



Planning & Infrastructure

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Ms Gabrielle Kibble
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Our Ref: 12/08493-2

ENBR FILE

Dear Ms Kibble

Patricks Container Terminal, Port Botany – Modification Request (DA-453-12-2002-I MOD 7)

The above modification is referred to the Planning Assessment Commission for determination.

The Applicant, which is part of Asciano Ltd, has advised that it has made a reportable political donation. Consequently, the modification request meets the terms of the Minister's delegation of 14 September 2011 and may be determined by the Planning Assessment Commission.

The Department's assessment of the modification request and recommendations are contained in the attached file 12/008493-2.

If you have any queries regarding the assessment of the modification request, I have arranged for Ms Lisa Mitchell, Manager Water and Ports to assist you. Ms Mitchell can be contacted on the above contact details.

Yours sincerely

12.9.13

Chris Wilson
Executive Director
Development Assessment Systems and Approvals



***MODIFICATION REQUEST:
Patrick Stevedores Operations No. 2 –
Demolition and Construction Activities at
the Patricks Container Terminal
Brotherson Dock, Port Botany
(DA-453-12-2002-i MOD 7)***

Description of Modification Request

To undertake a range of demolition and construction activities at the existing Patrick Container Terminal.



Director-General's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

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*NSW Government
Department of Planning & Infrastructure*

EXECUTIVE SUMMARY

Patrick Stevedores Operations No. 2 (Patrick) received development consent to modify the layout and operate the existing container terminal at Brotherson Dock, Port Botany on 27 October 2003. Since that time, Patrick has received approval to modify its existing consent six times.

The original development consent included modifications to the layout and operation of the container terminal including the demolition and removal of structures, construction of new roads, rail and wharf infrastructure, installation of operational equipment, construction of administrative facilities and the relocation of road access to the boat ramp north of Penrhyn Road.

To better accommodate the operational and maintenance requirements of the site, Patrick is proposing a range of building and infrastructure improvements to the existing container terminal so that the terminal remains viable and competitive. It proposes to undertake these improvements concurrently with the continued operation of the site.

Specifically, the proposed modification comprises the following:

- construction of a new administration and control building including a new control tower and a new maintenance building and workshop. A two storey amenity building is proposed adjacent to the workshop to provide office space for engineers and technical staff; and
- relocation and construction of other minor buildings and the installation of various infrastructure, pavement improvement works and the modification of utilities and services.

The modification application was publicly exhibited in June 2013 and four submissions were received, none of which objected to the proposal.

The Department considers that the proposed modification can be undertaken such that adverse environmental impacts will not occur. Notwithstanding, the Department considers that the key issues related to the modification request are construction noise and potential construction traffic impacts, however, the Environmental Assessment has committed to specific measures to ensure that adverse impacts on noise amenity and traffic will not occur. No additional impacts over and above those already approved are envisaged during operation.

The Department therefore recommends that the modification application be approved, subject to conditions.

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1. BACKGROUND

Patrick Stevedores Operations Pty Ltd commenced container handling operations at Brotherson Dock, Port Botany, in 1996.

On 27 October 2003, the then Minister for Infrastructure and Planning granted development consent (DA-452-12-2002-i) to Patrick Stevedores Operations Pty Ltd for the modification to the layout and operation of the existing container terminal. The development consent permitted the following:

- demolition and removal of structures;
- construction of a new road, rail and wharf infrastructure;
- installation of new operational equipment;
- construction of the Exceptions Administration Office; and
- relocation of the road access and public boat ramp to the north of Penrhyn Road.

In 2005, Sydney Ports Corporation obtained development consent for the Port Botany Expansion to reclaim and develop approximately 63 hectares of land for container handling facilities. The Port Botany Expansion development is located adjacent to the Patrick Container Terminal. The construction of the Port Botany Expansion is nearing completion and operational leases have been granted to Sydney International Container Terminals Pty Ltd (SICTL) for Terminal 3 and to Patrick Stevedores for the area known as "the Knuckle", located at the western end of current operations, as shown on **Figure 1**.

The location of the Patrick Container Terminal, in relation to surrounding land uses is shown in **Figure 1**. The existing terminal occupies an area of approximately 45 hectares and includes three berths with a current estimated container throughput of 1.15 million twenty foot equivalent units (TEUs) per annum. The terminal operates 24 hours per day, seven days per week. Operations at the terminal include stevedoring, container stacking and cargo transfer; and the ongoing maintenance of terminal vehicles and equipment.

1.1 Previous Approvals

Six modifications have been made to the development since development consent was granted in 2003, as outlined in **Table 1**. In addition, a separate development application DA-128-5-2004-I was lodged and approved on 1 November 2004 to allow the height of container crane No. 5 to be increased.

Table 1: Previous Modifications

Modification	Description
MOD 1 (MOD-56-6-2004-i) approved 17 November 2004	Modification to revise the entry and exit configuration of the operation, delete the proposed administration building and amend the site working hours for the construction of pavements.
MOD 2 (MOD-83-8-2004-i) approved 17 November 2004	Modification to permit the addition of prefabricated buildings for amenities and offices.
MOD 3 (MOD-156-10-2005-i) approved 3 November 2005	Modification to permit the construction of a two storey administration building in the north-eastern corner of the site.
MOD 4 (MOD-38-4-2007-i) approved 16 March 2006	Modification to permit the construction of a third storey above the existing two storey administration building in the north-eastern corner of the site.
MOD 5 (MOD-38-4-2007-i) approved 10 May 2007	Modification to allow the construction and use of a temporary staff amenities building in the south-eastern corner of the site.

Modification	Description
MOD 6 (MOD-76-9-2007-i) approved 9 November 2007	Modification to permit the construction and use of a truck and train checking facility.

The layout of the existing Patrick container terminal is shown in **Figure 2**.

2. PROPOSED MODIFICATION

2.1 Modification Description

Patrick Stevedores Operations No. 2 Pty Ltd, the operator of the existing container terminal at Brotherson Dock, is seeking to modify the consent under section 75W of the EP&A Act to undertake a range of demolition and construction activities within the existing container terminal site. This comprises:

- removal or demolition of redundant buildings and infrastructure;
- construction of new buildings and the installation of associated infrastructure;
- pavement improvement works; and
- modifications to a range of utilities and services.

In addition, the existing 37 manually operated straddle carriers are proposed to be replaced with 44 automated straddle carriers.

A more detailed description of the components of the proposal are outlined below and shown in **Figure 3** and **Figure 4**.

Demolition and Removal of Buildings and Infrastructure

The proposal involves the removal of the following buildings and infrastructure (refer **Figure 3**):

- administration building;
- partial demolition of the existing workshop and maintenance building;
- optical character recognition (OCR) building;
- Australian Quarantine and Inspection Service (AQIS) demountable building;
- Substation E;
- weighbridges (although these would be retained and re-used);
- truck grids; and
- redundant light towers, fencing and crash barriers.

Construction of New Buildings and Infrastructure

The proposal involves the construction of the following buildings (refer **Figure 4**):

- an administration and control building occupying an area of approximately 2,000m² including a single storey administration building (approximately six metres high);
- a control tower connected to the administration building approximately 43m high (42.4m AHD) and comprising a concrete core and two levels of office space overseeing terminal operations, as shown **Figure 5**;
- a workshop and maintenance building to include five straddle bays and a new spreader workshop. A support building would also be constructed to house amenities, stores, an electrical workshop and space for sub-contract maintenance providers. The new workshop and maintenance building would occupy approximately 6,900 m² and would be approximately 22m high (24.8 m AHD); and
- a new single storey demountable AQIS building approximately 3m high used for quarantine inspections, as required.



Source: Figure 2-1 of the EA (2013)

Figure 2: Existing Terminal Layout



Source: Figure 2-2 of the EA (2013)



Figure 4: Proposed Construction Works

Source: Figure 2-3 of the EA (2013)



Source: photo from pg 12 of EA (2013)

Figure 5: Proposed Administration and Control Building (concept)

The following associated infrastructure is also proposed:

- pavement strengthening works at various locations covering approximately 20% of the terminal site to support the upgraded equipment and the new layout;
- a new and improved OCR structure to scan and validate shipping containers;
- straddle carrier parking, bundled 210,000 litre capacity fuel storage and refuelling bays;
- two new car parks with a total capacity of 465 car parking spaces;
- relocation of existing truck grids and weighbridges from the western portion of the site to the northern portion, south of the rail line;
- new rail exchange grids;
- realignment of existing terminal roadways;
- a new demountable toilet block to provide truck driver amenities near the relocated truck grids;
- repositioning and upgrading of existing light poles and installation of additional radar poles;
- utilities upgrades (electricity, water and sewerage);
- perimeter fencing; and
- other ancillary infrastructure such as data pits, conduits and fire hydrants.

Staff numbers at the terminal are expected to reduce from 511 to approximately 241 people as a result of improved efficiency with the operation of the straddle carriers.

2.2 Proposed Construction Timetable

Demolition and construction works are proposed to commence in the second half of 2013 and would take approximately 16 months to complete. Construction works are planned to be undertaken concurrently with existing terminal operations.

Construction is expected to require 100 full time equivalent jobs. Proposed construction hours would be consistent with the existing conditions of consent:

- between 7.00am and 6.00pm Monday to Friday;
- between 8.00 am and 2.00pm on Saturdays; and
- at no time on Sundays or public holidays.

3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

The modification request was submitted under section 75W of the Act pursuant to clause 8J(8)(c) of the *Environmental Planning and Assessment Regulation 2000*. This clause provides that for the purposes of modification only, a development consent granted by the Minister under Part 4 of the Act (relating to a State Significant Development) under clause 89 of schedule 6 of the Act (i.e. determination was pending at the commencement of Part 3A of the Act on 1 August 2005) is taken to be an approval under Part 3A of the Act and section 75W applies. As the project falls into this category, this section applies to the modification application. The existing consent following modification would remain a consent under Part 4 of the Act.

Transitional arrangements are in place as a result of the repeal of Part 3A of the Act. Clause 12 of Schedule 6A states that section 75W of the Act continues to apply to modifications of development consents referred to in clause 8J(8) of the *Environmental Planning and Assessment Regulation 2000* and applies whether an application for a modification is made before or after the commencement of this clause.

Section 75W(2) of the Act provides that a Proponent can request the Minister to modify the approval of a project, where the subject modification is not consistent with the approval. This is the case in this instance and therefore an assessment in accordance with section 75W of the Act is considered appropriate.

3.2 Environmental Assessment Requirements

In accordance with section 75W(3) of the Act, the Director-General notified the applicant of environmental assessment requirements for the proposed modification on 19 December 2012. The Department is satisfied that these requirements have been complied with.

3.3 Delegated Authority

Under the Minister's delegation of 14 September 2011, the Planning Assessment Commission (PAC) may determine the application as a reportable political donation was made by the applicant.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under Section 75X(2)(f) of the EP&A Act, the Director-General is required to make the modification request publicly available. The Department:

- publicly exhibited the modification from Tuesday 11 June to Wednesday 26 June 2013, a period of two weeks:
 - on the Department's website;
 - at the Department of Planning and Infrastructure's Information Centre;
 - at the Nature Conservation Council;
 - at City of Botany Bay Council; and
 - at Randwick City Council.
- advertised the public exhibition in the Southern Courier on 11 June 2013;
- notified the following agencies in writing:
 - NSW Office of Water;
 - NSW Trade and Investment;
 - Department of Primary Industries;
 - Office of Environment and Heritage;
 - Environment Protection Authority;
 - Roads and Maritime Services;
 - Sydney Airports Corporation Limited;

- Air Services Australia;
- Commonwealth Department of Infrastructure and Transport;
- Civil Aviation Safety Authority; and
- NSW Fire and Rescue.

The Department received four submissions as a result of the exhibition of the modification request from:

- Department of Primary Industries (NSW Fisheries and NSW Office of Water);
- Environment Protection Authority (EPA);
- Randwick City Council; and
- City of Botany Bay Council.

4.2 Public Authority Submissions

A summary of the issues raised in public authority submissions is provided below. No public submissions were received.

Department of Primary Industries (DPI)

The submission provided by DPI stated that NSW Fisheries raised no issues in relation to the modification request. NSW Office of Water (NOW) made comments on the groundwater assessment and water licensing requirements. In this regard, NOW stated that as the Environmental Assessment indicated that groundwater may be intercepted during excavations, the Applicant may require licensing for this activity. While the Environmental Assessment did not include the likely volumes of groundwater or expected timeframe for dewatering, NOW has recommended that this information form part of a soil and groundwater contamination assessment in the Construction Environmental Management Plan (CEMP). The preparation of an Acid Sulfate Soil Management Plan and a Soil and Water Management Plan as part of the CEMP was also supported.

NOW recommended conditions of approval to be included in the instrument should the modification be approved.

Environment Protection Authority

The EPA noted that noise is a key issue of concern for residents in the area and it stated that the existing noise limits from Patrick's EPL 6962 should apply to both the construction and operation phases of the proposal.

Randwick City Council

Council indicated that noise was a key concern in the surrounding suburbs of Matraville, Chifley and Little Bay. Council made the following comments in relation to noise:

- Supported the implementation of automated straddle carriers which will result in reduced noise emissions;
- Patrick should commit to reduce construction noise levels, particularly on weekends and during the night;
- only essential construction should be undertaken during the night time period (i.e. 6 pm to 10 pm) and during this time additional acoustic monitoring should occur;
- monthly noise monitoring should be undertaken during construction to ensure that noise compliance is achieved. Results of monitoring should be made publicly available.

Council is also concerned that heavy vehicles may queue on public roads outside the terminal area during construction and has recommended that onsite truck waiting facilities are provided to ensure that unnecessary impacts on the local road network are avoided.

Council also stated that the OEMP should include specific commitments and a review of EPL 6962 to ensure ongoing monitoring and compliance.

City of Botany Bay Council

The City of Botany Bay Council provided a number of comments in relation to the proposal, including:

- fuel storage exceeds thresholds whereby WorkCover should be notified and emergency plans must be developed;
- a soil and groundwater contamination assessment for excavation works should be undertaken as the site is located on Class 1 and 2 Acid Sulfate land and within close proximity to the Botany Bay Beds aquifer;
- the existing EPL may need to be amended to address additional chemical storage;
- construction areas should be fenced off from operational areas and separate access routes provided;
- no justification is provided for the number of car parking spaces proposed;
- no additional construction traffic should utilise the intersection of Foreshore Road/Penrhyn Road/Botany Road during the evening peak traffic period;
- traffic impacts from the temporary closure of the railway line;
- consolidation of existing lots over the development site is recommended;
- owners consent must be provided for drainage easements and Rights of Carriageway;
- runoff discharging into Botany Bay must comply with stormwater pollution reduction targets stated in *Botany Bay & Catchment Quality Improvement Plan* (Sydney Metropolitan Catchment Authority, 2011);
- construction cranes should not interfere with the OLS and PANS-OPS surfaces;
- insufficient dimensions have been provided for the administrative and control building and the maintenance/workshop building; and
- all works should be undertaken during standard construction hours; and
- all waste generated should be classified in accordance with the Waste Classification Guidelines (DECCW, 2009) prior to disposal to a licensed waste contractor.

Following receipt of submissions, the Department contacted the applicant to advise that a response to a number of issues raised in the submissions was required, however a formal Response to Submissions Report was not necessary. The Department also requested that the applicant provide further information on the dimensions, layout and elevations for the administration and workshop buildings and the control tower.

The applicant provided detailed plans to the Department on 8 July 2013 and an informal response to the issues raised was provided on 1 August 2013.

5. ASSESSMENT

The Department has reviewed the Environmental Assessment and generally considers that the environmental impacts are manageable. The modification relates to an operational port in a highly disturbed area which is subject to strict environmental controls associated with the existing development consent. Notwithstanding, the Department considers the key assessment issues for the proposed modification are:

- noise; and
- traffic and transport.

5.1 Noise

Issue

Demolition and construction activities associated with the modification request have the potential to exceed the noise limits established in the development consent. A mix of land uses occur in the surrounding area. While industrial and commercial development is closest to the site, residential receivers are also located in the surrounding area with the closest being in Botany approximately 700m to the east and in Matraville, approximately 750m to the north of the terminal.

Consideration

The Department understands that during the operation, the use of automated straddle carriers instead of manually operated straddle carriers would result in a reduction in operational noise emissions from the site. As noise complaints from residents in the vicinity of the Port are often received by both the City of Botany Bay and Randwick City Councils, the Department is supportive of changes to site operations that lead to reductions in noise emissions from the site. As a result of a noise reduction predicted for the operational phase, the Department has concentrated its assessment on construction noise.

The Director-General's requirements for the modification state that the assessment should detail how the site "will continue to meet its existing operational noise limits during the construction and operational phases." The noise limits in Condition 3.3 of the development consent are reproduced below in **Table 2**. These limits do not specify construction or operational phases and therefore must be met, regardless of the phase of development in which activities occur. This is consistent with EPA's position that the existing noise limits should apply to both construction and operations.

Table 2: Site Noise Limits*

Location	Day		Evening		Night	
	L _{Aeq} (15 minute) dBA	L _{AMax} dBA	L _{Aeq} (15 minute) dBA	L _{AMax} dBA	L _{Aeq} (15 minute) dBA	L _{AMax} dBA
Most affected residential premises	55	55	43	55	43	55

The Environmental Assessment outlined construction noise levels anticipated during each month of construction on the site and this clearly showed that construction noise levels and cumulative noise from adjacent developments (i.e. construction of Ramp D and construction of terminal infrastructure associated with the "Knuckle" area to the south) will meet the noise limits stipulated in **Table 2** above with no exceedances of these limits predicted at either residential receivers or other sensitive receivers such as nearby schools.

* The site noise limits established in Condition 3.3 of the Minister's consent for DA-453-12-2002-i and its subsequent modifications.

To ensure that construction noise levels comply with noise limits for the site, the Department notes that the preparation of a Construction Noise Management Plan already forms part of the existing consent and that this Plan requires procedures to be outlined for monitoring noise emissions during construction. The Department notes that Randwick City Council, in its submission, stated that monthly noise monitoring should be undertaken during construction to verify that cumulative noise from both construction and continued operations at the terminal complied with the relevant noise limits. The Department expects that either a new noise management plan or an existing plan will be updated to address noise management associated with this modification, including monitoring to ensure compliance. This will require approval by the Director-General prior to the commencement of any construction. This is consistent with the commitment made by the applicant.

The assessment indicated that construction traffic is predicted to result in a 0.1 dBA increase in construction traffic noise levels. The Department considers that the increase in traffic noise as a result of construction activities at the terminal would be negligible and below perceptible levels at residential receivers and therefore no additional conditions of consent are considered necessary in this regard.

5.2 Traffic and transport

Issue

The main access to the site is from Penrhyn Road, off Foreshore Road. Adjacent to the site, Penrhyn Road is a two lane road with a posted speed limit of 40 km/hr. As part of the Port Botany Expansion, a grade separated elevated roundabout was constructed to separate road and rail traffic within this area of the port. The roundabout allows heavy vehicles travelling from either Foreshore Road or Botany Road to either access the new Terminal 3 (being constructed as part of the Port Botany Expansion) or the existing Patrick Container Terminal. Construction of a new access ramp (known as Ramp D) to provide direct access to the Patrick site is scheduled to commence in August 2013 as part of the Port Botany Expansion.

Construction traffic associated with the modification will temporarily increase local traffic and may result in cumulative impacts when considering other traffic generating construction in the area associated with the Port Botany Expansion. This issue was raised by both councils.

The City of Botany Bay Council also considered that the construction of two car parks within the site was not justified, particularly as the proposal would result in no increase in traffic entering and exiting the site from the proposed automation of the straddle carriers.

Consideration

Construction Traffic

The Environmental Assessment states that while it is expected that construction workers would arrive at the site prior to 7.45 am, the start of the peak hour[†] and leave the site after the evening peak (5.30 pm)[‡], a conservative approach was undertaken and a worst case scenario assessed where 20% of construction worker vehicles and heavy vehicles were assumed to arrive and depart in peak traffic periods. The worst case traffic scenario resulted in the generation of an additional 42 vehicles per hour in both peak periods (30 heavy vehicles and 12 light vehicles).

Despite the above, if all construction personnel were to arrive at the site for the 7 am construction period, this would coincide with the peak heavy vehicle numbers accessing the site and could result in congestion on the local network and at site entry. It is unlikely that the peak period for construction vehicles accessing or egressing the site would coincide with operations personnel arriving for or leaving work as the shifts are understood to commence

[†] The hour during the morning peak period with the highest traffic volume.

[‡] The end of the evening peak hour.

at 6 am and 2 pm. The Department considers that this could be managed by ensuring that commencement times for the construction workforce are staggered, with particular consideration of the peak construction period (months three to six and up to month ten). The Applicant has committed to the preparation of a Construction Traffic Management Plan which would outline measures to minimise potential traffic impacts during construction. This plan is required to be approved by the Director-General prior to the commencement of construction activities. The Department also notes that the Environmental Assessment states that construction vehicles would access the site outside peak traffic periods to further reduce the potential for traffic impacts.

Local Road Network

The level of service and degree of saturation for the key intersections in the study area considering the worst case traffic scenario are shown in **Table 3**. This table also shows the performance levels of the key intersections based on existing conditions as a comparison.

Table 3: Intersection performance during construction

Intersection	Morning Peak Period (7.45-8.45 am)			Evening Peak Period (4.30-5.30 pm)		
	Average delay (secs)	Level of service	Degree of Saturation	Average delay (secs)	Level of service	Degree of Saturation
Penrhyn Road Roundabout	9 (8)	A (A)	0.18 (0.16)	7 (7)	A (A)	0.12 (0.11)
Foreshore Road/Penrhyn /Botany Road	28 (27)	B (B)	0.86 (0.83)	60 (56)	E (E)	0.97 (0.96)
Botany/Beuchamp Road	20 (19)	B (B)	0.79 (0.76)	19 (19)	B (B)	0.77 (0.74)

Note: existing intersection performance levels are indicated in brackets

Table 3 shows that construction traffic would result in only minor changes to the average delay to vehicles at key intersections with the level of service and degree of saturation remaining the same as existing conditions at all key intersections, except Foreshore/Penrhyn/Botany Road. At Foreshore/Penrhyn/Botany Road, the additional construction traffic would only result in a minor increase in the average vehicle delay in the morning peak, increasing it marginally from 27 seconds to 28 seconds and the degree of saturation from 0.83 to 0.86, with the level of service B remaining the same as the existing situation. During the evening peak, however, the additional construction traffic would result in the average vehicle delay increasing from 56 seconds to 60 seconds and the degree of saturation increasing marginally from 0.96 to 0.97 and the overall level of service deteriorating from D to E.

While the level of service at the Foreshore/Penrhyn/Botany Road intersection would deteriorate based on worst case construction traffic conditions, the Department notes that the Environmental Assessment indicates that the increase in construction traffic as a result of the modification in the evening peak period contributes only 2% of the total traffic volume and therefore the primary cause of the poor performance of this intersection is attributable to existing traffic volumes. Notwithstanding the predicted increase, the Department notes that the Applicant has committed to manage construction vehicles associated with the modification such that they occur outside both the morning and peak traffic periods. This commitment is in line with a comment made by the City of Botany Bay Council that the Applicant should ensure that no additional traffic utilise this intersection during the evening peak traffic period.

Figure 6-13 of the Environmental Assessment indicates that there is latent capacity in gate entries throughout the day to accommodate additional construction traffic and the

Department has also received information from the Applicant to state that dedicated lanes would be provided for construction traffic to reduce conflict with operational traffic on the site. Sufficient parking would also be provided on site to prevent off-site parking and queuing on public roads.

The Department is satisfied that negligible traffic impacts would occur during the construction period as a result of the modification and therefore has not stipulated additional conditions of approval in relation to traffic and transport as the existing conditions are considered to be adequate to manage traffic for the proposal.

Rail Closedown

During construction, containers will be moved to and from rail container operators within the port precinct or Cooks River facilities during rail closedown periods. Container transport would only occur during off-peak traffic periods to minimise additional congestion on the local road network. The Department is satisfied that the impacts from rail closedown during construction would not result in adverse impacts to the existing traffic network.

Operations and Carparking

The operation of the terminal is expected to result in a reduction of traffic to and from the site due to the implementation of automated straddle carriers and the resultant reduction in workforce at the site from 511 to 271. This is expected to alleviate existing traffic conditions by reducing vehicle numbers accessing the site and using the surrounding road network.

The Environmental Assessment for the modification includes a request for car parking to accommodate 465 vehicles. The Applicant confirmed via email dated 20 August 2013 that this was an error and that the permanent parking required for the site would be 356 spaces for operations personnel, contractors and visitors. All temporary construction parking would be located within the construction compound areas noted on Figure 2.5 of the Environmental Assessment.

The Department notes that the currently approved number of parking spaces on site is 230, however the Applicant confirmed via email dated 21 August 2013 that only 198 are currently available for the terminal in its current configuration. Due to the inadequate car parking on site, Patrick has had to stagger the arrival times of staff such that the outgoing shift departs prior to the incoming shift arriving on site which has led to inefficiencies for the business and low productivity for certain periods of the day.

With the changes proposed in this modification, at peak production, Patrick has calculated that the day shift (0600 to 1400) will require approximately 175 car parking spaces (made up of 101 operations employees, 25 management staff and approximately 50 maintenance staff) and the evening shift (1400 to 2200) will require 125 car parking spaces (made up of 100 operational employees and approximately 25 maintenance staff). The maximum car parking demand at any one time on site is therefore 300 parking spaces. This caters for both shifts and considers the shift changeover period. The *Port Botany Development Code 2012*, requires that one parking space is provided per staff member and contractor on site at any one time plus 10%. At least two visitor car parking spaces and one mobility impaired car parking space must also be provided. This equates to 333 car parking spaces which is 23 fewer than the 356 requested by the Applicant. Due to the discrepancy between the required number of parking spaces, and the fact that the Applicant has not justified the need for the additional parking spaces, the Department has recommended that the maximum number of parking spaces be limited to 333 spaces and outlined as a condition of consent.

5.3 Other Issues

Visual Amenity

In relation to visual amenity, the immediate visual landscape is dominated by existing container terminals such as the existing Patrick terminal and DP World as well as other

industrial uses associated with Port Botany. Therefore, the Department considers the visual quality of the locality to be relatively low. The proposed design of the new buildings has taken into consideration surrounding land uses and although the new administration and workshop building and the control tower would be higher than existing buildings on the site, the resultant impact from this would not result in adverse visual impacts. While these new buildings and tower would be visible from a number of locations, given the surrounding land uses and the industrial character of the port environment, they would not form prominent visual features when viewed from surrounding sensitive receivers and would be smaller than adjacent container handling equipment such as crane rail beams.

Groundwater Management

Construction of building foundations and piling activities could encounter groundwater on the site as groundwater has been identified across the site at depths of between 2 and 2.5 metres. The Environmental Assessment, however, states that if the groundwater is encountered, it would be contained on the site, tested and if necessary, appropriately treated prior to being discharged or disposed as required. The Department is satisfied that the commitments made in the Environmental Assessment as well as the existing conditions of consent adequately address this issue such that groundwater can be managed during construction activities.

The Department does not consider that the proposed modification would result in any other environmental impacts.

5.4 Modification to conditions

The Department has recommended that a number of conditions be modified. The conditions proposed to be modified and the reasons for this are outlined in **Table 4**.

Table 4: – Modification to conditions

Existing Condition	Reasons for Modification
Schedule 1	Additional text to include the components of the modification request as this did not include the construction of additional buildings.
Condition 1.2 – Scope of Development	Condition 1.2(i) to include the components of the modification request.
Condition 1.4	This condition is proposed to be deleted as the terminal operations building forms part of the modification request and does not require a separate application.
Condition 3.3	It is proposed to amend the table in this condition to reflect the noise limits that apply to the site post 1 January 2009.
Condition 3.5	It is proposed that the text “that apply from 1 January 2009” be deleted in Condition 3.5(a) as this time period has already passed and that the associated Note at the end of this condition also be deleted for the same reason.
Condition 3.6	It is proposed that the reference to rural dwellings be deleted as this does not apply within the port or surrounding area.
Condition 3.15A Condition 3.15B	It is proposed to include two conditions related to parking on site; one regarding construction contractor parking and the other permanent parking to cater for the peak parking demand of the site.
Condition 6.10	It is proposed to insert a new condition, as follows: “Where standards, guidelines or other documents are referred to in the conditions, the latest version of these standards, guidelines or documents

Existing Condition	Reasons for Modification
	shall apply, unless otherwise agreed by the Director-General". This will ensure that the Applicant undertakes activities as part of the development in accordance with the latest requirements and not requirements that have been superseded.
Condition 7.13	It is proposed to amend this condition slightly to require the Applicant to develop an Emergency Response and Incident Management Plan in consultation with the EPA and Council which must be submitted and approved by the Director-General prior to the commencement of operations. The text requiring that the Plan be prepared within three months of the issuing of the occupation certificate and that the plan be provided to Council upon request is proposed to be deleted. The site is already operational and construction activities are proposed to be undertaken concurrently with site operations. The amendment to this condition will ensure that the Applicant is required to submit this Plan to the Director-General for approval prior to the commencement of site operations. This Plan would be reviewed by the Department's Hazards Branch.
Condition 7.16	It is proposed to amend the first sentence in this condition to rectify a typographical error.

6. CONCLUSION AND RECOMMENDATIONS

Patrick Stevedores has approval to operate a container terminal and associated infrastructure at Port Botany. The existing container terminal has been operating since the late 1970's. The proposed modification involves a range of building and infrastructure improvements to the existing container terminal site to allow it to be modernised and allow the terminal to remain viable and competitive by improving efficiency within the operation. The proposal will not result in an increase in throughput capacity of the container terminal.

The Department, in its assessment of the proposal, reviewed the modification request and supporting Environmental Assessment, including the results of consultation with relevant government departments as well as Sydney Airport Corporation.

The Department considers that the proposed modification can be undertaken such that adverse environmental impacts are manageable. Notwithstanding, key issues related to the modification request are noise and potential traffic impacts, however, the Applicant has committed, in the Environmental Assessment, to specific measures to minimise the impact of noise amenity and existing traffic on the local community and surround road network.

The Department's assessment found that the proposed modification would not result in additional environmental impacts above those already approved as part of the development and may ultimately result in traffic improvements as a result of the change from manually operated straddle carriers to automated carriers, and the consequent reduction in vehicles accessing the site.

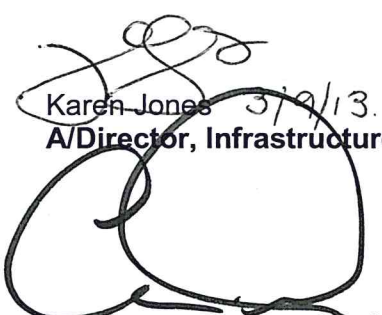
The existing development consent includes the preparation of construction and operational management plans, and specific limits in relation to noise emissions. The Department is of the opinion that the existing conditions when implemented will adequately manage the likely impacts of the modification. Notwithstanding, given that the original consent is more than 10 years old, the Department recommends inclusion of a general condition to require that where specified policies and guidelines have been updated or superseded, that the current policies be applicable, unless otherwise agreed by the Director-General. In addition, the Department recommends that Schedule 1 and condition 1.2 be updated to reflect the elements the

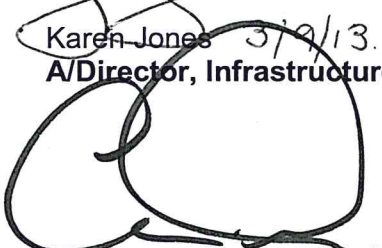
subject of the modification request and other minor changes to existing conditions where these are no longer relevant. The Department also recommends the addition of two conditions specifically related to the management of construction contractor parking and permanent parking on site during project operations. The Department also made minor changes to other conditions to amend typographical errors.

The Department supports the proposed modification and therefore recommends that the Planning Assessment Commission approve the modification request, subject to the proposed conditions.

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