


INDEPENDENT ENVIRONMENTAL COMPLIANCE AUDIT FOR 2022

PATRICK – PORT BOTANY TERMINAL

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

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Author name	Derek Low	Reviewer / approver name	Steve Fermio
Author position	Lead Auditor	Review position	Peer Reviewer
Author signature		Reviewer / approver signature	
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Prepared for:
Patrick Terminals

Prepared by:
WolfPeak Pty Ltd

T: 1800 979 716

W: www.wolfpeak.com.au

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EXECUTIVE SUMMARY

This Audit Report presents the findings from the Independent Environmental Compliance Audit (Audit) for 2022 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 7th 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 2022 calendar year (the audit period). The audit also reports on the status of previous audit findings.

The operations during the 2022 remains unchanged from previous years. Patrick and NSW Ports are jointly undertaking a rail expansion (Rail SABRE) 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 the project throughout 2022 with the interim rail siding covering 750m of approach tracks and four 600m of workable siding (1200m) and the installation of three automated gantry cranes. Further construction of the rail siding will continue into 2023.

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, and only three observations were raised. In summary:

- With respect to the status of previously open audit findings:

- 2019: One (1) Observation remains open regarding consolidation of the two consents
- 2020: Three (3) identical non-compliances remain open regarding the tracking of waste tyres as per the POEO Regulation.
- All other previously open findings are considered by the Auditor to be closed.
- With respect to findings for the 2022 audit period:
 - A total of 129 CoCs were assessed.
 - No new non-compliances were identified against the CoCs
 - Three (3) identical non-compliances associated with waste tyre tracking from the previous audit periods remain open (as presented in Section 3.2)
 - 106 CoCs were found to be compliant
 - 20 CoCs were identified as not triggered
 - Two (2) new observations were identified, these related to signage on stormwater drains and accessibility to the open/close drain safe units.

Detailed findings are presented in Section 3 and Appendices A and B of this Report.

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, the recommendation to have the two 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 remains open. 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 Operations overview

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 2022 calendar year remains unchanged from previous years, with the exception of the ongoing construction of a rail siding (Rail SABRE - 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 list of independent Auditors who performed the audit are presented on Table 1.

Table 1: Audit Team

Name	Company	Participation	Certification
Derek Low	WolfPeak	Lead Auditor	Master of Environmental Engineering Management. Exemplar Global Certified Environmental Lead Auditor - Certificate No 114283.
Steve Fermio	WolfPeak	Peer review	Bachelor of Science (Hons). Exemplar Global Certified Principal Environmental Auditor (Certificate No 110498).

Approval of the Audit Team was provided by the Department on 10 October 2017. The letter is presented in Appendix C and Auditor's independence declaration is attached in Appendix C.

It is noted that approval for an alternative audit team was requested from the Department in December 2022. The Department did not approve the alternative team in time for the audit. The Department issued a breach notice (against DA 494 condition C4.5) to Patrick on 24 January 2023 on the basis that the alternative (unapproved) team conducted the audit. This was however incorrect. As the alternative audit team was not approved, one of the approved Auditors (Derek Low) completed the audit. This was communicated to the Department on 6 February 2023. On 9 February 2023 the Department withdrew the breach notice.

1.4 Audit objective

The objective of this audit is to determine compliance against the requirements of DA 494, Port Botany Expansion Project and DA 453, Patrick's Port Botany Terminal Redevelopment and to assess the effectiveness of environmental management system of Patrick's operations at its PB terminal for the 2022 calendar year.

The audit was conducted in accordance with the NSW DPE Independent Audit Post Approval Requirements (IAPAR) 2020.

1.5 Audit scope

The audit scope comprises:

- an assessment of:
 - conditions 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 11 January 2023. 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

The Independent Audit was conducted in a manner consistent with AS/NZS ISO 19011.2019 – Guidelines for Auditing Management Systems (AS/NZS ISO 19011, 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 2020.

2.2 Audit process detail

2.2.1 Audit initiation

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; and
- confirm the scheduled dates for the conduct of site inspection and document review.

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:

- Development Consent 494 (the DA 494 Consent)
- Development Consent 453 (the DA 453 Consent)
- Operational Environmental Management Plan (OEMP), Patrick Stevedores Operations Pty Ltd, 4 July 2022, Revision 3, 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)

- Traffic Management Plan (TMP), Patrick Stevedores Operations Pty Ltd, 31 January 2022, Revision 1
- Emergency Management Plan, Patrick Stevedores Operations Pty Ltd, 31 March 2022, Revision 14
- Port Botany Expansion Environmental Impact Statement, URS Australia, November 2003, (EIS) and Modification Reports 1 - 17.

2.2.3 Consultation

On 19 December 2022 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 22.

Table 2: 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 (Section 3.3).	This Independent Audit was conducted in accordance with the IAPAR. Refer to the scope in section 1.5, methodology in Section 2, and the findings in Section 3, Appendix A and B.
	Examine whether appropriate controls are in place to contain any oil/chemical/liquid spills and prevent them from exiting the Port. Whether Concentration Limits - Conditions 3.34, 3.35, and 3.36 have been complied with.	Refer to Sections 3.2, 3.3, 3.8 and Appendix A (DA 453 conditions 3.34 – 3.36) of this Report for details.
	Examine waste generated on site has not exceeded trigger values in the Consent.	Refer to Sections 3.2, 3.3, 3.8, Appendix A (DA 453 conditions 3.38 – 3.44, 7.5, 7.10, 7.12, 7.14 – 7.16, 7.18 – 7.24)) and Appendix B (conditions C2.13 – C2.14) of this Report for details.
	Examine the areas used for the storage of chemicals/liquids in containers (other than shipping containers) have been adequately bundled.	Refer to Sections 3.2, 3.3, 3.8 and Appendix A (DA 453 conditions 7.4 – 7.15, 7.18 – 7.24)) and Appendix B (conditions C2.17 – C2.18) of this Report for details.
	Examine that all recorded incidents deemed reportable have been reported.	Refer to Sections 3.8 and 3.10.
	Undertake consultation with the EPA	The EPA was consulted. Refer below and Appendix D.
EPA	The EPA noted that the audit is a requirement of the planning consent and has no comments to provide on the scope of the audit.	Noted.

2.2.4 Meetings

Opening and closing meetings were held on the 11 January 2023 with the Auditor and Patrick personnel. During the opening meeting the audit objectives, scope, resources required and methodology to be applied were discussed. At the closing meeting, the 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.

The following Patrick personnel were interviewed during the on-site audit:

Table 3: Audit personnel interviewed

Name	Role	Organisation	Involvement
Sam Steel	HSE Manager	Patrick	Opening and closing meetings, interview, document review and inspection.
Craig Dobeson	Maintenance Superintendent	Patrick	Opening meeting, interview and inspection.
Michael Lin	Facility Manager	Patrick	Interview and inspection.
Gus May	Operations Manager	Patrick	Closing meeting
Bruce Guy	Terminal Manager	Patrick	Closing meeting

2.2.6 Site inspection

The on-site audit activities took place on 11 January 2023 and included an inspection of the site and work activities to verify implementation of the mitigation measures as per the aspects and impacts of the OEMP and subplans.

- Operational mobile plant, machinery, and equipment
- On-site diesel fuel storage
- Hazardous / dangerous goods containers / tank-tainers
- Dust from unsealed areas
- Stormwater management and leaks

- Waste and wastewater management
- Noise and vibration
- Traffic and transport
- Energy and resources.

Detailed observations are discussed in Section 3 and Appendix A. Photos taken during the inspections are presented in Appendix E.

2.2.7 Document review

The audit included investigation and review of Patrick’s operations files, records and documentation that acts as evidence of compliance (or otherwise) with a compliance requirement. The documents sighted are presented in Appendix 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 4 below.

Table 4: 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 were also raised 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 conditions 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 conditions and all other environmental licences and approvals applicable to the Project (if any).

The adequacy of post approval documents was determined based on 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

Detailed records of evidence reviewed during this audit are provided in the checklist attached as Appendices A and B. The primary documents reviewed during this audit are as follows:

- Development Consent 494 and Development Consent 453
- Operational Environmental Management Plan (OEMP), Patrick Stevedores Operations Pty Ltd, 4 July 2022, Revision 3
- Traffic Management Plan (TMP), Patrick Stevedores Operations Pty Ltd, 31 January 2022, Revision 1
- Emergency Management Plan, Patrick Stevedores Operations Pty Ltd, 31 March 2022, Revision 14
- Port Botany Expansion Environmental Impact Statement, URS Australia, November 2003, (EIS) and Modification Reports 1 - 17
- Port Botany Terminal, 2021 Annual Environmental Management Report (DA 494) & Annual Compliance Report (DA 453), 28 February 2022, Version 1.0.

3.2 Previous Audit Findings

This Section, including Table 5, presents the status of non-compliances and observations that were previously open at the last Independent Audit (covering the 2021 calendar year). In summary:

- 2019: One (1) Observation remains open regarding consolidation of the two consents
- 2020: Three (3) non-compliances remain open regarding the tracking of waste tyres as per the POEO Regulation
- All other previously open findings are considered by the Auditor to be closed.

Table 5: Status of previously open audit findings

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>2022 Audit Finding</u></p> <p>The Rail expansion project continued throughout 2020 and 2021. It is anticipated to be completed in 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
STATUS OF ACTIONS IDENTIFIED AS OPEN AT THE 2020 AUDIT						
DA 494						
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>Note: This non-compliance arises from the same issue as for DA 494 Condition C2.13A 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><u>2021 Audit Finding</u></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> <p><u>2022 Audit Finding Update</u></p>	Track the disposal of waste tyres using the WasteLocate Tool through 2022.	PBT HSE Manager & Engineering / Maintenance Manager Dec 2022	PARTIALLY CLOSED

Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
			<p>Patrick presented correspondence records with the licensed waste transporter (Trelleborg) indicating that the tyres serial number will be recorded and sent to Molycorp 360 to help track when straddle tyres for Patrick's are sent for disposal.</p> <p>Trelleborg has provided a Scrap Tyre Analysis report recording the tyres serial number. Trelleborg is using Molycorp, which are an accredited participant of the TSA (Tyre Stewardship of Australia), and information has been collected as to how the tyres are being processed at end of life. Unfortunately, at the time of this report been prepared, Trelleborg has not been able to use EPA's WasteLocate app to track waste tyres as they are not an authorised tyre receiver. This was identified as a limitation on the system and has been raised with the EPA.</p>			
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> <p>2022 Audit Finding Update</p> <p>Patrick presented correspondence records with the licensed waste transporter (Trelleborg) indicating that the tyres serial number will be recorded and sent to Molycorp 360 to help track when straddle tyres for Patrick's are sent for disposal.</p> <p>Trelleborg has provided a Scrap Tyre Analysis report recording the tyres serial number. Trelleborg is using Molycorp, which are an accredited participant of the TSA (Tyre Stewardship of Australia), and information has been collected as to how the tyres are being processed at end of life. Unfortunately, at the time of this report been prepared, Trelleborg has not been able to use EPA's WasteLocate app to track waste tyres as they are not an authorised tyre receiver. This was identified as a limitation on the system and has been raised with the EPA.</p>	Track the disposal of waste tyres using the WasteLocate Tool through 2022.	PBT HSE Manager & Engineering / Maintenance Manager 31/12/22	PARTIALLY CLOSED
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>	Complete project to update incident classification categories to align with the POEO Act	National Environment & Compliance Manager & PBT HSE Manager 31/12/22	CLOSED

Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
			<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> <p>2022 Audit Finding Update</p> <p>The Process for Notify Pollution Incidents was prepared on the 9 January 2023. This procedure indicates that the HSE Manager is now responsible for taking immediate action to determine if the incident requires notification under section 148 of the POEO Act. Incident classification categories are included, and they aligned with the POEO Act (or DA 494 and DA 453).</p>			
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>2021 Audit Finding</p>	Complete project to update incident classification categories to align with the POEO Act	National Environment & Compliance Manager & PBT HSE Manager 31/12/22	CLOSED

Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
			<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> <p><u>2022 Audit Finding Update</u></p> <p>The Process for Notify Pollution Incidents was prepared on the 9/01/23. This procedure indicates that the HSE Manager is now responsible for taking immediate action to determine if the incident requires notification under section 148 of the POEO Act. Incident classification categories are included, and they aligned with the POEO Act (and DA 494 and DA 453)</p>			
DA 453						
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	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
			<p>2022 Audit Finding Update</p> <p>The Process for Notify Pollution Incidents was prepared on the 9/01/23. This procedure indicates that the HSE Manager is now responsible for taking immediate action to determine if the incident requires notification under section 148 of the POEO Act. Incident classification categories are included, and they aligned with the POEO Act (and DA 494 and DA 453).</p>			
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> <p>2022 Audit Finding Update</p> <p>Patrick presented correspondence records with the licensed waste transporter (Trelleborg) indicating that the tyres serial number will be recorded and sent to Molycorp 360 to help track when straddle tyres for Patrick's are sent for disposal.</p> <p>Trelleborg has provided a Scrap Tyre Analysis report recording the tyres serial number. Trelleborg is using Molycorp, which are an accredited participant of the TSA (Tyre Stewardship of Australia), and information has been collected as to how the tyres are being processed at end of life. Unfortunately, at the time of this report been prepared, Trelleborg has not been able to use EPA's WasteLocate app to track waste tyres as they are not an authorised tyre receiver. This was identified as a limitation on the system and has been raised with the EPA.</p>	Track the disposal of waste tyres using the WasteLocate Tool through 2022.	PBT HSE Manager & Engineering / Maintenance Manager 31/12/22	PARTIALLY CLOSED
2021 AUDIT FINDINGS						
DA453						
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 banded. The bund (walls and floor) shall be constructed of impervious materials. The bund walls shall be a minimum of 100 mm high and be of a sufficient volume to contain 25% of the maximum volume of liquids likely to be stored within the bund. The bund shall be designed and installed in accordance with AS1940-1993 The Storage and Handling Of Flammable And Combustible Liquids.</p> <p>During the inspection it was observed that:</p>	Place drums of oil that are stored in the oil and grease storage area on pallet bunds. Fit secondary containment on the light vehicle mobile refuelling unit.	PBT HSE Manager & Engineering / Maintenance Manager 31/03/222	CLOSED

Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
			<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>2022 Audit Finding Update</p> <p>Drums of oil at the oil and grease storage area was properly bunded and photos were submitted on the 21/3/2022 from Patrick Facility Manager to HSE Manager. During this year site inspection, the sighted drums of oil were bunded. Refer to photo 8 and 14 in Appendix E.</p>			

3.3 Non-compliance, Observations and Actions

This Section, including Table 6, presents the status of non-compliances and observations that were previously open at the last Independent Audit (covering the 2021 calendar year). In summary:

- A total of 129 CoCs were assessed
- No new non-compliances were identified against the CoCs
- Three (3) identical non-compliances associated with waste tyre tracking from the previous audit periods remain open (as presented in Section 3.2)
- 106 CoCs were found to be compliant
- 20 CoCs were identified as not triggered
- Two (2) new observations were identified, these related to signage on stormwater drains and accessibility to the open/close drain safe units.

Detailed findings are presented in Table 6 below and in Appendix A.

Table 6 Independent Audit findings from the 2023 Independent Audit (covering the 2022 calendar year).

Item	Ref.	Type	Requirement	Finding	Recommended action	By who and by when	Status
IA2022_Obs.01	DA 453 condition 7.19	Observation	<p><u>Signage on Stormwater Drains</u></p> <p>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>Observation: Signage at some of the stormwater inlets has been faded and requires re-painting. Refer to the site photos in Appendix E (photos 5, 6 and 7).</p>	<p>It is recommended that all stormwater drains are inspected, and the signage be repainted accordingly, i.e., 'Clean Rainwater Only' or similar.</p>	<p>Patrick (maintenance) Prior to the next audit.</p>	OPEN
IA2022_Obs.02	DA 453 condition 7.20	Observation	<p><u>Maintenance of Stormwater Treatment Devices</u></p> <p>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.</p>	<p>Observation: During the site inspection it was noted that accessibility to open/close the drain safe units was not consistent across all units (i.e.: some units required the stormwater grate to be lifted in order to deploy the drain safe mechanism). Refer to photo No. 7 in Appendix E.</p>	<p>An inspection should be carried out throughout all the drain safe units to ensure they can be closed promptly in the event of a spill. Repairs should be completed where required.</p>	<p>Patrick (maintenance) Prior to the next audit.</p>	OPEN

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

The adequacy of post approval documents was determined based on whether:

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

The OEMP (inclusive of the OAQMP, ONMP, OTMP, WMP, SMP, VMP, BHMP, AOIMP) and the and ERP appear to be adequate for the operational works being undertaken.

3.5 Summary of notices from agencies

The Department issued a warning letter to Patrick based on the findings from the 2022 Audit Report. Patrick have worked to close the recommended actions, with three non-compliances (relating to one issue) remaining open. Refer Section 3.2.

3.6 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 inspections, incidents, noise, wastewater, solid and liquid waste.

The Auditor observes that leading indicators are positive. Patrick has implemented its training and inspections regimes.

The non-compliance regarding the tracking of waste tyres remains open. The audit noted that Patrick has made a good progress on this matter. The waste tyre transport contractor (Trelleborg) has provided a Scrap Tyre Analysis report recording the tyres serial number to help track when straddle tyres for Patrick's are sent for disposal. They are using Molycorp, which are an accredited participant of the TSA (Tyre Stewardship of Australia), and information has been collected as to how the tyres are being processed at end of life. Unfortunately, at the time of this report been prepared, Trelleborg has not been able to use EPA's WasteLocate app to track waste tyres as they are not an authorised tyre receiver. This was identified as a limitation on the system and has been raised with the EPA.

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.

3.7 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 apart from waste tracking and recording for waste tyres.

3.8 Other matters considered relevant by the Auditor or DPE

Other than the findings presented within Section 3 of this Report, the Auditor has no other matters considered relevant to report.

The Department requested several matters be considered as part of the Independent Audit.

Controls of oil/chemical/liquid spills and prevent them from exiting the Port (including whether Concentration Limits - Conditions 3.34, 3.35, and 3.36 have been complied with)

Controls to manage oils / chemicals / liquid spills and preventing them from exiting the Port were generally sound. Bulk storage facilities were observed to be in good condition and well maintained. Vessels were within secondary containment facilities (bunds) of an appropriate size, and appropriately labelled. It was observed, however, that the drain safe mechanism on some drains was positioned below the stormwater grate and, therefore, the grate has to be lifted manually / or a tool needs to be retrieved in order to turn the drain blocking valve. Therefore, the ability to close the drain quickly in the event of a spill is limited.

There were no discharges under conditions 3.34 – 3.36.

Examine whether waste generated on site has not exceeded trigger values in the Consent

The evidence sighted indicates that the waste volumes generated fall well below that permitted under either Consent. Records of waste oil (the main hazardous waste generated from site) indicate the total amount generated for 2022 was approximately 71.8 tonnes. Other potentially hazardous waste streams were negligible. Evidence indicates that the most waste oil being held by Patricks at any one time was in July 2022 with 11.4 tonnes. There are no limits on other waste types, nevertheless the Auditor sighted waste tracking records and the volumes did not appear to be excessive.

Examine the areas used for the storage of chemicals/liquids in containers (other than shipping containers) have been adequately bunded

Refer to Sections 3.2, 3.3, 3.8 and Appendix A (DA 453 conditions 7.4 – 7.15, 7.18 – 7.24)) and Appendix B (conditions C2.17 – C2.18) of this Report for details.

As noted above, controls to manage oils / chemicals / liquid spills and preventing them from exiting the Port were generally sound. Bulk storage facilities were observed to be in good condition and well maintained. Vessels were within secondary containment facilities (bunds) of an appropriate size, and appropriately labelled. No issues were observed regarding chemical storage.

Examine that all recorded incidents deemed reportable have been reported

Refer Section 3.10 below.

3.9 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/>

A voicemail from a resident was received on the 19 of August 2022, claiming to be a noise complaint. This was investigated and determined not be attributed to the Patrick's operations. All previous complaints have been investigated, responded, and closed out respectively.

3.10 Incidents

As the Department would be aware from findings from earlier Audit Reports, there was a misalignment between incident classification categories in Patrick's system and the POEO Act (i.e. Patrick applied more stringent criteria) and, therefore incidents marked as 'reportable' in historical incident registers were not in fact reportable under the POEO Act (or DA 494 and DA 453).

Patrick has prepared a 'Process for Notify Pollution Incidents', which includes a reporting protocol to better align with the POEO Act (and DA 494 and DA 453). The procedure indicates that the HSE Manager is responsible for taking immediate action to determine if the incident requires notification under section 148 of the POEO Act. Incident classification categories are included and have been aligned with the POEO Act (and DA 494 and DA 453).

The incident register was reviewed as part of the Independent Audit. A total of 39 x environmental events were recorded for Patrick activities during the audit period. None of these appear to threaten or cause material harm to the people, the environment or property. The Auditor does not consider any of the events to be reportable.

The environmental incident register for the 2022 calendar year was sighted. No reportable incidents as defined by the conditions of approval are recorded during the audit period.

3.11 Actual versus predicted impacts

As stated in Section 1.5, a review of construction impacts is not 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 that were attributable to Patrick operations during the audit period.

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 Audit Report presents the findings from the 2023 Independent Audit (covering the 2022 calendar year), which is conducted annually, and 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 the previous audit periods.

In summary:

- With respect to the status of previously open audit findings:
 - 2019: One (1) Observation remains open regarding consolidation of the two consents
 - 2020: Three (3) identical non-compliances remain open regarding the tracking of waste tyres as per the POEO Regulation
 - All other previously open findings are considered by the Auditor to be closed.
- With respect to findings for the 2022 audit period:
 - A total of 129 CoCs were assessed
 - No new non-compliances were identified against the CoCs
 - Three (3) identical non-compliances associated with waste tyre tracking from the previous audit periods remain open (as presented in Section 3.2)
 - 106 CoCs were found to be compliant
 - 20 CoCs were identified as not triggered
 - Two (2) new observations were identified, these related to signage on stormwater drains and accessibility to the open/close drain safe units.

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 Independent Audit.

Limitations

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With respect to conditions relating to compliance with the design, Building Codes of Australia (BCA) or satisfaction of the Independent Verifier / Certifier / Certifying Authority, the Independent Audits relied on confirmation from the Independent Verifier / Certifier / Certifying Authority that this is the case. The Independent Audits do not extend to an assessment of the works against the design or BCA requirements themselves, nor did they examine the steps the Independent Verifier / Certifier / Certifying Authority has taken to verify that the design is compliant.

The assessment of actual impacts and those predicted in the Environmental Impact Assessment(s) was a high-level assessment qualitative assessment only. The Environmental Impact Assessment(s) include a voluminous number of studies and predictions that relied on observation, measurement and modelling of the existing environments and potential outcomes arising from the Project (including mitigation measures). Full assessment of the accuracy of these predictions would also require a significant number of studies involving measurement and modelling using actual data points as inputs. Other than the requirements specified in the, to the Auditor's knowledge there are no requirements to undertake such studies and doing so does not form part of this Independent Audit.

Audits of all post approval documents prepared to satisfy the conditions, including an assessment of the implementation of Environmental Management Plans and Sub-plans, adopts a Judgement Based Sampling approach. Judgement Based Sampling is the process of selecting a sample of commitments and evidence from within the total available data set (population) to obtain and evaluate evidence about some characteristic of that population, in order to form a conclusion concerning the population.

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APPENDIX A – 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 4 July 2022, revision 3. 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 3, 4 July 2022) 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 identified in this table, the auditor is satisfied that the project has implemented all practicable measures.	C		
SCOPE OF DEVELOPMENT						
1.2	² The Applicant shall carry out the development generally in accordance with: a) Development application DA-453-12-2002-1 lodged with the Department on 16 December 2002, accompanied <i>Patrick Port Botany Container Terminal Upgrade, Environmental Impact Statement</i> (three volumes), dated November 2022 and prepared by Parsons Brinckerhoff; b) Additional information provided in respect of development application DA-453-12-2202-1, 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-56-6-2004-1, 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-156-10-2005-1, 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);	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. No other MODs.	C		

² 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>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);</p> <p>h) modification application MOD-76-9-2007-i, lodged with the Department on 24 August 2007, accompanied correspondence 19 June 2007 and 5 November 2007 titled <i>S.96(1A) Application, Patrick Corporation - Port Botany Terminal</i>, and the following plans:</p> <p>i) Proposed Camco Trafficgate (Job No. PDS-07-84, Issue B, Drg. No.: 01);</p> <p>ii) <i>Proposed Camco Trafficgate</i> (Job No. PDS-07-84, Issue B, Drg. No.: 02);</p> <p>iii) <i>Proposed Camco Trafficgate</i> (Job No. PDS-07-84, Issue B, Drg. No.: 03);</p> <p>iv) <i>Truck Portal Gate Frame Arrangement and Details</i> (Project No. SY070313, Dwg No. S5.00, Issue A);</p> <p>v) <i>Train Portal Gate Frame Arrangement and Details</i> (Project No. SY070313, Dwg No. S4.00, Issue E);</p> <p>vi) <i>Train Portal Gate Frame Footing Plan and Details</i> (Project No. SY070313, Dwg No. S4.00, Issue D);</p> <p>vii) <i>Structural Notes</i> (Project No. SY070313, Dwg No.S1.00, Issue D);</p> <p>i) modification application DA-453-12-2002-i MOD 7, accompanied by an assessment report titled <i>Section 75W Modification Port Botany Container Terminal Environmental Assessment</i> prepared by GHD and dated June 2013; and</p> <p>j) the conditions of this consent.</p> <p>In the event of an inconsistency between a condition of this consent and the documents listed under (a) to (i) above, the conditions of consent shall prevail to the extent of the inconsistency.</p>					
Staged Development						
1.3	Under Section 80(4) of the Act, this consent applies to the development, as described in Schedule 1, only.	-	Noted.	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. Evidence of submission throughout the checklist.	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</p> <p>EPL 6962</p> <p>Sydney Water Trade Waste Consent No. 24990 (20/5/2019, valid for 48 months)</p> <p>Notice of Variation of Licence No. 6962 dated 1/9/2020.</p> <p>Patrick Port Botany Terminal Operational Environmental Management Plan' dated 4 July 2022 revision 3.</p> <p>Trade Wastewater Discharge Schedule Permit No 40110 (18/4/2019).</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. Notice of Variation of Licence No. 6962 was sighted dated 1/9/2020 where the premises address was amended (condition A2.1). Signed by delegated authority from EPA.</p> <p>Sydney Water Trade Waste Consent No. 24990 is current (20/5/2019), valid for 48 months.</p> <p>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 (18/4/2019) issued by Sydney Water for grease arrestor at canteen.</p>	C		

CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
				C	NC	NT
Compliance						
1.9	The Applicant shall ensure that all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent.	Induction - LITMOS Patricks e-learning system. Patricks Induction Report, to 3/1/2023 PTPPB-EMP-MOD	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. LMS system has been used to record the inductions, sighted Patrick's induction report	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 01/01/22 – 31/12/22.	In total about 39 x environmental events have been recorded in the incident management systems. Majority to be oil spills and hydraulic leaks. Only 1 still open for investigation, this event happened on the 3/12/2022 re. leaking container; the spill was contained and there was no pollution to the water. None of those events required notification to the EPA, DPE and NSW Ports. This indicates that Patrick and NSW Ports are taking responsibility for events on site.	C		
1.12	Prior to the commencement of operation of the development, the Applicant shall certify in writing, to the satisfaction of the Director-General that it has obtained all the necessary statutory approvals for operations, and complied with all relevant conditions of this consent and/or any other statutory requirements for this development.	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 2021, 28/2/2022. Email DPE to NSW Ports 28/02/22 Email to DPE 20/2/2022 Non-compliance enforcement outcomes. Warning Letter from DPE to Patricks 4/04/2022 Email from Patricks to DPE 20/4/2022 re. IEA 2021 Non-compliances and enforcement outcomes.	The 2021 Annual Compliance Report was submitted 28/02/2022. The Department responded with a warning letter on 4/4/2022 re. waste tyres not been tracked, banded areas of drums of oil, incident register, etc. On the 20/4/2022 HSE Manager from Patricks responded to DPE with their corrective actions and relevant photos showing how the site issues were addressed.	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 2021, 28/02/22. Email DPE to NSW Ports 28/02/22 Email to DPE 20/2/2022 Non-compliance enforcement outcomes. Warning Letter from DPE to Patricks 4/04/2022 Email from Patricks to DPE 20/4/2022 re. IEA 2021 Non-compliances and enforcement outcomes.	2021 Annual Compliance Report was submitted 28/02/2022. The Department responded with a warning letter on 4/4/2022. On the 20/4/2022 Patricks responded to DPE via email with their actions and relevant photos.	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	Interview with auditees 11/01/23	There have been no known disputes in relation to this condition.			NT

CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status														
				C	NC	NT												
	<p>Director-General, or if not resolved, to the Minister, whose determination of the dispute shall be final and binding on all parties. For the purpose of this condition, "public authority" has the same meaning as provided under Section 4 of the Act.</p> <p>Note: Section 121 of the Environmental Planning and Assessment Act 1979 provides mechanisms for resolution of disputes between the Department, the Director-General, councils and public authorities.</p>																	
3. ENVIRONMENTAL PERFORMANCE																		
Noise Limits																		
3.3	<p>³Noise generated by the development shall not exceed the noise limits presented in the table below, unless otherwise agreed by the Director-General:</p> <table border="1"> <thead> <tr> <th>Location</th> <th>Day L_{Aeq} (15 minute)</th> <th>L_{A1} (1 minute)</th> <th>Evening L_{Aeq} (15 minute)</th> <th>L_{A1} (1 minute)</th> <th>Night L_{Aeq} (15 minute)</th> </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> </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)	Most affected residential premises	55	55	43	55	43	<p>Noise Monitoring Reports from Rodney Stevens Acoustics for:</p> <ul style="list-style-type: none"> - May 2022 dated 6/7/2022 Rev.0. - November 2022 dated 9/12/2022 Rev.0 and 9/1/2023 Rev.1 <p>https://patrick.com.au/environmental-monitoring/</p> <p>Community Feedback Reports Q1-Q4 2022</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>Assessment of the measured residential noise levels indicated no annoying characteristics (tonality) were present. No sleep disturbance issues were present.</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>Register of complaints sighted. On the 19/8/2022 a noise complaint was made and after the investigation attribute to DP World, receive a voicemail from resident neighbour. The noise complaint received during the audit period was investigated and determined not be attributable to their operations of Patricks.</p>	C		
Location	Day L _{Aeq} (15 minute)	L _{A1} (1 minute)	Evening L _{Aeq} (15 minute)	L _{A1} (1 minute)	Night L _{Aeq} (15 minute)													
Most affected residential premises	55	55	43	55	43													
3.4	<p>⁴For the purpose of condition 3.3 of this consent:</p> <p>(a) Day is defined as the period from 7.00am to 6.00pm Monday to Saturday and 8.00am to 6.00pm Sundays and Public Holidays;</p> <p>(b) Evening is defined as the period from 6.00pm to 10.00pm; and</p> <p>(c) Night is defined as the period from 10.00pm to 7.00am Monday to Saturday and 10.00pm to 8.00am Sundays and Public Holidays.</p>	As above	As above.	C														
Noise Assessment Report																		
3.6	<p>⁵Noise 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.</p> <p>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.</p> <p>The modification factors provided in Section 4 of the NSW Industrial Noise Policy shall be applied to the measured noise levels where applicable.</p>	<p>Noise Monitoring Reports May 2022 and November 2022, Rodney Stevens Acoustics.</p> <p>https://patrick.com.au/environmental-monitoring/</p>	Biannual noise monitoring reports are completed. The noise reports satisfy this requirement.	C														
3.7	<p>⁶Noise 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.</p>	As above.	Biannual noise monitoring reports are completed. The noise reports identify this requirement and satisfactorily address it.	C														

³ EPA General Terms of Approval – L 6.1

⁴ EPA General Terms of Approval – L 6.2

⁵ EPA General Terms of Approval – L 6.3

⁶ EPA General Terms of Approval – L 6.4

CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
				C	NC	NT
3.8	⁷ 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 11/01/23 Community Feedback Reports Q1-Q4 2022 Traffic Management Plan (TMP) dated 31/01/2022 version 1.0	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. TMP dated 31/1/2022 includes the procedures when trucks are queuing.	C		
3.23	No parking shall be permitted on the internal roadways and outside the designated parking areas.	Site inspection 11/01/23 Community Feedback Reports Q1-Q4 2022 NOGGIN incident register 01/01/22 – 31/12/22.	No parking outside the designated parking areas 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 11/01/23 Community Feedback Reports Q1-Q4 2022 NOGGIN incident register 01/01/22 – 31/12/22.	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 11/01/23	Landscaping does not affect the site lines.	C		
Water Quality Impacts						
Pollution of Waters						
3.33	⁸ 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.	EPL 6962 Patrick's Notify Pollution Incidents dated 9/1/2023. NOGGIN incident register 01/01/22 – 31/12/22.	No water quality monitoring is required by the EPL (6962) and there are no licenced discharge points. Advanced incident reporting protocols in place. Patrick has drafted a 'Process for Notify Pollution Incidents' procedure, dated 9/1/2023 which includes a better reporting protocol to better align with the POEO Act. Procedure indicates that the HSE Manager is responsible for taking immediate action to determine if the incident requires notification under section 148 of the POEO Act. In total 39 x environmental events recorded in the incident management systems; none required to be reported to EPA.	C		
Concentration Limits						
3.34	⁹ 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

⁷ EPA General Terms of Approval – L 6.5

⁸ EPA General Terms of Approval – L 1.1 and A 2.1

⁹ EPA General Terms of Approval – L 3.1

CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status					
				C	NC	NT			
3.35	¹⁰ 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	¹¹ 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. Stormwater Drainage system - 17/10/2017	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. PB Terminal Stormwater Drainage system (17/10/2017) was sighted showing the strip and grate drains and the enviro balloon shut off valve.			NT			
							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	¹² 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 4 July 2022, revision 3. Available on website: https://patrick.com.au/environmental-monitoring/ EPL 6962 Site inspection 11/01/23	A Waste Management Plan (OEMP, V3, 4/7/22 – section 6.4) identifies the approach to managing wastes on site. The OEMP was approved by the Department prior to the current audit period. An update to the OEMP occurred in July 2022. EPL 6962 Condition L2 allows Patrick Stevedores to receive types of waste at the premises. Waste management on site (liquid and solid waste) was satisfactory.	C					
3.39	¹³ 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 11/01/23 Solid Waste Management Register from January to December 2022 Waste Oil Register from Jan 2022 to Jan 2023 Waste Filters & Rags Register from Feb – Nov 2022	Site records and observations made during the audit inspection are consistent with this requirement. Hazardous wastes identified in the Solid Waste Management Register indicates there was a total of <2 tonnes of solid hazardous waste for 2022. Records of waste oil (the main hazardous waste generated from site) indicate the total amount generated for 2022 was approximately 71.8 tonnes.	C					
3.40	¹⁴ The quantity of hazardous and/or industrial and/or Group A waste generated on the premises shall not exceed 200 tonnes per year.	Waste Oil Register from Jan 2022 to Jan 2023 Waste Filters & Rags Register from Feb – Nov 2022. PBT Liquid Waste Register up to December 2022.	Records of waste oil (the main hazardous waste generated from site) indicate the total amount generated for 2022 was approximately 71.8 tonnes. Other potentially hazardous waste streams were negligible.	C					

¹⁰ EPA General Terms of Approval – L 3.2

¹¹ EPA General Terms of Approval – L 3.3

¹² EPA General Terms of Approval – L 5.1 and L 5.2

¹³ EPA General Terms of Approval – L 5.3

¹⁴ EPA General Terms of Approval – L 5.4

CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
				C	NC	NT
3.41	¹⁵ 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 11/01/23 PBT Solid Waste Management Register current to 22/10/2022 PBT Liquid Waste Register up to December 2022. Waste Oil Register from Jan 2022 to Jan 2023 Waste Filters & Rags Register from Feb – Nov 2022.	Records of waste oil (the main hazardous waste generated from site) indicate the total amount generated for 2022 was approximately 71.8 tonnes. Evidence indicates that the most waste oil being held by Patricks at any one time was in July 2022 with 11.4 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 11/01/23 Waste Management Plan Section 6.4 of the Patrick Port Botany Terminal Operational Environmental Management Plan' dated 4 July 2022, revision 3. Available on website: https://patrick.com.au/environmental-monitoring/	A Waste Management Plan (OEMP, V3, 4/7/22 – section 6.4) identifies the approach to managing wastes on site. Update to the OEMP occurred in July 2022 title was changed to Operational EMP; some roles, procedure numbers and content updates were also made. Waste streams have been identified in the WMP referenced in Condition 3.38. Implementation of waste collection and recycling evident during site inspection. No issues observed.	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 4 July 2022 revision 3. Available on website: https://patrick.com.au/environmental-monitoring/ EPL 6962 EPL 20581 EPL 6179 PBT Solid Waste Management Register current to 29/12/2022. PBT Liquid Waste Register current to December 2022 Transport Certificates for liquid waste for: - 16/03/2022, 24/01/2022 with N205 industrial waste - 02/02/2022 & 25/10/2022 with N205 trade waste cleaning; - 28/11/2022 & 20/12/2022 with J120 waste oil Site inspection 11/01/23 Scrap Tyre Analysis report 29/9/2022 Email 28/2/2022 from Trelleborg Waste transport company) to EPA Email from Trelleborg to Patricks 7/4/2022 and 5/5/2022	A Waste Management Plan (OEMP, V3, 4/7/2022 – section 6.4) identifies the approach to managing wastes on site. 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. Solid and liquid wastes appear to be directed to facilities that have EPLs that permit them to receive the waste types. Presented: Solid Waste Register up to Dec 2022 and Liquid Waste Disposal Register up to Dec 2022. Non-compliance from 2020 independent audit: Waste tyres being disposed of from the facility but not being tracked in accordance with the POEO Act and POEO Waste Regulation. The following actions were undertaken during 2022: - Sighted email 28/2/2022 from Trelleborg Waste transport company) to EPA cc Patricks requesting advice to create a consignment in the waste locate system to track the tyres. - Sighted, email from Trelleborg to Patricks indicating they have contacted EPA on the 7/4/2022 and 5/5/2022 and still waiting on further advice. - Sighted correspondence between Trelleborg and Molycorp (Waste transport companies) from the 9/1/2023 to the 19/01/2023 indicating that straddle tyres have a tyre serial number which will be recorded and sent to Molycorp 360 when straddle tyres for Patricks are sent for disposal. - Molycorp is an accredited participant of the TSA (Tyre Stewardship of Australia), and information has been collected as to how the tyres are being processed at end of life.		NC – Remains Open	

¹⁵ 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
		Correspondence Trelleborg and Molycop (Waste transport companies) 9/1/2023 to 19/01/2023	<p>- Trelleborg has provided a Scrap Tyre Analysis report recording the tyres serial number</p> <p>It was noted that in accordance with EPA website, tyre consignors, transporters and facilities transporting or receiving waste tyres in NSW weighing more than 200 kilograms, or consisting of 20 or more tyres, in one load must track and report this waste to the EPA using WasteLocate.</p> <p>At the time of this report been prepared, Trelleborg has been unable to use EPA's WasteLocate app to track waste tyres as they are not an authorised tyre receiver. This was identified as a limitation on the system and has been raised with the EPA.</p>			
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 11/01/23 Site inspection 11/01/23	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 transport company (Trelleborg Wheel Systems).	C		
Air Quality Impacts						
Dust Emissions						
3.45	¹⁶ 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 4 July 2022, revision 3. Available on website: https://patrick.com.au/about/safe-ty-and-environment/ Site inspection 11/01/23 Community Feedback Reports Q1-Q4 2022	The Air Quality Management Plan sits (OEMP, V3, 4/7/22 – Section 6.1) has been prepared in consultation with the relevant stakeholders and approved by the Department prior to the current audit period. Update to the OEMP occurred in July 2022 title was changed to Operational EMP; some roles, procedure numbers and content updates were also made. There is a 'Rail SABRE' project being constructed, during the site inspection the works sighted were whole contained within the site and no dust was apparent. Additionally, those works are managed under a different Consent. No dust emissions were detected 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 11/01/23 Community Feedback Reports Q1-Q4 2022	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 01/09/21 – 31/08/22.	Patricks hold 15 containers for the period of 01/09/21 – 31/08/22, well below the 157 containers threshold for the Port Botany Facility.	C		
Incident Report						
3.52	Within 24 hours of any incident or potential incident with actual or potential significant off-site impacts on people or the biophysical environment, a report shall be supplied to the Department outlining the basic facts. A further detailed report shall be prepared and submitted following investigations of the causes and identification of necessary	NOGGIN incident register 01/01/22 – 31/12/22.	Patrick has advanced incident reporting protocols, and a new procedure was developed in Jan 2023 to better report protocols to align with the POEO Act.	C		

¹⁶ EPA General Terms of Approval – O 3.1

CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
				C	NC	NT
	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	In total 39 x environmental events were recorded in the incident management system during the audit period. None of those were deemed by Patrick to be reportable to the DPE and EPA. The Auditor concurs with this assessment.			
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 12/10/2022 Site Interview 11/01/2023	A Hazard Audit of Patrick Port Botany Terminal, NSW was completed by Planager on the 12/10/2022. Patrick is waiting for the draft report. It is the auditors understanding that the report is due to the DPE on the 27 of Feb 2023. Audits are carried out every 3 years.	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 for the 4 2020 report	No requirements apply for the 2022 audit.			NT
Landscaping						
3.57	¹⁷ 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 4/7/2022, revision 3. Available on website: https://patrick.com.au/about/safety-and-environment/	The Vegetation Management Plan (OEMP V3, 4/7/22 – Section 6.10) has been prepared in consultation with the relevant stakeholders and addresses the requirements of this condition. Update to the OEMP occurred in July 2022 title was changed to Operational EMP; some roles, procedure numbers and content updates were also made.	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 4/7/22, revision 3. Available on website: https://patrick.com.au/about/safety-and-environment/ Site inspection 11/01/23	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. Update to the OEMP occurred in July 2022 title was changed to Operational EMP; some roles, procedure numbers and content updates were also made. 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 4/7/22, revision 3. Available on website: https://patrick.com.au/about/safety-and-environment/ Site inspection 11/01/23	The Vegetation Management Plan (OEMP V3, 4/7/22 – Section 6.10) has been prepared in consultation with the relevant stakeholders and addresses the requirements of this condition. Update to the OEMP occurred in July 2022 title was changed to Operational EMP; some roles, procedure numbers and content updates were also made. No weeds or vegetation were observed during the audit.	C		

¹⁷ 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
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 4/7/22, revision 3.</p> <p>Available on website: https://patrick.com.au/about/safety-and-environment/</p>	<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.</p>			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 4/7/22, revision 3.</p> <p>Available on website: https://patrick.com.au/about/safety-and-environment/</p> <p>Community Feedback Reports Q1-Q4 2022</p>	<p>Patrick has obtained approval under the Airports (Protection of Airspace).</p> <p>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> <p>No changes have been made in the lighting or the stackers locations.</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 3/1/2022</p> <p>PTPPB-EMP-MOD</p>	<p>The project induction includes details on the consent and EPL, environmental responsibilities, spill management, waste, noise management and so forth</p>	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>	<p>This information is available on the Patrick website. Phone number 02 9394 0308. Complaints number was tested, and call was answered during a test. No issues.</p>	C		
Complaints Register						

CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status										
				C	NC	NT								
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 20212</p> <p>Complaints Register up to 31/12/22</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 2022.</p> <p>Email on the 6/1/2023 with copy of the Public Inquiry-Community Comment Complaint Report 1/10/22-31/12/2022 sent to Bay Side Council, EPA, NSW Ports and uploaded on the website.</p> <p>Report was lodged with DPE on the 6/1/2023.</p>	C										
5. ENVIRONMENTAL MONITORING														
General Monitoring Requirements														
5.1	¹⁸ The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the <i>Protection of the Environment Operations Act 1997</i> , in relation to the development or in order to comply with the load calculation protocol shall be recorded and retained as set out in conditions 5.2 and 5.3 of this consent.	Noise Monitoring Reports May 2022 and November 2022, Rodney Stevens Acoustics https://patrick.com.au/environmental-monitoring/	Biannual Noise Compliance Monitoring Reports for May and November 2022 sighted. They are prepared in accordance with EPL 6962.	C										
5.2	¹⁹ All records required to be kept by the licence shall be: (a) In a legible form, or in a form that can readily be reduced to a legible form (b) Kept for at least four years after the monitoring or event to which they relate took place; and (c) Produced in a legible form to any authorised officer of the EPA who asks to see them.	Noise Monitoring Reports May 2022 and November 2022, Rodney Stevens Acoustics. https://patrick.com.au/environmental-monitoring/	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.	C										
5.3	²⁰ The following records shall be kept in respect of any samples required to be collected: (a) The date(s) on which the sample was collected; (b) The time(s) at which the sample was collected; (c) The point at which the sample was taken; and (d) The name of the person who collected the sample.	As above.	Refer Condition 5.2. No other monitoring has been required during the audit period.	C										
Requirement to Monitor Concentrations of Pollutants Discharged														
5.4	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.	EPL 6962.	No water quality monitoring is required by the EPL (6962) and there are no licenced discharge points.			NT								
	<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> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	POLLUTANT	UNITS OF MEASURE	FREQUENCY	SAMPLING METHOD									
POLLUTANT	UNITS OF MEASURE	FREQUENCY	SAMPLING METHOD											

¹⁸ EPA General Terms of Approval – M 1.1

¹⁹ EPA General Terms of Approval – M 1.2

²⁰ EPA General Terms of Approval – M 1.3

CoA No	DA-453-12-2002 Condition of Consent Requirement				Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
							C	NC	NT
	Oil and Grease	mg/L	Special Frequency 1	Repres					
	Total Suspended Solids	mg/L	Special Frequency 1	Repres					
	Turbidity	NTU	Special Frequency 1	Repres					
	Chemical Oxygen Demand	mg/L	Special Frequency 1	Repres					
	Total Organic Carbon	mg/L	Special Frequency 1	Repres					
	Total Petroleum Hydrocarbons	mg/L	Special Frequency 1	Repres					
	Lead	mg/L	Special Frequency 1	Repres					
	Zinc	mg/L	Special Frequency 1	Repres					
	pH	pH	Special Frequency 1	Repres					
	<p>Special Frequency 1 means a sample must be collected and analysed not more than one hour before the commencement of any discharge on any day and a further sample of the wastes being discharged not more than one hour after the commencement of the discharge on that day.</p> <p>Note: The monitoring results collected in compliance with condition 5.4 for Point 2 can be used to determine compliance with the concentration limit specified in Condition 3.36 for discharge from Point 1.</p>								
Water Quality Monitoring and Compliance Reporting									
5.7	<p>²¹Within 6 months of consent being granted and every 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>²²Within 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>				Noise Monitoring Reports May 2022 and November 2022, Rodney Stevens Acoustics.	Biannual Noise Compliance Monitoring Reports for May and November 2022 sighted. They are prepared in accordance with EPL 6962 and were submitted to the EPA.	C		

²¹ EPA General Terms of Approval – E 1.1

²² EPA General Terms of Approval – E 1.1

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	<p>(b) Identification of all noise sensitive receivers that may be affected by the operation, and select an appropriate number of representative receiver locations to represent all sensitive receivers;</p> <p>(c) The results of all noise measurements undertaken to assess compliance with condition 3.3 of this consent;</p> <p>(d) A statement of whether noise levels from all activities at the site comply with the specified noise limits at the representative receiver locations. The statement shall take into account tonal, impulsive and short duration noises originating from the facility;</p> <p>(e) Where noise levels have been assessed to exceed licence limits, a statement explaining the reason why this has taken place; and</p> <p>(f) A statement of what feasible and reasonable additional measures may be implemented to further reduce noise levels below that specified in the licence.</p>	<p>https://patrick.com.au/environmental-monitoring/</p> <p>Email Patrick to EPA, 15/8/2022 (submission of May 2022 Report to EPA)</p> <p>Email Patrick to EPA, 11/1/2023 (submission of November 2022 Report to EPA)</p>	<p>Noted that the Noise Monitoring Report for November 2022 was submitted to EPA and bay Side Council on the 9/1/2023.</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 4/7/22, revision 3 available online at http://www.patrick.com.au/environment-sustainability</p>	<p>The 'Patrick Port Botany Terminal Operational Environmental Management Plan' (OEMP) – Version 3 (4 July 2022) 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. Update to the OEMP occurred in July 2022 title was changed to Operational EMP; some roles, procedure numbers and content updates were also made.</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</p>	<p>Operational Environmental Management Plan dated 4/7/22, revision 3 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. Update to the OEMP occurred in July 2022 title was changed to Operational EMP; some roles, procedure numbers and content updates were also made.</p> <p>The following plans are available as part of the OEMP on Patrick Stevedores website to address the requirements of this condition:</p> <p>Stormwater Management Plan (V 3, 2022 Section 6.2)</p> <p>Vegetation Management Plan (OEMP – V3, 2022, Section 6.10)</p> <p>The Operational Traffic Management Plan (OEMP – V3, 2022, Section 6.7)</p> <p>Waste Management Plan (OEMP – V3, 2022, Section 6.4))</p> <p>Operational Noise Management Plan (OEMP – V3, 2022, Section 6.6)</p>	C		

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	<p>ramp access road area, including details of additional features such as soil and mulch details, irrigation details, retaining wall details, fencing details, details of hard surfaces, and any other landscape elements in sufficient detail to fully describe the proposed landscape works;</p> <p>(ii) details of existing and proposed utilities, as they relate to the development;</p> <p>(iii) maximisation of flora species endemic to the locality in landscaping the site;</p> <p>(iv) details of the proposed weed management system;</p> <p>(v) identification and details of staff recreation areas;</p> <p>(vi) details of car parking and measures to prevent vehicle encroachment onto landscaped areas; and</p> <p>(vii) a program to ensure that all landscaped and revegetated areas are maintained in a tidy, healthy state.</p> <p>(c) a Transport Management Plan to outline management of traffic conflicts associated with the operation of the development. The Plan shall include, but not necessarily be limited to:</p> <p>(i) details of measures that would be implemented to minimise noise and amenity impacts on residential areas resulting from heavy vehicle movements;</p> <p>(ii) outlines the monitoring procedures for major truck routes inbound and outbound from the site through the City of Botany Bay, as well as destinations within the City of Botany Bay;</p> <p>(iii) procedures for monitoring the effectiveness and suitability of these measures, particularly the periodic and random monitoring of heavy vehicle routes; and</p> <p>(iv) details of additional measures that would be implemented should be non-compliance be detected.</p> <p>(d) a Waste Management Plan to outline measures to manage resource consumption resulting from the operation of the development. The Plan shall meet the requirements of Council, should there be any. The Plan 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 <i>guidelines 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 4/7/22, revision 3 available online at https://patrick.com.au/about/safety-and-environment/</p>	<p>The last revision of the OEMP was in July 2022. The review included change the title to be an Operational EMP; roles, procedure numbers and some content updates were also made.</p> <p>Note: It was noted that notification to DPE on the latest review of the OEMP (4/7/22 – Rev.3) was made on the day of the audit - 11/01/2023.</p> <p>No other notification or request for notification have been made to EPA, Waterways Authority, or the Council.</p>	C		

CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
				C	NC	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 2021, 28/02/22.</p> <p>Email to DPE 20/2/2022 Non-compliance enforcement outcomes.</p> <p>Available online at https://patrick.com.au/environmental-monitoring/</p> <p>Post approval portal lodgement 28/2/2022</p> <p>Email DPIE to NSW Ports 28/02/22</p> <p>Warning letter from DPE 4/4/2022</p>	<p>The 2021 Compliance report is available on the website. https://patrick.com.au/environmental-monitoring/.</p> <p>The Report was submitted to the DPE on the 28/2/2022. Response was received with a warning letter on the 4/4/2022.</p> <p>Annual Environmental Management Report and Annual Compliance Report 2021 was provided to EPA on the 21/3/2022 and Bay Side Council on the 5/4/2022 as is required by this condition.</p>	C		
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>Independent Environmental Audit, WolfPeak, 23/02/2022. https://patrick.com.au/environmental-monitoring/</p> <p>DPIE post approval portal lodgement 25/2/2022</p> <p>Warning letter INV-40132287 from DPE dated 4/4/2022.</p>	<p>WolfPeak were approved as the auditors in 2017.</p> <p>The Audit of the facility for the 2021 audit period was completed by WolfPeak in 23/02/2022 in accordance with this condition. The Department provided a warning letter based on the findings within the Audit Report – dated 4/4/2022.</p> <p>This audit (2023) assesses compliance for the 2022 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 23/2/2022. https://patrick.com.au/environmental-monitoring/</p> <p>DPE post approval portal lodgement 25/2/2022</p> <p>Warning letter INV-40132287 from DPE dated 4/4/22, and Patrick response 20/04/22.</p>	<p>The 2021 Audit was commenced on 18/1/2022 and finalised on 23/02/2022. Submission to the Department was undertaken on 25/2/2022.</p> <p>The Department provided a warning letter based on the Audit Report. Response was submitted on the 20/4/2022 with actions on the 3 concerns raised by the Department.</p>	C		
EPA Annual Return						

CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
				C	NC	NT
6.9	<p>²³The Applicant shall provide an annual return to the EPA in relation to the development as required by any licence under the <i>Protection of the Environment Operations Act 1997</i> in relation to the development. In the return the Applicant shall:</p> <p>a) report on the annual monitoring undertaken (where the activity results in pollutant discharges);</p> <p>b) provide a summary of complaints relating to the development;</p> <p>c) report on compliance with licence conditions; and</p> <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 11/5/2022</p> <p>NSW EPA POEO Public Register (online)</p>	<p>Annual Return submitted to EPA on 11/5/2022. No non-compliances were identified. The Auditee is not aware of any formal response having been provided by the EPA.</p> <p>The Annual Return information can be found in the EPA website on the License summary EPL 6962</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 4/7/22, revision 3 available online at https://patrick.com.au/about/safety-and-environment/</p> <p>Noise Monitoring Reports May 2022 and November 2022, Rodney Stevens Acoustics. https://patrick.com.au/environmental-monitoring/</p>	<p>Noted. The 2022 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)						
7.4	<p>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>.</p>	<p>Site inspection 11/01/23</p>	<p>Flammable and combustible liquid storage was adequate on the day of the audit. The two cabinets for dangerous goods were in place and maintained neatly. Pallet drums were sighted, refer to site inspection photos. Bulk and minor chemical storages were sighted. Each vessel and storage facility was labelled, appeared sound and positioned within an adequately sized bund. Refer to the site photos for reference.</p>	C		
Storage of Waste Oil						
7.5	<p>Waste oil shall be stored in a covered and banded 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.</p>	<p>Site inspection 11/01/23</p> <p>Transport Certificates for liquid waste for:</p> <ul style="list-style-type: none"> - 16/03/2022, 24/01/2022 with N205 industrial waste - 02/02/2022 & 25/10/2022 with N205 trade waste cleaning; - 28/11/2022 & 20/12/2022 with J120 waste oil <p>Trade waste bio security delivery docket from Veolia - Separation Bin 15/2/2022</p>	<p>Waste oil storage was sighted. No issues observed, refer to site inspection photos.</p> <p>Liquid waste was being tracked in accordance with the POEO Act and Waste Regulation.</p> <p>Records including, Transport Certificates for liquid waste and Trade waste bio security delivery docket from Veolia - Separation Bin (15/2/2022) were sighted.</p>	C		
Fuel Tanks and Fuel Filling Areas						
7.6	<p>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>.</p>	<p>Site inspection 11/01/23</p> <p>Transtank Operations and Maintenance Manual – SO10276</p> <p>Dual P69 Refuelling Facility Rev.1</p>	<p>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. The Operations</p>	C		

²³ 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
			and Maintenance Manual indicates that the relevant standards and guidelines have been adopted in the facility.			
Fuel Bowers						
7.7	Fuel bowzers 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 11/01/23 Transtank Operations and Maintenance Manual – SO10276 Dual P69 Refuelling Facility Rev.1	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. The Operations and Maintenance Manual indicates that the relevant standards and guidelines have been adopted in the facility.	C		
Bunding – Multiple Containers (Excluding Shipping Containers)						
7.8	The area used for the storage of chemicals/liquids in containers (other than shipping containers) shall be banded. The bund (walls and floor) shall be constructed of impervious materials. The bund walls shall be a minimum of 100 mm high and be of a sufficient volume to contain 25% of the maximum volume of liquids likely to be stored within the bund. The bund shall be designed and installed in accordance with AS1940-1993 <i>The Storage And Handling Of Flammable And Combustible Liquids.</i>	Site inspection 11/01/23	The bunding sighted during the inspection comprised permanent fixtures and pallet bunds. Permanent fixtures appeared to comply with AS1940. Pallet bunds are used for storage of 20 – 240L containers of fuels and oils. These containers are in use. To note: AS1940 states <i>that portable bunding units, e.g. banded pallets, or flexible bunding units are not suitable for permanent storage as there are no uniform performance criteria for chemical resistance or fire resistance and they can be easily moved to an unsuitable location. They may be suitable for the short-term holding of damaged packages, or where goods are in transit or in manufacturing and handling areas.</i>	C		
Bunding – Tank						
7.9	The area used for the storage of chemicals/liquids in tanks shall be banded. The bund (walls and floor) shall be constructed of impervious materials and shall be of sufficient volume to contain at least 110% of the volume of the tank(s). The bund shall be designed and installed in accordance with AS1940-1993 <i>The Storage And Handling Of Flammable And Combustible Liquids.</i>	Site inspection 11/01/23 Transtank Operations and Maintenance Manual – SO10276 Dual P69 Refuelling Facility Rev.1	The bunding sighted during the inspection comprised permanent fixtures and pallet bunds, refer to the site photos. Permanent fixtures appeared to comply with AS1940. The Transtank Operations and Maintenance Manual indicates that the supplied tanks are of double walled, self-banded construction so they do not require a separate spill containment bund. Nevertheless there is a secondary containment system around each tank. The Operations and Maintenance Manual indicates that the relevant standards and guidelines have been adopted in the facility. Bulk and minor chemical storages were sighted. Each vessel and storage facility was labelled, appeared sound and positioned within an adequately sized bund. Refer to the site photos for reference.	C		
Maintenance of Banded Area						
7.10	Banded areas shall be properly maintained and all spillages and/or wastes within the banded areas cleaned up as soon as practicable and disposed of in a manner that does not pollute waters.	Site inspection 11/01/23	Bunds and banded areas were well maintained. Spill kits were also available at various locations in the warehouse.	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 11/01/23	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		
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 11/01/23	Spill kits were available across the site at suitable locations and suitably stocked. Refer to site photos. Refer to conditions 3.38 – 3.44 regarding waste disposal.	C		
Emergency Spill Response Management Plan						

CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
				C	NC	NT
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), 31/3//2022. PB Terminal Standard Operating Procedure for Storage and Handling of Hazardous / Dangerous Goods, April 2019 2018 Australian Emergency Response Guide Book 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 on the 31 March 2022 re. revision to conform with AS 3745-2010, no changes made in the spill management procedure. Note: Emergency Management Plan (31/3/2022) includes a list of chemicals stored/used on site (section 5.3) but does not specify the maximum quantities or the details of spill stations and signage. It was noted that the PB Terminal Standard Operating Procedure for Storage and Handling of Hazardous / Dangerous Goods, April 2019 includes some details for quantities.	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 11/01/23 EPL 6962 Sydney Water Trade Waste Consent No. 24990. Maximo data: - Trade waste Service for 1/12/2022 PO No. M279903 and 5/12/2022 PO No. M282232 - Workshop trade waste pit clean 12/12/2022, 13/12/2022 PO No. M282233 - Monthly services for Trade waste system from Feb 2022 to Jan 2023. - Storm Pits Drain Safe Service (PM) Work Order No. 10985405 31/10/2022 and Work Order No. 10929802 04/01/2022.	Workshop under cover and being used for mechanical repairs, servicing etc. The facility is graded with pipework going to the treatment plant to trade waste, or to a blind underground tank for collection by a liquid waste contractor. North and south underground trade waste pits are manually emptied and transferred in the wash bay to the main trade waste Autobatch; the work is carried out under the trade waste monthly service.	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 11/01/23 EPL 6962 Sydney Water Trade Waste Consent No. 24990. Maximo data: - Trade waste Service for 1/12/2022 PO No. M279903 and 5/12/2022 PO No. M282232 - Workshop trade waste pit clean 12/12/2022, 13/12/2022 PO No. M282233 - Monthly services for Trade waste system from Feb 2022 to Jan 2023.	Workshop under cover and being used for mechanical repairs, servicing etc. The facility is graded with pipework going to the treatment plant to trade waste , or to a blind underground tank for collection by a liquid waste contractor. North and south underground trade waste pits are manually emptied and transferred in the wash bay to the main trade waste Autobatch; the work is carried out under the trade waste monthly service.	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	Site inspection 11/01/23 EPL 6962 Sydney Water Trade Waste Consent No. 24990.	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
	windrow. Disposal of wastewater from wet scrubbing shall be disposed of in accordance with Sydney Water's <i>Trade Waste Policy and Management Plan</i> .	Interview with auditees 11/01/23				
Maintenance of Filters						
7.17	All spray booth filters shall be regularly maintained to ensure emissions of air pollutants are minimised.	Site inspection 11/01/23 EPL 6962 Sydney Water Trade Waste Consent No. 24990. Interview with auditees 11/01/23	Workshop under cover and being used for mechanical repairs, servicing etc. There is no specific booth for spraying. it is understood that no spraying was undertaken during the audit period.			NT
STORMWATER						
Vehicle Wash Bay						
7.18	Washing of vehicles shall be conducted in a wash bay that is roofed and bunded to exclude rainwater. The wash bay shall be installed in accordance with Sydney Water's requirements. A Permission to Discharge Trade Wastewater permit shall be obtained from Sydney Water before discharge to sewer commences. The wash bay shall be regularly cleaned and maintained. Alternative water management and disposal options may be appropriate where water is recycled, minimised or re-used on the site.	Site inspection 11/01/23 EPL 6962 Sydney Water Trade Waste Consent No. 24990. Terminal Stormwater Drainage System (Drawing) 17/10/2017 Interview with auditees 11/01/23	Workshop under cover and being used for mechanical repairs, servicing etc. The facility is graded with pipework going to the treatment plant to trade waste, or to a blind underground tank for collection by a liquid waste contractor. The wash bay has been maintained, refer to site inspection photos.	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 11/01/23	Observation: Signage at some of the stormwater inlets has been faded and requires re-painting. Refer to the site photos in Appendix E (photos 5, 6 and 7).	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 11/01/23 Sydney Water Trade Waste Consent No. 24990. Transport Certificate No. 2T01314051 dated 20/12/2022 for puraceptor clean. SQID – Stormwater Quality Improvement Device Annual Service (Preventive Maintenance) Work Order No. 10921284 for 8/11/2021 and Work Order No. 10874882 for 17/11/2020. Monthly services for Trade waste system from Feb 2022 to Jan 2023. Storm Pits Drain Safe Service (PM) Work Order No. 10985405 31/10/2022 and Work Order No. 10929802 04/01/2022.	Evidence shows that drain wardens, puraceptor, SQIDS and trade waste system is serviced regularly throughout the year. Liquid waste is either disposed of by a liquid waste contractor or via trade waste. It was indicated by the auditee that the SQIDs were not serviced in 2022 due to rail construction, all the drain leading to them were blocked off. Observation: During the site inspection it was noted that accessibility to open/close the drain safe units was not consistent across all units (i.e.: some units required the stormwater grate to be lifted in order to deploy the drain safe mechanism). Refer to photo No. 7 in Appendix E.	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;	Site inspection 11/01/23 Interview with auditees 11/01/23	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
	(d) At a minimum the bay should be protected from the entry of external surface waters, by either; a minimum 2% change in grade; or combination of a minimum 2% grade change and a grated drainage system; (e) At a minimum the bay should have a roof that has a minimum height of 2.5m; (f) All uncontaminated stormwater/rainwater must be directed to the dedicated stormwater drainage systems; (g) Ensure all contaminants removed from the recycled wastewater are disposed of appropriately; (h) Have an appropriately designed wastewater/recycled water storage tank; (i) All contaminants and gross solids removed from the recycled water are disposed of appropriately; (j) Ensure that the wastewater recycling system is functioning as intended; and (k) Ensure that all wastewater is retained within the recycling system.					
Removal Off-Site By An Authorised Liquid Waste Disposal Contractor						
7.22	All vehicle washing bays that will have all wastewater removed off site shall meet the following requirements: (a) Have a floor that is sealed and graded to an internal drainage point, so that all wastewater and surface spillage is directed and drains to the approved treatment and disposal point; (b) Roofed and bunded so that all uncontaminated stormwater from the roof areas and uncovered areas, are directed away from the bay; (c) At a minimum the bay should be constructed with a minimum 20 mm bund around the perimeter of the bay; (d) At a minimum the bay should be protected from the entry of external surface waters, by either; a minimum 2% change in grade; or combination of a minimum 2% grade change and a grated drainage system; (e) At a minimum the bay should have a roof that has a minimum height of 2.5 m; (f) All uncontaminated stormwater/rainwater must be directed to the dedicated stormwater drainage systems; (g) Have an appropriate capacity storage tank designed to hold all wastewater; (h) Keep and retain records for a period of five years, of when and how much water was removed by the authorised liquid waste disposal contractor when this occurs, on an annual basis. Provide a copy of the records to Council on request; and (i) That the water storage tank is maintained so that there are no leaks and is functioning as intended	Site inspection 11/01/23 Interview with auditees 11/01/23 Sydney Water Trade Waste Consent No. 24990. Transport Certificates for liquid waste for: - 16/03/2022, 24/01/2022 with N205 industrial waste - 02/02/2022 & 25/10/2022 with N205 trade waste cleaning; - 28/11/2022 & 20/12/2022 with J120 waste oil.	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 trade waste 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) is sufficiently sized to hold generated waste water. Refer to site inspection photos. Transport Certificates for liquid waste were sighted.	C		
Discharge To The Sewer Via Appropriate Pre-Treatment						
7.23	All vehicle washing bays that discharge to sewer shall meet the following requirements: (a) Discharges into the sewer requires a <i>Permission to Discharge Trade Wastewater</i> certificate issued by Sydney Water; (b) Have a floor that is sealed and graded to an internal drainage point, so that all wastewater and surface spillage is directed and drains to the approved treatment and disposal point; (c) Is roofed and bunded so that all uncontaminated stormwater from the roof areas and uncovered areas, are directed away from the bay; (d) At a minimum the bay should have a roof that has a minimum height of 2.5 m; (e) Have a roof that has a minimum height of 2.5 m; (f) Be constructed with a minimum 20 mm bund around the perimeter of the bay; (g) Be protected from the entry of external surface waters, by either; a minimum 2% change in grade; or combination of a minimum 2% grade change and a grated drainage system; (h) All uncontaminated stormwater/rainwater must be directed to the dedicated stormwater drainage systems; (i) Have a 1000 L general purpose pit; and (j) Carry out appropriate inspections and maintenance of the General Purpose Pit. The thickness of the sediment and oil levels, and outflow oil concentrations to be logged quarterly and submitted to Council. The pit is to be pumped out at least every 12 months or at more frequent interval as nominated by Council.	Site inspection 11/01/23 Interview with auditees 11/01/23 Sydney Water Trade Waste Consent No. 24990. Monthly services for Trade waste system from Feb 2022 to Jan 2023. Transport Certificates for liquid waste for: - 16/03/2022, 24/01/2022 with N205 industrial waste - 02/02/2022 & 25/10/2022 with N205 trade waste cleaning	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 trade waste 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) is sufficiently sized to hold generated waste water. The Auto Batch Unit is regularly inspected and maintained to ensure the solid conveyor is functioning correctly. The auditee indicated that the Auto Batch unit inspection is carried out under trade waste monthly service. Monthly services for Tradewaste system from February 2022 to January 2023.	C		
Disposal of Wastewater To Land Incorporating Appropriate Treatment Devices						

CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
				C	NC	NT
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 11/01/23 Interview with auditees 11/01/23 Sydney Water Trade Waste Consent No. 24990. Transport Certificates for liquid waste for: - 16/03/2022, 24/01/2022 with N205 industrial waste - 02/02/2022 & 25/10/2022 with N205 tradewaste cleaning	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 trade waste under the Sydney Water Trade Waste Consent No. 24990. Liquid waste is also disposed of by a liquid waste contractor. There are no discharges to land.			NT
Energy Efficiency						
Energy Efficiency Compliance Report						
7.25	An Energy Efficiency Compliance Report shall be prepared within 15 months of the issuing of the occupation certificate. The Report shall certify that energy efficiency measures have been installed and verify that the building's energy performance complies with Councils Energy Efficiency DCP. A copy of the Report shall be made available to Council on request.	DPIE Post Approval Portal correspondence 07/09/2020 (submission of Energy Efficiency Report)	The Energy Efficiency Report was prepared in the first half of 2020. Patrick's submitted the Energy Efficiency Report and on 07/09/2020 the Department advised that it had no comments. The Auditor is not aware of Council requesting a copy of the Report.	C		



APPENDIX B – 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> <p>a) Development Application DA-494-11-2003-i, lodged with the Department on 26 November 2003.</p> <p>b) <i>Port Botany Expansion: Environmental Impact Statement</i> (ten volumes), prepared by URS Pty Ltd and dated November 2003;</p> <p>c) <i>Port Botany Expansion Commission of Inquiry – Primary Submission</i></p> <p>d) <i>Port Botany Expansion Commission of Inquiry – Supplementary Submission to Environmental Impact Statement</i>, prepared by URS Pty</p> <p>e) <i>Port Botany Expansion Environmental Impact Statement – Supplementary Submission</i> (two volumes), prepared by URS Pty Ltd and dated October 2004; and, and</p> <p>f) modification application MOD-107-9-2006-i, accompanied by <i>Port Botany Expansion, Section 96(1A) Application: Modification of Consent</i></p> <p>g) modification application MOD-134-11-2006-i, accompanied by <i>Port Botany Expansion, Section 96(1A) Modification – Wharf Structure Design</i>, prepared by Sydney Ports Corporation and dated November NSW Government Department of Planning</p> <p>h) modification application MOD-149-12-2006-i, accompanied by <i>Port Botany Expansion, Section 96(1A) Modification – Application to Modify Conditions B2.9 and B2.22 of the Port Botany Consent</i>, prepared by</p> <p>i) modification application MOD-78-9-2007-i, accompanied by <i>Port Botany Expansion – Modification of Conditions C2.20 & C2.25</i>, prepared by</p> <p>j) modification application MOD-60-9-2008, accompanied by <i>Port Botany Expansion – Modification of Conditions B2.46 and C2.25</i>, prepared by</p> <p>k) modification application MOD-68-12-2008, accompanied by a letter from</p> <p>l) modification application MOD-08-03-2009, accompanied by a letter from Sydney Ports Corporation dated 16 February 2009 and assessment report titled <i>Port Botany Expansion – Rail Operations Section 96(1A)</i></p> <p>m) modification application 494-11-2003-I MOD 8, accompanied by an assessment report titled <i>Port Botany Expansion – Ship Turning Area</i></p> <p>n) modification application DA-494-11-2003-i MOD 9, accompanied by an assessment report titled <i>Port Botany Expansion – Additional High Spot Dredging off Molineux Point Section 96(1A) Modification</i> dated May</p> <p>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> <p>p) modification application DA-494-11-2003-i MOD 11, accompanied by an assessment report titled <i>Sydney Port Botany Terminal No. 3 PKG-17.1 Planning Section 75W Modification Operations Building and</i></p> <p>q) modification application DA-494-11-2003-i MOD 12, accompanied by an assessment report titled <i>Sydney Port Botany Terminal No. 3 PKG-17.1 Planning Section 75W Modification to Stormwater First Flush System</i> dated 15 February 2012 and supplementary advice provided on 6 June</p>	Evidence referred to elsewhere in the compliance table.	<p>Compliance with these requirements is verified through this independent audit process.</p> <p>Assessment of compliance is made against the consolidated condition approval inclusive of MODS 1-17 and considers the EIS and associated documents.</p> <p>The operations of Patrick Stevedores as Terminal operator have largely remained unchanged from previous audit periods. The proponent has demonstrated that the relevant project plans, procedures, and protocols have been implemented.</p> <p>The scale of operations has not exceeded that predicted in the EIS and associated documents. The project boundaries remain unchanged.</p> <p>Based on the nature of operations, being consistent with previous years, 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>In so far 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 2002/534</p> <p>EPL 6962</p> <p>Sydney Water Trade Waste Consent No. 24990 (20/5/2019, valid for 48 months)</p> <p>Notice of Variation of Licence No. 6962 dated 1/9/2020.</p> <p>Patrick Port Botany Terminal Operational Environmental Management Plan' dated 4 July 2022 revision 3.</p> <p>Trade Wastewater Discharge Schedule Permit No 40110 (18/4/2019).</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. Notice of Variation of Licence No. 6962 was sighted dated 1/9/2020 where the premises address was amended (condition A2.1). Signed by delegated authority from EPA.</p> <p>Sydney Water Trade Waste Consent No. 24990 is current (20/5/2019), valid for 48 months.</p> <p>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 (18/4/2019) issued by Sydney Water for grease arrestor at canteen.</p>	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	NSW Ports Monthly Trade Reports from January to November 2022	Monthly trade reports 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
		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	https://www.nswports.com.au/resources-filtered/trade-reports				
SCHEDULE C: TERMINAL OPERATIONS							
C1 GENERAL							
Application of Schedule							
C1.1	Patrick Stevedores	The conditions in this Schedule of the consent relate to all the development and activities associated with the operation of the container terminal and associated infrastructure	Evidence referred to elsewhere in the compliance table.	Noted. Patrick Stevedores is a Terminal operator and has commissioned this Audit to assess compliance against these conditions with respect to its own operations	C		
C1.2	Patrick Stevedores	The conditions in this sub-schedule of the consent must be complied with by the Applicant, or any party undertaking the activities and works referred to under condition C1.1, with the exception of the undertaking of Temporary Uses, which are subject to condition C1.2A. Should more than one terminal operator undertake operations within the terminal area, compliance with the conditions of this Schedule may be undertaken individually by operators, or collectively	Evidence referred to elsewhere in the compliance table.	Noted. Patrick Stevedores is a Terminal operator and has commissioned this Audit to assess compliance against these conditions with respect to its own operations	C		
Interim Uses Port, Maritime and Waterway Related Uses- Hayes Dock Service Area							
C1.2A		C1.2A The conditions in this sub-schedule of the consent must be complied with by the Applicant, or any party undertaking activities and works associated with Port, Maritime and Waterway Related Uses Interim Uses, except conditions C1.3, C1.4 C1.5, C2.5, C2.12, C2.16, C2.17, C2.18, C2.20, C2.25, C3.1, C3.2, C3.3, C4.2, C4.3, C4.4 and C4.5.	Site inspection 11/01/23	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; 	Site inspection 11/01/23	Patricks do not use Hayes Dock. This condition is not applicable to Patrick's operation.			NT

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		<p>- A description of how the effectiveness of mitigation and management measures would be maintained.</p> <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. <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 11/01/23	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 11/01/23	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, 	Site inspection 11/01/23	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
		<ul style="list-style-type: none"> - 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. 					
C1.2F		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.	Site inspection 11/01/23	Patricks do not use Hayes Dock. This condition is not applicable to Patrick's operation.			NT
Operation Environmental Management Plan							
C1.3	Patrick Stevedores	<p>The Applicant shall prepare an Operation Environmental Management Plan (OEMP) which must be approved by the Director-General prior to commencement of any operations at the terminal. The OEMP must:</p> <ul style="list-style-type: none"> - identify all statutory obligations that the Applicant is required to fulfil in relation to operation of the development, including all consents, licences, approvals and consultations; - describe any relevant staging or phasing of the commencement of operations within the terminal envelope and any relevant timeframes; - clearly outline what aspects of environmental management, monitoring and reporting would be undertaken by the Applicant or jointly with other operators within the terminal area; - include a description of the roles and responsibilities for all key employees involved in the operation of the development; - include overall environment policies and principles to be applied to the operation of the facility; - include specific consideration of measures to address any requirements of DPIE, EPA, and the Council during operation; - detail standards and performance measures to be applied to the development, and a means by which environmental performance can be periodically reviewed and improved, where appropriate; - detail management policies to ensure that environmental performance goals are met and to comply with the conditions of this consent; - include the Management Plans relevant to operation, include the environmental monitoring requirements relevant to operation; and - be made available for public inspection after approval of the Director General. 	<p>Patrick Port Botany Terminal Operational Environmental Management Plan' dated 4 July 2022, revision 3.</p> <p>Available on website: https://patrick.com.au/about/safety-and-environment/</p>	<p>The 'Patrick Port Botany Terminal Operational Environmental Management Plan' (OEMP) has been prepared to satisfy this condition and is available on the Operators website. The document (dated 5/07/19, version 2.0) was approved by the Department prior to the current audit period.</p> <p>Update to the OEMP occurred on the 4/07/22, version 3.0. The updates involved minor administrative changes</p>	C		
Compliance Certification							
C1.4	Patrick Stevedores	<p>Prior to each of the events listed from a) to b) below, or within such period otherwise agreed by the Director-General, documentation certifying that all conditions of this consent applicable prior to that event have been complied with shall be submitted to the satisfaction of the Director-General. Where an event is to be undertaken in stages, submission of compliance certification may be staged consistent with the staging of activities relating to that event, subject to the prior agreement of the Director-General.</p> <p>a) commencement of any operations within the terminal area; and</p> <p>b) commencement of each stage or phase of operations</p>	<p>Pre-Operational Compliance Report dated December 2015</p> <p>Letter of submission of report, 11/01/16</p> <p>DPIE approval dated 04/02/16</p>	<p>The Pre-Operational Compliance Report for the Patrick Port Botany 'Knuckle' and Ramp D (dated December 2015) was approved by the Director-General on 4/02/16 (refer to letter from Ms Karen Harragon, NSW Department of Planning & Environment to Mr Trevor Brown, NSW Ports).</p>	C		
C1.5	NSW Ports/ Patrick Stevedores	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>Pre-Operational Compliance Report dated December 2015</p> <p>Letter of submission of report, 11/01/16.</p>	<p>The Department of Planning & Environment (DP&E) requested (22/12/17) 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 5/01/18.</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
			DPIE approval dated 04/02/16. Interview with auditees 11/01/23.				
Air quality management							
C2.1	Patrick Stevedores	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	Site inspection 11/01/23 Community Feedback Reports Q1-Q4 2022	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.	C		
C2.2	Patrick Stevedores	All activities shall be undertaken in a manner that minimises or prevents dust emissions from the site, including wind-blown and traffic-generated dust. All activities undertaken on the site shall be undertaken with the objective of preventing visible emissions of dust from the site. Should such visible dust emissions occur at any time, all practicable dust mitigation measures, including cessation of relevant works, as appropriate, shall be identified and implanted such that emissions of visible dust cease	Operation Air quality Management Plan Section 6.1 of the Patrick Port Botany Terminal Operational Environmental Management Plan' dated 4/7/22, revision 3. Available on website: https://patrick.com.au/about/safety-and-environment/ Site inspection 11/01/23 Community Feedback Reports Q1-Q4 2022 Sydney AutoStrad Botany Rail Expansion Project – 'SABRE', Construction Environmental Management Plan, TCE Contracting, 07/10/2022 Rev.2 Environmental and Safety inspections for: 20/04/2022, 22/06/2022, 27/09/2022 and 30/12/2022	The Air Quality Management Plan sits (OEMP, V3, 4/7/2022 – Section 6.1) has been prepared in consultation with the relevant stakeholders and approved by the Department prior to the current audit period. 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 from TCE Contracting dated 7/10/2022 (Rev.2) includes a section for dust management (air quality management 3.2.3), and it also mentioned the PMP's Dust Management Plan. During the site inspection the works sighted were whole contained within the site and no dust was apparent. No dust emissions were detected and no complaints from parties external to the site regarding dust emissions have been received during the reporting period. Records for the Environmental and Safety inspections were presented for: 20/04/2022, 22/06/2022, 27/09/2022 and 30/12/2022. No dust issues were recorded.	C		
C2.3	Patrick Stevedores	All trafficable and vehicle manoeuvring areas shall be maintained at all times in a condition that minimises the generation and emission of dust	Site inspection 11/01/23 Community Feedback Reports Q1-Q4 2022 Sydney AutoStrad Botany Rail Expansion Project – 'SABRE', Construction Environmental Management Plan, TCE Contracting, 07/10/2022 Rev.2 Environmental and Safety inspections for: 20/04/2022, 22/06/2022, 27/09/2022 and 30/12/2022	Surfaces are paved and no loose materials were noted during site inspection. 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 from TCE Contracting dated 7/10/2022 (Rev.2) includes a section for dust management (air quality management 3.2.3), and it also mentioned the PMP's Dust Management Plan. No dust emissions were detected during the audit site inspection and no complaints from parties external to the site regarding dust emissions have been received during the reporting period.	C		
C2.4	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 11/01/23	Heavy vehicles entering or leaving the site carry containers or are closed liquid / solid waste trucks or are flat beds. The requirement to cover loads is a requirement under NSW Road Laws.	C		
Noise Management							
C2.5	Patrick Stevedores	Prior to the commencement of operations, the Applicant must prepare an Operation Noise Management Plan in consultation with EPA, DPIE, Botany	Operation Noise Management Plan Section 6.6 of the Patrick	The Operational Noise Management Plan (OEMP, V3, 4/7/2022– Section 6.6) has been prepared in consultation	C		

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		<p>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; - 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>Port Botany Terminal Operational Environmental Management Plan' dated 4/7/22, revision 3.</p> <p>Available on website: https://patrick.com.au/about/safety-and-environment/</p> <p>Noise Monitoring Reports May 2022 and November 2022, Rodney Stevens Acoustics. https://patrick.com.au/environmental-monitoring/</p>	<p>with the relevant stakeholders and approved by the Department prior to the current audit period. The OEMP was reviewed in July 2022.</p> <p>Biannual Noise Compliance Monitoring Reports for May and November 2022 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> </tbody> </table>	Most affected residential Location	Day	Evening	Night			LAeq (15 minute)	LAeq (15 minute)	LAeq (15 minute)	LAeq,9hrs	LA1(1 minute)	Chelmsford Avenues	40	40	40	38	53	Dent Street	45	45	45	43	59	Jennings Street	36	36	36	35	55	Botany Rd (nth of golf club)	47	47	47	45	59	Australia Ave	35	35	35	35	57	<p>Noise Monitoring Reports May 2022 and November 2022, Rodney Stevens Acoustics. https://patrick.com.au/environmental-monitoring/</p> <p>Community Feedback Reports Q1-Q4 2022</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>Register of complaints sighted. On the 19/8/2022 a noise complaint was made and after the investigation attribute to DP World, receive a voicemail from resident neighbour. The noise complaint received during the audit period was investigated and determined not be attributable to their operations of Patricks.</p>	C		
Most affected residential Location	Day	Evening		Night																																												
	LAeq (15 minute)	LAeq (15 minute)	LAeq (15 minute)	LAeq,9hrs	LA1(1 minute)																																											
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		<table border="1"> <tr> <td>Military Road</td> <td>42</td> <td>42</td> <td>42</td> <td>40</td> <td>60</td> </tr> </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 	Military Road	42	42	42	40	60					
Military Road	42	42	42	40	60								
C2.7	Patrick Stevedores	Noise from the premises is to be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary, to determine compliance with the noise level limits in Condition C2.6 unless otherwise stated	Noise Monitoring Reports May 2022 and November 2022, Rodney Stevens Acoustics. https://patrick.com.au/environmental-monitoring/	Biannual noise monitoring reports are completed. The noise reports satisfy this requirement	C								
C2.8	Patrick Stevedores	Noise from the premises is to be measured at 1m from the dwelling façade to determine compliance with the LA1 (1 minute) noise level in Condition C2.6	Noise Monitoring Reports May 2022 and November 2022, 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 2022 and November 2022, 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 2022 and November 2022, 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 2022 and November 2022, 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	<p>Prior to the commencement of terminal operations, the applicant must prepare an Operational Traffic Management Plan in consultation with TfNSW (RMS), DPIE, Botany and Randwick Councils and SSROC. The Applicant shall address the requirements of these organisations in the Plan. The Applicant shall also consult with the Community Consultative Committee in preparation of the Plan. The plan must include, but not be confined to, mitigation measures identified in EIS such as:</p> <ul style="list-style-type: none"> identification of preferred routes to minimise noise impacts on the surrounding community; physical and operational measures (including signage) to mitigate noise impacts from vehicles accessing and leaving the terminal; measures to limit the impact of traffic noise on Foreshore Road and Botany Road; driver education and information to promote driver habits to minimise noise; and timetabling, scheduling and details of vehicle booking systems. 	<p>Operational Traffic Management Plan Section 6.7 of the Patrick Port Botany Terminal Operational Environmental Management Plan' dated 4/7/22, revision 3.</p> <p>Available on website: http://www.patrick.com.au/environment-sustainability</p>	The Operational Traffic Management Plan (OEMP, V3, 4/7/22 – 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 was revised in July 2022.	C								

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		The plan must be submitted and approved by the Director-General prior to the commencement of operations					
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	<p>Waste Management Plan Section 6.4 of the Patrick Port Botany Terminal Operational Environmental Management Plan' dated 4/7/22, revision 3.</p> <p>Available on website: https://patrick.com.au/environmental-monitoring/</p> <p>EPL 6962 EPL 20581 EPL 6179</p> <p>Transport Certificates for liquid waste for:</p> <ul style="list-style-type: none"> - 16/03/2022, 24/01/2022 with N205 industrial waste - 02/02/2022 & 25/10/2022 with N205 tradewaste cleaning; - 28/11/2022 & 20/12/2022 with J120 waste oil. <p>Site inspection 1821/01/221 PBT Solid Waste Management Register current to 22/10/2022. PBT Liquid Waste Register current to December 2022 Scrap Tyre Analysis report 29/9/2022 Email 28/2/2022 from Trelleborg Waste transport company) to EPA Email from Trelleborg to Patricks 7/4/2022 and 5/5/2022 Correspondence Trelleborg and Molycop (Waste transport companies) 9/1/2023 to 19/01/2023</p>	<p>A Waste Management Plan (OEMP, V3, 4/7/22 – section 6.4) identifies the approach to managing wastes on site. The OEMP was approved by the Department prior to the current audit period. An update to the OEMP occurred in July 2022. EPL 6962 Condition L2 allows Patrick Stevedores to receive types of waste at the premises.</p> <p>Waste management on site (liquid and solid waste) was satisfactory. Liquid waste was being tracked in accordance with the POEO Act and Waste Regulation.</p> <p>To note: the wastes being generated are pre-classified within the NSW Waste Classification Guidelines.</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 from 2020 independent audit: Waste tyres being disposed of from the facility but not being tracked in accordance with the POEO Act and POEO Waste Regulation. The following actions were undertaken during 2022:</p> <ul style="list-style-type: none"> - Sighted email 28/2/2022 from Trelleborg Waste transport company) to EPA cc Patricks requesting advice to create a consignment in the waste locate system to track the tyres. - Sighted, email from Trelleborg to Patricks indicating they have contacted EPA on the 7/4/2022 and 5/5/2022 and still waiting on further advice. - Sighted correspondence between Trelleborg and Molycop (Waste transport companies) from the 9/1/2023 to the 19/01/2023 indicating that straddle tyres have a tyre serial number which will be recorded and sent to Molycorp 360 when straddle tyres for Patricks are sent for disposal. - Molycorp is an accredited participant of the TSA (Tyre Stewardship of Australia), and information has been collected as to how the tyres are being processed at end of life. - Trelleborg has provided a Scrap Tyre Analysis report recording the tyres serial number <p>It was noted that in accordance with EPA website, tyre consignors, transporters and facilities transporting or receiving waste tyres in NSW weighing more than 200 kilograms, or consisting of 20 or more tyres, in one load must track and report this waste to the EPA using WasteLocate.</p> <p>At the time of this report been prepared, Trelleborg has been unable to use EPA's WasteLocate app to track waste tyres as they are not an authorised tyre receiver. This was identified as a limitation on the system and has been raised with the EPA.</p>			

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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 4/7/22, revision 3. Available on website: https://patrick.com.au/environmental-monitoring/</p> <p>EPL 6962 EPL 20581 EPL 6179</p> <p>Transport Certificates for liquid waste for:</p> <ul style="list-style-type: none"> - 16/03/2022, 24/01/2022 with N205 industrial waste - 02/02/2022 & 25/10/2022 with N205 trade waste cleaning; - 28/11/2022 & 20/12/2022 with J120 waste oil. <p>Site inspection 1821/01/221 PBT Solid Waste Management Register current to 22/10/2022. PBT Liquid Waste Register current to December 2022 Scrap Tyre Analysis report 29/9/2022 Email 28/2/2022 from Trelleborg Waste transport company) to EPA Email from Trelleborg to Patricks 7/4/2022 and 5/5/2022 Correspondence Trelleborg and Molycop (Waste transport companies) 9/1/2023 to 19/01/2023</p>	<p>A Waste Management Plan (OEMP, V3, 4/7/22 – section 6.4) identifies the approach to managing wastes on site. The OEMP was approved by the Department prior to the current audit period. An update to the OEMP occurred in July 2022. EPL 6962 Condition L2 allows Patrick Stevedores to receive types of waste at the premises.</p> <p>Waste management on site (liquid and solid waste) was satisfactory. Liquid waste was being tracked in accordance with the POEO Act and Waste Regulation.</p> <p>To note: the wastes being generated are pre-classified within the NSW Waste Classification Guidelines.</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 from 2020 independent audit: Waste tyres being disposed of from the facility but not being tracked in accordance with the POEO Act and POEO Waste Regulation. The following actions were undertaken during 2022:</p> <ul style="list-style-type: none"> - Sighted email 28/2/2022 from Trelleborg Waste transport company) to EPA cc Patricks requesting advice to create a consignment in the waste locate system to track the tyres. - Sighted, email from Trelleborg to Patricks indicating they have contacted EPA on the 7/4/2022 and 5/5/2022 and still waiting on further advice. - Sighted correspondence between Trelleborg and Molycop (Waste transport companies) from the 9/1/2023 to the 19/01/2023 indicating that straddle tyres have a tyre serial number which will be recorded and sent to Molycorp 360 when straddle tyres for Patricks are sent for disposal. - Molycorp is an accredited participant of the TSA (Tyre Stewardship of Australia), and information has been collected as to how the tyres are being processed at end of life. - Trelleborg has provided a Scrap Tyre Analysis report recording the tyres serial number <p>It was noted that in accordance with EPA website, tyre consignors, transporters and facilities transporting or receiving waste tyres in NSW weighing more than 200 kilograms, or consisting of 20 or more tyres, in one load must track and report this waste to the EPA using Waste Locate.</p> <p>At the time of this report been prepared, Trelleborg has been unable to use EPA's Waste Locate app to track waste tyres as they are not an authorised tyre receiver. This was identified as a limitation on the system and has been raised with the EPA.</p>		NC – remains open	
Water and Wastewater Management							
C2.14	Patrick Stevedores	Except as may be expressly permitted by a licence under the Protection of the Environment Operations Act 1997 in relation to the development, section	NOGGIN incident register 01/01/22 – 31/12/22 EPL 6962	No water quality monitoring is required by the EPL (6962) and there are no licenced discharge points.	C		

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		120 of that Act (prohibition of the pollution of waters) shall be complied with in connection to the development.	Patrick HSE Incident Management and Reporting Procedure Letter HWL Ebsworth to Patrick, 08/10/20	Patrick has advanced incident reporting protocols a Notify Pollution Incidents procedure was developed, dated 9/1/2023 so it can include a reporting protocol to better align with the POEO Act. In total 39 x environmental events recorded in the incident management systems; none required to be reported to EPA. None of the incidents within the register indicated a breach of s120 of the POEO Act.			
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 11/01/23	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), 31/3/2022, Version 14 https://patrick.com.au/about/safety-and-environment/	The Emergency Response Plan (including PIRMP) was developed prior to the current audit period, to meet the expectation of the DPIEs Major Hazards Unit i.e. to ensure the actions of Patrick when dealing with an emergency involving Class 2.3 or Class 6 dangerous goods did not increase the off-site risk described in the Preliminary Hazard Analysis.	C		
Hazards and Risk Management- Storage and Handling of Dangerous Goods							
C2.17	NSW Ports	Twelve months after the determination of DA 494-11-2003-i MOD 16, the Applicant shall submit an annual report to the Secretary which provides details on actual Dangerous Goods movements listed in the Table 1 provided in Schedule 4. Should the threshold limits listed in Table 2 in Schedule 4 be exceeded for three consecutive annual reporting years, or if the maximum limits are reached in a single 12-month reporting period, the Applicant shall prepare an updated hazard analysis for the PBE operations. The hazards analysis shall: - Be prepared in consultation with the Department. - Be prepared in accordance with <i>Hazardous Industry Planning Paper No. 6, 'Hazard Analysis'</i> ; - Assess compliance against the land use safety planning risk criteria (including individual fatality risk, injury/irritation risk and societal risk), as outline in <i>Hazardous Industry Planning Advisory Paper No. 4, 'Risk Criteria for Land Use Safety Planning'</i> ; and - Assess whether the risks from PBE operations will significantly impact on the cumulative risk contour of 1 x 10 ⁻⁶ per annum, contained in Figure 2 of the <i>Port Botany Land Use Safety Study Overview Report 1996</i> , or any other revised land use safety study for the Port that supersedes the 1996 study. The report shall be prepared to the satisfaction of the Secretary. The hazard analysis is to be submitted to the Secretary within 6 months of an identified threshold exceedance, or as agreed to by the Secretary	Patricks Annual Dangerous Goods Report dated 01/09/21 – 31/08/22. Email from Patrick to NSW Ports dated 12/09/2022 re. Annual DG Report Throughput Report 2022 for Port Botany Expansion	The Annual Dangerous Goods Report (which identifies that dangerous goods were stored well below the thresholds), was prepared (Period from 1/9/2021 to 31/8/2022). Submission of the Report from Patrick to NSW Ports was sighted – email dated 12/09/2022. **Submission of the Annual DG Report to the Department is managed by NSW Ports.	C		

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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 01/09/21 – 31/08/22.	Patrick's hold 15 containers for the period of 1 Sep 2021 to 21 August 2022, well below the 157 containers threshold for the Port Botany Facility.	C		
Emergency Incident Management							
C2.20	Patrick Stevedores	The Applicant shall develop an Emergency Response and Incident Management Plan in consultation with the EPA, DPIE, Council and the Community Consultative Committee. The Plan must be approved by the Director-General prior to the commencement of operations and shall detail: <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), 31/3//2022, Version 14 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 update was completed in March 2022, plan was revised to conform with AS 3745-2010.	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 Transport approval, 12/12/12 Aviation Operational Impacts Management Plan Section 6.8 of Patrick Port Botany Terminal Operational Environmental Management Plan' dated 4/7/22, revision 3. Available on website: https://patrick.com.au/about/safety-and-environment/ Community Feedback Reports Q1-Q4 2022	Patrick has obtained approval under the Airports (Protection of Airspace) Regulations 1996 (APAR) (Ref: 12/5083) for the intrusion into prescribed airspace for Sydney Airport (including light). Approval was granted by Flysafe Aerodrome Precincts, Aviation and Airports Division of the Department of Infrastructure and Transport on 12 December 2012. Section 6.8 of the OEMP addresses potential aviation operational impacts and controls which include monitoring, including light management in service agreements, direction of plant and facility downwards. No complaints regarding lighting were received during the audit period. No changes have been made in the lighting or the stackers locations.	C		

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C2.24	Patrick Stevedores	The Applicant shall adopt measures to ensure that there is minimal light spill from ships which may cause distraction, confusion or glare to pilots. These may include: <ul style="list-style-type: none"> - minimising shipboard lighting while berthed; - orientating ships in a specific direction; and or - providing temporary shielding on the ship mounted floodlights while docked 	Maritime Order 32 Schedule 1 (2) Aviation Operational Impacts Management Plan Section 6.8 of Patrick Port Botany Terminal Operational Environmental Management Plan' dated 4/7/22, revision 3. Available on website: https://patrick.com.au/about/safety-and-environment/ Community Feedback Reports Q1-Q4 2022	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. Section 6.8 of the OEMP addresses potential aviation operational impacts and controls which include monitoring, including light management in service agreements, direction of plant and facility downwards. Additionally, LED lights are being progressively installed throughout the berth 6 areas to further reduce light spill. No complaints regarding lighting were received during the audit period. No changes have been made in the lighting or the stackers locations.	C		
C2.25	Patrick Stevedores	Prior to operations, the Applicant shall develop a Bird Hazard Management Plan to minimise the attraction of bird species that pose a risk to aircraft movements. The Plan is to be prepared in consultation with the Department of Transport and Regional Services, Sydney Airport Corporation and Botany and Randwick Councils. The Plan must be approved by the Director-General prior to the commencement of operations	Bird Hazard Management Plan Section 6.9 of Patrick Port Botany Terminal Operational Environmental Management Plan' dated 4/7/22, revision 3. Available on website: https://patrick.com.au/about/safety-and-environment/	The Bird Hazard Management Plan sits within the OEMP and was prepared, consulted and approved prior to the current audit period. A minor update was undertaken on the OEMP was made during July 2019 and July 2022. No changes were made in the bird hazard management.	C		
COMMUNITY INFORMATION, INVOLVEMENT AND CONSULTATION							
C3.1	Patrick Stevedores	The Applicant must meet the following requirements in relation to community consultation and complaints management: <ul style="list-style-type: none"> - all monitoring, management and reporting documents required under the development consent shall be made publicly available; - provide means by which public comments, inquiries and complaints can be received, and ensure that those means are adequately publicised; and - includes details of a register to be kept of all comments, inquiries and complaints received by the above means, including the following register fields: <ul style="list-style-type: none"> - the date and time, where relevant, of the comment, inquiry or complaint; - the means by which the comment, inquiry or complaint was made (telephone, fax, mail, email or in person); - any personal details of the commenter, inquirer or complainant that were provided, or if no details were provided, a note to that effect; - the nature of the complaint; - any action(s) taken by the Applicant in relation to the comment, inquiry or complaint, including any follow-up contact with the commenter, inquirer or complainant; and if no action was taken by the Applicant in relation to the comment, inquiry or complaint, the reason(s) why no action was taken. - Provide quarterly reports to the Department and EPA, where relevant, outlining details of complaints received 	Community Feedback Reports Q1-Q4 2022. https://patrick.com.au/environmental-monitoring/ https://patrick.com.au/contact/ http://www.patrick.com.au/environment-monitoring-reporting . Interview with auditees 11/01/23	Documentation including management plans and monitoring reports are available on the Patrick website. https://patrick.com.au/environmental-monitoring/ Contact details and complaints line are available at: https://patrick.com.au/contact/ Patrick Port Botany Quarterly Community Feedback Reports are available on Patrick's website http://www.patrick.com.au/environment-monitoring-reporting . The reports contain the information and details required by this condition and are submitted to the Department.	C		
C3.2	NSW Ports Patrick Stevedores	At least 6 months prior to commencement of operations, the Applicant shall establish a Community Consultative Committee to oversee the environmental performance of the development. This committee shall: <ul style="list-style-type: none"> (a) be comprised of: 	Community Consultative Committee meeting minutes https://www.nswports.com.au/research-sources-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.	C		

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		<ul style="list-style-type: none"> 2 representatives from the Applicant, including the person responsible for environmental management; 1 representative from Botany Bay City Council; and at least 3 representatives from the local community, whose appointment has been approved by the Director-General in consultation with the Council; (b) be chaired by an independent party approved by the Director-General; (c) meet at least four times a year, or as otherwise agreed by the CCC; (d) review and provide advice on the environmental performance of the development, including any construction or environmental management plans, monitoring results, audit reports, or complaints; and <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>	<p>Sighted Port Botany Community Consultative Committee Meeting Minutes for:</p> <ul style="list-style-type: none"> #37 - 22/11/22 #36 - 23/8/22 #35 - 24/5/22 #34 - 22/2/22 	<p>NSW Ports manage the meeting, SICTL is a participant as an operator. This audit assesses SICTLs compliance with the conditions.</p> <p>Minutes of the meetings are on NSW Ports website at: https://www.nswports.com.au/resources-filtered/port-botany-CCC-minutes</p> <p>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.</p>			
C3.3	NSW Ports Patrick Stevedores	<p>The Applicant shall, at its own expense:</p> <ul style="list-style-type: none"> (a) ensure that 2 of its representatives attend the Committee's meetings; (b) provide the Committee with regular information on the environmental performance and management of the development; (c) provide meeting facilities for the Committee; (d) arrange site inspections for the Committee, if necessary; (e) take minutes of the Committee's meetings; (f) make these minutes available on the Applicant's website within 14 days of the Committee meeting, or as agreed to by the Committee; (g) respond to any advice or recommendations the Committee may have in relation to the environmental management or performance of the development; and (h) forward a copy of the minutes of each Committee meeting, and any responses to the Committee's recommendations to the Director-General within a month of the Committee meeting 	<p>Community Consultative Committee meeting minutes https://www.nswports.com.au/resources-filtered/port-botany-CCC-minutes</p>	<p>Refer response to CoA C3.2 above.</p> <p>The Auditor notes that NSW Ports (not the auditee) is responsible for the CCC.</p>	C		
ENVIRONMENTAL MONITORING AND AUDITING							
C4.1	Patrick Stevedores	<p>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>NOGGIN incident register 01/01/22 – 31/12/212 EPL 6962 Patrick HSE Incident Management and Reporting Procedure Letter HWL Ebsworth to Patrick, 08/10/20</p>	<p>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.</p> <p>39 x environmental events recorded in the incident management systems. None of the incidents appear to have threatened or caused material harm to people or the biophysical environment.</p>	C		
C4.2	Patrick Stevedores	<p>The Applicant must prepare an Annual Environmental Management Report for the development. The Annual Environmental Management Report must:</p> <ul style="list-style-type: none"> detail compliance with the conditions of this consent; contain a copy of the Complaints Register (for the preceding twelve-month period, exclusive of personal details) and details of how these complaints were addressed and resolved; 	<p>Annual Environmental Management Report and Annual Compliance Report 2021, 28/02/22. Available online at https://patrick.com.au/environmental-monitoring/</p>	<p>2021 Annual Compliance Report was submitted 28/2/2022. The Department responded with a warning letter on 4/4/2022.</p>	C		

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		<ul style="list-style-type: none"> - include a comparison of the environmental impacts and performance predicted in the EIS and additional information documents provided to the Department and Commission of Inquiry; - detail results of all environmental monitoring required under the development consent and other approvals, including interpretations and discussion by a suitably qualified person; - contain a list of all occasions in the preceding twelve-month period when environmental performance goals have not been achieved, indicating the reason for failure to meet the goals and the action taken to prevent recurrence of that type of incident; - be prepared within twelve months of the commencement of operation, and every twelve months thereafter; - be approved by the Director-General each year; and - be made available for public inspection 	<p>Post approval portal lodgement 28/2/2022</p> <p>Email DPIE to NSW Ports 28/02/22</p>				
C4.3		Removed – refer MOD 17.					
C4.4	Patrick Stevedores	<p>Prior to the commencement of operations an Environmental Training Program shall be developed and implemented to establish a framework in which relevant employees will be trained in environmental management and the operation of plant and equipment, including pollution control equipment, where relevant. The Program shall include, but not necessarily be limited to:</p> <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>Induction and training Section 4.3 of Patrick Port Botany Terminal Operational Environmental Management Plan' dated 4/7/22, revision 3. Available on website: https://patrick.com.au/about/safety-and-environment/</p> <p>Induction - LITMOS Patricks e-learning system.</p> <p>Patricks Induction Report, to 3/1/2023</p> <p>PTPPB-EMP-MOD</p>	<p>Section 4.3 of the OEMP identifies the training framework in operations. This includes induction, toolbox talks and specific task / work area training.</p> <p>The induction program 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		
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, 23/02/22. https://patrick.com.au/environmental-monitoring/</p> <p>DPIE post approval portal lodgement 25/2/2022</p> <p>Warning letter INV-40132287 from DPE dated 4/4/2022.</p>	<p>WolfPeak were approved as the auditors in 2017.</p> <p>The Audit of the facility for the 2021 audit period was completed by WolfPeak in 23/02/2022 in accordance with this condition. The Department provided a warning letter based on the findings from the Audit Report – dated 4/4/2022. To the Auditor's knowledge, the Department did not have any comments on the Audit report itself.</p> <p>This audit assesses compliance for the 2022 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 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

Consultation with the Department

From: Gabriel Peters Shaw <gabriel.petersshaw@dpie.nsw.gov.au>
Sent: Monday, 19 December 2022 4:57 PM
To: Derek Low <dlow@wolfpeak.com.au>
Cc: Annabelle Tungol <atungol@wolfpeak.com.au>; Steel, Sam <S.Steel@patrick.com.au>
Subject: FW: Patrick Stevedores - Port Botany: Independent Environmental Audit 2022 - Agency consultation

Dear Derek,

Thank you for consulting with the Planning Compliance team.

Apart from what is already captured by Section 3.3 of the IAPAR, I would like you to examine the following:

1. Whether appropriate controls are in place to contain any oil/chemical/liquid spills and prevent them from exiting the Port. Whether Concentration Limits - Conditions 3.34, 3.35, and 3.36 have been complied with.
 - a. Also that waste generated on site has not exceeded trigger values in the Consent.
2. The areas used for the storage of chemicals/liquids in containers (other than shipping containers) have been adequately bunded.
3. Have all recorded incidents deemed reportable have been reported.

I recommend also consulting with the NSW Environment Protection Authority.

If you have any other questions please don't hesitate to contact me.

Regards,

Gabriel Peters Shaw
Senior Compliance Officer

Planning & Assessment | Department of Planning 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



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: Evan Guyatt <Evan.Guyatt@epa.nsw.gov.au>
Sent: Thursday, December 22, 2022 2:09:24 PM
To: Derek Low <dlow@wolfpeak.com.au>
Cc: Erin Barker <Erin.Barker@epa.nsw.gov.au>
Subject: RE: Patrick Stevedores - Port Botany: Independent Environmental Audit 2022 - Agency consultation

Dear Derek,

Thank you for notifying the EPA of the upcoming Independent Environmental Audit (IEA) of Patrick Stevedores Port Botany operations. The EPA notes that the IEA is a requirement of the planning consent and has no comments to provide on the scope of the audit.

Kind Regards,
Evan

Evan Guyatt
Operations Assistant
Regulatory Operations – Metropolitan West
NSW Environment Protection Authority
D 02 9995 6220



www.epa.nsw.gov.au @NSW_EPA

The EPA acknowledges the Traditional Custodians of the land, waters and sky where we work. As part of the world's oldest surviving cultures we pay our respect to Aboriginal Elders past, present and emerging.

I work on Burramattagal Country of the Dharug Nation.



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

----- Forwarded Message -----

From: Derek Low [dlow@wolfpeak.com.au]
Sent: 15/12/2022 2:53 PM
To: mark.hanemann@epa.nsw.gov.au; craig.flemming@epa.nsw.gov.au
Cc: info@epa.nsw.gov.au; s.steel@patrick.com.au; atungol@wolfpeak.com.au

Subject: Patrick Stevedores - Port Botany: Independent Environmental Audit 2022 - 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, commencing in early 2023, covers the 2022 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:

1. Be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
2. 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;
3. Be consistent with the Department's Independent Audit Post Approval Requirements (hence this consultation with you);
4. Assess compliance with the requirement of the consents, other licences / approvals that apply to the Development;
5. Review the effectiveness of environmental management of the development, including any environmental impact mitigation works;
6. Assess the environmental performance of the development, and its effects on the surrounding environment;
7. 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

General Manager



Proud sponsor of:





E: dlow@wolfpeak.com.au



P: 1800 979 716




M: 0402 403 716



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



APPENDIX E – SITE INSPECTION PHOTOS



No.	Comment	Photograph
01	Internal road area kept clean and free of dust.	
02	Spill trailer available and ready to be used, when needed.	



No.	Comment	Photograph
03	Mobile plant refuelling bay area kept clean and oil and fuel spill kit available.	
04	At maintenance yard, oil containers sighted were neatly stored, labelled, area banded.	


No.	Comment	Photograph
05	Signage at the at stormwater inlets has been faded and requires re-painting.	
06	Signage at the at stormwater inlets has been faded and requires re-painting.	
07	Accessibility to open/close the drain safe units was not consistent across all units. All drain safe units to be checked to ensure they can be closed promptly in case of a spill.	

No.	Comment	Photograph
08	Oil and grease drums were neatly stored and labelled and storage area banded.	
09	Oxygen compressed cylinders storage was maintained clean and appropriately banded.	

No.	Comment	Photograph
10	Gas cylinders storage was maintained clean and appropriately banded.	
11	Dangerous good cabinet kept with a lock. Sighted containers were neatly stored, labelled and banded	

No.	Comment	Photograph
12	Waste oil and coolant storage point maintained.	
13	Waste oil and coolant storage point maintained.	
14	Oil drums stored on pallet bund whilst in use.	

No.	Comment	Photograph
15	Wash bay area maintained	
16	Liquid waste holding pit	

No.	Comment	Photograph
17	Water treatment plant	
18	Spill Kits for weighted containment Booms only available.	



APPENDIX F – ATTENDANCE SHEET

INDEPENDENT AUDIT MEETING ATTENDANCE RECORD

PROJECT (NAME AND APPROVAL NUMBER)		Patrick's Terminal Part Botany		
LOCATION:		Gate B105A, Penrhyn Rd, Botany		
DATE/TIME (Opening Meeting):		11/01/2023 - 10:00am	DATE/TIME (Closing Meeting):	11/01/2023
Lead Auditor:		Derek Low	Audit Scope: DA 453	SSDA-453 DA-494
NAME	POSITION / TITLE	ORGANISATION	SIGNATURE	
			Opening Meeting	Closing Meeting
Ana Maria Munoz	Contractor	WOLFpeak	[Signature]	[Signature]
Derek Low	Auditor	WOLFpeak	[Signature]	[Signature]
SAM STEEL	HSE MANAGER	PATRICK	[Signature]	[Signature]
CRAIG DOBESON	MAINT SUPERINTENDENT	PATRICK	[Signature]	[Signature]
GUS MAI	OPS MANAGER	PATRICK	-	[Signature]
BRUCE GUN	TERMINAL MANAGER	PATRICK	-	[Signature]



APPENDIX G – INDEPENDENT DECLARATION FORM

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 205DP 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 2022
Date:	10/02/2023

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 employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- viii. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

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

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