

**DETERMINATION OF A DEVELOPMENT APPLICATION
FOR STATE SIGNIFICANT AND INTEGRATED
DEVELOPMENT
UNDER SECTION 80 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT,
1979**

I, the Minister for Infrastructure and Planning, under Section 80 of the *Environmental Planning and Assessment Act 1979* ("the Act"), determine the development application ("the Application") referred to in Schedule 1 by granting consent subject to the conditions set out in Schedule 3.

The reason for the imposition of conditions is to

- (i) minimise any adverse environmental impacts associated with the development;
- (ii) provide for the on-going environmental management of the development; and
- (iii) provide for regular environmental monitoring and reporting on the future performance of the development.

THIS CONSOLIDATED INSTRUMENT INCLUDES CHANGES MADE THROUGH MODIFICATIONS MOD- 56-6-2004-I, MOD-83-8-2004-I, MOD-156-10-2005-I, MOD-38-3-2006-I, MOD-38-4-2007-I and MOD-76-9-2007-I (THE LATTER MARKED IN RED)

Craig Knowles MP
**Minister for Infrastructure and
Planning**

Sydney, 27 October 2003

File: S01/01333

SCHEDULE 1

Development Application: DA-453-12-2002-i

Application made by: Patrick Stevedores Operations Pty Ltd.

Consent Authority: The Minister for Infrastructure and Planning.

Land: Lots 1-6, 8-14 and 16-19 DP 452236; Lot 1 DP 804556; Lots 1 and 2 DP 1009870, Brotherson Dock, Penrhyn Road, Port

Botany in the Botany Bay local government area.

Proposed Development: Modification to the layout and operation of the container terminal, comprising:

- Demolition and removal of structures;
- Construction of new road, rail and wharf infrastructure;
- Installation of new operational equipment;
- Construction of the Exceptions Administration Office; and
- Relocation of the road access to the public boat ramp to the north of Penrhyn Road.

State Significant Development: The proposed development is classified as State significant development because of a Declaration made by the Minister for Urban Affairs and Planning on 29 June 2001 applying to the development of shipping terminals, under Section 76A (7) of the *Environmental Planning and Assessment Act, 1979*.

Integrated Development: The proposal requires additional approvals from the:

- Waterways Authority under the *Rivers and Foreshores Improvement Act 1948*, and
- Environment Protection Authority under the *Protection of the Environment Operations Act 1997*.

Consequently, it is classified as Integrated Development under Section 91 of the *Environmental Planning and Assessment Act 1979*.

BCA Classification:

Class 5	-	office
Class 10b	-	pavements, truck/trailer marshalling areas, car parking areas, access roads, fences and barriers, rail infrastructure

Note: 1) To ascertain the date upon which this consent becomes effective, refer to Section 83 of the Act.

- 2) To ascertain the date upon which this consent is liable to lapse, refer to Section 95 of the Act.
- 3) If the Applicant is dissatisfied with this determination, Section 97 of the Act grants him or her a right of appeal to the Land and Environment Court, which is exercisable within 12 months of receiving notice of this determination.

SCHEDULE 2

In this consent, except in so far as the context or subject-matter otherwise indicates or requires, the following terms have the meanings indicated:

Act	<i>Environmental Planning and Assessment Act, 1979.</i>
Applicant	Patrick Stevedores Operations Pty Ltd.
BCA	Building Code of Australia.
Construction	any activity requiring a Construction Certificate, the laying of a slab or significant excavation works.
Council	Botany Bay City Council.
dB(A)	decibel (A-weighted scale).
Department	NSW Department of Infrastructure, Planning and Natural Resources.
Director-General	Director-General of the NSW Department of Infrastructure, Planning and Natural Resources, or delegate.
EIS	Environmental Impact Statement
EPA	NSW Environment Protection Authority
L _{A1} (1 minute)	the noise level exceeded 1 percent of the time when measured over a 1 minute period.
L _{Aeq} (15 minute)	equivalent average sound pressure that is measured over a 15 minute period.
L _{Amax}	the maximum noise limit over a sample period.
Minister	Minister for Infrastructure and Planning, or delegate.
RTA	NSW Roads and Traffic Authority.
PCA	Principal Certifying Authority - the Minister or an accredited certifier, appointed under Section 109E of the Act, to issue a Part 4A Certificate as provided under Section 109C of the Act.
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Site	the land to which this consent applies.

Utility

any infrastructure or service associated with water supply, sewerage, electricity supply, telecommunications or gas supply.

SCHEDULE 3

1. GENERAL

Obligation to Minimise Harm to the Environment

- 1.1 The Applicant shall implement all practicable measures to prevent or minimise any harm to the environment that may result from the construction and operation of the development.

Scope of Development

- 1.2 ¹ The Applicant shall carry out the development generally in accordance with:
- (a) development application DA-453-12-2002-i by , lodged with the Department on 16 December 2002, accompanied *Patrick Port Botany Container Terminal Upgrade, Environmental Impact Statement* (three volumes), dated November 2002 and prepared by Parsons Brinckerhoff;
 - (b) additional information provided in respect of development application DA-453-12-2002-i, including:
 - i) the letter from Parsons Brinckerhoff to Planning NSW dated 17 April 2003 titled *Patrick Port Botany EIS – Response to Hazard and Risk Issues*;
 - ii) *Upgrade of Port Botany Container Terminal, Revised Noise Assessment*, dated May 2003 and prepared by Wilkinson Murray Pty Ltd;
 - iii) *Supplementary Avifauna Survey & Assessment of Impacts*, dated 26 May 2003 and prepared by AMBS Consulting;
 - iv) the memorandum from Parsons Brinckerhoff dated 30 May 2003 and titled *Patrick Water Quality Assessment*;
 - v) the amended development application submitted to the Department on 30 May 2003 and associated drawings;
 - vi) the letter from Patrick Terminals to Planning NSW dated 11 June 2003 titled *Patrick Port Botany EIS*;
 - vii) the memorandum from Fielders Engineers Pty Ltd to Parsons Brinckerhoff dated 20 June 2003 titled *Transport NSW's Comments*;
 - viii) the letter from Qest Consulting Group to Parsons Brinckerhoff dated 3 July 2003 titled *Preliminary Hazard Analysis for Patrick Stevedores*;
 - (c) modification application MOD-56-6-2004-i, lodged with the Department on 28 May 2004 and accompanied by the supplementary document titled *Application to Modify Development Consent*, dated 19 May 2004;
 - (d) modification application MOD-83-8-2004-i, lodged with the Department on 16 August 2004, accompanied by four plans

¹ Incorporates EPA General Terms of Approval – A 1.1

- titled *Proposed Staff Amenities* (Job No. 0400107, Revision C) numbered 01 to 04 respectively;
- (e) modification application MOD-156-10-2005-i, lodged with the Department on 6 October 2005, accompanied correspondence dated 6 October 2005 and titled *S96(1A) Application: Patrick Corporation – Port Botany Terminal* and plan titled *Proposed Administration Building* (Job No. PDS-06-38, Revision A);
 - (f) modification application MOD-38-3-2006-i, lodged with the Department on 2 March 2006, accompanied correspondence dated 1 March 2006 and titled *S96(1A) Application: Patrick Corporation – Port Botany Terminal*, and plans titled *Proposed Administration Building* (Job No. PDS-06-38, Revision D);
 - (g) modification application MOD-38-4-2007-i, lodged with the Department on 11 April 2007, accompanied correspondence dated 10 April 2007 and titled *S.96(1A) Application, Patrick Corporation – Port Botany Terminal*, and plans titled *Proposed Additional Staff Amenities* (Job No. PDS-07-81, Issue E);
 - (h) modification application MOD-76-9-2007-i, lodged with the Department on 24 August 2007, accompanied correspondence dated 19 June 2007 and 5 November 2007 titled *S.96(1A) Application, Patrick Corporation – Port Botany Terminal*, and the following plans:
 - i) *Proposed Camco Trafficgate* (Job No. PDS-07-84, Issue: B, Drg . No.: 01);
 - ii) *Proposed Camco Trafficgate* (Job No. PDS-07-84, Issue B, Drg . No.: 02);
 - iii) *Proposed Camco Trafficgate* (Job No. PDS-07-84, Issue B, Drg . No.: 03);
 - iv) *Truck Portal Gate Frame Arrangement and Details* (Project No. SY070313, Dwg No. S5.00, Issue A);
 - v) *Train Portal Gate Frame Arrangement and Details* (Project No. SY070313, Dwg No. S4.00, Issue E);
 - vi) *Train Portal Gate Frame Footing Plan and Details* (Project No. SY070313, Dwg No. S4.00, Issue D);
 - vii) *Structural Notes* (Project No. SY070313, Dwg No. S1.00, Issue D); and
 - (i) the conditions of this consent.

In the event of an inconsistency between a condition of this consent and the documents listed under (a) to (i) above, the conditions of consent shall prevail to the extent of the inconsistency.

Staged Development

- 1.3 Under Section 80(4) of the Act, this consent applies to the development, as described in Schedule 1, only.

- 1.4 Under Section 80(5) of the Act, the Applicant will require a further consent from the Minister for the Terminal Operations Building.

Note: A separate development application shall be submitted for the Terminal Operations Building.

Temporary Structures

- 1.4A This consent permits the erection and use of temporary staff accommodation as described in the documents listed under condition 1.2(c) of this consent.
- 1.4B All temporary staff accommodation erected and utilised on the site shall be completely removed from the site once permanent accommodation is completed.

Exceptions

- 1.5 The Applicant shall delete the proposed revegetation and/or rehabilitation landscaping works in the eastern portion of the boat ramp carpark, marked in red, on the Proposed Landscape Layout (Figure A9 Rev C).

Provision of Documents

- 1.6 Where practicable, the Applicant shall provide all documents and reports required to be submitted to the Director-General under this consent in an appropriate electronic format. Provision of documents and reports to other parties, as required under this consent, shall be in a format acceptable to those parties and shall aim to minimise resource consumption.

Note: At the date of this consent, an appropriate electronic format for submission to the Director-General is the "portable document format" (pdf) or another format that may be readily converted to pdf.

Statutory Requirements

- 1.7 The Applicant shall ensure that all licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the development. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals.

Integrated Approvals

- 1.8 No works are to commence at the site prior to a Part 3A Permit under the *Rivers and Foreshores Improvement Act 1948* being obtained from the Waterways Authority and a Licence under the *Protection of the Environment Operations Act 1997* being obtained from the EPA. A copy of these approvals shall be

submitted to the Director-General prior to the issue of the construction certificate by the Principal Certifying Authority.

Compliance

- 1.9 The Applicant shall ensure that all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent.
- 1.10 The Applicant shall be responsible for the environmental impacts resulting from the actions of all persons on the site, including any visitors.
- 1.11 Prior to the commencement of construction of the development, the Applicant shall certify in writing, to the satisfaction of the Director-General, that it has obtained all the necessary statutory approvals for the construction works, and complied with all relevant conditions of this consent and/or any other statutory requirements for this development pertaining to that aspect of the development to be constructed.
- 1.12 Prior to the commencement of operation of the development, the Applicant shall certify in writing, to the satisfaction of the Director-General that it has obtained all the necessary statutory approvals for operations, and complied with all relevant conditions of this consent and/or any other statutory requirements for this development.
- 1.13 Notwithstanding conditions 1.11 and 1.12 of this consent, the Director-General may require an update on compliance with all, or any part, of the conditions of this consent. Any such update shall meet the reasonable requirements of the Director-General and be submitted within such period as the Director-General may agree.
- 1.14 The Applicant shall meet the requirements of the Director-General in respect of the implementation of any measure necessary to ensure compliance with the conditions of this consent, and general consistency with the EIS and those documents listed under condition 1.2 of this consent. The Director-General may direct that such a measure be implemented in response to the information contained within any report, plan, correspondence or other document submitted in accordance with the conditions of this consent, within such time as the Director-General may agree.

Dispute Resolution

- 1.15 In the event that a dispute arises between the Applicant and Council or a public authority other than the Department, in relation to a specification or requirement applicable under this

consent, the matter shall be referred by either party to the Director-General, or if not resolved, to the Minister, whose determination of the dispute shall be final and binding on all parties. For the purpose of this condition, "public authority" has the same meaning as provided under Section 4 of the Act.

Note: Section 121 of the *Environmental Planning and Assessment Act 1979* provides mechanisms for resolution of disputes between the Department, the Director-General, councils and public authorities.

2. CONSTRUCTION CERTIFICATION

2.1 In relation to the construction and occupation of the development, the Applicant shall provide to the Director-General and Council the following:

- (a) written notification of the appointment of a Principal Certifying Authority prior to the commencement of construction;
- (b) copies of all Construction Certificates issued for the development prior to the commencement of construction;
- (c) written notification of the intention to commence construction work, to be received at least two working days prior to the commencement of construction. In the event that more than one Construction Certificate is issued, notification shall be provided prior to the commencement of construction the subject of each Certificate;
- (d) copies of all Occupation Certificates issued for the development prior to occupation; and
- (e) written notification of the intention to occupy the development, to be received at least two working days prior to occupation. In the event that more than one Occupation Certificate is issued, notification shall be provided prior to the occupation the subject of each Certificate.

2.2 The Applicant shall provide all information necessary for the Principal Certifying Authority to determine that the development will comply with:

- (a) the Building Code of Australia; and
- (b) all relevant provisions of the Act, including the payment of a long service levy under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*.

3. ENVIRONMENTAL PERFORMANCE

Demolition

3.1 All demolition work shall be carried out in accordance with AS 2601-2001 *The Demolition of Structures*

Hours of Operation - Construction

- 3.2 ²Construction activities associated with the development, including the delivery of material to and from the site, shall only be carried out between the following hours:
- (a) between 7:00am and 6:00pm Monday to Friday inclusive;
 - (b) between 8:00am and 2:00pm Saturdays; and
 - (c) at no time on a Sunday or a public holiday.

3.2A Notwithstanding condition 3.2 of this consent, the Applicant may undertake construction of road pavement works required under this consent between 7:00 am and 10:00 pm Mondays to Fridays, and between 8:00 am to 2:00 pm on Saturdays. No pavement works shall be conducted on Sundays or public holidays. All pavement works shall be undertaken to strictly comply with the noise limits specified under condition 3.3 of this consent.

Noise Limits

- 3.3 ³Noise generated by the development shall not exceed the noise limits presented in the table below, unless otherwise agreed by the Director-General:

Location	Day		Evening		Night	
	L _{Aeq} (15 minute)	L _{A1} (1 minute)	L _{Aeq} (15 minute)	L _{A1} (1 minute)	L _{Aeq} (15 minute)	L _{A1} (1 minute)
Most affected residential premises	55	55	45	55	45	55
	L _{Aeq} (15 minute)	L _A MAX	L _{Aeq} (15 minute)	L _A MAX	L _{Aeq} (15 minute)	L _A MAX
From 1 January 2009 Most affected residential premises	55	55	43	55	43	55

- 3.4 ⁴For the purpose of condition 3.3 of this consent:
- (a) Day is defined as the period from 7.00am to 6.00pm Monday to Saturday and 8.00am to 6.00pm Sundays and Public Holidays;

² Incorporates EPA General Terms of Approval - L6.6

³ EPA General Terms of Approval – L 6.1

⁴ EPA General Terms of Approval – L 6.2

- (b) Evening is defined as the period from 6.00pm to 10.00pm; and
- (c) Night is defined as the period from 10.00pm to 7.00am Monday to Saturday and 10.00pm to 8.00am Sundays and Public Holidays.

Noise Assessment Report

- 3.5 ⁵Within six (6) months of the date of this consent, the Applicant shall submit a Noise Assessment Report to the Director-General and the EPA for approval. The report shall be prepared by a suitably qualified and experienced specialist in the field of acoustics. The report shall contain the following information:
- (a) A critical review of all measures capable of achieving a reduction in noise emitted by operation of the facility during and upon completion of the development phase including the timetable for implementation of each measure. The report shall contain sufficient information to justify the claim that all reasonable and feasible noise control measures have been incorporated into the redevelopment of the facility so that the noise limits specified in condition 3.3 of this consent that apply from 1 January 2009, have been achieved as early as possible prior to that date;
 - (b) A timetable specifying dates by which all reasonable and feasible measures will be implemented as identified in (a) above; and
 - (c) Identification and timetabling of noise control measures to reduce noise from existing plant and equipment.

Note: Should the EPA consider that the report demonstrates that compliance with the 43 dB(A) $L_{eq(15\text{ minute})}$ night time limit can be achieved prior to 1 January 2009, the EPA will revise the date when the lower noise limits apply.

- 3.6 ⁶Noise from the site shall be measured at the most affected point on or within the residential boundary, or at the most affected point within 30 metres of the dwelling (rural situations) where the dwelling is more than 30 metres from the boundary to determine compliance with the noise limits in condition 3.3 of this consent.

Where it can be demonstrated that direct measurement of noise from the site is impractical, the EPA may accept alternative means of determining compliance. See Chapter 11 of the *NSW Industrial Noise Policy*.

⁵ EPA General Term of Approval – E 3.1

⁶ EPA General Terms of Approval – L 6.3

The modification factors provided in Section 4 of the *NSW Industrial Noise Policy* shall be applied to the measured noise levels where applicable.

- 3.7 ⁷Noise from the site shall be measured at 1metre from the bedroom window to determine compliance with the L_{A1} (1 minute) and $L_{A\ MAX}$ noise limits in condition 3.3 of this consent.
- 3.8 ⁸The noise emission limits identified in condition 3.3 of this consent apply under meteorological conditions of:
- (a) wind speeds of up to 3m/s at 10 metres above ground level; and
 - (b) temperature inversion conditions of up to 3°C/100 metres.

Traffic and Transport Impacts

Road Improvements

- 3.9 The Applicant shall fund and construct the following road works to the satisfaction of the Council and the Roads and Traffic Authority:
- (a) Upgrade of the Botany Road/Foreshore Road/Penrhyn Road intersection to provide:
 - (i) Dual eastbound right turn lanes or a lengthened single right turn lane from Foreshore Road to Penrhyn Road; and
 - (ii) A westbound continuous slip left turn lane from Penrhyn Road to Foreshore Road.
 - (b) Construction of a roundabout intersection at Penrhyn Road/Boat Ramp Access Road/Inter terminal Access Road. The roundabout shall be designed to accommodate a u-turn manoeuvre by a super B-double vehicle.
 - (c) Construction of a new access road to the Penrhyn Boat Ramp.
- 3.10 The Applicant shall complete the upgrade of the Foreshore Road/Penrhyn Road/Botany Road intersection within two (2) years of the date of this consent, unless otherwise agreed by the Director-General. Commencement of road construction works required under this consent shall not commence until the Applicant has consulted with the owner/ occupier of the Caltex site (with access from Penrhyn Road) and demonstrated to the satisfaction of the Director-General that the median strip closure on Penrhyn Road will not cause an access conflict at that development.
- 3.11 The roadworks in condition 3.9 of this consent shall be designed and constructed in accordance with RTA requirements and standards. Detailed design plans of the proposed road works shall be submitted to the RTA for approval prior to construction.

⁷ EPA General Term of Approval – L 6.4

⁸ EPA General Term of Approval – L 6.5

Note: A plan checking fee and lodgement of a performance bond may be required from the Applicant prior to the release of the approved road design plans by the RTA.

- 3.12 The shoulders of the new boat ramp access road shall be constructed with concrete edge strips.
- 3.13 The new boat ramp access road shall be completed prior to the closure of the existing Penrhyn Road access to the boat ramp.

Transport Code of Conduct

- 3.14 Prior to the commencement of operations, the Applicant shall submit for the Director-General's approval a Transport Code of Conduct for the development. The Code shall outline the management of traffic impacts associated with the development and minimum requirements for the movement of heavy vehicles to and from the site. The Code shall address the requirements of Council and shall include, but not necessarily be limited to:
- (a) restrictions to routes, where relevant;
 - (b) restrictions to the hours of transport operations to avoid travelling through built-up areas late at night or at times of high traffic flows in those areas; and
 - (c) minimum requirements for vehicle maintenance to address noise and exhaust emissions.

Parking

- 3.15 The Applicant shall ensure that any parking spaces within the boat ramp parking area, that are required for the construction of the new access road shall be replaced with an equivalent number and size of parking spaces.
- 3.16 The staff and visitors carpark shall be designed to comply with *AS 2890.1 1993 Parking Facilities - Off-Street Car Parking*.
- 3.17 Disabled, visitor and service vehicle parking spaces shall be clearly signposted and designated in accordance with relevant Australian Standards.

Access and Internal Road Works

- 3.18 All driveways shall be clearly signposted and designed to accommodate the largest vehicle likely to use the site.
- 3.19 Directional pavement arrows shall be installed on all internal roads.
- 3.20 The design of all internal roadways shall be wide enough to accommodate through traffic and turning two-way traffic.

- 3.21 The design of the truck marshalling areas, driveways, and sight distances shall comply with *AS 2890.2-2002 Parking Facilities - Off-Street Commercial Vehicle Facilities*.
- 3.22 Vehicles associated with the development are not permitted to park, queue or stand on Penrhyn Road, Foreshore Road or the boat ramp car park and access road at any time.
- 3.23 No parking shall be permitted on the internal roadways and outside the designated parking areas.
- 3.24 All trucks entering the development shall be wholly contained within the site before being required to stop.
- 3.25 The use of landscaping shall not affect driver sight distance for vehicles entering and exiting the site.

Water Quality Impacts

Erosion and Sediment Control

- 3.26 ⁹The proposed works shall be carried out so that:
 - (a) No materials are eroded, or likely to be eroded, are deposited, or likely to be deposited, on the bed or shore or into the waters of Botany Bay; and
 - (b) No materials are likely to be carried by natural forces to the bed or shore or into the waters of Botany Bay.
- 3.27 ¹⁰Any material that does enter Botany Bay shall be removed immediately.
- 3.28 ¹¹The Applicant shall prepare and implement a Soil and Water Management Plan, as required by condition 6.2 (a) of this consent, to manage erosion, sedimentation and other pollutants during construction of the proposed works. The plan shall be prepared by a suitably qualified person(s).

Best practice methods shall be adopted for the on-site control of runoff, sediment and other pollutants during, and post, construction. The methods employed shall be in accordance with the relevant specifications and standards contained in the Department of Housing's *Managing Urban Stormwater: Soils and Construction" Manual* (1998) and any other relevant Council requirements.

Note: The Soil and Water Management Plan shall be submitted to the Waterways Authority for approval prior to a Part 3A Permit

⁹ Waterways Authority General Terms of Approval.

¹⁰ Waterways Authority General Terms of Approval

¹¹ Incorporates Waterways Authority and EPA General Terms of Approval – O 4.1

being issued, and the EPA for approval prior to the commencement of construction.

- 3.29 ¹² Any material that is to be stockpiled on site shall be stabilised to prevent contamination, erosion or dispersal of the material. Consideration should be given to covering stockpiles when not in use. The erosion, sediment and pollution control system shall be effectively maintained at or above design capacity for the duration of the works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 3.30 ¹³ Demolition and construction works shall be carried out in a manner that minimises the potential for materials, including sediment and other pollutants to enter Botany Bay. In this regard, a combination of temporary measures such as tarpaulins, booms, silt screens and barriers may be required when carrying out particular works.
- 3.31 All soil and/or vegetation disturbed or removed from the site shall be disposed of to, or stored at, an appropriate location where it cannot be washed off the site.
- 3.32 All construction vehicles exiting the site, having had access to unpaved areas, shall depart via a wheel wash facility.

Note: Under section 13TA of the *Maritime Services Act, 1935*, the Applicant is required to obtain the prior written approval of the Waterways Authority to pipe stormwater, excavate or remove soil, sand or other material from land within a distance of 10 metres from the mean high water mark. Further details regarding this approval can be obtained from the Property Services Branch (Phone 9563 8808).

Pollution of Waters

- 3.33 ¹⁴ Except as may be expressly provided by a licence issued under the *Protection of the Environment Operations Act 1997* in relation of the development, section 120 of the *Protection of the Environment Operations Act 1997* shall be complied with and in connection with the carrying out of the development.

Concentration Limits

- 3.34 ¹⁵ The concentration limit of a pollutant discharged at Point 1 of the existing licence, shall not exceed the concentration limits

¹² Waterways Authority General Terms of Approval

¹³ Waterways Authority General Terms of Approval

¹⁴ EPA General Terms of Approval – L 1.1 and A 2.1

¹⁵ EPA General Terms of Approval – L 3.1

specified for that pollutant in the table in condition 3.36 of this consent.

- 3.35 ¹⁶Where a pH quantity limit is specified in the table in condition 3.36 of this consent, the specified percentage of samples shall be within the specified ranges.
- 3.36 ¹⁷To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.

Discharge Location - Point 1

POLLUTANT	UNIT OF MEASURE	100% CONCENTRATION LIMIT
Oil And Grease	mg/L	10
Total Suspended Solids	mg/L	30
pH	pH	6.5-8.5

Acid Sulfate Soils

- 3.37 ¹⁸In the event that acid sulfate soils are encountered during the works, all works with the potential to disturb the material are to cease. The Applicant shall notify the Waterways Authority immediately and prepare and submit an acid sulfate soils management plan to the Waterways Authority for approval prior to any work re-commencing. The management plan shall be prepared in accordance with the NSW Acid Sulfate Soils Manual.

Waste Management

- 3.38 ¹⁹The Applicant shall not cause, permit, or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing, or disposal; or any waste generated at the premises to be disposed at the premises, except as expressly permitted by a licence issued by the EPA under the *Protection of the Environment Operations Act 1997*.

This condition only applies to the storage, treatment, processing, reprocessing, or disposal; or any waste generated at the premises if it requires an environment protection licence under the *Protection of the Environment Operations Act 1997*.

- 3.39 ²⁰Except as expressly permitted by a licence issued by the EPA under the *Protection of the Environment Operations Act 1997*, only the hazardous and/or industrial and/or Group A waste listed below may be generated and/or stored at the premises:

¹⁶ EPA General Terms of Approval – L 3.2
¹⁷ EPA General Terms of Approval – L 3.3
¹⁸ Waterways Authority General Terms of Approval
¹⁹ EPA General Terms of Approval – L 5.1 and L 5.2
²⁰ EPA General Terms of Approval – L 5.3

- (a) waste oil/water, hydrocarbons/water mixtures or emulsions; and
 - (b) grease trap waste.
- 3.40 ²¹The quantity of hazardous and/or industrial and/or Group A waste generated on the premises shall not exceed 200 tonnes per year.
- 3.41 ²²The quantity of hazardous and/or industrial and/or Group A waste stored on the premises shall not exceed 70 tonnes at any one time.
- 3.42 A designated area for the storage and collection of waste and recyclable materials shall be provided on the site. Details of this shall be provided in the Waste Management Plan required under condition 6.4 (d) of this consent.
- 3.43 All wastes and material generated on the site during construction and operation shall be classified in accordance with the EPA's *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* and be disposed of to a facility that may lawfully accept the waste.
- 3.44 The Applicant shall be responsible for involving and encouraging employees and contractors to minimise domestic waste production on site and to reuse/recycle where possible.

Air Quality Impacts

Dust Emissions

- 3.45 ²³The Applicant shall design, construct, operate and maintain the development in a manner which minimises or prevents the emission of dust from the site.
- 3.46 All trafficable areas and vehicle manoeuvring areas in or on the premises shall be maintained, at all times, in a condition that will minimise the generation, or emission from the premises, of wind blown or traffic generated dust.
- 3.47 During construction of the development, the Applicant shall take all practicable measures to ensure that all vehicles entering or leaving the site, carrying a load that may generate dust, are covered at all times, except during loading and unloading. Any such vehicles shall be covered or enclosed in a manner that will prevent emissions of dust from the vehicle.

Ventilation

- 3.48 The details of any mechanical ventilation and/or air conditioning for the development must be certified by a competent person, in

²¹ EPA General Terms of Approval – L 5.4

²² EPA General Terms of Approval – L 5.5

²³ EPA General Terms of Approval – O 3.1

accordance with Council's requirements, the BCA and relevant Australian Standards, and to the satisfaction of the PCA prior to commencement of any work related to those activities.

Hazards and Risk Impacts

3.49 The Applicant shall not store or handle Dangerous Goods of Class 2.3, toxic compressed or liquefied gases above the quantities stored or handled in 1995/96 except in accordance with recommendations 1.1 and 1.2 in the *Port Botany Land Use Safety Study (1996)*.

3.50 At least two months prior to the commencement of the proposed development or within such further period as the Director-General may agree, the Applicant shall prepare and submit for the approval of the Director-General the studies set out under (a) to (d) below.

(a) FINAL HAZARD ANALYSIS - A final hazard analysis (FHA) of the proposed development. The analysis should be prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 6, "Guidelines for Hazard Analysis"*;

(b) TRANSPORT OF HAZARDOUS MATERIALS -Arrangements covering the transport of hazardous materials including details of routes to be used for the movement of vehicles carrying hazardous materials to or from the proposed development. The study shall be carried out in accordance with the Department's draft *"Route Selection Guidelines"*. Suitable routes identified in the study shall be used except where departures are necessary for local deliveries or emergencies

The study shall use the actual and projected dangerous goods movements from 1996/96 to 2016 to and from the site. In this regard particular attention is required to the future Class 2.3 toxic gases quantities, as detailed under condition 3.49 of this consent;

(c) EMERGENCY PLAN - A comprehensive emergency plan and detailed emergency procedures for the proposed development. This plan shall include detailed procedures for the safety of all people inside and outside the development who may be at risk from the development. The plan shall be in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 1, "Industry Emergency Planning Guidelines"*; and

- (d) SAFETY MANAGEMENT SYSTEM - A document setting out a comprehensive safety management system, covering all operations on-site and associated transport activities involving hazardous materials. The document shall clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to procedures. Records shall be kept on-site and shall be available for inspection by the Director-General upon request. The Safety Management System shall be developed in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 9, "Safety Management"*.

- 3.51 One month prior to the commencement of operation of the development, the applicant shall submit to the Director-General, a compliance report detailing compliance with conditions 3.49 and 3.50 of this consent, including:
- (a) dates of study submission, approval, and commencement of operations;
 - (b) actions taken or proposed, to implement recommendations made in the studies; and
 - (c) responses to each requirement imposed by the Director-General under condition 3.54 of this consent.

Incident Report

- 3.52 Within 24 hours of any incident or potential incident with actual or potential significant off-site impacts on people or the biophysical environment, a report shall be supplied to the Department outlining the basic facts. A further detailed report shall be prepared and submitted following investigations of the causes and identification of necessary additional preventive measures. That report must be submitted to the Director-General no later than 14 days after the incident or potential incident. The Applicant shall maintain a register of accidents, incidents and potential incidents. The register shall be made available for inspection at any time by the independent hazard auditor, the Director-General and Council.

Hazard Audit

- 3.53 Twelve months after the commencement of operations of the proposed development or within such further period as the Director-General may agree, the Applicant shall carry out a comprehensive hazard audit of the proposed development and within one month of the audit submit a report to the Director-General. The audit shall be carried out at the Applicant's expense by a duly qualified independent person or team approved by the Director-General prior to commencement of the audit. Further audits shall be carried out every three years or as determined by the Director-General and a report of each audit

shall be submitted to the Director-General within one month of the audit. Hazard audits shall be carried out in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 5, "Hazard Audit Guidelines"*. The audit shall include a review of the site safety management system and a review of all entries made in the incident register since the previous audit.

Further Requirements

- 3.54 The Applicant shall comply with all reasonable requirements of the Director-General in respect of the implementation of any measures arising from the reports submitted in respect of conditions 3.50 (a) to (d) inclusive, within such time as the Director-General may agree.

Landscaping

- 3.55 ²⁴Foreshore landscaping shall be comprised of locally indigenous species, which represents the original plant communities that would have been found along the foreshore in the vicinity of the site.
- 3.56 ²⁵ A suitably detailed landscape plan shall be provided to the Waterways Authority prior to a Part 3A Permit being issued. The plan shall identify the location and species of trees at the site, measures to protect them from damage during the works and specific details of additional landscaping to be carried out including location and numbers of species to be planted.
- 3.57 ²⁶A Vegetation Management Plan shall be prepared in accordance with condition 6.4 (b) of this consent. The Plan shall detail the proposed methods to be used to maintain the revegetated areas after completion of the works. The Plan shall be submitted to the Waterways Authority prior to a Part 3A Permit being issued.
- 3.58 All noxious weeds, as listed under the *NSW Noxious Weed Act 1993*, on site shall be removed during construction and operation of the development.
- 3.59 Appropriate weed management for the site, especially landscaped areas, shall be undertaken for the life of the development. Details of this shall be included in the Vegetation Management Plan required under condition 6.4 (b).
- 3.60 The Applicant shall install, operate and maintain an irrigation system throughout all landscaped areas. Such a system shall provide full coverage to all landscaped areas with no overspray onto hard surfaces.

²⁴ Waterways Authority General Terms of Approval

²⁵ Waterways Authority General Terms of Approval

²⁶ Waterways Authority General Terms of Approval

Details of the irrigation system proposed shall be included in the Vegetation Management Plan required under condition 6.4 (b) of this consent. The system shall comply with all relevant Australian Standards.

Note: It is recognised that some irrigation is necessary, however, the Applicant is encouraged to reduce the dependence on irrigation by planting trees and shrubs that are endemic to the area and capable of withstanding low levels of water as reflected in condition 3.60 of this consent.

Lighting

3.61 The Applicant must ensure that all external lighting associated with the development is mounted, screened, and directed in such a manner so as not to create a nuisance to surrounding properties or roadways. The lighting shall be the minimum level of illumination necessary and shall comply with *AS 4282 1997 - Control of the Obtrusive Effects of Outdoor Lighting*.

Staff Induction Program

3.62 The development's staff induction program shall incorporate special instructions relating to noise control and related "on the job" training, as deemed appropriate. Such training shall ensure that all staff involved in the operation of the terminal's mobile equipment, such as the straddle carriers, reach stackers and forklift trucks, and the gantry cranes and quay cranes, are aware of the need to ensure the following:

- (a) The correct placement and/or lowering of containers to minimise potential adverse noise impacts and specifically the control of transient impact noise;
- (b) The site's environment officer shall carry out routine inspections during the day, evening and night. Individual operations staff shall be assessed to determine the performance rating on each staff member and his or her duties; and
- (c) That each employee is made aware that one of the conditions of his or her continued employment shall be compliance with the site's noise emission goals and guidelines relating to the operational impact noise reduction. Those documented conditions will form an integral part of the project's Environmental Quality Assurance Program.

Telephone Hotline

3.63 Prior to the commencement of construction, the Applicant shall establish and list with the telephone company a 24 hour freecall complaints contact telephone number. The Applicant shall provide the telephone number to the Department, EPA and

Council and written notification shall be given to the surrounding residents.

The aim of the complaints line is to enable any member of the public to reach a person who can arrange appropriate corrective action to the complaint within two hours, 24 hours per day for the duration of construction and operation of the development.

Complaints Register

3.64 The Applicant shall record details of all complaints received in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:

- (a) the date and time of the complaint;
- (b) the means by which the complaint was made;
- (c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
- (d) the nature of the complaints;
- (e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and
- (f) if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the Director-General, EPA and Council upon request. The Applicant shall also make summaries of the register, without details of the complainants, available for public inspection.

Development Control

3.65 The payment of a Development Control fee to Council in accordance with Council's Management Plan, prior to the issue of the Construction Certificate.

Development Control	\$660.00
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4. UTILITIES AND PUBLIC WORKS

4.1 The Applicant shall, prior to construction commencing, identify (including, but not limited to the position and level of service) all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas that are associated with, and/or adjacent to the site, and/or are likely to be affected by the construction and operation of the development.

4.2 The Applicant shall, prior to construction commencing, consult with the relevant provider of the utilities identified in condition 4.1 of this consent and make arrangements to adjust and/or relocate their services as required. The cost of any such

adjustment and/or relocation of services shall be borne by the Applicant.

- 4.3 Prior to commencement of construction, the Applicant shall provide documentary evidence from the utility providers identified in condition 4.1 of this consent, to the Director-General, confirming that their requirements have been satisfied.
- 4.4 All external work carried out on public property shall be in accordance with Council's requirements, except as otherwise permitted by this consent.
- 4.5 Prior to the issue of an Occupation Certificate, the Applicant shall obtain from Sydney Water a Section 73 Compliance Certificate under the *Sydney Water Act 1994*.

5. ENVIRONMENTAL MONITORING

General Monitoring Requirements

- 5.1 ²⁷The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the *Protection of the Environment Operations Act 1997*, in relation to the development or in order to comply with the load calculation protocol shall be recorded and retained as set out in conditions 5.2 and 5.3 of this consent.
- 5.2 ²⁸All records required to be kept by the licence shall be:
 - (a) In a legible form, or in a form that can readily be reduced to a legible form
 - (b) Kept for at least four years after the monitoring or event to which they relate took place; and
 - (c) Produced in a legible form to any authorised officer of the EPA who asks to see them.
- 5.3 ²⁹The following records shall be kept in respect of any samples required to be collected:
 - (a) The date(s) on which the sample was collected;
 - (b) The time(s) at which the sample was collected;
 - (c) The point at which the sample was taken; and
 - (d) The name of the person who collected the sample.

Requirement to Monitor Concentrations of Pollutants Discharged

- 5.4 ³⁰The Applicant shall monitor the discharge of pollutants at monitoring location Point 2. The Applicant shall monitor (by sampling and obtaining results by analysis) the concentration of

²⁷ EPA General Terms of Approval – M 1.1

²⁸ EPA General Terms of Approval – M 1.2

²⁹ EPA General Terms of Approval – M 1.3

³⁰ EPA General Terms of Approval – M 2.1

each pollutant specified in column 1 of the Table below. The Applicant shall use the sampling methods, units of measure, and sample at the frequency, specified in the columns of the Table below.

Monitoring Location - Point 2: Water and Land

POLLUTANT	UNITS OF MEASURE	FREQUENCY	SAMPLING METHOD
Oil and Grease	mg/L	Special Frequency 1	Representative
Total Suspended Solids	mg/L	Special Frequency 1	Representative
Turbidity	NTU	Special Frequency 1	Representative
Chemical Oxygen Demand	mg/L	Special Frequency 1	Representative
Total Organic Carbon	mg/L	Special Frequency 1	Representative
Total Petroleum Hydrocarbons	mg/L	Special Frequency 1	Representative
Lead	mg/L	Special Frequency 1	Representative
Zinc	mg/L	Special Frequency 1	Representative
pH	pH	Special Frequency 1	Representative

Special Frequency 1 means a sample must be collected and analysed not more than one hour before the commencement of any discharge on any day and a further sample of the wastes being discharged not more than one hour after the commencement of the discharge on that day.

Note: The monitoring results collected in compliance with condition 5.4 for Point 2 can be used to determine compliance with the concentration limit specified in Condition 3.36 for discharge from Point 1.

- 5.5 ³¹Monitoring for the concentration of a pollutant emitted to the air required to be conducted by the EPA’s general terms of approval, or a licence under the *Protection of the Environment Operations Act 1997*, in relation to the development or in order to comply with the load calculation protocol shall be done in accordance with:
- (a) Any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or
 - (b) If no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or

³¹ EPA General Terms of Approval – M 4.1

- (c) If no such requirement is imposed by or under the POEO Act 1997 or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The *Clean Air (Plant and Equipment) Regulation, 1997* requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "*Approved Methods for the sampling and Analysis of Air Pollutants in NSW*".

- 5.6 ³²For each discharge point or utilisation area specified in condition 3.34 of this consent, the Applicant shall monitor the volume of liquids discharged to water or applied to the area.

Water Quality Monitoring and Compliance Reporting

- 5.7 ³³ Within 6 months of consent being granted and every 6 months thereafter, the Applicant shall submit a report to the EPA containing the following information:
- (a) A pollutant inventory that qualifies waters discharged from the site. This shall include identification of all water pollutants likely to be discharged from each final stormwater pit on the 11 stormwater lines serving the container handling operation area within the site. The water pollutants shall include but are not limited to: total phenolics, polycyclic aromatic hydrocarbons, oil and grease, total petroleum hydrocarbons, total organic carbon, biochemical oxygen demand, chemical oxygen demand, pH, zinc, copper, lead, cobalt, chromium, manganese, cobalt, nickel and iron;
 - (b) Identify all existing and potential sources of water pollutants from the areas that drain into the 11 stormwater lines serving the container handling operation area within the site;
 - (c) Quantify the concentration of pollutant types identified as part of the pollutant inventory as prescribed in subclause (a) of this condition. The quantification of pollutants shall be undertaken by collecting a grab sample within the first hour of a discharge and at hourly intervals after the commencement of that discharge for at least three hours after the initial sample was taken; and
 - (d) A statement of whether identification and quantification of pollutants in stormwater discharges that have been developed in accordance with the water quality objectives as specified in the Water Quality Guidelines for Fresh and

³² EPA General Terms of Approval – M 6.1

³³ EPA General Terms of Approval – E 1.1

Noise Monitoring and Compliance Reporting

- 5.8 ³⁴Within 6 months of consent being granted and every 6 months thereafter, the Applicant shall submit a report to the EPA containing the following information:
- (a) Identification and ranking by sound power level (in 1/3 octave bands for any source with potentially undesirable noise character) all significant noise sources on site. This is to include container impact noise(s), audible alarms, all significant plant and equipment;
 - (b) Identification of all noise sensitive receivers that may be affected by the operation, and select an appropriate number of representative receiver locations to represent all sensitive receivers;
 - (c) The results of all noise measurements undertaken to assess compliance with condition 3.3 of this consent;
 - (d) A statement of whether noise levels from all activities at the site comply with the specified noise limits at the representative receiver locations. The statement shall take into account tonal, impulsive and short duration noises originating from the facility;
 - (e) Where noise levels have been assessed to exceed licence limits, a statement explaining the reason why this has taken place; and
 - (f) A statement of what feasible and reasonable additional measures may be implemented to further reduce noise levels below that specified in the licence.

6. ENVIRONMENTAL MANAGEMENT

Construction Environmental Management Plan (CEMP)

- 6.1 The Applicant shall prepare and implement a **Construction Environmental Management Plan (CEMP)** to outline environmental management practices and procedures to be followed during the construction of the development. The Plan shall include, but not necessarily be limited to:
- (a) a description of all activities to be undertaken on the site during construction of the development, including an indication of stages of construction, where relevant;
 - (b) statutory and other obligations that the Applicant is required to fulfil during construction, including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;

³⁴ EPA General Terms of Approval – E 1.1

- (c) specific consideration of measures to address any requirements of the Department, EPA, Waterways Authority and Council during construction;
- (d) details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts;
- (e) a description of the roles and responsibilities for all relevant employees involved in the construction of the development;
- (f) the Management Plans listed under condition 6.2 of this consent.

The CEMP shall be submitted for the approval of the Director-General prior to the commencement of construction of the development. Construction shall not commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the Applicant shall supply a copy of the CEMP to the EPA, Waterways Authority and Council as soon as practicable.

- 6.2 As part of the CEMP for the development, required under condition 6.1 of this consent, the Applicant shall prepare and implement the following Management Plans:
- (a) a **Soil and Water Management Plan** to detail measures to minimise erosion during construction of the development. The Plan shall include, but not necessarily be limited to:
 - (i) results of investigations into soils associated with the site, in particular the stability of the soil and its susceptibility to erosion;
 - (ii) details of erosion, sediment and pollution control measures and practices to be implemented during construction of the development;
 - (iii) demonstration that erosion and sediment control measures will conform with, or exceed, the relevant requirements and guidelines provided in the Department of Land and Water Conservation's publication *Urban Erosion and Sedimentation Handbook*, the EPA's publication *Pollution Control Manual for Urban Stormwater*, and the Department of Housing's publications *Soil and Water Management for Urban Development* and *Managing Urban Stormwater - Soils and Construction*;
 - (iv) design specifications for diversionary works, banks and sediment basins;
 - (v) an erosion monitoring program during construction of the development;

- (vi) description of procedures to ensure that the measures implemented to control sediment and erosion on site, are maintained at all times; and
 - (vii) measures to address erosion, should it occur, and to rehabilitate/ stabilise disturbed areas of the site.
- (b) a **Construction Noise Management Plan** to outline measures to minimise impacts from the construction of the development on local noise levels. The Plan shall include, but not necessarily be limited to:
- (i) identification of all major sources of noise that may be emitted as a result of the construction of the development;
 - (ii) specification of the noise criteria as it applies to the particular activity;
 - (iii) identification and implementation of best practice management techniques for minimisation of noise emissions;
 - (iv) procedures for the monitoring of noise emissions;
 - (v) demonstration of consistency with the guidelines in the EPA's *Noise Control Manual*; and
 - (vi) description of procedures to be undertaken if any non-compliance is detected.
- (c) **A Traffic Management Plan (TMP) shall be prepared and submitted to the satisfaction of the Sydney Ports Corporation two weeks prior to the commencement of construction of the truck and rail portals. The TMP shall specifically address the management of construction traffic and the alternate arrangements for truck/rail movements around the Terminal during construction.**

Operation Environmental Management Plan (OEMP)

- 6.3 The Applicant shall prepare and implement an **Operation Environmental Management Plan (OEMP)** to detail an environmental management framework, practices and procedures to be followed during the operation of the development. The Plan shall include, but not necessarily be limited to:
- (a) identification of all statutory and other obligations that the Applicant is required to fulfil in relation to operation of the development, including all consents, licences, approvals and consultations;
 - (b) a description of the roles and responsibilities for all relevant employees involved in the operation of the development;
 - (c) overall environmental policies and principles to be applied to the operation of the development;

- (d) standards and performance measures to be applied to the development, and a means by which environmental performance can be periodically reviewed and improved;
- (e) management policies to ensure that environmental performance goals are met and to comply with the conditions of this consent;
- (f) the Management Plans listed under condition 6.4 of this consent; and
- (g) the environmental monitoring requirements outlined under section 5 (Environmental Monitoring) of this consent, inclusive.

The OEMP shall be submitted for the approval of the Director-General no later than one month prior to the commencement of operation of the development, or within such period as otherwise agreed by the Director-General. Operation shall not commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the Applicant shall supply a copy of the OEMP to the EPA, Waterways Authority and Council as soon as practicable.

- 6.4 As part of the OEMP for the development, required under condition 6.3 of this consent, the Applicant shall prepare and implement the following Management Plans:
- (a) a **Stormwater Management Plan** to outline environmental management practices and procedures to be followed during the operation of the development in order to control and manage site drainage and stormwater. The Plan shall include, but not necessarily be limited to:
 - (i) detailed plans showing the design of the stormwater control infrastructure;
 - (ii) demonstration that the stormwater control infrastructure will conform with, or exceed all relevant Council requirements and guidelines;
 - (iii) description of the procedures for the installation, inspection and maintenance of the stormwater control infrastructure, including stormwater pollution control devices; and
 - (iv) description of the procedures to be undertaken if any non-compliance is detected.
 - (b) a **Vegetation Management Plan** to outline measures to ensure appropriate development and maintenance of landscaping on the site and revegetation in the vicinity of the boat ramp access road. The Plan shall include, but not necessarily be limited to:
 - (i) details of all landscaping to be undertaken on the site and revegetation in the boat ramp access road area,

- including details of additional features such as soil and mulch details, irrigation details, retaining wall details, fencing details, details of hard surfaces, and any other landscape elements in sufficient detail to fully describe the proposed landscape works;
- (ii) details of existing and proposed utilities, as they relate to the development;
 - (iii) maximisation of flora species endemic to the locality in landscaping the site;
 - (iv) details of the proposed weed management system;
 - (v) identification and details of staff recreation areas;
 - (vi) details of car parking and measures to prevent vehicle encroachment onto landscaped areas; and
 - (vii) a program to ensure that all landscaped and revegetated areas are maintained in a tidy, healthy state.
- (c) a **Transport Management Plan** to outline management of traffic conflicts associated with the operation of the development. The Plan shall include, but not necessarily be limited to:
- (i) details of measures that would be implemented to minimise noise and amenity impacts on residential areas resulting from heavy vehicle movements;
 - (ii) outlines the monitoring procedures for major truck routes inbound and outbound from the site through the City of Botany Bay, as well as destinations within the City of Botany Bay;
 - (iii) procedures for monitoring the effectiveness and suitability of these measures, particularly the periodic and random monitoring of heavy vehicle routes; and
 - (iv) details of additional measures that would be implemented should be non-compliance be detected.
- (d) a **Waste Management Plan** to outline measures to manage resource consumption resulting from the operation of the development. The Plan shall meet the requirements of Council, should there be any. The Plan shall include, but not necessarily be limited to:
- (i) identification of the type and quantities of waste that would be generated;
 - (ii) description of measures and actions to be taken to minimise waste generated by the operation of the development;
 - (iii) description of how waste would be handled and stored during operation, and reused, recycled and, if necessary, appropriately treated and disposed of in accordance with the EPA's guidelines *Assessment*,

Classification and Management of Liquid and Non-Liquid Waste; and

(iv) details of programs for involving and encouraging employees and contractors to minimise domestic waste production on the site and reuse/recycle where possible.

(e) an **Operational Noise Management Plan** to outline measures to minimise impacts from the operation of the development on local noise levels. The Plan shall include, but not necessarily be limited to:

- (i) identification of all major sources of noise that may be emitted as a result of the operation of the development;
- (ii) specification of the noise criteria as it applies to the particular activity;
- (iii) procedures for the monitoring of noise emissions;
- (iv) protocols for the minimisation of noise emissions;
- (v) description of procedures to be undertaken if any non-compliance is detected;
- (vi) application of appropriate noise control measures to all the lifting equipment (gantry cranes, forklift trucks, etc.) that are proposed to be used on the site; and
- (vii) the powering-down of locomotives standing on the rail sidings on the site until such time as the train is about to depart the site.

6.5 Within three years of the commencement of operation, and at least every three years thereafter, the Applicant shall undertake a formal review of the OEMP required under condition 6.3 of this consent. The review shall ensure that the OEMP is up-to-date and all changes to procedures and practices since the previous review have been fully incorporated into the OEMP. The Applicant shall notify the Director-General of completion of each review, and shall supply a copy of the updated OEMP to the Director-General, EPA, Waterways Authority and Council on request.

Annual Compliance Report

6.6 Within twelve months of the date of this consent, and annually thereafter, unless the Director-General directs otherwise, the Applicant shall submit a Compliance Report to the Director-General. The Compliance Report shall:

- (a) Identify all the standards, performance measures, and statutory requirements the development is required to comply with, including the conditions of this consent;

- (b) Review the environmental performance of the development to determine whether it is complying with these standards, performance measures, and statutory requirements.
- (c) Identify all the occasions during the previous year when these standards, performance measures, and statutory requirements have not been complied with;
- (d) Include a copy of the Complaints Register for the preceding twelve month period and indicate what actions were taken (or are being taken) to address complaints;
- (e) Include the detailed reporting from any monitoring requirements, and identify any trends in the monitoring over the life of the project; and
- (f) Where non-compliance is occurring, describe what actions will be taken to ensure compliance, who will be responsible for carrying out these actions, and when these actions will be implemented.

The Director-General may require the Applicant to address certain matters identified in the Annual Compliance Report. Any action required to be undertaken shall be completed within such period as the Director-General may agree. The Applicant shall provide a copy of the Annual Compliance Report to the EPA and Council. The report shall be made available to the public on request.

Independent Environmental Audit

- 6.7 Within 12 months of commissioning the development and every three years thereafter, unless the Director-General directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit. The Independent Environmental Audit shall:
- (a) Be conducted by a suitably qualified, experienced, and independent person whose appointment has been endorsed by the Director-General;
 - (b) Be consistent with *ISO 14010 – Guidelines and General Principles for Environmental Auditing*, and *ISO 14011 – Procedures for Environmental Auditing*, or updated versions of these guidelines/manuals;
 - (c) Assess the environmental performance of the development, and its effects on the surrounding environment;
 - (d) Assess whether the development is complying with the relevant standards, performance measures, and statutory requirements;
 - (e) Review the adequacy of the Applicant’s Environmental Management Plan, and Environmental Monitoring Program; and, if necessary

- (f) Recommend measures or actions to improve the environmental performance of the plant, and/or the environmental management and monitoring systems.
- 6.8 Within 2 months of commissioning the audit, the Applicant must submit a copy of the audit report to the Director-General. After reviewing the report, the Director-General may require the Applicant to address certain matters identified in the report. The Applicant must comply with any reasonable requirements of the Director-General

EPA Annual Return

- 6.9 ³⁵The Applicant shall provide an annual return to the EPA in relation to the development as required by any licence under the *Protection of the Environment Operations Act 1997* in relation to the development. In the return the Applicant shall:
- (a) report on the annual monitoring undertaken (where the activity results in pollutant discharges);
 - (a) provide a summary of complaints relating to the development;
 - (a) report on compliance with licence conditions; and
 - (a) provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable.

If load based fees apply to the activity the Applicant will be required to submit load based fee calculation worksheets with the return.

7. REQUIREMENTS OF BOTANY BAY COUNCIL

Vibration

- 7.1 The construction and use of the premises shall not give rise to transmission of vibration at any affected premises that exceeds the vibration in buildings criteria outlined in the NSW EPA *Environmental Noise Control Manual*.
- 7.2 All machinery shall be installed and/or housed in such a manner as to minimise the emission of noise and transmission of vibration outside the premises.
- 7.3 Vibration levels induced by the use of the premises or any equipment or service associated with the premises shall not exceed 1mm/sec peak particle velocity when measured at the footing of any adjoining occupied building.

Storage Of Chemicals/Dangerous Goods (Other Than Shipping Containers)

³⁵ EPA General Terms of Approval – R 1.1

- 7.4 The storage and handling of flammable and combustible liquids for use on the site (other than shipping containers) shall be in accordance with Australian Standard *AS1940-1993 The Storage and Handling of Flammable and Combustible Liquids*

Storage of Waste Oil

- 7.5 Waste oil shall be stored in a covered and bunded area prior to offsite recycling/disposal. Copies of receipts for the recycling of oil shall be kept onsite and made available to Council on request.

Fuel Tanks and Fuel Filling Areas

- 7.6 The fuel tank and fuel filling area shall be designed and operated in accordance with the *Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems* by the Australian Institute of Petroleum (CP4-1998) and *AS1940: 1993 The Storage and Handling of Flammable and Combustible Liquids*.

Fuel Bowsers

- 7.7 Fuel bowsers and service areas shall comply with the EPA's Environmental Guideline: *Surface Water Management On The Covered Forecourt Areas Of Service Stations*.

Bundling - Multiple Containers(Excluding Shipping Containers)

- 7.8 The area used for the storage of chemicals/liquids in containers (other than shipping containers) shall be bunded. The bund (walls and floor) shall be constructed of impervious materials. The bund walls shall be a minimum of 100 mm high, and be of a sufficient volume to contain 25% of the maximum volume of liquids likely to be stored within the bund. The bund shall be designed and installed in accordance with *AS1940-1993 The Storage And Handling Of Flammable And Combustible Liquids*.

Bundling – Tank

- 7.9 The area used for the storage of chemicals/liquids in tanks shall be bunded. The bund (walls and floor) shall be constructed of impervious materials and shall be of sufficient volume to contain at least 110% of the volume of the tank(s). The bund shall be designed and installed in accordance with *AS1940-1993 The Storage And Handling Of Flammable And Combustible Liquids*.

Maintenance of Bunded Area

- 7.10 Bunded areas shall be properly maintained and all spillages and/or wastes within the bunded areas cleaned up as soon as practicable and disposed of in a manner that does not pollute waters.

Traffic Bund

- 7.11 All service entries to workshop areas shall be provided with a trafficable bund with a minimum height of 100mm to prevent any spillage exiting the workshop area and entering the stormwater system.

Spill Cleanup

- 7.12 Sufficient supplies of appropriate absorbent materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill, and sweeping or shovelling the material into a secure bin. Absorbent materials used to clean up spills shall be disposed of to an appropriately licensed waste facility.

Emergency Spill Response Management Plan

- 7.13 An Emergency Spill Response Management Plan shall be prepared within three months of the issuing of the occupation certificate. A copy of the Plan shall be made available to Council on request. The Plan shall include the following:
- (a) list of chemicals and maximum quantities to be stored at the site;
 - (b) identification of potentially hazardous situations;
 - (c) procedure for incident reporting;
 - (d) details of spill stations and signage;
 - (e) containment and clean-up facilities and procedures; and
 - (f) the roles of all staff in the Plan and details of staff training.

AUTOMOTIVE/ WORKSHOP

- 7.14 All servicing, mechanical repairs and detailing shall be conducted in a covered, bunded work area. All work areas, including workshops and lube bays, shall be graded into collection sumps and/or grated drains such that surface effluent generated within the workshop area is directed into a dedicated drainage system and disposed of to sewer in accordance with a Trade Waste Agreement from Sydney Water or collected for reuse/disposal by an EPA licensed waste contractor.

Storage of Mechanical Parts

- 7.15 Automotive parts in contact with any automotive fluid shall be stored in a covered, bunded area that is graded into collection sumps and/or grated drains which are directed into a dedicated drainage system and disposed to sewer in accordance with a Trade Waste Agreement from Sydney Water or collected for reuse/disposal by an EPA licensed waste contractor.

Spray Painting

- 7.16 All spray painting being carried out in a spray booth constructed and ventilated in accordance with AS 1668.2-2002 – *The Use of Mechanical Ventilation and Air-Conditioning in Buildings*.

Exhausts from the spray booth shall be discharged through a single stack with a minimum height of 3 metres above the ridge of the building. The stack shall be located not less than 6 metres from any fresh air intake or openable window. Disposal of waste water from wet scrubbing shall be disposed of in accordance with Sydney Water's *Trade Waste Policy and Management Plan*.

Maintenance of Filters

- 7.17 All spray booth filters shall be regularly maintained to ensure emissions of air pollutants are minimised.

STORMWATER

Vehicle Wash Bay

- 7.18 Washing of vehicles shall be conducted in a wash bay that is roofed and bunded to exclude rainwater. The wash bay shall be installed in accordance with Sydney Water's requirements. A Permission to Discharge Trade Wastewater permit shall be obtained from Sydney Water before discharge to sewer commences. The wash bay shall be regularly cleaned and maintained. Alternative water management and disposal options may be appropriate where water is recycled, minimised or re-used on the site.

Signage on Stormwater Drains

- 7.19 Signs shall be displayed adjacent to all stormwater drains on the premises indicating that only clean water is allowed to enter these drains. Examples of possible signage include: 'Clean Rainwater Only', 'Clean water only - NO waste' or 'H₂O only'.

Maintenance of Stormwater Treatment Devices

- 7.20 All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the devices shall be disposed of in a manner that does not pollute waters.

Wastewater Recycling For Vehicle Washing

- 7.21 All vehicle washing bays that recycle filtered and treated wastewater for re-use for vehicle washing shall meet the following requirements:
- (a) Have an appropriate method for the removal of contaminants such as grease, oil, sediment and cleaning agents before reuse of the wastewater and have an appropriate method for the disposal of wastewater contaminants. Have a floor that is sealed and graded to an internal drainage point, so that all wastewater and surface spillage is directed and drains to the approved treatment point;

- (b) Is roofed and bunded so that all uncontaminated stormwater from the roof areas and uncovered areas, are directed away from the bay;
- (c) At a minimum the bay constructed with a minimum 20 mm bund around the perimeter of the bay;
- (d) At a minimum the bay should be protected from the entry of external surface waters, by either; a minimum 2% change in grade; or combination of a minimum 2% grade change and a grated drainage system;
- (e) At a minimum the bay should have a roof that has a minimum height of 2.5m;
- (f) All uncontaminated stormwater/rainwater must be directed to the dedicated stormwater drainage systems;
- (g) Ensure all contaminants removed from the recycled wastewater are disposed of appropriately;
- (h) Have an appropriately designed wastewater/recycled water storage tank;
- (i) All contaminants and gross solids removed from the recycled water are disposed of appropriately;
- (j) Ensure that the wastewater recycling system is functioning as intended; and
- (k) Ensure that all wastewater is retained within the recycling system.

Removal Off-Site By An Authorised Liquid Waste Disposal Contractor

- 7.22 All vehicle washing bays that will have all wastewater removed off site shall meet the following requirements:
- (a) Have a floor that is sealed and graded to an internal drainage point, so that all wastewater and surface spillage is directed and drains to the approved treatment and disposal point;
 - (b) Roofed and bunded so that all uncontaminated stormwater from the roof areas and uncovered areas, are directed away from the bay;
 - (c) At a minimum the bay should be constructed with a minimum 20 mm bund around the perimeter of the bay;
 - (d) At a minimum the bay should be protected from the entry of external surface waters, by either; a minimum 2% change in grade; or combination of a minimum 2% grade change and a grated drainage system;
 - (e) At a minimum the bay should have a roof that has a minimum height of 2.5 m;
 - (f) All uncontaminated stormwater/rainwater must be directed to the dedicated stormwater drainage systems;
 - (g) Have an appropriate capacity storage tank designed to hold all wastewater;
 - (h) Keep and retain records for a period of five years, of when and how much water was removed by the authorised liquid waste disposal contractor when this occurs, on an annual

- basis. Provide a copy of the records to Council on request;
and
- (i) That the water storage tank is maintained so that there are no leaks and is functioning as intended.

Discharge To The Sewer Via Appropriate Pre-Treatment

7.23 All vehicle washing bays that discharge to sewer shall meet the following requirements:

- (a) Discharges into the sewer requires a *Permission to Discharge Trade Wastewater* certificate issued by Sydney Water;
- (b) Have a floor that is sealed and graded to an internal drainage point, so that all wastewater and surface spillage is directed and drains to the approved treatment and disposal point;
- (c) Is roofed and bunded so that all uncontaminated stormwater from the roof areas and uncovered areas, are directed away from the bay;
- (d) At a minimum the bay should have a roof that has a minimum height of 2.5 m;
- (e) Have a roof that has a minimum height of 2.5 m;
- (f) Be constructed with a minimum 20 mm bund around the perimeter of the bay;
- (g) Be protected from the entry of external surface waters, by either; a minimum 2% change in grade; or combination of a minimum 2% grade change and a grated drainage system;
- (h) All uncontaminated stormwater/rainwater must be directed to the dedicated stormwater drainage systems;
- (i) Have a 1000 L general purpose pit; and
- (j) Carry out appropriate inspections and maintenance of the General Purpose Pit. The thickness of the sediment and oil levels, and outflow oil concentrations to be logged quarterly and submitted to Council. The pit is to be pumped out at least every 12 months or at more frequent interval as nominated by Council.

Disposal Of Wastewater To Land Incorporating Appropriate Treatment Devices

7.24 All vehicle washing bays that discharge wastewater shall meet the following requirements:

- (a) The Applicant shall prove that the environmental conditions of the site are appropriate and provide appropriate professional site assessment information on the presence of environmentally sensitive areas on the building site, in the adjoining areas or within the downstream catchment;
- (b) Soil characteristics including soil permeability, depth to bedrock/hardpan, depth to high episodic water table, % coarse fragments; electrical conductivity; sodicity, cation

- exchange capacity, phosphorous absorption and any other Council requirement;
- (c) Site flood potential, exposure to sun and wind, slope, erosion potential, drainage, plant growth conditions;
 - (d) Buffer distances from permanent surface waters, domestic groundwater wells, other waters, property boundaries, driveways, swimming pools and buildings; and
 - (e) Other site assessment details as required by Council.

Energy Efficiency

Energy Efficiency Compliance Report

- 7.25 An Energy Efficiency Compliance Report shall be prepared within 15 months of the issuing of the occupation certificate. The Report shall certify that energy efficiency measures have been installed and verify that the building's energy performance complies with Councils Energy Efficiency DCP. A copy of the Report shall be made available to Council on request.