
INDEPENDENT ENVIRONMENTAL COMPLIANCE AUDIT FOR 2021

PATRICK – PORT BOTANY TERMINAL

DA 494 (PORT BOTANY EXPANSION) AND DA 453
(PATRICK PORT BOTANY TERMINAL
REDEVELOPMENT)

FEBRUARY 2022

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EXECUTIVE SUMMARY

This Audit Report presents the findings from the Independent Environmental Compliance Audit (audit) for 2021 of Patrick Stevedores Operations Pty Ltd (Patrick) Port Botany Terminal operations.

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

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

This audit is required to satisfy Condition C4.5 of DA 494 and Condition 6.7 of DA 453. DA 494 requires an independent environmental compliance audit to be carried out every 12 months (for the Port Botany Expansion Project area), whereas DA 453 requires such an audit 12-months after commissioning and then every 3 years. This audit coincides with the 6th anniversary post commissioning of the Port Botany Expansion Project, and Patrick's Port Botany Redevelopment Project area (4 February 2016).

The audit seeks to verify compliance with the relevant Conditions of Approval (CoA) and assess the effectiveness of the Terminal's Operational Environmental Management Plan (OEMP) that applies to all its operations across the Terminal for the 2021 calendar year (the audit period). The audit also reports on the status of previous audit findings.

The operations during the 2021 remains unchanged from previous years. Patrick and NSW Ports are jointly undertaking a rail expansion project on the Port Botany Terminal. The project is subject to a separate approval from Bayside Council (Comply Development Certificate, CD-2019/349 – granted 8 November 2019). Construction continued on project throughout 2021 with the interim rail siding covering 750m of approach tracks and four 300m of workable siding (1200m) and the installation of three automated gantry cranes. Further construction of the rail siding will continue into 2022 and 2023.

The overall outcome of the audit is positive. Compliance records were organised and available at the time of the site. Relevant environmental and compliance monitoring records were being collected and reported as required to provide verification of compliance to statutory requirements and operational environmental requirements.

In total there are eleven (11) findings of which three (3) have been closed prior to this Audit Report being finalised, leaving a total of eight (8) findings remaining to be addressed:

- 2019 & 2020: Seven (7) of 22 actions raised remain open, being
 - one (1) observation regarding consolidation of the two consents
 - three (3) non-compliances regarding the tracking of waste tyres (of which actions have been undertaken to seek to close this in 2022)
 - three (3) relate to incident management protocol (of which actions have been undertaken to seek to close this in 2022).
- 2021: DA 494 findings: Nil (0) new findings for 2021.
- 2021: DA 453 findings: Two (2) new findings for 2021, being:
 - One (1) observation regarding the submission of the AEMR inclusive of the Annual Compliance Report (which is considered by the Auditor to be closed, with no outstanding action)
 - One (1) non-compliance regarding bunding and storage of chemicals.
- 2021: OEMP findings: Two (2) observations, being
 - One (1) observation regarding the availability of spill kits (which is considered by the Auditor to be closed, with no outstanding action)
 - One (1) observation regarding housekeeping (which is considered by the Auditor to be closed, with no outstanding action).

As outlined in previous audit reports, the Patrick Terminal (comprising the redeveloped of Patrick's existing terminal area, and as part of the Port Expansion Project - The Knuckle (Berth 6) and Ramp D)) is operating as a single integrated site. Having two planning approvals applying to the same area creates a complex compliance regime, particularly when there are inconsistencies between approval conditions covering the same aspects, or conditions having been superseded by changes to the site over the last decade. In addition to the two approvals is an EPL, which is more up to date with current operating conditions. As a result, the current EPL is also inconsistent with several approval conditions.

Accordingly, it is recommended that the regulatory conditions under the two approvals and EPL be reviewed at the earliest opportunity for consistency and relevance to current operations and facilities at the Patrick Terminal. It is understood there may be such an opportunity to revisit the planning approvals after the upgrade of the terminal's rail infrastructure which would potentially trigger the need for a modification to the approval/s.

The Auditor would like to thank Patrick (auditee) personnel for their cooperation and assistance during the audit.

1. INTRODUCTION

1.1 The operations

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

As part of the Port Botany (PB) Expansion Project the Terminal underwent a major redevelopment, including the development and incorporation of the 'Knuckle' area and 'Ramp D' into operations, as well as the procurement of 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 PB Terminal.

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

- 62 hectares of land
- 1400 metres of quay line
- 4 vessel berths
- 9 quay cranes
- 56 AutoStrads
- 3 automated gantry cranes (rail)
- 4 reach stackers; and
- 750m of approach tracks and four 300m of workable siding (1200m)

A general overview of the Patrick's PB Terminal is presented in Figure 1 and Figure 2.

The operations during the 2021 calendar year remains unchanged from previous years, with the exception of the ongoing construction of a rail siding (a joint project between Patrick and NSW Ports and subject to a separate approval from Bayside Council (Comply Development Certificate, CD-2019/349 – granted 8 November 2019).



Figure 1 Terminal locations at Port Botany.



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

1.2 Approval requirements

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

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

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

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

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

In addition to the above, Project Approval for DA 543 (Patrick PB 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 453 - CoA 6.7- Independent Environmental Audit requires that:

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

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

It is noted that whilst Condition 6.7 of DA 453 requires an audit to be conducted every 3-years, Patrick has voluntarily elected to conduct audits in accordance with this condition at the same time and frequency as that required by Condition C4.5 of DA 494. This is to ensure consistency in both reporting and continual improvement.

1.3 Audit team

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

The Audit Team comprises:

- Derek Low (Auditor Lead): Master of Environmental Engineering Management, Exemplar Global Certified Lead Environmental Auditor (Certificate No 114283).

- Steve Fermio (Auditor): Bachelor of Science (Hons), Exemplar Global Certified Principal Environmental Auditor (Certificate No 110498).

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

1.4 Audit purpose

The purpose of this audit was to undertake the necessary assessment and review of compliance with approvals to assess the effectiveness of environmental management of Patrick's operations at its PB Terminal for the 2021 calendar year.

1.5 Audit scope

The audit scope comprises:

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

- any other matters considered relevant by the auditor or the Department, taking into account relevant regulatory requirements and legislation, knowledge of the development's past performance and comparison to industry best practices.

The scope of this audit included the conditions from DA 494 and DA 453 and relevant to operations and implementation and effectiveness of its OEMP for the PB Terminal. Construction related conditions are not included in this audit.

As stated in the IAPAR, the scope has not included Patrick's Environment Protection Licence (EPL) No 6962. Commonwealth Approval – EPBC 2002/543 is relevant to NSW Ports but not applicable to Patrick's operations at Terminal 3.

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

Verifying the on-ground implementation of specific site-based conditions and mitigation measures in the DA's and the OEMP were undertaken during a site inspection of the Terminal on 18 January 2022. Publicly available information on the Patrick's website, site-based records and information provided to the Auditor by Patrick before and after the site inspection were also used to verify compliance.

2. AUDIT METHODOLOGY

2.1 Audit process overview

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

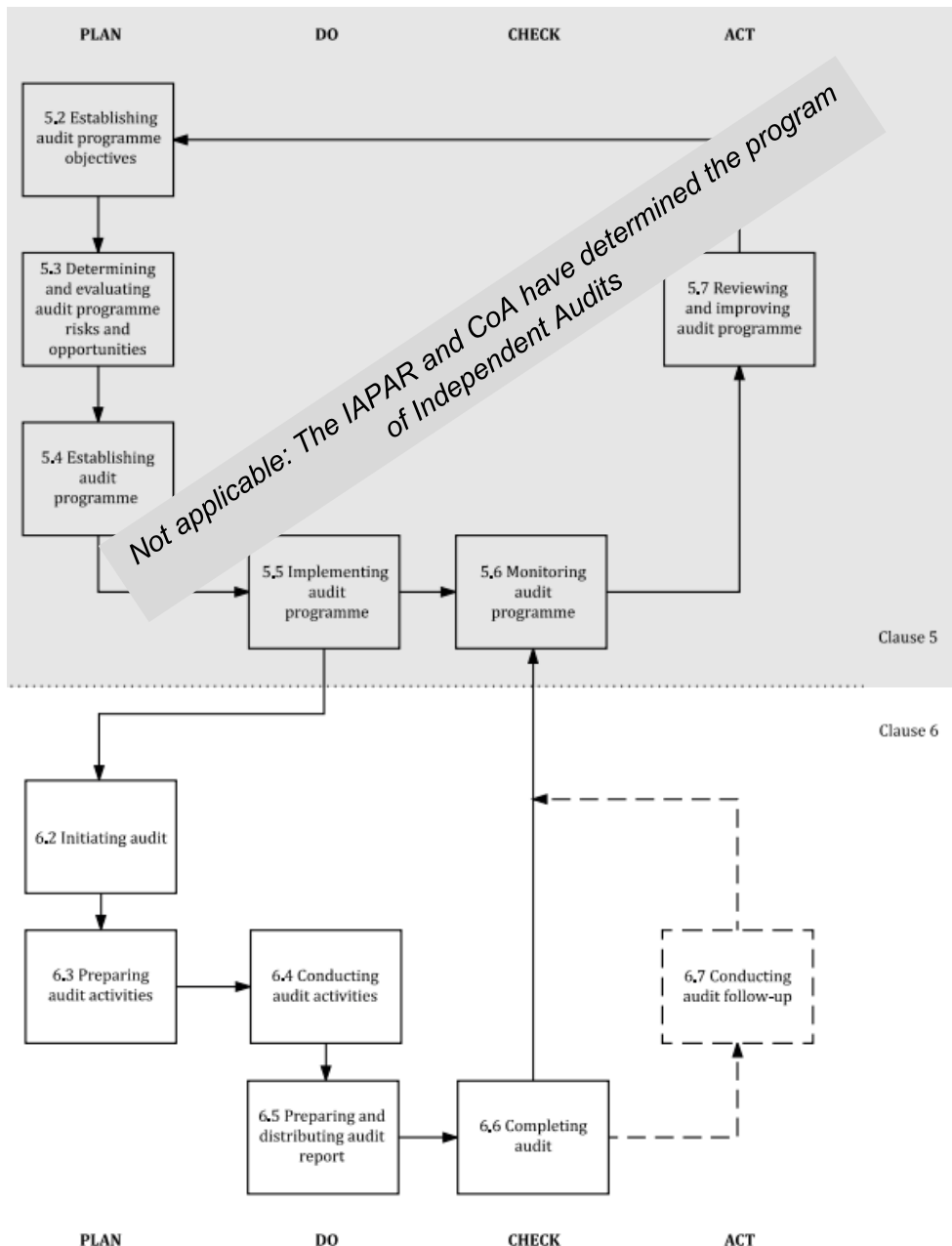


Figure 3 Audit activities overview (modified from AS/NZS ISO 19011). Subclause numbering refers to the relevant subclauses in the Standard.

2.2 Audit process detail

2.2.1 Audit initiation and scope development

Prior to the commencement of this audit the following tasks were completed:

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

On 1 December 2021 the Auditor (WolfPeak) consulted separately with the Department and the EPA to obtain their input into the scope of the Independent Audit in accordance with Section 3.2 of the IAPAR. The consultation records are presented in Appendix D. A summary of the areas of focus raised is presented in Table 1.

Table 1 Key areas of focus raised during consultation

Stakeholder	Issues and Focus	How Addressed
DPE	Be consistent with the most recent Department's Independent Audit Post Approval Requirements.	This Independent Audit was conducted in accordance with the IAPAR. Refer to the scope and methodology in Section 1.2 and 2 respectively, and the findings in Section 3 and Appendix A and B.
	An assessment of the environmental performance of the development and how it is affecting the surrounding environment (required by Condition 6.7 of DA 453)	Refer to Section 3.5 of this Report for details.
	A status update for all actions provided in the Response to Audit Recommendations until all actions are completed	Refer to Section 3.
EPA	No response	-

2.2.2 Preparing audit activities

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

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

- *Port Botany Expansion Environmental Impact Statement*, URS Australia, November 2003, (EIS) and [Modification Reports 1 - 17](#),
- Development Consent 494 (the DA 494 Consent)
- Development Consent 453 (the DA 453 Consent)

- *Operational Environmental Management Plan, Patrick Stevedores Operations Pty Ltd, 5 July 2019, Revision 2 (OEMP) inclusive of the:*
 - *Operational Air Quality Management Plan (OAQMP)*
 - *Operational Noise Management Plan (ONMP)*
 - *Operational Traffic Management Plan (OTMP)*
 - *Waste Management Plan (WMP)*
 - *Stormwater Management Plan (SMP)*
 - *Vegetation Management Plan (VMP)*
 - *Bird Hazard Management Plan (BHMP)*
 - *Aviation Operational Impacts Management Plan (AOIMP)*
- *Emergency Management Plan, Patrick Stevedores Operations Pty Ltd, 12 November 2019, Revision 12 (EMP).*

2.2.3 Site personnel involvement

The on-site audit activities took place on 18 January 2022. The following Patrick personnel took part in the audit:

- Sam Steel – HSE Manager (opening and closing meetings, inspection and interviews)
- Michael Lin – Facility Manager (inspection and interviews)
- Bruce Guy – Terminal Manager (opening and closing meetings)
- Gus May – Operations Manager (opening meeting)
- Joe Riordan – Engineering & Maintenance Manager (opening and closing meetings)
- Marie Gibbs – National Environment, Compliance & Security Manager (opening and closing meetings).

2.2.4 Meetings

Opening and closing meetings were held with the Auditor and Patrick personnel. The meetings were held online in response to COVID safety protocols in place at the time of this audit.

During the opening meeting, held on 18 January 2022, the objectives and scope of the Independent Audit, the resources required and methodology to be applied were discussed.

At the closing meeting, held on 17 February 2022, preliminary audit findings were presented, preliminary recommendations (as appropriate) were made, and any post-audit actions were confirmed.

2.2.5 Interviews

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

2.2.6 Site inspection

The on-site audit activities took place on 18 January 2022. The on-site audit activities included an inspection of the site and work activities. Photos are presented in Appendix F.

2.2.7 Document review

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

2.2.8 Generating audit findings

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

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

2.2.9 Compliance evaluation

The Auditor determined the compliance status of each compliance requirement using the descriptors from Table 2 of the IAPAR. These are replicated in Table 2 below.

Table 2: Compliance status descriptors

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

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

2.2.10 Evaluation of post approval documentation

The Auditor assessed whether post approval documents:

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

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

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

2.2.11 Completing the audit

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

3. AUDIT FINDINGS

3.1 Approvals and documents audited and evidence sighted

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

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

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

3.2 Non-compliance, Observations and Actions

This Section, including Table 3, presents the non-compliances and observations from the Independent Audit. Actions in response to each of the findings are also presented. Detailed findings against each requirement are presented in Appendices A and B.

Where non-compliances and observations from previous audits have not been closed, the Auditor has included an update to the status for those items which remain ongoing/open. A new non-compliance or observation has not been raised where one already exists and remains open for the same finding.

In total there are eleven (11) findings of which three (3) have been closed prior to this Audit Report being finalised, leaving a total of eight (8) findings remaining to be addressed:

- 2019 & 2020: Seven (7) of 22 actions raised remain open, being:
 - one (1) observation regarding consolidation of the two consents
 - three (3) non-compliances regarding the tracking of waste tyres (of which actions have been undertaken to seek to close this in 2022)
 - three (3) relate to incident management protocol (of which actions have been undertaken to seek to close this in 2022).
- 2021: DA 494 findings: Nil (0) new findings for 2021.
- 2021: DA 453 findings: Two (2) new findings for 2021, being:
 - One (1) observation regarding the submission of the AEMR inclusive of the Annual Compliance Report (which is considered by the Auditor to be closed, with no outstanding action)
 - One (1) non-compliance regarding bunding and storage of chemicals.

- 2021: OEMP findings: Two (2) observations, being
 - One (1) observation regarding the availability of spill kits (which is considered by the Auditor to be closed, with no outstanding action)
 - One (1) observation regarding housekeeping (which is considered by the Auditor to be closed, with no outstanding action).

Table 3 Audit findings and actions.

Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
STATUS OF ACTIONS IDENTIFIED AS OPEN AT THE 2019 AUDIT						
DA 453						
IA2019_3	DA 453 5.7	Observation	<p>Condition 5.7 Within 6 months of consent being granted and every 6 months thereafter, the Applicant shall submit a report to the EPA containing the following information: (a) A pollutant inventory that qualifies waters discharged from the site. This shall include identification of all water pollutants likely to be discharged from each final stormwater pit on the 11 stormwater lines serving the container handling operation area within the site. The water pollutants shall include but are not limited to: total phenolics, polycyclic aromatic hydrocarbons, oil and grease, total petroleum hydrocarbons, total organic carbon, biochemical oxygen demand, chemical oxygen demand, pH, zinc, copper, lead, cobalt, chromium, manganese, cobalt, nickel and iron.</p> <p>This and other redundant conditions of the approvals should be removed if possible. This would benefit and assist the compliance task by simplifying and streamlining the conditions that really matter to protecting the environment and community from what is now an integrated Terminal operation.</p> <p><u>2021 Audit Finding</u></p> <p>The Rail expansion project continued throughout 2020 and 2021. It is anticipated to be completed in 2022/2023</p>	<p>Modification discussed internally and in brief with NSW Ports and the Department.</p> <p>Patrick has prepared a draft proposed consolidation document.</p> <p>Patrick is now waiting for details of potential major upgrade to rail area which may necessitate modification to approval conditions that could also address this finding in a consolidated manner.</p>	Patrick Ongoing	OPEN
IA2019_4	DA 453 7.19	Non-compliance	<p>Condition 7.19 states that signs shall be displayed adjacent to all stormwater drains on the premises indicating that only clean water is allowed to enter these drains. Examples of possible signage include: 'Clean Rainwater Only', 'Clean water only - NO waste' or 'H2Oonly'.</p> <p>Some stormwater drains have this signage installed but not in all instances.</p> <p><u>2021 Audit Finding</u></p> <p>Stencilling of drains has been completed and this was observed during the audit site inspection.</p>	Stencilling of drains has been completed and this was observed during the audit site inspection.	Patrick	CLOSED
STATUS OF ACTIONS IDENTIFIED AS OPEN AT THE 2020 AUDIT						
DA 494						
IA2020_1	DA 494 C2.5	Observation	<p>Condition C2.5 states that prior to the commencement of operations, the Applicant must prepare an Operation Noise Management Plan in consultation with EPA, DPIE, Botany and Randwick Councils. The Plan shall include noise management, mitigation monitoring and reporting to ensure that local acoustic amenity is not adversely impacted. In addition, the Operational Noise Management Plan must (among other things):</p> <ul style="list-style-type: none"> - detail noise monitoring, reporting and response procedures consistent with the requirements of EPA. <p>Note: This observation arises from the same issue as for DA 453 Conditions 5.1 and 5.2.</p> <p>Biannual Noise Compliance Monitoring Reports for May and November 2020 are prepared in accordance with EPL 6962. However the November 2020 Noise Monitoring Report is not published on the website.</p> <p><u>2021 Audit Finding</u></p> <p>The November 2020 Noise Monitoring Report (as well as the reports for May and November 2021) are available on Patrick's website.</p>	The Biannual Noise Compliance Monitoring Reports are published on Patrick's website.	Patrick	CLOSED



Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
IA2020_2	DA 494 C2.13	Non-compliance	<p>Condition C2.13 states that management of waste must be in accordance with the environment protection licence issued by EPA under the Protection of the Environment Operations Act 1997.</p> <p>Whilst a request was made by the Auditor, no evidence was provided by the Auditee to demonstrate that:</p> <ul style="list-style-type: none"> • Solid waste was being directed to waste facilities lawfully permitted to receive waste • Waste tyres being tracked in accordance with the POEO Waste Regulation. <p>The Auditor also observes that the Patricks waste register previously used to track waste types, volumes, transporters and destinations etc is incomplete for the audit period.</p> <p>2021 Audit Finding</p> <p>Note: This non-compliance arises from the same issue as for DA 494 Condition C2.13A and DA 453 Condition 3.43.</p> <p>Records were sighted showing solid waste disposal facility EPLs.</p> <p>Waste tyres are being disposed of from the facility, however the waste tyres are not being tracked in accordance with Protection of the Environment Operations (Waste) Regulation 2014, Clause 76 – Reporting on transportation of waste tyres solely within New South Wales.</p> <p>The Auditor notes that prior to the finalising of the Audit Report, Patrick enrolled onto the EPA’s WasteLocate Tool in accordance with their requirements to help track the waste tyres.</p>	Track the disposal of waste tyres using the WasteLocate Tool through 2022.	PBT HSE Manager & Engineering / Maintenance Manager Dec 2022	PARTIALLY CLOSED
IA2020_3	DA 494 C2.13A	Non-compliance	<p>Condition C2.13A states that the management of waste for uses and activities not subject to an Environmental Protection Licence, shall be managed and disposed of in accordance with the Protection of the Environment Operation (Waste) Regulation 2005 and the Waste Classification Guidelines (DECCW 2009), or any future guideline that may supersede that document. All waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials</p> <p>Note that this non-compliance arises from the same issue as for DA 494 Condition C2.13 and DA 453 Condition 3.43.</p> <p>Whilst a request was made by the Auditor, no evidence was provided by the Auditee to demonstrate that:</p> <ul style="list-style-type: none"> • Solid waste was being directed to waste facilities lawfully permitted to receive waste • Waste tyres being tracked in accordance with the POEO Waste Regulation. <p>The Auditor also observes that the Patricks waste register previously used to track waste types, volumes, transporters and destinations etc is incomplete for the audit period.</p> <p>2021 Audit Finding</p> <p>Records were sighted showing solid waste disposal facility EPLs.</p> <p>Waste tyres are being disposed of from the facility, however the waste tyres are not being tracked in accordance with Protection of the Environment Operations (Waste) Regulation 2014, Clause 76 – Reporting on transportation of waste tyres solely within New South Wales.</p> <p>The Auditor notes that prior to the finalising of the Audit Report, Patrick enrolled onto the EPA’s WasteLocate Tool in accordance with their requirements to help track the waste tyres.</p>	Track the disposal of waste tyres using the WasteLocate Tool through 2022.	PBT HSE Manager & Engineering / Maintenance Manager 31/12/22	PARTIALLY CLOSED



Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
IA2020_4	DA 494 C2.14	Non-compliance	<p>Condition C2.14 states that except as may be expressly permitted by a licence under the Protection of the Environment Operations Act 1997 in relation to the development, section 120 of that Act (prohibition of the pollution of waters) shall be complied with in connection to the development.</p> <p>Note: This non-compliance largely arises from the same issue as for DA 494 Condition C4.1 and DA 453 Condition 3.52.C3.1</p> <p>On 09/03/20 the EPA issued an Official Caution to Patrick Stevedores for a spill of hydraulic fluid at the premises on 31 January 2020. The Official Caution was issued because the EPA had reasonable grounds to believe that Patrick Stevedores committed two offences under the Protection of the Environment Operations Act 1997, by failing to prevent pollution of waters in relation to the spill, and by failing to operate plant and equipment in a proper and efficient manner. The Official Caution recommended that Patrick Stevedores undertake a review of its procedures and engineering protections relating to long travel of quay cranes. There is no evidence to demonstrate that a review was completed in accordance with the Official Caution.</p> <p>Both incident registers provided identify environmental incidents including those with the potential to result in pollution of waters. There is no evidence to demonstrate that these events were notified in accordance with the condition, as per the requirements of Part 5.7 of the POEO Act, (or were not required to be).</p> <p>Refer to section 3.7 regarding the provision of the incident register(s) to the Auditor.</p> <p>2021 Audit Finding</p> <p>The Auditor sighted an email from Patrick Engineering Manager to Patrick HSE Manager, dated 18/11/21. The email indicates that a review had been completed and presented the controls that had been implemented to prevent recurrence.</p> <p>Patrick has undertaken a review of its incident reporting procedures and has identified that the existing incident classification categories do not align with the POEO Act (i.e. Patrick applies more stringent criteria) and, therefore incidents marked as 'reportable' were not in fact reportable under the POEO Act (or DA 494 and DA 453). A project is underway to update the incident classification categories (within Procedure (PAT_HSE_PRO_10_010A)) to align with the POEO Act. Patrick anticipates that this project will be completed in late 2022.</p>	Complete project to update incident classification categories to align with the POEO Act	National Environment & Compliance Manager & PBT HSE Manager 31/12/22	PARTIALLY CLOSED
IA2020_5	DA 494 C3.1	Non-compliance	<p>Condition C3.1 states that the Applicant must (among other things) provide quarterly reports to the Department and the EPA, where relevant, outlining details of complaints received.</p> <p>Note: This non-compliance arises from the same issue as for DA 453 Condition 3.64.</p> <p>Quarterly Community Feedback Reports for Q1 – Q3 2020 are available on Patrick's website and contain the information and details required by this condition. These were submitted to the stakeholders. However there is no evidence of a Community Feedback Report being prepared (or submitted to the Department and EPA) for Q4 of 2020.</p> <p>2021 Audit Finding</p> <p>No complaints have been received from the community for 2021. The Quarterly Community Complaints Reports were up to date, and available on Patrick's website.</p>	The Quarterly Community Complaints Reports were up to date, and available on Patrick's website.	Patrick	CLOSED



Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
IA2020_6	DA 494 C4.1	Non-compliance	<p>Condition C4.1 states that the Director-General shall be notified of any incident with actual or potential significant off-site impacts on people or the biophysical environment within 12 hours of the Applicant, or other relevant party undertaking the development, becoming aware of the incident. Full written details of the incident shall be provided to the Director-General within seven days of the date on which the incident occurred. The Director-General may require additional measures to be implemented to address the cause or impact of any incident, as it relates to this consent, reported in accordance with this condition, within such period as the Director-General may require.</p> <p>Note: This non-compliance largely arises from the same issue as for DA 453 Condition 3.52 and DA 494 Condition C4.1.</p> <p>Both incident registers provided identify environmental incidents including those with the potential to result in pollution of waters. There is insufficient evidence available to demonstrate that these events were notified in accordance with the condition, (or were not required to be). For example:</p> <ul style="list-style-type: none"> The September 20 Incident Register identifies 14 incidents deemed reportable. The Auditee has provided only 5 incident notification records dated 13/07/20, 11/08/20, 07/08/20, 21/08/20 and 18/09/20 for the audit period. The reporting of these 5 events occurred within 12 hours. However similar evidence was not provided for the remaining 9 events. <p>Refer to section 3.7 regarding the provision of the incident register(s) to the Auditor.</p> <p><u>2021 Audit Finding</u></p> <p>The Auditor sighted an email from Patrick Engineering Manager to Patrick HSE Manager, dated 18/11/21. The email indicates that a review had been completed and presented the controls that had been implemented to prevent recurrence.</p> <p>Patrick has undertaken a review of its incident reporting procedures and has identified that the existing incident classification categories do not align with the POEO Act (i.e. Patrick applies more stringent criteria) and, therefore incidents marked as 'reportable' were not in fact reportable under the POEO Act (or DA 494 and DA 453). A project is underway to update the incident classification categories (within Procedure (PAT_HSE_PRO_10_010A)) to align with the POEO Act. Patrick anticipates that this project will be completed in late 2022.</p>	Complete project to update incident classification categories to align with the POEO Act	National Environment & Compliance Manager & PBT HSE Manager 31/12/22	PARTIALLY CLOSED
IA2020_7	DA 494 C4.2	Observation	<p>Condition C4.2 states that the Applicant must prepare an Annual Environmental Management Report for the development. The Annual Environmental Management Report must address the information specified in the condition.</p> <p>The 2020 Annual Environmental Management Report is due in mid-March 2021 but is yet to be developed.</p> <p><u>2021 Audit Finding</u></p> <p>The 2020 Annual Environmental Management Report (which includes the Annual Compliance Report) was submitted in March 2021.</p>	The 2020 Annual Environmental Management Report (which includes the Annual Compliance Report) was submitted in March 2021.	Patrick	CLOSED

Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
IA2020_8	DA 494 C4.4	Non-compliance	<p>Condition C4.4 states that prior to the commencement of operations an Environmental Training Program shall be developed and implemented to establish a framework in which relevant employees will be trained in environmental management and the operation of plant and equipment, including pollution control equipment, where relevant. The Program shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> a) identification of relevant employment positions associated with the development that have an operational or management role related to environmental performance; b) details of appropriate training requirements for relevant employees c) a program for training relevant employees in operational and/ or management issues associated with environmental performance; and d) a program to confirm and update environmental training and knowledge during employment of relevant persons. <p>Section 4.3 of the OEMP identifies the training framework in operations. This includes induction, toolbox talks and specific task / work area training. Section 4.3.2 of the OEMP identifies that Maintenance personnel, Shift & Yard Managers, Facilities Manager would be trained in drain wardens. Interviews with project personnel (maintenance manager and HSE manager) indicated that only the plumber has been trained. Further, no toolboxes were provided detailing environmental training elements.</p> <p><u>2021 Audit Finding</u></p> <p>The Auditor sighted the environmental extract from site induction (PTPPB-EMP-MOD) which has been updated to include further environmental details (including operating the drain warden). The Auditor also sighted the current induction register which demonstrates that the updated training had been delivered to the relevant Patrick personnel.</p>	The training material had been updated and the training had been delivered to Patrick personnel.	Patrick	CLOSED
DA 453						



Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
IA2020_9	DA 453 3.33	Non-compliance	<p>Condition 3.33 states that ¹except 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.</p> <p>Note that this non-compliance arises from the same issue as for DA 494 Condition C2.14.</p> <p>On 09/03/20 the EPA issued an Official Caution to Patrick Stevedores for a spill of hydraulic fluid at the premises on 31 January 2020. The Official Caution was issued because the EPA had reasonable grounds to believe that Patrick Stevedores committed two offences under the Protection of the Environment Operations Act 1997, by failing to prevent pollution of waters in relation to the spill, and by failing to operate plant and equipment in a proper and efficient manner. The Official Caution recommended that Patrick Stevedores undertake a review of its procedures and engineering protections relating to long travel of quay cranes. There is no evidence to demonstrate that a review was completed in accordance with the Official Caution.</p> <p>Both incident registers provided identify environmental incidents including those with the potential to result in pollution of waters. There is insufficient evidence available to demonstrate that these events were notified in accordance with the condition, as per the requirements of Part 5.7 of the POEO Act, (or were not required to be).</p> <p>Refer to section 3.7 regarding the provision of the incident register(s) to the Auditor.</p> <p><u>2021 Audit Finding</u></p> <p>The Auditor sighted an email from Patrick Engineering Manager to Patrick HSE Manager, dated 18/11/21. The email indicates that a review had been completed and presented the controls that had been implemented to prevent recurrence.</p> <p>Patrick has undertaken a review of its incident reporting procedures and has identified that the existing incident classification categories do not align with the POEO Act (i.e. Patrick applies more stringent criteria) and, therefore incidents marked as 'reportable' were not in fact reportable under the POEO Act (or DA 494 and DA 453). A project is underway to update the incident classification categories (within Procedure (PAT_HSE_PRO_10_010A)) to align with the POEO Act. Patrick anticipates that this project will be completed in late 2022.</p>	Complete project to update incident classification categories to align with the POEO Act	National Environment & Compliance Manager & PBT HSE Manager 31/12/22	PARTIALLY CLOSED
IA2020_10	DA 453 3.40	Non-compliance	<p>Condition 3.40 states that the quantity of hazardous and/or industrial and/or Group A waste generated on the premises shall not exceed 200 tonnes per year.</p> <p>Note that this non-compliance arises from the same issue as for DA 453 Condition 3.41.</p> <p>Records of waste oil (the main hazardous waste generated from site) indicate the total amount generated for 2019 was approximately 40 tonnes. Whilst waste streams would be generally consistent with previous years due to operations remaining largely unchanged, the waste register provided did not include records for 2020 and so there is no quantitative evidence available to support compliance with this condition.</p> <p><u>2021 Audit Finding</u></p> <p>The Auditor sighted the current Waste Oil Register and associated Transport Certificates. The records were up to date.</p>	The Auditor sighted the current Waste Oil Register and associated Transport Certificates. The records were up to date.	Patrick	CLOSED

¹ EPA General Terms of Approval – L 1.1

Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
IA2020_11	DA 453 3.41	Non-compliance	<p>Condition 3.41 states that the quantity of hazardous and/or industrial and/or Group A waste stored on the premises shall not exceed 70 tonnes at any one time.</p> <p>Note that this non-compliance arises from the same issue as for DA453 Condition 3.40.</p> <p>Records of waste oil (the main hazardous waste generated from site) indicate the total amount generated for 2019 was approximately 40 tonnes. Whilst waste streams would be generally consistent with previous years due to operations remaining largely unchanged, the waste register provided did not include records for 2020 and so there is no quantitative evidence available to support compliance with this condition.</p> <p>2021 Audit Finding</p> <p>The Auditor sighted the current Waste Oil Register and associated Transport Certificates. The records were up to date.</p>	The Auditor sighted the current Waste Oil Register and associated Transport Certificates. The records were up to date.	Patrick	CLOSED
IA2020_12	DA 453 3.43	Non-compliance	<p>Condition 3.43 states that all wastes and material generated on the site during construction and operation shall be classified in accordance with the EPA's <i>Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes</i> and be disposed of to a facility that may lawfully accept the waste.</p> <p>Note that this non-compliance arises from the same issue as for DA 494 Conditions C2.13 and C2.13A.</p> <p>Whilst a request was made by the Auditor, no evidence was provided by the Auditee to demonstrate that:</p> <ul style="list-style-type: none"> • Solid waste was being directed to waste facilities lawfully permitted to receive waste • Waste tyres being tracked in accordance with the POEO Waste Regulation. <p>The Auditor also observes that the Patrick's waste register previously used to track waste types, volumes, transporters and destinations etc is incomplete for the audit period.</p> <p>2021 Audit Finding</p> <p>Records were sighted showing solid waste disposal facility EPLs.</p> <p>Waste tyres are being disposed of from the facility, however the waste tyres are not being tracked in accordance with Protection of the Environment Operations (Waste) Regulation 2014, Clause 76 – Reporting on transportation of waste tyres solely within New South Wales.</p> <p>The Auditor notes that prior to the finalising of the Audit Report, Patrick enrolled onto the EPA's WasteLocate Tool in accordance with their requirements to help track the waste tyres.</p>	Track the disposal of waste tyres using the WasteLocate Tool through 2022.	PBT HSE Manager & Engineering / Maintenance Manager 31/12/22	PARTIALLY CLOSED

Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
IA2020_13	DA 453 3.52	Non-compliance	<p>Condition 3.52 states that within 24 hours of any incident or potential incident with actual or potential significant off-site impacts on people or the biophysical environment, a report shall be supplied to the Department outlining the basic facts. A further detailed report shall be prepared and submitted following investigations of the causes and identification of necessary additional preventive measures. That report must be submitted to the Director-General no later than 14 days after the incident or potential incident. The Applicant shall maintain a register of accidents, incidents and potential incidents. The register shall be made available for inspection at any time by the independent hazard auditor, the Director-General and Council.</p> <p>Note that this non-compliance largely arises from the same issue as for DA 494 Conditions C2.14 and C4.1.</p> <p>Both incident registers provided identify environmental incidents including those with the potential to result in pollution of waters. There is insufficient evidence available to demonstrate that these events were notified in accordance with the condition, (or were not required to be). For example:</p> <ul style="list-style-type: none"> The September 20 Incident Register identifies 14 incidents deemed reportable. The Auditee has provided only 5 incident notification records dated 13/07/20, 11/08/20, 07/08/20, 21/08/20 and 18/09/20 for the audit period. The reporting of these 5 events occurred within 12 hours. However similar evidence was not provided for the remaining 9 events. <p>Refer to section 3.7 regarding the provision of the incident register(s) to the Auditor.</p> <p>2021 Audit Finding</p> <p>The Auditor sighted an email from Patrick Engineering Manager to Patrick HSE Manager, dated 18/11/21. The email indicates that a review had been completed and presented the controls that had been implemented to prevent recurrence.</p>	The Auditor sighted an email from Patrick Engineering Manager to Patrick HSE Manager, dated 18/11/21. The email indicates that a review had been completed and presented the controls that had been implemented to prevent recurrence.	Patrick	CLOSED
IA2020_14	DA 453 3.53	Non-compliance	<p>Condition 3.53 states that twelve months after the commencement of operations of the proposed development or within such further period as the Director-General may agree, the Applicant shall carry out a comprehensive hazard audit of the proposed development and within one month of the audit submit a report to the Director-General.</p> <p>The Hazard Audit Report was submitted to the Director-General more than one month from the date of the audit. To note, the Department's correspondence on their review of the Hazard Audit Report did not raise the delay in submission as an issue.</p> <p>2021 Audit Finding</p> <p>Whilst this non-compliance was considered by the Auditor to be closed in the 2020 Audit Report, Patrick have further noted that the Hazard Audit Report (dated 27/02/20) was submitted via email to the Department on the same day it was received from the Independent Hazard Auditor i.e., 27/02/20.</p>	The Hazard Audit Report (dated 27/02/20) was submitted via email to the Department on the same day it was received from the Independent Hazard Auditor i.e., 27/02/20.	Patrick	CLOSED



Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
IA2020_15	DA 453 3.64	Non-compliance	<p>Condition 3.64 states that the Applicant shall record details of all complaints received in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:</p> <ul style="list-style-type: none"> a) the date and time of the complaint; b) the means by which the complaint was made; c) any personal details of the complainant that were provided, or if not, details were provided, a note to that effect; d) the nature of the complaints; e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and f) if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken. <p>The Complaints Register shall be made available for inspection by the Director-General, EPA and Council upon request. The Applicant shall also make summaries of the register, without details of the complainants, available for public inspection.</p> <p>Note that this non-compliance arises from the same issue as for DA 494 Condition C3.1.</p> <p>Quarterly Community Feedback Reports for Q1 – Q3 2020 are available on Patrick’s website and contain the information and details required by this condition. These were submitted to the Department. However there is no evidence of a Community Feedback Report being prepared for Q4 of 2020.</p> <p><u>2021 Audit Finding</u></p> <p>No complaints have been received from the community for 2021. The Quarterly Community Complaints Reports were up to date, and available on Patrick’s website.</p>	The Quarterly Community Complaints Reports were up to date, and available on Patrick’s website.	Patrick	CLOSED
IA2020_16	DA 453 5.1 and 5.2	Observation	<p>Condition 5.1 states that ²the results of any monitoring required to be conducted by the EPA’s general terms of approval, or a licence under the <i>Protection of the Environment Operations Act 1997</i>, in relation to the development or in order to comply with the load calculation protocol shall be recorded and retained as set out in conditions 5.2 and 5.3 of this consent.</p> <p>Condition 5.2 states that ³all records required to be kept by the licence shall be:</p> <ul style="list-style-type: none"> a) In a legible form, or in a form that can readily be reduced to a legible form b) Kept for at least four years after the monitoring or event to which they relate took place; and c) Produced in a legible form to any authorised officer of the EPA who asks to see them. <p>Note that this non-compliance arises from the same issue as for DA 494 Condition C2.5.</p> <p>Biannual Noise Compliance Monitoring Reports for May and November 2020 are prepared in accordance with EPL 6962. However the November 2020 Noise Monitoring Report is not published on the website.</p> <p><u>2021 Audit Finding</u></p> <p>The November 2020 Noise Monitoring Report (as well as the reports for May and November 2021) are available on Patrick’s website.</p>	The Biannual Noise Compliance Monitoring Reports are published on Patrick’s website.	Patrick	CLOSED

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

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



Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
IA2020_17	DA 453 5.8	Non-compliance	<p>Condition 5.8 states that ⁴within 6 months of consent being granted and every 6 months thereafter, the Applicant shall submit a report to the EPA containing the following information:</p> <ul style="list-style-type: none"> a) Identification and ranking by sound power level (in 1/3octave bands for any source with potentially undesirable noise character) all significant noise sources on site. This is to include container impact noise(s), audible alarms, all significant plant and equipment; b) Identification of all noise sensitive receivers that may be affected by the operation, and select an appropriate number of representative receiver locations to represent all sensitive receivers; c) The results of all noise measurements undertaken to assess compliance with condition 3.3 of this consent; d) A statement of whether noise levels from all activities at the site comply with the specified noise limits at the representative receiver locations. The statement shall take into account tonal, impulsive and short duration noises originating from the facility; e) Where noise levels have been assessed to exceed licence limits, a statement explaining the reason why this has taken place; and f) A statement of what feasible and reasonable additional measures may be implemented to further reduce noise levels below that specified in the licence. <p>There is no evidence available to demonstrate that the reports for 2020 have been submitted to the EPA as required by this condition.</p> <p><u>2021 Audit Finding</u></p> <p>Information was provided to the Auditor at the 2021 audit, which was not available at the 2020 audit.</p> <p>The Auditor sighted an email dated 09/06/20 which demonstrated that the May 2020 Noise Monitoring Report had been sent to the EPA.</p> <p>Further, the submission of the May and November 2021 Noise Monitoring Reports was also sighted (submitted 23/07/21 and 20/01/22 respectively).</p>	The 2020 and 2021 Noise Monitoring Reports have been submitted to the EPA.	Patrick	CLOSED
IA2020_18	DA 453 6.6	Observation	<p>Condition 6.6 states that within twelve months of the date of this consent, and annually thereafter, unless the Director-General directs otherwise, the Applicant shall submit a Compliance Report to the Director-General.</p> <p>The 2020 Annual Compliance Report is due in mid-March 2021 but is yet to be developed.</p> <p><u>2021 Audit Finding</u></p> <p>The 2020 Annual Compliance Report is part of the 2020 Annual Environmental Management Report was submitted in March 2021.</p>	The 2020 Annual Compliance Report is part of the 2020 Annual Environmental Management Report was submitted in March 2021..	Patrick	CLOSED

⁴ EPA General Terms of Approval – E 1.1



Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
IA2020_19	DA 453 7.11	Non-compliance	<p>Condition 7.11 requires that all service entries to workshop areas shall be provided with a trafficable bund with a minimum height of 100mm to prevent any spillage exiting the workshop area and entering the stormwater system.</p> <p>The bunding at the workshop comprises surface drains that act as bunding. The facility does not have a 100mm trafficable bund. Note that this requirement appears to be inconsistent with condition 7.14.</p> <p><u>2021 Audit Finding</u></p> <p>Information was provided to the Auditor at the 2021 audit, which was not available at the 2020 audit.</p> <p>In the 2013/14 redesign of the Maintenance workshop a grated trench (“blind” at either end) running down to the centre forecourt between the two workshop bays. The floor slopes to the grated trench drain where any leaks or spills can be collected and removed.</p>	It was observed during the site inspection that the bunding at the workshop comprises surface slot drains with >100mm clearance.	Patrick	CLOSED
IA2020_20	DA 453 7.23	Non-compliance	<p>Condition 7.23 requires that all vehicle washing bays that discharge to sewer shall meet the following requirements (among others):</p> <ul style="list-style-type: none"> i) Have a 1000 L general purpose pit; and j) Carry out appropriate inspections and maintenance of the General Purpose Pit. The thickness of the sediment and oil levels, and outflow oil concentrations to be logged quarterly and submitted to Council. The pit is to be pumped out at least every 12 months or at more frequent interval as nominated by Council. <p>The Auditor requested evidence of the general purpose pit being operational, with reporting occurring as per this condition. The auditee stated that the facility does not have a General Purpose pit. As such no reporting to Council is occurring.</p> <p><u>2021 Audit Finding</u></p> <p>The auditee confirms the presence of a pit. Reference to the OEMP (v. 2, July 2019) page 79, Table 6.4.1 Waste and Wastewater Management – Key Tasks and Responsibilities, item 7.2 – ‘Wastewater from the wash bay is piped across to the concrete storage pit where the wastewater is passed through an under and overs oil separator. A licenced contractor pumps the sludge from the pit into a tanker where it is transported to a licensed treatment or disposal facility.’ There is no connection to Council infrastructure and, therefore, there is no reporting to Council.</p>	<p>Wastewater from the wash bay is piped across to the concrete storage pit where the wastewater is passed through an under and overs oil separator.</p> <p>There is no connection to Council infrastructure and, therefore, there is no reporting to Council.</p>	Patrick	CLOSED
2021 AUDIT FINDINGS						
DA 494						
No new findings for 2021.						
DA453						



Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
IA2021_1	DA 453 6.6	Observation	<p>Condition 6.6 requires that within twelve months of the date of this consent, and annually thereafter, unless the Director-General directs otherwise, the Applicant shall submit a Compliance Report to the Director-General. The Applicant shall provide a copy of the Annual Compliance Report to the EPA and Council. The report shall be made available to the public on request.</p> <p>The 2020 Annual Environmental Management Report (AEMR) inclusive of the Annual Compliance Report was submitted to the Department and NSW Ports.</p> <p>The Auditor observes that the 2020 AEMR inclusive of the Annual Compliance Report was submitted to the EPA on 20/01/22 (almost 8 months after it was submitted to the Department). The Auditor notes that there is no timeframe specified for submission to the EPA and so this is not considered to be a non-compliance with DA 453 Condition 6.6.</p> <p>The Auditor also observes that the Annual Environmental Management Report (AEMR) inclusive of the Annual Compliance Report was not submitted Council. The approved OEMP (v. 2, July 2019) page 34, Table 4.4.2.1. Environmental Reporting – Key Tasks and Responsibilities, item 5, states: ‘Submit the finalised Annual Environmental Management Report (AEMR) (which includes the Annual Compliance Report (DA 453, condition 6.6), and the Environmental Management Compliance Report (EMCR)) to NSW Ports and the DPE within 60 calendar days after the end of the reporting period of the AEMR, i.e. no later than 28 February of the next year. The EMCR details activities at the Terminal and the extent to which Patrick has complied with the OEMP. After approval from DPE, upload to the Patrick website.’ Therefore reporting to Council is considered to not to be required by Patrick. The Auditor agrees with this position.</p>	At the time of this report being finalised Patrick provided copies of the emails to show the 2020 AEMR (which includes the Annual Compliance Report) had been sent to the Department, EPA and NSW Ports.	Patrick	CLOSED
IA2021_2	DA 453 7.8	Non-compliance	<p>Condition 7.8 requires that 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 installed in accordance with AS1940-1993 The Storage and Handling Of Flammable And Combustible Liquids.</p> <p>During the inspection it was observed that:</p> <ul style="list-style-type: none"> the drums of oil at the oil and grease storage area were not on pallet bunds. Refer Site Photo 6 in Appendix E. a mobile fuel tank was mounted on the back of a light vehicle and the tank did not have any secondary containment. Refer Site Photo 9A in Appendix E. 	<p>Place drums of oil that are stored in the oil and grease storage area on pallet bunds.</p> <p>Fit secondary containment on the light vehicle mobile refuelling unit.</p>	<p>PBT HSE Manager & Engineering / Maintenance Manager</p> <p>31/03/222</p>	OPEN
OEMP						
IA2021_3	Section 6.2 Stormwater Management Plan	Observation	<p>Section 6.2 of the OEMP requires spill response kits be adequately available onsite, free of rubbish, and fully stocked.</p> <p>During the inspection it was observed that a mobile fuel tank was mounted on the back of a light vehicle. The vehicle did not have a spill kit on hand.</p> <p>Evidence was provided prior to this finalisation of this Audit Report that demonstrated that a spill kit had been placed on the light vehicle. Refer Site Photos 9A and 9B in Appendix E.</p>	Evidence was provided prior to this finalisation of this Audit Report that demonstrated that a spill kit had been placed on the light vehicle that held the mobile fuel tank. Refer Site Photos 9A and 9B in Appendix E.	Patrick	CLOSED

Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
IA2021_7	Section 6.3 Feral Animal Management	Observation	<p>Section 6.3 of the EOMP requires Patrick to maintain good housekeeping within the Terminal.</p> <p>Whilst not posing a risk for feral animals, at the site inspection it was observed that housekeeping was required at entrance to the trade waste treatment facility.</p> <p>Evidence was provided prior to this finalisation of this Audit Report that demonstrated that housekeeping had been completed at the facility. Refer Site Photos 10A and 10B in Appendix E.</p>	Evidence was provided prior to this finalisation of this Audit Report that demonstrated that housekeeping had been completed at the facility. Refer Site Photos 10A and 10B in Appendix E.	Patrick	CLOSED



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

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

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

A review was conducted of the

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

The documents are adequate for the works being undertaken.

3.4 Summary of notices from agencies

The Auditor was not made aware of any notices received from agencies during the audit period.

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

As detailed in Section 3.2 Patrick has undertaken a review of its incident reporting procedures and has identified that the existing incident classification categories do not align with the POEO Act (i.e. Patrick applies more stringent criteria) and, therefore incidents marked as 'reportable' were not in fact reportable under the POEO Act (or DA 494 and DA 453). A project is underway to update the incident classification categories (within Procedure (PAT_HSE_PRO_10_010A)) to align with the POEO Act. Patrick anticipates that this project will be completed in late 2022.

Refer to section 3.5 of this Report regarding incidents recorded during the audit period.

3.5 Environmental performance

DA 453 condition 6.7 requires the audit to assess the environmental performance of the development, and its effects on the surrounding environment. The Independent Audit reviewed existing operations, compliance records including those relating to training, inspections, incidents, noise, solid and liquid waste, waste water.

The Auditor observes that leading indicators are positive. Patrick has implemented its training and inspections regimes (with the exception of missing two HSE inspections as a result of COVID restrictions and staff changes).

The Terminal had an isolated water quality related incident, which was reported to the Department and the EPA as a precaution. The Auditor is not aware of any regulatory action stemming from the incident.

Opportunities for improvement in waste tracking remain. Patrick should require its waste contractors to provide evidence that solid waste has been directed to a facility lawfully permitted to receive in a timely manner. Patrick have enrolled on to the EPA's WasteLocate to track waste tyres going forward.

Whilst a 24/7 operation such as this does potentially give rise to amenity impacts, given the highly industrialised nature of the surrounding environment, the actual impacts arising from Patrick operations are considered to be minimal.

3.6 Compliance with the relevant standards, performance measures, and statutory requirements

Refer to Section 3.2, and appendices A and B. The Auditor is of the view that compliance with the relevant standards, performance measures, and statutory requirements is being achieved with the exception of waste tracking and recording.

3.7 Other matters considered relevant by the Auditor or DPE

Other than the findings presented within Section 3 of this Report, the Auditor has not other matters considered relevant to report. The matters raised by the Department are addressed in sections 1 through 3, and Appendices A and B.

3.8 Community complaints

A community complaints register is being maintained by Patrick and was made available to the Auditor upon request. Community Complaints Reports, summarising any complaints received for given 3-month periods are also available via the Patrick website at:

<https://patrick.com.au/environmental-monitoring/>

No complaints were received from the community during the audit period.

3.9 Incidents

The environmental incident register for the 2021 calendar year was sighted.

- **Events:** 47 x environmental events recorded in the incident reporting management system (Noggin) for tracking purposes. Nil (0) events were identified as having been in contact with or impacting the environment.
- **Incident:** 1 x event resulted in 5L of oil entering the harbour on 17 November 2021. This was reported to the EPA, the Department and NSW Ports on the same day as a precaution. A formal written notification was reported to the Department and EPA on 23 November 2021. On the same day the EPA advised that no further action was required, and the case was closed out. No response was provided by the Department.

3.10 Actual versus predicted impacts

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

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

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

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

The Auditor does however note that:

- upgrades to plant, equipment and ancillary facilities are ongoing, which would generally provide continual improvement on operational impacts
- the scale of operations (TEU throughput) and the proportion of mode share varies year on year
- there have been no complaints received from the community during the audit period
- the non-compliances identified in Table 3, and the notifiable incident that have occurred on the facility during the audit period, may be considered departures from the predicted impacts.

4. CONCLUSIONS

Patrick's The Knuckle (Berth 6) and Ramp D were completed in accordance with development consent Port Botany Expansion (DA 494) for which NSW Ports was the applicant following the subsequent transfer from Sydney Ports Corporation. The existing area of the Patrick Port Botany Terminal was redeveloped under a separate development consent for which Patrick was the applicant.

This Independent Audit, which is conducted annually, is required to satisfy the annual audit requirement of Condition C4.5 of DA 494, and the 3-yearly audit requirement of Condition 6.7 of DA 453.

The overall outcome of the audit was positive. Compliance records were organised and available at the time of the site. Relevant environmental and compliance monitoring records were being collected and reported as required to provide verification of compliance to statutory requirements and operational environmental requirements. There has been a marked improvement in the compliance performance from 2020, and in light of further information provided during this audit which had not been present at the 2020 audit.

In total there are eleven (11) findings of which three (3) have been closed prior to this Audit Report being finalised, leaving a total of eight (8) findings remaining to be addressed:

- 2019 & 2020: Seven (7) of 22 actions raised remain open, being
 - one (1) observation regarding consolidation of the two consents
 - three (3) non-compliances regarding the tracking of waste tyres (of which actions have been undertaken to seek to close this in 2022)
 - three (3) relate to incident management protocol (of which actions have been undertaken to seek to close this in 2022).

- 2021: DA 494 findings: Nil (0) new findings for 2021.
- 2021: DA 453 findings: Two (2) new findings for 2021, being:
 - One (1) observation regarding the submission of the AEMR inclusive of the Annual Compliance Report (which is considered by the Auditor to be closed, with no outstanding action)
 - One (1) non-compliance regarding bunding and storage of chemicals.

- 2021: OEMP findings: Two (2) observations, being
 - One (1) observation regarding the availability of spill kits (which is considered by the Auditor to be closed, with no outstanding action)

- One (1) observation regarding housekeeping (which is considered by the Auditor to be closed, with no outstanding action).

Detailed findings are presented in Section 3, along with actions taken by Patrick to address the findings. The Auditor would like to thank the Patrick (auditee) personnel for their cooperation and assistance during the 2021 Independent Audit.

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

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



CoA No	Auditee NSW Ports/ Patrick Stevedores	DA-494-11-2003 Condition of Consent Compliance Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
					C	NC	NT
		<p>r) modification application DA-494-11-2003-i MOD 13, accompanied by an assessment report titled "Project No. 231658 Section 75W Modification to Stormwater Management System for Southern Expansion Area" dated 31 October 2012;</p> <p>s) modification application DA-494-11-2003-i MOD 14, accompanied by assessment reports titled "Port Botany Expansion – Section 75W Modification 14 to DA-494-11-2003i for Temporary Uses at northern tip of Hayes Dock", dated January 2013; and "Port Botany Expansion, Cumulative Construction Traffic Impact Assessment, Terminal Operations Infrastructure (March 2013 – March 2014)", dated April</p> <p>t) modification application DA-494-11-2003-i MOD 15, accompanied by assessment report titled 'SICTL Quay Crane Operations', prepared by HPH and dated 20 March 2013;</p> <p>u) modification application DA-494-11-2003-I MOD 16, accompanied by assessment report titled 'Port Botany Expansion Modification Application 16 to DA-494-11-2003i Permanent Uses Hayes Dock Services Area and administrative Changes to Some Conditions', prepared by Lendlease and dated September 2016;</p> <p>v) modification application DA-494-11-2003-I MOD 17, accompanied by letter titled 'Port Botany Expansion s4.55(1) Modification Application to DA-494-11-2003i – Administrative Update to Conditions of Approval', prepared by NSW Ports and dated 16 October 2018; and</p> <p>w) the conditions of this consent.</p> <p>Insofar as they relate to the approved development.</p>					
A1.2	NSW Ports/ Patrick Stevedores	<p>A1.2 In the event of an inconsistency between:</p> <p>a) the conditions of this consent and any document listed from condition A.1.1a) to w) inclusive, the conditions of this consent shall prevail to the extent of the inconsistency; and</p> <p>b) any document listed from condition A1.1 a) to w) inclusive, the most recent document shall prevail to the extent of the inconsistency.</p>	Evidence referred to elsewhere in the compliance table.	Noted. This audit assesses compliance with these conditions of consent	C		
Statutory Requirements							
A1.3	NSW Ports/ Patrick Stevedores	All licences, permits and approvals shall be obtained and maintained as required throughout the life of the development. No condition of this consent removes the obligation to obtain, renew or comply with such licences, permits or approvals.	<p>EPBC Approval 2002/543.</p> <p>EPL 6962.</p> <p>Sydney Water Trade Waste Consent No. 24990.</p> <p>Patrick Port Botany Terminal Operational Environmental Management Plan' dated 2019, revision 02.</p> <p>Available on website: https://patrick.com.au/about/safety-and-environment/</p>	The Federal EPBC Approval 2002/543 and EPL 6962 remain valid. Sydney Water Trade Waste Consent No. 24990 is current. A number of other permits, licences and approvals, as issued by various government authorities, have been obtained for the operation of the terminal and are listed in Section 2.3 of the OEMP which is available on the Patrick website: https://patrick.com.au/about/safety-and-environment/	C		
A1.4	NSW Ports/ Patrick Stevedores	Port throughput capacity generated by operations in accordance with this consent shall be consistent with the limits specified in the EIS, that is, a maximum throughput capacity at the terminal of 1.6 million TEUs per annum and a total throughput at Port Botany of 3.2 million TEUs. These limits may not be exceeded by the development without further 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 bulletin December 2021 https://www.nswports.com.au/resources-filtered/trade-reports	Trade bulletins published on NSW Ports website indicate these limits are not being exceeded at present.	C		



CoA No	Auditee NSW Ports/ Patrick Stevedores	DA-494-11-2003 Condition of Consent Compliance Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status				
					C	NC	NT		
SCHEDULE C: TERMINAL OPERATIONS									
C1 GENERAL									
Application of Schedule									
C1.1	Patrick Stevedores	The conditions in this Schedule of the consent relate to all the development and activities associated with the operation of the container terminal and associated infrastructure	Evidence referred to elsewhere in the compliance table.	Noted. Patrick Stevedores is a Terminal operator and has commissioned this Audit to assess compliance against these conditions with respect to its own operations	C				
C1.2	Patrick Stevedores	The conditions in this sub-schedule of the consent must be complied with by the Applicant, or any party undertaking the activities and works referred to under condition C1.1, with the exception of the undertaking of Temporary Uses, which are subject to condition C1.2A. Should more than one terminal operator undertake operations within the terminal area, compliance with the conditions of this Schedule may be undertaken individually by operators, or collectively	Evidence referred to elsewhere in the compliance table.	Noted. Patrick Stevedores is a Terminal operator and has commissioned this Audit to assess compliance against these conditions with respect to its own operations	C				
Interim Uses Port, Maritime and Waterway Related Uses- Hayes Dock Service Area									
C1.2A		C1.2A The conditions in this sub-schedule of the consent must be complied with by the Applicant, or any party undertaking activities and works associated with Port, Maritime and Waterway Related Uses Interim Uses, except conditions C1.3, C1.4 C1.5, C2.5, C2.12, C2.16, C2.17, C2.18, C2.20, C2.25, C3.1, C3.2, C3.3, C4.2, C4.3, C4.4 and C4.5.	Site inspection 18/01/22	Patricks do not use Hayes Dock. This condition is not applicable to Patrick's operation.			NT		
Operation Environmental Management Plan-Port, Maritime and Waterway Related Interim Uses Hayes Dock Services Area									
C1.2B		<p>C1.2B The Applicant shall prepare an Operation Environmental Management Plan (OEMP) – Port, Maritime and Waterway Related Interim Uses prior to the commencement of Port, Maritime and Waterway Related Interim Uses on the site. The Plan shall include details of how environmental performance would be managed and monitored to meet acceptable environmental outcomes, including what actions will be taken to address potential adverse environmental impacts. In particular, the following environmental issues shall be addressed in the Plan:</p> <ul style="list-style-type: none"> - Odour and Air Quality; - Noise Management; - Waste Management; - Water and Wastewater Management; - Hazard and Risk Management; - Amenity, including lighting; and - Incident Reporting. <p>The OEMP shall also address:</p> <ul style="list-style-type: none"> - details of operation activities including key noise and/or vibration generating activities and machinery that have the potential to generate noise and/or vibration impacts on surrounding sensitive receivers; - Identification of feasible and reasonable measures proposed to be implemented to minimise and manage operation noise and vibration impacts, especially during sleep disturbance; - A description of how the effectiveness of mitigation and management measures would be maintained. <p>Noise Management shall include:</p> <ul style="list-style-type: none"> - hours in which particularly activities are undertaken; - use of shore power where available; - restrictions on notably noisy vehicles and vessel from the site; - use of building and vehicle alarms and/or alternatives available. 	Site inspection 18/01/22	Patricks do not use Hayes Dock. This condition is not applicable to Patrick's operation.			NT		



CoA No	Auditee NSW Ports/ Patrick Stevedores	DA-494-11-2003 Condition of Consent Compliance Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
					C	NC	NT
		<p>The Plan shall also</p> <ul style="list-style-type: none"> - identify all statutory obligations that the applicant is required to fulfil in relation to operation of the development, including all consents, licences, approvals and consultations; - include a description of the roles and responsibilities for all key employees involved in the operation of the development; and - include overall environment policies and principles to be applied to the operation of the facility. <p>A copy of the updated OEMP shall be submitted for approval by the Secretary within (3) months of the date of approval of Modification 16, unless otherwise agreed by the Secretary.</p>					
Noise Management Plan- Interim Uses Hayes Dock Services Area Operation							
C1.2C		<p>The noise management plan shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> - compliance standards, - community consultation, - complaint handling monitoring system, - site contact person to follow up complaints, - mitigation measures, - the design/orientation of the proposed mitigation methods demonstrating best practice, - operation times, - contingency measures where noise complaints are received, and - monitoring methods and program. 	Site inspection 18/01/22	Patricks do not use Hayes Dock. This condition is not applicable to Patrick's operation.			NT
Noise Compliance Assessment – Interim Uses Hayes Dock Services Area Operation							
C1.2D		<p>Noise from the Hayes Dock Services Area must not exceed the Leq (15 minute) noise limits presented in the Table at C2.6 by more than 5d(B)A between 10:00pm and 7:00am. The Secretary may require a detailed noise compliance assessment, prepared by a qualified acoustic consultant. The noise compliance assessment shall meet the requirements of the Environment Protection Authority.</p> <p>The noise compliance assessment shall include the representative residential receiver locations identified in the table in C2.6.</p>	Site inspection 18/01/22	Patricks do not use Hayes Dock. This condition is not applicable to Patrick's operation.			NT
C1.2E		<p>A complaint handling procedure shall be implemented for the Hayes Dock Services Area. Annual reports shall be provided to the Department, outlining details of the complaints received. A register of complaints shall be kept and include the following:</p> <ul style="list-style-type: none"> - date and time, where relevant, of the comment, inquiry or complaint, - how the comment, inquiry or complaint was communicated, - any personal details of the commenter, inquirer or complainant that were provided. If no details were provided this should be recorded, - the nature of the comment, inquiry or complaint, - any actions taken by the Applicant in relation to the comment, inquiry or complaint, including any follow-up contact, and - if no action was taken, record the reason(s) why. 	Site inspection 18/01/22	Patricks do not use Hayes Dock. This condition is not applicable to Patrick's operation.			NT
C1.2F		<p>Annual reporting on the compliance of the Hayes Dock Services Area shall be conducted. The first report for the Hayes Dock Services Area shall be provided to the Department twelve (12) months from the date of the approval of modification 16, unless otherwise agreed by the Secretary.</p>	Site inspection 18/01/22	Patricks do not use Hayes Dock. This condition is not applicable to Patrick's operation.			NT
Operation Environmental Management Plan							
C1.3	Patrick Stevedores	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:	Patrick Port Botany Terminal Operational	The 'Patrick Port Botany Terminal Operational Environmental Management	C		



CoA No	Auditee NSW Ports/ Patrick Stevedores	DA-494-11-2003 Condition of Consent Compliance Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
					C	NC	NT
		<ul style="list-style-type: none"> - identify all statutory obligations that the Applicant is required to fulfil in relation to operation of the development, including all consents, licences, approvals and consultations; - describe any relevant staging or phasing of the commencement of operations within the terminal envelope and any relevant timeframes; - clearly outline what aspects of environmental management, monitoring and reporting would be undertaken by the Applicant or jointly with other operators within the terminal area; - include a description of the roles and responsibilities for all key employees involved in the operation of the development; - include overall environment policies and principles to be applied to the operation of the facility; - include specific consideration of measures to address any requirements of DPIE, EPA, and the Council during operation; - detail standards and performance measures to be applied to the development, and a means by which environmental performance can be periodically reviewed and improved, where appropriate; - detail management policies to ensure that environmental performance goals are met and to comply with the conditions of this consent; - include the Management Plans relevant to operation, include the environmental monitoring requirements relevant to operation; and - be made available for public inspection after approval of the Director General. 	<p>Environmental Management Plan' dated 2019, revision 02. Available on website: https://patrick.com.au/about/safety-and-environment/</p>	<p>Plan' (OEMP) – Version 2 (5-Jul-2019) has been prepared to satisfy this condition and is available on the Operators website. The document was approved by the Department prior to the current audit period.</p>			
Compliance Certification							
C1.4	Patrick Stevedores	<p>Prior to each of the events listed from a) to b) below, or within such period otherwise agreed by the Director-General, documentation certifying that all conditions of this consent applicable prior to that event have been complied with shall be submitted to the satisfaction of the Director-General. Where an event is to be undertaken in stages, submission of compliance certification may be staged consistent with the staging of activities relating to that event, subject to the prior agreement of the Director-General.</p> <p>a) commencement of any operations within the terminal area; and b) commencement of each stage or phase of operations</p>	<p>Pre-Operational Compliance Report dated December 2015 Letter of submission of report, 11/01/16 DPIE approval dated 04/02/16</p>	<p>The Pre-Operational Compliance Report for the Patrick Port Botany 'Knuckle' and Ramp D (dated December 2015) was approved by the Director-General on 4 February 2016 (refer to letter from Ms Karen Harragon, NSW Department of Planning & Environment to Mr Trevor Brown, NSW Ports).</p>			
C1.5	NSW Ports/ Patrick Stevedores	<p>Notwithstanding condition C1.4 of this consent, the Director-General may require an update report on compliance with all, or any part, of the conditions of this consent. Any such update shall meet the requirements of the Director-General and be submitted within such period as the Director-General may agree</p>	<p>Pre-Operational Compliance Report dated December 2015 Letter of submission of report, 11/01/16 DPIE approval dated 04/02/16 Interview with auditees 18/01/22</p>	<p>The Department of Planning & Environment (DP&E) requested (22 December 2017) a copy of the Action Plan addressing the findings detailed in Patrick's 2016 Annual Environmental Management Report (section 7). This was provided to the DP&E on 5 January 2018.</p>			
Air quality management							
C2.1	Patrick Stevedores	<p>The development shall be undertaken so as not to permit any offensive odour, as defined under section 129 of the Protection of the Environment Operations Act 1997, to be emitted beyond the boundary of the site</p>	<p>Site inspection 18/01/22 Community Feedback Reports Q1-Q4 2021</p>	<p>No offensive odours were detected during the audit site inspection on and no complaints from parties external to the site regarding odours have been received during the reporting period.</p>			
C2.2	Patrick Stevedores	<p>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</p>	<p>Operation Air quality Management Plan Section 6.1 of the Patrick Port Botany Terminal Operational Environmental</p>	<p>The Air Quality Management Plan sits (OEMP, V2, 2019 – Section 6.1) has been prepared in consultation with the relevant stakeholders and approved by the Department prior to the current audit period.</p>			

CoA No	Auditee NSW Ports/ Patrick Stevedores	DA-494-11-2003 Condition of Consent Compliance Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
					C	NC	NT
			<p>Management Plan' dated 2019, revision 02.</p> <p>Available on website: https://patrick.com.au/about/safety-and-environment/</p> <p>Site inspection 18/01/22</p> <p>Community Feedback Reports Q1-Q4 2021</p> <p>Sydney AutoStrad Botany Expansion Project – 'SABRE', Construction Environmental Management Plan, Mainland Civil, 24/06/21</p> <p>HSE inspection report 05/08/21, 20/12/21, 13/01/21 and 10/05/21, 09/21/21</p>	<p>The OEMP underwent a minor update in 2019.</p> <p>The SABRE project, whilst under a separate approval framework, is observed by the auditor to be the only activity on site with the potential to generate dust. The CEMP deals with dust management.</p> <p>Inspections are being carried out and include a check on air quality.</p> <p>No dust emissions were detected during the audit site inspection and no complaints from parties external to the site regarding dust emissions have been received during the reporting period.</p>			
C2.3	Patrick Stevedores	All trafficable and vehicle manoeuvring areas shall be maintained at all times in a condition that minimises the generation and emission of dust	<p>Site inspection 18/01/22</p> <p>Community Feedback Reports Q1-Q4 2021</p> <p>Sydney AutoStrad Botany Expansion Project – 'SABRE', Construction Environmental Management Plan, Mainland Civil, 24/06/21</p> <p>HSE inspection report 05/08/21, 20/12/21, 13/01/21 and 10/05/21, 09/21/21</p>	<p>Surfaces are paved and no loose materials were noted during site inspection.</p> <p>The SABRE project, whilst under a separate approval framework, is observed by the auditor to be the only activity on site with the potential to generate dust. The CEMP deals with dust management.</p> <p>Inspections are being carried out and include a check on air quality.</p> <p>No dust emissions were detected during the audit site inspection and no complaints from parties external to the site regarding dust emissions have been received during the reporting period.</p>	C		
C2.4	Patrick Stevedores	All vehicles entering or leaving the site carrying a load must be covered or otherwise enclosed at all times, except during loading and unloading, to minimise the generation and emission of dust	Site inspection 18/01/22	Heavy vehicles entering or leaving the site carry containers or are closed liquid / solid waste trucks or are flat beds. The requirement to cover loads is a requirement under NSW Road Laws.	C		
Noise Management							
C2.5	Patrick Stevedores	<p>Prior to the commencement of operations, the Applicant must prepare an Operation Noise Management Plan in consultation with EPA, DPIE, Botany and Randwick Councils. The Plan shall include noise management, mitigation monitoring and reporting to ensure that local acoustic amenity is not adversely impacted. In addition, the Operational Noise Management Plan must:</p> <ul style="list-style-type: none"> - identify general activities that will be carried out and associated noise sources; - assess operation noise impacts at the relevant receivers; - a primary objective of achieving the operational noise limits outlined in this consent; 	<p>Operation Noise Management Plan Section 6.6 of the Patrick Port Botany Terminal Operational Environmental Management Plan' dated 2019, revision 02.</p>	<p>The Operational Noise Management Plan (OEMP, V2, 2019 – Section 6.6) has been prepared in consultation with the relevant stakeholders and approved by the Department prior to the current audit period. The OEMP underwent a minor update in 2019.</p>	C		



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		<ul style="list-style-type: none"> - provide details of overall management methods and procedures that will be implemented to control noise from the development; - include a pro-active and reactive strategy for dealing with complaints including achieving the operation noise limits, particularly with regard to verbal and written responses; - detail noise monitoring, reporting and response procedures consistent with the requirements of EPA; - provide for internal audits of compliance of all plant and equipment; - indicate site establishment timetabling to minimise noise impacts; - include procedures for notifying residents of operation activities likely to affect their noise amenity; - address the requirements of EPA; - a strategy to identify operational practices and noise controls that can minimise/or reduce noise levels from container impacts, audible alarms and other short duration high level noise events; - identify opportunities to reduce operational noise levels including, but not necessarily limited to, selection of equipment, engineering noise controls and shore-based power; and, - be approved by the Director-General prior to the commencement of operation 	<p>Available on website: https://patrick.com.au/about/safety-and-environment/ Noise Monitoring Reports May 2021 and November 2021, Rodney Stevens Acoustics. https://patrick.com.au/environmental-monitoring/</p>	<p>Biannual Noise Compliance Monitoring Reports for May and November 2020 sighted. They are prepared in accordance with EPL 6962.</p>																																																		
C2.6	Patrick Stevedores	<p>Noise from the premises must not exceed the sound pressure level (noise) limits presented in the Table below. Note the limits represent the sound pressure level (noise) contribution, at the nominated receiver locations in the table.</p> <table border="1"> <thead> <tr> <th rowspan="2">Most affected residential Location</th> <th>Day</th> <th>Evening</th> <th colspan="3">Night</th> </tr> <tr> <th>LAeq (15 minute)</th> <th>LAeq (15 minute)</th> <th>LAeq (15 minute)</th> <th>LAeq,9hrs</th> <th>LA1(1 minute)</th> </tr> </thead> <tbody> <tr> <td>Chelmsford Avenues</td> <td>40</td> <td>40</td> <td>40</td> <td>38</td> <td>53</td> </tr> <tr> <td>Dent Street</td> <td>45</td> <td>45</td> <td>45</td> <td>43</td> <td>59</td> </tr> <tr> <td>Jennings Street</td> <td>36</td> <td>36</td> <td>36</td> <td>35</td> <td>55</td> </tr> <tr> <td>Botany Rd (nth of golf club)</td> <td>47</td> <td>47</td> <td>47</td> <td>45</td> <td>59</td> </tr> <tr> <td>Australia Ave</td> <td>35</td> <td>35</td> <td>35</td> <td>35</td> <td>57</td> </tr> <tr> <td>Military Road</td> <td>42</td> <td>42</td> <td>42</td> <td>40</td> <td>60</td> </tr> </tbody> </table> <p>For the purpose of this condition;</p> <ul style="list-style-type: none"> - Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays, - Evening is defined as the period from 6pm to 10pm - Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays 	Most affected residential Location	Day	Evening	Night			LAeq (15 minute)	LAeq (15 minute)	LAeq (15 minute)	LAeq,9hrs	LA1(1 minute)	Chelmsford Avenues	40	40	40	38	53	Dent Street	45	45	45	43	59	Jennings Street	36	36	36	35	55	Botany Rd (nth of golf club)	47	47	47	45	59	Australia Ave	35	35	35	35	57	Military Road	42	42	42	40	60	<p>Noise Monitoring Reports May 2021 and November 2021, Rodney Stevens Acoustics. https://patrick.com.au/environmental-monitoring/ Community Feedback Reports Q1-Q4 2021</p>	<p>Biannual noise monitoring reports are completed. The reports conclude that 'operational noise is considered to comply with EPL 6962, day, evening and night-time noise limits.</p> <p>It is noted that noise limits within the EPL are equal to or more stringent than those quoted in this Condition.</p> <p>Noise complaints received during the audit period were investigated and determined by the auditee to not be attributable to their operations.</p>	C		
Most affected residential Location	Day	Evening		Night																																																		
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C2.7	Patrick Stevedores	<p>Noise from the premises is to be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary, to determine compliance with the noise level limits in Condition C2.6 unless otherwise stated</p>	<p>Noise Monitoring Reports May 2021 and November 2021, Rodney Stevens Acoustics. https://patrick.com.au/environmental-monitoring/</p>	<p>Biannual noise monitoring reports are completed. The noise reports satisfy this requirement</p>	C																																																	



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C2.8	Patrick Stevedores	Noise from the premises is to be measured at 1m from the dwelling façade to determine compliance with the LA1 (1 minute) noise level in Condition C2.6	Noise Monitoring Reports May 2021 and November 2021, Rodney Stevens Acoustics. https://patrick.com.au/environmental-monitoring/	Biannual noise monitoring reports are completed. The noise reports identify this requirement and satisfactorily address it.	C		
C2.9	Patrick Stevedores	Where it can be demonstrated that direct measurement of noise from the premises is impractical, the EPA may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy	Noise Monitoring Reports May 2021 and November 2021, Rodney Stevens Acoustics. https://patrick.com.au/environmental-monitoring/	Biannual noise monitoring reports are completed. The noise reports use measurement of noise.	C		
C2.10	Patrick Stevedores	The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable	Noise Monitoring Reports May 2021 and November 2021, Rodney Stevens Acoustics. https://patrick.com.au/environmental-monitoring/	Biannual noise monitoring reports are completed. The noise reports address the methodology.	C		
C2.11	Patrick Stevedores	The noise emission limits identified in Condition C2.6 apply under meteorological conditions of wind speed up to 3 metres per second at 10 metres above ground level, and temperature inversion conditions up to 1.50C/100m positive lapse rate	Noise Monitoring Reports May 2021 and November 2021, Rodney Stevens Acoustics. https://patrick.com.au/environmental-monitoring/	Biannual noise monitoring reports are completed. The noise reports address weather conditions.	C		
Operational Traffic Management Plan							
C2.12	Patrick Stevedores	Prior to the commencement of terminal operations, the applicant must prepare an Operational Traffic Management Plan in consultation with TfNSW (RMS), DPIE, Botany and Randwick Councils and SSROC. The Applicant shall address the requirements of these organisations in the Plan. The Applicant shall also consult with the Community Consultative Committee in preparation of the Plan. The plan must include, but not be confined to, mitigation measures identified in EIS such as: <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. The plan must be submitted and approved by the Director-General prior to the commencement of operations	Operational Traffic Management Plan Section 6.7 of the Patrick Port Botany Terminal Operational Environmental Management Plan' dated 2019, revision 02. Available on website: http://www.patrick.com.au/environment-sustainability	The Operational Traffic Management Plan (OEMP, V2, 2019 – Section 6.7) has been prepared in consultation with the relevant stakeholders and addresses the requirements of this condition. The OEMP was approved by the Department prior to the current audit period. The OEMP underwent a minor update in 2019.	C		
Waste Management on Site							
C2.13	Patrick Stevedores	Management of waste must be in accordance with the environment protection licence issued by EPA under the Protection of the Environment Operations Act 1997	Waste Management Plan Section 6.4 of the Patrick Port Botany Terminal Operational Environmental Management Plan' dated 2019, revision 02. Available on website: https://patrick.com.au/environmental-monitoring/ EPL 6962	A Waste Management Plan (OEMP, V2, 2019 – section 6.4) identifies the approach to managing wastes on site. The OEMP was approved by the Department prior to the current audit period. A minor update to the OEMP occurred in 2019. To note: the wastes being generated are pre-classified within the NSW Waste Classification Guidelines.		NC	



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			<p>EPL 20581 EPL 6179</p> <p>Transport Certificate for liquid waste, 30/09/21, 02/02/21, 08/12/21, 17/11/21, 03/12/21, 08/01/21, 13/01/21, 19/04/21, 26/05/21</p> <p>Site inspection 1821/01/221</p> <p>PBT Solid Waste Management Register current to 18/11/21.</p> <p>PBT Liquid Waste Register current to 31/12/21</p>	<p>Waste management on site (liquid and solid waste) was satisfactory.</p> <p>Solid and liquid wastes appear to be directed to facilities that have EPLs that permit them to receive the waste types.</p> <p>Non-compliance: Waste tyres are being disposed of from the facility, however the waste tyres are not being tracked in accordance with Protection of the Environment Operations (Waste) Regulation 2014, Clause 76 – Reporting on transportation of waste tyres solely within New South Wales.</p> <p>The Auditor notes that prior to the finalising of the Audit Report, Patrick enrolled onto the EPA’s WasteLocate Tool in accordance with their requirements to help track the waste tyres.</p>			
C2.13A	Patrick Stevedores	The management of waste for uses and activities not subject to an Environmental Protection Licence, shall be managed and disposed of in accordance with the Protection of the Environment Operation (Waste) Regulation 2005 and the Waste Classification Guidelines (DECCW 2009), or any future guideline that may supersede that document. All waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.	<p>Waste Management Plan Section 6.4 of the Patrick Port Botany Terminal Operational Environmental Management Plan’ dated 2019, revision 02.</p> <p>Available on website: https://patrick.com.au/env/ironmental-monitoring/</p> <p>EPL 6962 EPL 20581 EPL 6179</p> <p>Transport Certificate for liquid waste, 30/09/21, 02/02/21, 08/12/21, 17/11/21, 03/12/21, 08/01/21, 13/01/21, 19/04/21, 26/05/21</p> <p>Site inspection 1821/01/221</p> <p>PBT Solid Waste Management Register current to 18/11/21.</p> <p>PBT Liquid Waste Register current to 31/12/21</p>	<p>A Waste Management Plan (OEMP, V2, 2019 – section 6.4) identifies the approach to managing wastes on site. The OEMP was approved by the Department prior to the current audit period. A minor update to the OEMP occurred in 2019.</p> <p>To note: the wastes being generated are pre-classified within the NSW Waste Classification Guidelines.</p> <p>Waste management on site (liquid and solid waste) was satisfactory.</p> <p>Solid and liquid wastes appear to be directed to facilities that have EPLs that permit them to receive the waste types.</p> <p>Non-compliance: Waste tyres are being disposed of from the facility, however the waste tyres are not being tracked in accordance with Protection of the Environment Operations (Waste) Regulation 2014, Clause 76 – Reporting on transportation of waste tyres solely within New South Wales.</p> <p>The Auditor notes that prior to the finalising of the Audit Report, Patrick enrolled onto the EPA’s WasteLocate Tool in accordance with their requirements to help track the waste tyres.</p>		NC	
Water and Wastewater Management							



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C2.14	Patrick Stevedores	Except as may be expressly permitted by a licence under the Protection of the Environment Operations Act 1997 in relation to the development, section 120 of that Act (prohibition of the pollution of waters) shall be complied with in connection to the development.	NOGGIN incident register 01/01/21 – 31/12/21 EPL 6962 Patrick HSE Incident Management and Reporting Procedure Letter HWL Ebsworth to Patrick, 08/10/20	No water quality monitoring is required by the EPL (6962) and there are no licenced discharge points. Patrick has advanced incident reporting protocols and is currently undertaking a review and update to its reporting protocols to better align with the POEO Act. Events: 47 x environmental events recorded in the incident reporting management system (Noggin) for tracking purposes. Nil (0) events were identified as having been in contact with or impacting the environment. Incident: 1 x event resulted in 5L of oil entering the harbour on 17 November 2021. This was reported to the EPA, the Department and NSW Ports on the same day as a precaution. A formal written notification was reported to the Department and EPA on 23 November 2021. On the same day the EPA advised that no further action was required, and the case was closed out. No response was provided by the Department.	C		
Pollutant Concentration Limits							
C2.15	Patrick Stevedores	For each monitoring/discharge point or utilisation area, the concentration of any pollutant discharged at that point, or applied to that area, must not exceed concentration limits specified in the relevant environment protection licence	As above	No discharge points in EPL.			NT
Hazards and Risk Management- Hayes Dock Interim Uses							
C2.15A		Port, maritime and waterway related with in Hayes uses Dock may involve the loading, unloading and storage of minor volumes of dangerous goods (DGs) for the sole purpose of minor site maintenance; line boat, barge and tug maintenance; related service activities and boat refuelling.	Site inspection 18/01/22	Patricks do not use Hayes Dock. This condition is not applicable to Patrick's operation.			NT
Hazards and Risk Management							
C2.16	Patrick Stevedores	Prior to the commencement of operation, the Applicant shall develop management measures in consultation with the Major Hazards Unit of DPIE regarding the use of the new terminal for loading, unloading and storage of dangerous goods of Classes 2.3 and 6	Emergency Response Plan (including PIRMP), 15/01/21. Version 13 https://patrick.com.au/about/safety-and-environment/	The Emergency Response Plan (including PIRMP) was developed prior to the current audit period, to meet the expectation of the DPIEs Major Hazards Unit i.e. to ensure the actions of Patrick when dealing with an emergency involving Class 2.3 or Class 6 dangerous goods did not increase the off-site risk described in the Preliminary Hazard Analysis.	C		
Hazards and Risk Management- Storage and Handling of Dangerous Goods							
C2.17	NSW Ports	Twelve months after the determination of DA 494-11-2003-i MOD 16, the Applicant shall submit an annual report to the Secretary which provides details on actual Dangerous Goods movements listed in the Table 1 provided in Schedule 4. Should the threshold limits listed in Table 2 in Schedule 4 be exceeded for three consecutive annual reporting years, or if the maximum limits are reached in a single 12-month reporting period, the Applicant shall prepare an updated hazard analysis for the PBE operations. The hazards analysis shall: - Be prepared in consultation with the Department.	Patricks Annual Dangerous Goods Report dated 01/09/20 – 31/08/21	The Annual Dangerous Goods Report (which identifies that dangerous goods were stored well below the thresholds), was prepared. Submission is managed by NSW Ports and was not sighted for the current audit period.	C		



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		<p>- Be prepared in accordance with <i>Hazardous Industry Planning Paper No. 6, 'Hazard Analysis'</i>;</p> <p>- Assess compliance against the land use safety planning risk criteria</p> <p>(including individual fatality risk, injury/irritation risk and societal risk), as outline in <i>Hazardous Industry Planning Advisory Paper No. 4, 'Risk Criteria for Land Use Safety Planning'</i>; and</p> <p>- Assess whether the risks from PBE operations will significantly impact on the cumulative risk contour of 1 x 10⁻⁶ per annum, contained in Figure 2 of the <i>Port Botany Land Use Safety Study Overview Report 1996</i>, or any other revised land use safety study for the Port that supersedes the 1996 study.</p> <p>The report shall be prepared to the satisfaction of the Secretary. The hazard analysis is to be submitted to the Secretary within 6 months of an identified threshold exceedance, or as agreed to by the Secretary</p>					
C2.18	Patrick Stevedores	The Applicant shall not store or handle or permit to be stored or handled, dangerous goods of Class 2.3, toxic compressed or liquefied gases above the quantities stored or handled in 1995/96 except in accordance with recommendations 1.1 and 1.2 in the Port Botany Land Use Safety Study (1996).	Patrick's Annual Dangerous Goods Report dated 01/09/19 – 31/08/20.	Patrick's hold approximately 18 containers. Well below the 157 container threshold for the Port Botany Facility.	C		
Emergency Incident Management							
C2.20	Patrick Stevedores	<p>The Applicant shall develop an Emergency Response and Incident Management Plan in consultation with the EPA, DPIE, Council and the Community Consultative Committee. The Plan must be approved by the Director-General prior to the commencement of operations and shall detail:</p> <ul style="list-style-type: none"> - terminal security and public safety issues; - effective spill containment and management; - effective firefighting capabilities; - effective response to emergencies and critical incidents; and - a single set of emergency procedures, consistent with the existing Port Botany Emergency Plan, should be developed that be scaled as appropriate for any incident or emergency. 	Emergency Response Plan (including PIRMP), 15/1/21. Version 13 https://patrick.com.au/about/safety-and-environment/	The Emergency Management Plan was prepared, consulted on and approved by the Department prior to the current audit period. The latest minor update was completed in 2019.	C		
Aviation Operational Impacts							
C2.21	Patrick Stevedores	The Applicant shall ensure that the location of fixed terminal operating infrastructure adequately takes into account the required lateral separation distances to minimise the interference to Sydney Airport radar and navigational systems	Department of Infrastructure and Transport approval, 12/12/12	Patrick has obtained approval under the Airports (Protection of Airspace) Regulations 1996 (APAR) (Ref: 12/5083) for the intrusion of three quay cranes into prescribed airspace for Sydney Airport. Approval was granted by Flysafe Aerodrome Precincts, Aviation and Airports Division of the Department of Infrastructure and Transport on 12 December 2012.	C		
C2.22	Patrick Stevedores	The Applicant shall ensure that all operation equipment is below the obstacle limitation surface, unless otherwise permitted by an approval under the Airports Act 1999 and Airports (Protection of Airspace) Regulation 1966	Department of Infrastructure and Transport approval, 12/12/12	Patrick has obtained approval under the Airports (Protection of Airspace) Regulations 1996 (APAR) (Ref: 12/5083) for the intrusion of three quay cranes into prescribed airspace for Sydney Airport. Approval was granted by Flysafe Aerodrome Precincts, Aviation and Airports Division of the Department of Infrastructure and Transport on 12 December 2012.	C		
C2.23	Patrick Stevedores	The Applicant shall ensure design specifications of the terminal lighting conform to the requirements of Regulation 94 of the Civil Aviation regulations 1988	Department of Infrastructure and	Patrick has obtained approval under the Airports (Protection of Airspace).	C		



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			<p>Transport approval, 12/12/12</p> <p>Aviation Operational Impacts Management Plan Section 6.8 of Patrick Port Botany Terminal Operational Environmental Management Plan' dated 2019, revision 02.</p> <p>Available on website: https://patrick.com.au/about/safety-and-environment/</p> <p>Community Feedback Reports Q1-Q4 2021</p>	<p>Regulations 1996 (APAR) (Ref: 12/5083) for the intrusion into prescribed airspace for Sydney Airport (including light). Approval was granted by Flysafe Aerodrome Precincts, Aviation and Airports Division of the Department of Infrastructure and Transport on 12 December 2012.</p> <p>Section 6.8 of the OEMP addresses potential aviation operational impacts and controls which include monitoring, including light management in service agreements, direction of plant and facility downwards.</p> <p>No complaints regarding lighting were received during the audit period.</p>			
C2.24	Patrick Stevedores	<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 shipboard lighting while berthed; - orientating ships in a specific direction; and or - providing temporary shielding on the ship mounted floodlights while docked 	<p>Maritime Order 32 Schedule 1 (2)</p> <p>Aviation Operational Impacts Management Plan Section 6.8 of Patrick Port Botany Terminal Operational Environmental Management Plan' dated 2019, revision 02.</p> <p>Available on website: https://patrick.com.au/about/safety-and-environment/</p> <p>Community Feedback Reports Q1-Q4 2021</p>	<p>Maritime Order 32 Schedule 1 (2) lighting requires adequate lighting during loading or unloading activities. When vessels are loaded and unloaded at night and sufficient lighting will be required to undertake loading or discharge operations.</p> <p>Section 6.8 of the OEMP addresses potential aviation operational impacts and controls which include monitoring, including light management in service agreements, direction of plant and facility downwards.</p> <p>Additionally, LED lights are being progressively installed throughout the berth 6 areas to further reduce light spill.</p> <p>No complaints regarding lighting were received during the audit period.</p>	C		
C2.25	Patrick Stevedores	<p>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</p>	<p>Bird Hazard Management Plan Section 6.9 of Patrick Port Botany Terminal Operational Environmental Management Plan' dated 2019, revision 02.</p> <p>Available on website: https://patrick.com.au/about/safety-and-environment/</p>	<p>The Bird Hazard Management Plan sits within the OEMP and was prepared, consulted and approved prior to the current audit period.</p> <p>A minor update was undertaken on the OEMP was made during 2019.</p>	C		
COMMUNITY INFORMATION, INVOLVEMENT AND CONSULTATION							
C3.1	Patrick Stevedores	<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 	<p>Community Feedback Reports Q1-Q2 2021.</p> <p>https://patrick.com.au/environmental-monitoring/</p>	<p>Documentation including management plans and monitoring reports are available on the Patrick website.</p> <p>https://patrick.com.au/environmental-monitoring/</p>	C		



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		<ul style="list-style-type: none"> - includes details of a register to be kept of all comments, inquiries and complaints received by the above means, including the following register fields: - 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>-Provide quarterly reports to the Department and EPA, where relevant, outlining details of complaints received</p>	Interview with auditees 18/01/22	Contact details and complaints line are available at: https://patrick.com.au/contact/ Patrick Port Botany Quarterly Community Feedback Reports are available on Patrick's website http://www.patrick.com.au/environment-monitoring-reporting . The reports contain the information and details required by this condition and are submitted to the Department.			
C3.2	NSW Ports Patrick Stevedores	<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, <p>whose appointment has been approved by the Director-General in consultation with the Council;</p> <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 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</p>	Community Consultative Committee meeting minutes https://www.nswports.com.au/resources-filtered/port-botany-CCC-minutes	The Port Botany Expansion Community Consultative Committee has been combined into the Port Botany Neighbourhood Liaison Group, which was approved in a letter from the Director General on 16/9/2013. NSW Ports manage the meeting, SICTL is a participant as an operator. This audit assesses SICTLs compliance with the conditions. Minutes of the meetings are on NSW Ports website at: https://www.nswports.com.au/resources-filtered/port-botany-CCC-minutes Representatives and the chair are presented in each of the minutes. The CCC meets four times per year and minutes show environmental, community and rail matters are discussed.	C		
C3.3	NSW Ports Patrick Stevedores	<p>The Applicant shall, at its own expense:</p> <p>(a) ensure that 2 of its representatives attend the Committee's meetings;</p> <p>(b) provide the Committee with regular information on the environmental performance and management of the development;</p> <p>(c) provide meeting facilities for the Committee;</p> <p>(d) arrange site inspections for the Committee, if necessary;</p> <p>(e) take minutes of the Committee's meetings;</p> <p>(f) make these minutes available on the Applicant's website within 14 days of the Committee meeting, or as agreed to by the Committee;</p> <p>(g) respond to any advice or recommendations the Committee may have in relation to the environmental management or performance of the development; and</p> <p>(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</p>	Community Consultative Committee meeting minutes https://www.nswports.com.au/resources-filtered/port-botany-CCC-minutes	Refer response to CoA C3.2 above. The Auditor notes that NSW Ports (not the auditee) is responsible for the CCC.	C		
ENVIRONMENTAL MONITORING AND AUDITING							
C4.1	Patrick Stevedores	The Director-General shall be notified of any incident with actual or potential significant off-site impacts on people or the biophysical environment within 12 hours of the Applicant, or other relevant party undertaking the development, becoming aware of the incident. Full written details of the incident shall be provided to the Director-General within seven days of the date on which the incident occurred. The Director-General may require additional measures to be implemented to	NOGGIN incident register 01/01/21 – 31/12/21 EPL 6962	No water quality monitoring is required by the EPL (6962) and there are no licenced discharge points.	C		

CoA No	Auditee NSW Ports/ Patrick Stevedores	DA-494-11-2003 Condition of Consent Compliance Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
					C	NC	NT
		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	Patrick HSE Incident Management and Reporting Procedure Letter HWL Ebsworth to Patrick, 08/10/20	Patrick has advanced incident reporting protocols and is currently undertaking a review and update to its reporting protocols to better align with the POEO Act. Events: 47 x environmental events recorded in the incident reporting management system (Noggin) for tracking purposes. Nil (0) events were identified as having been in contact with or impacting the environment. Incident: 1 x event resulted in 5L of oil entering the harbour on 17 November 2021. This was reported to the EPA, the Department and NSW Ports on the same day as a precaution. A formal written notification was reported to the Department and EPA on 23 November 2021. On the same day the EPA advised that no further action was required, and the case was closed out. No response was provided by the Department.			
C4.2	Patrick Stevedores	The Applicant must prepare an Annual Environmental Management Report for the development. The Annual Environmental Management Report must: <ul style="list-style-type: none"> - detail compliance with the conditions of this consent; - contain a copy of the Complaints Register (for the preceding twelve-month period, exclusive of personal details) and details of how these complaints were addressed and resolved; - include a comparison of the environmental impacts and performance predicted in the EIS and additional information documents provided to the Department and Commission of Inquiry; - detail results of all environmental monitoring required under the development consent and other approvals, including interpretations and discussion by a suitably qualified person; - contain a list of all occasions in the preceding twelve-month period when environmental performance goals have not been achieved, indicating the reason for failure to meet the goals and the action taken to prevent recurrence of that type of incident; - be prepared within twelve months of the commencement of operation, and every twelve months thereafter; - be approved by the Director-General each year; and - be made available for public inspection 	Annual Environmental Management Report and Annual Compliance Report 2020, 26/03/21. Available online at https://patrick.com.au/environmental-monitoring/ Email DPIE to NSW Ports 13/04/21	2020 Annual Compliance Report was submitted 26/03/21. The Department responded without comment on 13/04/21.	C		
C4.3		Removed – refer MOD 17.					
C4.4	Patrick Stevedores	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: <ol style="list-style-type: none"> identification of relevant employment positions associated with the development that have an operational or management role related to environmental performance; details of appropriate training requirements for relevant employees a program for training relevant employees in operational and/ or management issues associated with environmental performance; and a program to confirm and update environmental training and knowledge during employment of relevant persons 	Induction and training Section 4.3 of Patrick Port Botany Terminal Operational Environmental Management Plan' dated 2019, revision 02. Available on website: https://patrick.com.au/about/safety-and-environment/ Induction - LITMOS Patricks e-learning system.	Section 4.3 of the OEMP identifies the training framework in operations. This includes induction, toolbox talks and specific task / work area training. The induction program includes details on the consent and EPL, environmental responsibilities, spill management, waste, noise and so forth. Training has also been provided on the drain wardens.	C		



CoA No	Auditee NSW Ports/ Patrick Stevedores	DA-494-11-2003 Condition of Consent Compliance Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
					C	NC	NT
			Patricks Induction Report, to 31/12/21 PTPPB-EMP-MOD				
C4.5	Patrick Stevedores	<p>Within one year of the commencement of operations and every year thereafter, the Applicant shall fund a full independent environmental audit. The audit must be undertaken by a suitably qualified person/team approved by the Director-General. The audits would be made publicly available and would:</p> <ul style="list-style-type: none"> - be carried out in accordance with ISO 14010 – Guidelines and General Principles for Environmental Auditing and ISO 14011 – Procedures for Environmental Auditing; - assess compliance with the requirements of this consent, and other licences and approvals that apply to the development; - assess the construction against the predictions made and conclusions drawn in the development application, EIS, additional information and Commission of Inquiry material; and - review the effectiveness of the environmental management of the development, including any environmental impact mitigation works. <p>Note: An independent and transparent environmental audit can verify compliance (or otherwise) with the Minister's consent and various approvals. Auditing also provides an opportunity for continued improvement in environmental performance</p>	<p>Letter, DPIE to NSW Ports, 10/10/17.</p> <p>Independent Environmental Audit, WolfPeak, 04/03/21. https://patrick.com.au/environmental-monitoring/ DPIE post approval portal lodgement 12/03/21 .</p>	<p>WolfPeak were approved as the auditors in 2017.</p> <p>The Audit of the facility for the 2020 audit period was completed by WolfPeak in 2020 in accordance with this condition.</p> <p>This audit assesses compliance for the 2021 audit period and addresses each requirement of this condition, along with the requirements identified by the Department in consultation for this audit.</p>	C		



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

CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
				C	NC	NT
GENERAL						
1. OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT						
1.1	The Applicant shall implement all practicable measures to prevent or minimise any harm to the environment that may result from the construction and operation of the development.	Patrick Port Botany Terminal Operational Environmental Management Plan' dated 2019, revision 02. Available on website: https://patrick.com.au/about/safety-and-environment/ Evidence referred to elsewhere in this audit table.	The 'Patrick Port Botany Terminal Operational Environmental Management Plan' (OEMP) – Version 2, 2019) has been prepared to document management measures and is available on Patrick's Details regarding the implementation of the OEMP are provided in Section 1.3 of the plan. On-site inspection noted pollution control measures in place throughout the site and evidence provided below. Other than the observations and non-compliances identified in this table, the auditor is satisfied that the project has implemented all practicable measures.	C		
SCOPE OF DEVELOPMENT						
1.2	⁵ The Applicant shall carry out the development generally in accordance with: 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: i) the letter from Parsons Brinckerhoff to Planning NSW dated 17 April 2003 titled <i>Patrick Port Botany EIS – Response to Hazard and Risk Issues</i> ; ii) <i>Upgrade of Port Botany Container Terminal, Revised Noise Assessment</i> , dated May 2003 and prepared by Wilkinson Murray Pty Ltd; iii) <i>Supplementary Avifauna Survey & Assessment of Impacts</i> , dated 26 May 2003 and prepared by AMBS Consulting; iv) the memorandum from Patricks Brinckerhoff dated 30 May 2003 and titled <i>Patrick Water Quality Assessment</i> ; v) the amended development application submitted to the Department on 30 May 2003 and associated drawings; vi) the letter from Patrick Terminals to Planning NSW dated 11 June 2003 titled <i>Patrick Port Botany EIS</i> ; vii) the memorandum from Fielders Engineers Pty Ltd to Parsons Brinckerhoff dated 20 June 2003 titled <i>Transport NSW's Comments</i> ; viii) the letter from Qest Consulting Group to Parsons Brinckerhoff dated 3 July 2003 titled <i>Preliminary Hazard Analysis for Patrick Stevedores</i> ; c) modification application MOD-56-6-2004-I, lodged with the Department on 28 May 2004 and accompanied by the supplementary document titled <i>Application to Modify Development Consent</i> , dated 19 May 2004; d) modification application MOD-83-8-2004-i, lodged with the Department on 16 August 2004, accompanied by four plans titled <i>Proposed Staff Amenities</i> (Job No. 0400107, Revision C) numbered 01 to 04 respectively; e) modification application MOD-156-10-2005-I, lodged with the Department on 6 October 2005, accompanied correspondence dated 6 October 2005 and titled <i>S96(1A) Application: Patrick Corporation – Port Botany Terminal</i> and plan titled <i>Proposed Administration Building</i> (Job No. PDS-06-38, Revision A); f) modification application MOD-38-3-2006-i, lodged with the Department on 2 March 2006, accompanied correspondence dated 1 March 2006 and titled <i>S96(1A) Application: Patrick Corporation – Port Botany Terminal</i> , and plans titled <i>Proposed Administration Building</i> (Job No. PDS-06-38, Revision D); g) modification application MOD-38-4-2007-i, lodged with the Department on 11 April 2007, accompanied correspondence dated 10 April 2007 and titled <i>S.96(1A) Application, Patrick Corporation – Port Botany Terminal</i> , and plans titled <i>Proposed Additional Staff Amenities</i> (Job No. PDS-07-81, Issue E);	Evidence referred to elsewhere in the compliance table.	Compliance with these requirements is verified through this independent audit process. Assessment of compliance is made against the consolidated condition approval inclusive of MODS 1-8 and considers the EIS and associated documents.	C		

⁵ Incorporates EPA General Terms of Approval – A 1.1



CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
				C	NC	NT
	<p>h) modification application MOD-76-9-2007-i, lodged with the Department on 24 August 2007, accompanied correspondence 19 June 2007 and 5 November 2007 titled <i>S.96(1A) Application, Patrick Corporation - Port Botany Terminal</i>, and the following plans:</p> <p>i) <i>Proposed Camco Trafficgate</i> (Job No. PDS-07-84, Issue B, Drg. No.: 01);</p> <p>ii) <i>Proposed Camco Trafficgate</i> (Job No. PDS-07-84, Issue B, Drg. No.: 02);</p> <p>iii) <i>Proposed Camco Trafficgate</i> (Job No. PDS-07-84, Issue B, Drg. No.: 03);</p> <p>iv) <i>Truck Portal Gate Frame Arrangement and Details</i> (Project No. SY070313, Dwg No. S5.00, Issue A);</p> <p>v) <i>Train Portal Gate Frame Arrangement and Details</i> (Project No. SY070313, Dwg No. S4.00, Issue E);</p> <p>vi) <i>Train Portal Gate Frame Footing Plan and Details</i> (Project No. SY070313, Dwg No. S4.00, Issue D);</p> <p>vii) <i>Structural Notes</i> (Project No. SY070313, Dwg No. S1.00, Issue D);</p> <p>i) modification application DA-453-12-2002-i MOD 7, accompanied by an assessment report titled <i>Section 75W Modification Port Botany Container Terminal Environmental Assessment</i> prepared by GHD and dated June 2013; and</p> <p>j) the conditions of this consent.</p> <p>In the event of an inconsistency between a condition of this consent and the documents listed under (a) to (i) above, the conditions of consent shall prevail to the extent of the inconsistency.</p>					
Staged Development						
1.3	Under Section 80(4) of the Act, this consent applies to the development, as described in Schedule 1, only.	-	Noted.	C		
Provision of Documents						
1.6	<p>Where practicable, the Applicant shall provide all documents and reports required to be submitted to the Director-General under this consent in an appropriate electronic format. Provision of documents and reports to other parties, as required under this consent, shall be in a format acceptable to those parties and shall aim to minimise resource consumption.</p> <p>Note: At the date of this consent, an appropriate electronic format for submission to the Director-General in the "portable document format" (pdf) or another format that may be readily converted to pdf.</p>	DPIE Post approval portal lodgement records (various)	The Department has established the post approval portal for lodgement of all post approval and compliance related documentation. Evidence demonstrates that the auditee is utilising this portal as per the Departments requirements.	C		
Statutory Requirements						
1.7	The Applicant shall ensure that all licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the development. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals.	<p>EPBC Approval 2002/534 EPL 6962</p> <p>Sydney Water Trade Waste Consent No. 24990.</p> <p>Patrick Port Botany Terminal Operational Environmental Management Plan' dated 2019, revision 02.</p> <p>Available on website: https://patrick.com.au/about/safety-and-environment/</p>	<p>The Federal EPBC Approval 2002/543 and EPL 6962 remain valid. Sydney Water Trade Waste Consent No. 24990 is current. A number of other permits, licences and approvals, as issued by various government authorities, have been obtained for the operation of the terminal and are listed in Section 2.3 of the OEMP which is available on the Patrick website.</p> <p>Trade Wastewater Discharge Schedule Permit No 40110 issued by Sydney Water for grease arrestor at canteen.</p>	C		
Compliance						
1.9	The Applicant shall ensure that all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent.	<p>Induction - LITMOS Patricks e-learning system.</p> <p>Patricks Induction Report, to 31/12/21</p> <p>PTPPB-EMP-MOD</p>	<p>The induction program includes details on the consent and EPL, environmental responsibilities, spill management, waste, noise and so forth.</p> <p>Training has also been provided on the drain wardens.</p>	C		
1.10	The Applicant shall be responsible for the environmental impacts resulting from the actions of all persons on the site, including any visitors.	NOGGIN incident register 01/01/21 – 31/12/21.	<p>Events: 47 x environmental events recorded in the incident reporting management system (Noggin) for tracking purposes. Nil (0) events were identified as having been in contact with or impacting the environment.</p> <p>Incident: 1 x event resulted in 5L of oil entering the harbour on 17 November 2021. This was reported to the EPA, the Department and NSW Ports on the same day as a precaution. A formal written notification was reported to the Department and EPA on 23 November 2021. On the same day the EPA advised that no further action was required, and the case was closed out. No response was provided by the Department.</p>	C		

CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status																
				C	NC	NT														
			This indicates that Patrick and NSW Ports are taking responsibility for events on site.																	
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.	Pre-operational Compliance Report dated December 2015. DPIE Approval dated 4/02/2016.	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.	Annual Environmental Management Report and Annual Compliance Report 2020, 26/03/21. Email DPIE to NSW Ports 13/04/21	2020 Annual Compliance Report was submitted 26/03/21. The Department responded without comment on 13/04/21.	C																
1.14	The Applicant shall meet the requirements of the Director-General in respect of the implementation of any measure necessary to ensure compliance with the conditions of this consent, and general consistency with the EIS and those documents listed under condition 1.2 of this consent. The Director-General may direct that such a measure be implemented in response to the information contained within any report, plan, correspondence or other document submitted in accordance with the conditions of this consent, within such time as the Director-General may agree.	Annual Environmental Management Report and Annual Compliance Report 2020, 26/03/21. Email DPIE to NSW Ports 13/04/21	2020 Annual Compliance Report was submitted 26/03/21. The Department responded without comment on 13/04/21.	C																
Dispute Resolution																				
1.15	In the event that a dispute arises between the Applicant and Council or a public authority other than the Department, in relation to a specification or requirement applicable under this consent, the matter shall be referred by either party to the Director-General, or if not resolved, to the Minister, whose determination of the dispute shall be final and binding on all parties. For the purpose of this condition, "public authority" has the same meaning as provided under Section 4 of the Act. Note: Section 121 of the Environmental Planning and Assessment Act 1979 provides mechanisms for resolution of disputes between the Department, the Director-General, councils and public authorities.	Interview with auditees 18/01/22	There have been no known disputes in relation to this condition.			NT														
3. ENVIRONMENTAL PERFORMANCE																				
Noise Limits																				
3.3	⁶ Noise generated by the development shall not exceed the noise limits presented in the table below, unless otherwise agreed by the Director-General: <table border="1" data-bbox="296 1333 1394 1522"> <thead> <tr> <th>Location</th> <th>Day L_{Aeq} (15 minute)</th> <th>L_{A1} (1 minute)</th> <th>Evening L_{Aeq} (15 minute)</th> <th>L_{A1} (1 minute)</th> <th>Night L_{Aeq} (15 minute)</th> <th>L_{A1} (1 minute)</th> </tr> </thead> <tbody> <tr> <td>Most affected residential premises</td> <td>55</td> <td>55</td> <td>43</td> <td>55</td> <td>43</td> <td>55</td> </tr> </tbody> </table>	Location	Day L _{Aeq} (15 minute)	L _{A1} (1 minute)	Evening L _{Aeq} (15 minute)	L _{A1} (1 minute)	Night L _{Aeq} (15 minute)	L _{A1} (1 minute)	Most affected residential premises	55	55	43	55	43	55	Noise Monitoring Reports May 2021 and November 2021, Rodney Stevens Acoustics. https://patrick.com.au/environmental-monitoring/ Community Feedback Reports Q1-Q4 2021	Biannual noise monitoring reports are completed. The reports conclude that 'operational noise is considered to comply with EPL 6962, day, evening and night-time noise limits. It is noted that noise limits within the EPL are equal to or more stringent than those quoted in this Condition. Noise complaints received during the audit period were investigated and determined by the auditee to not be attributable to their operations.	C		
Location	Day L _{Aeq} (15 minute)	L _{A1} (1 minute)	Evening L _{Aeq} (15 minute)	L _{A1} (1 minute)	Night L _{Aeq} (15 minute)	L _{A1} (1 minute)														
Most affected residential premises	55	55	43	55	43	55														
3.4	⁷ For the purpose of condition 3.3 of this consent: (a) Day is defined as the period from 7.00am to 6.00pm Monday to Saturday and 8.00am to 6.00pm Sundays and Public Holidays; (b) Evening is defined as the period from 6.00pm to 10.00pm; and (c) Night is defined as the period from 10.00pm to 7.00am	As above	As above.	C																

⁶ EPA General Terms of Approval – L 6.1

⁷ EPA General Terms of Approval – L 6.2



CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
				C	NC	NT
	Monday to Saturday and 10.00pm to 8.00am Sundays and Public Holidays.					
Noise Assessment Report						
3.6	⁸ Noise from the site shall be measured at the most affected point on or within the residential boundary, to determine compliance with the noise limits in condition 3.3 of this consent. Where it can be demonstrated that direct measurement of noise from the site is impractical, the EPA may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy. The modification factors provided in Section 4 of the NSW Industrial Noise Policy shall be applied to the measured noise levels where applicable.	Noise Monitoring Reports May 2021 and November 2021, Rodney Stevens Acoustics. https://patrick.com.au/environmental-monitoring/	Biannual noise monitoring reports are completed. The noise reports satisfy this requirement.	C		
3.7	⁹ Noise from the site shall be measured at 1 metre from the bedroom window to determine compliance with the L _{A1} (1 minute) and L _{A MAX} noise limits in condition 3.3 of this consent.	As above.	Biannual noise monitoring reports are completed. The noise reports identify this requirement and satisfactorily address it.	C		
3.8	¹⁰ The noise emission limits identified in condition 3.3 of this consent apply under meteorological conditions of: (a) wind speeds of up to 3 m/s at 10 metres above ground level; and (b) temperature inversion conditions of up to 3°C/100 metres.	As above.	Biannual noise monitoring reports are completed. The noise reports address weather conditions.	C		
3.22	Vehicles associated with the development are not permitted to park, queue or stand on Penrhyn Road, Foreshore Road or the boat ramp car park and access road at any time.	Site inspection 18/01/22 Community Feedback Reports Q1-Q4 2021 NOGGIN incident register 01/01/21 – 31/12/21	No parking or queuing was observed. No complaints relating to parking or queuing were raised during the audit period. No incidents of this nature were identified.	C		
3.23	No parking shall be permitted on the internal roadways and outside the designated parking areas.	Site inspection 18/01/22 Community Feedback Reports Q1-Q4 2021 NOGGIN incident register 01/01/21 – 31/12/21	No parking or queuing was observed. No complaints relating to parking or queuing were raised during the audit period. No incidents of this nature were identified.	C		
3.24	All trucks entering the development shall be wholly contained within the site before being required to stop.	Site inspection 18/01/22 Community Feedback Reports Q1-Q4 2021 NOGGIN incident register 01/01/21 – 31/12/21	No parking or queuing was observed. No complaints relating to parking or queuing were raised during the audit period. No incidents of this nature were identified.	C		
3.25	The use of landscaping shall not affect driver sight distance for vehicles entering and exiting the site.	Site inspection 18/01/22	Landscaping does not affect the site lines.	C		
Water Quality Impacts						
Pollution of Waters						

⁸ EPA General Terms of Approval – L 6.3

⁹ EPA General Terms of Approval – L 6.4

¹⁰ EPA General Terms of Approval – L 6.5



CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status														
				C	NC	NT												
3.33	¹¹ Except as may be expressly provided by a licence issued under the <i>Protection of the Environment Operations Act 1997</i> in relation of the development, section 120 of the <i>Protection of the Environment Operations Act 1997</i> shall be complied with and in connection with the carrying out of the development.	NOGGIN incident register 01/01/21 – 31/12/21 EPL 6962 Patrick HSE Incident Management and Reporting Procedure Letter HWL Ebsworth to Patrick, 08/10/20	No water quality monitoring is required by the EPL (6962) and there are no licenced discharge points. Patrick has advanced incident reporting protocols and is currently undertaking a review and update to its reporting protocols to better align with the POEO Act. Events: 47 x environmental events recorded in the incident reporting management system (Noggin) for tracking purposes. Nil (0) events were identified as having been in contact with or impacting the environment. Incident: 1 x event resulted in 5L of oil entering the harbour on 17 November 2021. This was reported to the EPA, the Department and NSW Ports on the same day as a precaution. A formal written notification was reported to the Department and EPA on 23 November 2021. On the same day the EPA advised that no further action was required, and the case was closed out. No response was provided by the Department.	C														
Concentration Limits																		
3.34	¹² The concentration limit of a pollutant discharged at Point 1 of the existing licence, shall not exceed the concentration limits specified for that pollutant in the table in condition 3.36 of this consent.	EPL 6962	No discharge points in EPL. No discharges permitted.			NT												
3.35	¹³ Where a pH quantity limit is specified in the table in condition 3.36 of this consent, the specified percentage of samples shall be within the specified ranges.	EPL 6962	No discharge points in EPL. No discharges permitted.			NT												
3.36	¹⁴ To avoid any doubt, this condition does not authorise the discharge of emission of any other pollutants. Discharge Location - Point 1	EPL 6962. Sydney Water Trade Waste Consent No. 24990.	This discharge point was made redundant by the construction of the covered workshop area. A Trade Waste Agreement is now in place with Sydney Water for discharges from this area.			NT												
	<table border="1"> <thead> <tr> <th>POLLUTANT</th> <th>UNIT OF MEASURE</th> <th>100% CONCENTRATION LIMIT</th> </tr> </thead> <tbody> <tr> <td>Oil and Grease</td> <td>mg/L</td> <td>10</td> </tr> <tr> <td>Total Suspended Solids</td> <td>mg/L</td> <td>30</td> </tr> <tr> <td>pH</td> <td>pH</td> <td>6.5-8.5</td> </tr> </tbody> </table>	POLLUTANT	UNIT OF MEASURE	100% CONCENTRATION LIMIT	Oil and Grease	mg/L	10	Total Suspended Solids	mg/L	30	pH	pH	6.5-8.5					
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																
Waste Management																		
3.38	¹⁵ The 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> . 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> .	Waste Management Plan Section 6.4 of the Patrick Port Botany Terminal Operational Environmental Management Plan' dated 2019, revision 02.	A Waste Management Plan (OEMP, V2, 2019 – section 6.4) identifies the approach to managing wastes on site. The OEMP was approved by the Department prior to the current audit period. A minor update to the OEMP occurred in 2019. EPL 6962 Condition L2 allows Patrick Stevedores to receive types of waste at the premises.	C														

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

¹² EPA General Terms of Approval – L 3.1

¹³ EPA General Terms of Approval – L 3.2

¹⁴ EPA General Terms of Approval – L 3.3

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



CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
				C	NC	NT
		Available on website: https://patrick.com.au/environmental-monitoring/ EPL 6962 Transport Certificate for liquid waste, 30/09/21, 02/02/21, 08/12/21, 17/11/21, 03/12/21, 08/01/21, 13/01/21, 19/04/21, 26/05/21 Site inspection 18/01/22	Waste management on site (liquid and solid waste) was satisfactory. Liquid waste was being tracked in accordance with the POEO Act and Waste Regulation.			
3.39	¹⁶ Except 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: waste oil/water, hydrocarbons/water mixtures or emulsions; and grease trap waste	Site inspection 18/01/22	Site records and observations made during the audit inspection are consistent with this requirement. No hazardous wastes identified other than those listed.	C		
3.40	¹⁷ The quantity of hazardous and/or industrial and/or Group A waste generated on the premises shall not exceed 200 tonnes per year.	PBT Liquid Waste Register current to 31/12/21.	Records of waste oil (the main hazardous waste generated from site) indicate the total amount generated for 2021 was approximately 65 tonnes.	C		
3.41	¹⁸ 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.	Site inspection 18/01/22 PBT Solid Waste Management Register current to 18/11/21 PBT Liquid Waste Register current to 31/12/21.	Estimate made during site inspection on 21/01/21 indicated that ~200k L of waste oil is able to be stored. Records of waste oil (the main hazardous waste generated from site) indicate the total amount generated for 2021 was approximately 65 tonnes.	C		
3.42	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.	Site inspection 18/01/22 Waste Management Plan Section 6.4 of the Patrick Port Botany Terminal Operational Environmental Management Plan' dated 2019, revision 02. Available on website: https://patrick.com.au/environmental-monitoring/	A Waste Management Plan (OEMP, V2, 2019 – section 6.4) identifies the approach to managing wastes on site. The OEMP was approved by the Department prior to the current audit period. A minor update to the OEMP occurred in 2019. Waste streams have been identified in the WMP referenced in Condition 3.38. Implementation of waste collection and recycling evident during site inspection.	C		
3.43	All wastes and material generated on the site during construction and operation shall be classified in accordance with the EPA's <i>Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes</i> and be disposed of to a facility that may lawfully accept the waste.	Waste Management Plan Section 6.4 of the Patrick Port Botany Terminal Operational Environmental Management Plan' dated 2019, revision 02. Available on website: https://patrick.com.au/environmental-monitoring/	A Waste Management Plan (OEMP, V2, 2019 – section 6.4) identifies the approach to managing wastes on site. The OEMP was approved by the Department prior to the current audit period. A minor update to the OEMP occurred in 2019. To note: the wastes being generated are pre-classified within the NSW Waste Classification Guidelines. Waste management on site (liquid and solid waste) was satisfactory.		NC	

¹⁶ EPA General Terms of Approval – L 5.3

¹⁷ EPA General Terms of Approval – L 5.4

¹⁸ EPA General Terms of Approval – L 5.5



CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
				C	NC	NT
		EPL 6962 EPL 20581 EPL 6179 Transport Certificate for liquid waste, 30/09/21, 02/02/21, 08/12/21, 17/11/21, 03/12/21, 08/01/21, 13/01/21, 19/04/21, 26/05/21 Site inspection 18/01/22 PBT Solid Waste Management Register current to 18/11/21. PBT Liquid Waste Register current to 31/12/21	Solid and liquid wastes appear to be directed to facilities that have EPLs that permit them to receive the waste types. Non-compliance: Non-compliance: Waste tyres are being disposed of from the facility, however the waste tyres are not being tracked in accordance with Protection of the Environment Operations (Waste) Regulation 2014, Clause 76 – Reporting on transportation of waste tyres solely within New South Wales. The Auditor notes that prior to the finalising of the Audit Report, Patrick enrolled onto the EPA's WasteLocate Tool in accordance with their requirements to help track the waste tyres.			
3.44	The Applicant shall be responsible for involving and encouraging employees and contractors to minimise domestic waste production on site and to reuse/recycle where possible.	Induction - LITMOS Patricks e-learning system. Interview with auditees 18/01/22 Site inspection 18/01/22	The induction includes details on the consent and EPL, environmental responsibilities, spill management, waste, noise and so forth. Waste segregation for the purposes of reuse and recycling observed. Waste tyres are collected by the supplier for recycling.	C		
Air Quality Impacts						
Dust Emissions						
3.45	¹⁹ The Applicant shall design, construct, operate and maintain the development in a manner which minimises or prevents the emission of dust from the site.	Operation Air quality Management Plan Section 6.1 of the Patrick Port Botany Terminal Operational Environmental Management Plan' dated 2019, revision 02. Available on website: https://patrick.com.au/about/safety-and-environment/ Site inspection 18/01/22 Community Feedback Reports Q1-Q4 2021	The Air Quality Management Plan sits (OEMP, V2, 2019 – Section 6.1) has been prepared in consultation with the relevant stakeholders and approved by the Department prior to the current audit period. The OEMP underwent a minor update in 2019. No dust emissions were detected during the audit site inspection and no complaints from parties external to the site regarding dust emissions have been received during the reporting period.	C		
3.46	All trafficable areas and vehicle manoeuvring areas in or on the premises shall be maintained, at all times, in a condition that will minimise the generation or emission from the premises, of windblown or traffic generated dust.	Site inspection 18/01/22 Community Feedback Reports Q1-Q4 2021	Surfaces are paved and no loose materials were noted during site inspection	C		
Ventilation						
Hazards and Risk Impacts						
3.49	The Applicant shall not store or handle Dangerous Goods of Class 2.3, toxic compressed or liquefied gases above the quantities stored or handled in 1995/96 except in accordance with recommendations 1.1 and 1.2 in the <i>Port Botany Land Use Safety Study (1996)</i> .	Patricks Annual Dangerous Goods Report dated 01/09/20 – 31/08/21	Patricks hold approximately 17 containers. Well below the 157 container threshold for the Port Botany Facility.	C		
Incident Report						
3.52	Within 24 hours of any incident or potential incident with actual or potential significant off-site impacts on people or the biophysical environment, a report shall be supplied to the Department outlining the basic facts. A further detailed report shall be prepared and submitted following investigations of the causes and identification of	NOGGIN incident register 01/01/21 – 31/12/21	Patrick has advanced incident reporting protocols and is currently undertaking a review and update to its reporting protocols to better align with the POEO Act.	C		

¹⁹ EPA General Terms of Approval – O 3.1



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	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.	Patrick HSE Incident Management and Reporting Procedure Letter HWL Ebsworth to Patrick, 08/10/20	Events: 47 x environmental events recorded in the incident reporting management system (Noggin) for tracking purposes. Nil (0) events were identified as having been in contact with or impacting the environment. Incident: 1 x event resulted in 5L of oil entering the harbour on 17 November 2021. This was reported to the EPA, the Department and NSW Ports on the same day as a precaution. A formal written notification was reported to the Department and EPA on 23 November 2021. On the same day the EPA advised that no further action was required, and the case was closed out. No response was provided by the Department.			
Hazard Audit						
3.53	Twelve months after the commencement of operations of the proposed development or within such further period as the Director-General may agree, the Applicant shall carry out a comprehensive hazard audit of the proposed development and within one month of the audit submit a report to the Director-General. The audit shall be carried out at the Applicant's expense by a duly qualified independent person or team approved by the Director-General prior to commencement of the audit. Further audits shall be carried out every three years or as determined by the Director-General and a report of each audit shall be submitted to the Director-General within one month of the audit. Hazard audits shall be carried out in accordance with the Department's <i>Hazardous Industry Planning Advisory Paper No. 5, "Hazard Audit Guidelines"</i> . The audit shall include a review of all entries made in the incident register since the previous audit.	Hazard audit report dated 27/02/20 DPIE submission correspondence dated 27/02/20. DPIE approval correspondence dated 26/06/20	Hazard Audit of Patrick Port Botany Terminal, NSW dated 27/02/20 undertaken by Planager on 22/10/19 and 25/10/19. Submission to DPIE dated 27/02/2020 and approval dated 26/06/20. The next hazard audit is to be submitted in 2023.	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.	DPIE approval correspondence dated 26/06/20	No requirements apply			NT
Landscaping						
3.57	²⁰ A Vegetation Management Plan shall be prepared in accordance with condition 6.4 (b) of this consent. The Plan shall detail the proposed methods to be used to maintain the revegetated areas after completion of the works. The Plan shall be submitted to the Waterways Authority prior to a Part 3A Permit being issued.	Vegetation Management Plan section 6.10 of Operational Environmental Management Plan' dated 2019, revision 02. Available on website: https://patrick.com.au/about/safety-and-environment/	The Vegetation Management Plan (OEMP V2, 2019 – Section 6.10) has been prepared in consultation with the relevant stakeholders and addresses the requirements of this condition. The OEMP was approved by the Department prior to the current audit period. The OEMP underwent a minor update in 2019	C		
3.58	All noxious weeds, as listed under the <i>NSW Noxious Weed Act 1993</i> , on site shall be removed during construction and operation of the development.	Vegetation Management Plan section 6.10 of Operational Environmental Management Plan' dated 2019, revision 02. Available on website: https://patrick.com.au/about/safety-and-environment/ Site inspection 18/01/22	The Vegetation Management Plan (OEMP V2, 2019 – Section 6.10) has been prepared in consultation with the relevant stakeholders and addresses the requirements of this condition. The OEMP was approved by the Department prior to the current audit period. The OEMP underwent a minor update in 2019 No weeds or vegetation were observed during the audit.	C		
3.59	Appropriate weed management for the site, especially landscaped areas, shall be undertaken for the life of the development. Details of this shall be included in the Vegetation Management Plan required under condition 6.4 (b).	Vegetation Management Plan section 6.10 of Operational Environmental Management Plan' dated 2019, revision 02. Available on website: https://patrick.com.au/about/safety-and-environment/	The Vegetation Management Plan (OEMP V2, 2019 – Section 6.10) has been prepared in consultation with the relevant stakeholders and addresses the requirements of this condition. The OEMP was approved by the Department prior to the current audit period. The OEMP underwent a minor update in 2019 No weeds or vegetation were observed during the audit.	C		

²⁰ Waterways Authority General Terms of Approval



CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
				C	NC	NT
		Site inspection 18/01/22				
3.60	<p>The Applicant shall install, operate and maintain an irrigation system throughout all landscaped areas with no overspray onto hard surfaces. Details of the irrigation system proposed shall be included in the Vegetation Management Plan required under condition 6.4(b) of this consent. The system shall comply with all relevant Australian Standards.</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>	<p>Vegetation Management Plan section 6.10 of Operational Environmental Management Plan' dated 2019, revision 02.</p> <p>Available on website: https://patrick.com.au/about/safety-and-environment/</p>	The area of land under Ramp D (also known as The Undercroft) has been transferred from Patricks to NSW Ports and is now under the latter organisation's control.			NT
Lighting						
3.61	<p>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>.</p>	<p>Aviation Operational Impacts Management Plan Section 6.8 of Patrick Port Botany Terminal Operational Environmental Management Plan' dated 2019, revision 02.</p> <p>Available on website: https://patrick.com.au/about/safety-and-environment/</p> <p>Community Feedback Reports Q1-Q4 2021</p>	<p>Patrick has obtained approval under the Airports (Protection of Airspace). Section 6.8 of the OEMP addresses potential aviation operational impacts and controls which include monitoring, including light management.</p> <p>No complaints regarding lighting were received during the audit period.</p>	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> <ol style="list-style-type: none"> The correct placement and/or lowering of containers to minimise potential adverse noise impacts and specifically the control of transient impact noise; The site's environment officer shall carry out routine inspections during the day, evening and night. Individual operations staff shall be assessed to determine the performance rating on each staff member and his or her duties; and <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>	<p>Induction - LITMOS Patricks e-learning system.</p> <p>Patricks Induction Report, to 31/12/21</p> <p>PTPPB-EMP-MOD</p>	The project induction includes details on the consent and EPL, environmental responsibilities, spill management, waste, noise management and so forth	C		
Telephone Hotline						
3.63	<p>Prior to the commencement of construction, the Applicant shall establish and list with the telephone company a 24-hour free call complaints contact telephone number. The Applicant shall provide the telephone number to the Department, EPA and Council and written notification shall be given to the surrounding residents.</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>Phone hotline number publicly displayed at https://patrick.com.au/contact/</p>	This information is available on the Patrick website. Complaints number tested and call was answered during a test. No issues.	C		
Complaints Register						



CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
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3.64	<p>The Applicant shall record details of all complaints received in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:</p> <ul style="list-style-type: none"> a) the date and time of the complaint; b) the means by which the complaint was made; c) any personal details of the complainant that were provided, or if not, details were provided, a note to that effect; d) the nature of the complaints; e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and f) if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken. <p>The Complaints Register shall be made available for inspection by the Director-General, EPA and Council upon request. The Applicant shall also make summaries of the register, without details of the complainants, available for public inspection.</p>	<p>Community Feedback Reports Q1-Q4 2021</p> <p>https://patrick.com.au/environmental-monitoring/</p>	<p>The complaints register was sighted. Further, Quarterly Community Feedback Reports are prepared and submitted to the Department in accordance with DA 494 Condition C3.1. No complaints attributable to Patrick's operations were recorded for 2021.</p>	C		
5. ENVIRONMENTAL MONITORING						
General Monitoring Requirements						
5.1	<p>²¹The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the <i>Protection of the Environment Operations Act 1997</i>, in relation to the development or in order to comply with the load calculation protocol shall be recorded and retained as set out in conditions 5.2 and 5.3 of this consent.</p>	<p>Noise Monitoring Reports May 2021 and November 2021, Rodney Stevens Acoustics</p> <p>https://patrick.com.au/environmental-monitoring/</p>	<p>Biannual Noise Compliance Monitoring Reports for May and November 2020 sighted. They are prepared in accordance with EPL 6962.</p>	C		
5.2	<p>²²All records required to be kept by the licence shall be:</p> <ul style="list-style-type: none"> (a) In a legible form, or in a form that can readily be reduced to a legible form (b) Kept for at least four years after the monitoring or event to which they relate took place; and (c) Produced in a legible form to any authorised officer of the EPA who asks to see them. 	<p>Noise Monitoring Reports May 2021 and November 2021, Rodney Stevens Acoustics.</p> <p>https://patrick.com.au/environmental-monitoring/</p>	<p>Biannual Noise Compliance Monitoring Reports are legible and available on the website as far back as 2016. They are prepared in accordance with EPL 6962.</p>	C		
5.3	<p>²³The following records shall be kept in respect of any samples required to be collected:</p> <ul style="list-style-type: none"> (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. 	<p>As above.</p>	<p>Refer Condition 5.2. No other monitoring has been required during the audit period.</p>	C		
Requirement to Monitor Concentrations of Pollutants Discharged						
5.4	<p>The Applicant shall monitor the discharge of pollutants at monitoring location Point 2. The Applicant shall monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in column 1 of the Table below. The Applicant shall use the sampling methods, units of measure, and sample at the frequency, specified in the columns of the Table below.</p>	<p>EPL 6962.</p>	<p>No water quality monitoring is required by the EPL (6962) and there are no licenced discharge points.</p>			NT

²¹ EPA General Terms of Approval – M 1.1

²² EPA General Terms of Approval – M 1.2

²³ EPA General Terms of Approval – M 1.3



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	<table border="1"> <thead> <tr> <th>POLLUTANT</th> <th>UNITS OF MEASURE</th> <th>FREQUENCY</th> <th>SAMPLING METHOD</th> </tr> </thead> <tbody> <tr> <td>Oil and Grease</td> <td>mg/L</td> <td>Special Frequency 1</td> <td>Representative</td> </tr> <tr> <td>Total Suspended Solids</td> <td>mg/L</td> <td>Special Frequency 1</td> <td>Representative</td> </tr> <tr> <td>Turbidity</td> <td>NTU</td> <td>Special Frequency 1</td> <td>Representative</td> </tr> <tr> <td>Chemical Oxygen Demand</td> <td>mg/L</td> <td>Special Frequency 1</td> <td>Representative</td> </tr> <tr> <td>Total Organic Carbon</td> <td>mg/L</td> <td>Special Frequency 1</td> <td>Representative</td> </tr> <tr> <td>Total Petroleum Hydrocarbons</td> <td>mg/L</td> <td>Special Frequency 1</td> <td>Representative</td> </tr> <tr> <td>Lead</td> <td>mg/L</td> <td>Special Frequency 1</td> <td>Representative</td> </tr> <tr> <td>Zinc</td> <td>mg/L</td> <td>Special Frequency 1</td> <td>Representative</td> </tr> <tr> <td>pH</td> <td>pH</td> <td>Special Frequency 1</td> <td>Representative</td> </tr> </tbody> </table> <p>Special Frequency 1 means a sample must be collected and analysed not more than one hour before the commencement of any discharge on any day and a further sample of the wastes being discharged not more than one hour after the commencement of the discharge on that day.</p> <p>Note: The monitoring results collected in compliance with condition 5.4 for Point 2 can be used to determine compliance with the concentration limit specified in Condition 3.36 for discharge from Point 1.</p>	POLLUTANT	UNITS OF MEASURE	FREQUENCY	SAMPLING METHOD	Oil and Grease	mg/L	Special Frequency 1	Representative	Total Suspended Solids	mg/L	Special Frequency 1	Representative	Turbidity	NTU	Special Frequency 1	Representative	Chemical Oxygen Demand	mg/L	Special Frequency 1	Representative	Total Organic Carbon	mg/L	Special Frequency 1	Representative	Total Petroleum Hydrocarbons	mg/L	Special Frequency 1	Representative	Lead	mg/L	Special Frequency 1	Representative	Zinc	mg/L	Special Frequency 1	Representative	pH	pH	Special Frequency 1	Representative						
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Water Quality Monitoring and Compliance Reporting																																															
5.7	<p>²⁴Within 6 months of consent being granted and every 6months thereafter, the Applicant shall submit a report to the EPA containing the following information:</p> <p>(a) A pollutant inventory that qualifies waters discharged from the site. This shall include identification of all water pollutants likely to be discharged from each final stormwater pit on the 11 stormwater lines serving the container handling operation area within the site. The water pollutants shall include but are not limited to: total phenolics, polycyclic aromatic hydrocarbons, oil and grease, total petroleum hydrocarbons, total organic carbon, biochemical oxygen demand, chemical oxygen demand, pH, zinc, copper, lead, cobalt, chromium, manganese, cobalt, nickel and iron;</p> <p>(b) Identify all existing and potential sources of water pollutants from the areas that drain into the 11stormwater lines serving the container handling operation area within the site;</p> <p>(c) Quantify the concentration of pollutant types identified as part of the pollutant inventory as prescribed in subclause(a) of this condition. The quantification of pollutants shall be undertaken by collecting a grab sample within the first hour of a discharge and at hourly intervals after the commencement of that discharge for at least three hours after the initial sample was taken; and</p> <p>(d) A statement of whether identification and quantification of pollutants in stormwater discharges that have been 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>				EPL 6962. Patrick Port Botany Terminal 2016 Annual Environmental Management Report, 14/11/17.	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. <i>NB: A Modification to this condition has been discussed internally and with NSW Ports. Parties are waiting for details of the upgrade to rail area which may necessitate modification to approval conditions that could also address this finding in a consolidated manner.</i>			NT																																						
Noise Monitoring and Compliance Reporting																																															
5.8	<p>²⁵Within 6 months of consent being granted and every 6months thereafter, the Applicant shall submit a report to the EPA containing the following information:</p> <p>(a) Identification and ranking by sound power level (in 1/3octave 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>				Noise Monitoring Reports May 2021 and November 2021, Rodney Stevens Acoustics. https://patrick.com.au/environmental-monitoring/	Biannual Noise Compliance Monitoring Reports for May and November 2021 sighted. They are prepared in accordance with EPL 6962 and were submitted to the EPA.	C																																								

²⁴ EPA General Terms of Approval – E 1.1

²⁵ EPA General Terms of Approval – E 1.1



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	<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>Email Patrick to EPA, 23/07/21 (submission of May 2021 Report to EPA)</p> <p>Email Patrick to EPA, 20/01/22 (submission of May and November 2021 Report to EPA)</p>				
6. ENVIRONMENTAL MANAGEMENT						
Operation Environmental Management Plan (OEMP)						
6.3	<p>The Applicant shall prepare and implement an Operation Environmental Management Plan (OEMP) to detail an environmental management framework, practices and procedures to be followed during the operation of the development. The Plan shall include, but not necessarily be limited to:</p> <p>(a) identification of all statutory and other obligations that the Applicant is required to fulfil in relation to operation of the development, including all consents, licences, approvals and consultations;</p> <p>(b) a description of the roles and responsibilities for all relevant employees involved in the operation of the development;</p> <p>(c) overall environmental policies and principles to be applied to the operation of the development;</p> <p>(d) standards and performance measures to be applied to the development, and a means by which environmental performance can be periodically reviewed and improved;</p> <p>(e) management policies to ensure that environmental performance goals are met and to comply with the conditions of this consent;</p> <p>(f) the Management Plans listed under condition 6.4 of this consent; and</p> <p>(g) the environmental monitoring requirements outlined under section 5 (Environmental Monitoring) of this consent, inclusive.</p> <p>The OEMP shall be submitted for the approval of the Director-General no later than one month prior to the commencement of operation of the development, or within such period as otherwise agreed by the Director-General. Operation shall not commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the Applicant shall supply a copy of the OEMP to the EPA, Waterways Authority and Council as soon as practicable.</p>	<p>Operational Environmental Management Plan dated 2019, revision 02 available online at http://www.patrick.com.au/environment-sustainability</p>	<p>The 'Patrick Port Botany Terminal Operational Environmental Management Plan' (OEMP) – Version 2 (5 July 2019) has been prepared to satisfy this condition and is available on the Patrick website: http://www.patrick.com.au/environment-sustainability</p> <p>The document was prepared, consulted on and approved by the Department prior to the current audit period. The OEMP underwent a minor update in 2019.</p>			C
6.4	<p>As part of the OEMP for the development, required under condition 6.3 of this consent, the Applicant shall prepare and implement the following Management Plans:</p> <p>(a) a Stormwater Management Plan to outline environmental management practices and procedures to be followed during the operation of the development in order to control and manage site drainage and stormwater. The Plan shall include, but not necessarily be limited to:</p> <p>(i) detailed plans showing the design of the stormwater control infrastructure;</p> <p>(ii) demonstration that the stormwater control infrastructure will conform with, or exceed all relevant Council requirements and guidelines;</p> <p>(iii) description of the procedures for the installation, inspection and maintenance of the stormwater control 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</p>	<p>Operational Environmental Management Plan dated 2019, revision 02 available online at https://patrick.com.au/about/safety-and-environment/</p> <p>Inclusive of sub-plans:</p> <ul style="list-style-type: none"> Section 6.2 Stormwater Management Section 6.10 Vegetation Management Section 6.7 Transport Management Section 6.4 Waste Management Section 6.6 Operational Noise Management 	<p>The OEMP was prepared, consulted on and approved by the Department prior to the current audit period. The OEMP underwent a minor update in 2019. The following plans are available as part of the OEMP on Patrick Stevedores website to address the requirements of this condition:</p> <p>Stormwater Management Plan (V 2, 2019)</p> <p>Vegetation Management Plan (OEMP - V2, 2019, Section 6.10)</p> <p>The Operational Traffic Management Plan (OEMP - V2, 2019, Section 6.7)</p> <p>Waste Management Plan (OEMP - V2, 2019, Section 6.4)</p> <p>Operational Noise Management Plan (OEMP - V2, 2019, Section 6.6)</p>			C



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				C	NC	NT
	<p>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 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 maybe 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>Operational Environmental Management Plan dated 2019, revision 02 available online at https://patrick.com.au/about/safe-ty-and-environment/</p>	<p>The last revision of the OEMP was in 2019. No review was completed during the audit period. The next review is due July 2022.</p>			NT
Annual Compliance Report						
6.6	<p>Within twelve months of the date of this consent, and annually thereafter, unless the Director-General directs otherwise, the Applicant shall submit a Compliance Report to the Director-General. The Compliance Report shall:</p> <p>(a) Identify all the standards, performance measures, and statutory requirements the development is required to comply with, including the conditions of this consent;</p> <p>(b) Review the environmental performance of the development to determine whether it is complying with these standards, performance measures, and statutory requirements.</p> <p>(c) Identify all the occasions during the previous year when these standards, performance measures, and statutory requirements have not been complied with;</p> <p>(d) Include a copy of the Complaints Register for the preceding twelve month period and indicate what actions were taken(or are being taken) to address complaints;</p> <p>(e) Include the detailed reporting from any monitoring requirements, and identify any trends in the monitoring over the life of the project; and</p> <p>(f) Where non-compliance is occurring, describe what actions will be taken to ensure compliance, who will be responsible for carrying out these actions, and when these actions will be implemented.</p> <p>The Director-General may require the Applicant to address certain matters identified in the Annual Compliance Report. Any action required to be undertaken shall be completed within such period as the Director-General may agree. The Applicant shall provide a copy of the Annual Compliance Report to the EPA and Council. The report shall be made available to the public on request.</p>	<p>Annual Environmental Management Report and Annual Compliance Report 2020, 26/03/21.</p> <p>Email DPIE to NSW Ports 13/04/21</p> <p>Available online at https://patrick.com.au/environmental-monitoring/</p> <p>Post approval portal lodgement 13/04/21</p> <p>Email Patrick to EPA, 20/01/22 (submission of the 2020 AEMR including the Annual Compliance Report)</p>	<p>2020 Compliance report on website. https://patrick.com.au/environmental-monitoring/. The Report was submitted to the Department in April 2021. No response has been received.</p> <p>Observation: The Auditor observes that the 2020 AEMR inclusive of the Annual Compliance Report was submitted to the EPA on 20/01/22 (almost 8 months after it was submitted to the Department). The Auditor notes that there is no timeframe specified for submission to the EPA and so this is not considered to be a non-compliance with DA 453 Condition 6.6.</p> <p>The Auditor also observes that the Annual Environmental Management Report (AEMR) inclusive of the Annual Compliance Report was not submitted Council. The approved OEMP (v. 2, July 2019) page 34, Table 4.4.2.1. Environmental Reporting – Key Tasks and Responsibilities, item 5, states: ‘Submit the finalised Annual Environmental Management Report (AEMR) (which includes the Annual Compliance Report (DA 453, condition 6.6), and the Environmental Management Compliance Report (EMCR)) to NSW Ports and the DPE within 60 calendar days after the end of the reporting period of the AEMR, i.e. no later than 28 February of the next year. The EMCR details activities at the Terminal and the extent to which Patrick has complied with the OEMP. After approval from DPE, upload to the Patrick website.’ Therefore reporting to Council is</p>	C		



CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
				C	NC	NT
			considered to not to be required by Patrick. The Auditor agrees with this position.			
Independent Environmental Audit						
6.7	<p>Within 12 months of commissioning the development and every three years thereafter, unless the Director-General directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit. The Independent Environmental Audit shall:</p> <p>(a) Be conducted by a suitably qualified, experienced, and independent person whose appointment has been endorsed by the Director-General;</p> <p>(b) Be consistent with <i>ISO 14010 – Guidelines and General Principles for Environmental Auditing</i>, and <i>ISO 14011 – Procedures for Environmental Auditing</i>, or updated versions of these guidelines/manuals;</p> <p>(c) Assess the environmental performance of the development, and its effects on the surrounding environment;</p> <p>(d) Assess whether the development is complying with the relevant standards, performance measures, and statutory requirements;</p> <p>(e) Review the adequacy of the Applicant's Environmental Management Plan, and Environmental Monitoring Program; and, if necessary</p> <p>(f) Recommend measures or actions to improve the environmental performance of the plant, and/or the environmental management and monitoring systems.</p>	<p>Letter, DPIE to NSW Ports, 10/10/17.</p> <p>Independent Environmental Audit, WolfPeak, 04/03/21. https://patrick.com.au/environmental-monitoring/</p> <p>DPIE post approval portal lodgement 12/03/21</p>	<p>WolfPeak were approved as the auditors in 2017.</p> <p>The Audit of the facility for the 2020 audit period was completed by WolfPeak in 2021 in accordance with this condition. The auditee is not aware of the Department providing any comment on the Audit Report.</p> <p>This audit assesses compliance for the 2021 audit period and addresses each requirement of this condition, along with the requirements identified by the Department in consultation for this audit.</p>	C		
6.8	<p>Within 2 months of commissioning the audit, the Applicant must submit a copy of the audit report to the Director-General. After reviewing the report, the Director-General may require the Applicant to address certain matters identified in the report. The Applicant must comply with any reasonable requirements of the Director-General</p>	<p>Independent Environmental Audit, WolfPeak, 04/03/21. https://patrick.com.au/environmental-monitoring/</p> <p>DPIE post approval portal lodgement 12/03/21 .</p>	<p>The 2020 Audit was commenced on 21/01/21 and finalised on 04/03/21. Submission to DPIE was undertaken on 12/03/21.</p> <p>The auditee is not aware of the Department providing any comment on the Audit Report.</p>	C		
EPA Annual Return						
6.9	<p>²⁶The 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> <p>d) provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable.</p> <p>If load-based fees apply to the activity the Applicant will be required to submit load based fee calculation worksheets with the return.</p>	<p>EPA Annual Return, submitted 19/05/21</p>	<p>Annual Return submitted to EPA on 19/05/21. No non-compliances were identified. The Auditee is not aware of any formal response having been provided by the EPA.</p>	C		
6.10	<p>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.</p>	<p>Operational Environmental Management Plan dated 2019, revision 02 available online at https://patrick.com.au/about/safety-and-environment/</p> <p>Noise Monitoring Reports May 2021 and November 2021, Rodney Stevens Acoustics. https://patrick.com.au/environmental-monitoring/</p>	<p>Noted. The 2019 OEMP and Noise Monitoring Reports appear to reference current guidelines and standards.</p>	C		
7 REQUIREMENTS OF BOTANY BAY COUNCIL						
Storage of Chemicals/Dangerous Goods (Other Than Shipping Containers)						

²⁶ EPA General Terms of Approval – R 1.1

CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
				C	NC	NT
7.4	The storage and handling of flammable and combustible liquids for use on the site (other than shipping containers) shall be in accordance with Australian Standard AS1940-1993 <i>The Storage and Handling of Flammable and Combustible Liquids</i> .	Site inspection 18/01/22	Flammable and combustible liquid storage was adequate on the day of the audit.	C		
Storage of Waste Oil						
7.5	Waste oil shall be stored in a covered and bunded area prior to offsite recycling/disposal. Copies of receipts for the recycling of oil shall be kept onsite and made available to Council on request.	Site inspection 18/01/22 Transport Certificate for liquid waste, 30/09/21, 02/02/21, 08/12/21, 17/11/21, 03/12/21, 08/01/21, 13/01/21, 19/04/21, 26/05/21	Waste oil storage was sighted. No issues observed. Liquid waste was being tracked in accordance with the POEO Act and Waste Regulation.	C		
Fuel Tanks and Fuel Filling Areas						
7.6	The fuel tank and fuel filling area shall be designed and operated in accordance with the <i>Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems</i> by the Australian Institute of Petroleum (CP4-1998) and AS1940: 1993 <i>The Storage and Handling of Flammable and Combustible Liquids</i> .	Site inspection 18/01/22	The fuel tank and fuel storage system are above ground units (with some subsurface lines). The system design / operation has not been altered during the audit period. The area had adequate separation, bunding and was in good condition.	C		
Fuel Bowers						
7.7	Fuel bowsers and service areas shall comply with the EPA's Environmental Guideline: <i>Surface Water Management On The Covered Forecourt Areas Of Service Stations</i> .	Site inspection 18/01/22	The fuel tank and fuel storage system are above ground units (with some subsurface lines). The system design / operation has not been altered during the audit period. The area had adequate separation, bunding and was in good condition. A secondary shut off system exists for recovery of spill events.	C		
Bunding – Multiple Containers (Excluding Shipping Containers)						
7.8	The area used for the storage of chemicals/liquids in containers (other than shipping containers) shall be 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 installed in accordance with AS1940-1993 <i>The Storage And Handling Of Flammable And Combustible Liquids</i> .	Site inspection 18/01/22	The bunding sighted during the inspection comprised permanent fixtures and pallet bunds. Permanent fixtures appeared to comply with AS1940. Pallet bunds are used for storage of 20 – 240L containers of fuels and oils. These containers are in use. To note: AS1940 states <i>that portable bunding units, e.g. bunded pallets, or flexible bunding units are not suitable for permanent storage as there are no uniform performance criteria for chemical resistance or fire resistance and they can be easily moved to an unsuitable location. They may be suitable for the short-term holding of damaged packages, or where goods are in transit or in manufacturing and handling areas.</i> Non-compliance: During the inspection it was observed that: <ul style="list-style-type: none"> the drums of oil at the oil and grease storage area were not on pallet bunds. Refer Site Photo 6 in Appendix E. a mobile fuel tank was mounted on the back of a light vehicle and the tank did not have any secondary containment. Refer Site Photo 9A in Appendix E. 		NC	
Bunding – 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> .	Site inspection 18/01/22	The bunding sighted during the inspection comprised permanent fixtures and pallet bunds. Permanent fixtures appeared to comply with AS1940.	C		
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.	Site inspection 18/01/22	Bunds and bunded areas were well maintained.	C		
Traffic Bund						
7.11	All service entries to workshop areas shall be provided with a trafficable bund with a minimum height of 100mm to prevent any spillage exiting the workshop area and entering the stormwater system.	Site inspection 18/01/22	The bunding at the workshop comprises surface drains with >100mm clearance that acts as bunding. Note that this requirement appears to be inconsistent with condition 7.14.	C		

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				C	NC	NT
Spill Cleanup						
7.12	Sufficient supplies of appropriate absorbent materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill, and sweeping or shovelling the material into a secure bin. Absorbent materials used to clean up spills shall be disposed of to an appropriately licensed waste facility.	Site inspection 18/01/22	Spill kits were available across the site at suitable locations and suitably stocked.	C		
Emergency Spill Response Management Plan						
7.13	The Applicant shall develop an Emergency Response and Incident Management Plan in consultation with the EPA and Council. The Plan must be approved by the Director-General prior to the commencement of operations and shall include the following: (a) list of chemicals and maximum quantities to be stored at the site; (b) identification of potentially hazardous situations; (c) procedure for incident reporting; (d) details of spill stations and signage; (e) containment and clean-up facilities and procedures; and (f) the roles of all staff in the Plan and details of staff training.	Emergency Response Plan (including PIRMP), 15/01/2021. https://patrick.com.au/about/safety-and-environment/	The Emergency Management Plan was prepared, consulted on and approved by the Department prior to the current audit period. The latest minor update was completed in 2021.	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 grated drains such that surface effluent generated within the workshop area is directed into a dedicated drainage system and disposed of to sewer in accordance with a Trade Waste Agreement from Sydney Water or collected for reuse/disposal by an EPA licensed waste contractor.	Site inspection 18/01/22 EPL 6962 Sydney Water Trade Waste Consent No. 24990. Transport Certificate for liquid waste, 30/09/21, 02/02/21, 08/12/21, 17/11/21, 03/12/21, 08/01/21, 13/01/21, 19/04/21, 26/05/21	Workshop under cover and being used for mechanical repairs, servicing etc. The facility is graded with pipework going to the treatment plant to sewer, or to a blind underground tank for collection by a liquid waste contractor.	C		
Storage of Mechanical Parts						
7.15	Automotive parts in contact with any automotive fluid shall be stored in a covered, bunded area that is graded into collection sumps and/or grated drains which are directed into a dedicated drainage system and disposed to sewer in accordance with a Trade Waste Agreement from Sydney Water or collected for reuse/disposal by an EPA licensed waste contractor.	Site inspection 18/01/22 EPL 6962 Sydney Water Trade Waste Consent No. 24990. Transport Certificate for liquid waste, 30/09/21, 02/02/21, 08/12/21, 17/11/21, 03/12/21, 08/01/21, 13/01/21, 19/04/21, 26/05/21	Workshop under cover and being used for mechanical repairs, servicing etc. The facility is graded with pipework going to the treatment plant to sewer, or to a blind underground tank for collection by a liquid waste contractor.	C		
Spray Painting						
7.16	All spray painting is to be carried out in a spray booth constructed and ventilated in accordance with AS 1668.2-2002 – <i>The Use of Mechanical Ventilation and Air-Conditioning in Buildings</i> . Exhausts from the spray booth shall be discharged through a single stack with a minimum height of 3 metres above the ridge of the building. The stack shall be located not less than 6 metres from any fresh air intake or openable window. Disposal of wastewater from wet scrubbing shall be disposed of in accordance with Sydney Water's <i>Trade Waste Policy and Management Plan</i> .	Site inspection 18/01/22 EPL 6962 Sydney Water Trade Waste Consent No. 24990. Transport Certificate for liquid waste, 30/09/21, 02/02/21, 08/12/21, 17/11/21, 03/12/21, 08/01/21, 13/01/21, 19/04/21, 26/05/21	Workshop under cover and being used for mechanical repairs, servicing etc. There is no specific booth for spraying. it is understood that no spraying was undertaken during the audit period.			NT
Maintenance of Filters						
7.17	All spray booth filters shall be regularly maintained to ensure emissions of air pollutants are minimised.	Site inspection 18/01/22 EPL 6962	Workshop under cover and being used for mechanical repairs, servicing etc. There is no specific booth for spraying. it is understood that no spraying was undertaken during the audit period.			NT

CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
				C	NC	NT
		Sydney Water Trade Waste Consent No. 24990.				
STORMWATER						
Vehicle Wash Bay						
7.18	Washing of vehicles shall be conducted in a wash bay that is roofed and bunded to exclude rainwater. The wash bay shall be installed in accordance with Sydney Water's requirements. A Permission to Discharge Trade Wastewater permit shall be obtained from Sydney Water before discharge to sewer commences. The wash bay shall be regularly cleaned and maintained. Alternative water management and disposal options may be appropriate where water is recycled, minimised or re-used on the site.	Site inspection 18/01/22 EPL 6962 Sydney Water Trade Waste Consent No. 24990. Transport Certificate for liquid waste, 30/09/21, 02/02/21, 08/12/21, 17/11/21, 03/12/21, 08/01/21, 13/01/21, 19/04/21, 26/05/21	Workshop under cover and being used for mechanical repairs, servicing etc. The facility is graded with pipework going to the treatment plant to sewer, or to a blind underground tank for collection by a liquid waste contractor. The wash bay is the only portion of the facility that goes to trade waste. The area appeared clean.	C		
Signage on Stormwater Drains						
7.19	Signs shall be displayed adjacent to all stormwater drains on the premises indicating that only clean water is allowed to enter these drains. Examples of possible signage include: 'Clean Rainwater Only', 'Clean water only - NO waste' or 'H2Oonly'.	Site inspection 18/01/22	Stencilling of drains has been completed and this was observed during the audit site inspection.	C		
Maintenance of Stormwater Treatment Devices						
7.20	All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the devices shall be disposed of in a manner that does not pollute waters.	Site inspection 18/01/22 Purceptor maintenance records current to 31/12/21. Email Cleanaway to Patrick, 13/11/19 (clean of SQIDs) SQID maintenance work order 10874882 Trade waste Monthly service history current to 31/12/21 Sydney Water Trade Waste Consent No. 24990. Transport Certificate for liquid waste, 30/09/21, 02/02/21, 08/12/21, 17/11/21, 03/12/21, 08/01/21, 13/01/21, 19/04/21, 26/05/21 Maximo extract – drain isolation units, current to 31/12/21	Evidence shows that drain wardens, purceptor, SQIDS and trade waste system is serviced regularly throughout the year. No issues. Liquid waste is either disposed of by a liquid waste contractor or via trade waste.	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 20mm bund around the perimeter of the bay; (d) At a minimum the bay should be protected from the entry of external surface waters, by either; a minimum 2% change in grade; or combination of a minimum 2% grade change and a grated drainage system; (e) At a minimum the bay should have a roof that has a minimum height of 2.5m; (f) All uncontaminated stormwater/rainwater must be directed to the dedicated stormwater drainage systems; (g) Ensure all contaminants removed from the recycled wastewater are disposed of appropriately; (h) Have an appropriately designed wastewater/recycled water storage tank;	Site inspection 18/01/22 Interview with auditees 18/01/22	Recycled water has not been used for vehicle wash bays.			NT

CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
				C	NC	NT
	(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.					
Removal Off-Site By An Authorised Liquid Waste Disposal Contractor						
7.22	All vehicle washing bays that will have all wastewater removed off site shall meet the following requirements: (a) Have a floor that is sealed and graded to an internal drainage point, so that all wastewater and surface spillage is directed and drains to the approved treatment and disposal point; (b) Roofed and bunded so that all uncontaminated stormwater from the roof areas and uncovered areas, are directed away from the bay; (c) At a minimum the bay should be constructed with a minimum 20 mm bund around the perimeter of the bay; (d) At a minimum the bay should be protected from the entry of external surface waters, by either; a minimum 2% change in grade; or combination of a minimum 2% grade change and a graded drainage system; (e) At a minimum the bay should have a roof that has a minimum height of 2.5 m; (f) All uncontaminated stormwater/rainwater must be directed to the dedicated stormwater drainage systems; (g) Have an appropriate capacity storage tank designed to hold all wastewater; (h) Keep and retain records for a period of five years, of when and how much water was removed by the authorised liquid waste disposal contractor when this occurs, on an annual basis. Provide a copy of the records to Council on request; and (i) That the water storage tank is maintained so that there are no leaks and is functioning as intended	Site inspection 18/01/22 Interview with auditees 18/01/22 Transport Certificate for liquid waste, 30/09/21, 02/02/21, 08/12/21, 17/11/21, 03/12/21, 08/01/21, 13/01/21, 19/04/21, 26/05/21	Wastewater from the vehicle wash bay is collected via a sealed and graded floor to internal drainage point and treated through the Auto Batch Unit and the treated water discharged to sewer under the Sydney Water Trade Waste Consent No. 24990. The bay has grading and bunding, is covered and prevents rain ingress. The treatment plant (and tanks) are sufficiently sized to hold generated waste water. Liquid waste contractor records were sighted. No issues.	C		
Discharge To The Sewer Via Appropriate Pre-Treatment						
7.23	All vehicle washing bays that discharge to sewer shall meet the following requirements: (a) Discharges into the sewer requires a <i>Permission to Discharge Trade Wastewater</i> certificate issued by Sydney Water; (b) Have a floor that is sealed and graded to an internal drainage point, so that all wastewater and surface spillage is directed and drains to the approved treatment and disposal point; (c) Is roofed and bunded so that all uncontaminated stormwater from the roof areas and uncovered areas, are directed away from the bay; (d) At a minimum the bay should have a roof that has a minimum height of 2.5 m; (e) Have a roof that has a minimum height of 2.5 m; (f) Be constructed with a minimum 20 mm bund around the perimeter of the bay; (g) Be protected from the entry of external surface waters, by either; a minimum 2% change in grade; or combination of a minimum 2% grade change and a graded drainage system; (h) All uncontaminated stormwater/rainwater must be directed to the dedicated stormwater drainage systems; (i) Have a 1000 L general purpose pit; and (j) Carry out appropriate inspections and maintenance of the General Purpose Pit. The thickness of the sediment and oil levels, and outflow oil concentrations to be logged quarterly and submitted to Council. The pit is to be pumped out at least every 12 months or at more frequent interval as nominated by Council.	Site inspection 18/01/22 Interview with auditees 18/01/22 Transport Certificate for liquid waste, 30/09/21, 02/02/21, 08/12/21, 17/11/21, 03/12/21, 08/01/21, 13/01/21, 19/04/21, 26/05/21	Wastewater from the vehicle wash bay is collected via a sealed and graded floor to internal drainage point and treated through the Auto Batch Unit and the treated water discharged to sewer under the Sydney Water Trade Waste Consent No. 24990. The bay has grading and bunding, is covered and prevents rain ingress. The treatment plant (and tanks) are sufficiently sized to hold generated waste water. The Auto Batch Unit is regularly inspected and maintained to ensure the solid conveyor is functioning correctly and A second wash bay has been constructed however the wastewater collection system does not go to the treatment plant and Trade Waste. As such it has not been commissioned or used. The auditee confirms the presence of a pit. Reference to the OEMP (v. 2, July 2019) page 79, Table 6.4.1 Waste and Wastewater Management – Key Tasks and Responsibilities, item 7.2 – ‘Wastewater from the wash bay is piped across to the concrete storage pit where the wastewater is passed through an under and overs oil separator. A licenced contractor pumps the sludge from the pit into a tanker where it is transported to a licensed treatment or disposal facility.’ There is no connection to Council infrastructure and, therefore, there is no reporting to Council.	C		
Disposal of Wastewater To Land Incorporating Appropriate Treatment Devices						
7.24	All vehicle washing bays that discharge wastewater shall meet the following requirements: (a) The Applicant shall prove that the environmental conditions of the site are appropriate and provide appropriate professional site assessment information on the presence of environmentally sensitive areas on the building site, in the adjoining areas or within the downstream catchment; (b) Soil characteristics including soil permeability, depth to be rock/hardpan, depth to high episodic water table, %coarse fragments; electrical conductivity; solidity, cation exchange capacity, phosphorous absorption and any other Council requirement; (c) Site flood potential, exposure to sun and wind, slope, erosion potential, drainage, plant growth conditions; (d) Buffer distances from permanent surface waters, domestic groundwater wells, other waters, property boundaries, driveways, swimming pools and buildings; and (e) Other site assessment details as required by Council.	Site inspection 18/01/22 Interview with auditees 18/01/22 Transport Certificate for liquid waste, 30/09/21, 02/02/21, 08/12/21, 17/11/21, 03/12/21, 08/01/21, 13/01/21, 19/04/21, 26/05/21	Wastewater from the vehicle wash bay is collected via a sealed and graded floor to internal drainage point and treated through the Auto Batch Unit and the treated water discharged to sewer under the Sydney Water Trade Waste Consent No. 24990. The bay has grading and bunding, is covered and prevents rain ingress. The treatment plant (and tanks) are sufficiently sized to hold generated waste water. There are no discharges to land. Liquid waste is also disposed of by a liquid waste contractor.			NT
Energy Efficiency						
Energy Efficiency Compliance Report						



CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
				C	NC	NT
7.25	An Energy Efficiency Compliance Report shall be prepared within 15 months of the issuing of the occupation certificate. The Report shall certify that energy efficiency measures have been installed and verify that the building's energy performance complies with Councils Energy Efficiency DCP. A copy of the Report shall be made available to Council on request.	DPIE Post Approval Portal correspondence 07/09/2020	The Energy Efficiency Report was prepared in the first half of 2020. Patricks submitted the Energy Efficiency Report and on 07/09/2020 the Department advised that it had no comments. The Auditor is not aware of Council requesting a copy of the Report.	C		



APPENDIX C – PLANNING SECRETARY AGREEMENT OF INDEPENDENT AUDITORS

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

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

trevor.brown@nswports.com.au

Dear Mr Brown

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

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

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

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

In preparing the IEA, you must ensure the audit:

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

Finally, the Department recommends you:

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

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

Yours sincerely

 10/10/2017

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

APPENDIX D – CONSULTATION RECORDS

Derek Low

From: Gabriel Peters Shaw <gabriel.petersshaw@dpie.nsw.gov.au>
Sent: Monday, 13 December 2021 11:20 AM
To: Derek Low
Cc: S.Steel@patrick.com.au
Subject: Re: Patrick Stevedores - Port Botany: Independent Environmental Audit 2021 - Agency consultation

Dear Derek,

Thanks for contacting the Department of Planning, Industry and Environment (Department).

The Department requests that IEA 2021 includes the following:

1. Be consistent with the most recent Department's Independent Audit Post Approval Requirements.
2. An assessment of the environmental performance of the development and how it is affecting the surrounding environment (required by Condition 6.7 of DA 453).
3. A status update for all actions provided in the RAR, until all actions are completed.

The Department identifies the **NSW Environment Protection Authority** as an additional agency to be consulted.

If you have any questions or comments related to this matter please don't hesitate to contact me.

Kind regards,

Gabriel Peters Shaw
Senior Compliance Officer

Planning & Assessment | Department of Planning, Industry and Environment
T 02 8837 6395 | **M** 0499421171 | **E** gabriel.petersshaw@dpie.nsw.gov.au
Locked Bag 5022 | PARRAMATTA NSW 2124
www.dpie.nsw.gov.au



Our Vision: Together, we create thriving environments, communities and economies.

The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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

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

From: Derek Low <dlow@wolfpeak.com.au>
Sent: Wednesday, 1 December 2021 10:17 AM
To: DPE PSVC Compliance Mailbox <compliance@planning.nsw.gov.au>
Cc: Steel, Sam <S.Steel@patrick.com.au>
Subject: Patrick Stevedores - Port Botany: Independent Environmental Audit 2021 - Agency consultation

Hi there.

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

The audit covers the 2021 calendar year and is required to satisfy Condition 6.7 of DA 453 and Condition C4.5 of DA 494. The approval conditions and the Department's letter approving WolfPeak as auditors require that the audits:

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

In accordance with the Department's Independent Audit Post Approval Requirements, I am consulting with the Department on the scope of the audit and for confirmation as to whether other parties or agencies are to be consulted.

In providing input to the scope, I kindly request Department confirm:

- if it any key issues it would like examined, relating to post-approval requirements and compliance that are not already called up by the scope in Section 3.3 of the IAPAR; or
- if it recommends that other parties or agencies are to be consulted. If so I request that the Department identify those parties.

Any questions please let me know. I look forward to hearing from you.

Regards,

Derek Low | Principal Environmental Consultant
General Manager





E: dlow@wolfpeak.com.au

P: 1800 979 716

M: 0402 403 716

A: Suite 2, Level 10, 82 Elizabeth St, Sydney NSW 2000

www.wolfpeak.com.au



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Derek Low

From: Derek Low
Sent: Wednesday, 1 December 2021 10:20 AM
To: Mark Hanemann; craig.flemming@epa.nsw.gov.au
Cc: info@epa.nsw.gov.au; Steel, Sam
Subject: Patrick Stevedores - Port Botany: Independent Environmental Audit 2021 - Agency consultation

Hi there.

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

The audit covers the 2021 calendar year and is required to satisfy Condition 6.7 of DA 453 and Condition C4.5 of DA 494. The approval conditions and the Department's letter approving WolfPeak as auditors require that the audits:

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

In accordance with the Department's Independent Audit Post Approval Requirements, I am consulting with the EPA on the scope of the audit.

In providing input to the scope, I kindly request the EPA confirm if it any key issues it would like examined, relating to post-approval requirements and compliance

Any questions please let me know. I look forward to hearing from you.

Regards,

Derek Low | Principal Environmental Consultant
General Manager





EXCELLENCE IN THE ENVIRONMENT AWARDS 2021



E: dlow@wolfpeak.com.au

P: 1800 979 716

M: 0402 403 716

A: Suite 2, Level 10, 82 Elizabeth St, Sydney NSW 2000

www.wolfpeak.com.au



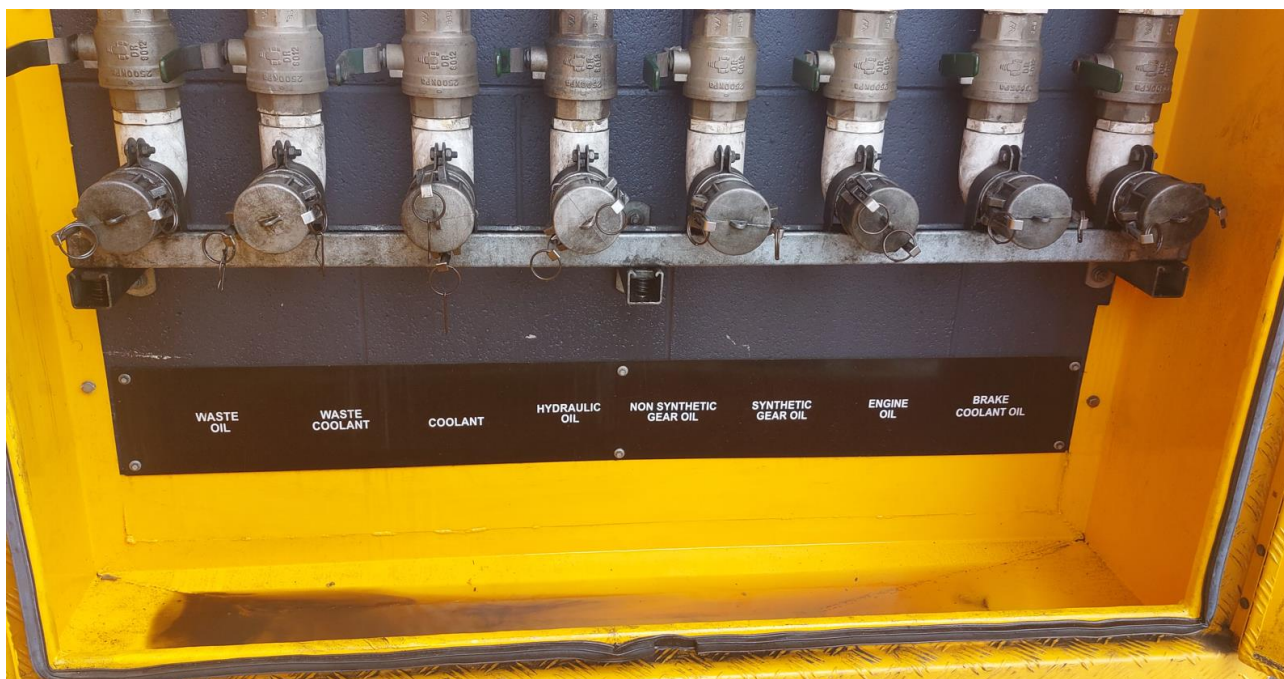
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APPENDIX E – SITE INSPECTION PHOTOS



Site Photo 1 Waste oil and coolant storage point (Maintenance).



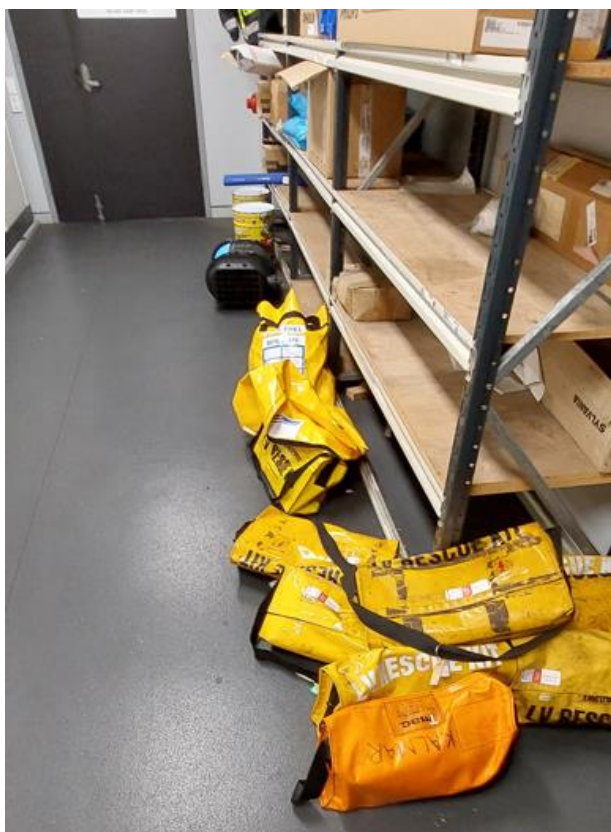
Site Photo 2 Waste oil and coolant collection point (Maintenance)



Site Photo 3 Drums in the Maintenance workshop stored on pallet bund whilst in use.



Site Photo 4 Flammables storage cupboard (Maintenance).



Site Photo 5 Portable spill kits for checking and restocking (Maintenance).



Site Photo 6 Oil and grease storage bay (Maintenance).



Site Photo 7 Liquid waste holding pit (Maintenance).



Site Photo 8 Rail construction area (under separate approval).



Site Photo 9A and 9B Mobile refuelling tank on Maintenance light vehicle, with no secondary containment or spill kit, and the action taken by Patrick to install a spill kit on this vehicle (prior to finalising this Audit Report). Note Site Photo 9B provided by Patrick.



Site photo 10A and 10B Housekeeping required at the entrance to the trade waste treatment facility and the action taken by Patrick (prior to finalising this report). Note Site Photo 10B provided by Patrick.



Site photo 11 Mobile plant refuelling bay

APPENDIX F – INDEPENDENT DECLARATION FORMS

Declaration of Independence - Auditor



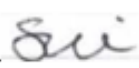
Project Name:	Patrick Port Botany Terminal Expansion and Terminal Redevelopment
Consent Number:	DA 494 and DA 453
Description of Project:	Operation of the Patrick Port Botany Terminal
Project Address:	SSD DA 494: Lot 2 DP 10009870, Lot 6 DP 1053768, Lots 301 and 302 DP 712991, Part of Crown Reserve R91288, Lots 203 and 205 DP 712991 and Lot 401 DP 816961 (Botany Bay LGA). SSD DA 453: Brotherson Dock, Penrhyn Road, Port Botany Lot 1-6, 8-14 and 16-19 DP 452236, Lot 1 DP 804556, Lots 1 and 2 DP 1009870 (Botany Bay LGA).
Proponent:	SSD DA 494: Sydney Ports Corporation SSD DA 453: Patrick Stevedores Operations Pty Ltd
Title of audit	Independent Audit of operations for 2021
Date:	14/02/22

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

- i. the audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Post Approval Requirements (Department 2020)*;
- ii. the findings of the audit are reported truthfully, accurately and completely;
- iii. I have exercised due diligence and professional judgement in conducting the audit;
- iv. I have acted professionally, objectively and in an unbiased manner;
- v. I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- vi. I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- vii. neither I nor my employees have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- viii. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

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

Name of Auditor:	Steve Fermio
Signature:	
Qualification:	Bachelor of Science (Honours) Exemplar Global Auditor Number 110498
Company:	WolfPeak Pty Ltd

Declaration of Independence - Auditor




Project Name:	Patrick Port Botany Terminal Expansion and Terminal Redevelopment
Consent Number:	DA 494 and DA 453
Description of Project:	Operation of the Patrick Port Botany Terminal
Project Address:	SSD DA 494: Lot 2 DP 10009870, Lot 6 DP 1053768, Lots 301 and 302 DP 712991, Part of Crown Reserve R91288, Lots 203 and 205 DP 712991 and Lot 401 DP 816961 (Botany Bay LGA). SSD DA 453: Brotherson Dock, Penrhyn Road, Port Botany Lot 1-6, 8-14 and 16-19 DP 452236, Lot 1 DP 804556, Lots 1 and 2 DP 1009870 (Botany Bay LGA).
Proponent:	SSD DA 494: Sydney Ports Corporation SSD DA 453: Patrick Stevedores Operations Pty Ltd
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- iv. I have acted professionally, objectively and in an unbiased manner;
- v. I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- vi. I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- vii. neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- viii. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

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

Name of Auditor:	Derek Low
Signature:	
Qualification:	Master of Environmental Engineering Management Exemplar Global Auditor Number 114283
Company:	WolfPeak Pty Ltd