

# INDEPENDENT ENVIRONMENTAL AUDIT FOR 2023

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PATRICK STEVEDORES OPERATIONS – PORT BOTANY  
TERMINAL

DA 494 (PORT BOTANY EXPANSION)

JANUARY 2024

### Authorisation

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

**Prepared by:**  
WolfPeak Pty Ltd

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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 Audit (audit) for 2023 of DA 494-11-2003-i.

The audit was conducted to satisfy condition C4.5 of DA 494 which requires an annual audit to be carried out for the Patrick area previously known as The Knuckle (Berth 6). This audit coincides with the 9th anniversary post commissioning of the Patrick PB Terminal's redevelopment area, Berth 6 and Ramp D (4 February 2016) and the issue of a whole terminal lease with NSW Ports (11 March 2016). This audit seeks to verify compliance with DA-494 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 (of which is situated on the DA 453 footprint).

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 with with the requirements of DA-494 and other licences and approvals.

In summary:

- A total of 48 conditions were assessed.
- 38 conditions were found to be compliant
- One (1) historical issue giving rise to two (2) non-compliances remains open. This relates to the tracking of waste tyres as per the POEO Waste Regulation
- Two (2) new observations were identified, relating to delivery of training and the update of the OTMP

- Eight (8) conditions were identified as not triggered.

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 494-11-2003-i. A separate report has been prepared for operations covered by DA 453-12-2002-i.

### *DA 494-11-2003-i – Port Botany Expansion Project*

In 2005, the then Sydney Ports Corporation (Sydney Ports) obtained planning approval from the Minister for Planning for the Port Botany Expansion (PBE) (DA-494-11-2003-i). The PBE project involved the construction and operation of a new container terminal of approximately 63ha at Port Botany and associated infrastructure, environmental improvement works and community facilities.

The PBE project resulted in the procurement and awarding of the third stevedore contract at Port Botany, with approximately 45ha of the PBE area handed over to the lessee, Sydney International Container Terminal Pty Limited (SICTL). The remaining 18 hectares, known as The Knuckle (now referred to as Berth 6) and Ramp D was leased to Patrick. The general footprint of Berth 6 and Ramp D, covered by DA 494 is presented in Figure 2.

The redevelopment has increased the total area, quay line and Twenty-Foot Equivalent Unit (TEU) capacity of the Patrick PB Terminal.

DA 494 has undergone 17 modifications, which primarily relate to construction of the PBE and Terminal 3 (operated by SICTL, known as Hutchison Ports). These include:

- Administrative clarifications
- Amendments to wharf design
- Amendments to construction phase turbidity and noise requirements
- Adjustments to timing on various studies
- Adjustments to requirements associated with the Obstacle Limitation Surface
- Adjustment to construction hours
- Adjustment to rail line, including erection of noise wall on the northern boundary

- Dredging for construction
- Operations and maintenance buildings
- Stormwater management system design
- Temporary and permanent use of Hayes Dock.

The last modification (Modification 17) was determined on 19 September 2019, well prior to the current audit period.

### *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 (on the DA 453 footprint).





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

DA 494 (MOD 17, 19 September 2019) – condition C4.5 states:

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

- *be carried out in accordance with ISO 14010 – Guidelines and General Principles for Environmental Auditing and ISO14011 – Procedures for Environmental Auditing;*
- *assess compliance with the requirement of this consent, other licences and approvals that apply to the development;*
- *assess the construction against the predictions made and conclusions drawn in the development application, EIS, additional information and Commission of Inquiry material and:*

- review the effectiveness of environmental management of the development, including any environmental impact mitigation works.

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 C6.7 of the consent. The IAPAR has been adopted for this audit.

### 1.3 Audit team

In accordance with condition C4.5 of DA 494 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 both DA 453 and DA 494. The Department approved the audit team under DA 453 on 29 May 2023. In the letter there is no reference to DA 494. That being said the email correspondence from the Department indicates that the approval is for the audits under both consents, and the team remains the same as that which was previously approved since 2017. The Auditors who performed the audit are presented on Table 1. The 2017 and 2023 letters of approval of the audit team are 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 494, and to assess the effectiveness of environmental management system of the operations at Patrick's PB 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 494 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.

Condition C4.5 of DA 494 (3rd bullet point) refers to an assessment of construction against predictions made and conclusions drawn in the development application, EIS (Environmental Impact Statement), additional information and Commission of Inquiry material. A review of this particular requirement has not been included in this audit as construction of The Knuckle (Berth 6) was completed in February 2015.

## 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 494) 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 PB Terminal 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 development (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 development (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 494
- 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 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 (1) issue giving rise to two (2) non-compliances remains open. This relates to 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
IA2020_2	DA 494 Condition C2.13	Non-compliance	<p>Requirement: <i>Management of waste must be in accordance with the environment protection licence issued by EPA under the Protection of the Environment Operations Act 1997.</i></p> <p><b>Non-compliance:</b></p> <p><b>Note:</b> This non-compliance arises from the same issue as for DA 494 condition C2.13A.</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>• Solid waste tyres were being directed to waste facilities lawfully permitted to receive waste</li> <li>• Waste tyres being tracked in accordance with the POEO Waste Regulation.</li> </ul> <p>The Auditor also observes that the Patricks waste register previously used to track waste types, volumes, transporters and destinations etc is incomplete for the 2020 audit period.</p> <p><b>2021 Audit Finding Update</b></p> <p>Records were sighted showing solid waste disposal facility EPLs.</p> <p>Waste tyres are being disposed of from the facility, however the waste tyres are not being tracked in accordance with Protection of the Environment Operations (Waste) Regulation 2014, Clause 76 – Reporting on transportation of waste tyres solely within New South Wales.</p> <p>The Auditor notes that prior to the finalising of the Audit Report, Patrick enrolled onto the EPA’s WasteLocate Tool in accordance with their requirements to help track the waste tyres.</p> <p><b>2022 Audit Finding Update</b></p> <p>Patrick presented correspondence records with the licensed waste transporter (Trelleborg) indicating that the tyres serial number will be recorded and sent to Molycorp 360 to help track when straddle tyres for Patrick’s are sent for disposal.</p> <p>Trelleborg has provided a Scrap Tyre Analysis report recording the tyres serial number. Trelleborg is using Molycorp, which are an accredited participant of the TSA (Tyre Stewardship of Australia), and information has been collected as to how the tyres are being processed at end of life. Unfortunately, at the time of this report been prepared, Trelleborg has not been able to use EPA’s WasteLocate app to track waste tyres as they are not an authorised tyre receiver. This was identified as a limitation on the system and has been raised with the EPA.</p> <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>	Track the disposal of waste tyres.	PARTIALLY CLOSED
IA2020_3	DA 494 Condition C2.13A	Non-compliance	<p>Requirement: <i>The management of waste for uses and activities not subject to an Environmental Protection Licence, shall be managed and disposed of in accordance with the Protection of the Environment Operation (Waste) Regulation 2005 and the Waste Classification Guidelines (DECCW 2009), or any future guideline that may supersede that document. All waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.</i></p> <p><b>Non-compliance:</b></p> <p><b>Note that this non-compliance arises from the same issue as for DA 494 Condition C2.13.</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>• Solid waste tyres were being directed to waste facilities lawfully permitted to receive waste</li> </ul>	Track the disposal of waste tyres	PARTIALLY CLOSED

Item	Ref.	Type	Details of item	Proposed or completed action	Status
			<ul style="list-style-type: none"> <li>Waste tyres being tracked in accordance with the POEO Waste Regulation.</li> </ul> <p>The Auditor also observes that the Patricks waste register previously used to track waste types, volumes, transporters and destinations etc is incomplete for the audit period.</p> <p><b>2021 Audit Finding</b></p> <p>Records were sighted showing solid waste disposal facility EPLs.</p> <p>Waste tyres are being disposed of from the facility, however the waste tyres are not being tracked in accordance with Protection of the Environment Operations (Waste) Regulation 2014, Clause 76 – Reporting on transportation of waste tyres solely within New South Wales.</p> <p>The Auditor notes that prior to the finalising of the Audit Report, Patrick enrolled onto the EPA's WasteLocate Tool in accordance with their requirements to help track the waste tyres.</p> <p><b>2022 Audit Finding Update</b></p> <p>Patrick presented correspondence records with the licensed waste transporter (Trelleborg) indicating that the tyres serial number will be recorded and sent to Molycorp 360 to help track when straddle tyres for Patrick's are sent for disposal.</p> <p>Trelleborg has provided a Scrap Tyre Analysis report recording the tyres serial number. Trelleborg is using Molycorp, which are an accredited participant of the TSA (Tyre Stewardship of Australia), and information has been collected as to how the tyres are being processed at end of life. Unfortunately, at the time of this report been prepared, Trelleborg has not been able to use EPA's WasteLocate app to track waste tyres as they are not an authorised tyre receiver. This was identified as a limitation on the system and has been raised with the EPA.</p> <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>		

### 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 48 conditions were assessed.
- 38 conditions were found to be compliant
- One (1) historical issue giving rise to two (2) non-compliances remains open. This relates to the tracking of waste tyres as per the POEO Waste Regulation. Refer to Section 3.2 for details
- Two (2) new observations were identified, relating to delivery of training and the update of the OTMP
- Eight (8) conditions were identified as not triggered.

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 494 Condition C2.12	Observation	<p>Prior to the commencement of terminal operations, the applicant must prepare an Operational Traffic Management Plan in consultation with TfNSW (RMS), DPIE, Botany and Randwick Councils and SSROC. The Applicant shall address the requirements of these organisations in the Plan. The Applicant shall also consult with the Community Consultative Committee in preparation of the Plan. The plan must include, but not be confined to, mitigation measures identified in EIS such as:</p> <ul style="list-style-type: none"> <li>a) identification of preferred routes to minimise noise impacts on the surrounding community;</li> <li>b) physical and operational measures (including signage) to mitigate noise impacts from vehicles accessing and leaving the terminal;</li> <li>c) measures to limit the impact of traffic noise on Foreshore Road and Botany Road;</li> <li>d) driver education and information to promote driver habits to minimise noise; and</li> <li>e) timetabling, scheduling and details of vehicle booking systems.</li> <li>f) The plan must be submitted and approved by the Director-General prior to the commencement of operations</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>	Finalise the update to the OTMP.	OPEN
IA2023_2	DA 494 Condition C4.4	Observation	<p>Prior to the commencement of operations an Environmental Training Program shall be developed and implemented to establish a framework in which relevant employees will be trained in environmental management and the operation of plant and equipment, including pollution control equipment, where relevant. The Program shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> <li>a) identification of relevant employment positions associated with the development that have an operational or management role related to environmental performance;</li> <li>b) details of appropriate training requirements for relevant employees</li> <li>c) a program for training relevant employees in operational and/ or management issues associated with environmental performance; and</li> <li>d) a program to confirm and update environmental training and knowledge during employment of relevant persons</li> </ul>	<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. However the training being delivered appears to be inconsistent with that described in Section 4.3 of the OEMP.</b></p>	Review the environmental training being delivered on site against condition C4.4 and the OEMP. Update the documented training program in the OEMP to align with the requirements of condition C4.4 and existing training being delivered.	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 494 condition C4.5 requires the audit to assess the effectiveness of environmental management of the development, including any environmental impact mitigation works. 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 TMP (reflecting the new truck marshalling and grid arrangement) be finalised at next opportunity.

Patrick proposes to use The Knuckle (Berth 6) for the decommissioning and removal of redundant straddle cranes. This may involve the handling of small amounts of waste oils and the area does not currently have secondary containment controls for these materials, nor spill kits on hand. It is recommended that adequate spill and containment controls be implemented in this area.

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.

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. This is particularly true of the operations on DA 494 which make up only a small portion of the overall Port Botany operations and is on the southernmost limb of the PB Terminal.

### **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 PBE EIS was prepared in 2003, with the project approved in 2005. DA 494 has undergone 17 modifications, which primarily relate to construction of the PBE and Terminal 3 (operated by SICTL).

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:

- Patricks activities on the DA 494 footprint are not substantial compared to Terminal 3 operated by SICTL (Hutchison Ports), Patrick's existing operations (under DA 453) or that of the overall Port Botany precinct.
- 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

This Audit Report presents the findings from the audit of Patrick's The Knuckle and Ramp D operations for the 2023 calendar year.

The audit was conducted to satisfy condition C4.5 of DA 494 which requires an annual audit to be carried out for the Patrick area previously known as The Knuckle (Berth 6). This audit coincides with the 9th anniversary post commissioning of the Patrick PB Terminal's redevelopment area, Berth 6 and Ramp D (4 February 2016) and the issue of a whole terminal lease with NSW Ports (11 March 2016). This audit seeks to verify compliance with DA-494 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 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.

In summary:

- A total of 48 conditions were assessed.
- 38 conditions were found to be compliant
- One (1) historical issue giving rise to two (2) non-compliances remains open. This relates to the tracking of waste tyres as per the POEO Waste Regulation
- Two (2) new observations were identified, relating to delivery of training and the update of the OTMP
- Eight (8) conditions were identified as not triggered.

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 494**

CoA No	Auditee NSW Ports/ Patrick Stevedores	DA-494-11-2003 Condition of Consent Compliance Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
					C	NC	NT
<b>SCHEDULE A: OVERALL SCOPE OF DEVELOPMENT WORKS AND GENERAL PROVISIONS</b>							
<b>A1 GENERAL</b>							
<b>Scope of Development</b>							
A1.1	NSW Ports/ Patrick Stevedores	<p>The approved aspects of the development shall be carried out generally in accordance with:</p> <p>a) Development Application DA-494-11-2003-i, lodged with the Department on 26 November 2003.</p> <p>b) <i>Port Botany Expansion: Environmental Impact Statement</i> (ten volumes), prepared by URS Pty Ltd and dated November 2003;</p> <p>c) <i>Port Botany Expansion Commission of Inquiry – Primary Submission</i></p> <p>d) <i>Port Botany Expansion Commission of Inquiry – Supplementary Submission to Environmental Impact Statement</i>, prepared by URS Pty</p> <p>e) <i>Port Botany Expansion Environmental Impact Statement – Supplementary Submission</i> (two volumes), prepared by URS Pty Ltd and dated October 2004; and, and</p> <p>f) modification application MOD-107-9-2006-i, accompanied by <i>Port Botany Expansion, Section 96(1A) Application: Modification of Consent</i></p> <p>g) modification application MOD-134-11-2006-i, accompanied by <i>Port Botany Expansion, Section 96(1A) Modification – Wharf Structure Design</i>, prepared by Sydney Ports Corporation and dated November NSW Government Department of Planning</p> <p>h) modification application MOD-149-12-2006-i, accompanied by <i>Port Botany Expansion, Section 96(1A) Modification – Application to Modify Conditions B2.9 and B2.22 of the Port Botany Consent</i>, prepared by</p> <p>i) modification application MOD-78-9-2007-i, accompanied by <i>Port Botany Expansion – Modification of Conditions C2.20 &amp; C2.25</i>, prepared by</p> <p>j) modification application MOD-60-9-2008, accompanied by <i>Port Botany Expansion – Modification of Conditions B2.46 and C2.25</i>, prepared by</p> <p>k) modification application MOD-68-12-2008, accompanied by a letter from</p> <p>l) modification application MOD-08-03-2009, accompanied by a letter from Sydney Ports Corporation dated 16 February 2009 and assessment report titled <i>Port Botany Expansion – Rail Operations Section 96(1A)</i></p> <p>m) modification application 494-11-2003-I MOD 8, accompanied by an assessment report titled <i>Port Botany Expansion – Ship Turning Area</i></p> <p>n) modification application DA-494-11-2003-i MOD 9, accompanied by an assessment report titled <i>Port Botany Expansion – Additional High Spot Dredging off Molineux Point Section 96(1A) Modification</i> dated May</p> <p>o) modification application DA-494-11-2003-i MOD 10, accompanied by an assessment within letter titled <i>Port Botany Expansion – Section 96(1A) Modification – Additional Ship Turning Area Dredging</i> dated 8 July</p> <p>p) modification application DA-494-11-2003-i MOD 11, accompanied by an assessment report titled <i>Sydney Port Botany Terminal No. 3 PKG-17.1 Planning Section 75W Modification Operations Building and</i></p> <p>q) modification application DA-494-11-2003-i MOD 12, accompanied by an assessment report titled <i>Sydney Port Botany Terminal No. 3 PKG-17.1 Planning Section 75W Modification to Stormwater First Flush System</i> dated 15 February 2012 and supplementary advice provided on 6 June</p>	Evidence referred to elsewhere in the compliance table.	<p>Compliance with these requirements is verified through this independent audit process.</p> <p>Assessment of compliance is made against the consolidated condition approval inclusive of MODS 1-17 and considers the EIS and associated documents.</p> <p>The operations of Patrick Stevedores as Terminal operator have largely remained unchanged from previous audit periods, noting the update to the truck grids to accommodate SABRE. The proponent has demonstrated that the relevant project plans, procedures, and protocols have been implemented.</p> <p>The scale of operations has not exceeded that predicted in the EIS and associated documents. The project boundaries remain unchanged.</p> <p>Based on the nature of operations, being consistent with previous years, the Auditor is of the view that the development is consistent with the associated documents.</p>	C		

CoA No	Auditee NSW Ports/ Patrick Stevedores	DA-494-11-2003 Condition of Consent Compliance Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
					C	NC	NT
		<p>r) modification application DA-494-11-2003-i MOD 13, accompanied by an assessment report titled "Project No. 231658 Section 75W Modification to Stormwater Management System for Southern Expansion Area" dated 31 October 2012;</p> <p>s) modification application DA-494-11-2003-i MOD 14, accompanied by assessment reports titled "Port Botany Expansion – Section 75W Modification 14 to DA-494-11-2003i for Temporary Uses at northern tip of Hayes Dock", dated January 2013; and "Port Botany Expansion, Cumulative Construction Traffic Impact Assessment, Terminal Operations Infrastructure (March 2013 – March 2014)", dated April</p> <p>t) modification application DA-494-11-2003-i MOD 15, accompanied by assessment report titled 'SICTL Quay Crane Operations', prepared by HPH and dated 20 March 2013;</p> <p>u) modification application DA-494-11-2003-I MOD 16, accompanied by assessment report titled 'Port Botany Expansion Modification Application 16 to DA-494-11-2003i Permanent Uses Hayes Dock Services Area and administrative Changes to Some Conditions', prepared by Lendlease and dated September 2016;</p> <p>v) modification application DA-494-11-2003-I MOD 17, accompanied by letter titled 'Port Botany Expansion s4.55(1) Modification Application to DA-494-11-2003i – Administrative Update to Conditions of Approval', prepared by NSW Ports and dated 16 October 2018; and</p> <p>w) the conditions of this consent.</p> <p>In so far as they relate to the approved development.</p>					
A1.2	NSW Ports/ Patrick Stevedores	<p>A1.2 In the event of an inconsistency between:</p> <p>a) the conditions of this consent and any document listed from condition A.1.1a) to w) inclusive, the conditions of this consent shall prevail to the extent of the inconsistency; and</p> <p>b) any document listed from condition A1.1 a) to w) inclusive, the most recent document shall prevail to the extent of the inconsistency.</p>	Evidence referred to elsewhere in the compliance table.	Noted. This audit assesses compliance with these conditions of consent	C		
<b>Statutory Requirements</b>							
A1.3	NSW Ports/ Patrick Stevedores	All licences, permits and approvals shall be obtained and maintained as required throughout the life of the development. No condition of this consent removes the obligation to obtain, renew or comply with such licences, permits or approvals.	<p>EPBC Approval 2002/534 EPL 6962 Sydney Water Trade Waste Consent No. 24990 (19/06/23, valid until 01/07/27) Notice of Variation of Licence No. 6962 dated 1/9/2020. Patrick Port Botany Terminal Operational Environmental Management Plan' dated 17 March 2023, revision 4. 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. Sydney Water Trade Waste Consent No. 24990 is current (19/06/23), valid until 01/07/27. 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. Trade Wastewater Discharge Schedule Permit No 40110 (18/4/2019) issued by Sydney Water for grease arrestor at canteen is still current.</p>	C		
A1.4	NSW Ports/ Patrick Stevedores	Port throughput capacity generated by operations in accordance with this consent shall be consistent with the limits specified in the EIS, that is, a maximum throughput capacity at the terminal of 1.6 million TEUs per annum and a total throughput at Port Botany of 3.2 million TEUs. These limits may not be exceeded by the development without further environmental assessment and approval. Sydney Ports Corporation shall prepare, or have prepared on its behalf, such further environmental assessment for the determination of the Minister	<p>NSW Ports Monthly Trade Reports from January to November 2023 <a href="https://www.nswports.com.au/trade-reports">https://www.nswports.com.au/trade-reports</a></p>	Monthly trade reports published on NSW Ports website indicate these limits are not being exceeded at present. FY23 = 1.442m TEU. FY24 YTD = 1.335m TEU.	C		
<b>SCHEDULE C: TERMINAL OPERATIONS</b>							

CoA No	Auditee NSW Ports/ Patrick Stevedores	DA-494-11-2003 Condition of Consent Compliance Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
					C	NC	NT
<b>C1 GENERAL</b>							
<b>Application of Schedule</b>							
C1.1	Patrick Stevedores	The conditions in this Schedule of the consent relate to all the development and activities associated with the operation of the container terminal and associated infrastructure	Evidence referred to elsewhere in the compliance table.	Noted. Patrick Stevedores is a Terminal operator and has commissioned this Audit to assess compliance against these conditions with respect to its own operations	C		
C1.2	Patrick Stevedores	The conditions in this sub-schedule of the consent must be complied with by the Applicant, or any party undertaking the activities and works referred to under condition C1.1, with the exception of the undertaking of Temporary Uses, which are subject to condition C1.2A. Should more than one terminal operator undertake operations within the terminal area, compliance with the conditions of this Schedule may be undertaken individually by operators, or collectively	Evidence referred to elsewhere in the compliance table.	Noted. Patrick Stevedores is a Terminal operator and has commissioned this Audit to assess compliance against these conditions with respect to its own operations	C		
<b>Interim Uses Port, Maritime and Waterway Related Uses- Hayes Dock Service Area</b>							
C1.2A		C1.2A The conditions in this sub-schedule of the consent must be complied with by the Applicant, or any party undertaking activities and works associated with Port, Maritime and Waterway Related Uses Interim Uses, except conditions C1.3, C1.4 C1.5, C2.5, C2.12, C2.16, C2.17, C2.18, C2.20, C2.25, C3.1, C3.2, C3.3, C4.2, C4.3, C4.4 and C4.5.	Site inspection 11/01/24	Patricks do not use Hayes Dock. This condition is not applicable to Patrick's operation.			NT
<b>Operation Environmental Management Plan-Port, Maritime and Waterway Related Interim Uses Hayes Dock Services Area</b>							
C1.2B		<p>C1.2B The Applicant shall prepare an Operation Environmental Management Plan (OEMP) – Port, Maritime and Waterway Related Interim Uses prior to the commencement of Port, Maritime and Waterway Related Interim Uses on the site. The Plan shall include details of how environmental performance would be managed and monitored to meet acceptable environmental outcomes, including what actions will be taken to address potential adverse environmental impacts. In particular, the following environmental issues shall be addressed in the Plan:</p> <ul style="list-style-type: none"> <li>- Odour and Air Quality;</li> <li>- Noise Management;</li> <li>- Waste Management;</li> <li>- Water and Wastewater Management;</li> <li>- Hazard and Risk Management;</li> <li>- Amenity, including lighting; and</li> <li>- Incident Reporting.</li> </ul> <p>The OEMP shall also address:</p> <ul style="list-style-type: none"> <li>- details of operation activities including key noise and/or vibration generating activities and machinery that have the potential to generate noise and/or vibration impacts on surrounding sensitive receivers;</li> <li>- Identification of feasible and reasonable measures proposed to be implemented to minimise and manage operation noise and vibration impacts, especially during sleep disturbance;</li> <li>- A description of how the effectiveness of mitigation and management measures would be maintained.</li> </ul> <p>Noise Management shall include:</p> <ul style="list-style-type: none"> <li>- hours in which particularly activities are undertaken;</li> <li>- use of shore power where available;</li> <li>- restrictions on notably noisy vehicles and vessel from the site;</li> <li>- use of building and vehicle alarms and/or alternatives available.</li> </ul>	Site inspection 11/01/24	Patricks do not use Hayes Dock. This condition is not applicable to Patrick's operation.			NT

CoA No	Auditee NSW Ports/ Patrick Stevedores	DA-494-11-2003 Condition of Consent Compliance Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
					C	NC	NT
		<p>The Plan shall also</p> <ul style="list-style-type: none"> <li>- identify all statutory obligations that the applicant is required to fulfil in relation to operation of the development, including all consents, licences, approvals and consultations;</li> <li>- include a description of the roles and responsibilities for all key employees involved in the operation of the development; and</li> <li>- include overall environment policies and principles to be applied to the operation of the facility.</li> </ul> <p>A copy of the updated OEMP shall be submitted for approval by the Secretary within (3) months of the date of approval of Modification 16, unless otherwise agreed by the Secretary.</p>					
<b>Noise Management Plan- Interim Uses Hayes Dock Services Area Operation</b>							
C1.2C		<p>The noise management plan shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> <li>- compliance standards,</li> <li>- community consultation,</li> <li>- complaint handling monitoring system,</li> <li>- site contact person to follow up complaints,</li> <li>- mitigation measures,</li> <li>- the design/orientation of the proposed mitigation methods demonstrating best practice,</li> <li>- operation times,</li> <li>- contingency measures where noise complaints are received, and</li> <li>- monitoring methods and program.</li> </ul>	Site inspection 11/01/24	Patricks do not use Hayes Dock. This condition is not applicable to Patrick's operation.			NT
<b>Noise Compliance Assessment – Interim Uses Hayes Dock Services Area Operation</b>							
C1.2D		<p>Noise from the Hayes Dock Services Area must not exceed the Leq (15 minute) noise limits presented in the Table at C2.6 by more than 5d(B)A between 10:00pm and 7:00am. The Secretary may require a detailed noise compliance assessment, prepared by a qualified acoustic consultant. The noise compliance assessment shall meet the requirements of the Environment Protection Authority.</p> <p>The noise compliance assessment shall include the representative residential receiver locations identified in the table in C2.6.</p>	Site inspection 11/01/24	Patricks do not use Hayes Dock. This condition is not applicable to Patrick's operation.			NT
C1.2E		<p>A complaint handling procedure shall be implemented for the Hayes Dock Services Area. Annual reports shall be provided to the Department, outlining details of the complaints received. A register of complaints shall be kept and include the following:</p> <ul style="list-style-type: none"> <li>- date and time, where relevant, of the comment, inquiry or complaint,</li> <li>- how the comment, inquiry or complaint was communicated,</li> <li>- any personal details of the commenter, inquirer or complainant that were provided. If no details were provided this should be recorded,</li> <li>- the nature of the comment, inquiry or complaint,</li> <li>- any actions taken by the Applicant in relation to the comment, inquiry or complaint, including any follow-up contact, and</li> <li>- if no action was taken, record the reason(s) why.</li> </ul>	Site inspection 11/01/24	Patricks do not use Hayes Dock. This condition is not applicable to Patrick's operation.			NT
C1.2F		<p>Annual reporting on the compliance of the Hayes Dock Services Area shall be conducted. The first report for the Hayes Dock Services Area shall be provided to the Department twelve (12) months from the date of the approval of modification 16, unless otherwise agreed by the Secretary.</p>	Site inspection 11/01/24	Patricks do not use Hayes Dock. This condition is not applicable to Patrick's operation.			NT

CoA No	Auditee NSW Ports/ Patrick Stevedores	DA-494-11-2003 Condition of Consent Compliance Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
					C	NC	NT
<b>Operation Environmental Management Plan</b>							
C1.3	Patrick Stevedores	<p>The Applicant shall prepare an Operation Environmental Management Plan (OEMP) which must be approved by the Director-General prior to commencement of any operations at the terminal. The OEMP must:</p> <ul style="list-style-type: none"> <li>- identify all statutory obligations that the Applicant is required to fulfil in relation to operation of the development, including all consents, licences, approvals and consultations;</li> <li>- describe any relevant staging or phasing of the commencement of operations within the terminal envelope and any relevant timeframes;</li> <li>- clearly outline what aspects of environmental management, monitoring and reporting would be undertaken by the Applicant or jointly with other operators within the terminal area;</li> <li>- include a description of the roles and responsibilities for all key employees involved in the operation of the development;</li> <li>- include overall environment policies and principles to be applied to the operation of the facility;</li> <li>- include specific consideration of measures to address any requirements of DPIE, EPA, and the Council during operation;</li> <li>- detail standards and performance measures to be applied to the development, and a means by which environmental performance can be periodically reviewed and improved, where appropriate;</li> <li>- detail management policies to ensure that environmental performance goals are met and to comply with the conditions of this consent;</li> <li>- include the Management Plans relevant to operation, include the environmental monitoring requirements relevant to operation; and</li> <li>- be made available for public inspection after approval of the Director General.</li> </ul>	Patrick Port Botany Terminal Operational Environmental Management Plan' dated 17 March 2023, revision 4.	The 'Patrick Port Botany Terminal Operational Environmental Management Plan' (OEMP) has been prepared to satisfy this condition. The document (dated 5/07/19, version 2.0) was approved by the Department prior to the current audit period. Update to the OEMP occurred on 17 March 2023, Revision 4. The updates involved alternations to the diesel refuelling bay position including new purceptor, and an update to the Traffic Management plan.	C		
<b>Compliance Certification</b>							
C1.4	Patrick Stevedores	<p>Prior to each of the events listed from a) to b) below, or within such period otherwise agreed by the Director-General, documentation certifying that all conditions of this consent applicable prior to that event have been complied with shall be submitted to the satisfaction of the Director-General. Where an event is to be undertaken in stages, submission of compliance certification may be staged consistent with the staging of activities relating to that event, subject to the prior agreement of the Director-General.</p> <p>a) commencement of any operations within the terminal area; and b) commencement of each stage or phase of operations</p>	Pre-Operational Compliance Report dated December 2015 Letter of submission of report, 11/01/16 DPIE approval dated 04/02/16	The Pre-Operational Compliance Report for the Patrick Port Botany 'Knuckle' and Ramp D (dated December 2015) was approved by the Director-General on 4/02/16 (refer to letter from Ms Karen Harragon, NSW Department of Planning & Environment to Mr Trevor Brown, NSW Ports).	C		
C1.5	NSW Ports/ Patrick Stevedores	Notwithstanding condition C1.4 of this consent, the Director-General may require an update report on compliance with all, or any part, of the conditions of this consent. Any such update shall meet the requirements of the Director-General and be submitted within such period as the Director-General may agree	Pre-Operational Compliance Report dated December 2015 Letter of submission of report, 11/01/16. DPIE approval dated 04/02/16. Interview with auditees 11/01/24	The Department of Planning & Environment (DP&E) requested (22/12/17) a copy of the Action Plan addressing the findings detailed in Patrick's 2016 Annual Environmental Management Report (section 7). This was provided to the DP&E on 5/01/18.	C		
<b>Air quality management</b>							
C2.1	Patrick Stevedores	The development shall be undertaken so as not to permit any offensive odour, as defined under section 129 of the Protection of the Environment Operations Act 1997, to be emitted beyond the boundary of the site	Site inspection 11/01/24 Community Feedback Reports Q1-Q3 2023	No offensive odours were detected during the audit site inspection on and no complaints from parties external to the site regarding odours have been received during the reporting period.	C		

CoA No	Auditee NSW Ports/ Patrick Stevedores	DA-494-11-2003 Condition of Consent Compliance Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
					C	NC	NT
C2.2	Patrick Stevedores	All activities shall be undertaken in a manner that minimises or prevents dust emissions from the site, including wind-blown and traffic-generated dust. All activities undertaken on the site shall be undertaken with the objective of preventing visible emissions of dust from the site. Should such visible dust emissions occur at any time, all practicable dust mitigation measures, including cessation of relevant works, as appropriate, shall be identified and implanted such that emissions of visible dust cease	Operation Air quality Management Plan Section 6.1 of the Patrick Port Botany Terminal Operational Environmental Management Plan' dated 17 March 2023, Revision 4. Site inspection 11/01/24 Community Feedback Reports Q1- Q3 2023  Sydney AutoStrad Botany Rail Expansion Project – 'SABRE', Construction Environmental Management Plan, TCE Contracting, 07/10/2022 Rev.2	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.  The 'SABRE' project, whilst under a separate approval framework, is observed by the auditor to be the only activity on site with the potential to generate dust. The CEMP from TCE Contracting dated 7/10/2022 (Rev.2) includes a section for dust management (air quality management 3.2.3), and it also mentioned the PMP's Dust Management Plan.  During the site inspection the works sighted were whole contained within the site and no dust was apparent.  No dust emissions were detected and no complaints from parties external to the site regarding dust emissions have been received during the reporting period.	C		
C2.3	Patrick Stevedores	All trafficable and vehicle manoeuvring areas shall be maintained at all times in a condition that minimises the generation and emission of dust	Site inspection 11/01/24 Community Feedback Reports Q1- Q3 2023  Sydney AutoStrad Botany Rail Expansion Project – 'SABRE', Construction Environmental Management Plan, TCE Contracting, 07/10/2022 Rev.2	Surfaces are paved and no loose materials were noted during site inspection.  The 'SABRE' project, whilst under a separate approval framework, is observed by the auditor to be the only activity on site with the potential to generate dust. The CEMP from TCE Contracting dated 7/10/2022 (Rev.2) includes a section for dust management (air quality management 3.2.3), and it also mentioned the PMP's Dust Management Plan. The project is nearing completion and dust risk is negligible.  No dust emissions were detected during the audit site inspection and no complaints from parties external to the site regarding dust emissions have been received during the reporting period.	C		
C2.4	Patrick Stevedores	All vehicles entering or leaving the site carrying a load must be covered or otherwise enclosed at all times, except during loading and unloading, to minimise the generation and emission of dust	Site inspection 11/01/24	Heavy vehicles entering or leaving the site carry containers or are closed liquid / solid waste trucks or are flat beds. The requirement to cover loads is a requirement under NSW Road Laws.	C		
<b>Noise Management</b>							
C2.5	Patrick Stevedores	Prior to the commencement of operations, the Applicant must prepare an Operation Noise Management Plan in consultation with EPA, DPIE, Botany and Randwick Councils. The Plan shall include noise management, mitigation monitoring and reporting to ensure that local acoustic amenity is not adversely impacted. In addition, the Operational Noise Management Plan must:  - identify general activities that will be carried out and associated noise sources; - assess operation noise impacts at the relevant receivers; - a primary objective of achieving the operational noise limits outlined in this consent; - provide details of overall management methods and procedures that will be implemented to control noise from the development; - include a pro-active and reactive strategy for dealing with complaints including achieving the operation noise limits, particularly with regard to verbal and written responses; - detail noise monitoring, reporting and response procedures consistent with the requirements of EPA;	Operation Noise Management Plan Section 6.6 of the Patrick Port Botany Terminal Operational Environmental Management Plan' dated 17 March 2023, Revision 4.  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)	The Operational Noise Management Plan (OEMP, V4, 17/03/2023– Section 6.6) has been prepared in consultation with the relevant stakeholders and approved by the Department prior to the current audit period. The OEMP was reviewed in March 2023 to address updates to the diesel refuelling bay position and the Traffic Management Plan.  Biannual Noise Compliance Monitoring Reports for May and November 2023 sighted. They are prepared in accordance with EPL 6962 and submitted to the Department and EPA.	C		



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		<ul style="list-style-type: none"> <li>- provide for internal audits of compliance of all plant and equipment;</li> <li>- indicate site establishment timetabling to minimise noise impacts;</li> <li>- include procedures for notifying residents of operation activities likely to affect their noise amenity;</li> <li>- address the requirements of EPA;</li> <li>- a strategy to identify operational practices and noise controls that can minimise/or reduce noise levels from container impacts, audible alarms and other short duration high level noise events;</li> <li>- identify opportunities to reduce operational noise levels including, but not necessarily limited to, selection of equipment, engineering noise controls and shore-based power; and,</li> <li>- be approved by the Director-General prior to the commencement of operation</li> </ul>																																																				
C2.6	Patrick Stevedores	<p>Noise from the premises must not exceed the sound pressure level (noise) limits presented in the Table below. Note the limits represent the sound pressure level (noise) contribution, at the nominated receiver locations in the table.</p> <table border="1"> <thead> <tr> <th rowspan="2">Most affected residential Location</th> <th>Day</th> <th>Evening</th> <th colspan="3">Night</th> </tr> <tr> <th>L<sub>Aeq</sub> (15 minute)</th> <th>L<sub>Aeq</sub> (15 minute)</th> <th>L<sub>Aeq</sub> (15 minute)</th> <th>L<sub>Aeq</sub> 9hrs</th> <th>L<sub>A1</sub> (1 minute)</th> </tr> </thead> <tbody> <tr> <td>Chelmsford Avenues</td> <td>40</td> <td>40</td> <td>40</td> <td>38</td> <td>53</td> </tr> <tr> <td>Dent Street</td> <td>45</td> <td>45</td> <td>45</td> <td>43</td> <td>59</td> </tr> <tr> <td>Jennings Street</td> <td>36</td> <td>36</td> <td>36</td> <td>35</td> <td>55</td> </tr> <tr> <td>Botany Rd (nth of golf club)</td> <td>47</td> <td>47</td> <td>47</td> <td>45</td> <td>59</td> </tr> <tr> <td>Australia Ave</td> <td>35</td> <td>35</td> <td>35</td> <td>35</td> <td>57</td> </tr> <tr> <td>Military Road</td> <td>42</td> <td>42</td> <td>42</td> <td>40</td> <td>60</td> </tr> </tbody> </table> <p>For the purpose of this condition;</p> <ul style="list-style-type: none"> <li>· Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays,</li> <li>· Evening is defined as the period from 6pm to 10pm</li> <li>· Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays</li> </ul>	Most affected residential Location	Day	Evening	Night			L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> 9hrs	L <sub>A1</sub> (1 minute)	Chelmsford Avenues	40	40	40	38	53	Dent Street	45	45	45	43	59	Jennings Street	36	36	36	35	55	Botany Rd (nth of golf club)	47	47	47	45	59	Australia Ave	35	35	35	35	57	Military Road	42	42	42	40	60	<p>Noise Monitoring Reports May 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>Community Feedback Reports Q1- Q3 2023</p>	<p>Biannual noise monitoring reports are completed. The reports conclude that 'operational noise is considered to comply with EPL 6962, day, evening and night-time noise limits.</p> <p>It is noted that noise limits within the EPL are equal to or more stringent than those quoted in this Condition.</p> <p>Register of complaints sighted. No complaints received during the audit period.</p>	C		
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C2.7	Patrick Stevedores	<p>Noise from the premises is to be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary, to determine compliance with the noise level limits in Condition C2.6 unless otherwise stated</p>	<p>Noise Monitoring Reports May 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 monitoring reports are completed. The noise reports satisfy this requirement</p>	C																																																	

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C2.8	Patrick Stevedores	Noise from the premises is to be measured at 1m from the dwelling façade to determine compliance with the LA1 (1 minute) noise level in Condition C2.6	Noise Monitoring Reports May 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 identify this requirement and satisfactorily address it.	C		
C2.9	Patrick Stevedores	Where it can be demonstrated that direct measurement of noise from the premises is impractical, the EPA may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy	Noise Monitoring Reports May 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 use measurement of noise.	C		
C2.10	Patrick Stevedores	The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable	Noise Monitoring Reports May 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 address the methodology.	C		
C2.11	Patrick Stevedores	The noise emission limits identified in Condition C2.6 apply under meteorological conditions of wind speed up to 3 metres per second at 10 metres above ground level, and temperature inversion conditions up to 1.50C/100m positive lapse rate	Noise Monitoring Reports May 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 address weather conditions.	C		
<b>Operational Traffic Management Plan</b>							
C2.12	Patrick Stevedores	Prior to the commencement of terminal operations, the applicant must prepare an Operational Traffic Management Plan in consultation with TfNSW (RMS), DPIE, Botany and Randwick Councils and SSROC. The Applicant shall address the requirements of these organisations in the Plan. The Applicant shall also consult with the Community Consultative Committee in preparation of the Plan. The plan must include, but not be confined to, mitigation measures identified in EIS such as:  <ul style="list-style-type: none"> <li>- identification of preferred routes to minimise noise impacts on the surrounding community;</li> <li>- physical and operational measures (including signage) to mitigate noise impacts from vehicles accessing and leaving the terminal;</li> <li>- measures to limit the impact of traffic noise on Foreshore Road and Botany Road;</li> <li>- driver education and information to promote driver habits to minimise noise; and</li> <li>- timetabling, scheduling and details of vehicle booking systems.</li> </ul> The plan must be submitted and approved by the Director-General prior to the commencement of operations	Operational Traffic Management Plan Section 6.7 of the Patrick Port Botany Terminal Operational Environmental Management Plan' dated 17 March 2023, Revision 4.	The Operational Traffic Management Plan (OEMP, V4, 17/03/2023 – Section 6.7) has been prepared in consultation with the relevant stakeholders and addresses the requirements of this condition. The OEMP was approved by the Department prior to the current audit period. The OEMP was revised in March 2023.  <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>	C		
<b>Waste Management on Site</b>							

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C2.13	Patrick Stevedores	Management of waste must be in accordance with the environment protection licence issued by EPA under the Protection of the Environment Operations Act 1997	<p>Waste Management Plan Section 6.4 of the Patrick Port Botany Terminal Operational Environmental Management Plan' dated 17 March 2023, Revision 4.</p> <p>EPL 6962 EPL 20581 EPL 6179</p> <p>Solid Waste Management Register from January to December 2023</p> <p>PBT J120 Liquid Waste Management Register Jan – Dec 23</p> <p>Waste Filters &amp; Rags Register from Jan – Dec 23</p> <p>Transport Certificates for liquid waste 26/07/23, 02/03/23, 03/05/23, 11/05/23, 20/03/23, 01/11/23</p> <p>GSW Veolia Tip Docket, 09/02/23.</p> <p>Veolia waste services, invoices for 2023.</p> <p>Site inspection 11/01/24</p> <p>Scrap Tyre Analysis report 29/9/2022</p> <p>Email 28/2/2022 from Trelleborg Waste transport company) to EPA</p> <p>Email from Trelleborg to Patrick 7/4/2022 and 5/5/2022</p> <p>Correspondence Trelleborg and Molycop (Waste transport companies) 9/1/2023 to 19/01/2023</p>	<p>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. An update to the OEMP occurred in March 2023.</p> <p>EPL 6962 Condition L2 allows Patrick Stevedores to receive types of waste at the premises.</p> <p>Waste management on site (liquid and solid waste) was satisfactory. Liquid waste was being tracked in accordance with the POEO Act and Waste Regulation.</p> <p>To note: the wastes being generated are pre-classified within the NSW Waste Classification Guidelines.</p> <p>Solid and liquid wastes appear to be directed to facilities that have EPLs that permit them to receive the waste types.</p> <p><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></p> <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> <p>It was noted that in accordance with EPA website, tyre consignors, transporters and facilities transporting or receiving waste tyres in NSW weighing more than 200 kilograms, or consisting of 20 or more tyres, in one load must track and report this waste to the EPA using WasteLocate.</p> <p>At the time of this report been prepared, Trelleborg has been unable to use EPA's WasteLocate app to track waste tyres as they are not an authorised tyre receiver. This was identified as a limitation on the system and has been raised with the EPA.</p> <p>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.</p>		NC – remains open	

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C2.13A	Patrick Stevedores	The management of waste for uses and activities not subject to an Environmental Protection Licence, shall be managed and disposed of in accordance with the Protection of the Environment Operation (Waste) Regulation 2005 and the Waste Classification Guidelines (DECCW 2009), or any future guideline that may supersede that document. All waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.	<p>Waste Management Plan Section 6.4 of the Patrick Port Botany Terminal Operational Environmental Management Plan' dated 17 March 2023, Revision 4.</p> <p>EPL 6962 EPL 20581 EPL 6179 Solid Waste Management Register from January to December 2023</p> <p>PBT J120 Liquid Waste Management Register Jan – Dec 23</p> <p>Waste Filters &amp; Rags Register from Jan – Dec 23</p> <p>Transport Certificates for liquid waste 26/07/23, 02/03/23, 03/05/23, 11/05/23, 20/03/23, 01/11/23</p> <p>GSW Veolia Tip Docket, 09/02/23.</p> <p>Veolia waste services, invoices for 2023.</p> <p>Site inspection 11/01/24</p> <p>Scrap Tyre Analysis report 29/9/2022</p> <p>Email 28/2/2022 from Trelleborg Waste transport company) to EPA</p> <p>Email from Trelleborg to Patrick 7/4/2022 and 5/5/2022</p> <p>Correspondence Trelleborg and Molycop (Waste transport companies) 9/1/2023 to 19/01/2023</p>	<p>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. An update to the OEMP occurred in March 2023.</p> <p>EPL 6962 Condition L2 allows Patrick Stevedores to receive types of waste at the premises.</p> <p>Waste management on site (liquid and solid waste) was satisfactory. Liquid waste was being tracked in accordance with the POEO Act and Waste Regulation.</p> <p>To note: the wastes being generated are pre-classified within the NSW Waste Classification Guidelines.</p> <p>Solid and liquid wastes appear to be directed to facilities that have EPLs that permit them to receive the waste types.</p> <p><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></p> <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> <p>It was noted that in accordance with EPA website, tyre consignors, transporters and facilities transporting or receiving waste tyres in NSW weighing more than 200 kilograms, or consisting of 20 or more tyres, in one load must track and report this waste to the EPA using WasteLocate.</p> <p>At the time of this report been prepared, Trelleborg has been unable to use EPA's WasteLocate app to track waste tyres as they are not an authorised tyre receiver. This was identified as a limitation on the system and has been raised with the EPA.</p> <p>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.</p>		NC – remains open	

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<b>Water and Wastewater Management</b>							
C2.14	Patrick Stevedores	Except as may be expressly permitted by a licence under the Protection of the Environment Operations Act 1997 in relation to the development, section 120 of that Act (prohibition of the pollution of waters) shall be complied with in connection to the development.	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>Pollutant Concentration Limits</b>							
C2.15	Patrick Stevedores	For each monitoring/discharge point or utilisation area, the concentration of any pollutant discharged at that point, or applied to that area, must not exceed concentration limits specified in the relevant environment protection licence	As above	No discharge points in EPL.			NT
<b>Hazards and Risk Management- Hayes Dock Interim Uses</b>							
C2.15A		Port, maritime and waterway related with in Hayes uses Dock may involve the loading, unloading and storage of minor volumes of dangerous goods (DGs) for the sole purpose of minor site maintenance; line boat, barge and tug maintenance; related service activities and boat refuelling.	Site inspection 11/01/24	Patrick's do not use Hayes Dock. This condition is not applicable to Patrick's operation.			NT
<b>Hazards and Risk Management</b>							
C2.16	Patrick Stevedores	Prior to the commencement of operation, the Applicant shall develop management measures in consultation with the Major Hazards Unit of DPIE regarding the use of the new terminal for loading, unloading and storage of dangerous goods of Classes 2.3 and 6	Emergency Response Plan (including PIRMP), 29/09/2023, Version 16	The Emergency Response Plan (including PIRMP) was developed prior to the current audit period, to meet the expectation of the DPIEs Major Hazards Unit i.e. to ensure the actions of Patrick when dealing with an emergency involving Class 2.3 or Class 6 dangerous goods did not increase the off-site risk described in the Preliminary Hazard Analysis.	C		
<b>Hazards and Risk Management- Storage and Handling of Dangerous Goods</b>							
C2.17	NSW Ports	Twelve months after the determination of DA 494-11-2003-i MOD 16, the Applicant shall submit an annual report to the Secretary which provides details on actual Dangerous Goods movements listed in the Table 1 provided in Schedule 4.  Should the threshold limits listed in Table 2 in Schedule 4 be exceeded for three consecutive annual reporting years, or if the maximum limits are reached in a single 12-month reporting period, the Applicant shall prepare an updated hazard analysis for the PBE operations. The hazards analysis shall: - Be prepared in consultation with the Department. - Be prepared in accordance with <i>Hazardous Industry Planning Paper No. 6, 'Hazard Analysis'</i> ; - Assess compliance against the land use safety planning risk criteria (including individual fatality risk, injury/irritation risk and societal risk), as outline in <i>Hazardous Industry Planning Advisory Paper No. 4, 'Risk Criteria for Land Use Safety Planning'</i> ; and - Assess whether the risks from PBE operations will significantly impact on the cumulative risk contour of 1 x 10 <sup>-6</sup> per annum, contained in Figure 2 of the <i>Port Botany Land Use Safety Study Overview Report 1996</i> , or any other revised land use safety study for the Port that supersedes the 1996 study.	Patrick Annual Dangerous Goods Report dated 01/09/22 – 31/08/23.	The Annual Dangerous Goods Report (which identifies that dangerous goods were stored well below the thresholds), was prepared (Period from 1/9/22 to 31/8/23).  **Submission of the Annual DG Report to the Department is managed by NSW Ports.	C		

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		The report shall be prepared to the satisfaction of the Secretary. The hazard analysis is to be submitted to the Secretary within 6 months of an identified threshold exceedance, or as agreed to by the Secretary					
C2.18	Patrick Stevedores	The Applicant shall not store or handle or permit to be stored or handled, dangerous goods of Class 2.3, toxic compressed or liquefied gases above the quantities stored or handled in 1995/96 except in accordance with recommendations 1.1 and 1.2 in the Port Botany Land Use Safety Study (1996).	Patrick held 10 containers for the period of 01/09/22 – 31/08/23, well below the 157 containers threshold for the Port Botany Facility.	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>Emergency Incident Management</b>							
C2.20	Patrick Stevedores	The Applicant shall develop an Emergency Response and Incident Management Plan in consultation with the EPA, DPIE, Council and the Community Consultative Committee. The Plan must be approved by the Director-General prior to the commencement of operations and shall detail: <ul style="list-style-type: none"> <li>- terminal security and public safety issues;</li> <li>- effective spill containment and management;</li> <li>- effective firefighting capabilities;</li> <li>- effective response to emergencies and critical incidents; and</li> <li>- a single set of emergency procedures, consistent with the existing Port Botany Emergency Plan, should be developed that be scaled as appropriate for any incident or emergency.</li> </ul>	Emergency Response Plan (including PIRMP), 29/09/2023, Version 16.	The Emergency Management Plan was prepared, consulted on and approved by the Department prior to the current audit period. The latest update was completed in September 2023, plan was revised to include the relocation of the new Truck Grids and 600m Rail.	C		
<b>Aviation Operational Impacts</b>							
C2.21	Patrick Stevedores	The Applicant shall ensure that the location of fixed terminal operating infrastructure adequately takes into account the required lateral separation distances to minimise the interference to Sydney Airport radar and navigational systems	Department of Infrastructure and Transport approval, 12/12/12	Patrick has obtained approval under the Airports (Protection of Airspace). Regulations 1996 (APAR) (Ref: 12/5083) for the intrusion of three quay cranes into prescribed airspace for Sydney Airport. Approval was granted by Flysafe Aerodrome Precincts, Aviation and Airports Division of the Department of Infrastructure and Transport on 12 December 2012.	C		
C2.22	Patrick Stevedores	The Applicant shall ensure that all operation equipment is below the obstacle limitation surface, unless otherwise permitted by an approval under the Airports Act 1999 and Airports (Protection of Airspace) Regulation 1966	Department of Infrastructure and Transport approval, 12/12/12	Patrick has obtained approval under the Airports (Protection of Airspace). Regulations 1996 (APAR) (Ref: 12/5083) for the intrusion of three quay cranes into prescribed airspace for Sydney Airport. Approval was granted by Flysafe Aerodrome Precincts, Aviation and Airports Division of the Department of Infrastructure and Transport on 12 December 2012.	C		
C2.23	Patrick Stevedores	The Applicant shall ensure design specifications of the terminal lighting conform to the requirements of Regulation 94 of the Civil Aviation regulations 1988	Department of Infrastructure and Transport approval, 12/12/12  Aviation Operational Impacts Management Plan Section 6.8 of Patrick Port Botany Terminal Operational Environmental Management Plan' dated 17 March 2023, Revision 4.  Community Feedback Reports Q1- Q3 2023	Patrick has obtained approval under the Airports (Protection of Airspace). Regulations 1996 (APAR) (Ref: 12/5083) for the intrusion into prescribed airspace for Sydney Airport (including light). Approval was granted by Flysafe Aerodrome Precincts, Aviation and Airports Division of the Department of Infrastructure and Transport on 12 December 2012.  Section 6.8 of the OEMP addresses potential aviation operational impacts and controls which include monitoring, including light management in service agreements, direction of plant and facility downwards.  No complaints regarding lighting were received during the audit period.  No changes have been made in the lighting or the stackers locations.	C		
C2.24	Patrick Stevedores	The Applicant shall adopt measures to ensure that there is minimal light spill from ships which may cause distraction, confusion or glare to pilots. These may include:	Maritime Order 32 Schedule 1 (2)	Maritime Order 32 Schedule 1 (2) lighting requires adequate lighting during loading or unloading activities. When vessels	C		

CoA No	Auditee NSW Ports/ Patrick Stevedores	DA-494-11-2003 Condition of Consent Compliance Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
					C	NC	NT
		<ul style="list-style-type: none"> <li>- minimising shipboard lighting while berthed;</li> <li>- orientating ships in a specific direction; and or</li> <li>- providing temporary shielding on the ship mounted floodlights while docked</li> </ul>	Aviation Operational Impacts Management Plan Section 6.8 of Patrick Port Botany Terminal Operational Environmental Management Plan' dated 17 March 2023, Revision 4. Community Feedback Reports Q1- Q3 2023	<p>are loaded and unloaded at night and sufficient lighting will be required to undertake loading or discharge operations.</p> <p>Section 6.8 of the OEMP addresses potential aviation operational impacts and controls which include monitoring, including light management in service agreements, direction of plant and facility downwards.</p> <p>Additionally, LED lights are being progressively installed throughout the berth 6 areas to further reduce light spill.</p> <p>No complaints regarding lighting were received during the audit period.</p> <p>No changes have been made in the lighting or the stackers locations.</p>			
C2.25	Patrick Stevedores	Prior to operations, the Applicant shall develop a Bird Hazard Management Plan to minimise the attraction of bird species that pose a risk to aircraft movements. The Plan is to be prepared in consultation with the Department of Transport and Regional Services, Sydney Airport Corporation and Botany and Randwick Councils. The Plan must be approved by the Director-General prior to the commencement of operations	Bird Hazard Management Plan Section 6.9 of Patrick Port Botany Terminal Operational Environmental Management Plan' dated 17 March 2023, Revision 4.	<p>The Bird Hazard Management Plan sits within the OEMP and was prepared, consulted and approved prior to the current audit period.</p> <p>An update was undertaken on the OEMP in March 2023, unrelated to bird hazard management.</p>	C		
<b>COMMUNITY INFORMATION, INVOLVEMENT AND CONSULTATION</b>							
C3.1	Patrick Stevedores	<p>The Applicant must meet the following requirements in relation to community consultation and complaints management:</p> <ul style="list-style-type: none"> <li>- all monitoring, management and reporting documents required under the development consent shall be made publicly available;</li> <li>- provide means by which public comments, inquiries and complaints can be received, and ensure that those means are adequately publicised; and</li> <li>- includes details of a register to be kept of all comments, inquiries and complaints received by the above means, including the following register fields: <ul style="list-style-type: none"> <li>- the date and time, where relevant, of the comment, inquiry or complaint;</li> <li>- the means by which the comment, inquiry or complaint was made (telephone, fax, mail, email or in person);</li> <li>- any personal details of the commenter, inquirer or complainant that were provided, or if no details were provided, a note to that effect;</li> <li>- the nature of the complaint;</li> <li>- any action(s) taken by the Applicant in relation to the comment, inquiry or complaint, including any follow-up contact with the commenter, inquirer or complainant; and if no action was taken by the Applicant in relation to the comment, inquiry or complaint, the reason(s) why no action was taken.</li> </ul> </li> <li>- Provide quarterly reports to the Department and EPA, where relevant, outlining details of complaints received</li> </ul>	<p>Community Feedback Reports Q1- Q3 2023.</p> <p><a href="https://patrick.com.au/environmental-monitoring/">https://patrick.com.au/environmental-monitoring/</a></p> <p><a href="https://patrick.com.au/contact/">https://patrick.com.au/contact/</a></p> <p><a href="http://www.patrick.com.au/environment-monitoring-reporting">http://www.patrick.com.au/environment-monitoring-reporting</a>.</p> <p>Interview with auditees 11/01/24</p>	<p>Documentation including management plans and monitoring reports are available on the Patrick website.</p> <p><a href="https://patrick.com.au/environmental-monitoring/">https://patrick.com.au/environmental-monitoring/</a></p> <p>Contact details and complaints line are available at:</p> <p><a href="https://patrick.com.au/contact/">https://patrick.com.au/contact/</a></p> <p>Patrick Port Botany Quarterly Community Feedback Reports are available on Patrick's website</p> <p><a href="http://www.patrick.com.au/environment-monitoring-reporting">http://www.patrick.com.au/environment-monitoring-reporting</a>.</p> <p>The reports contain the information and details required by this condition and are submitted to the Department.</p>	C		
C3.2	NSW Ports Patrick Stevedores	<p>At least 6 months prior to commencement of operations, the Applicant shall establish a Community Consultative Committee to oversee the environmental performance of the development. This committee shall:</p> <p>(a) be comprised of:</p> <ul style="list-style-type: none"> <li>· 2 representatives from the Applicant, including the person responsible for environmental management;</li> <li>· 1 representative from Botany Bay City Council; and</li> <li>· at least 3 representatives from the local community, whose appointment has been approved by the Director-General in consultation with the Council;</li> </ul>	<p>Community Consultative Committee meeting minutes</p> <p><a href="https://www.nswports.com.au/resources-filtered/port-botany-CCC-minutes">https://www.nswports.com.au/resources-filtered/port-botany-CCC-minutes</a></p> <p>Sighted Port Botany Community Consultative Committee Meeting Minutes for:</p> <p>#41 – 07/12/23</p> <p>#40 – 01/08/23</p>	<p>The Port Botany Expansion Community Consultative Committee has been combined into the Port Botany Neighbourhood Liaison Group, which was approved in a letter from the Director General on 16/9/2013.</p> <p>NSW Ports manage the meeting, SICTL is a participant as an operator. This audit assesses SICTLs compliance with the conditions.</p> <p>Minutes of the meetings are on NSW Ports website at:</p> <p><a href="https://www.nswports.com.au/resources-filtered/port-botany-CCC-minutes">https://www.nswports.com.au/resources-filtered/port-botany-CCC-minutes</a></p>	C		

CoA No	Auditee NSW Ports/ Patrick Stevedores	DA-494-11-2003 Condition of Consent Compliance Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
					C	NC	NT
		(b) be chaired by an independent party approved by the Director-General; (c) meet at least four times a year, or as otherwise agreed by the CCC; (d) review and provide advice on the environmental performance of the development, including any construction or environmental management plans, monitoring results, audit reports, or complaints; and Note: The Applicant may, with the approval of the Director-General, combine the function of this CCC with the function of other existing Community Consultative mechanisms the area, including the construction phase CCC (Condition B3.2) however, if it does this it must ensure that the above obligations are fully met in the combined process	#39 – 01/05/23 #38 – 20/03/23	Representatives and the chair are presented in each of the minutes. The CCC meets four times per year and minutes show environmental, community and rail matters are discussed.			
C3.3	NSW Ports Patrick Stevedores	The Applicant shall, at its own expense: (a) ensure that 2 of its representatives attend the Committee's meetings; (b) provide the Committee with regular information on the environmental performance and management of the development; (c) provide meeting facilities for the Committee; (d) arrange site inspections for the Committee, if necessary; (e) take minutes of the Committee's meetings; (f) make these minutes available on the Applicant's website within 14 days of the Committee meeting, or as agreed to by the Committee; (g) respond to any advice or recommendations the Committee may have in relation to the environmental management or performance of the development; and (h) forward a copy of the minutes of each Committee meeting, and any responses to the Committee's recommendations to the Director-General within a month of the Committee meeting	Community Consultative Committee meeting minutes <a href="https://www.nswports.com.au/re-sources-filtered/port-botany-CCC-minutes">https://www.nswports.com.au/re-sources-filtered/port-botany-CCC-minutes</a>	Refer response to CoA C3.2 above. The Auditor notes that NSW Ports (not the auditee) is responsible for the CCC.	C		
<b>ENVIRONMENTAL MONITORING AND AUDITING</b>							
C4.1	Patrick Stevedores	The Director-General shall be notified of any incident with actual or potential significant off-site impacts on people or the biophysical environment within 12 hours of the Applicant, or other relevant party undertaking the development, becoming aware of the incident. Full written details of the incident shall be provided to the Director-General within seven days of the date on which the incident occurred. The Director-General may require additional measures to be implemented to address the cause or impact of any incident, as it relates to this consent, reported in accordance with this condition, within such period as the Director-General may require	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		
C4.2	Patrick Stevedores	The Applicant must prepare an Annual Environmental Management Report for the development. The Annual Environmental Management Report must: - detail compliance with the conditions of this consent; - contain a copy of the Complaints Register (for the preceding twelve-month period, exclusive of personal details) and details of how these complaints were addressed and resolved; - include a comparison of the environmental impacts and performance predicted in the EIS and additional information documents provided to the Department and Commission of Inquiry; - detail results of all environmental monitoring required under the development consent and other approvals, including interpretations and discussion by a suitably qualified person; - contain a list of all occasions in the preceding twelve-month period when environmental performance goals have not been achieved, indicating the reason for failure to meet the goals and the action taken to prevent recurrence of that type of incident;	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)	2022 Annual Environmental Management Report and Annual Compliance Report was submitted 24/02/23.	C		



CoA No	Auditee NSW Ports/ Patrick Stevedores	DA-494-11-2003 Condition of Consent Compliance Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		
					C	NC	NT
		<ul style="list-style-type: none"> <li>- be prepared within twelve months of the commencement of operation, and every twelve months thereafter;</li> <li>- be approved by the Director-General each year; and</li> <li>- be made available for public inspection</li> </ul>					
C4.3		<b>Removed – refer MOD 17.</b>					
C4.4	Patrick Stevedores	<p>Prior to the commencement of operations an Environmental Training Program shall be developed and implemented to establish a framework in which relevant employees will be trained in environmental management and the operation of plant and equipment, including pollution control equipment, where relevant. The Program shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> <li>a) identification of relevant employment positions associated with the development that have an operational or management role related to environmental performance;</li> <li>b) details of appropriate training requirements for relevant employees</li> <li>c) a program for training relevant employees in operational and/ or management issues associated with environmental performance; and</li> <li>d) a program to confirm and update environmental training and knowledge during employment of relevant persons</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. However the training being delivered appears to be inconsistent with that described in Section 4.3 of the OEMP.</b></p>	<b>C</b>		
C4.5	Patrick Stevedores	<p>Within one year of the commencement of operations and every year thereafter, the Applicant shall fund a full independent environmental audit. The audit must be undertaken by a suitably qualified person/team approved by the Director-General. The audits would be made publicly available and would:</p> <ul style="list-style-type: none"> <li>- be carried out in accordance with ISO 14010 – Guidelines and General Principles for Environmental Auditing and ISO 14011 – Procedures for Environmental Auditing;</li> <li>- assess compliance with the requirements of this consent, and other licences and approvals that apply to the development;</li> <li>- assess the construction against the predictions made and conclusions drawn in the development application, EIS, additional information and Commission of Inquiry material; and</li> <li>- review the effectiveness of the environmental management of the development, including any environmental impact mitigation works.</li> </ul> <p>Note: An independent and transparent environmental audit can verify compliance (or otherwise) with the Minister's consent and various approvals. Auditing also provides an opportunity for continued improvement in environmental performance</p>	<p>Letter, DPIE to NSW Ports, 10/10/17.</p> <p>Independent Environmental Audit, WolfPeak, 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>	<b>C</b>		



## **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



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

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

[trevor.brown@nswports.com.au](mailto:trevor.brown@nswports.com.au)

Dear Mr Brown

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

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

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

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

In preparing the IEA, you must ensure the audit:

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

Finally, the Department recommends you:

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

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

Yours sincerely

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

*Note: For photos of Patrick operations on DA 453 refer to the Audit Report required under that consent.*



No.	Comment	Photograph
01	New truck grid arrangement to accommodate SABRE.	
02	In ground stormwater drain with SQIDs to manage potential spills.	
03	Berth 6 ship to shore cranes.	

No.	Comment	Photograph
04	<p>Berth 6 area (The Knuckle). Patrick proposes to use this area for the decommissioning and removal of redundant straddle cranes. It is recommended that adequate spill and containment controls be applied in this area.</p>	



## 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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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:	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