



# INDEPENDENT ENVIRONMENTAL AUDIT FOR 2023

PATRICK STEVEDORES OPERATIONS – PORT BOTANY  
TERMINAL

DA 453 (PATRICK PORT BOTANY TERMINAL  
REDEVELOPMENT)

JANUARY 2024

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**Prepared for:**  
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## EXECUTIVE SUMMARY

Patrick operates an international shipping container terminal (the Terminal) on land at Brotherson Dock in the Port Botany precinct, 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 Patrick Port Botany (PB) Terminal facilitates the transfer of goods between land and sea. Road and rail access to the site enables trucks and trains to transport containers to and from the Terminal, where the containers are transferred to and from ships.

The Terminal operations are covered by two separate development consents:

- DA 453-12-2002-i - applicant NSW Ports
- DA 494-11-2003-I - applicant Patrick Stevedores Operations Pty Ltd

This Audit Report presents the findings from the Independent Environmental Compliance Audit (Audit) for 2023 of DA 453-12-2002-i.

This audit is required to satisfy condition 6.7 of DA 453 which requires an independent environmental compliance audit to be carried out 12-months after commissioning and then every 3 years. This audit has previously been conducted on an annual basis, to coincide with the auditing of Patrick's The Knuckle and Ramp D as per condition C4.5 of DA 494, which covers the remaining area of Patrick's Terminal. This audit coincides with the 9<sup>th</sup> anniversary post commissioning of the Patrick's Port Botany Redevelopment Project area (4 February 2016).

This audit seeks to verify compliance with DA-453 approval conditions and assess the effectiveness of the Terminal's Operational Environmental Management Plan (OEMP). The audit also reports on the status of previous audit findings.

The operations during the 2023 remains largely unchanged from previous years, with the exception of:

- construction, commissioning and progressive handover 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), and as a result of the Rail SABRE project
- the relocation and reconfiguration of the truck grids and straddle refuelling areas.

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

In summary:

- A total of 80 conditions were assessed.
- 67 conditions were found to be compliant.
- One (1) historical non-compliance remains open. This relates to the tracking of waste tyres as per the POEO Waste Regulation.
- Twelve (12) conditions were identified as not triggered.

- In addition to the above:
  - One (1) observation remain open from the previous audit period, regarding consolidation of the two consents.
  - Two (2) new observations were identified, relating to delivery of training and the update of the OTMP.

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

As outlined in previous audit reports, the Patrick PB 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.

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 that Patrick intends 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 (Banksmeadow), Port Botany leased from NSW Ports. The Terminal loads and unloads containers from ships berthed at the dock and has temporary transit 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 general overview of Port Botany precinct is presented in Figure 1.

The Terminal operations are covered by two separate development consents:

- DA 453-12-2002-i - applicant NSW Ports
- DA 494-11-2003-I - applicant Patrick Stevedores Operations Pty Ltd

This Audit Report presents the findings from the Independent Environmental Audit (Audit) for 2023 of DA 453-12-2002-i. A separate audit report has been prepared for operations covered by DA 494-11-2003-i.

### *DA 453-12-2002-i – Port Botany Container Terminal*

The Patrick's existing area of the PB Terminal was progressively redeveloped since the 1970's. In 2002, an application was made to the Minister for Planning for the upgrade of the existing container terminal. The upgrade was classified as State significant development and subsequently approval was granted on 27 October, 2003 (DA 453-12-2002-i). The general footprint of the existing terminal covered by DA 453 is presented in Figure 2. DA 453 has undergone eight modifications relating to the construction and operations on the existing port footprint, including:

- New and upgraded administration and control facilities
- New carparks
- New maintenance facilities
- New optical character recognition building
- New Australian Quarantine and Inspection Service (AQIS) building
- Relocation of substation facilities
- New straddle parking facilities
- Replacement of existing manually-operated straddle carriers "Autostrad™" carriers
- Relocation of truck grids
- Modernising lighting.

### *Current operations across the Patrick PB Terminal*

The main features of the Patrick PB 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).

The operations during the 2023 calendar year remains consistent with previous years, with the exception of:

- construction, commissioning and progressive handover of the Sydney Autostrad Botany Rail Expansion (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). The project will double 'on-dock' rail infrastructure capacity at the Terminal
- the relocation and reconfiguration of the truck grids and straddle crane refuelling areas to facilitate the SABRE project.





Figure 1 Terminal locations at Port Botany (Source: Patrick Operational Environmental Management Plan, 17 March 2023).





Figure 2 Patrick Stevedores site at Port Botany showing areas covered by DA 453 (original terminal) in yellow (Source: Patrick Operational Environmental Management Plan, 17 March 2023).

## 1.2 Approval requirements

Project Approval for DA 453 was granted by the Minister for Planning under the Act on 27 October 2003, subject to a number of conditions. This audit is being carried out under that approval in accordance with the requirements of condition 6.7.

DA 453 (MOD 8, 22 May 2014) – condition 6.7 states:

*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.*

The Department also recommended, via its letter approving the audit team dated 29 May 2023, that consideration be given to the Independent Audit Post Approval Requirements (Department 2020) (IAPAR) to the extent that it does not contradict condition 6.7 of the consent. The IAPAR has been adopted for this audit.

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. It is understood that Patrick intends to move to the 3-year audit scheduled from completion of this audit (in 2024), meaning that the next DA 453 audit would be submitted in 2027.

### 1.3 Audit team

In accordance with condition 6.7 of DA 453 and Section 3.1 of the IAPAR, Independent Auditors must be suitably qualified, experienced, and independent of the project or operation, and appointed by the Planning Secretary. Patrick requested approval to use WolfPeak for the audit on DA 453. The Department approved the audit team under DA 453 on 29 May 2023. The Auditors who performed the audit are presented on Table 1. The letter of approval is presented in Appendix B. Declarations of independent are presented in Appendix E.

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	Reviewer	Bachelor of Science (Hons). Exemplar Global Certified Principal Environmental Auditor (Certificate No 110498).

### 1.4 Audit objective

The objective of this audit is to determine compliance against the requirements of DA 453, and to assess the effectiveness of environmental management system of Patrick’s operations at its Terminal for the 2023 calendar year.

### 1.5 Audit scope

The audit scope comprises:

- an assessment of compliance with:
  - all conditions applicable to the phase of the development that is being audited (operations); and
  - all post approval and compliance documents prepared to satisfy the conditions, including an assessment of the implementation of Environmental Management Plans and Sub-Plans.
- 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, and any potential off-site impacts
  - 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; and
  - feedback received from the Department, and other agencies and stakeholders, on the environmental performance of the project during the audit period.
- a review of the status of implementation of previous Independent Audit findings, recommendations, and actions (if any)
- a high-level assessment of whether Environmental Management Plans and Sub-Plans are adequate; and
- any other matters considered relevant by the Auditor or the Department, considering relevant regulatory requirements and legislation and knowledge of the development's past performance.

The scope of this audit included the conditions from 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.

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.

## 2. AUDIT METHODOLOGY

### 2.1 Audit process

The 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 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.

#### 2.2.3 Consultation

On 8 December 2023 WolfPeak consulted with the Department to obtain their input into the scope of the Independent Audit in accordance with Section 3.2 of the IAPAR and to seek confirmation if any other parties are to be consulted with. The consultation record is presented in Appendix C.

The Department did not respond to the consultation.

#### 2.2.4 Meetings

Opening and closing meetings were held on the 11 January 2024 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 2: Audit personnel interviewed*

Name	Role	Involvement
Natalie Cerda	HSE Manager	Opening and closing meetings, interview, document review and inspection.
Marie Gibbs	National Environment, Compliance & Security Manager	Opening and closing meetings, interview and document review.
Craig Dobeson	Maintenance Superintendent	Opening and closing meetings, interview, document review and inspection.
Gus May	Operations Manager (acting Terminal Manager at the time of the audit)	Opening and closing meetings.

### 2.2.6 Site inspection

The on-site audit activities took place on 11 January 2024 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. Detailed observations are discussed in Section 3 and Appendix A. Photos taken during the inspections are presented in Appendix D.

### 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.

### 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 presented in Table 3 below.



Table 3: 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.
Compliant	WolfPeak considers that it is the role of the Certifier or other authority / expert to verify compliance with this condition and has marked this requirement as compliant on the basis of their assessment or advice.
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

The primary documents reviewed during this audit are as follows:

- Development Approval DA 453
- Operational Environmental Management Plan (OEMP), Patrick Stevedores Operations Pty Ltd, 17 March 2023, Revision 4, 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, 14 March 2023, Revision 2
- Emergency Management Plan, Patrick Stevedores Operations Pty Ltd, 29 September 2023, Revision 16
- Noise Monitoring Reports May and November 2023, Rodney Stevens Acoustics
- Public Inquiry, Comment & Complaint Handling Report for 2023 Quarters 1 - 3, Patrick Stevedores Operations Pty Ltd.

Detailed records of evidence reviewed during this audit are provided in the checklist attached as Appendices A.

#### 3.2 Previous Audit Findings

This section (including Table 4) presents the status of non-compliances and observations that were open at the time of finalizing the previous audit (covering the 2022 calendar year). In summary:

- One observation remain open regarding consolidation of the two consents.
- One non-compliance remains open, regarding the tracking of waste tyres as per the POEO Waste Regulation.



Table 4: Status of findings open at the time of finalising the audit covering the 2022 calendar year.

Item	Ref.	Type	Details of item	Proposed or completed action	Status
IA2019_3	DA 453 Condition 5.7	Observation	<p>Requirement: <i>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.</i></p> <p><b>Observation:</b></p> <p><b>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.</b></p> <p><b>2022 Audit Finding Update</b></p> <p><b>No change.</b></p> <p><b>2023 Audit Finding Update</b></p> <p><b>No change.</b></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>	OPEN
IA2020_12	DA 453 Condition 3.43	Non-compliance	<p>Requirement: <i>All wastes and material generated on the site during construction and operation shall be classified in accordance with the EPA's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes and be disposed of to a facility that may lawfully accept the waste.</i></p> <p><b>Non-compliance:</b></p> <p><b>Note that this non-compliance arises from the same issue as for DA 494 Conditions C2.13 and C2.13A.</b></p> <p><b>Whilst a request was made by the Auditor, no evidence was provided by the Auditee to demonstrate that:</b></p> <ul style="list-style-type: none"> <li>• <b>Solid waste was being directed to waste facilities lawfully permitted to receive waste</b></li> <li>• <b>Waste tyres being tracked in accordance with the POEO Waste Regulation.</b></li> </ul> <p><b>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.</b></p> <p><b>2021 Audit Finding</b></p> <p><b>Records were sighted showing solid waste disposal facility EPLs.</b></p> <p><b>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.</b></p> <p><b>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.</b></p> <p><b>2022 Audit Finding Update</b></p>	Track the disposal of waste tyres.	PARTIALLY CLOSED

Item	Ref.	Type	Details of item	Proposed or completed action	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> <p><b>2023 Audit Finding Update</b></p> <p>Whilst it is understood that the EPA's WasteLocate app continued to suffer issues, the Auditor requested evidence to show that waste tyres had been tracked for the 2023 calendar year. No evidence was provided.</p>		
IA2022_Obs.01	DA 453 condition 7.19	Observation	<p>Requirement: <i>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'.</i></p> <p><b>Observation:</b></p> <p><b>2022 Audit Finding</b></p> <p>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 of the 2022 Audit Report).</p> <p><b>2023 Audit Finding Update</b></p> <p>Signage was observed on stormwater drains and a program is in place to ensure these are maintained.</p>	It is recommended that all stormwater drains are inspected, and the signage be repainted accordingly, i.e., 'Clean Rainwater Only' or similar.	CLOSED
IA2022_Obs.02	DA 453 condition 7.20	Observation	<p>Requirement: <i>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.</i></p> <p><b>Observation:</b></p> <p><b>2022 Audit Finding</b></p> <p>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 of the 2022 Audit Report.</p> <p><b>2023 Audit Finding Update</b></p> <p>The drain safe open/close mechanisms have been updated to ensure they can be accessed quickly. A procedure has been posted on the walls in the maintenance office.</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.	CLOSED

### 3.3 Non-compliance, Observations and Actions

This Section presents the findings from the audit on operations for the 2023 calendar year. In summary:

- A total of 80 conditions were assessed.
- 67 conditions were found to be compliant.
- One (1) historical non-compliance remains open. This relates to the tracking of waste tyres as per the POEO Waste Regulation. Refer to Section 3.2 for details.
- Twelve (12) conditions were identified as not triggered.
- In addition to the above, two (2) new observations were identified, relating to delivery of training and the update of the OTMP.

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

Table 5 Independent Audit findings from the 2024 Independent Audit (covering the 2023 calendar year).

Item	Ref	Type	Requirement	Finding	Recommended or completed action <sup>1</sup>	Status <sup>2</sup>
IA2023_1	DA 453 Condition 3.62	Observation	<p>The development's staff induction program shall incorporate special instructions relating to noise control and related "on the job" training, as deemed appropriate. Such training shall ensure that all staff involved in the operation of the terminal's mobile equipment, such as the straddle carriers, reach stackers and forklift trucks, and the gantry cranes and quay cranes, are aware of the need to ensure the following:</p> <p>a) The correct placement and/or lowering of containers to minimise potential adverse noise impacts and specifically the control of transient impact noise;</p> <p>b) The site's environment officer shall carry out routine inspections during the day, evening and night. Individual operations staff shall be assessed to determine the performance rating on each staff member and his or her duties; and</p> <p>c) 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><b>Observation: The Auditor sighted the site induction and training material for storm pits and the new refuelling facility for the current audit period. The auditee also states that engineering controls and SOPs for cranes have been implemented as a means to minimise noise risks. However the auditor observes that training being delivered appears to be inconsistent with that described in Section 4.3 of the OEMP.</b></p>	<p>Review the environmental training being delivered on site against condition 3.62 and the OEMP. Update the documented training program in the OEMP to align with the requirements of condition 3.62 and existing training being delivered.</p>	OPEN
IA2023_2	DA 453 Condition 6.4(c)	Observation	<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>(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><b>Observation: The current version of the Operational Traffic Management Plan (OTMP) does not appear to have the new truck grid and straddle crane refuelling facility arrangement documented. It is understood that a more current OTMP has been drafted (a draft version, dated 14 September 2023 was sighted during the audit) but this has yet to be finalized.</b></p>	<p>Finalise the update to the OTMP.</p>	OPEN

<sup>1</sup> The recommended action does not preclude the need for all non-compliances to be reported by the proponent in accordance with the consent.

<sup>2</sup> Status of finding and action according to the Auditor at the time of finalizing the Report.

### 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 were reviewed and appear to be adequate for the operational works being undertaken.

The current version of the TMP does not appear to have the new truck grid and straddle crane refuelling facility arrangement documented. It is understood that a more current TMP has been drafted (a draft version, dated 14 September 2023 was sighted during the audit) but this has yet to be finalised.

### 3.5 Summary of notices from agencies

On 3 April 2023, the Department provided a written notice on the findings from the 2022 calendar year audit. The Department acknowledged the non-compliances identified and stated that no further action would be taken at the time of writing.

The Department approved the audit team on 29 May 2023. The letter of approval is presented in Appendix B.

The Auditor is not aware of any other notices issued by the Department or other agency during the audit period.

### 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 audit reviewed existing operations, compliance records including those relating to inspections, incidents, noise, wastewater, solid and liquid waste.

The Auditor observes that the new truck grid configuration appears to be functioning well and reduces the potential for trucks queuing on and off the premises. It is however recommended that the update to the OTMP (reflecting the new truck marshalling and grid arrangement) be finalised at next opportunity.

The new straddle crane refuelling facility has been certified as meeting the applicable Australian Standards, so that losses of containment are able to be captured and controlled, and are not likely to impact nearby waters.

Noise monitoring reports for 2023 indicate that the noise Patrick PBT operational noise is considered to comply with the EPL day, evening and nighttime noise limits.

Liquid and solid waste appears to be well managed on site and disposed of to premises lawfully permitted to receive it. That being said, evidence demonstrating that waste tyres had been tracked for the 2023 calendar year was not available at the time of finalising this Report.

As noted in previous audits, 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 Appendix A. 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**

The Department did not raise any matters or issues of focus as part of consultation on the audit scope.

As outlined in previous audit reports, the Patrick PB 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.

Accordingly, the recommendation to have the regulatory conditions under the two approvals reviewed at the earliest opportunity for consistency and relevance to current operations and facilities at the Patrick PB Terminal remains open. It is understood that Patrick intends to revisit the planning approvals after the upgrade of the terminal's rail infrastructure has been completed which would potentially trigger the need for a modification to the approval/s.

### **3.9 Complaints**

A community complaints register is being maintained by Patrick and was made available to the auditor upon request. No complaints have been received during the 2023 calendar year. The auditees advise that Patrick has not received any request from the Department, EPA and/or Council for a copy of the Complaints Register.

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/>

### **3.10 Incidents**

The incident register was reviewed as part of the Independent Audit. A total of 15 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.

### 3.11 Actual versus predicted impacts

The Patrick PB 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

The existing area of the Patrick Port Botany Terminal was redeveloped under DA 453, for which Patrick was the applicant.

This Audit Report presents the findings from the Independent Audit (covering the 2023 calendar year), which is required to satisfy the 3-yearly audit requirement of condition 6.7 of DA 453. This audit has been conducted on an annual basis to coincide with the auditing of Patrick's The Knuckle and Ramp D as per conditions C4.5 of DA 494, which covers the remaining area of Patrick's Terminal. It is understood that Patrick intends to move to the 3-year audit scheduled from completion of this audit (in 2024), meaning that the next DA 453 audit would be submitted in 2027.

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:

- A total of 80 conditions were assessed.
- 67 conditions were found to be compliant.
- One (1) historical non-compliance remains open. This relates to the tracking of waste tyres as per the POEO Waste Regulation.
- Twelve (12) conditions were identified as not triggered.
- In addition to the above:
  - One (1) observation remain open from the previous audit period, regarding consolidation of the two consents.
  - Two (2) new observations were identified, relating to delivery of training and the update of the OTMP.

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.



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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 CONDITIONS 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
<b>GENERAL</b>						
<b>1. OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT</b>						
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 17 March 2023, revision 4.  Evidence referred to elsewhere in this audit table.	The 'Patrick Port Botany Terminal Operational Environmental Management Plan' (OEMP) – Version 4, 17 March 2023) has been prepared to document management measures.  Details regarding the implementation of the OEMP are provided in Section 4 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		
<b>SCOPE OF DEVELOPMENT</b>						
1.2	<sup>3</sup> The Applicant shall carry out the development generally in accordance with: a) Development application DA-453-12-2002-I lodged with the Department on 16 December 2002, accompanied <i>Patrick Port Botany Container Terminal Upgrade, Environmental Impact Statement</i> (three volumes), dated November 2022 and prepared by Parsons Brinckerhoff; b) Additional information provided in respect of development application DA-453-12-2202-I, including: i) the letter from Parsons Brinckerhoff to Planning NSW dated 17 April 2003 titled <i>Patrick Port Botany EIS – Response to Hazard and Risk Issues</i> ; ii) <i>Upgrade of Port Botany Container Terminal, Revised Noise Assessment</i> , dated May 2003 and prepared by Wilkinson Murray Pty Ltd; iii) <i>Supplementary Avifauna Survey &amp; Assessment of Impacts</i> , dated 26 May 2003 and prepared by AMBS Consulting; iv) the memorandum from Patrick Brinckerhoff dated 30 May 2003 and titled <i>Patrick Water Quality Assessment</i> ; v) the amended development application submitted to the Department on 30 May 2003 and associated drawings; vi) the letter from Patrick Terminals to Planning NSW dated 11 June 2003 titled <i>Patrick Port Botany EIS</i> ; vii) the memorandum from Fielders Engineers Pty Ltd to Parsons Brinckerhoff dated 20 June 2003 titled <i>Transport NSW's Comments</i> ; viii) the letter from Qest Consulting Group to Parsons Brinckerhoff dated 3 July 2003 titled <i>Preliminary Hazard Analysis for Patrick Stevedores</i> ; c) modification application MOD-56-6-2004-I, lodged with the Department on 28 May 2004 and accompanied by the supplementary document titled <i>Application to Modify Development Consent</i> , dated 19 May 2004; d) modification application MOD-83-8-2004-i, lodged with the Department on 16 August 2004, accompanied by four plans titled <i>Proposed Staff Amenities</i> (Job No. 0400107, Revision C) numbered 01 to 04 respectively; e) modification application MOD-156-10-2005-I, lodged with the Department on 6 October 2005, accompanied correspondence dated 6 October 2005 and titled <i>S96(1A) Application: Patrick Corporation – Port Botany Terminal</i> and plan titled <i>Proposed Administration Building</i> (Job No. PDS-06-38, Revision A); f) modification application MOD-38-3-2006-i, lodged with the Department on 2 March 2006, accompanied correspondence dated 1 March 2006 and titled <i>S96(1A) Application: Patrick Corporation – Port Botany Terminal</i> , and plans titled <i>Proposed Administration Building</i> (Job No. PDS-06-38, Revision D); g) modification application MOD-38-4-2007-i, lodged with the Department on 11 April 2007, accompanied correspondence dated 10 April 2007 and titled <i>S.96(1A) Application, Patrick Corporation – Port Botany Terminal</i> , and plans titled <i>Proposed Additional Staff Amenities</i> (Job No. PDS-07-81, Issue E);	Evidence referred to elsewhere in the compliance table.	Compliance with these requirements is verified through this independent audit process. Assessment of compliance is made against the consolidated condition approval inclusive of MODS 1-8 and considers the EIS and associated documents.  No other MODs.	C		

<sup>3</sup> Incorporates EPA General Terms of Approval – A 1.1

CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
				C	NC	NT
	<p>h) modification application MOD-76-9-2007-i, lodged with the Department on 24 August 2007, accompanied correspondence 19 June 2007 and 5 November 2007 titled <i>S.96(1A) Application, Patrick Corporation - Port Botany Terminal</i>, and the following plans:</p> <p>i) Proposed Camco Trafficgate (Job No. PDS-07-84, Issue B, Drg. No.: 01);</p> <p>ii) Proposed Camco Trafficgate (Job No. PDS-07-84, Issue B, Drg. No.: 02);</p> <p>iii) Proposed Camco Trafficgate (Job No. PDS-07-84, Issue B, Drg. No.: 03);</p> <p>iv) Truck Portal Gate Frame Arrangement and Details (Project No. SY070313, Dwg No. S5.00, Issue A);</p> <p>v) Train Portal Gate Frame Arrangement and Details (Project No. SY070313, Dwg No. S4.00, Issue E);</p> <p>vi) Train Portal Gate Frame Footing Plan and Details (Project No. SY070313, Dwg No. S4.00, Issue D);</p> <p>vii) Structural Notes (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>					
<b>Staged Development</b>						
1.3	Under Section 80(4) of the Act, this consent applies to the development, as described in Schedule 1, only.	-	Noted.	C		
<b>Provision of Documents</b>						
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>	DPHI 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		
<b>Statutory Requirements</b>						
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 (19/06/23, valid until 01/07/27)</p> <p>Notice of Variation of Licence No. 6962 dated 1/9/2020.</p> <p>Patrick Port Botany Terminal Operational Environmental Management Plan' dated 17 March 2023, revision 4.</p> <p>Trade Wastewater Discharge Schedule Permit No 40110 (18/4/2019).</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 (19/06/23), valid until 01/07/27.</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.</p> <p>Trade Wastewater Discharge Schedule Permit No 40110 (18/4/2019) issued by Sydney Water for grease arrestor at canteen is still current.</p>	C		
<b>Compliance</b>						
1.9	The Applicant shall ensure that all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent.	<p>Induction and training Section 4.3 of Patrick Port Botany Terminal Operational Environmental Management Plan' dated 17 March 2023, Revision 4.</p> <p>Audit response to RFI, 01/02/24</p> <p>PBT Site Induction slide pack (no date).</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 Auditor sighted the site induction and training material for storm pits and the new refuelling facility for the current audit period.</p> <p>Refer also condition 3.62.</p>	C		

CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
				C	NC	NT
		Storm Pit drain safe procedure (no date) Standard Operating Procedure Diesel Tanks & Fluids Building, 13/04/23				
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 01/01/23 – 31/12/23.	In total 15 x environmental events have been recorded in the incident management systems. Majority to be oil spills and hydraulic leaks and for each, Patrick has stated that there was no potential or actual off site harm to the environment. All events have been marked as closed out. None of those events required notification to the EPA, DPHI and NSW Ports.  This indicates that Patrick 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. DPHI 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.	Interview with auditees, 11/01/24 Letter DPHI to Patrick, 03/04/23 (DPHI response to 2023 Audit Report)	No directions from the Department, other than approval of the audit team and direction on the audit following the IAPAR.  The Department provided a written notice on the findings from the 2023 audit. The Department acknowledged the non-compliances identified and stated that no further action would be taken at the time of writing.	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 2022, 23/02/23. DPHI post approval portal lodgement, 24/02/23 (submission of Compliance Report and AEMR) Email Patrick to Bayside Council, EPA, 24/02/23 (submission of Compliance Report and AEMR) Letter DPHI to Patrick, 03/04/23 (DPHI response to 2022 Audit Report)	2022 Annual Compliance Report was submitted 23/02/2023. The Auditor is not aware of any direction from the DPHI in relation to the findings/content of the Report.  On 3/04/23, the Department provided a written notice on the findings from the 2022 calendar year audit. The Department acknowledged the non-compliances identified and stated that no further action would be taken at the time of writing.	C		
<b>Dispute Resolution</b>						
1.15	In the event that a dispute arises between the Applicant and Council or a public authority other than the Department, in relation to a specification or requirement applicable under this consent, the matter shall be referred by either party to the Director-General, or if not resolved, to the Minister, whose determination of the dispute shall be final and binding on all parties. For the purpose of this condition, "public authority" has the same meaning as provided under Section 4 of the Act.  Note: Section 121 of the Environmental Planning and Assessment Act 1979 provides mechanisms for resolution of disputes between the Department, the Director-General, councils and public authorities.	Interview with auditees 11/01/24	There have been no known disputes in relation to this condition.			NT
<b>3. ENVIRONMENTAL PERFORMANCE</b>						
<b>Noise Limits</b>						



CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status																
				C	NC	NT														
3.3	<sup>4</sup> Noise generated by the development shall not exceed the noise limits presented in the table below, unless otherwise agreed by the Director-General: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Location</th> <th>Day L<sub>Aeq</sub> (15 minute)</th> <th>L<sub>A1</sub> (1 minute)</th> <th>Evening L<sub>Aeq</sub> (15 minute)</th> <th>L<sub>A1</sub> (1 minute)</th> <th>Night L<sub>Aeq</sub> (15 minute)</th> <th>L<sub>A1</sub> (1 minute)</th> </tr> </thead> <tbody> <tr> <td>Most affected residential premises</td> <td>55</td> <td>55</td> <td>43</td> <td>55</td> <td>43</td> <td>55</td> </tr> </tbody> </table>	Location	Day L <sub>Aeq</sub> (15 minute)	L <sub>A1</sub> (1 minute)	Evening L <sub>Aeq</sub> (15 minute)	L <sub>A1</sub> (1 minute)	Night L <sub>Aeq</sub> (15 minute)	L <sub>A1</sub> (1 minute)	Most affected residential premises	55	55	43	55	43	55	Noise Monitoring Reports May and November 2023 , Rodney Stevens Acoustics  DPHI Post approval portal lodgements 07/07/23 and 11/01/24 (submission of the May and November Noise Monitoring Reports)  Complaint register 01/01/23 – 31/12/23	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.  Assessment of the measured residential noise levels indicated no annoying characteristics (tonality) were present. No sleep disturbance issues were present.  It is noted that noise limits within the EPL are equal to or more stringent than those quoted in this Condition.  Register of complaints sighted and no complaints received.	C		
	Location	Day L <sub>Aeq</sub> (15 minute)	L <sub>A1</sub> (1 minute)	Evening L <sub>Aeq</sub> (15 minute)	L <sub>A1</sub> (1 minute)	Night L <sub>Aeq</sub> (15 minute)	L <sub>A1</sub> (1 minute)													
Most affected residential premises	55	55	43	55	43	55														
3.4	<sup>5</sup> For the purpose of condition 3.3 of this consent: (a) Day is defined as the period from 7.00am to 6.00pm Monday to Saturday and 8.00am to 6.00pm Sundays and Public Holidays; (b) Evening is defined as the period from 6.00pm to 10.00pm; and (c) Night is defined as the period from 10.00pm to 7.00am Monday to Saturday and 10.00pm to 8.00am Sundays and Public Holidays.	As above	As above.	C																
<b>Noise Assessment Report</b>																				
3.6	<sup>6</sup> Noise from the site shall be measured at the most affected point on or within the residential boundary, to determine compliance with the noise limits in condition 3.3 of this consent. Where it can be demonstrated that direct measurement of noise from the site is impractical, the EPA may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy. The modification factors provided in Section 4 of the NSW Industrial Noise Policy shall be applied to the measured noise levels where applicable.	Noise Monitoring Reports May and November 2023 , Rodney Stevens Acoustics  DPHI Post approval portal lodgements 07/07/23 and 11/01/24 (submission of the May and November Noise Monitoring Reports)	Biannual noise monitoring reports are completed. The noise reports satisfy this requirement.	C																
3.7	<sup>7</sup> Noise from the site shall be measured at 1 metre from the bedroom window to determine compliance with the L <sub>A1</sub> (1 minute) and L <sub>A MAX</sub> noise limits in condition 3.3 of this consent.	As above.	Biannual noise monitoring reports are completed. The noise reports identify this requirement and satisfactorily address it.	C																
3.8	<sup>8</sup> 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																
<b>Traffic and transport</b>																				
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 11/01/24 Complaint register 01/01/23 – 31/12/23	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																

<sup>4</sup> EPA General Terms of Approval – L 6.1

<sup>5</sup> EPA General Terms of Approval – L 6.2

<sup>6</sup> EPA General Terms of Approval – L 6.3

<sup>7</sup> EPA General Terms of Approval – L 6.4

<sup>8</sup> EPA General Terms of Approval – L 6.5

CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
				C	NC	NT
		Traffic Management Plan (TMP) dated 14/03/2023 version 2.0				
3.23	No parking shall be permitted on the internal roadways and outside the designated parking areas.	Site inspection 11/01/24 Complaint register 01/01/23 – 31/12/23  NOGGIN incident register 01/01/23 – 31/12/23.	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 11/01/24 Complaint register 01/01/23 – 31/12/23	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 11/01/24	Landscaping does not affect the site lines.	C		
<b>Water Quality Impacts</b>						
<b>Pollution of Waters</b>						
3.33	<sup>9</sup> 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 NOGGIN incident register 01/01/23 – 31/12/23.	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 developed 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 15 x environmental events recorded in the incident management systems; none required to be reported to Department or EPA.	C		
<b>Concentration Limits</b>						
3.34	<sup>10</sup> The concentration limit of a pollutant discharged at Point 1 of the existing licence, shall not exceed the concentration limits specified for that pollutant in the table in condition 3.36 of this consent.	EPL 6962	No discharge points in EPL. No discharges permitted.			NT
3.35	<sup>11</sup> 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	<sup>12</sup> 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 (19/06/23, valid until 01/07/27)	This discharge point was made redundant by the construction of the covered workshop area. The maintenance yard flows to either the trade waste or liquid waste sump. A Trade Waste Agreement is in place with Sydney Water for discharges from this area and liquid waste collection is ongoing from the sump.			NT

<sup>9</sup> EPA General Terms of Approval – L 1.1 and A 2.1

<sup>10</sup> EPA General Terms of Approval – L 3.1

<sup>11</sup> EPA General Terms of Approval – L 3.2

<sup>12</sup> EPA General Terms of Approval – L 3.3

CoA No	DA-453-12-2002 Condition of Consent Requirement			Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
						C	NC	NT
	POLLUTANT	UNIT OF MEASURE	100% CONCENTRATION LIMIT	Stormwater Drainage system - 17/10/2017	PB Terminal Stormwater Drainage system (17/10/2017) was sighted at earlier audits showing the strip and grate drains and the enviro balloon shut off valve. The system remains unchanged. The new refuelling facility appears to be well constructed. Refer to condition 7.6 – 7.8 for further details.			
	Oil and Grease	mg/L	10					
	Total Suspended Solids	mg/L	30					
	pH	pH	6.5-8.5					
<b>Waste Management</b>								
3.38	<sup>13</sup> 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. of the Patrick Port Botany Terminal Operational Environmental Management Plan' dated 17 March 2023, version 4 EPL 6962 Site inspection 11/01/24	A Waste Management Plan (OEMP, V4, 17/03/2023– section 6.4) identifies the approach to managing wastes on site. The OEMP was approved by the Department prior to the current audit period. 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	<sup>14</sup> 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: a) waste oil/water, hydrocarbons/water mixtures or emulsions; and b) grease trap waste			Site inspection 11/01/24 Solid Waste Management Register from January to December 2023 PBT J120 Liquid Waste Management Register Jan – Dec 23 Waste Filters & Rags Register from Jan – Dec 23	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 2.58 tonnes of solid hazardous waste for 2023. Records of liquid waste and waste oil (the main hazardous waste generated from site) indicate the total amount generated for 2023 was approximately 60kL of waste oil and 72.8 tonnes of liquid waste (diesel and waste pits). Waste rags and filters totalled 17600L for the year.	C		
3.40	<sup>15</sup> The quantity of hazardous and/or industrial and/or Group A waste generated on the premises shall not exceed 200 tonnes per year.			Waste Filters & Rags Register from Jan – Dec 23 PBT J120 Liquid Waste Management Register Jan – Dec 23	Hazardous wastes identified in the Solid Waste Management Register indicates there was a total of 2.58 tonnes of solid hazardous waste for 2023. Records of liquid waste and waste oil (the main hazardous waste generated from site) indicate the total amount generated for 2023 was approximately 60kL of waste oil and 72.8 tonnes of liquid waste (diesel and waste pits). Waste rags and filters totalled 17600L for the year.	C		
3.41	<sup>16</sup> 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 11/01/24 Solid Waste Management Register from January to December 2023	Hazardous wastes identified in the Solid Waste Management Register indicates there was a total of 2.58 tonnes of solid hazardous waste for 2023. Records of liquid waste and waste oil (the main hazardous waste generated from site) indicate the total amount generated for 2023 was approximately 60kL of waste oil and 72.8 tonnes of liquid waste	C		

<sup>13</sup> EPA General Terms of Approval – L 5.1 and L 5.2

<sup>14</sup> EPA General Terms of Approval – L 5.3

<sup>15</sup> EPA General Terms of Approval – L 5.4

<sup>16</sup> 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
		PBT J120 Liquid Waste Management Register Jan – Dec 23  Waste Filters & Rags Register from Jan – Dec 23	(diesel and waste pits). The volumes held at any one time appears to be less than 20 tonnes.  Waste rags and filters totalled 17600L for the year.			
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 11/01/24 Waste Management Plan Section 6.4 of the Patrick Port Botany Terminal Operational Environmental Management Plan' dated 17 March 2023, version 4.	A Waste Management Plan (OEMP, V4, 17/03/2023 – section 6.4) identifies the approach to managing wastes on site. Update to the OEMP occurred in March 2023 where the position of the diesel refuelling bay was updated.  Waste streams have been identified in the WMP in Table 6.4.2, 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 17 March 2023, version 4. EPL 6962 EPL 20581 EPL 6179 Solid Waste Management Register from January to December 2023  PBT J120 Liquid Waste Management Register Jan – Dec 23  Waste Filters & Rags Register from Jan – Dec 23  Transport Certificates for liquid waste 26/07/23, 02/03/23, 03/05/23, 11/05/23, 20/03/23, 01/11/23 GSW Veolia Tip Docket, 09/02/23. Veolia waste services, invoices for 2023. Site inspection 11/01/24 Scrap Tyre Analysis report 29/9/2022 Email 28/2/2022 from Trelleborg Waste transport company) to EPA Email from Trelleborg to Patrick 7/4/2022 and 5/5/2022 Correspondence Trelleborg and Molycop (Waste transport companies) 9/1/2023 to 19/01/2023	A Waste Management Plan (OEMP, V4, 17/03/2023 – 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.  <b>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:</b> <ul style="list-style-type: none"> <li>- Sighted email 28/2/2022 from Trelleborg Waste transport company) to EPA cc Patrick requesting advice to create a consignment in the waste locate system to track the tyres.</li> <li>- Sighted, email from Trelleborg to Patrick indicating they have contacted EPA on the 7/4/2022 and 5/5/2022 and still waiting on further advice.</li> <li>- 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 Patrick are sent for disposal.</li> <li>- 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.</li> <li>- Trelleborg has provided a Scrap Tyre Analysis report recording the tyres serial number</li> </ul> <b>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.</b>  <b>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.</b>  <b>Update for 2023 audit: The Auditor requested evidence to demonstrate that waste tyres had been tracked for the 2023 calendar year. No evidence was provided.</b>		NC – Remains Open	

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				C	NC	NT
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 Patrick e-learning system. Interview with auditees 11/01/24 Site inspection 11/01/24	The induction sighted previously includes details on the consent and EPL, environmental responsibilities, spill management, waste, noise and so forth. Refer to findings in condition 1.9 and 6.7 regarding the adequacy of training.  Waste segregation for the purposes of reuse and recycling observed. Waste tyres are collected by the transport company (Trelleborg Wheel Systems).	C		
<b>Air Quality Impacts</b>						
<b>Dust Emissions</b>						
3.45	<sup>17</sup> 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 17 March 2023, version 4 Site inspection 11/01/24 Complaint register 01/01/23 – 31/12/23	The Air Quality Management Plan sits (OEMP, V4, 17/03/2023 – 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 March 2023 with changes to the Traffic Management Plan, and the position of the diesel refuelling bay.  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 11/01/24 Complaint register 01/01/23 – 31/12/23	Surfaces are paved and no loose materials were noted during site inspection	C		
<b>Ventilation</b>						
<b>Hazards and Risk Impacts</b>						
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> .	Patrick Annual Dangerous Goods Report dated 01/09/22 – 31/08/23.	Patrick held 10 containers for the period of 01/09/22 – 31/08/23, well below the 157 containers threshold for the Port Botany Facility.	C		
<b>Incident Report</b>						
3.52	Within 24 hours of any incident or potential incident with actual or potential significant off-site impacts on people or the biophysical environment, a report shall be supplied to the Department outlining the basic facts. A further detailed report shall be prepared and submitted following investigations of the causes and identification of necessary additional preventive measures. That report must be submitted to the Director-General no later than 14 days after the incident or potential incident. The Applicant shall maintain a register of accidents, incidents and potential incidents. The register shall be made available for inspection at any time by the independent hazard auditor, the Director-General and Council.	NOGGIN incident register 01/01/23 – 31/12/23. Patrick HSE Incident Management and Reporting Procedure	Patrick has advanced incident reporting protocols that align with the POEO Act, in that incidents with potential material harm is notified.  In total 15 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 DPHI and EPA. The Auditor concurs with this assessment.	C		
<b>Hazard Audit</b>						
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</i> ,	2022 Hazard Audit Report, Planager, 24/02/23 DPHI post approval portal lodgement 24/02/23 Site Interview 11/01/2023 Corrective Actions 0049 and 0053 (records of actions against	A Hazard Audit of Patrick Port Botany Terminal, NSW was completed by Planager, with the report finalised on 24/02/23. The audit appears to have been conducted in accordance with the requirements of this condition and was submitted on 24/02/23 (within the required timeframe). The audit identified five findings, including two high risk findings relating to fire protection and issuing work permits. The Auditor is not aware of the Department raising any comments on the Hazard Audit.	C		

<sup>17</sup> EPA General Terms of Approval – O 3.1

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				C	NC	NT
	"Hazard Audit Guidelines". The audit shall include a review of all entries made in the incident register since the previous audit.	high risk findings from hazard audit)	Audits are carried out every 3 years, with the next Audit report due to be submitted 24/02/27.			
<b>Landscaping</b>						
3.57	<sup>18</sup> 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 17 March 2023, version 4.	The Vegetation Management Plan (OEMP V4 17/03/2023 – 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 March 2023 where the position of the diesel refuelling bay was updated, and the Traffic Management Plan was also revised.	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 17 March 2023, version 4.  Site inspection 11/01/24	The Vegetation Management Plan (OEMP V4, 17/03/2023 – 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 March 2023 where the position of the diesel refuelling bay was updated, and the Traffic Management Plan was also revised.  No weeds or vegetation were observed during the audit.  The area of land under Ramp D (also known as The Undercroft) has been transferred from Patrick to NSW Ports and is now under the latter organisation's control.	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 17 March 2023, version 4.  Site inspection 11/01/24	The Vegetation Management Plan (OEMP V4, 17/03/2023 – 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 March 2023 where the position of the diesel refuelling bay was updated, and the Traffic Management Plan was also revised.  No weeds or vegetation were observed during the audit.  The area of land under Ramp D (also known as The Undercroft) has been transferred from Patrick to NSW Ports and is now under the latter organisation's control.	C		
3.60	The Applicant shall install, operate and maintain an irrigation system throughout all landscaped areas with no overspray onto hard surfaces. Details of the irrigation system proposed shall be included in the Vegetation Management Plan required under condition 6.4(b) of this consent. The system shall comply with all relevant Australian Standards.  Note: It is recognised that some irrigation is necessary, however, the Applicant is encouraged to reduce the dependence on irrigation by planting trees and shrubs that are endemic to the area and capable of withstanding low levels of water as reflected in condition 3.60 of this consent.	Vegetation Management Plan section 6.10 of Operational Environmental Management Plan' dated 17 March 2023, version 4.	The area of land under Ramp D (also known as The Undercroft) has been transferred from Patrick to NSW Ports and is now under the latter organisation's control.			NT
<b>Lighting</b>						
3.61	The Applicant must ensure that all external lighting associated with the development is mounted, screened, and directed in such a manner so as not to create a nuisance to surrounding properties or roadways. The lighting shall be the minimum level of illumination necessary and shall comply with <i>AS 4282 1997 – Control of the Obtrusive Effects of Outdoor Lighting</i> .	Aviation Operational Impacts Management Plan Section 6.8 of Patrick Port Botany Terminal Operational Environmental Management Plan' dated 17 March 2023, version 4.  Complaint register 01/01/23 – 31/12/23	Patrick has obtained approval under the Airports (Protection of Airspace).  Section 6.8 of the OEMP addresses potential aviation operational impacts and controls which include monitoring, including light management.  No complaints regarding lighting were received during the audit period.  No changes have been made in the lighting or the stackers locations.	C		
<b>Staff Induction Program</b>						

<sup>18</sup> 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
3.62	<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> <ul style="list-style-type: none"> <li>a) The correct placement and/or lowering of containers to minimise potential adverse noise impacts and specifically the control of transient impact noise;</li> <li>b) The site's environment officer shall carry out routine inspections during the day, evening and night. Individual operations staff shall be assessed to determine the performance rating on each staff member and his or her duties; and</li> <li>c) 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.</li> </ul>	<p>Induction and training Section 4.3 of Patrick Port Botany Terminal Operational Environmental Management Plan' dated 17 March 2023, Revision 4.</p> <p>Audit response to RFI, 01/02/24</p> <p>PBT Site Induction slide pack (no date).</p> <p>Storm Pit drain safe procedure (no date)</p> <p>Standard Operating Procedure Diesel Tanks &amp; Fluids Building, 13/04/23</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><b>Observation: The Auditor sighted the site induction and training material for storm pits and the new refuelling facility for the current audit period. The auditee also states that engineering controls and SOPs for cranes have been implemented as a means to minimise noise risks. However the auditor observes that training being delivered appears to be inconsistent with that described in Section 4.3 of the OEMP.</b></p>	C		
<b>Telephone Hotline</b>						
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 <a href="https://patrick.com.au/contact/">https://patrick.com.au/contact/</a></p>	<p>This information is available on the Patrick website. Phone number 02 9394 0308. Complaints number was tested in 2023 and remains in place.</p>	C		
<b>Complaints Register</b>						
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"> <li>a) the date and time of the complaint;</li> <li>b) the means by which the complaint was made;</li> <li>c) any personal details of the complainant that were provided, or if not, details were provided, a note to that effect;</li> <li>d) the nature of the complaints;</li> <li>e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and</li> <li>f) if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.</li> </ul> <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-Q3 2023</p> <p>Complaint register 01/01/23 – 31/12/23</p> <p><a href="https://patrick.com.au/environmental-monitoring/">https://patrick.com.au/environmental-monitoring/</a></p> <p>Emails Patrick to Council and EPA, 05/04/23 and 15/10/23 (issue of Community Feedback Reports)</p>	<p>The complaints register was sighted.</p> <p>The community feedback reports are available online for any agency or person to inspect. The Auditor requested that Patrick confirm if the Department, EPA, or Council requested a copy of the Complaints Register during the 2023 calendar year and if so, that Patrick provide evidence showing that the register was provided to the party that requested it. Patrick did not advise that any party had requested the report/s. Evidence was provided showing submission of the Q1-Q3 2023 reports to the EPA and Bayside Council.</p>	C		
<b>5. ENVIRONMENTAL MONITORING</b>						
<b>General Monitoring Requirements</b>						
5.1	<p><sup>19</sup>The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the <i>Protection of the Environment Operations Act 1997</i>, in relation to the development or in order to comply with the load calculation protocol shall be recorded and retained as set out in conditions 5.2 and 5.3 of this consent.</p>	<p>Noise Monitoring Reports May and November 2023 , Rodney Stevens Acoustics</p> <p>DPHI Post approval portal lodgements 07/07/23 and 11/01/24 (submission of the May and November Noise Monitoring Reports)</p>	<p>Biannual Noise Compliance Monitoring Reports for May and November 2023 sighted. They are prepared in accordance with EPL 6962.</p>	C		

<sup>19</sup> EPA General Terms of Approval – M 1.1



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				C	NC	NT																																								
5.2	<sup>20</sup> 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 and November 2023 , Rodney Stevens Acoustics  DPHI Post approval portal lodgements 07/07/23 and 11/01/24 (submission of the May and November Noise Monitoring Reports)	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	<sup>21</sup> 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																																										
<b>Requirement to Monitor Concentrations of Pollutants Discharged</b>																																														
5.4	<p>The Applicant shall monitor the discharge of pollutants at monitoring location Point 2. The Applicant shall monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in column 1 of the Table below. The Applicant shall use the sampling methods, units of measure, and sample at the frequency, specified in the columns of the Table below.</p> <table border="1"> <thead> <tr> <th>POLLUTANT</th> <th>UNITS OF MEASURE</th> <th>FREQUENCY</th> <th>SAMPLING METHOD</th> </tr> </thead> <tbody> <tr> <td>Oil and Grease</td> <td>mg/L</td> <td>Special Frequency 1</td> <td>Representative</td> </tr> <tr> <td>Total Suspended Solids</td> <td>mg/L</td> <td>Special Frequency 1</td> <td>Representative</td> </tr> <tr> <td>Turbidity</td> <td>NTU</td> <td>Special Frequency 1</td> <td>Representative</td> </tr> <tr> <td>Chemical Oxygen Demand</td> <td>mg/L</td> <td>Special Frequency 1</td> <td>Representative</td> </tr> <tr> <td>Total Organic Carbon</td> <td>mg/L</td> <td>Special Frequency 1</td> <td>Representative</td> </tr> <tr> <td>Total Petroleum Hydrocarbons</td> <td>mg/L</td> <td>Special Frequency 1</td> <td>Representative</td> </tr> <tr> <td>Lead</td> <td>mg/L</td> <td>Special Frequency 1</td> <td>Representative</td> </tr> <tr> <td>Zinc</td> <td>mg/L</td> <td>Special Frequency 1</td> <td>Representative</td> </tr> <tr> <td>pH</td> <td>pH</td> <td>Special Frequency 1</td> <td>Representative</td> </tr> </tbody> </table> <p>Special Frequency 1 means a sample must be collected and analysed not more than one hour before the commencement of any discharge on any day and a further sample of the wastes being discharged not more than one hour after the commencement of the discharge on that day.</p> <p>Note: The monitoring results collected in compliance with condition 5.4 for Point 2 can be used to determine compliance with the concentration limit specified in Condition 3.36 for discharge from Point 1.</p>	POLLUTANT	UNITS OF MEASURE	FREQUENCY	SAMPLING METHOD	Oil and Grease	mg/L	Special Frequency 1	Representative	Total Suspended Solids	mg/L	Special Frequency 1	Representative	Turbidity	NTU	Special Frequency 1	Representative	Chemical Oxygen Demand	mg/L	Special Frequency 1	Representative	Total Organic Carbon	mg/L	Special Frequency 1	Representative	Total Petroleum Hydrocarbons	mg/L	Special Frequency 1	Representative	Lead	mg/L	Special Frequency 1	Representative	Zinc	mg/L	Special Frequency 1	Representative	pH	pH	Special Frequency 1	Representative	EPL 6962.	No water quality monitoring is required by the EPL (6962) and there are no licenced discharge points.			NT
POLLUTANT	UNITS OF MEASURE	FREQUENCY	SAMPLING METHOD																																											
Oil and Grease	mg/L	Special Frequency 1	Representative																																											
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<b>Water Quality Monitoring and Compliance Reporting</b>																																														

<sup>20</sup> EPA General Terms of Approval – M 1.2

<sup>21</sup> EPA General Terms of Approval – M 1.3

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5.7	<p><sup>22</sup>Within 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 11 stormwater lines serving the container handling operation area within the site;</p> <p>(c) Quantify the concentration of pollutant types identified as part of the pollutant inventory as prescribed in subclause(a) of this condition. The quantification of pollutants shall be undertaken by collecting a grab sample within the first hour of a discharge and at hourly intervals after the commencement of that discharge for at least three hours after the initial sample was taken; and</p> <p>(d) A statement of whether identification and quantification of pollutants in stormwater discharges that have been developed in accordance with the water quality objectives as specified in the Water Quality Guidelines for Fresh and Marine Waters published by Australian and New Zealand Environment and Conservation Council.</p>	<p>EPL 6962.</p> <p>Patrick Port Botany Terminal 2016 Annual Environmental Management Report (AEMR), 14/11/17.</p>	<p>As referred to in the 2016 AEMR reference to this requirement has been removed from EPL 6962 primarily because the main workshop area has been covered and a Trade Waste Agreement is in place with Sydney Water.</p> <p><i>NB: A Modification to this condition has been discussed internally and with NSW Ports. Parties are waiting for details of the upgrade to rail area which may necessitate modification to approval conditions that could also address this finding in a consolidated manner.</i></p>			NT
<b>Noise Monitoring and Compliance Reporting</b>						
5.8	<p><sup>23</sup>Within 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 1/3 octave bands for any source with potentially undesirable noise character) all significant noise sources on site. This is to include container impact noise(s), audible alarms, all significant plant and equipment;</p> <p>(b) Identification of all noise sensitive receivers that may be affected by the operation, and select an appropriate number of representative receiver locations to represent all sensitive receivers;</p> <p>(c) The results of all noise measurements undertaken to assess compliance with condition 3.3 of this consent;</p> <p>(d) A statement of whether noise levels from all activities at the site comply with the specified noise limits at the representative receiver locations. The statement shall take into account tonal, impulsive and short duration noises originating from the facility;</p> <p>(e) Where noise levels have been assessed to exceed licence limits, a statement explaining the reason why this has taken place; and</p> <p>(f) A statement of what feasible and reasonable additional measures may be implemented to further reduce noise levels below that specified in the licence.</p>	<p>Noise Monitoring Reports May and November 2023 , Rodney Stevens Acoustics</p> <p>DPHI Post approval portal lodgements 07/07/23 and 11/01/24 (submission of the May and November Noise Monitoring Reports)</p> <p>Email Patricks to EPA, 07/07/23 and 11/01/24</p>	<p>Biannual Noise Compliance Monitoring Reports for May and November 2023 sighted. They are prepared in accordance with EPL 6962 and were submitted to the Department and EPA.</p>	C		
<b>6. ENVIRONMENTAL MANAGEMENT</b>						
<b>Operation Environmental Management Plan (OEMP)</b>						
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>Operational Environmental Management Plan dated 17 March 2023</p>	<p>The 'Patrick Port Botany Terminal Operational Environmental Management Plan' (OEMP) – Version 4 (17/03/2023) has been prepared to satisfy this condition.</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 March 2023 where the position of the diesel refuelling bay was updated, and the Traffic Management Plan was also revised.</p>	C		

<sup>22</sup> EPA General Terms of Approval – E 1.1

<sup>23</sup> EPA General Terms of Approval – E 1.1

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	<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>					
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> <ul style="list-style-type: none"> <li>(i) detailed plans showing the design of the stormwater control infrastructure;</li> <li>(ii) demonstration that the stormwater control infrastructure will conform with, or exceed all relevant Council requirements and guidelines;</li> <li>(iii) description of the procedures for the installation, inspection and maintenance of the stormwater control infrastructure, including stormwater pollution control devices; and</li> <li>(iv) description of the procedures to be undertaken if any non-compliance is detected.</li> </ul> <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> <ul style="list-style-type: none"> <li>(i) details of all landscaping to be undertaken on the site and revegetation in the boat ramp access road area, including details of additional features such as soil and mulch details, irrigation details, retaining wall details, fencing details, details of hard surfaces, and any other landscape elements in sufficient detail to fully describe the proposed landscape works;</li> <li>(ii) details of existing and proposed utilities, as they relate to the development;</li> <li>(iii) maximisation of flora species endemic to the locality in landscaping the site;</li> <li>(iv) details of the proposed weed management system;</li> <li>(v) identification and details of staff recreation areas;</li> <li>(vi) details of car parking and measures to prevent vehicle encroachment onto landscaped areas; and</li> <li>(vii) a program to ensure that all landscaped and revegetated areas are maintained in a tidy, healthy state.</li> </ul> <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> <ul style="list-style-type: none"> <li>(i) details of measures that would be implemented to minimise noise and amenity impacts on residential areas resulting from heavy vehicle movements;</li> <li>(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;</li> <li>(iii) procedures for monitoring the effectiveness and suitability of these measures, particularly the periodic and random monitoring of heavy vehicle routes; and</li> <li>(iv) details of additional measures that would be implemented should non-compliance be detected.</li> </ul> <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> <ul style="list-style-type: none"> <li>(i) identification of the type and quantities of waste that would be generated;</li> <li>(ii) description of measures and actions to be taken to minimise waste generated by the operation of the development;</li> <li>(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</li> <li>(iv) details of programs for involving and encouraging employees and contractors to minimise domestic waste production on the site and reuse/recycle where possible.</li> </ul> <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>Operational Environmental Management Plan dated 17 March 2023, version 4</p> <p>Inclusive of sub-plans:</p> <ul style="list-style-type: none"> <li>• Section 6.2 Stormwater Management</li> <li>• Section 6.10 Vegetation and Land Management</li> <li>• Section 6.7 Operational Traffic Management</li> <li>• Section 6.4 Waste Management</li> <li>• Section 6.6 Operational Noise Management</li> </ul>	<p>The OEMP was prepared, consulted on and approved by the Department prior to the current audit period. Update to the OEMP occurred in March 2023 where the position of the diesel refuelling bay was updated, and the Traffic Management Plan was also revised.</p> <p>The following plans are available as part of the OEMP to address the requirements of this condition:</p> <ul style="list-style-type: none"> <li>Stormwater Management Plan (V4, 2023 Section 6.2)</li> <li>Vegetation Management Plan (OEMP – V4, 2023, Section 6.10)</li> <li>The Operational Traffic Management Plan (OEMP – V4, 2023, Section 6.7)</li> <li>Waste Management Plan (OEMP – V4, 2023, Section 6.4)</li> <li>Operational Noise Management Plan (OEMP – V4, 2023, Section 6.6)</li> </ul> <p><b>Observation: The current version of the Operational Traffic Management Plan (OTMP) does not appear to have the new truck grid and straddle crane refuelling facility arrangement documented. It is understood that a more current OTMP has been drafted (a draft version, dated 14 September 2023 was sighted during the audit) but this has yet to be finalized.</b></p>	C		

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	<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 17 March 2023, version 4</p> <p>DPHI post approval portal 11/01/24 (notification of 2023 update to the OEMP)</p>	<p>The OEMP was prepared, consulted on and approved by the Department prior to the current audit period. Update to the OEMP occurred in March 2023 where the position of the diesel refuelling bay was updated, and the Traffic Management Plan was also revised.</p> <p><b>Note:</b> It was noted that notification to DPHI on the latest review of the OEMP (17/03/2023 – Rev4 ) was made on the day of the audit - 11/01/2023 and a copy of the updated OEMP was submitted to the Department on 11/01/24.</p> <p>No other notification or request for notification have been made to EPA, Waterways Authority, or the Council and the auditees are not aware of the Department requesting a copy of the latest OEMP.</p>	C		
<b>Annual Compliance Report</b>						
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 2022, 23/02/23.</p> <p>DPHI post approval portal lodgement, 24/02/23 (submission of Compliance Report and AEMR)</p> <p>Email Patrick to Bayside Council, EPA, 24/02/23 (submission of Compliance Report and AEMR)</p>	<p>The 2022 Compliance Report is available.</p> <p>Annual Environmental Management Report and Annual Compliance Report 2022 was provided to DPHI, EPA on the 24/02/23 and Bay Side Council as is required by this condition.</p>	C		
<b>Independent Environmental Audit</b>						
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, 17/02/2023.</p> <p>DPHI post approval portal lodgement 17/02/23</p> <p>Letter DPHI to Patrick, 03/04/23 (DPHI response to 2023 Audit Report)</p> <p>Letter DPHI to Patrick, 29/05/23 (approval of audit team)</p>	<p>WolfPeak were approved as the auditors on 29/05/23.</p> <p>The Audit of the facility for the 2022 audit period was completed by WolfPeak in 17/02/23 in accordance with this condition.</p> <p>The Department provided a written notice on the findings from the 2023 audit. The Department acknowledged the non-compliances identified and stated that no further action would be taken at the time of writing.</p> <p>This audit assesses compliance for the 2023 audit period and addresses each requirement of this condition, along with the requirements identified by the Department in consultation for this audit.</p>	C		



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6.8	Within 2 months of commissioning the audit, the Applicant must submit a copy of the audit report to the Director-General. After reviewing the report, the Director-General may require the Applicant to address certain matters identified in the report. The Applicant must comply with any reasonable requirements of the Director-General	Independent Environmental Audit, WolfPeak 17/02/2023. Independent Environmental Audit, WolfPeak, 17/02/2023. DPHI post approval portal lodgement 17/02/23 Letter DPHI to Patrick, 03/04/23 (DPHI response to 2023 Audit Report)	The 2022 Audit was commenced on 11/01/23 and finalised on 17/02/2023. Submission to the Department was undertaken on the same day.	C		
<b>EPA Annual Return</b>						
6.9	<sup>24</sup> The Applicant shall provide an annual return to the EPA in relation to the development as required by any licence under the <i>Protection of the Environment Operations Act 1997</i> in relation to the development. In the return the Applicant shall: a) report on the annual monitoring undertaken (where the activity results in pollutant discharges); b) provide a summary of complaints relating to the development; c) report on compliance with licence conditions; and d) provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load-based fees apply to the activity the Applicant will be required to submit load based fee calculation worksheets with the return.	EPA Annual Return submitted 24/04/2023 NSW EPA POEO Public Register (online)	Annual Return submitted to EPA on 24/04/2023. No non-compliances were identified. The Auditee is not aware of any formal response having been provided by the EPA. The Annual Return information can be found in the EPA website on the License summary EPL 6962	C		
6.10	Where standards, guidelines or other documents are referred to in the conditions, the latest version of these standards, guidelines or documents shall apply, unless otherwise agreed by the Director-General.	Operational Environmental Management Plan dated 17 March 2023, version 4 available online at Noise Monitoring Reports May and November 2023 , Rodney Stevens Acoustics <a href="#">/</a> DPHI Post approval portal lodgements 07/07/23 and 11/01/24 (submission of the May and November Noise Monitoring Reports)	Noted. The 2023 OEMP and Noise Monitoring Reports appear to reference current guidelines and standards.	C		
<b>7 REQUIREMENTS OF BOTANY BAY COUNCIL</b>						
<b>Storage of Chemicals/Dangerous Goods (Other Than Shipping Containers)</b>						
7.4	The storage and handling of flammable and combustible liquids for use on the site (other than shipping containers) shall be in accordance with Australian Standard <i>AS1940-1993 The Storage and Handling of Flammable and Combustible Liquids</i> .	Site inspection 11/01/24	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.	C		
<b>Storage of Waste Oil</b>						
7.5	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.	Site inspection 11/01/24 Transport Certificates for liquid waste 26/07/23, 02/03/23, 03/05/23, 11/05/23, 20/03/23, 01/11/23	Waste oil storage was sighted. No issues observed, refer to site inspection photos. Liquid waste was being tracked in accordance with the POEO Act and Waste Regulation. Records including, Transport Certificates for liquid waste and GSW delivery docket from Veolia were sighted.	C		

<sup>24</sup> EPA General Terms of Approval – R 1.1

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		GSW Veolia Tip Docket, 09/02/23.				
<b>Fuel Tanks and Fuel Filling Areas</b>						
7.6	The fuel tank and fuel filling area shall be designed and operated in accordance with the <i>Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems</i> by the Australian Institute of Petroleum (CP4-1998) and <i>AS1940: 1993 The Storage and Handling of Flammable and Combustible Liquids</i> .	Site inspection 11/01/24 Transtank Operations and Maintenance Manual – SO10276 Dual P69 Refuelling Facility Rev.1 Design Certificate, diesel & auxiliary fluid storage & refueling Bay area – design certificate, ICD Australia, 14/04/23 Certificate of Compliance, Relocation of Autostrad Refuelling Facility, AMOG, 12/04/23	It is noted that a design certificate and compliance certificate was issued by specialists in fuel storage. The Design Certificate verified the facility as complying with the relevant Australian Standards. The Compliance Certificate noted several points about the refuelling facility hazard studies (specifically that the Certifier questioned some of the assumptions from the hazard studies). Nevertheless AMOG certified the tank. WolfPeak considers it the role of the Designer (ICD) and Certifier (AMOG) to verify compliance with this condition.	C		
<b>Fuel Bowers</b>						
7.7	Fuel bowsers and service areas shall comply with the EPA's Environmental Guideline: <i>Surface Water Management On The Covered Forecourt Areas Of Service Stations</i> .	Site inspection 11/01/24 Transtank Operations and Maintenance Manual – SO10276 Dual P69 Refuelling Facility Rev.1 Design Certificate, diesel & auxiliary fluid storage & refueling Bay area – design certificate, ICD Australia, 14/04/23 Certificate of Compliance, Relocation of Autostrad Refuelling Facility, AMOG, 12/04/23	It is noted that a design certificate and compliance certificate was issued by specialists in fuel storage. The Design Certificate verified the facility as complying with the relevant Australian Standards. The Compliance Certificate noted several points about the refuelling facility hazard studies (specifically that the Certifier questioned some of the assumptions from the hazard studies). Nevertheless AMOG certified the tank. WolfPeak considers it the role of the Designer (ICD) and Certifier (AMOG) to verify compliance with this condition.	C		
<b>Bunding – Multiple Containers (Excluding Shipping Containers)</b>						
7.8	The area used for the storage of chemicals/liquids in containers (other than shipping containers) shall be banded. The bund (walls and floor) shall be constructed of impervious materials. The bund walls shall be a minimum of 100 mm high and be of a sufficient volume to contain 25% of the maximum volume of liquids likely to be stored within the bund. The bund shall be designed and installed in accordance with <i>AS1940-1993 The Storage And Handling Of Flammable And Combustible Liquids</i> .	Site inspection 11/01/24 Transtank Operations and Maintenance Manual – SO10276 Dual P69 Refuelling Facility Rev.1 Design Certificate, diesel & auxiliary fluid storage & refueling Bay area – design certificate, ICD Australia, 14/04/23 Certificate of Compliance, Relocation of Autostrad Refuelling Facility, AMOG, 12/04/23	It is noted that a design certificate and compliance certificate was issued by specialists in fuel storage. The Design Certificate verified the facility as complying with the relevant Australian Standards. The Compliance Certificate noted several points about the refuelling facility hazard studies (specifically that the Certifier questioned some of the assumptions from the hazard studies). Nevertheless AMOG certified the tank. WolfPeak considers it the role of the Designer (ICD) and Certifier (AMOG) to verify compliance with this condition.	C		
<b>Bunding – Tank</b>						
7.9	The area used for the storage of chemicals/liquids in tanks shall be banded. The bund (walls and floor) shall be constructed of impervious materials and shall be of sufficient volume to contain at least 110% of the volume of the tank(s). The bund shall be designed and installed in accordance with <i>AS1940-1993 The Storage And Handling Of Flammable And Combustible Liquids</i> .	Site inspection 11/01/24 Transtank Operations and Maintenance Manual – SO10276 Dual P69 Refuelling Facility Rev.1	It is noted that a design certificate and compliance certificate was issued by specialists in fuel storage. The Design Certificate verified the facility as complying with the relevant Australian Standards. The Compliance Certificate noted several points about the refuelling facility hazard studies (specifically that the Certifier questioned some of the assumptions from the hazard studies). Nevertheless AMOG certified	C		

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		Design Certificate, diesel & auxiliary fluid storage & refueling Bay area – design certificate, ICD Australia, 14/04/23 Certificate of Compliance, Relocation of Autostrad Refuelling Facility, AMOG, 12/04/23	the tank. WolfPeak considers it the role of the Designer (ICD) and Certifier (AMOG) to verify compliance with this condition.			
<b>Maintenance of Bunded Area</b>						
7.10	Bunded areas shall be properly maintained and all spillages and/or wastes within the bunded areas cleaned up as soon as practicable and disposed of in a manner that does not pollute waters.	Site inspection 11/01/24	Bunds and bunded areas were well maintained. Spill kits were also available at various locations in the warehouse.			
<b>Traffic Bund</b>						
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 11/01/24	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.			
<b>Spill Cleanup</b>						
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 11/01/24	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.			
<b>Emergency Spill Response Management Plan</b>						
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), 29/09/2023. PB Terminal Standard Operating Procedure for Storage and Handling of Hazardous / Dangerous Goods, April 2019 2018 Australian Emergency Response Guide Book	The Emergency Management Plan was prepared, consulted on, and approved by the Department prior to the current audit period. The latest update was completed on the 29 September 2023 to update the location of the new Truck Grids and 600m Rail. Note: Emergency Management Plan (29/09/2023) 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.			
<b>AUTOMOTIVE / WORKSHOP</b>						
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 11/01/24 EPL 6962 Sydney Water Trade Waste Consent No. 24990 (19/06/23, valid until 01/07/27) Transport Certificates for liquid waste 26/07/23, 02/03/23, 03/05/23, 11/05/23, 20/03/23, 01/11/23	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. 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. Refer to conditions 7.20 and 7.23 regarding maintenance records for tradewaste and stormwater infrastructure.			
<b>Storage of Mechanical Parts</b>						
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 11/01/24 EPL 6962 Sydney Water Trade Waste Consent No. 24990 (19/06/23, valid until 01/07/27) Transport Certificates for liquid waste 26/07/23, 02/03/23,	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. 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. Refer to conditions 7.20 and 7.23 regarding maintenance records for tradewaste and stormwater infrastructure.			

CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
				C	NC	NT
		03/05/23, 11/05/23, 20/03/23, 01/11/23				
<b>Spray Painting</b>						
7.16	All spray painting is to be carried out in a spray booth constructed and ventilated in accordance with AS 1668.2-2002 – <i>The Use of Mechanical Ventilation and Air-Conditioning in Buildings</i> . Exhausts from the spray booth shall be discharged through a single stack with a minimum height of 3 metres above the ridge of the building. The stack shall be located not less than 6 metres from any fresh air intake or openable window. Disposal of wastewater from wet scrubbing shall be disposed of in accordance with Sydney Water's <i>Trade Waste Policy and Management Plan</i> .	Site inspection 11/01/24 EPL 6962 Sydney Water Trade Waste Consent No. 24990 (19/06/23, valid until 01/07/27) Interview with auditees 11/01/24	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
<b>Maintenance of Filters</b>						
7.17	All spray booth filters shall be regularly maintained to ensure emissions of air pollutants are minimised.	Site inspection 11/01/24 EPL 6962 Interview with auditees 11/01/24	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
<b>STORMWATER</b>						
<b>Vehicle Wash Bay</b>						
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 11/01/24 EPL 6962 Sydney Water Trade Waste Consent No. 24990 (19/06/23, valid until 01/07/27) Terminal Stormwater Drainage System (Drawing) 17/10/2017 Interview with auditees 11/01/24	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		
<b>Signage on Stormwater Drains</b>						
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 11/01/24 Email Patrick Maintenance Team to HSE, 02/02/24 (confirmation of painting)	Signage was observed on stormwater drains and a program is in place to ensure these are maintained.	C		
<b>Maintenance of Stormwater Treatment Devices</b>						
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 11/01/24 Sydney Water Trade Waste Consent No. 24990 (19/06/23, valid until 01/07/27) Transport Certificates for liquid waste 26/07/23, 02/03/23, 03/05/23, 11/05/23, 20/03/23, 01/11/23 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.	C		



CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
				C	NC	NT
		Storm Pit drain safe procedure (no date)				
<b>Wastewater Recycling For Vehicle Washing</b>						
7.21	All vehicle washing bays that recycle filtered and treated wastewater for re-use for vehicle washing shall meet the following requirements: (a) Have an appropriate method for the removal of contaminants such as grease, oil, sediment and cleaning agents before reuse of the wastewater and have an appropriate method for the disposal of wastewater contaminants. Have a floor that is sealed and graded to an internal drainage point, so that all wastewater and surface spillage is directed and drains to the approved treatment point; (b) Is roofed and bunded so that all uncontaminated stormwater from the roof areas and uncovered areas, are directed away from the bay; (c) At a minimum the bay constructed with a minimum 20mm bund around the perimeter of the bay; (d) At a minimum the bay should be protected from the entry of external surface waters, by either; a minimum 2%change in grade; or combination of a minimum 2% grade change and a grated drainage system; (e) At a minimum the bay should have a roof that has a minimum height of 2.5m; (f) All uncontaminated stormwater/rainwater must be directed to the dedicated stormwater drainage systems; (g) Ensure all contaminants removed from the recycled wastewater are disposed of appropriately; (h) Have an appropriately designed wastewater/recycled water storage tank; (i) All contaminants and gross solids removed from the recycled water are disposed of appropriately; (j) Ensure that the wastewater recycling system is functioning as intended; and (k) Ensure that all wastewater is retained within the recycling system.	Site inspection 11/01/24 Interview with auditees 11/01/24	Recycled water has not been used for vehicle wash bays.			NT
<b>Removal Off-Site By An Authorised Liquid Waste Disposal Contractor</b>						
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 11/01/24 Interview with auditees 11/01/24 Sydney Water Trade Waste Consent No. 24990 (19/06/23, valid until 01/07/27) Transport Certificates for liquid waste 26/07/23, 02/03/23, 03/05/23, 11/05/23, 20/03/23, 01/11/23	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		
<b>Discharge To The Sewer Via Appropriate Pre-Treatment</b>						
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	Site inspection 11/01/24 Interview with auditees 11/01/24 Sydney Water Trade Waste Consent No. 24990 (19/06/23, valid until 01/07/27) Transport Certificates for liquid waste 26/07/23, 02/03/23, 03/05/23, 11/05/23, 20/03/23, 01/11/23	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.	C		



CoA No	DA-453-12-2002 Condition of Consent Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
				C	NC	NT
	(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.					
<b>Disposal of Wastewater To Land Incorporating Appropriate Treatment Devices</b>						
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 11/01/24 Interview with auditees 11/01/24 Sydney Water Trade Waste Consent No. 24990 (19/06/23, valid until 01/07/27) Transport Certificates for liquid waste 26/07/23, 02/03/23, 03/05/23, 11/05/23, 20/03/23, 01/11/23	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.  Separate to the above, and where required, liquid waste is also disposed of by a liquid waste contractor.  There are no discharges to land.			NT
<b>Energy Efficiency</b>						
<b>Energy Efficiency Compliance Report</b>						
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.	DPHI 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 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.			NT



## **APPENDIX B – PLANNING SECRETARY AGREEMENT OF INDEPENDENT AUDITORS**

Mr Gus May  
Patrick Stevedors Operations Pty Ltd  
Gate B105A, Penryhn Road (Inter-modal Access Rd)  
Port Botany New South Wales 2036

29/05/2023

Dear Gus May

**Port Botany Container Terminal – 2023 IEA Auditor Nomination Request - DA453-12-2002-i**

I refer to your request (DA453-12-2002-i-PA-33) for the Secretary's approval of suitably qualified persons to prepare and undertake the 2023 Independent Environmental Audit (**IEA**) and report for the Port Botany Container Terminal (**project**), DA453-12-2002-i as modified (**Consent**).

The Department of Planning and Environment (the **department**) has reviewed the nominations and information you have provided and is satisfied that these experts are suitably qualified and experienced. Consequently, I can advise that the Secretary approves the appointment of the below audit team to prepare the 2023 IEA.

In accordance with Condition 6.7 of the Consent ISO 14010 – Guidelines and General Principles for Environmental Auditing, and ISO 14011 – Procedures for Environmental Auditing, as nominee of the Secretary, I approve the following audit team from WolfPeak:

- Ana Maria Munoz – lead auditor;
- Derek Low – alternate lead auditor; and
- Steve Fermio – alternate lead auditor.

Please ensure this correspondence is appended to the Independent Audit Report.

Derek Low and Steve Fermio were previously approved by the department as independent auditors for the project, however, this document will act as the contemporary approval for the audit team.

Considering Derek Low and Steve Fermio's experience with the site and with similar state significant developments, the department requests that Derek Low and Steve Fermio conduct the final review and sign off on the audit report.

The IEA and report must be undertaken, prepared and finalised in accordance with Condition C6.7 of the Consent. The Department also recommends consideration be given to the *Independent Audit Post Approval Requirements* (Department 2020) (**IAPAR**) to the extent that it does not contradict Condition C6.7 of the Consent. Failure to meet these requirements will require revision and resubmission.

The Department reserves the right to request an alternate auditor or audit team for future audits.

Notwithstanding the agreement for the above listed audit team for this IEA, each subsequent IEA under the Consent and the IAPAR requires a request for the re-endorsement of the existing audit team, or a request for agreement to a revised audit team to be submitted to the department for consideration of the Secretary. Each request is reviewed and depending on the complexity of the project, the suitability of the proposed team will be considered.

Should you wish to discuss the matter further, please contact Astrid Christensen on (02) 9274 6170 or [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)

Department of Planning and Environment



Yours sincerely

A handwritten signature in black ink, appearing to read "Julia Pope".

Julia Pope  
Team Leader Compliance Metro  
As nominee of the Planning Secretary



## APPENDIX C – CONSULTATION RECORDS



## Derek Low

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**From:** Derek Low  
**Sent:** Friday, 8 December 2023 9:50 AM  
**To:** compliance@planning.nsw.gov.au  
**Cc:** n.cerda@patrick.com.au; Gibbs, Marie  
**Subject:** Patrick Stevedores - Port Botany: Independent Environmental Audit 2023 - Agency consultation

Hi there.

I am one of the 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 2024, covers the 2023 calendar year and is required to satisfy Condition C4.5 of DA 494 and Condition 6.7 of DA 453.

The Department's letter approving WolfPeak as auditors also recommended consideration be given to the Department's *Independent Audit Post Approval Requirements* (IAPAR) to the extent that it does not contradict Condition C6.7 of the Consent. Hence, in accordance with the IAPAR, I am consulting with the Department on the scope of the audit and seek confirmation as to whether other parties or agencies are to be consulted.

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

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

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

Regards,

**Derek Low | Principal**

Executive Director - Infrastructure & Environmental Assurance






P: 1800 979 716

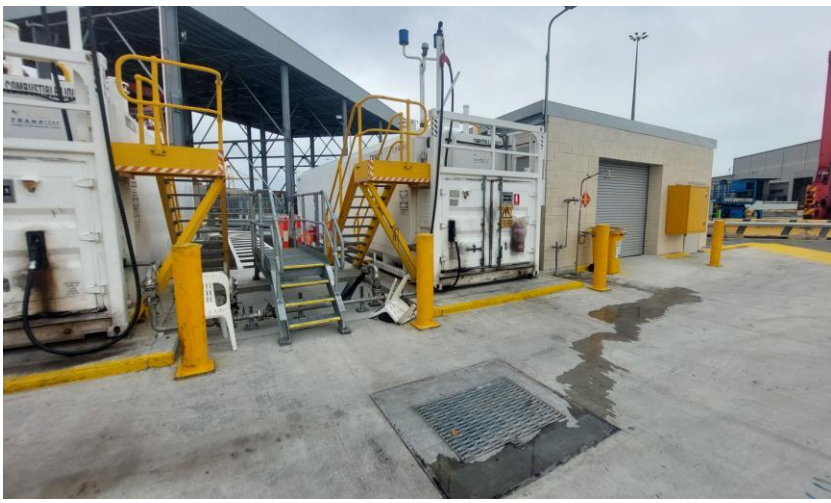

M: 0402 403 716

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




## APPENDIX D – SITE INSPECTION PHOTOS

No.	Comment	Photograph
01	General solid waste collection in progress.	
02	Leaking container recovery vehicle in place and ready for use during ship unloading.	
03	Correct use of pallet bunds for temporary storage in maintenance shed.	

No.	Comment	Photograph
04	<p>New refuelling facility (relocated to accommodate new truck grid and Sydney Autostrad Botany Rail Expansion). Tanks are doubles skinned and all drains go to the in ground puraceptor system.</p>	
05	<p>Hydraulic oil tanks, sitting in bund able to hold &gt;110% of largest vessel.</p>	





No.	Comment	Photograph
06	<p>Updated truck grid arrangement to cater for the Sydney Autostrad Botany Rail Expansion. No queuing or stabling was required on the day of the inspection, despite a ship being unloaded.</p>	
07	<p>Automated truck gate controlling access to truck grid.</p>	

No.	Comment	Photograph
08	Tradewaste batch facility filter press rejects, plus other hydrocarbon impacted materials.	



No.	Comment	Photograph
09	Tradewaste sample unit. Tag indicates that the unit is still in service period.	 A photograph of a Siemens tradewaste sample unit. The unit is white with a teal top section containing a small screen and buttons. It is mounted on a metal structure. A white tag is attached to the bottom of the unit, indicating it is still in service. The tag has handwritten text and a date '1/23'. The unit is connected to a power outlet below it.

No.	Comment	Photograph
10	Tradewaste storage pit.	
11	Oil storage with bunding well in excess of 110% of largest vessel.	

No.	Comment	Photograph
12	New drain safe turning mechanism with updated painting marking 'rainwater only'.	
13	Straddle crane wash bay within Maintenance Workshop. The pit drains to the tradewaste batching unit.	



## APPENDIX E – 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 205 DP 712991 and Lot 401 DP 816961 (Botany Bay LGA). SSD DA 453: Brotherson Dock, Penrhyn Road, Port Botany Lot 1-6, 8-14 and 16-19 DP 452236, Lot 1 DP 804556, Lots 1 and 2 DP 1009870 (Botany Bay LGA).
Proponent:	SSD DA 494: Sydney Ports Corporation SSD DA 453: Patrick Stevedores Operations Pty Ltd
Title of audit	Independent Audit of operations for 2023
Date:	05/02/24

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

# Declaration of Independence - Auditor



Project Name:	Patrick Port Botany Terminal Expansion and Terminal Redevelopment
Consent Number:	DA 494 and DA 453
Description of Project:	Operation of the Patrick Port Botany Terminal
Project Address:	SSD DA 494: Lot 2 DP 10009870, Lot 6 DP 1053768, Lots 301 and 302 DP 712991, Part of Crown Reserve R91288, Lots 203 and 205 DP 712991 and Lot 401 DP 816961 (Botany Bay LGA). SSD DA 453: Brotherson Dock, Penrhyn Road, Port Botany Lot 1-6, 8-14 and 16-19 DP 452236, Lot 1 DP 804556, Lots 1 and 2 DP 1009870 (Botany Bay LGA).
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- 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:	Steve Fermio
Signature:	
Qualification:	Bachelor of Science, ANU Honours in Geology, Monash University Graduate Diploma Land Rehabilitation, Federation University Certificate IV in Soil Health, Plant Nutrition & Pasture Development, New England Institute of TAFE Exemplar Global Lead Environmental Auditor Number 110498
Company:	WolfPeak Pty Ltd