

Modification 18 proposed amendments - DA-494-11-2003i

The table below provides an overview of the existing conditions of approval, proposed modification and justification for modification.

Existing condition of approval	Proposed modification	Action	Justification for modification
Schedule 1			
In respect of: Land described as: Lot 2 DP 1009870, Lot 6 DP 1053768, Lots 301 & 302 DP 712992, Part of Crown Reserve R91288, Lots 203 & 205 DP 712991 and Lot 401 DP 816961, Botany Bay Local Government Area. For the following: The construction and operation of a new container terminal and associated infrastructure. Development Application: Development Application DA-494- 11-2003-i, lodged with the Department on 26 November 2003, accompanied by Port Botany Expansion Environmental Impact Statement (ten volumes), prepared by URS Pty Ltd and dated November 2003; State Significant Development Under Section 76A(7) of the Act , the development is classified as State Significant development by virtue of a declaration made by the Minister for Planning on 29 June 2001 for berths for	In respect of: Land described as: Lot 2 DP 1009870, Lot 6 DP 1053768, Lots 301 & 302 DP 712992, Part of Crown Reserve R91288, Lots 203 & 205 DP 712991 and Lot 401 DP 816961, Botany Bay Local Government Area. In respect of: Land described as: Lot 1 DP 1165618, Lot 200 DP 1183399, Lot 201 DP 1183399, Lot 202 DP 1183399, Lot 208 DP 1183399, Bayside Council Local Government Area. For the following: The construction and operation of a new container terminal and associated infrastructure. Development Application: Development Application DA-494- 11-2003-i, lodged with the Department on 26 November 2003, accompanied by Port Botany Expansion Environmental Impact	Amend	- Update to list correct Lot and Deposited Plans of the subject site and correct Local Government Area. - Update to reference updated sections of the EP&A Act. - It is noted Section 4.36(2) is the current section of the EP&A Act which declares development State Significant Development (SSD). - The consent incorrectly references Section 76A(7) which formerly declared development to be - SSD; however, this was repealed on 1 August 2005, 12 days before the consent was issued on 13 October). - Section 76A(7) was replaced by Section 75B on 1 August 2005 which removed the SSD pathway and enabled the Minister to approve projects under Part 3A of the EP&A Act. - Furthermore, the intent of this condition was for development to proceed under a State Significant pathway. The proposed modification aligns with this intent

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shipping, shipping terminals and associated buildings, structures and works within certain lands within the Botany Bay Local Government Area. Commission of Inquiry The development was subject to a Commission of Inquiry under section 119 of the Environmental Planning and Assessment Act 1979. The primary session of the Inquiry was held from 19 to 28 October 2004. The reply session of the Inquiry was held from 14 to 18 February 2005. The Commission's recommendations following the Inquiry are detailed in Report to the Honourable Craig Knowles MP, Minister for Infrastructure and Planning, Minister for Natural Resources – Proposed Port Botany Expansion, City of Botany Bay, Sydney Ports Corporation, dated May 2005 Staged Consent In accordance with Section 80(4) and (5) of the Environmental Planning and Assessment Act 1979, this consent only permits works associated with Stage 1 of the development as defined in Schedule 2, Subschedule A. Stage 2 works will require the issue of further development consent. Appeal Rights There is no right of	Statement (ten volumes), prepared by URS Pty Ltd and dated November 2003; State Significant Development Under Section 76A(7) 4.36(2) of the <i>Environmental Planning and Assessment Act 1979</i>, the development is classified as State Significant development as the land is within a 'lease area' under Clause 5.27(1)(a) State Environmental Planning Policy (Transport and Infrastructure) 2021. by virtue of a declaration made by the Minister for Planning on 29 June 2001 for berths for shipping, shipping terminals and associated buildings, structures and works within certain lands within the Botany Bay Bayside Council Local Government Area. Commission of Inquiry The development was subject to a Commission of Inquiry under the former section 119 of the Environmental Planning and Assessment Act 1979. The primary session of the Inquiry was held from 19 to 28 October 2004. The reply session of the Inquiry was held from 14 to 18 February 2005. The Commission's recommendations		but updating the reference to the current Section of the EP&A Act.

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appeal to the Land and Environment Court under section 97 or section 98 of the Environmental Planning and Assessment Act 1979, as the development is a State Significant Development into which a Commission of Inquiry was held. Commencement of Consent Pursuant to section 83(1)(b) of the Environmental Planning and Assessment Act 1979, this consent operates from the date that is endorsed on the notice of determination given to the Applicant, because a Commission of Inquiry has been held into the development. Lapse of Consent Pursuant to section 95 of the Environmental Planning and Assessment Act 1979, this development consent is liable to lapse five years after the date from which it operates unless the use of any land, building or work the subject of the consent is actually commenced before the date on which the consent would otherwise lapse.	following the Inquiry are detailed in Report to the Honourable Craig Knowles MP, Minister for Infrastructure and Planning, Minister for Natural Resources – Proposed Port Botany Expansion, City of Botany, Sydney Ports Corporation, dated May 2005 Staged Consent In accordance with Section 80(4) and (5) 4.37 4.16(4) and (5) of the <i>Environmental Planning and Assessment Act 1979</i>, this consent only permits works associated with Stage 1 of the development as defined in Schedule 2, Subschedule A. Stage 2 works will require the issue of further development consent. Appeal Rights There is no right of appeal to the Land and Environment Court under section 97 8.7 or section 98 8.8 of the Environmental Planning and Assessment Act 1979, as the development is a State Significant Development into which a Commission of Inquiry was held. Commencement of Consent Pursuant to section 83(1)(b) 4.20 of the <i>Environmental Planning and Assessment Act 1979</i>, this consent operates from the date of the original approval which is available on the		

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	Planning Portal. Lapse of Consent Pursuant to section 95 4.53 of the <i>Environmental Planning and Assessment Act 1979</i>, this development consent is liable to lapse five years after the date from which it operates unless the use of any land, building or work the subject of the consent is actually commenced before the date on which the consent would otherwise lapse.		
Schedule A: Overall scope of development works and general provisions			
A1. General			
Scope of Development A1.1 The approved aspects of the development shall be carried out generally in accordance with: a) Development Application DA-494-11-2003-i, lodged with the Department on 26 November 2003. b) Port Botany Expansion: Environmental Impact Statement (ten volumes), prepared by URS Pty Ltd and dated November 2003; c) Port Botany Expansion Commission of Inquiry – Primary Submission (two volumes), prepared by URS Pty Ltd and dated May 2004	Scope of Development A1.1 The approved aspects of the development shall be carried out generally in accordance with: a) Development Application DA-494-11-2003-i, lodged with the Department on 26 November 2003. b) Port Botany Expansion: Environmental Impact Statement (ten volumes), prepared by URS Pty Ltd and dated November 2003; c) Port Botany Expansion Commission of Inquiry – Primary Submission (two volumes), prepared by URS Pty Ltd and dated May 2004	Amend	Update reference to this Modification 18 Assessment Report and update numbering to reflect addition.

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d) Port Botany Expansion Commission of Inquiry – Supplementary Submission to Environmental Impact Statement, prepared by URS Pty Ltd and dated August 2004 e) Port Botany Expansion Environmental Impact Statement – Supplementary Submission (two volumes), prepared by URS Pty Ltd and dated October 2004; and, and f) modification application MOD-107-9-2006-i, accompanied by Port Botany Expansion, Section 96(1A) Application: Modification of Consent Conditions, prepared by Sydney Ports Corporation and dated September 2006; g) modification application MOD-134-11-2006-i, accompanied by Port Botany Expansion, Section 96(1A) Modification – Wharf Structure Design, prepared by Sydney Ports Corporation and dated November 2006; h) modification application MOD-149-12-2006-i, accompanied by Port Botany Expansion, Section 96(1A) Modification – Application to Modify Conditions B2.9 and B2.22 of the Port Botany Consent, prepared by Sydney Ports Corporation and dated 1	d) Port Botany Expansion Commission of Inquiry – Supplementary Submission to Environmental Impact Statement, prepared by URS Pty Ltd and dated August 2004 e) Port Botany Expansion Environmental Impact Statement – Supplementary Submission (two volumes), prepared by URS Pty Ltd and dated October 2004; and, and f) modification application MOD-107-9-2006-i, accompanied by Port Botany Expansion, Section 96(1A) Application: Modification of Consent Conditions, prepared by Sydney Ports Corporation and dated September 2006; g) modification application MOD-134-11-2006-i, accompanied by Port Botany Expansion, Section 96(1A) Modification – Wharf Structure Design, prepared by Sydney Ports Corporation and dated November 2006; h) modification application MOD-149-12-2006-i, accompanied by Port Botany Expansion, Section 96(1A) Modification – Application to Modify Conditions B2.9 and B2.22 of		

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December 2006; i) modification application MOD-78-9-2007-i, accompanied by <i>Port Botany Expansion – Modification of Conditions C2.20 & C2.25</i>, prepared by Sydney Ports Corporation and dated July 2007; j) modification application MOD-60-9-2008, accompanied by Port Botany Expansion – Modification of Conditions B2.46 and C2.25, prepared by Sydney Ports Corporation and dated 27 August 2008; k) modification application MOD-68-12-2008, accompanied by a letter from Sydney Ports Corporation and dated December 2008; l) modification application MOD-08-03-2009, accompanied by a letter from Sydney Ports Corporation dated 16 February 2009 and assessment report titled <i>Port Botany Expansion – Rail Operations Section 96(1A) Modification</i> dated February 2009; m) modification application 494-11-2003-I MOD 8, accompanied by an assessment report titled “<i>Port Botany Expansion – Ship Turning Area Dredging Section 96(1A) Modification</i> dated May 2009;	the Port Botany Consent, prepared by Sydney Ports Corporation and dated 1 December 2006; i) modification application MOD-78-9-2007-i, accompanied by <i>Port Botany Expansion – Modification of Conditions C2.20 & C2.25</i>, prepared by Sydney Ports Corporation and dated July 2007; j) modification application MOD-60-9-2008, accompanied by Port Botany Expansion – Modification of Conditions B2.46 and C2.25, prepared by Sydney Ports Corporation and dated 27 August 2008; k) modification application MOD-68-12-2008, accompanied by a letter from Sydney Ports Corporation and dated December 2008; l) modification application MOD-08-03-2009, accompanied by a letter from Sydney Ports Corporation dated 16 February 2009 and assessment report titled <i>Port Botany Expansion – Rail Operations Section 96(1A) Modification</i> dated February 2009; m) modification application 494-11-2003-I MOD 8,		

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n) modification application DA-494-11-2003-i MOD 9, accompanied by an assessment report titled "Port Botany Expansion – Additional High Spot Dredging off Molineux Point Section 96(1A) Modification" dated May 2009; o) modification application DA-494-11-2003-i MOD 10, accompanied by an assessment within letter titled "Port Botany Expansion – Section 96(1A) Modification – Additional Ship Turning Area Dredging" dated 8 July 2009; p) modification application DA-494-11-2003-i MOD 11, accompanied by an assessment report titled "Sydney Port Botany Terminal No. 3 PKG-17.1 Planning Section 75W Modification Operations Building and Maintenance Building" dated 14 September 2011; q) modification application DA-494-11-2003-i MOD 12, accompanied by an assessment report titled "Sydney Port Botany Terminal No. 3 PKG-17.1 Planning Section 75W Modification to Stormwater First Flush System" dated 15 February 2012 and supplementary advice provided	accompanied by an assessment report titled "<i>Port Botany Expansion – Ship Turning Area Dredging Section 96(1A) Modification</i>" dated May 2009; n) modification application DA-494-11-2003-i MOD 9, accompanied by an assessment report titled "Port Botany Expansion – Additional High Spot Dredging off Molineux Point Section 96(1A) Modification" dated May 2009; o) modification application DA-494-11-2003-i MOD 10, accompanied by an assessment within letter titled "Port Botany Expansion – Section 96(1A) Modification – Additional Ship Turning Area Dredging" dated 8 July 2009; p) modification application DA-494-11-2003-i MOD 11, accompanied by an assessment report titled "Sydney Port Botany Terminal No. 3 PKG-17.1 Planning Section 75W Modification Operations Building and Maintenance Building" dated 14 September 2011; q) modification application DA-494-11-2003-i MOD 12,		

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on 6 June 2012 in relation to other proprietary SQID devices; r) modification application DA-494-11-2003-i MOD 13, accompanied by an assessment report titled “Project No. 231658 Section 75W Modification to Stormwater Management System for Southern Expansion Area” dated 31 October 2012; s) modification application DA-494-11-2003-i MOD 14, accompanied by assessment reports titled “Port Botany Expansion – Section 75W Modification 14 to DA-494-11-2003i for Temporary Uses at northern tip of Hayes Dock”, dated January 2013; and “Port Botany Expansion, Cumulative Construction Traffic Impact Assessment, Terminal Operations Infrastructure (March 2013 – March 2014)”, dated April 2013; t) modification application DA-494-11-2003-i MOD 15, accompanied by assessment report titled ‘SICTL Quay Crane Operations’, prepared by HPH and dated 20 March 2013; u) modification application DA-494-11-2003-I MOD 16, accompanied by assessment	accompanied by an assessment report titled “Sydney Port Botany Terminal No. 3 PKG-17.1 Planning Section 75W Modification to Stormwater First Flush System” dated 15 February 2012 and supplementary advice provided on 6 June 2012 in relation to other proprietary SQID devices; r) modification application DA-494-11-2003-i MOD 13, accompanied by an assessment report titled “Project No. 231658 Section 75W Modification to Stormwater Management System for Southern Expansion Area” dated 31 October 2012; s) modification application DA-494-11-2003-i MOD 14, accompanied by assessment reports titled “Port Botany Expansion – Section 75W Modification 14 to DA-494-11-2003i for Temporary Uses at northern tip of Hayes Dock”, dated January 2013; and “Port Botany Expansion, Cumulative Construction Traffic Impact Assessment, Terminal Operations Infrastructure		

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report titled 'Port Botany Expansion Modification Application 16 to DA-494-11-2003i Permanent Uses Hayes Dock Services Area and Administrative Changes to Some Conditions', prepared by Lendlease and dated September 2016; v) modification application DA-494-11-2003-I MOD 17, accompanied by letter titled 'Port Botany Expansion s4.55(1) Modification Application to DA-494-11-2003i – Administrative Update to Conditions of Approval', prepared by NSW Ports and dated 16 October 2018; and w) the conditions of this consent. Insofar as they related to the approved development	(March 2013 – March 2014)", dated April 2013; t) modification application DA-494-11-2003-i MOD 15, accompanied by assessment report titled 'SICTL Quay Crane Operations', prepared by HPH and dated 20 March 2013; u) modification application DA-494-11-2003-I MOD 16, accompanied by assessment report titled 'Port Botany Expansion Modification Application 16 to DA-494-11-2003i Permanent Uses Hayes Dock Services Area and Administrative Changes to Some Conditions', prepared by Lendlease and dated September 2016; v) modification application DA-494-11-2003-I MOD 17, accompanied by letter titled 'Port Botany Expansion s4.55(1) Modification Application to DA-494-11-2003i – Administrative Update to Conditions of Approval', prepared by NSW Ports and dated 16 October 2018; and w) modification application DA-494-11-2003-I MOD 18, accompanied by assessment report titled 'Port Botany		

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	Expansion Modification Application 18 to DA-494-11-2003i 'Amendments to Conditions of Approval', prepared by Keylan Consulting on behalf of NSW Ports and dated September 2025; and x) the conditions of this consent. Insofar as they related to the approved development		
A1.2 In the event of an inconsistency between: a) the conditions of this consent and any document listed from condition A.1.1a) to w) inclusive, the conditions of this consent shall prevail to the extent of the inconsistency; and b) any document listed from condition A1.1 a) to w) inclusive, the most recent document shall prevail to the extent of the inconsistency.	A1.2 In the event of an inconsistency between: a) the conditions of this consent and any document listed from condition A.1.1a) to wx) inclusive, the conditions of this consent shall prevail to the extent of the inconsistency; and b) any document listed from condition A1.1 a) to wx) inclusive, the most recent document shall prevail to the extent of the inconsistency.	Amend	Amend to reflect the numbering change in condition A1.1.
A2. Staging and Timing of Works			
Staging of Development A2.1 Pursuant to sections 80(4) and (5) of the Act, the development shall be undertaken in stages as follows: a) Stage 1 comprising the construction and operation of a container terminal and associated infrastructure within the	Staging of Development A2.1 Pursuant to sections 80(4) and (5) of the Act, the development shall be undertaken in stages as follows: a) Stage 1 comprising the construction and operation of a container terminal	Amend	The footprint of Stage 1 and 2 has been constructed and all works related to this condition have been completed. Any works outside this condition will be subject to a separation development application.

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development application area as described in Schedule 1, and generally consistent with the development layout and envelope shown in Schedule 3, and described as follows: ○ Additional 550m plus 980m of berth face and approximately 51 hectares of land to the west of Brotherson Dock North ○ Provision for an extra 4 nominal berths ○ Dedicated road access to Foreshore Road via a bridge across the channel separating the terminal from the existing shoreline ○ Rail access to the new terminal area by means of an extension of the existing Botany Freight Rail Line parallel to Foreshore Road including a rail bridge and culverts ○ Two new rail sidings ○ An inter-terminal access road and two additional rail storage sidings parallel to the northern boundary of the Patrick Terminal ○ Reclamation adjacent to Foreshore Road to create a recreational boat ramp, tug and support vessel facility ○ Restoration and enhancement of Foreshore Beach and adjoining landscape area; and, ○ Ecological habitat mitigation and enhancement works within Penrhyn Estuary.	and associated infrastructure within the development application area as described in Schedule 1, and generally consistent with the development layout and envelope shown in Schedule 3 (which has been completed) and described as follows: ○ Additional 550m plus 980m of berth face and approximately 51 hectares of land to the west of Brotherson Dock North ○ Provision for an extra 4 nominal berths ○ Dedicated road access to Foreshore Road via a bridge across the channel separating the terminal from the existing shoreline ○ Rail access to the new terminal area by means of an extension of the existing Botany Freight Rail Line parallel to Foreshore Road including a rail bridge and culverts ○ Two new rail sidings ○ An inter-terminal access road and two additional rail storage sidings parallel to the northern boundary of the Patrick Terminal ○ Reclamation adjacent to Foreshore Road to create a recreational boat ramp, tug and support vessel facility		

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b) Stage 2 comprising the construction and operation of approximately 12 hectares of additional terminal area and approximately 320m of additional quay line to accommodate a nominal fifth berth located at the northern end of the Stage 1 development.	Restoration and enhancement of Foreshore Beach and adjoining landscape area; and, Ecological habitat mitigation and enhancement works within Penrhyn Estuary. b) Stage 2 comprising the construction and operation of approximately 12 hectares of additional terminal area and approximately 320m of additional quay line to accommodate a nominal fifth berth located at the northern end of the Stage 1 development.		
A2.2 Stage 2 works will be, with the approval of the Minister, the subject of a separate consent. Prior to the Minister considering granting consent for Stage 2 works: a) The Applicant shall submit, for the endorsement of the Minister, a report, prepared by an independent panel of experts appointed by the Minister and funded by the Applicant, that investigates and evaluates the following: - environmental impacts and economic feasibility of an extension (eastern or western) to Brotherson Dock South to accommodate an additional shipping berth; and, - an evaluation of the	A2.2 Stage 2 works will be, with the approval of the Minister, the subject of a separate consent. Prior to the Minister considering granting consent for Stage 2 works: a) The Applicant shall submit, for the endorsement of the Minister, a report, prepared by an independent panel of experts appointed by the Minister and funded by the Applicant, that investigates and evaluates the following: environmental impacts and economic feasibility of an extension (eastern or western) to Brotherson Dock South to accommodate an additional	Delete	Works relating to this condition have been completed and submitted to DPE. Further, as Stage 2 works have been completed, the note included in condition A2.3 makes this condition redundant.

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environmental and economic merits of an extension of Brotherson Dock South against Stage 2 of the development (Brotherson Dock North). b) The report shall be submitted to the Minister within 3 months of the date of this consent or as otherwise directed by the Minister. The requirements of the report in terms of its scope and level of assessment shall be determined by the Secretary.	shipping berth; and, ○ an evaluation of the environmental and economic merits of an extension of Brotherson Dock South against Stage 2 of the development (Brotherson Dock North). b) The report shall be submitted to the Minister within 3 months of the date of this consent or as otherwise directed by the Minister. The requirements of the report in terms of its scope and level of assessment shall be determined by the Secretary.		
A2.3 In seeking the Minister's approval for Stage 2 consent, the following matters must be demonstrated to the Minister's satisfaction: a) The provision of additional quay line for a nominal fifth berth would not preclude or hinder the introduction of an additional stevedore operation at the port; and b) That the environmental and economic benefits of an expansion in this location outweighs the benefits of providing additional quay line in the form of an extension to Brotherson Dock South. Note: under the provisions of Section	A2.3 In seeking the Minister's approval for Stage 2 consent, the following matters must be demonstrated to the Minister's satisfaction: a) The provision of additional quay line for a nominal fifth berth would not preclude or hinder the introduction of an additional stevedore operation at the port; and b) That the environmental and economic benefits of an expansion in this location outweighs the benefits of providing additional quay line in the form of an extension to Brotherson Dock South.	Delete	Works relating to this condition have been completed, therefore the note included in this condition makes this condition redundant.

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80(5) of the Act, the development subject to the Stage 2 consent has been assessed as part of DA-49411-2003-i and would not require a separate development application to be lodged.	Note: under the provisions of Section 80(5) of the Act, the development subject to the Stage 2 consent has been assessed as part of DA-49411-2003-i and would not require a separate development application to be lodged.		
Port Freight Logistics Plan A2.4 Prior to the commencement of construction, the applicant shall prepare, and submit, for the approval of the Minister, a Port Freight Logistics Plan which: (a) examines existing container freight logistics and identifies areas for improvement in the efficiency of container movements and rail interfacing through operational, technological or administrative changes; (b) proposes and develops an implementation program to maximise the use of rail infrastructure; (c) proposes and develops measures to improve the scheduling and utilisation of container truck movements so as to minimise the number of trucks attending the port and truck turnaround times; and (d) proposes an implementation	A2.4 Prior to the commencement of construction, the applicant shall prepare, and submit, for the approval of the Minister, a Port Freight Logistics Plan which: (a) examines existing container freight logistics and identifies areas for improvement in the efficiency of container movements and rail interfacing through operational, technological or administrative changes; (b) proposes and develops an implementation program to maximise the use of rail infrastructure; (c) proposes and develops measures to improve the scheduling and utilisation of container truck movements so as to minimize the number of trucks attending the port and truck turnaround times; and	Delete	Pre-construction condition completed and approved.

Existing condition of approval	Proposed modification	Action	Justification for modification
program (including deliverable milestones and efficiency indicators) so as to ensure efficient and advanced Port freight logistics consistent with best practice. The plan must be submitted and approved	(d) proposes an implementation program (including deliverable milestones and efficiency indicators) so as to ensure efficient and advanced Port freight logistics consistent with best practice. The plan must be submitted and approved		
B1. General Requirements			
Construction Environmental Management Plan (CEMP) B1.3 The Applicant shall prepare a Construction Environmental Management Plan (CEMP) which, must be approved by the Director-General prior to the commencement of any site preparation or construction works. The CEMP must: - Describe all activities to be undertaken on the site during site establishment and construction of the development; - Describe the relevant stages/phases of construction, including a work program outlining relevant timeframes for each stage/phase. - clearly outline stages/phases of construction that require on-going environmental management monitoring and reporting up to and beyond the commencement of operations of the terminal; - detail statutory and other obligations that the Applicant is required to fulfil	B1.3 The Applicant shall prepare a Construction Environmental Management Plan (CEMP) which, must be approved by the Director-General prior to the commencement of any site preparation or construction works. The CEMP must: - Require preparation of an Environmental Training Program prior to any construction works which shall be developed and implemented to establish a framework in which relevant employees will be trained in environmental management and the operation of plant and equipment, including pollution control equipment, where relevant. - Describe all activities to be undertaken on the site during site establishment and construction of the development; - Describe the relevant stages/phases of construction,	Amend	Condition B4.4 is proposed to be deleted. There is no requirement for this condition as a standalone condition given environmental training is proposed to be added to the General CEMP condition - B1.3.

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during site establishment and construction, including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies; - include specific consideration of measures to address any requirements of the Department, DEC, DNR and the Council during site establishment and construction; - describe the roles and responsibilities for all relevant employees involved in the site establishment or construction of the development; - detail how the environmental performance of the site preparation and construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts; - include all Management Plans/Studies and Monitoring Programs required in this schedule; - include arrangements for community consultation and complaints handling procedures during construction; and - be made available for public inspection after approval of the Director General. Separate CEMPs may be prepared and submitted for works associated with the construction of the terminal footprint.	including a work program outlining relevant timeframes for each stage/phase. - clearly outline stages/phases of construction that require on-going environmental management monitoring and reporting up to and beyond the commencement of operations of the terminal; - detail statutory and other obligations that the Applicant is required to fulfil during site establishment and construction, including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies; - include specific consideration of measures to address any requirements of the Department, DEC, DNR and the Council during site establishment and construction; - describe the roles and responsibilities for all relevant employees involved in the site establishment or construction of the development; - detail how the environmental performance of the site preparation and construction works will be monitored, and what actions will be taken to address identified adverse		

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	environmental impacts; - include all Management Plans/Studies and Monitoring Programs required in this schedule; - include arrangements for community consultation and complaints handling procedures during construction; and - be made available for public inspection after approval of the Director General. Separate CEMPs may be prepared and submitted for works associated with the construction of the terminal footprint.		
B2. Construction Environmental Performance			
B2.2 During dredging and slewing activities, the Applicant must monitor for odours using field screening. The results of olfactory determination of the degree and extent of odour must be recorded together with a description of concurrent operational activities. Reports must be kept on the premises and made available to EPA officers on request.	B2.2 During dredging and slewing activities, the Applicant must monitor for odours using field screening. The results of olfactory determination of the degree and extent of odour must be recorded together with a description of concurrent operational activities. Reports must be kept on the premises and made available to EPA officers on request.	Delete	Air quality management for Sydney International Container Terminal Ltd (SICTL) Phase 3 work is included in the Phase 2 & 3 CEMP. All capital dredging and slewing activities associated with the approval have been completed. Any future capital or maintenance dredging will be subject to <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>.
B2.3 The Applicant must undertake sediment sampling, in accordance with	B2.3 The Applicant must undertake sediment sampling, in accordance	Delete	Sediment sampling completed prior to the main stage construction program.

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the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2000) and CSIRO's Handbook for Sediment Quality Assessment, prior to construction to identify presence of sediments that have the potential to create odours – for example peat and mud layers. The Applicant shall identify appropriate mitigation measures, if required, and as determined in consultation with EPA.	with the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2000) and CSIRO's Handbook for Sediment Quality Assessment, prior to construction to identify presence of sediments that have the potential to create odours – for example peat and mud layers. The Applicant shall identify appropriate mitigation measures, if required, and as determined in consultation with EPA.		
Impact of Dredging B2.8 All activities associated with dredging and reclamation works shall be carried out in a manner that protects seagrass beds between the dredge area and Foreshore Beach, and between the dredge area and the Parallel Runway.	B2.8 All activities associated with dredging and reclamation works shall be carried out in a manner that protects seagrass beds between the dredge area and Foreshore Beach, and between the dredge area and the Parallel Runway. Dredging and reclamation B2.8 All capital dredging and reclamation works have been completed. No further capital dredging or reclamation works will occur under this consent. Any future capital dredging would be subject to separate planning approval pathway.	Amend	Capital dredging and reclamation works have been completed.
Impact of Dredging on Water Quality B2.9 All dredging works associated with	B2.9 All dredging works associated with the project shall be undertaken in a manner that does not cause	Delete	Capital dredging works have been completed.

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the project shall be undertaken in a manner that does not cause turbidity outside the silt curtain(s) to exceed the background turbidity by more than an equivalent suspended sediment concentration of 50mg/L. This limit applies within the waters of Botany Bay outside the edge of the silt curtain, when measured in accordance with the Soil and Water Management Plan required under condition B2.5. If turbidity levels exceed the above limit, the Applicant shall: a) immediately cease the dredging works contributing to the exceedance of the limit; b) within one hour report the result of the water quality monitoring to the EPA's Environment Line on 131 555; c) investigate the cause of the increased levels of turbidity and develop and implement additional measures to prevent recurrence; and d) implement those measures outlined in Table 4 of the document referred to in condition 1.1(m).	turbidity outside the silt curtain(s) to exceed the background turbidity by more than an equivalent suspended sediment concentration of 50mg/L. This limit applies within the waters of Botany Bay outside the edge of the silt curtain, when measured in accordance with the Soil and Water Management Plan required under condition B2.5. If turbidity levels exceed the above limit, the Applicant shall: a) immediately cease the dredging works contributing to the exceedance of the limit; b) within one hour report the result of the water quality monitoring to the EPA's Environment Line on 131 555; c) investigate the cause of the increased levels of turbidity and develop and implement additional measures to prevent recurrence; and d) implement those measures outlined in Table 4 of the document referred to in condition 1.1(m).		
B2.9A In the existing bird feeding habitat to be retained as part of the Penrhyn Estuary Habitat Enhancement Plan required under condition B2.31,	B2.9A In the existing bird feeding habitat to be retained as part of the Penrhyn Estuary Habitat Enhancement Plan required under	Delete	Capital dredging works have been completed. Management of islands has been managed as per condition B2.31.

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sediment deposition over the area shall not exceed an average of 2 centimetres per year.	condition B2.31, sediment deposition over the area shall not exceed an average of 2 centimetres per year.		
B2.10 The floating boom and silt curtain system shall be retained after the completion of dredging operations until the turbidity of water within the system returns to background levels.	B2.10 The floating boom and silt curtain system shall be retained after the completion of dredging operations until the turbidity of water within the system returns to background levels.	Delete	Capital dredging and reclamation works have been completed.
B2.10A Dredged spoil shall not be disposed of outside the construction area in Botany Bay, or in other NSW State waters. For the purpose of this condition, the construction area shall be those areas identified as “area to be dredged” and “area to be reclaimed”, as generally outlined in Figure 8.4 of the document referred to under Condition A1.1b).	B2.10A Dredged spoil shall not be disposed of outside the construction area in Botany Bay, or in other NSW State waters. For the purpose of this condition, the construction area shall be those areas identified as “area to be dredged” and “area to be reclaimed”, as generally outlined in Figure 8.4 of the document referred to under Condition A1.1b).	Delete	Capital dredging and reclamation works have been completed.
B2.10B The Applicant shall only undertake dredging of the high spot at Molineux Point and within the ship turning area using a Trailing Suction Hopper Dredger, unless otherwise agreed by the Secretary.	B2.10B The Applicant shall only undertake dredging of the high spot at Molineux Point and within the ship turning area using a Trailing Suction Hopper Dredger, unless otherwise agreed by the Secretary.	Delete	Capital dredging and reclamation works have been completed.
B2.11 All activities associated with dredging and reclamation must be carried out to avoid spreading of <i>Caulerpa taxifolia</i> and be consistent with the current management plan for that species issued by the NSW Department of Primary Industries.	B2.11 All activities associated with dredging and reclamation must be carried out to avoid spreading of <i>Caulerpa taxifolia</i> and be consistent with the current management plan for that species issued by the NSW Department of Primary Industries.	Delete	Capital dredging and reclamation works completed.
B2.12 Dredging operations may not commence until a sediment sampling	B2.12 Dredging operations may not commence until a sediment sampling	Delete	Capital dredging and reclamation works have been completed.

Existing condition of approval	Proposed modification	Action	Justification for modification
study has been undertaken in accordance with the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2000) and CSIRO's Handbook for Sediment Quality Assessment, and any subsequent recommendations for the management of the sediment during construction are adopted.	study has been undertaken in accordance with the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2000) and CSIRO's Handbook for Sediment Quality Assessment, and any subsequent recommendations for the management of the sediment during construction are adopted.		
Consultation with Sydney Water B2.13 Prior to commencement of construction, the Applicant is required to consult with Sydney Water regarding the likely requirements from Sydney Water to obtain a section 73 Compliance Certificate	Consultation with Sydney Water B2.13 Prior to commencement of construction, the Applicant is required to consult with Sydney Water regarding the likely requirements from Sydney Water to obtain a section 73 Compliance Certificate	Delete	Sydney Water works for the site are completed. Any future works will be undertaken as part of a separate DA. Sydney Water will be consulted post lodgement of this application.
Safety Audit B2.15 The Applicant must undertake a safety audit in accordance with TfNSW (RMS) guidelines upon completion of works but prior to operation to ensure the safety of any road works, traffic management facilities, cycling and pedestrian provisions undertaken as part of the proposed works.	Safety Audit B2.15 The Applicant must undertake a safety audit in accordance with TfNSW (RMS) guidelines upon completion of works but prior to operation to ensure the safety of any road works, traffic management facilities, cycling and pedestrian provisions undertaken as part of the proposed works.	Delete	All works affecting other road users and pedestrians are completed. The safety audit is no longer necessary.
Port Traffic Handbook B2.16 Prior to construction the Applicant must prepare a handbook and distribute it to drivers of construction related	Port Traffic Handbook B2.16 Prior to construction the Applicant must prepare a handbook and distribute it to drivers of	Delete	Handbook is complete and any updates will be managed within the Construction contract.

Existing condition of approval	Proposed modification	Action	Justification for modification
vehicles providing information on accepted routes, constraints to traffic and preferred hours of use and amenities on such routes to ensure that the impact of traffic growth on local traffic is minimised.	construction related vehicles providing information on accepted routes, constraints to traffic and preferred hours of use and amenities on such routes to ensure that the impact of traffic growth on local traffic is minimised.		
Rail Siding Capacity B2.17 To maximise the increase in rail mode share associated with the expansion of the Port, rail siding capacity shall be provided in accordance with the Plan required by condition A2.4 of Schedule A.	B2.17 To maximise the increase in rail mode share associated with the expansion of the Port, rail siding capacity shall be provided in accordance with the Plan required by condition A2.4 of Schedule A.	Delete	The Plan required by condition A2.4 has been completed.
Rail Access to New Terminal B2.18 The Applicant shall ensure that Grade separation of Penrhyn Road over the rail access to the new berth includes the grade separation of the inter-terminal road over the rail access to Patrick's terminal. This is required to ensure efficient operation of both road and rail access to all existing and proposed new berths.	B2.18 The Applicant shall ensure that Grade separation of Penrhyn Road over the rail access to the new berth includes the grade separation of the inter-terminal road over the rail access to Patrick's terminal. This is required to ensure efficient operation of both road and rail access to all existing and proposed new berths.	Delete	Grade separation works have been completed.
Construction Noise Criteria – Dredging B2.22 During the evening and night-time periods, the Applicant shall undertake all dredging construction activities, including any associated land-based	B2.22 During the evening and night-time periods, the Applicant shall undertake all dredging construction activities, including any associated land-based works, such that noise from those activities does not exceed the Rating Background Level by more	Delete	Capital dredging works have been completed.

Existing condition of approval	Proposed modification	Action	Justification for modification
works, such that noise from those activities does not exceed the Rating Background Level by more than 5 dB(A) at the nearest sensitive receptor when expressed as LA10(15 minute). This condition applies under acoustically neutral meteorological conditions and for winds considered to be a feature of the area. For the purpose of this condition: a) Evening period includes Monday to Sunday, and public holidays, from 6:00 pm to 10:00 pm; and b) Night-time period includes Monday to Saturday, 10.00 pm to 7.00 am and Sundays and public holidays 10.00 pm to 8.00 am. For other meteorological conditions, the Applicant shall apply all reasonable and feasible noise mitigation measures to the construction works, to ensure that the requirements of this consent and the requirements of any Environment Protection Licence issued with respect to the development are met, including, but not necessarily limited to the following measures, where applicable: a) using treated equipment, installing noise barriers and using minimal land based equipment;	than 5 dB(A) at the nearest sensitive receptor when expressed as LA10(15 minute). This condition applies under acoustically neutral meteorological conditions and for winds considered to be a feature of the area. For the purpose of this condition: a) Evening period includes Monday to Sunday, and public holidays, from 6:00 pm to 10:00 pm; and b) Night-time period includes Monday to Saturday, 10.00 pm to 7.00 am and Sundays and public holidays 10.00 pm to 8.00 am. For other meteorological conditions, the Applicant shall apply all reasonable and feasible noise mitigation measures to the construction works, to ensure that the requirements of this consent and the requirements of any Environment Protection Licence issued with respect to the development are met, including, but not necessarily limited to the following measures, where applicable: a) using treated equipment, installing noise barriers and using minimal land based equipment;		

Existing condition of approval	Proposed modification	Action	Justification for modification
b) programming works to minimise the amount of land-based dredging activities that are required to be undertaken at night; and c) conducting works away from sensitive receivers.	b) programming works to minimise the amount of land-based dredging activities that are required to be undertaken at night; and c) conducting works away from sensitive receivers.		
B2.22A Prior to the commencement of any dredging construction activities during the night time period, including any associated land-based works, the Applicant shall prepare and submit for the approval of the Secretary, a Night-Time Works Noise Management Protocol to detail specific noise mitigation, management and monitoring measures to be applied to night-time dredging construction activities. The Protocol shall be developed in consultation with the EPA and the Community Consultative Committee for the development, and shall be prepared and implemented with the principal aim of protecting local acoustic amenity during nighttime works. The Protocol shall include, but not necessarily be limited to: a) procedures to ensure that all reasonable noise mitigation measures are applied to night-time dredging construction activities;	B2.22A Prior to the commencement of any dredging construction activities during the night time period, including any associated land-based works, the Applicant shall prepare and submit for the approval of the Secretary, a Night-Time Works Noise Management Protocol to detail specific noise mitigation, management and monitoring measures to be applied to night-time dredging construction activities. The Protocol shall be developed in consultation with the EPA and the Community Consultative Committee for the development, and shall be prepared and implemented with the principal aim of protecting local acoustic amenity during nighttime works. The Protocol shall include, but not necessarily be limited to: a) procedures to ensure that all reasonable noise mitigation measures	Delete	Capital dredging works have been completed.

Existing condition of approval	Proposed modification	Action	Justification for modification
b) identification of the associated noise sources and activities that will be carried out during night-time dredging construction activities; c) assessment of night-time dredging construction activities noise impacts against applicable noise limits at all relevant receivers; d) details of overall management methods and procedures that will be implemented to control noise from during night-time dredging construction activities; e) a pro-active and reactive strategy for dealing with complaints, with particular regard to verbal and written responses; f) noise monitoring, reporting and response procedures; g) internal compliance audits of all relevant plant and equipment; h) night-time dredging construction activity timetabling to minimise noise impacts; i) procedures for notifying residents of night-time dredging construction activities likely to affect their noise	are applied to night time dredging construction activities; b) identification of the associated noise sources and activities that will be carried out during night time dredging construction activities; c) assessment of night time dredging construction activities noise impacts against applicable noise limits at all relevant receivers; d) details of overall management methods and procedures that will be implemented to control noise from during night time dredging construction activities; e) a pro-active and reactive strategy for dealing with complaints, with particular regard to verbal and written responses; f) noise monitoring, reporting and response procedures; g) internal compliance audits of all relevant plant and equipment; h) night time dredging construction activity timetabling to minimise noise impacts;		

Existing condition of approval	Proposed modification	Action	Justification for modification
amenity; and j) arrangements established with the Community Consultative Committee in relation to night-time noise.	i) procedures for notifying residents of night time dredging construction activities likely to affect their noise amenity; and j) arrangements established with the Community Consultative Committee in relation to night-time noise.		
Construction of Noise Barrier B2.23 To help minimise the impact of operational noise on the surrounding area, a noise barrier shall be constructed by the Applicant along northern and eastern boundaries of the site prior to the commencement of operations. The applicant must seek appropriate independent expert advice to ensure the design of the noise barrier has regard to the flight path requirements of bird species using the area.	B2.23 To help minimise the impact of operational noise on the surrounding area, a noise barrier shall be constructed by the Applicant along northern and eastern boundaries of the site prior to the commencement of operations. The applicant must seek appropriate independent expert advice to ensure the design of the noise barrier has regard to the flight path requirements of bird species using the area.	Delete	Noise barrier works completed.
B2.23A Subject to the alternative rail option being implemented as described within the report listed in condition A1.1I), the Applicant shall construct a three metre high noise barrier along the northern edge of the Inter-terminal Access Road Corridor prior to the commencement of operations. The bottom two metres of the barrier shall be opaque and the top one metre shall be of transparent material sufficiently patterned to minimise impacts to bird	B2.23A Subject to the alternative rail option being implemented as described within the report listed in condition A1.1I), the Applicant shall construct a three metre high noise barrier along the northern edge of the Inter-terminal Access Road Corridor prior to the commencement of operations. The bottom two metres of the barrier shall be opaque and the top one metre shall be of transparent material sufficiently patterned to	Delete	Noise barrier works completed.

Existing condition of approval	Proposed modification	Action	Justification for modification
species utilising the adjacent Penrhyn Estuary.	minimise impacts to bird species utilising the adjacent Penrhyn Estuary.		
Port Traffic and Rail Noise Management Plan B2.27 Within two years of commencement of terminal operations at the development, a Port Traffic and Rail Noise Management Plan shall be prepared by the Applicant in consultation with relevant stakeholders, including the Community Consultative Committee, EPA, DPIE, Botany Council, SSROC and RailCorp. The Plan shall include consideration for traffic re-routing, traffic clustering and traffic rescheduling.	Port Traffic and Rail Noise Management Plan B2.27 Within two years of commencement of terminal operations at the development, a Port Traffic and Rail Noise Management Plan shall be prepared by the Applicant in consultation with relevant stakeholders, including the Community Consultative Committee, EPA, DPIE, Botany Council, SSROC and RailCorp. The Plan shall include consideration for traffic re-routing, traffic clustering and traffic rescheduling.	Delete	Condition completed.
Rail Noise Working Group B2.28 While expansion will generate an increase of trains on freight rail lines, the manager of the freight line RailCorp is subject to an Environment Protection licence with the EPA. The Applicant must establish a Rail Noise Working Group prior to the operation of the development. The Rail Noise Working Group shall address all associated rail noise issues and shall include but not be limited to RailCorp, ARTC, SPC, DPIE, relevant councils and representatives of Community Consultative Committee and	B2.28 While expansion will generate an increase of trains on freight rail lines, the manager of the freight line RailCorp is subject to an Environment Protection licence with the EPA. The Applicant must establish a Rail Noise Working Group prior to the operation of the development. The Rail Noise Working Group shall address all associated rail noise issues and shall include but not be limited to RailCorp, ARTC, SPC, DPIE, relevant councils and representatives of Community Consultative Committee and is required to consult with relevant	Delete	Port Botany Community Consultative Committee - condition C3.2 covers reporting requirements for all rail noise.

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is required to consult with relevant regulatory authorities including EPA.	regulatory authorities including EPA.		
B2.29 Rail Noise Assessment Prior to construction of Stage 4 – rail duplicated line, a noise assessment should be conducted by the Rail Noise Working Group to identify potential impacts on residents along duplicated line and to recommend mitigation measures, including identification of responsibility for implementation of such measures.	B2.29 Rail Noise Assessment <i>Prior to construction of Stage 4 – rail duplicated line, a noise assessment should be conducted by the Port Botany Community Consultative Committee Rail Noise Working Group to identify potential impacts on residents along duplicated line and to recommend mitigation measures, including identification of responsibility for implementation of such measures</i>	Amend	Amend to reflect the new committee title. It is noted, a Community Consultative Committee (CCC) has been established in accordance with Condition B3.2 of this consent. As indicated by item 4 of the Port Botany Expansion Rail Noise Working Group meeting minutes 2 May 2014, the Rail Noise Working Group have an agenda item within each CCC meeting to discuss the PBE rail line and noise matters.
Penrhyn Estuary (aquatic and terrestrial, surface water quality and related issues) Terminal Design and Flushing of Penrhyn Estuary B2.30 Prior to the commencement of construction, the Applicant must demonstrate to the satisfaction of the Secretary that the detailed terminal design will achieve predicted water quality outcomes in Penrhyn Estuary. Where appropriate, measures such as culverts, pipes or other water channelling devices shall be incorporated into the design to ensure enhanced flushing and maximum	Terminal Design and Flushing of Penrhyn Estuary B2.30 Prior to the commencement of construction, the Applicant must demonstrate to the satisfaction of the Secretary that the detailed terminal design will achieve predicted water quality outcomes in Penrhyn Estuary. Where appropriate, measures such as culverts, pipes or other water channelling devices shall be incorporated into the design to ensure enhanced flushing and maximum maintenance of water quality in Penrhyn Estuary.	Delete	Pre-construction condition completed. This condition was covered by the Penrhyn Estuary Habitat Enhancement Plan, including Appendix K – flushing protocol which was approved in March 2007, under which monitoring, and activities have now been completed.

Existing condition of approval	Proposed modification	Action	Justification for modification
maintenance of water quality in Penrhyn Estuary. Penrhyn Estuary Habitat Enhancement Plan B2.31 Prior to the commencement of enhancement works, the Applicant shall prepare a Penrhyn Estuary Habitat Enhancement Plan in consultation with Botany and Randwick Councils and the Community Consultative Committee, to be agreed between SPC, EPA, DPI (Fisheries), DNR and DPIE. The Plan is to include: - details of the proposed enhancement works, including design, staging and timing for completion of key tasks and timeframe for completion of works; - staging to include definition of completion of Stage 1 for purposes of evaluation of success; - details of success criteria for enhancement works, including measurement of impacts on bird numbers in accordance with a monitoring plan, levels and concentrations of food organisms required for birds, acceptable saltmarsh cover; use	B2.31 Prior to the commencement of enhancement works, the Applicant shall prepare a Penrhyn Estuary Habitat Enhancement Plan in consultation with Botany and Randwick Councils and the Community Consultative Committee, to be agreed between SPC, EPA, DPI (Fisheries), DNR and DPIE. The Plan is to include: -details of the proposed enhancement works, including design, staging and timing for completion of key tasks and timeframe for completion of works; -staging to include definition of completion of Stage 1 for purposes of evaluation of success; -details of success criteria for enhancement works, including measurement of impacts on bird numbers in accordance with a monitoring plan, levels and concentrations of food organisms required for birds, acceptable saltmarsh cover; use of existing environmental status as the benchmark for 'no negative impact' together with comparison of relevant	Delete	Condition has been completed. The Penrhyn Estuary Habitat Enhancement Plan (PEHEP) was completed in accordance with Condition B2.31 and approved in 2007 (Federal Approval dated 20 March 2007. State Approval dated 23 March 2007). Construction of the Penrhyn Habitat estuary was completed in 2011 and no further construction is required in the estuary. Sections 2.0 and 4.0 of the PEHEP relate to the items noted. The completion of works associated with rehabilitation of the foreshore and estuary was communicated to the Department. The Annual Environmental Management Report (AEMR) prepared under condition B4.2 indicated that "Construction of the terminal footprint, involving dredging and reclamation, structural works, and rehabilitation of the foreshore and estuary, was completed in May 2011". The then Director-General approved the AEMR 2013 in correspondence dated 13 March 2013 (attached). A comprehensive post-construction 5-year environmental monitoring program was undertaken by Cardno from 2012 to late 2018 in accordance with the PEHEP. All environmental monitoring required under the PEHEP was completed. The AEMR 2020,

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of existing environmental status as the benchmark for 'no negative impact' together with comparison of relevant reference sites; - agreement on time periods for determination of success; - details of contingency plans for specific components for example, erosion of sand/mudflats; - inclusion of a Vegetation Management Plan, providing details of method for mangrove removal and control - inclusion of Marine Mammal Management Plan, prepared in consultation with EPA and DPI (Fisheries); - details of management and monitoring requirements including management and monitoring of surface water quality and groundwater (in liaison with EPA); - details of monitoring of extent, expansion and condition of estuary seagrass, including impact of turbidity, and required management responses; - details of responsibilities for	reference sites; - agreement on time periods for determination of success; - details of contingency plans for specific components for example, erosion of sand/mudflats; - inclusion of a Vegetation Management Plan, providing details of method for mangrove removal and control - inclusion of Marine Mammal Management Plan, prepared in consultation with EPA and DPI (Fisheries); - details of management and monitoring requirements including management and monitoring of surface water quality and groundwater (in liaison with EPA); - details of monitoring of extent, expansion and condition of estuary seagrass, including impact of turbidity, and required management responses; - details of responsibilities for ongoing maintenance of estuary, including		submitted to DPIE under condition B4.2, provided the details of the results of the PEHEP environmental monitoring and completion of the monitoring program in the End of Project Monitoring Report. As outlined below, all works have been completed and a final End of Project Monitoring Report, summarising the results of the environmental monitoring completed under the PEHEP, has been prepared and published on Port Authority's website: Penrhyn Estuary rehabilitation Port Authority New South Wales (portauthoritynsw.com.au) No further updates, reviews or amendments to the PEHEP are required as Condition B2.31 does not prescribe or recommend the PEHEP be amended or updated. Also, none of the environmental monitoring documentation prepared under Condition B2.31 recommended a review of the PEHEP. It is noted the End of Project Report contains a number of recommendations outside the approved PEHEP, preliminary related to habitat maintenance, which have been committed to being undertaken by Port Authority of NSW, however these recommendations are considered voluntary and not a requirement relating to the finalisation of the PEHEP.

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ongoing maintenance of estuary, including maintenance of Stormwater Quality Improvement Devices (SQIDS); - any other requirements identified and agreed on between the Applicant and relevant agencies. The plan must be submitted and approved by the Secretary prior to the commencement of construction and all works undertaken to the satisfaction of the Secretary.	maintenance of Stormwater Quality Improvement Devices (SQIDS); and any other requirements identified and agreed on between the Applicant and relevant agencies. The plan must be submitted and approved by the Secretary prior to the commencement of construction and all works undertaken to the satisfaction of the Secretary.		Maintenance of the Penrhyn Estuary will continue to be undertaken by Port Authority of NSW, however ongoing reporting of the maintenance of the built habitat is not a requirement of the planning approval and is not considered necessary. The PEHEP approved in 2007 includes success criteria developed to determine achievement of enhancement objectives. Sections in the PEHEP relating to the items noted are as follows: • impacts on bird numbers (Section 6.3.1, Appendix B) • levels and concentrations of food organisms required for birds (Section 6.3.1) • success criteria for seagrasses (Section 6.3.2) • acceptable saltmarsh cover (Section 6.3.3) • benchmark for 'no negative impact' and reference sites (Section 6.3, Appendices D-G) • agreement on time periods for success (Section 6.3). A five (5) year monitoring post construction environmental monitoring

Existing condition of approval	Proposed modification	Action	Justification for modification
			program, undertaken by specialist consultants Cardno, commenced in March 2012 and finished in 2018. The overall aim of the program was to verify the success of habitat enhancement and to identify corrective actions required to ensure long-term success of habitat enhancement. Annual reports have been produced by Cardno to summarise the progressive results of monitoring and status of success criteria. Copies of the reports for the 5 year program (2013, 2014, 2015, 2016, 2017 and 2018 (shorebirds only)) and End of Project Report are provided on the Port Authority's website. • The PEHEP approved in 2007 includes contingency plans. Section 7.0 of the PEHEP relates to contingency plans for specific components. • The PEHEP approved in 2007 included a Vegetation Management Plan prepared in accordance with Condition B2.31 (refer to Appendix B of the PEHEP). • The PEHEP approved in 2007 included management and monitoring requirements, set out in Sections 3.0, Section 5.0 and Appendices B-J of the PEHEP. Specific monitoring requirements

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			are as follows: ○ Appendix B of the PEHEP includes a Vegetation Management Plan (refer to details above). ○ Appendix C of the PEHEP includes a Marine Mammal Management Plan. There is no ongoing monitoring associated with the plan, however procedures are in place in relation to notification of appropriate authorities in the case of a marine mammal sighting, collision or oil spill. ○ Appendix D of the PEHEP includes a Bird Monitoring Plan. Shorebirds have been monitored as part of the 5 year monitoring program (completed by Cardno) which commenced in January 2012 and was completed in 2018. Shorebird Summary Reports prepared by Cardno are provided on the Port Authority's website. ○ Appendix E of the PEHEP includes a Benthos Monitoring Plan. Benthos was monitored as part of the benthos monitoring program (completed by Cardno) which commenced in January 2012 and was completed in 2014. Benthos Summary Reports prepared by Cardno are provided

Existing condition of approval	Proposed modification	Action	Justification for modification
			on the Port Authority's website. - Appendix F of the PEHEP includes a Saltmarsh Monitoring Plan. Saltmarshes were monitored as part of the saltmarsh monitoring program (completed by Cardno) which commenced in January 2012 and was completed in 2016. Saltmarsh Summary Reports prepared by Cardno are provided on the Port Authority's website. - Appendix G of the PEHEP includes a Seagrass Monitoring Plan. Seagrasses were monitored as part of the 5 year monitoring program which commenced January 2012 and was completed in 2017 (completed by Cardno Ltd). Three (3) additional seagrass surveys were undertaken in 2018, 2019 and 2020, as recommended in the 2017 seagrass survey, which showed some increase in the extent of Zostera which was hypothesised may have been a result - Appendix H of the PEHEP includes a Water Quality Monitoring Plan. Surface water quality was monitored as part of the water quality monitoring program (completed by Cardno)

Existing condition of approval	Proposed modification	Action	Justification for modification
			which commenced in January 2012 and was completed in November 2014. Water Quality reports were prepared by Cardno on a quarterly basis and are provided on the Port Authority's website. ○ Appendix I of the PEHEP includes a Sediment and Erosion Monitoring Plan. Port Authority undertook ongoing monitoring of Foreshore Beach and Penrhyn Estuary. Refer to Condition B2.40 for more detail. ○ Appendix J of the PEHEP includes a Groundwater Monitoring Plan. Groundwater was monitored for 2 years post reclamation and the groundwater monitoring program is now complete. ○ The PEHEP approved in 2007 includes a commitment for Port Authority to be responsible for ongoing maintenance of the estuary under a long-term arrangement with NSW Maritime (Transport for NSW, former RMS). ○ SQIDS were not required to be installed in Penrhyn Estuary as the water quality in the estuary was shown to be acceptable with the flushing channel. Section 3.3

Existing condition of approval	Proposed modification	Action	Justification for modification
			of the PEHEP outlines responsibilities for ongoing maintenance of the estuary, which is managed by the Port Authority.
B2.35 All wastes and material generated on the site during construction and operation shall be classified in accordance with the EPA's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes prior to transporting the waste off site and be disposed of to a facility that may lawfully accept the waste.	B2.35 All wastes and material generated on the site during construction and operation shall be classified in accordance with the EPA's Waste Classification Guidelines prior to transporting the waste off site and be disposed of to a facility that may lawfully accept the waste.	Amend	Amend condition to reference EPA Waste Classification Guidelines.
Visual Amenity Plan B2.37 Prior to the commencement of construction, the Applicant is to prepare a Visual Amenity Management Plan in consultation with Botany and Randwick Councils, SSROC and the Community Consultative Committee. The Plan shall include a Public Recreation and Ecological Plan as described in the EIS, and details of other measures to reduce the visual impact of the development. The Plan shall include details of: - landscaping plans; - design of pedestrian bridge linking Foreshore Beach with Sir Joseph Banks Park;	Visual Amenity Plan B2.37 Prior to the commencement of construction, the Applicant is to prepare a Visual Amenity Management Plan in consultation with Botany and Randwick Councils, SSROC and the Community Consultative Committee. The Plan shall include a Public Recreation and Ecological Plan as described in the EIS, and details of other measures to reduce the visual impact of the development. The Plan shall include details of: -landscaping plans; -design of pedestrian bridge linking Foreshore Beach with Sir Joseph	Amend	Pre-construction condition completed and approved April 2007.

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- quay crane specification; - container stacking heights; - terminal lighting; - materials and colours; and - noise wall design.	Banks Park; -quay crane specification; -container stacking heights; -terminal lighting; -materials and colours; and -noise wall design.		
Hydrodynamic and Coastal Processes B2.40 To ensure that any impacts of the development on hydrodynamics and coastal processes over time is understood, a monitoring program, as outlined in the EIS, is to be implemented which will include: - continuous recording of the wind and wave climate in Botany Bay and offshore; - beach profiling or aerial photographic record/photogrammetric analysis of Silver Beach, Towra Beach, Spit Island, Lady Robinsons Beach and nearshore shoals; and - ongoing assessment of the need for removal of accumulated sand at the groyne and any replenishment	B2.40 To ensure that any impacts of the development on hydrodynamics and coastal processes over time is understood, a monitoring program, as outlined in the EIS, is to be implemented which will include: - continuous recording of the wind and wave climate in Botany Bay and offshore; -beach profiling or aerial photographic record/photogrammetric analysis of Silver Beach, Towra Beach, Spit Island, Lady Robinsons Beach and nearshore shoals; and - ongoing assessment of the need for removal of accumulated sand at the groyne and any replenishment required at the new boat ramp.	Delete	Condition has been completed. This condition relates to the Construction phase (B2 Construction Environmental Performance), not to operation. Dredging, reclamation and construction of the terminal footprint infrastructure works were completed in 2011. Monitoring of wind and wave data was undertaken in accordance with the requirements of the Port Botany Expansion EIS from May 2007 to August 2014 by Cardno (2015) "Runway ADCP Wave Data Summary Port Botany Expansion Project Wave Monitoring". Cardno (2015) concluded "...further data analysis or hydrodynamic modelling is not recommended. Additionally, the shorter pre-construction monitoring duration means that further wave measurements at the Runway ADCP location will not provide any improved assessment of the changes to the

Existing condition of approval	Proposed modification	Action	Justification for modification
required at the new boat ramp.			<i>wave climate. Therefore, no further ADCP or other wave measurement instrument is recommended for continued deployment."</i> Beach surveys were undertaken by Port Authority after construction between January 2012 and June 2016 (Port Authority, 2016). Further details of these studies are provided in Table 4 and Section 5.2.6 of the 2020 Annual Environmental Management Report prepared by Port Authority. The Port Authority (2016) Report "2012-2016 Port Botany Beach Surveys" concluded that further ongoing beach monitoring at Silver Beach, Towra Beach, Spit Island, Lady Robinsons Beach was not required. These two reports are attached. Port Authority's ongoing assessment of sand accumulation at the Mill Stream groyne revealed that sand removal was required, which was undertaken in 2012. The sand removed was distributed over the length of Foreshore Beach. Subsequently, Port Authority's ongoing monitoring revealed that sand migration and beach erosion has significantly impacted the Foreshore Beach shoreline. As a result, 3 new groynes were installed at Foreshore Beach in 2016 to reduce the impact of sand migration and beach erosion (for further details refer to Condition B2.40A; approval for the 3 new groynes by the Secretary's nominee provided as an attachment). Sand

Existing condition of approval	Proposed modification	Action	Justification for modification
			nourishment was carried out following completion of groyne construction which restored the beach amenity to a high standard. A Foreshore Groynes Marine Assessment Report was prepared by Cardno (15 Oct 2015). In addition, a Permit under Section 7 of the <i>Fisheries Management Act 1994</i> (NSW) was obtained from the then Department of Primary Industries – Fisheries (the assessment and the DPI’s permit can be provided upon request). Based on the assessment of the results above no further monitoring is considered necessary for Silver Beach, Towra Beach, Spit Island, Lady Robinsons Beach. However, Port Authority will continue to review the performance of Foreshore Beach, which is the only beach where Port Authority has retained responsibility for maintenance, until such time as it is satisfied that the beach has sufficiently stabilised to inform any ongoing mitigation measures.
B2.40A In the event that monitoring indicates that wave action at Foreshore Beach intensifies beach erosion in a manner that adversely impacts on seagrasses, the Proponent shall identify in consultation with DPI, and submit for the approval of the Secretary, additional protection measures (such as wave energy dissipation devices) that the	B2.40A In the event that monitoring indicates that wave action at Foreshore Beach intensifies beach erosion in a manner that adversely impacts on seagrasses, the Proponent shall identify in consultation with DPI, and submit for the approval of the Secretary, additional protection measures (such	Delete	Condition has been completed. Port Authority's ongoing monitoring of Foreshore Beach revealed that sand migration and beach erosion has significantly impacted the beach shoreline. There was recognition by Port Authority that a comprehensive solution to the erosion issue

Existing condition of approval	Proposed modification	Action	Justification for modification
Proponent will implement to address these adverse impacts. The Proponent shall specify the scope and timing of additional protection measures, and shall implement those measures to the satisfaction of the Secretary, within such period as the Secretary may require.	as wave energy dissipation devices) that the Proponent will implement to address these adverse impacts. The Proponent shall specify the scope and timing of additional protection measures, and shall implement those measures to the satisfaction of the Secretary, within such period as the Secretary may require.		would need to include suitable treatment of the two stormwater outlets discharging along the beach. Accordingly, Port Authority and Sydney Water (the owners of the stormwater infrastructure) agreed to jointly investigate, design and construct the solution to this issue. In 2012 investigation indicated that the construction of a series of groynes and extending the stormwater outlets further seawards was the preferred solution. The final solution adopted comprised the construction of three groynes with two of the groynes incorporating the stormwater pipes which are extended seawards within those groynes. This arrangement permits efficient use of the structure where it not only serves its primary role in arresting drifting sand but also forms a protective housing for the extended stormwater pipes in withstanding sea actions such as waves and tides. Details of the proposed groyne installation project were provided to Department of Primary Industries (DPI) for comment. DPI responded 25 August 2015 and had no objections to the proposal. The proposal was submitted on 22 October 2015 to the Secretary of DPIE who approved it in correspondence dated 1 December 2015. The 3 groynes were installed between June and December 2016. The groynes at Foreshore Beach are of composite construction where the conventional rock construction is limited to the beach zone only and transitions into fibre reinforced plastic sheet piling as it extends

Existing condition of approval	Proposed modification	Action	Justification for modification
			into the water. Protection of seagrass during groyne construction and seagrass surveys were carried out prior to groyne construction as well as during and upon completion of the works (for details of surveys refer to B2.31).
Hazards and Risk Management Construction Safety Study B2.41 The Applicant shall prepare a Construction Safety Study prior to the commencement of construction of the terminal operations infrastructure, in accordance with Hazardous Industry Planning Advisory Paper No. 7 – Construction Safety Study Guidelines (DoP, 1992). The commissioning portion of the Construction Safety Study may be submitted two months prior to the commencement of commissioning. The Study shall be submitted for the approval of the Secretary prior to the commencement of construction of the terminal operations infrastructure.	Hazards and Risk Management Construction Safety Study B2.41 The Applicant shall prepare a Construction Safety Study prior to the commencement of any stage of the construction of the terminal operations infrastructure, in accordance with Hazardous Industry Planning Advisory Paper No. 7 – Construction Safety Study Guidelines 2011. (DoP, 1992). The commissioning portion of the Construction Safety Study may be submitted two months prior to the commencement of commissioning. The Study shall be submitted for the approval of the Secretary prior to the commencement of any stage of the construction of the terminal operations infrastructure.	Amend	Amended to reflect new guideline and stage construction.
B2.43 The Applicant shall develop an Emergency Response and Incident Management Plan in consultation with DEC, DOP, Council and the Community Consultative Committee. The Plan must be approved by the Director-General prior to the	B2.43 The Applicant shall develop an Emergency Response and Incident Management Plan in consultation with DEC, DOP, Council and the Community Consultative Committee. The Plan must be approved by the Director-General	Delete	As construction works are completed, this is covered under C2.20 (terminal operations) of the consent. Any works outside this condition will be subject to a separation development application.

Existing condition of approval	Proposed modification	Action	Justification for modification
commencement of construction and shall detail: - terminal security and public safety issues; - effective spill containment and management; - effective fire fighting capabilities; - effective response to emergencies and critical incidents; and - a single set of emergency procedures, consistent with the existing Port Botany Emergency Plan, should be developed that can be scaled as appropriate for any incident or emergency.	prior to the commencement of construction and shall detail: — terminal security and public safety issues; — effective spill containment and management; — effective fire fighting capabilities; — effective response to emergencies and critical incidents; and - a single set of emergency procedures, consistent with the existing Port Botany Emergency Plan, should be developed that can be scaled as appropriate for any incident or emergency.		Further, it is noted, NSW Ports has an Emergency Response and Incident Management Plan (ERIMP) which applies to all NSW Ports' managed lands within the Port Botany Precinct. Individual tenants (such as Hutchinson, Patricks) also have ERIMPs on their individual allotments. Meaning all land, including the currently undeveloped land, has an ERIMP. A copy of the ERIMP for Hutchison Port (which contains undeveloped land) is provided in Appendix 3.
B3. Community information, involvement and consultation			
Community Information and Complaints Handling B3.1 The Applicant must meet the following requirements in relation to community consultation and complaints management: - all monitoring, management and reporting documents required under the development consent shall be made publicly available; - provide means by which public comments, inquiries and complaints can be received, and ensure that those means are adequately publicised; and	Community Information and Complaints Handling B3.1 The Applicant must meet the following requirements in relation to community consultation and complaints management: - all monitoring, management and reporting documents required under the development consent shall be made publicly available; - provide means by which public comments, inquiries and complaints can be received, and ensure that those means are adequately publicised; and includes	Amend	The community may register comments, enquiries or complaints regarding Foreshore Beach and the Penrhyn Estuary Habitat with the Port Authority via a 24-hour telephone line, facsimile, email and/or by post. All contact details for the community are provided on the Port Authority's website and at publicly accessible locations. Complaints are recorded in the Port Authority's Complaints Register and managed by the Port Authority's Community Relations Manager. Details recorded in the Complaints Register comply with the requirements of this condition. Annual complaint numbers related to Foreshore Beach and the Penrhyn Estuary Habitat are

Existing condition of approval	Proposed modification	Action	Justification for modification
- includes details of a register to be kept of all comments, inquiries and complaints received by the above means, including the following register fields: - the date and time, where relevant, of the comment, inquiry or complaint; - the means by which the comment, inquiry or complaint was made (telephone, fax, mail, email or in person); - any personal details of the commenter, inquirer or complainant that were provided, or if no details were provided, a note to that effect; - the nature of the complaint; - any action(s) taken by the Applicant in relation to the comment, inquiry or complaint, including any follow-up contact with the commenter, inquirer or complainant; and - if no action was taken by the Applicant in relation to the comment, inquiry or complaint, the reason(s) why no action was taken. - Provide quarterly reports to the Department and EPA, where	details of a register to be kept of all comments, inquiries and complaints received by the above means, including the following register fields: - the date and time, where relevant, of the comment, inquiry or complaint; - the means by which the comment, inquiry or complaint was made (telephone, fax, mail, email or in person); - any personal details of the commenter, inquirer or complainant that were provided, or if no details were provided, a note to that effect; - the nature of the complaint; - any action(s) taken by the Applicant in relation to the comment, inquiry or complaint, including any follow-up contact with the commenter, inquirer or complainant; and - if no action was taken by the Applicant in relation to the comment, inquiry or complaint, the reason(s) why no action was taken. Provide a copy of the Complaints Register to DPHI on request - Provide quarterly reports to the		routinely less than 5 per year. Further, operational complaints are reported through to the CCC (as per Condition C1.2E). NSW Ports manages complaints and enquiries related to the terminal operations. NSW Ports has its own process to manage complaints and enquiries which is available on the NSW Ports website. NSW Ports can provide a summary of any complaints to DPHI if there is a request to do so.

Existing condition of approval	Proposed modification	Action	Justification for modification										
relevant, outlining details of complaints received.	Department and EPA, where relevant, outlining details of complaints received.												
B3.2 Within 6 months of this consent or prior to commencement of construction, whichever is earlier, the Applicant shall establish a Community Consultative Committee to oversee the environmental performance of the development. This committee shall: a) be comprised of: 2 representatives from the Applicant, including the person responsible for environmental management; 1 representative from Botany Bay City Council; and - at least 3 representatives from the local community, whose appointment has been approved by the Director-General in consultation with the Council; b) be chaired by an independent party approved by the Director-General;	B3.2 Within 6 months of this consent or prior to commencement of construction, whichever is earlier, the Applicant shall establish a Community Consultative Committee to oversee the environmental performance of the development. This committee shall: a) be comprised of: 1 2 representatives from the Applicant, including the person responsible for environmental management; 1 representative from Botany Bay City Bayside Council; and at least 3 representatives from the local community, whose appointment has been approved by the Director-General in consultation with the Council; the Planning Secretary will appoint the community and stakeholder group representatives b) be chaired by an independent party approved by the Director-General;	Amend	Amend to reflect current needs. As outlined in the table below, the consent will be consistent with DPHI's CCC Guideline for State Significant projects. <table><tr><th>Guideline Requirement</th><th>Proposal</th></tr><tr><td><i>up to 3 representatives appointed by the proponent, including the person responsible for environmental management of the project</i></td><td>1 Applicant representative</td></tr><tr><td><i>a representative from each relevant council</i></td><td>1 Council representative</td></tr><tr><td><i>up to 7 (in total) community and stakeholder group representatives</i></td><td>3 representatives from the local community</td></tr><tr><td><i>the Planning Secretary will appoint the community and stakeholder group representatives</i></td><td>the Planning Secretary will appoint the community and stakeholder group representatives</td></tr></table>	Guideline Requirement	Proposal	<i>up to 3 representatives appointed by the proponent, including the person responsible for environmental management of the project</i>	1 Applicant representative	<i>a representative from each relevant council</i>	1 Council representative	<i>up to 7 (in total) community and stakeholder group representatives</i>	3 representatives from the local community	<i>the Planning Secretary will appoint the community and stakeholder group representatives</i>	the Planning Secretary will appoint the community and stakeholder group representatives
Guideline Requirement	Proposal												
<i>up to 3 representatives appointed by the proponent, including the person responsible for environmental management of the project</i>	1 Applicant representative												
<i>a representative from each relevant council</i>	1 Council representative												
<i>up to 7 (in total) community and stakeholder group representatives</i>	3 representatives from the local community												
<i>the Planning Secretary will appoint the community and stakeholder group representatives</i>	the Planning Secretary will appoint the community and stakeholder group representatives												

Existing condition of approval	Proposed modification	Action	Justification for modification
e) Port rail noise within the Port Botany Expansion site is to be discussed by the CCC and relevant stakeholders <i>Note: The Applicant may, with the approval of the Director-General, combine the function of this CCC with the function of other Community Consultative mechanisms the area, however, if it does this it must ensure that the above obligations are fully met in the combined process.</i>	development, including any construction or environmental management plans, monitoring results, audit reports, or complaints; and e) Port rail noise within the Port Botany Expansion site is to be discussed by the CCC and relevant stakeholders; and f) the Community Consultative Committee is to be undertaken in accordance with the agenda <i>Note: The Applicant may, with the approval of the Director-General, combine the function of this CCC with the function of other Community Consultative mechanisms the area, however, if it does this it must ensure that the above obligations are fully met in the combined process.</i>		
B3.3 The Applicant shall, at its own expense: a) ensure that 2 of its representatives attend the Committee's meetings; b) provide the Committee with regular information on the environmental performance and management of the development; c) provide meeting facilities for the Committee; d) arrange site inspections for the Committee, if necessary;	B3.3 The Applicant shall, at its own expense: a) ensure that 1 2-of its representatives attend the Committee's meetings; b) provide the Committee with regular information on the environmental performance and management of the development; c) provide meeting facilities for the Committee and allow online meetings;	Amend	Amend to reflect current needs. As outlined above, the proposed amendments are consistent with the DPHI's CCC Guideline for State significant projects (June 2023).

Existing condition of approval	Proposed modification	Action	Justification for modification
e) take minutes of the Committee's meetings; f) make these minutes available on the Applicant's website within 14 days of the Committee meeting, or as agreed to by the Committee; g) respond to any advice or recommendations the Committee may have in relation to the environmental management or performance of the development; and h) forward a copy of the minutes of each Committee meeting, and any responses to the Committee's recommendations to the Director-General within a month of the Committee meeting.	d) arrange site inspections for the Committee, if necessary; e) take minutes of the Committee's meetings; f) make these minutes available on the Applicant's website within 14 days of the Committee meeting, or as agreed to by the Committee; g) respond to any advice or recommendations the Committee may have in relation to the environmental management or performance of the development; and h) forward a copy of the minutes of each Committee meeting, and any responses to the Committee's recommendations to the Director-General within a month of the Committee meeting.		
Community Enhancement B3.4 Prior to the commencement of construction of terminal footprint infrastructure, the Applicant shall prepare and submit for the approval of the Secretary, a Community Enhancement Program (CEP) to fund (or provide in kind) community infrastructure and services in the vicinity of Port Botany. The CEP shall include a contribution toward the development of a multi-purpose hall / gymnasium at Mascot High School.	B3.4 Prior to the commencement of construction of terminal footprint infrastructure, the Applicant shall prepare and submit for the approval of the Secretary, a Community Enhancement Program (CEP) to fund (or provide in kind) community infrastructure and services in the vicinity of Port Botany. The CEP shall include a contribution toward the development of a multi-purpose hall / gymnasium at Mascot High School. The Applicant establish a fund and	Delete	CEP has been finalised and approved by the Secretary. The Applicant established a fund and \$3 million for the purposes of implementing the CEP. As outlined above, the proposed amendments are consistent with the DPHI's CCC guideline State significant projects (June 2023).

Existing condition of approval	Proposed modification	Action	Justification for modification
The Applicant establish a fund and contribute to it the sum of \$3 million for the purposes of implementing the CEP. In preparing the Community Enhancement Program the Applicant shall consult with the Community Consultative Committee, Botany Bay City Council and Randwick City Council.	contribute to it the sum of \$3 million for the purposes of implementing the CEP. In preparing the Community Enhancement Program the Applicant shall consult with the Community Consultative Committee, Botany Bay City Council and Randwick City Council.		
B3.5 As part of terminal footprint infrastructure construction, the Applicant shall construct a pedestrian bridge accessible to wheelchairs over the Botany Freight Rail line at Banksia Street. <i>Note: the pedestrian bridge required in condition B3.5 does not form part of the Community Enhancement Program in Condition B3.4</i>	B3.5 As part of terminal footprint infrastructure construction, the Applicant shall construct a pedestrian bridge accessible to wheelchairs over the Botany Freight Rail line at Banksia Street. <i>Note: the pedestrian bridge required in condition B3.5 does not form part of the Community Enhancement Program in Condition B3.4</i>	Delete	The pedestrian bridge required by the condition has been constructed.
B4. Environmental management, reporting and auditing			
Annual Environmental Management Report (AEMR) B4.2 The Applicant must prepare an Annual Environmental Management Report for the development. The Annual Environmental Management Report must: - detail compliance with the conditions of this consent; - contain a copy of the Complaints	B4.2 The Applicant must prepare an Annual Environmental Management Report for the development. The Annual Environmental Management Report must: - detail compliance with the conditions of this consent; - contain a copy of the Complaints Register (for the preceding twelve-month period, exclusive of personal	Delete	Main stage of the construction program completed. This condition is obsolete. Refer to C4.2 and 4.3 for ongoing environmental compliance reporting. Condition has been completed in relation to non-operating areas of Port Botany Expansion, i.e. Penrhyn Estuary and Foreshore Beach, as outlined below.

Existing condition of approval	Proposed modification	Action	Justification for modification
Register (for the preceding twelve-month period, exclusive of personal details) and details of how these complaints were addressed and resolved; - include a comparison of the environmental impacts and performance predicted in the EIS and additional information documents provided to the Department and Commission of Inquiry; - detail results of all environmental monitoring required under the development consent and other approvals, including interpretations and discussion by a suitably qualified person; - contain a list of all occasions in the preceding twelve-month period when environmental performance goals have not been achieved, indicating the reason for failure to meet the goals and the action taken to prevent recurrence of that type of incident; - be prepared within twelve months of the commencement of construction, and every twelve months thereafter; - be approved by the Secretary; and - be made available for public inspection.	details) and details of how these complaints were addressed and resolved; -include a comparison of the environmental impacts and performance predicted in the EIS and additional information documents provided to the Department and Commission of Inquiry; -detail results of all environmental monitoring required under the development consent and other approvals, including interpretations and discussion by a suitably qualified person; -contain a list of all occasions in the preceding twelve-month period when environmental performance goals have not been achieved, indicating the reason for failure to meet the goals and the action taken to prevent recurrence of that type of incident; -be prepared within twelve months of the commencement of construction, and every twelve months thereafter; -be approved by the Secretary; and -be made available for public inspection.		The 2020 Annual Environmental Management Report relating to Penrhyn Estuary and Foreshore Beach was prepared to satisfy the requirements of this condition in so far as they relate to 'Penrhyn Estuary Services'. Penrhyn Estuary Services are defined in Schedule 4 of the Port Services Agreement between Sydney Ports Corporation [now Port Authority of New South Wales (Port Authority)] and Port Botany Operations Pty Limited (NSW Ports), which was drafted in 2012 as a result of the long term lease of Port Botany. Compliance with this condition for the period from 1 October 2015 to 30 September 2020 has been provided to DPE. These reports provide full details of how conditions have been complied with. It is considered that ongoing reporting in relation to Penrhyn Estuary or Foreshore Beach is no longer required should the conditions proposed in this table be deleted. It is noted the End of Project Report, submitted to DPIE as part of the 2020 Annual Environmental Management Report, contains a number of recommendations which have been committed to being undertaken by Port Authority of NSW, however, are considered voluntary and not a requirement relating to the finalisation of the PEHEP. Hence it is considered ongoing

Existing condition of approval	Proposed modification	Action	Justification for modification
			reporting regarding these activities is outside the requirements of condition B4.2. The Applicant has reviewed DPHI's standard compliance conditions (Appendix 4) and considers the consent will not be inconsistent with these conditions.
Environmental Representative B4.3 Prior to the commencement of construction, a suitably qualified and experienced Environmental Representative(s) shall be nominated and approved by the Secretary. The Environmental Representative(s) shall be employed for the duration of the construction and the on-going management, mitigation and monitoring associated with the development, excluding direct terminal operation matters subject to the conditions in Schedule C, or as otherwise agreed by the Secretary. The Environmental Representative shall be: a) the primary contact point in relation to the environmental performance of the construction phases; b) responsible for all Management Plans and Monitoring Programs required under this consent, in relation to the construction phases; c) responsible for considering and	B4.3 Prior to the commencement of construction, A suitably qualified and experienced Environmental Representative(s) shall be nominated and approved by the Secretary. The Environmental Representative(s) shall be employed for the duration of the construction and the on-going management, mitigation and monitoring associated with the development, excluding direct terminal operation matters subject to the conditions in Schedule C, or as otherwise agreed by the Secretary. The Environmental Representative shall be: a) the primary contact point in relation to the environmental performance of the construction phases; b) responsible for all Management Plans and Monitoring Programs required under this consent, in relation to the construction phases;	Retain	An Environmental representative was engaged in accordance with the requirements of the condition. As construction is completed, this condition is no longer required.

Existing condition of approval	Proposed modification	Action	Justification for modification
advising on matters specified in the conditions of this consent, and all other licences and approvals relating to the environmental performance and impacts of the construction phases; d) responsible for the management of procedures and practices for receiving and responding to complaints and inquiries in relation to the environmental performance of the construction phases; e) required to facilitate an induction and training program for relevant persons involved with the construction phases; and f) given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions be ceased immediately should an adverse impact on the environment be likely to occur.	c) responsible for considering and advising on matters specified in the conditions of this consent, and all other licences and approvals relating to the environmental performance and impacts of the construction phases; d) responsible for the management of procedures and practices for receiving and responding to complaints and inquiries in relation to the environmental performance of the construction phases; e) required to facilitate an induction and training program for relevant persons involved with the construction phases; and f) given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions be ceased immediately should an adverse impact on the environment be likely to occur.		
Environmental Training B4.4 Prior to the commencement of any dredging, reclamation and construction	Environmental Training B4.4 Prior to the commencement of any dredging, reclamation and	Delete	There is no requirement for this condition as a standalone condition. Environmental training is proposed to be added to General CEMP condition – B1.3.

Existing condition of approval	Proposed modification	Action	Justification for modification
an Environmental Training Program shall be developed and implemented to establish a framework in which relevant employees will be trained in environmental management and the operation of plant and equipment, including pollution control equipment, where relevant. The Program shall include, but not necessarily be limited to: a) identification of relevant employment positions associated with the development that have an operational or management role related to environmental performance; b) details of appropriate training requirements for relevant employees; c) a program for training relevant employees in operational and/ or management issues associated with environmental performance; and d) a program to confirm and update environmental training and knowledge during employment of relevant persons.	construction an Environmental Training Program shall be developed and implemented to establish a framework in which relevant employees will be trained in environmental management and the operation of plant and equipment, including pollution control equipment, where relevant. The Program shall include, but not necessarily be limited to: a) identification of relevant employment positions associated with the development that have an operational or management role related to environmental performance; b) details of appropriate training requirements for relevant employees; c) a program for training relevant employees in operational and/ or management issues associated with environmental performance; and d) a program to confirm and update environmental training and knowledge during employment of relevant persons.		
Maintenance and Management Plan for Expanded Area	Maintenance and Management Plan for Expanded Area	Delete	Condition satisfied – operational area has been leased.

Existing condition of approval	Proposed modification	Action	Justification for modification
B4.6 Within 1 month of full reclamation, or as otherwise agreed to by the Secretary, the Applicant shall prepare a Maintenance and Management Plan for the expanded area to address maintenance issues including safety, vegetation management, feral pest management and other issues identified by the Applicant in consultation with DPIE. The preparation and implementation of the Plan is required in the event that the expanded area is not leased to a new operator immediately upon completion of construction. The Plan of the developed area is required until such time as a lease is signed.	B4.6 Within 1 month of full reclamation, or as otherwise agreed to by the Secretary, the Applicant shall prepare a Maintenance and Management Plan for the expanded area to address maintenance issues including safety, vegetation management, feral pest management and other issues identified by the Applicant in consultation with DPIE. The preparation and implementation of the Plan is required in the event that the expanded area is not leased to a new operator immediately upon completion of construction. The Plan of the developed area is required until such time as a lease is signed.		
Schedule C Terminal Operations			
C1 General Requirements			
C1.2E A complaint handling procedure shall be implemented for the Hayes Dock Services Area. Annual reports shall be provided to the Department, outlining details of the complaints received. A register of complaints shall be kept and include the following: - date and time, where relevant, of the comment, inquiry or complaint, - how the comment, inquiry or complaint was communicated,	C1.2E A complaint handling procedure shall be implemented for the Hayes Dock Services Area. Reports shall be provided to the Department twenty-four (24) months outlining on request and outline details of the complaints received. A register of complaints shall be kept and include the following: - date and time, where relevant, of the comment, inquiry or complaint, - how the comment, inquiry or complaint was communicated,	Amend	Complaints are reported to the CCC and will be reported in the Hayes Dock Services Area AEMR

Existing condition of approval	Proposed modification	Action	Justification for modification
- any personal details of the commenter, inquirer or complainant that were provided. If no details were provided this should be recorded, - the nature of the comment, inquiry or complaint, - any actions taken by the Applicant in relation to the comment, inquiry or complaint, including any follow-up contact, and - if no action was taken, record the reason(s) why.	- any personal details of the commenter, inquirer or complainant that were provided. If no details were provided this should be recorded, - the nature of the comment, inquiry or complaint, - any actions taken by the Applicant in relation to the comment, inquiry or complaint, including any follow-up contact, and if no action was taken, record the reason(s) why.		
C1.2F Annual reporting on the compliance of the Hayes Dock Services Area shall be conducted. The first report for the Hayes Dock Services Area shall be provided to the Department twelve (12) months from the date of the approval of modification 16, unless otherwise agreed by the Secretary.	C1.2F Annual Reporting on the compliance of the Hayes Dock Services Area shall be conducted. The first report for the Hayes Dock Services Area shall be and provided to the Department every every twenty four (24) months from the date of the approval of modification 16-18 , unless otherwise agreed by the Secretary.	Amend	Change to two (2) years due to small scale of operations and lack of compliance issues. Complaints are reported to the CCC and logged in NSW Ports noise complaints register.
C2 Operational environmental performance			
Obstacle Limitation Surface C2.22 The Applicant shall ensure that all operation equipment is below the obstacle limitation surface, unless otherwise permitted by an approval under the <i>Airports Act 1999</i> and <i>Airports (Protection of Airspace) Regulation 1966</i> .	C2.22 The Applicant shall ensure that all operation equipment is below the obstacle limitation surface, unless otherwise permitted by an approval under the <i>Airports Act 1996</i> and <i>Airports (Protection of Airspace) Regulation 1996</i> .	Amend	Update to reference correct legislation.

Existing condition of approval	Proposed modification	Action	Justification for modification
C3 Community information, involvement and consultation			
C3.1 The Applicant must meet the following requirements in relation to community consultation and complaints management: - all monitoring, management and reporting documents required under the development consent shall be made publicly available; - provides means by which public comments, inquiries and complaints can be received, and ensure that those means are adequately publicised; and - includes details of a register to be kept of all comments, inquiries and complaints received by the above means, including the following register fields: i. the date and time, where relevant, of the comment, inquiry or complaint; ii. the means by which the comment, inquiry or complaint was made (telephone, fax, mail, email or in person); iii. any personal details of the commenter, inquirer or complainant that were provided, or if no details were provided, a note to that effect; iv. the nature of the complaint; v. any action(s) taken by the Applicant in relation to the comment, inquiry or complaint, including any	3.1 The Applicant must meet the following requirements in relation to community consultation and complaints management: - all monitoring, management and reporting documents required under the development consent shall be made publicly available; - provides means by which public comments, inquiries and complaints can be received, and ensure that those means are adequately publicised; and - includes details of a register to be kept of all comments, inquiries and complaints received by the above means, including the following register fields: i. the date and time, where relevant, of the comment, inquiry or complaint; ii. the means by which the comment, inquiry or complaint was made (telephone, fax, mail, email or in person); iii. any personal details of the commenter, inquirer or complainant that were provided, or if no details were provided, a note to that effect; iv. the nature of the complaint; v. any action(s) taken by the Applicant in relation to the comment, inquiry or complaint,	Amend	Delete last dot point as per schedule B of the Approval. The Community Consultative Committee minutes include complaints summary and are submitted to DPE. The EPA are also included in the distribution list of the CCC minutes. This will remove the requirements to provide the same reporting information twice. A link to the Community Consultative Committee minutes is provided below: https://www.nswports.com.au/port-botany-expansion-community-consultative-committee-meeting-minutes.

Existing condition of approval	Proposed modification	Action	Justification for modification
follow-up contact with the commenter, inquirer or complainant; vi. if no action was taken by the Applicant in relation to the comment, inquiry or complaint, the reason(s) why no action was taken; - Provide quarterly reports to the Department and EPA, unless otherwise agreed by the Secretary, outlining details of the complaints received.	including any follow-up contact with the commenter, inquirer or complainant; vi. if no action was taken by the Applicant in relation to the comment, inquiry or complaint, the reason(s) why no action was taken; vii. Provide annual reports to the Department in accordance with the Community Consultative Committee Guideline (June 2023) –Provide quarterly reports to the Department and EPA, unless otherwise agreed by the Secretary, outlining details of the complaints received.		
C3.2 At least 6 months prior to commencement of operations, the Applicant shall establish a Community Consultative Committee to oversee the environmental performance of the development. This committee shall: a) be comprised of: 2 representatives from the Applicant, including the person responsible for environmental management; 1 representative from Botany Bay City Council; and at least 3 representatives from the local community, whose appointment has been approved by the Secretary in	C3.2 At least 6 months prior to commencement of operations, the Applicant shall establish a Community Consultative Committee to oversee the environmental performance of the development. This committee shall: a) be comprised of: 1 2 representatives from the Applicant, including the person responsible for environmental management; 1 representative from Botany Bay City Bayside Council; and at least 3 representatives from the local community at least 3 representatives from the local community, whose appointment has been	Amend	Amend to reflect current needs. As outlined in Condition B3.2, the proposal is consistent with the CCC guideline requirements.

Existing condition of approval	Proposed modification	Action	Justification for modification
consultation with the Council; b) be chaired by an independent party approved by the Secretary; c) meet at least four times a year, or as otherwise agreed by the CCC; d) review and provide advice on the environmental performance of the development, including any construction or environmental management plans, monitoring results, audit reports, or complaints; and e) port rail noise within the Port Botany Expansion site is to be an ongoing agenda item to be discussed by the CCC and relevant stakeholders; and f) within 12 months of the commencement of MOD 16, an advertisement must be placed for new members to join the CCC, given that the other working groups such as the RNWG are no longer present. <i>Note: The Applicant may, with the approval of the Secretary, combine the function of this CCC with the function of other existing Community Consultative mechanisms the area, including the construction phase CCC (Condition B3.2) however, if it does this it must ensure that the above obligations are fully met in the</i>	approved by the Director-General in consultation with the Council; b) be chaired by an independent party approved by the Director-General; c) meet at least four times a year, or as otherwise agreed by the CCC; d) review and provide advice on the environmental performance of the development, including any construction or environmental management plans, monitoring results, audit reports, or complaints; e) port rail noise within the Port Botany Expansion site is to be an ongoing agenda item to be discussed by the CCC and relevant stakeholders; and f) within 12 months of the commencement of MOD 16, an advertisement must be placed for new members to join the CCC, given that the other working groups such as the RNWG are no longer present. g) the Community Consultative Committee is to be undertaken in accordance with the agenda <i>Note: The Applicant may, with the approval of the Director-General, combine the function of this CCC with</i>		

Existing condition of approval	Proposed modification	Action	Justification for modification
<i>combined process.</i>	<i>the function of other Community Consultative mechanisms the area, however, if it does this it must ensure that the above obligations are fully met in the combined process.</i>		
C3.3 The Applicant shall, at its own expense: a) ensure that 2 of its representatives attend the Committee's meetings; b) provide the Committee with regular information on the environmental performance and management of the development; c) provide meeting facilities for the Committee; d) arrange site inspections for the Committee, if necessary; e) take minutes of the Committee's meetings; f) make these minutes available on the Applicant's website within 14 days of the Committee meeting, or as agreed to by the Committee; g) respond to any advice or recommendations the Committee may have in relation to the environmental management or performance of the development; and h) forward a copy of the minutes of each Committee meeting, and any responses to the Committee's recommendations to the Director	C3.3 The Applicant shall, at its own expense: a) ensure that 1 2-of its representatives attend the Committee's meetings; b) provide the Committee with regular information on the environmental performance and management of the development; c) provide meeting facilities for the Committee and allow online meetings; d) arrange site inspections for the Committee, if necessary; e) take minutes of the Committee's meetings; f) make these minutes available on the Applicant's website within 14 days of the Committee meeting, or as agreed to by the Committee; g) respond to any advice or recommendations the Committee may have in relation to the environmental management or performance of the development; and h) forward a copy of the minutes of each Committee meeting, and any responses to the Committee's	Amend	Amend to reflect current needs. The condition is not inconsistent with the CCC guideline requirements.

Existing condition of approval	Proposed modification	Action	Justification for modification
General within a month of the Committee meeting.	recommendations to the Director General within a month of the Committee meeting.		
C4 Environmental monitoring and auditing			
Annual Environmental Management Report (AEMR) C4.2 The Applicant must prepare an Annual Environmental Management Report for the development. The Annual Environmental Management Report must: - detail compliance with the conditions of this consent; - contain a copy of the Complaints Register (for the preceding twelve-month period, exclusive of personal details) and details of how these complaints were addressed and resolved; - include a comparison of the environmental impacts and performance predicted in the EIS and additional information documents provided to the Department and Commission of Inquiry; - detail results of all environmental monitoring required under the development consent and other approvals, including interpretations and discussion by a suitably	C4.2 The Applicant must prepare an Annual Environmental Management Report for the development. The Annual Environmental Management Report must: - detail compliance with the conditions of this consent; - contain a copy of the Complaints Register (for the preceding twelve-month three year period, exclusive of personal details) and details of how these complaints were addressed and resolved; - include a comparison of the environmental impacts and performance predicted in the EIS and additional information documents provided to the Department and Commission of Inquiry; - detail results of all environmental monitoring required under the development consent and other approvals, including interpretations and discussion by a suitably qualified person;	Amend	Amend condition so preparation of an AMER is required every 3 years instead of every 12 months. The proposed modification aligns with: • the compliance tracking reporting requirement proposed within C4.5 • feedback previously provided by the post approvals department in DPE regarding the alignment of tenant reporting

Existing condition of approval	Proposed modification	Action	Justification for modification
qualified person; - contain a list of all occasions in the preceding twelve-month period when environmental performance goals have not been achieved, indicating the reason for failure to meet the goals and the action taken to prevent recurrence of that type of incident; - be prepared within twelve months of the commencement of operation, and every twelve months thereafter; - to the satisfaction of the Secretary for approval; and - be made available for public inspection.	- contain a list of all occasions in the preceding twelve-month three year period when environmental performance goals have not been achieved, indicating the reason for failure to meet the goals and the action taken to prevent recurrence of that type of incident; - be prepared within twelve months of the commencement of operation, and every twelve months-three years thereafter; - to the satisfaction of the Secretary for approval; and - be made available for public inspection.		
Environmental Auditing C4.5 Within one year of the commencement of operations and every year thereafter, the Applicant shall fund a full independent environmental audit. The audit must be undertaken by a suitably qualified person/team approved by the Secretary. The audits would be made publicly available and would: - be carried out in accordance with ISO 14010 – Guidelines and General Principles for Environmental Auditing and ISO 14011 –	C4.5-Within one year of the commencement of operations and every year thereafter, the Applicant shall fund a full independent environmental audit. The audit must be undertaken by a suitably qualified person/team approved by the Secretary. The audits would be made publicly available and would: —be carried out in accordance with ISO 14010— Guidelines and General Principles for Environmental Auditing and ISO 14011— Procedures for Environmental	Amend	Amend condition consistent with the Department's Compliance Tracking Program approach in contemporary project approvals, such as Enfield Intermodal Logistics Terminal approval.

Existing condition of approval	Proposed modification	Action	Justification for modification
Procedures for Environmental Auditing; - assess compliance with the requirements of this consent, and other licences and approvals that apply to the development; - assess the construction against the predictions made and conclusions drawn in the development application, EIS, additional information and Commission of Inquiry material; and - review the effectiveness of the environmental management of the development, including any environmental impact mitigation works. <i>Note: An independent and transparent environmental audit can verify compliance (or otherwise) with the Minister's consent and various approvals. Auditing also provides an opportunity for continued improvement in environmental performance.</i>	Auditing; –assess compliance with the requirements of this consent, and other licences and approvals that apply to the development; –assess the construction against the predictions made and conclusions drawn in the development application, EIS, additional information and Commission of Inquiry material; and –review the effectiveness of the environmental management of the development, including any environmental impact mitigation works. Note: An independent and transparent environmental audit can verify compliance (or otherwise) with the Minister's consent and various approvals. Auditing also provides an opportunity for continued improvement in environmental performance. The Proponent shall develop and implement a Compliance Tracking Program to track compliance with the requirements of this approval. The Program shall be completed every 3		

Existing condition of approval	Proposed modification	Action	Justification for modification
	years include, but not necessarily be limited to: a) provisions for periodic review of the compliance status of the project against the requirements of this approval; b) provisions for periodic reporting of compliance status to the Planning Secretary; c) a program for independent environmental auditing at least every three years, or as otherwise agreed by the Planning Secretary, in accordance with ISO 19011:2002 - Guidelines for Quality and/ or Environmental Management Systems Auditing; and d) mechanisms for rectifying any non-compliance identified during environmental auditing or review of compliance.		