

APPENDIX A MODIFICATION REQUEST

See the Department's website at <http://majorprojects.planning.nsw.gov.au>

Application to modify a development consent

Date lodged: 5/6/13.



NSW GOVERNMENT
Department of Planning

DA modification no. DA-453-12-2002-i
(Office use only)

MOD 7

1. Before you lodge

This form is to be used for applications to modify Part 4 development consents under section 96 or 96AA of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This form is also to be used for Part 4 development consents that are to be modified under section 75W of the Act.

Disclosure statement

Persons lodging modification applications are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years. For more details, including a disclosure form, go to www.planning.nsw.gov.au/donations.

Lodgement

Anyone wishing to lodge an application is recommended to call the Department of Planning to discuss their proposal and modification application requirements prior to lodging their application. You can lodge your completed form, together with attachments and fees at the relevant Department of Planning office listed below. Please lodge Part 4 modification applications with the Department of Planning head office or, for modification applications that are within the Kosciuszko ski resorts area, the Department's Alpine Resorts team.

NSW Department of Planning
Head Office
Ground Floor, 23-33 Bridge Street, Sydney NSW 2000
GPO Box 39 Sydney NSW 2001
Phone: 1300 305 695 Fax: (02) 9228 6555
Email: information@planning.nsw.gov.au

NSW Department of Planning
Alpine Resorts Team
Shop 5A, Snowy River Avenue
PO Box 36, Jindabyne NSW 2627
Phone: (02) 6456 1733 Fax: (02) 6456 1736
Email: alpineresorts@planning.nsw.gov.au

To minimise delay in receiving a decision about your application, please ensure you submit all relevant information to the Department. When your application has been assessed, you will receive a notice of determination.

2. Applicant and contact details

Company/organisation/agency		ABN	
Patrick Stevedores Operations No. 2		640 562 926 87	
<input checked="" type="checkbox"/> Mr <input type="checkbox"/> Ms <input type="checkbox"/> Mrs <input type="checkbox"/> Dr <input type="checkbox"/> Other			
First name		Family name	
Richard		Pollock	
STREET ADDRESS			
Unit/street no.		Street name	
4B		Lord Street	
Suburb or town		State	Postcode
Botany		NSW	2019
POSTAL ADDRESS (or mark 'as above')			
PO Box 273			
Suburb or town		State	Postcode
Botany		NSW	2019
Daytime telephone		Fax	Mobile
8333 6227			0400 186 455
Email			
r.pollock@patrick.com.au			

3. Property description

Unit/street no. (or lot no. for Kosciuszko ski resorts)

Street or property name

Brotherson Dock

Suburb, town or locality

Port Botany

Postcode

2019

Local government area

Botany Bay

Lot/DP or Lot/Section/DP or Lot/Strata no.

Please ensure that you put a slash (/) between lot, section, DP and strata numbers. If you have more than one piece of land, you will need to separate them with a comma e.g. 123/579, 162/2.

See Ch. 1, Section 1.2 of attached EA.

Note: You can find the lot, section, DP or strata number on a map of the land or on the title documents for the land, if title was provided after 30 October 1983. If you have documents older than this, you will need to contact the NSW Department of Lands for updated details. If the subject land is located within the Kosciuszko ski resorts area, DP and strata numbers do not apply.

4. Details of the original development consent

Briefly describe your approved development in the space below. If the development has been modified previously you must list all previous modifications and the relevant determination date(s).

Please see Chapter 2, Section 2.5 of attached EA.

What was the original development application no.?

DA-453-12-2002-i

What was the date consent was granted?

27 October, 2003

What was the original application fee?

5. Type of modification

An application under section 96 of the EP&A Act is an application to modify a development consent. Modifications to a development consent can also be made under section 75W of the EP&A Act, or section 96AA for court granted consents.

There are five types of modification applications. Please tick the type of modification application that is being sought:

- Section 96(1) involving minor error, misdescription or miscalculation.
- Section 96(1A) involving minimal environmental impact, where the development as originally approved remains substantially the same.
- Section 96(2) other modification, where the development as originally approved remains substantially the same.
- Section 96AA modification of consent granted by the Land and Environment Court, where the development as originally approved remains substantially the same.
- Section 75W modification, involving use of Part 3A processes to modify the Part 4 consent.

Note: If the proposed modification will lead to the consented development being not 'substantially the same' (except in the case of a proposed modification under section 75W) then you will need to submit a new development application.

6. Extent of modification

Will the modified development be substantially the same as the development that was originally approved?

No > Please submit a new development application.

Yes > Please provide evidence that the development will remain substantially the same. (If you need to attach additional pages, please list below the material attached).

N/A

Note: Question 6 does not apply to proposed modifications under section 75W.

7. Description of modification

- In the case of a section 96(1) application, indicate the nature of the minor error, misdescription or miscalculation in the space below.
- In the case of a section 96(1A), section 96(2) or section 96AA application describe the impact of the modification in the space below. A statement of environmental effects will need to accompany the application, which includes an assessment of the development as proposed to be modified in accordance with section 79C(1) of the EP&A Act. Provisions of the *Heritage Act 1977* may also apply for works to a heritage item or works adjoining a heritage item.
- In the case of a section 75W application under clause 8J(8) of the Environmental Planning and Assessment Regulation 2000, a development consent in force immediately before the commencement of Part 3A of the Act may be modified under section 75W as if the consent were an approval under that Part. However, approval from the Minister is required to lodge a section 75W application. Applicants should contact the Department first if they are considering applying for a modification under section 75W.

Regardless of the type of modification, please state below the specific conditions of consent to be modified, deleted or additional conditions request, and details of any other changes being sought.

Please see attached EA.

Note: If your proposal is within Kosciuszko ski resorts area, please attach a copy of the Interim Lease Variation Approval received from the Department of Environment and Climate Change to your application.

8. General terms of approval from State agencies

If the original development application was classified as integrated development and required approval from one or more State agencies, list them in the space below and their respective general terms of approval. Depending on the type of modification, it may be necessary to refer the modification application to the approval body.

The original development application was classified as integrated development and required additional approval from:

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

Terms of approval:

"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 License 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".

9. Number of jobs to be created

Please indicate the number of jobs the proposed development will create. This should be expressed as a proportion of full time jobs over a full year, (e.g. a person employed full time for 6 months would equal 0.5 of a full time equivalent job; six contractors working on and off over 2 weeks equate to 2 people working full time for 2 weeks, which equals approximately 0.08 of an FTE job).

Construction jobs (full time equivalent)	100
Operational jobs (full time equivalent)	0

10. Application fee

Part 15 of the Environmental Planning and Assessment Regulation 2000 sets out how to calculate the fees for an application for modification of a development consent. If your development needs to be advertised to the public you may also need to include an advertising fee.

Note: Advertising fees attract GST, all other fees do not.

Please contact the Department in order to calculate the fee for your modification application.

Estimated cost of the development	Original application fee	Total fees lodged

11. Political donation disclosure statement

Persons lodging modification applications are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years. Disclosure statements are to be submitted with your application.

Have you attached a disclosure statement to this application?

Yes

No

Note: For more details about political donation disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

12. Owner's consent

The owner(s) of the land to be developed must sign the application. If you are not the owner of the land, you must have all the owners sign the application. If the land is Crown land, an authorised officer of the NSW Department of Lands must sign the application. An original signature must be provided.

As the owner(s) of the above property, I/we consent to this application:

Signature

Refer to attached letter from SPC.

Name

Date

Signature

Name


Date

Note: For applications within the Kosciuszko ski resorts area, the approval of the lessee rather than the owner is required.

13. Applicant's signature

The applicant, or the applicant's agent, must sign the application. Only an original signature will be accepted (photocopies or faxed copies will not be accepted).

Signature



Date

21/05/13

In what capacity are you signing if you are not the applicant

Name, if you are not the applicant

14. Privacy policy

The information you provide in this application will enable the Department, and any relevant state agency, to assess your application under the *Environmental Planning and Assessment Act 1979* and other applicable state legislation. If the information is not provided, your application may not be accepted.

If your application is for designated development or advertised development, it will be made available for public inspection and copying during a submission period. Written notification of the application will also be provided to the neighbourhood. You have the right to access and have corrected any information provided in your application. Please ensure that the information is accurate and advise the Department of any changes.

20 May 2013

Richard Pollock
Assistant Project Director
Patrick Stevedores Operations No.2
PO Box 273
BOTANY NSW 2019

Our Ref: C12/603

Dear Mr Pollock,

Permission to Lodge: Section 75W Modification (No.7) of DA-453-12-2002-i – Container Terminal Upgrade – 7-15 Penrhyn Road, Port Botany

Sydney Ports Corporation (Sydney Ports) grants Patrick permission to lodge with the Department of Planning and Infrastructure the modification application for the container terminal upgrade at 7-15 Penrhyn Road, Port Botany.

Permission to lodge is granted, subject to the following conditions:

1	Development Application	The documentation to be lodged is that which was submitted to and reviewed by Sydney Ports, being the Environmental Assessment dated May 2013 and associated documents and plans received on 20 May 2013, prepared by GHD on behalf of Patrick.
2	Amendments	Any amendments to the development application or supporting documentation reviewed by Sydney Ports in issuing permission to lodge as landowner (whether or not the amendments are made prior to lodgement or following lodgement) must be submitted to Sydney Ports for review and/or comment. Sydney Ports' agreement on the amended and/or new documentation being lodged with the Consent Authority is required prior to submission.
3	Damage	Any damage to Sydney Ports' buildings, pavements or other infrastructure is required to be repaired at no cost to and to the satisfaction of Sydney Ports.
4	Other Documentation	<p>a) Any management plans, reports, studies or other documentation required to be submitted to the Consent Authority as part of the development's conditions of approval, and which apply to Sydney Ports' premises, are to be submitted to Sydney Ports for review and comment prior to submission to the Consent Authority.</p> <p>b) The following documentation is to be submitted to Sydney Ports for review, comment and agreement at least four (4) weeks prior to commencement of construction, or other time frame as agreed with Sydney Ports:</p> <ul style="list-style-type: none"> - A Construction Environmental Management Plan including a Construction Traffic Management Plan



		<ul style="list-style-type: none">- Architectural, landscape and signage plans design drawings <p>c) The following documentation is to be submitted to Sydney Ports for review, comment and agreement at least four (4) weeks prior to commencement of operations, or other time frame as agreed with Sydney Ports:</p> <ul style="list-style-type: none">- As-built Drawings- An updated Operational Environmental Management Plan including an Operational Traffic Management Plan
7	Approval to Commence Construction	Should development approval be granted for this proposal by the Consent Authority, approval to commence construction on Sydney Ports' land is to be obtained from Sydney Ports' General Manager Planning prior to construction commencing.
8	Approval to Commence Operations	Should development approval be granted for this proposal by the Consent Authority, approval to commence operations is to be obtained from Sydney Ports' General Manager Planning prior to operations commencing.
9	Compliance	Evidence of compliance with Conditions of Approval and Permission to Lodge requirements is to be submitted to Sydney Ports Corporation's General Manager Planning within two weeks of a request by the Corporation, or other time frame as agreed with Sydney Ports.

This permission is valid for six (6) months from the date of this letter and cannot be transferred to another applicant.

Sydney Ports is giving permission for you to lodge a modification application and as such, the application could still be refused by the Consent Authority.

This letter does not guarantee that lease/licence arrangements to undertake the development will be successful and as such, the development may still be refused by Sydney Ports.

If you have any questions regarding this letter please do not hesitate to contact Greg Walls, Environmental Planner on 9296 4672.

Yours sincerely,

Grant Gilfillan
Chief Executive Officer
Sydney Ports Corporation

APPENDIX B ENVIRONMENTAL ASSESSMENT

See the Department's website at <http://majorprojects.planning.nsw.gov.au>

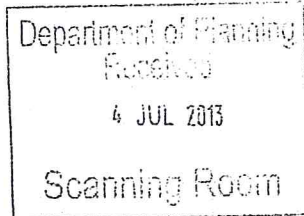
APPENDIX C SUBMISSIONS

See the Department's website at <http://majorprojects.planning.nsw.gov.au>

Our ref: 09/177

2 July 2013

Ms Ingrid Ilias
Environmental Planning Officer
Major Project Assessments
Department of Planning and Infrastructure
23-33 Bridge Street
SYDNEY NSW 2000



City of 
Botany Bay



Dear Ms Ilias

**RE: Patrick Stevedores Operations No.2 – Proposed Modification to Existing
Container Terminal, Botany Bay Local Government Area
(DA-453-12-2002-I MOD 7)**

The Council has received notification from the Department regarding the above mentioned modification application to the Patrick Stevedores Operations No.2 at Port Botany. The modification application seeks approval to conduct a range of demolition and construction works within the existing container terminal site adjacent to Brotherson Dock, Port Botany.

Based on the information provided by the Department, Council raises the following issues and comments:

- **Fuel Storage** – The modification requires the construction of a new fuel storage area with a storage capacity of approximately 210,000 litres to replace the existing fuel storage area. The existing three fuel storage tanks of 55,000 litres would be decommissioned and removed.

As the proposed fuel storage exceeds the WorkCover Notification Thresholds (i.e. C1 Combustible Liquids – 100,000L), the proponent must notify WorkCover Authority of NSW and emergency plans must be developed.

- **Acid Sulfate, Groundwater and Contamination** – The subject site is located on Class 1 and 2 Acid Sulfate land and within close proximity to the Botany Sand Beds aquifer. Hence, the proponent is required to prepare a soil and groundwater contamination assessment for the proposed excavation footprint.

If acid sulfate soils are likely to be encountered, a management plan must be developed to minimise potential impacts.

- **Protection of the Environment Operations Act 1997** - The proponent's existing operations are regulated by the EPA under EPL No. 6962 for the

Administration Centre, 141 Coward Street, Mascot NSW 2020 (PO Box 331 Mascot NSW 1460)

Telephone: (02) 9366 3666 Facsimile: (02) 9366 3777

E-mail: council@botanybay.nsw.gov.au Internet: <http://www.botanybay.nsw.gov.au>

scheduled activity 'chemical storage'. It is unclear whether the proposed modification will result in additional "chemical storage" on the subject site. Hence, the proponent is required to amend their existing EPL accordingly.

- **Construction Areas** – A construction area must be fenced off from operational areas, and a separate access route must be provided to the construction area to avoid potential conflicts or inadvertent trespass.
- **Traffic** – Council's Engineer were consulted and provides the following traffic provisions are required:
 1. Any regulatory signposting (e.g. 'No Stopping', 'No Parking', 'Works Zone'), during the construction period, will need to be approved by the Botany Bay Local Traffic Committee as City of Botany Bay is the Road Authority for Penrhyn Road.
 2. All construction traffic shall not be allowed to travel along Botany Road north of Foreshore Road.
 3. During the construction period, any lane occupancy on Penrhyn Road will need to be approved by City of Botany Bay Council.
 4. As stated in section 6.2.3 of the EIS, no construction traffic would be allowed to access the site through Botany (via Botany Road, northwest of the Penrhyn Road/ Foreshore Road/ Botany Road intersection).
 5. Construction related vehicles shall be restricted to park within the development site.
 6. Construction truck layover in Botany Road or any residential streets within the LGA is not allowed.
 7. Construction staff must not park in any residential street within the Botany Bay LGA.
 8. City of Botany Bay Council will need to be informed should there is any change in the construction truck routes and number of construction-related vehicles.
 9. Section 6.2.4 of the EIS (Operational Impact) states that *the replacement of manually operated equipment with automated equipment would result reduction of staff to the site in decrease of light vehicle movements entering and exiting the site. Therefore, no traffic increase is anticipated on the surrounding road network during operation of the proposal.* If that is the case, no justification is provided for construction of 329 space car park within the site.
 10. As indicated in the submitted EA report, the intersection of Foreshore Road/Penrhyn Road/Botany Road is operating at capacity, during the evening peak period, for the duration of peak construction. Hence, the proponent must ensure no additional traffic utilise (i.e. construction and operation) this intersection during the evening peak period.
- **Rail Operation** – As stated in the Environmental Assessment Report, there would be *"temporary rail closures within the existing terminal during construction of the proposal. These closures would be for limited durations with single closures of approximately 2 to 4 weeks."* During the time of the rail closure, containers would continue to be received and temporarily stacked in

container yards in the vicinity of the terminal. These containers would be transferred to the terminal during “off-period”.

Council is concerned with the proposed arrangement as traffic impact from the rail closure has not been considered in the traffic impact assessment report (Attachment E). It is anticipated that the rail closure will have a significant impact to the road traffic during construction, given the rail movements contribute 15% of the total TEU throughout at the terminal. In addition, details of the temporary operation arrangement to address rail closure (including increase operational traffic) have not been included in the EA report.

A report is to be submitted to assess the likely cumulative traffic impacts and adverse (i.e. noise) impacts generated by the proposed arrangement. In addition, the proponent must provide the following information: number of truck movements; timing of delivery; identify the access routes; the type of trucks will be used.

- **Easements and Right of Carriageway** - The proposed development will be carried out in different lots. As such, drainage easements and Right of Carriageway are required to be created over the adjacent lots in order to permit stormwater discharging from the site to Penrhyn Estuary and Botany Bay and also to allow vehicle access from the development to public roads respectively. Consolidation of the existing lots over the development site is recommended to address this issue. Owners consent must be provided for the drainage easements and Right of Carriageway.
- **Stormwater Quality** - Besides the requirements stated in the EA report, stormwater runoff discharging from the site to Botany Bay must also comply with the stormwater pollution reduction targets stated in “Botany Bay & Catchment Quality Improvement Plan (BBWQIP) (2011), by Sydney Metropolitan Catchment Management Authority)
- **Construction Crane** – The proponent must ensure the construction crane does not interfere with the OLS and PANS-OPS surfaces.
- **Mitigation Measures** – The mitigation measures recommended in the Environment Assessment Report must be incorporated in the development approval. In addition, a Statement of Commitment must be provided by the proponent.
- **Construction Environmental Management Plan (CEMP) and Operational Environment Management Plan (OEMP)** – The CEMP and OEMP must be prepared in accordance with the *Guideline for the Preparation of Environmental Management Plan* prepared by the Department of Planning and Infrastructure (formerly known as Department of Infrastructure, Planning and Natural Resources). The CEMP and OEMP must be approved by the Department and City of Botany Bay Council prior to demolition/construction.
- **Insufficient Information** – Insufficient dimensions have been provided for the administrative and control building, as well as the maintenance building

and workshop building. In addition, the submitted plans fail to illustrate the south-eastern corner of the subject site (i.e. the proposed administration and control building and carpark).

- **Operation Hours** - All works must be undertaken during standard day time construction hours of 7am to 6pm (Monday to Friday) and 8am-1pm (Saturday). No work is to be undertaken on Sunday or public holidays without prior approval.
- **Demolition and Construction Waste** - All waste generated by the modification is to be classified in accordance with the NSW DECCW *Waste Classification Guidelines (2009)* prior to disposal by a licensed waste contractor.
- **Relevant Legislation, Guidelines and License** - All works must be undertaken in accordance with relevant legislation, guidelines and license.
- **Twenty-foot Equivalent Units (TEUs)** – Council must be consulted if the existing TEUs Cap is to be amended.
- **Other Works** - No additional works or amendments are to be approved as part of this project approval.

If you have any questions regarding Council's submission please contact Mr Gilead Chen – Senior Strategic Planner on (02) 9366 3566 or the writer on (02) 9366 3553.

Yours faithfully



 R J DOWSETT
DIRECTOR – PLANNING & DEVELOPMENT

Our ref: F2006/00621

1 July 2013

Ingrid Ilias
Environmental Planning Officer
Major Project Assessments
Department of Planning
23-33 Bridge Street
SYDNEY NSW 2000

Dear Ingrid

**RE: PATRICKS CONTAINER TERMINAL (DA-453-12-2002-MOD7)
ENVIRONMENTAL ASSESSMENT**

Thank you for your letter received by Council on 12 June regarding the Patricks Port Botany Modification request number 7 inviting Council to comment on the June 2013 Environmental Assessment (EA) prepared by GHD, proposing improvements upgrades and relocations of facilities and utility services on site as required to automate the straddle carriers.

Noise nuisance complaints from the Port related operations are received by Council from residents located in Matraville, Chifley and Little Bay locations, particularly in streets located on elevated topographies. The following key activities have been identified as potentially requiring acoustic attenuation: loading and unloading of equipment; dropping off/pick up of containers and impacts from reversing alarms.

Given this context Council has reviewed the Environmental Assessment and provides the following comments.

Alarm minimisation

Council welcomes the new automated straddle carriers that as outlined in the EA will have no reversing alarms and will be shut down when not in use reducing idling noise overall reduction in operational noise. We note its implementation within 16 months and urge its further prioritisation if possible.

Increased Noise Levels during construction

The EA states that there will be increased noise levels during construction. As local residents are already concerned with current noise levels Council would like to see a commitment by Patricks in the Construction Environmental Management Plan (CEMP) to undertake measures to reduce noise levels beyond noise limit compliance especially during night time and weekends.

Night time operation- Construction Noise

The proposed development outlines construction works that may be required to be undertaken during the night time period (6-10pm) these works should be restricted to essential works. It is also recommended that an additional acoustic monitoring be undertaken with the night time construction activities to demonstrate compliance with the relevant noise limits.

Noise monitoring

The EA was determined through predicted noise modelling. Whilst predicted noise modelling is beneficial, it can not be certain that the measurements submitted will be accurate at all times during the construction phase. To ensure that the compliance is achieved at all times it's recommended that monthly noise and vibration monitoring is undertaken during the day and night time over the sixteen month period to verify the development complies with the relevant requirements. This monitoring should be undertaken by an independent suitably qualified Environmental Consultant in acoustics. The report should also be made available online for assessment by relevant authorities and the general public in a commitment to transparency. We note that these requests were followed by Sydney International Container Terminals Limited (SITL).

Offsite impacts of heavy vehicles during construction phase

With the proposed construction activities, Council is concerned that there may be a need for the trucks to be stacking outside the terminal area prior to loading and unloading.

Council would appreciate details of provision of onsite truck waiting facilities in the CEMP to ensure the construction works do not impose unnecessary impacts on the local road network.

Council understands an Operational Environmental Management Plan (OEMP) is to be developed for the Patricks site; Council would like to see the commitments in this plan captured by a review of the Environmental Protection licence 6962 to ensure ongoing monitoring and compliance.

Council hopes these comments are of assistance in the development of Construction Environmental Management Plans and the Operational Environmental Management Plan. Council also looks forward to the opportunity to review and provide feedback on these plans.

Should you have any further questions regarding the issues raised in this submission, please contact Bronwyn Englaro, Senior Sustainability Officer on 9399 0796.

Yours sincerely,

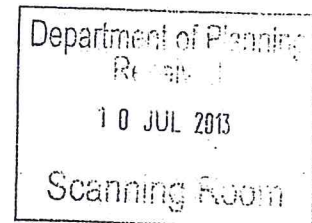

Karen Armstrong
Manager Strategic Planning

Our ref: D01835583
Your ref: DA-453-12-2002-i MOD7

8 July 2013



Ms Ingrid Ilias
Environmental Planning Officer
Major Projects Assessments
Department of Planning
23-33 Bridge Street
SYDNEY NSW 2000



Dear Ms Ilias

**Re: Patrick Stevedores Container Terminal
Environmental Assessment**

Thank you for your correspondence to Council on 12 June 2013 inviting Randwick Council to comment on the Patrick Stevedore Port Botany container park modification, prepared by GHD, proposing improvement upgrades and relocations of facilities and utility services on site.

In addition to Randwick Council's comments submitted to the Department of Planning on 1 July 2013, Council would like the following additional comments to be considered during the assessment of this development application.

Noise emanating from the operations of the development

The Environmental Assessment includes a noise and vibration impact assessment that confirms operational noise emissions from the proposed modifications are anticipated to decrease from current operations due to the proposed automatic straddle carriers producing lower noise emissions and not having reversing alarms fitted.

Council welcomes this proposal that aims to reduce the noise from the current operations of the development, however Council remains concerned about the accumulated noise emissions from NSW Port activities which is significantly impacting the neighbouring residents.

Whilst the proposed development may satisfy the site specific noise criteria, when it is assessed in conjunction with other port activities, the accumulative noise levels may have a significant impact on the local residents especially during the night time period.

It is therefore recommended that the State Government (Department of Planning or the Environmental Protection Agency) and NSW Ports undertake an acoustic assessment that includes the accumulated noise impacts from all developments operating under NSW Ports. Site specific noise criteria's should be obtained for each major site during this assessment.

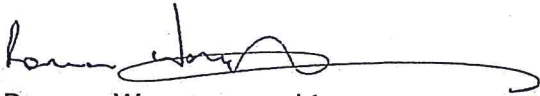
The acoustic assessment should also include any recommended noise reduction plans to reduce accumulated noise emissions and to achieve the criteria outlined within the NSW EPA Industrial Noise Policy. This may be site specific for individual operators or for the entire port operations.

All recommendations, including site specific noise criteria and noise reduction plans should be included in all Environmental Protection Licences issued by the EPA to individual site operators.

Council hopes these comments are of assistance in the development of the Construction Environmental Management Plan and the Operational Environmental Management Plan and looks forward to the opportunity to review and provide feedback on these plans.

Should you require any further information regarding these issues raised, please contact Janice Dennany, Environmental Health Officer, on 9399 0825 during business hours Monday to Friday.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Roman Wereszczynski', with a long horizontal flourish extending to the right.

Roman Wereszczynski
Manager Health Building & Regulatory Services



Our reference: DOC13/27946
Contact: Jacqueline Roberts

Mr Glenn Snow
Manager Rail and Ports
Infrastructure Projects
GPO Box 39
SYDNEY NSW 2001

Dear Mr Snow,

RE: PATRICKS CONTAINER TERMINAL, PORT BOTANY (DA-453-12-2002-I MOD 7) – MODIFICATION REQUEST FOR DEMOLITION AND CONSTRUCTION WORKS OF BUILDING AND INFRASTRUCTURE

I refer to your letter in regards to the abovementioned modification request for the demolition and construction works of building and infrastructure at the Patricks Container Terminal, located at Penrhyn Road, Port Botany, received by the Environment Protection Authority (EPA) on 12 June 2013.

The EPA has reviewed the documentation accompanying the Department of Planning and Infrastructure's correspondence.

The EPA would like to note that noise is a key issue of concern in the Port Botany area and the EPA would like to highlight the existing noise limits as currently set out in Patrick Stevedores Operations Pty Limited's Environment Protection Licence 6962. The licensee is required to comply with its licence conditions at all times, including while construction works are being undertaken.

Kind regards,

24 June 2013

JAMES GOODWIN
Unit Head – Sydney Industry
Environment Protection Authority



OUT13/16861

- 5 JUL 2013

Ms Ingrid Ilias
Infrastructure Projects – Rail & Ports
NSW Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Ingrid.Ilias@planning.nsw.gov.au

Dear Ms Ilias,

**Patrick's Container Terminal (Port Botany) (DA-453-12-2002-i)
Proposed Modification (Mod. 7)**

I refer to your letter dated 7 June 2013 requesting advice from the Department of Primary Industries (DPI) in respect to the above matter.

Comment by Fisheries NSW
Fisheries NSW advise no issues.

For further information please contact Carla Ganassin, Conservation Manager (Wollongong office) on 4254 5527, or at: carla.ganassin@dpi.nsw.gov.au.

Comment by NSW Office of Water
The NSW Office of Water advises as follows.

(i) Groundwater Assessment and Water Licensing

Section 6.4 of the Environmental Assessment (EA) has indicated the potential to intercept groundwater during excavation to install building foundations and the requirement to pump out water and treat prior to disposal. The NSW Office of Water advises the proponent may require licensing under the *Water Act 1912* or *Water Management Act 2000* for this activity and this will need to be confirmed and obtained prior to commencement of the groundwater interception activities. It is assumed this project would not require ongoing groundwater extraction or interception during the operational phase of this project.

The EA has not indicated the likely volumes to be extracted or the time period for dewatering, however it is recommended this information be provided as part of the Soil and Groundwater Contamination Assessment within the Construction Environmental Management Plan. Details of the water quality of the groundwater

should also be requested to support an understanding of potential impacts due to the activity. Analysis for the potential of Acid Sulfate Soils and development of mitigating measures within an Acid Sulfate Soils Management Plan is supported.

It is recognised the project site is located within Zone 1 of the Botany Basin Groundwater Extraction Exclusion Zone. Based on the proposed potential interception and use of groundwater for this project no specific restrictions will apply. However, it is important to recognise that the activity should not have an adverse impact on the clean up of the Botany Bay groundwater contamination.

(ii) Surface Water Management

The Office of Water supports the proposed development of a Soil and Water Management Plan as part of the Construction Environmental Management Plan to address industry standards such as the guideline *Managing Urban Stormwater: Soils and Construction (Landcom 2004)*. It is also recommended the NSW Office of Water *Guidelines for Controlled Activities on Waterfront Land (July 2012)* be addressed in developing the Soil and Water Management Plan.

(iii) Conditions

Should the application be approved, the following conditions are recommended:

1. The proponent is required to obtain the necessary water licenses for the project under the *Water Act 1912* or *Water Management Act 2000* prior to commencement of activities.
2. The proponent shall prepare a Soil and Water Management Plan in consultation with the NSW Office of Water. This is to include:
 - (i) baseline details of groundwater water quality and water level,
 - (ii) details of water interception, extraction volumes and disposal requirements,
 - (iii) details of water licence requirements,
 - (iv) assessment for Acid Sulfate Soils and potential impacts,
 - (v) assessment of soil and groundwater contamination,
 - (vi) details of surface water and groundwater management controls, and
 - (vii) details of surface water and groundwater monitoring and response protocols.

For further information please contact Tim Baker, Senior Water Regulation Officer (Dubbo office) on 6841 7403, or at: Tim.Baker@water.nsw.gov.au.

Yours sincerely



Phil Anquetil
Executive Director Business Services

APPENDIX D – ADDITIONAL INFORMATION SOUGHT

Glenn Snow - Patrick Stevedores s75W mod Port Botany Terminal

From: Greg Marshall <Greg.Marshall@ghd.com>
To: Ingrid.Ilias@planning.nsw.gov.au
Date: Thursday, 1 August 2013 5:38 PM
Subject: Patrick Stevedores s75W mod Port Botany Terminal
CC: Richard.Pollock@patrick.com.au; Sophy.Townsend@ghd.com
Attachments: DoPI questions_130801.doc

Hello Ingrid,

Please find attached responses to your questions of 24 July.

Please don't hesitate to contact myself or Sophy if further clarifications are required.

Regards

Greg Marshall
Principal - Environment

GHD

T: +61 2 9239 7082 | V: 217082 | M: 0435 522 191 | E: greg.marshall@ghd.com
Level 15 133 Castlereagh Street Sydney NSW 2000 Australia | www.ghd.com

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Patrick Stevedores Operations No 2

**S75W modification – Port Botany Container Terminal Environmental Assessment –
June 2013**

Question	Response
<p>There is concern that construction vehicles may queue outside the terminal and therefore impact on surrounding roads - what provision for truck waiting facilities are proposed during construction?</p>	<p>Please refer to Section 2.3.4 p19. Sufficient parking would be provided for the construction equipment/ machinery and vehicles (including delivery vehicles and construction crew vehicles) within the construction compounds to prevent off-site parking and queuing on public roads.</p> <p>Construction vehicles are expected to arrive prior to construction start (7am) at a time which is during the truck off-peak hours. Construction entries would also be spread throughout the day and not all at construction start and end of day.</p> <p>Figure 6-13 (p139) shows the peak truck entry timetable for the terminal and indicates that throughout the day, there is latent capacity in the gate entries to accommodate additional (construction) traffic.</p> <p>Construction and operational truck traffic would be separated at the gate entry point. Dedicated lanes would be provided for construction traffic to reduce potential conflict between construction and operational traffic.</p> <p>Please also note that peak traffic associated with the construction of the Knuckle would be reduced by the time the proposal would be constructed.</p> <p>Therefore, no provision of truck waiting facilities would be required.</p>
<p>As the proposal will result in no increase in traffic entering and exiting the site (as a result of the automation of the straddle carriers), Council has stated that there is no justification to construct two car parks of such magnitude within the site (465 car parking spaces which is double the staff numbers proposed on site) - could a response to this comment be provided.</p>	<p>The number of car park spaces at the terminal has been modelled to address the proposed staffing levels at the terminal in the future.</p> <p>The number of car park spaces is required to cover three shift changes during a 24 hour period. During this period, an overlap of personnel occurs. The main car park is split between management and operational staff (i.e. crane drivers). The maintenance car park is for management staff and maintenance sub-contractors. A significant number of visitors are anticipated in the first 12 months of opening of</p>

Question	Response
	<p>the new terminal, which would also need to be catered for.</p> <p>Included in the number of car park spaces provided is a specific number of visitor car parks as required by the Port Botany Development Code by the former Sydney Ports.</p> <p>In addition, a growth factor of around 20 per cent has been applied, taking into consideration that the terminal infrastructure has been designed for a life of 40 years, and that as the terminal's volume and related infrastructure grows, further operational staff may be required.</p>
<p>During the time of rail closures (2 to 4 weeks), has the resultant traffic impact been considered given that rail movements transport approximately 15% of the total TEU to/from the terminal? Details on the temporary operational arrangements during rail closures for construction activities and resultant traffic impacts are required to be provided for the surrounding road network. While the EA states that neighbouring rail and container operators in the port precinct or Cooks River facilities will provide temporary storage, will this mean additional traffic will transport containers along Botany Road or other roads in the vicinity?</p>	<p>Please refer to Section 6.2.3 p85 and Section 6.12.2 p137.</p> <p>During times of rail closure, containers would be moved to and from rail/ container operators within the port precinct or Cooks River facilities. The roads used for these movements would depend on the location of the other rail/ container operators.</p> <p>The containers would be transported during off-peak periods to ensure that additional congestion during peak periods is avoided. Figure 6-13 p139 shows the existing terminal truck entries over a peak period of activity at the terminal as well as the theoretical gate limit. As indicated, over a peak 24-hour period, there is some 25 per cent latent gate capacity available for additional truck traffic if required.</p>

Glenn Snow - RE: Port Botany Container Terminal Project - Section 75W Mod

From: Sophy Townsend <Sophy.Townsend@ghd.com>
To: Ingrid.Ilias@planning.nsw.gov.au
Date: Wednesday, 24 July 2013 3:41 PM
Subject: RE: Port Botany Container Terminal Project - Section 75W Mod
CC: Lisa.Mitchell@planning.nsw.gov.au; Rima.Exikanas@ghd.com

Hi Ingrid – Thanks for getting back to me. We will sort through these questions and get back to you as soon as possible.

From: Ingrid Ilias [mailto:Ingrid.Ilias@planning.nsw.gov.au]
Sent: Wednesday, 24 July 2013 12:43 PM
To: Sophy Townsend
Cc: Rima Exikanas; Lisa Mitchell (InTouch)
Subject: Port Botany Container Terminal Project - Section 75W Mod

Hi Sophy

The assessment is progressing well. While the Department does not require a response to submissions report prepared, a number of submissions did raise a couple of comments/issues, which I would appreciate a response on. A reply to this email would be fine as a response. The comments/queries are as follows:

- there is concern that construction vehicles may queue outside the terminal and therefore impact on surrounding roads - what provision for truck waiting facilities are proposed during construction?
- as the proposal will result in no increase in traffic entering and exiting the site (as a result of the automation of the straddle carriers), Council has stated that there is no justification to construct two car parks of such magnitude within the site (465 car parking spaces which is double the staff numbers proposed on site) - could a response to this comment be provided
- during the time of rail closures (2 to 4 weeks), has the resultant traffic impact been considered given that rail movements transport approximately 15% of the total TEU to/from the terminal? Details on the temporary operational arrangements during rail closures for construction activities and resultant traffic impacts are required to be provided for the surrounding road network. While the EA states that neighbouring rail and container operators in the port precinct or Cooks River facilities will provide temporary storage, will this mean additional traffic will transport containers along Botany Road or other roads in the vicinity?

Please let me know if you have any queries or require clarification.

regards
Ingrid

Ingrid Ilias
Environmental Planning Officer
Major Project Assessments
Department of Planning
23-33 Bridge Street
SYDNEY NSW 2000
Ph: 9228 6411
Fx: 9228 6366
Email: ingrid.ilias@planning.nsw.gov.au

>>> Sophy Townsend <Sophy.Townsend@ghd.com> Tuesday, 23 July 2013 10:57 am >>>
Hello Ingrid –

I just wanted to let you know that I'm back from vacation. How are things going with the for the Port Botany Container Terminal Project Section 75W Modification? Rima indicated that you would likely have a determination around 2 August? If you have any questions etc. in the meantime, please do not hesitate to contact me.

Thanks so much,
Sophy

Sophy Townsend
Senior Environmental Scientist

GHD

T: +61 2 9239 7162 | V: 217162 | E: sophy.townsend@ghd.com
Level 15 133 Castlereagh Street Sydney NSW 2000 Australia | www.ghd.com

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Ingrid Ilias - RE: Patricks MOD 7 - Carparking

From: Greg Marshall <Greg.Marshall@ghd.com>
To: Ingrid Ilias <Ingrid.Ilias@planning.nsw.gov.au>
Date: Monday, 19 August 2013 1:43 PM
Subject: RE: Patricks MOD 7 - Carparking
CC: Sophy Townsend <Sophy.Townsend@ghd.com>

Hello Ingrid,

Thanks for the message and email. i've forwarded the question onto Richard Pollock at Patrick for clarification with you directly.

Best regards
Greg

From: Ingrid Ilias [Ingrid.Ilias@planning.nsw.gov.au]
Sent: Monday, 19 August 2013 12:49 PM
To: Greg Marshall
Cc: Lisa Mitchell (InTouch)
Subject: Patricks MOD 7 - Carparking

Greg

Further to my voicemail message, we are hoping to discuss the carparking issue in more detail. The approved development allows 230 car spaces and the modification requires 465 car spaces, however, the workforce is proposed to be halved.

Could you please call me when you get the chance.

thanks
Ingrid

Ingrid Ilias
Environmental Planning Officer
Major Project Assessments
Department of Planning
23-33 Bridge Street
SYDNEY NSW 2000
Ph: 9228 6411
Fx: 9228 6366
Email: ingrid.ilias@planning.nsw.gov.au

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Ingrid Ilias - RE: Patrick Port Botany Proposed Car Parking Arrangement

From: Ingrid Ilias
To: Lisa Mitchell
Date: Wednesday, 28 August 2013 2:34 PM
Subject: RE: Patrick Port Botany Proposed Car Parking Arrangement
CC: Ingrid Ilias; sophy.townsend@ghd.com

Lisa,

At present we have an approval for 230 spaces but have 198 car parking spaces available for the terminal in its current configuration.

Please feel free to call me on the number below if you require any additional information or clarifications.

Regards,

Richard Pollock |Assistant Project Director| Patrick Terminals & Logistics

Address; Level 2, 4b Lord Street, Botany NSW 2019
Postal Address; PO Box 273 Botany NSW 2019
Phone (+612)8333 6227 |Mobile (+61) 400186455 | Email r.pollock@patrick.com.au

From: Lisa Mitchell [<mailto:Lisa.Mitchell@planning.nsw.gov.au>]
Sent: Tuesday, 20 August 2013 10:46 AM
To: Pollock, Richard
Cc: Ingrid Ilias; sophy.townsend@ghd.com
Subject: Re: Patrick Port Botany Proposed Car Parking Arrangement

Hi Richard,

thanks for confirming this information. Can you please also advise how many spaces you currently have on site?

Regards

Lisa Mitchell

Lisa Mitchell
Manager Water and Ports, Infrastructure Projects
NSW Department of Planning and Infrastructure
GPO Box 39 | SYDNEY NSW 2000 | T 02 9228 6284 | E lisa.mitchell@planning.nsw.gov.au



**Planning &
Infrastructure**

>>> "Pollock, Richard" <Richard.Pollock@patrick.com.au> Tuesday, 20 August 2013 10:39 >>>
Ingrid,

Following on from our conversation yesterday regarding the proposed car parking arrangements proposed for the Patrick Port Botany site. I have attached a sketch that shows the numbers and proposed locations of

the car parks. Also, I would like to confirm the following:

- The number of car parking spaces presented in the modification document contained an error. The actual number of car parking spaces required:
 - Administration and Operations Car park - **220**
 - Maintenance Car Park - **136**
 - Total - **356** (not 465)
- All contractor temporary car parking facilities during construction works will be within the site compounds handed over to the contractors. These site compounds are described in figure 2-5 of the Environmental Assessment. No roadside parking will be allowed.

I trust that this provides sufficient information. I look forward to receiving your response to the modification application in due course.

Regards,

Richard Pollock |Assistant Project Director| Patrick Terminals & Logistics

Address; Level 2, 4b Lord Street, Botany NSW 2019
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Ingrid Ilias - RE: Patrick Port Botany Proposed Car Parking Arrangement

From: Ingrid Ilias
To: Richard Pollock
Date: Wednesday, 28 August 2013 2:34 PM
Subject: RE: Patrick Port Botany Proposed Car Parking Arrangement
CC: Lisa Mitchell

Richard

Thanks for the information. We still have a number of queries in relation to carparking. Can you please provide a response to the following:

- confirm that staff will reduce from 511 to 271 not 241 as stated on page 21 of the traffic report;
- current staff numbers are 511 - where do they park if there are only 198 spaces provided?
- can you please outline the following:
 - how many staff are proposed to work 9-5;
 - how many staff work per shift;
 - approximately how many contractors are envisaged on site at any one time.

Thanks
Ingrid

Ingrid Ilias
Environmental Planning Officer
Major Project Assessments
Department of Planning
23-33 Bridge Street
SYDNEY NSW 2000
Ph: 9228 6411
Fx: 9228 6366
Email: ingrid.ilias@planning.nsw.gov.au

>>> "Pollock, Richard" <Richard.Pollock@patrick.com.au> Tuesday, 20 August 2013 11:20 am >>>
Lisa,

At present we have an approval for 230 spaces but have 198 car parking spaces available for the terminal in its current configuration.

Please feel free to call me on the number below if you require any additional information or clarifications.

Regards,

Richard Pollock |Assistant Project Director| Patrick Terminals & Logistics

Address; Level 2, 4b Lord Street, Botany NSW 2019
Postal Address; PO Box 273 Botany NSW 2019
Phone (+612)8333 6227 |Mobile (+61) 400186455 | Email r.pollock@patrick.com.au

From: Lisa Mitchell [<mailto:Lisa.Mitchell@planning.nsw.gov.au>]
Sent: Tuesday, 20 August 2013 10:46 AM
To: Pollock, Richard
Cc: Ingrid Ilias; sophy.townsend@ghd.com
Subject: Re: Patrick Port Botany Proposed Car Parking Arrangement

Hi Richard,

thanks for confirming this information. Can you please also advise how many spaces you currently have on site?

Regards

Lisa Mitchell

Lisa Mitchell

Manager Water and Ports, Infrastructure Projects

NSW Department of Planning and Infrastructure

GPO Box 39 | SYDNEY NSW 2000 | T 02 9228 6284 | E lisa.mitchell@planning.nsw.gov.au



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- All contractor temporary car parking facilities during construction works will be within the site compounds handed over to the contractors. These site compounds are described in figure 2-5 of the Environmental Assessment. No roadside parking will be allowed.

I trust that this provides sufficient information. I look forward to receiving your response to the modification application in due course.

Regards,

Richard Pollock |Assistant Project Director| Patrick Terminals & Logistics

Address; Level 2, 4b Lord Street, Botany NSW 2019

Postal Address; PO Box 273 Botany NSW 2019

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Ingrid Ilias - RE: Patrick Port Botany Proposed Car Parking Arrangement

From: Ingrid Ilias
To: Ingrid Ilias
Date: Wednesday, 28 August 2013 2:34 PM
Subject: RE: Patrick Port Botany Proposed Car Parking Arrangement
CC: Lisa Mitchell

Ingrid,

Responses below in blue.

Please feel free to give me a call to discuss.

Regards,

Richard Pollock [Assistant Project Director] Patrick Terminals & Logistics

Address; Level 2, 4b Lord Street, Botany NSW 2019
Postal Address; PO Box 273 Botany NSW 2019
Phone (+612)8333 6227 | Mobile (+61) 400186455 | Email r.pollock@patrick.com.au

From: Ingrid Ilias [mailto:Ingrid.Ilias@planning.nsw.gov.au]
Sent: Wednesday, 21 August 2013 10:17 AM
To: Pollock, Richard
Cc: Lisa Mitchell
Subject: RE: Patrick Port Botany Proposed Car Parking Arrangement

Richard

Thanks for the information. We still have a number of queries in relation to carparking. Can you please provide a response to the following:

- confirm that staff will reduce from 511 to 271 not 241 as stated on page 21 of the traffic report; - The exact numbers are currently in negotiation with the Unions and FWA and have a slight fluctuation. The 271 is correct although the number may change slightly (+/- 10%) based on the outcome of discussions.
- current staff numbers are 511 - where do they park if there are only 198 spaces provided? – Current staff numbers are now less than the 511 initially stated. We have had approx 60-70 staff depart the business since then (mix of attrition and voluntary redundancy, etc). Due to the inadequate parking availability on-site Patrick need to stagger the arrival times of staff. This is a major inefficiency for the business as it means low productivity for periods of the day.
- can you please outline the following:
 - o how many staff are proposed to work 9-5; Shifts are 6am – 2pm (busiest shift), 2pm – 10pm and 10pm – 6am. Peak turnover of staff is for the 2pm shift start. There is not the need for the entire workforce to park on site at the same time, because we are a 24/7 operation over 3 shifts per day (Day shift 0600-1400, Evening shift 1400-2200, Night shift 2200-0600). Day shift usually has the highest requirement for parking, as the management staff usually attend work during the day shift hours. At peak production, there is the day shift requirement of approx 175 parking spaces (made up of 101 operations employees, 25 management staff and 50 maintenance staff), with the following evening shift requiring approx 125 parking spaces (made up of 100 operational employees and 25 maintenance staff). This provides a total peak requirement in current terms of approx 300 parking spaces – more than are currently available (excluding visitor, external contractors etc). We currently make do with this due to an operational practice where most of the outgoing shift departs before the incoming shift arrives

(with the exception of roles that require a shift changeover). This is obviously not a desired business practice due to the loss of productivity and impact on costs, and we seek to cease this practice in the future space, with fewer operational employees required on site at the shift changeover, and the correct number of parking spaces. Limited space numbers arrive or leave site in the peak travel hours before 9am and after 5pm due to the shift structure.

- o how many staff work per shift; -as above
- o approximately how many contractors are envisaged on site at any one time. – The works will be split between 2 No. Main contractors (Yard Works Contractor and Building works contractor) and their nominated sub-contractors. The number of personnel involved in construction will fluctuate but with a peak around 100 persons. The design of the buildings is specific to minimise the number of on-site contractors required with pre-fabrication off-site. Contractors are also required to use car pooling and bus staff into site due to the limited space available.

Thanks
Ingrid

Ingrid Ilias
Environmental Planning Officer
Major Project Assessments
Department of Planning
23-33 Bridge Street
SYDNEY NSW 2000
Ph: 9228 6411
Fx: 9228 6366
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Lisa Mitchell

Lisa Mitchell

Manager Water and Ports, Infrastructure Projects

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Richard Pollock |Assistant Project Director| Patrick Terminals & Logistics

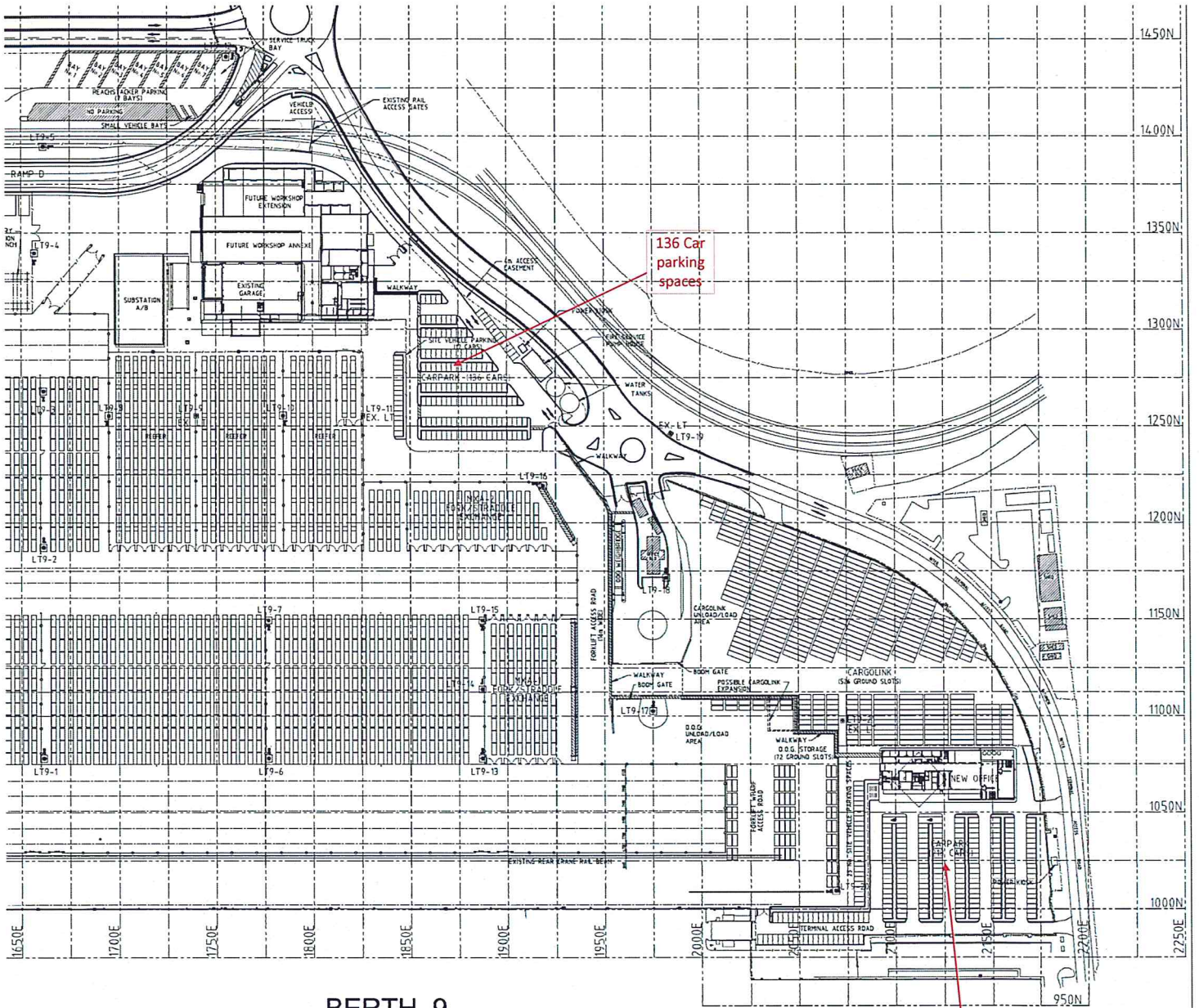
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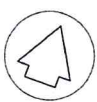


BERTH 9

220 Car parking spaces

K

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	PATRICK Terminals PORT BOTANY CONTAINER TERMINAL PENRHYN ROAD PORT BOTANY NSW 2019		PORT BOTANY REDEVELOPMENT PROJECT	DRAWING TITLE	DRAWN RSB	DESIGNED -
			ULTIMATE STRADDLE LAYOUT EXISTING RAIL SIDING WITH REACHSTACKER OPERATION	AD SCALE 1:1500 A3 SCALE -	ACONEX REF. No. GG-PIF-ENT-DWG-A2100-P100	
					DRAWING No. A2100 P100	REV. F