agreed with DPE in 2017 the audit was undertaken by Planager. Report of the 2017 Hazard Audit Of Patrick Port Botany Terminal, NSW October 2017 (Planager).	C			
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				NA
Landscaping						
3.57	¹⁶ 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	The Vegetation Management Plan (Rev 0.2, 2014) is available as part of OEMP on website.	C			

¹⁶ Waterways Authority General Terms of Approval

CoA No	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome (See footer for key)			
			C	O	NC	NA
	after completion of the works. The Plan shall be submitted to the Waterways Authority prior to a Part 3A Permit being issued.	http://www.patrick.com.au/environment-sustainability				
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.	<i>Implementation was not able to be assessed as the site audit was undertaken nearly 12 months after the reporting period had ended</i>				
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).	<i>Implementation was not able to be assessed as the site audit was undertaken nearly 12 months after the reporting period had ended</i>				
3.60	<p>The Applicant shall install, operate and maintain an irrigation system throughout all landscaped areas with no overspray onto hard surfaces.</p> <p>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.</p> <p>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.</p>	<i>Implementation was not able to be assessed as the site audit was undertaken nearly 12 months after the reporting period had ended</i>				
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 <i>AS 4282 1997 – Control of the Obtrusive Effects of Outdoor Lighting</i> .	No complaints are known to have been received by the site in relation to lighting during the reporting period. There are no nearby residences and the site is not located close to a public road where lighting may be a nuisance issue	C			
Staff Induction Program						
3.62	<p>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:</p> <p>a) The correct placement and/or lowering of containers to minimise potential adverse noise impacts and specifically the control of transient impact noise;</p> <p>b) The site's environment officer shall carry out routine inspections during the day, evening</p>	<i>The Site Induction does not include special noise control training.</i>			NC	

CoA No	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome (See footer for key)			
			C	O	NC	NA
	<p>and night. Individual operations staff shall be assessed to determine the performance rating on each staff member and his or her duties; and</p> <p>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.</p>					
Telephone Hotline						
3.63	<p>Prior to the commencement of construction, the Applicant shall establish and list with the telephone company a 24 hour freecall 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.</p> <p>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.</p>	<p><i>During the reporting period Patrick relied on the public to find a means to contact Patrick. Patrick did not have a designated telephone number for reporting complaints etc.</i></p>			NC	
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> <ol style="list-style-type: none"> the date and time of the complaint; the means by which the complaint was made; any personal details of the complainant that were provided, or if not details were provided, a note to that effect; the nature of the complaints; any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and 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>Contact details and complaints line are available at: http://www.patrick.com.au/environment-sustainability Patrick Stevedores Quarterly Community Feedback Reports are available on its website and contain the information and details required by this condition.</p>	C			
5 ENVIRONMENTAL MONITORING						
General Monitoring Requirements						
5.1	<p>¹⁷The 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</p>	Noted				

¹⁷ EPA General Terms of Approval – M 1.1

CoA No	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome (See footer for key)																											
			C	O	NC	NA																								
	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.																													
5.2	¹⁸ All records required to be kept by the licence shall be: (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.	Biannual Noise Compliance Monitoring Reports have been completed for: June 2016 November 2016 and are available on the website at: http://www.patrick.com.au/environment-monitoring-reporting The reports meet the requirements of this condition.	C																											
5.3	¹⁹ The following records shall be kept in respect of any samples required to be collected: (a) The date(s) on which the sample was collected; (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.	Refer Condition 5.2	C																											
Requirement to Monitor Concentrations of Pollutants Discharged																														
5.4	²⁰ 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. <table border="1" data-bbox="286 986 1339 1313"> <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> </tbody> </table>	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	Construction related monitoring. Current EPL 6962 has no requirement for water quality monitoring Points. Construction of covered workshop has made this requirement redundant.	C			
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																											

¹⁸ EPA General Terms of Approval – M 1.2

¹⁹ EPA General Terms of Approval – M 1.3

²⁰ EPA General Terms of Approval – M 2.1

CoA No	Condition of Approval Requirement				Comments, observations, discussion Evidence, supporting documentation	Audit Outcome (See footer for key)						
						C	O	NC	NA			
	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								
<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>												
Water Quality Monitoring and Compliance Reporting												
5.7	<p>²¹Within 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) 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 11 stormwater 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 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.</p>				<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>				C			
Noise Monitoring and Compliance Reporting												

²¹ EPA General Terms of Approval – E 1.1

CoA No	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome (See footer for key)			
			C	O	NC	NA
5.8	<p>²²Within 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>Two biannual noise monitoring reports are available on Patrick Stevedores website. Each report has been prepared by Rodney Stevens Acoustics. All four reports, following monitoring and assessment, 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>	C			
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</p>	<p>The 'Patrick Port Botany Terminal Operational Environmental Management Plan' (OEMP) – Version 0.7 (03/03/2015) has been prepared to satisfy this condition and is available on the Operators website:</p> <p>http://www.patrick.com.au/environment-sustainability</p> <p><i>Implementation of the OEMP was not able to be assessed as the site audit was undertaken nearly 12 months after the reporting period had ended</i></p>				

²² EPA General Terms of Approval – E 1.1

CoA No	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome (See footer for key)			
			C	O	NC	NA
	shall supply a copy of the OEMP to the EPA, Waterways Authority and Council as soon as practicable.					
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 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 be 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</p>	<p>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 0.5, 2015)</p> <p>Vegetation Management Plan (V0.2, 2014)</p> <p>The Operational Traffic Management Plan (V0.5, 2015)</p> <p>Waste Management Plan (V0.4, 2015)</p> <p>Operational Noise Management Plan (V0.5, 2015)</p> <p>http://www.patrick.com.au/environment-sustainability</p> <p><i>Implementation was not able to be assessed as the site audit was undertaken nearly 12 months after the reporting period had ended</i></p>				

CoA No	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome (See footer for key)			
			C	O	NC	NA
	<p>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>					
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>	<p>AEMR 2016 states that 4 Feb 2016 was commencement of operations. This makes this requirement due by 4 Feb 2019</p>	C			
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 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</p>	<p>2016 AEMR dated 14 November 2017 covering period 1 January to 31 December 2016 is available on the website. http://www.patrick.com.au/environment-sustainability</p> <p>As the November 2017 AEMR was submitted significantly later than 12 months after the commencement of operations in February 2016 the</p>			NC	

CoA No	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome (See footer for key)			
			C	O	NC	NA
	<p>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>	project was non-compliant with this requirement during the reporting period				
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>	This audit is being undertaken to satisfy this requirement noting that it was commissioned in December 2017 and is therefore not compliant with the 12 month timeframe for the first audit (4 Feb 2016 was the commencement of operations)			NC	
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>	This report was finalised in February 2018 but as it was due to be submitted in April 2017 the project was non-compliant with this requirement for the reporting period			NC	
EPA Annual Return						
6.9	<p>²³The 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:</p> <p>a) report on the annual monitoring undertaken (where the activity results in pollutant discharges);</p> <p>b) provide a summary of complaints relating to the development;</p> <p>c) report on compliance with licence conditions; and</p>	Annual Return submitted to EPA 27 May 2016 covering part of the reporting period	C			

²³ EPA General Terms of Approval – R 1.1

CoA No	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome (See footer for key)			
			C	O	NC	NA
	d) 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.					
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.	Noted				
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> .	<i>Implementation was not able to be assessed as the site audit was undertaken nearly 12 months after the reporting period had ended</i>				
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.	see 7.4 above				
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> .	<i>Implementation was not able to be assessed as the site audit was undertaken nearly 12 months after the reporting period had ended</i>				
Fuel Bowers						
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> .	<i>Implementation was not able to be assessed as the site audit was undertaken nearly 12 months after the reporting period had ended</i>				
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 bunded. 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	<i>Implementation was not able to be assessed as the site audit was undertaken nearly 12 months after the reporting period had ended</i>				

CoA No	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome (See footer for key)			
			C	O	NC	NA
	installed in accordance with AS1940-1993 <i>The Storage And Handling Of Flammable And Combustible Liquids</i> .					
Bundling - Tank						
7.9	The area used for the storage of chemicals/liquids in tanks shall be bunded. 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 AS1940-1993 <i>The Storage And Handling Of Flammable And Combustible Liquids</i> .	<i>Implementation was not able to be assessed as the site audit was undertaken nearly 12 months after the reporting period had ended</i>				
Maintenance of Bunded Area						
7.10	Bunded areas shall be properly maintained and all spillages and/or wastes within the bunded areas cleaned up as soon as practicable and disposed of in a manner that does not pollute waters.	<i>Implementation was not able to be assessed as the site audit was undertaken nearly 12 months after the reporting period had ended</i>				
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.	<i>Implementation was not able to be assessed as the site audit was undertaken nearly 12 months after the reporting period had ended</i>				
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.	<i>Implementation was not able to be assessed as the site audit was undertaken nearly 12 months after the reporting period had ended</i>				
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.	The Emergency Management Plan (Rev 10, 2015) is available as part of OEMP on website. http://www.patrick.com.au/environment-sustainability	C			
AUTOMOTIVE / WORKSHOP						
7.14	All servicing, mechanical repairs and detailing shall be conducted in a covered, bunded work area. All work areas, including workshops and lube bays, shall be graded into collection sumps and/or	<i>Implementation was not able to be assessed as the site audit was undertaken</i>				

CoA No	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome (See footer for key)			
			C	O	NC	NA
	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.	<i>nearly 12 months after the reporting period had ended</i>				
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.	<i>Implementation was not able to be assessed as the site audit was undertaken nearly 12 months after the reporting period had ended</i>				
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> .	<i>Implementation was not able to be assessed as the site audit was undertaken nearly 12 months after the reporting period had ended</i>				
Maintenance of Filters						
7.17	All spray booth filters shall be regularly maintained to ensure emissions of air pollutants are minimised.	<i>Implementation was not able to be assessed as the site audit was undertaken nearly 12 months after the reporting period had ended</i>				
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.	<i>Implementation was not able to be assessed as the site audit was undertaken nearly 12 months after the reporting period had ended</i>				
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 'H2O only'.	This requirement has not been met according to the 2016 AEMR and was not evident during the 30 January 2018 site inspection. Patrick has trialled various options but due to vehicles/mobile plant moving over the			NC	

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			C	O	NC	NA
		area paint is worn off and raised signs can cause damage to tyres etc				
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.	Stormwater drains wardens and purceptors have been included into the Maintenance scheduling system (Maximo)	C			
Wastewater Recycling For Vehicle Washing						
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 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 2.5m; (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.	Recycled water has not been used for vehicle wash bays				NA
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	Wastewater from the two vehicle wash bays is collected and treated through the Auto Batch Unit and the treated water discharged to sewer under the Sydney Water Trade Waste Consent No. 24990.				NA

CoA No	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome (See footer for key)			
			C	O	NC	NA
	<p>perimeter of the bay;</p> <p>(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;</p> <p>(e) At a minimum the bay should have a roof that has a minimum height of 2.5 m;</p> <p>(f) All uncontaminated stormwater/rainwater must be directed to the dedicated stormwater drainage systems;</p> <p>(g) Have an appropriate capacity storage tank designed to hold all wastewater;</p> <p>(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</p> <p>(i) That the water storage tank is maintained so that there are no leaks and is functioning as intended</p>	The wash bays are located inside the Maintenance Workshop, which is roofed and bunded. The floor is sealed and graded toward an internal drainage point.				
Discharge To The Sewer Via Appropriate Pre-Treatment						
7.23	<p>All vehicle washing bays that discharge to sewer shall meet the following requirements:</p> <p>(a) Discharges into the sewer requires a <i>Permission to Discharge Trade Wastewater</i> certificate issued by Sydney Water;</p> <p>(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;</p> <p>(c) Is roofed and bunded so that all uncontaminated stormwater from the roof areas and uncovered areas, are directed away from the bay;</p> <p>(d) At a minimum the bay should have a roof that has a minimum height of 2.5 m;</p> <p>(e) Have a roof that has a minimum height of 2.5 m;</p> <p>(f) Be constructed with a minimum 20 mm bund around the perimeter of the bay;</p> <p>(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;</p> <p>(h) All uncontaminated stormwater/rainwater must be directed to the dedicated stormwater drainage systems;</p> <p>(i) Have a 1000 L general purpose pit; and</p> <p>(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>	<p>Wastewater from the two vehicle wash bays is collected and treated through the Auto Batch Unit and the treated water discharged to sewer under the Sydney Water Trade Waste Consent No. 24990.</p> <p>The wash bays are located inside the Maintenance Workshop, which is roofed and bunded. The floor is sealed and graded toward an internal drainage point</p>	C			
Disposal of Wastewater To Land Incorporating Appropriate Treatment Devices						
7.24	<p>All vehicle washing bays that discharge wastewater shall meet the following requirements:</p> <p>(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 building site, in the adjoining areas or within the downstream catchment;</p>	Wastewater from the two vehicle wash bays is collected and treated through the Auto Batch Unit and the treated water discharged to sewer under the	C			

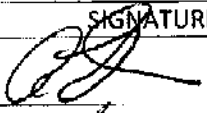


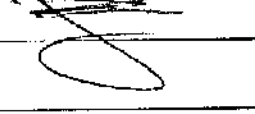
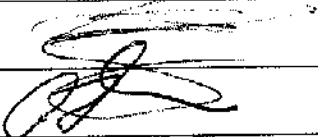
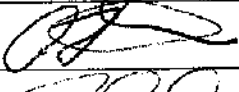


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			C	O	NC	NA
	(b) Soil characteristics including soil permeability, depth to bedrock/hardpan, depth to high episodic water table, % coarse fragments; electrical conductivity; sodicity, cation exchange capacity, phosphorous absorption and any other 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.	Sydney Water Trade Waste Consent No. 24990. The wash bays are located inside the Maintenance Workshop, which is roofed and bunded. The floor is sealed and graded toward an internal drainage point				
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.			Future requirement		NA

Appendix C. Audit Attendee List

PATRICK STEVEDORES PORT BOTANY TERMINAL

INDEPENDENT ENVIRONMENTAL AUDIT

30 JANUARY 2018

OPENING MEETING - ATTENDEES		
NAME	POSITION & COMPANY	SIGNATURE
ANDREW THOMSON	REL. MANAGER (Reliability)	
MARIE GIBBS	Environment Manager	
JARROD GRAHAM	Automation and Landside MGR	
Bruce Guy	Terminal MGR	
CLOSING MEETING - ATTENDEES		
Bruce Guy	Terminal Mgr	
ANDREW THOMSON	REL. MANAGER	
JARROD GRAHAM	Automation and Landside MGR	
Ins Man	Ops Manager	
Marie Gibbs	Environmental Mgr	