

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

I, the Minister for Planning, pursuant to section 80 (4) and (5) of the *Environmental Planning and Assessment Act 1979*, determine the development application referred to in Schedule 1 by granting development consent subject to the conditions set out in Schedule 2.

The reason for the imposition of conditions is to:

- a) minimise any adverse environmental impacts associated with the construction of the development;
- b) minimise any adverse environmental impacts associated with the on-going operation of the development;
- c) provide a staged framework for strategic planning of port development in line with demand for port facilities and further investigations into alternative port development options.

Frank Sartor MP
Minister for Planning

Sydney, 13 October 2005

File No. S01/02520

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

CONSOLIDATED CONSENT

SCHEDULE 1

Application made by:	Sydney Ports Corporation
To:	Minister for Planning
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 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 <i>Port Botany Expansion Environmental Impact Statement</i> (ten volumes), prepared by URS Pty Ltd and dated November 2003;
State Significant Development	Under the former Section 76A(7) (now section 4.36(2)) of the <i>Environmental Planning and Assessment Act 1979</i> , the development is classified as State Significant development by virtue of a declaration made by the then Minister for Planning on 29 June 2001 for berths for shipping, shipping terminals and associated buildings, structures and works within certain lands within the former Botany Bay Local Government Area (now Bayside Local Government Area).
Commission of Inquiry	The development was subject to a Commission of Inquiry under the former section 119 of the <i>Environmental Planning and Assessment Act 1979</i> . 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 <i>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</i> , dated May 2005.
Staged Consent	In accordance with the former Sections 80(4) and (5) (now sections 4.37 and 4.16(4) and (5)) of the <i>Environmental Planning and Assessment Act 1979</i> , this development consent only permits works associated with Stage 1 of the development as defined in Schedule 2, Sub-schedule 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 the former section 97 or the former section 98 (now sections 8.7 and 8.8) of the <i>Environmental Planning and Assessment Act 1979</i> , as the development is a State Significant Development into which a Commission of Inquiry was held.

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Commencement of Consent

Pursuant to **the former** section 83(1)(b) (**now section 4.20**) of the *Environmental Planning and Assessment Act 1979*, this **development** 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.

Note: The above referenced notice was provided on 13 October 2005.

Lapse of Consent

Pursuant to **the former** section 95 (**now section 4.53**) 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.

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SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
DA494-11-2003-i-Mod-1	11 September 2007	Executive Director	Modification to correct various minor errors and incorrect descriptions and to clarify various conditions.
DA494-11-2003-i-Mod-2	11 September 2007	Executive Director	Modification to permit alternative wharf structure designs. An additional condition was added (B2.40A) regarding wave action and erosion at Foreshore Beach and impact on seagrass.
DA494-11-2003-i-Mod-3	11 September 2007	Executive Director	Modification to permit land based activities associated with dredging to be undertaken at night and for dredging activities to be undertaken within specific turbidity limits.
DA494-11-2003-i-Mod-4	17 September 2007	Executive Director	Modification to alter the timing of various studies (conditions C2.20 and C2.25).
DA494-11-2003-i-Mod-5 (MOD-60-9-2008)	21 September 2008	Executive Director	Modification to allow the penetration of the obstacle limitation surface subject to approval under the <i>Airports Act 1996</i> and to alter the timing of the Bird Hazard Management Plan.
DA494-11-2003-i-Mod-6 (MOD-68-12-2008)	21 December 2008	Executive Director	Modification to allow construction works that are not subject to an Environment Protection Licence to be permitted outside specified construction hours only if they are inaudible at the closest residential receiver (conditions B2.19, B2.19A and B2.19B).
DA494-11-2003-i-Mod-7 (MOD-08-03-2009)	20 March 2009	Director General	Modification to allow operational rail sidings to be constructed and operated along the Inter-terminal Access Road Corridor, as an option, whilst maintaining the EIS approval for operational rail sidings within the new terminal. Only one option will be implemented with the determination of the option following confirmation of leasing arrangements of the new terminal.
DA494-11-2003-i-Mod-8	30 May 2009	Executive Director	Modification to allow additional dredging to be undertaken within the ship turning area outside the primary silt curtain.
DA494-11-2003-i-Mod-9	18 June 2009	Director	Modification to allow additional dredging to be undertaken at the high spot off Molineux Point outside the primary silt curtain.
DA494-11-2003-i-Mod-10	13 July 2009	Director	Modification to allow additional dredging to be undertaken within the ship turning area outside the primary silt curtain.
DA494-11-2003-i-Mod-11	21 November 2011	Director	Modification to alter the approved location, footprint and height of the Operation building and Maintenance building as part of Terminal 3.
DA494-11-2003-i-Mod-12	6 June 2012	Director	Modification to alter the stormwater management system from the approved first flush system to the construction of stormwater quality improvement devices (SQID) in the area leased by Sydney International Container Terminals (SICTL) and known as the Northern Expansion Area.

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DA494-11-2003-i-Mod-13	8 February 2013	Director	Modification to change the stormwater management system from a first flush system to the construction of stormwater quality improvement devices (SQID) in the Southern Expansion Area (also referred to as the "Knuckle".
DA494-11-2003-i-Mod-14	11 June 2013	Director	Modification to allow temporary uses at the northern tip of Hayes Dock, while awaiting a development as a tug berthing facility.
DA494-11-2003-i-Mod-15	8 July 2013	Director	Modification to allow penetration of the obstacle limit surface of Sydney Airport by cranes.
DA494-11-2003-i-Mod-16	24 October 2017	Executive Director	Modification to allow for the continued ongoing operation of interim use (and installation of temporary structures) at the northern tip of Hayes Dock, until the permanent use of the Deck for Tugs commences, as well as to continue low potential impact Port, maritime and waterway uses to operate from this area.
DA494-11-2003-i-Mod-17	19 September 2019	Director	Modification to amend a number of administrative errors within the development consent.
DA494-11-2003-i-Mod-18	11 September 2026	Independent Planning Commission	The key modifications proposed include updating references to legislation, streamlining operational conditions for improved efficiency, removing redundant conditions and amending the frequency and scope of compliance based conditions.

KEY TO CONDITIONS

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SCHEDULE 2

Schedule 2 is divided into three sub-schedules as follows:

- Schedule A – Overall Scope of Development Works and General Provisions
- Schedule B – Construction and on-going Management of non-operational aspects of the Terminal
- Schedule C – Terminal Operations

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

Act	<i>Environmental Planning and Assessment Act, 1979</i>
Applicant	Sydney Ports Corporation or any terminal operator(s) with a lease agreement with Sydney Ports Corporation to operate a terminal within the development area.
AQIS	Australian Quarantine and Inspection Service
ARTC	Australian Rail Track Corporation
CCC	Community Consultative Committee
CEMP	Construction Environmental Management Plan
Construction	All works associated with the construction of the development.
Council	Bayside City Council, comprised of the former Botany and Rockdale Councils.
CPHR	Conservation Programs, Heritage and Regulation Group, of the NSW Department of Climate Change, Energy, the Environment and Water (includes biodiversity and flooding unit).
DCCEEW	NSW Department of Climate Change, Energy, the Environment and Water
Department	NSW Department of Planning, Housing and Infrastructure
Development	The development to which this consent applies.
DPIRD Fisheries	Fisheries agency of Department of Primary Industries and Regional Development
EPA	Environment Protection Authority
Heritage NSW	Heritage NSW, DCCEEW
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm (as defined in this consent) and which may or may not be or cause a noncompliance.
Material harm	Is harm that: a. involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or b. results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).
Minister	Minister for Planning and Public Spaces, or nominee as delegated.
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent.
NSW Heritage Council	Heritage Council of NSW
Operation	All activities associated with the operation of the development, being the movement of freight to and from the new container terminal and associated activities.
Port, Maritime and	Interim uses of the northern tip of Hayes Dock (referred to as

Waterway Related Interim Uses	Hayes Dock Services Area) for the mooring, loading and/or unloading of non-trading vessels, including line boats, barges and tugs including associated activities as outlined in modification application DA-494-11-2003-I MOD 14.
Secretary	Secretary of the NSW Department of Planning, Housing and Infrastructure, or nominee as delegated.
Site	The land to which this consent applies, including both dry-land and wet-land components of the site.
SSROC	Southern Sydney Region of Councils
Stage 1	Development defined in condition A2.1(a).
Terminal Footprint Infrastructure	Those aspects of the development associated with the establishment of the Stage 1 port footprint (as generally outlined in sections 8.2 – 8.5 of Volume 1 of the EIS) including dredging and reclamation, compaction and preloading, wharf construction, road and rail infrastructure linkages, Penrhyn Estuary enhancement works.
Terminal Operations Infrastructure	Those aspects of the development associated with the establishment of terminal operations (as generally described in section 8.6 of Volume 1 of the EIS) including hardstand areas (container storage, car parks and truck queuing areas), quay cranes, rail mounted gantries, administration facilities, workshops etc.
TfNSW	Transport for NSW
Water Group	Water Group, DCCEEW

SCHEDULE A
OVERALL SCOPE OF DEVELOPMENT WORKS AND GENERAL PROVISIONS

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;
 - 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;
 - 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 December 2006;
 - i) modification application MOD-78-9-2007-i, accompanied by *Port Botany Expansion – Modification of Conditions C2.20 & C2.25*, 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 *Port Botany Expansion – Rail Operations Section 96(1A) Modification* dated February 2009;
 - m) modification application 494-11-2003-I MOD 8, accompanied by an assessment report titled *“Port Botany Expansion – Ship Turning Area Dredging Section 96(1A) Modification* 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, 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 (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;
- w) modification application DA494-11-2003-I MOD 18, accompanied by assessment report titled *'Port Botany 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 October 2025; response to submissions report *"Response to Submissions Report (DA494-11-2003-I-Mod-18"* dated March 2026; Response to Request for Additional Information letter dated 3 March 2026; and Response to Second Request for Additional Information letter dated 2 July 2026; and
- x) the conditions of this consent.

Insofar as they relate 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 x) 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 x) inclusive, the most recent document shall prevail to the extent of the inconsistency.

Statutory Requirements

- A1.3 All licences, permits and approvals shall be obtained and maintained as required throughout the life of the development. No condition of this consent removes the obligation to obtain, renew or comply with such licences, permits or approvals.

Port Throughput Capacity Limits

- A1.4 Port throughput capacity generated by operations in accordance with this consent shall be consistent with the limits specified in the EIS, that is, a maximum throughput capacity at the terminal of 1.6 million TEUs per annum and a total throughput at Port Botany of 3.2 million TEUs. These limits may not be exceeded by the development without further environmental assessment and approval.

Sydney Ports Corporation shall prepare, or have prepared on its behalf, such further environmental assessment for the determination of the Minister.

Note: In accordance with section 32(1) of the Port Assets (Authorised Transactions) Act 2012 (unless repealed or amended otherwise), this condition has no effect to the extent that it would operate to impose a cargo throughput limit for Port Botany.

STAGING AND TIMING OF WORKS

Staging of Development

A2.1 Pursuant to **the former** 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 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
 - Deleted
 - **Three** 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.
- 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.

Note: refer to Mod 7 for amended project description as an alternate rail siding configuration option was approved and constructed, which has resulted in the approved rail track along the northern edge of Penrhyn Estuary and the associated rail bridge across the estuary being no longer required.

A2.2 Deleted.

A2.3 Deleted.

Port Freight Logistics Plan

A2.4 Deleted.

A3. COMMENCEMENT OF CONSTRUCTION OF TERMINAL OPERATIONS INFRASTRUCTURE

A3.1 Commencement of the construction of terminal operations infrastructure on the area of the Stage 1 port footprint shown hatched in Schedule 3, shall not occur until such time as the Sydney Ports Corporation has submitted documentation, to the satisfaction of the Minister, by way of a copy of a contract(s) or agreement(s), by way of lease(s) or similar arrangement, between the Sydney Ports Corporation and

any other party or parties, in respect of the construction and operation of new terminal facilities on that area that demonstrate that the area shall operate as a stand alone terminal. The Minister may exempt areas of the approved footprint from the requirements of this condition where it can be demonstrated that option agreements relating to such areas were in force prior to consent being granted.

A4. AUDITING AND REPORTING

Independent Audit

- A4.1 Independent Environmental Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements in force at the time the audit commences, as approved by the Secretary and published on the Department's website.

Incident Notification, Reporting and Response

- A4.2 The Secretary must be notified via the Major Projects Website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the application number and the name of the development if it has one) and set out the location and nature of the incident.
- A4.3 Subsequent notification must be given and reports submitted in accordance with the requirements set out in Schedule 5.

Non-Compliance Notification

- A4.4 The Secretary must be notified via the Major Projects Website within seven days after the Applicant becomes aware of any non-compliance. The notification must identify the development (including the application number and the name of the development if it has one), identify the condition/s against which the development is non-compliant, the nature of the non-compliance; the reason for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A4.5 A non-compliance which has been notified as an incident under condition A4.2 does not need to be notified as a non-compliance.

SCHEDULE B
CONSTRUCTION WORKS AND ON GOING ENVIRONMENTAL MANAGEMENT OF
THE NON-OPERATIONAL ASPECTS OF THE TERMINAL

B1. GENERAL REQUIREMENTS

Application of Schedule

- B1.1 The conditions in this Schedule of the consent relate the following aspects of the development:
- development activities and works associated with the construction phase(s) of terminal footprint infrastructure including transportation and delivery of materials and construction personnel to and from the site;
 - development activities associated with the construction of terminal operations infrastructure;
 - on-going management, mitigation and monitoring associated with the development, excluding direct terminal operation matters subject to the conditions in Schedule C.
- B1.2 The conditions in this Schedule of the consent must be complied with by the Applicant, or any party undertaking the activities and works referred to under condition B1.1 on behalf of the Applicant.

Construction Environmental Management Plan (CEMP)

- B1.3 The Applicant shall prepare a Construction Environmental Management Plan (CEMP) **having regard to the Environmental Management Plan Guideline for Infrastructure Projects (Department of Planning, Industry and Environment, 2020). The CEMP** must be approved by the Secretary prior to the commencement of any site preparation or construction works. The CEMP must:
- **require preparation and implementation of an Environmental Training Program prior to undertaking any construction works. The Program must include a framework for training employees in environmental management and the operation of plant and equipment, including pollution control equipment, as 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, 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 EPA, TfNSW, DPIRD Fisheries, CPHR, Water Group and the Council during site establishment and construction (where relevant);**
 - **describe the roles and responsibilities for all relevant employees involved in the site establishment or construction of the development;**
 - **details of how the environmental performance of the construction works will be managed and monitored, and what actions will be taken to avoid and/or address identified adverse environmental impacts;**
 - **include arrangements for community consultation and complaints handling procedures during construction; and**
 - **be made available for public inspection after approval of the Secretary.**

Separate CEMPs may be prepared and submitted for works associated with the construction of the terminal footprint.

Compliance Certification

B1.4 Deleted.

B1.5 Deleted.

B2. CONSTRUCTION ENVIRONMENTAL PERFORMANCE

Air Quality Management

Odour Impacts and Sediment Sampling

B2.1 Unless otherwise permitted by an Environment Protection Licence applicable to the development, the Applicant shall ensure that construction works are undertaken in compliance with section 129 of the *Protection of the Environment Operations Act 1997*.

B2.2 Deleted.

B2.3 Deleted.

Dust Management Plan

B2.4 The Applicant must minimise or prevent the emission of dust from the site.

Soil And Water Management

Soil and Water Management Plan

B2.5 The Applicant must ensure that erosion and sediment controls are prepared in accordance with *Managing Urban Stormwater: Soils and Construction* (the blue book).

Note: All reasonably practicable erosion and sediment controls must be installed and appropriately maintained to minimise water pollution. When implementing such controls, relevant guidance in the Managing Urban Stormwater series must be considered.

Acid Sulphate Soils

B2.6 The Applicant must **manage** Acid Sulphate Soils in accordance with the Acid Sulphate Soils Manual 1998 published by the NSW Acid Sulphate Soil Management Advisory Committee. In the event that ASS are encountered during the works, the Applicant shall notify the **EPA** immediately.

Pollution Prevention

B2.7 Unless permitted through an environment protection licence applicable to the development, the Applicant must comply with section 120 of the *Protection of the Environment Operations Act 1997*, which prohibits the pollution of waters.

Dredging and Reclamation

B2.7A No capital dredging or reclamation works are permitted under this consent.

Impact of Dredging

B2.8 Deleted.

Impact of Dredging on Water Quality

B2.9 Deleted.

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, sediment deposition over the area shall not exceed an average of 2 centimetres per year.

B2.10 Deleted.

B2.10A Deleted.

B2.10B Deleted.

B2.11 Deleted.

B2.12 Deleted.

Consultation with Sydney Water

B2.13 Deleted.

Traffic, Transport and Infrastructure Management

Construction Traffic Management Plan

B2.14 The Applicant must implement traffic management measures to minimise the impact of traffic generated by the construction of the development on Foreshore Road and Botany Road traffic movements.

Safety Audit

B2.15 Deleted.

Port Traffic Handbook

B2.16 Deleted.

Rail Siding Capacity

B2.17 Deleted.

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.

Noise and Vibration Management

Restrictions to Hours

B2.19 The Applicant shall only undertake construction activities associated with the project that would generate an audible noise at any residential premises during the following hours:

- a) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive;
- b) 8:00 am to 1:00 pm on Saturdays; and
- c) at no time on Sundays or public holidays.

Audible noise is defined as "noise that can be heard at the receiver".

This condition does not apply in the event of a direction from police or other relevant authority for safety or emergency reasons.

Note: 'safety or emergency reasons' refers to emergency works which may need to be undertaken to avoid loss of life, property loss and/or to prevent environmental harm.

B2.19A The Applicant must seek the Secretary's approval to conduct construction activities audible at residential premises outside the hours specified under condition B2.19 on a case-by-case basis. In seeking the Secretary's approval, the Applicant shall demonstrate a need for activities to be conducted during varied hours and how local acoustic amenity will be protected, as well as details of how the EPA's requirements with respect to the variation of hours have been addressed.

B2.19B For activities subject to an environment protection licence issued by the EPA under the *Protection of the Environment Operations Act 1997*, conditions B2.19 and B2.19A do not apply if the EPA has approved activities to be conducted outside the hours permitted by condition B2.19.

Construction Noise Management

B2.20 The Applicant must implement measures to minimise noise and vibration during the construction of the development. All feasible and reasonable measures to minimise noise and vibration must be implemented.

Construction Noise Goals

B2.21 The goal for noise from construction activities as the L_{A10} (15 minute) should not exceed the Rating Background Level (RBL) plus 5dB(A) at sensitive receivers.

Construction Noise Criteria – Dredging

B2.22 Deleted.

B2.22A Deleted.

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. The noise barrier must be maintained for the life of the development.

B2.23A Subject to the alternative rail option being implemented as described within the report listed in condition A1.11), the Applicant shall construct a three metre high noise barrier along the northern edge of the Interterminal 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 species utilising the adjacent Penrhyn Estuary. The noise barrier must be maintained for the life of the development.

Other Construction Noise Matters

B2.24 The Applicant must ensure that where movement alarms are fitted to vehicles, plant or equipment entering or operating on the site, such alarms are of a type that minimises noise at noise sensitive receivers.

B2.25 The Applicant must install all physical noise management measures as early as is practicable during construction of the Port Botany Expansion project.

B2.26 The Applicant must not undertake any blasting on the premises.

Port Traffic and Rail Noise Management Plan

B2.27 Deleted.

Rail Noise Working Group

B2.28 Deleted.

B2.29 Deleted.

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 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 Bayside and Randwick Councils and the Community Consultative Committee, to be agreed between SPC, EPA and DPIRD Fisheries. 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 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 DPIRD 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 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.

Penrhyn Estuary Habitat Enhancement Plan – Alternative Compensatory Habitat Options

B2.32 The Applicant is required to identify, in consultation with CPHR, appropriate compensatory conservation projects for funding that are consistent with the Green Offsets paper (EPA, 2002). The identification of suitable projects and funding

arrangements would need to be decided on, prior to construction works commencing within Penrhyn Estuary.

Note: The rationale to this condition is that the Applicant has committed to evaluation of the Stage 1 habitat enhancement works. If it is determined in consultation with CPHR that the works have not been successful and that further works would also be unlikely to be successful, the Applicant would then be required to provide funding for compensatory conservation outcomes that are consistent with the Green Offsets paper (EPA, 2002).

Waste Management

- B2.33 The Applicant must implement measures to minimise the production and generation of waste at the site during construction.

Waste Management On-site

- B2.34 Management of waste must be in accordance with the environment protection licence issued by EPA under the Protection of the *Environment Operations Act 1997*.
- B2.35 All wastes and material generated on the site during construction and operation shall be classified in accordance with the *Protection of the Environment Operation (Waste) Regulation 2014, Waste Classification Guidelines Parts 1-4 (EPA, 2014) (as applicable) and Addendum to Part 1: Classifying Waste (EPA, 2016)*, or any future guideline that may supersede the 2014 Guidelines and 2016 Addendum, prior to transporting the waste off site and disposing of it at a facility that may lawfully accept the waste.

Hazardous and Industrial Waste

- B2.36 Except as expressly permitted by a licence issued by the EPA under the *Protection of the Environment Operations Act 1997*, only the hazardous and/or industrial and/or Group A waste listed below may be generated and/or stored at the premises:
- waste oil/water, hydrocarbons/water mixtures or emulsions; and
 - grease trap waste.

Visual amenity

Visual Amenity Plan

- B2.37 Deleted.

Heritage Management

Protection of Remains of Government Pier and Associated Cultural Deposits

- B2.38 The Applicant shall develop measures to protect remains of Government Pier in consultation with the Heritage NSW and NSW Heritage Council.

Potential for Discovery of Aboriginal Heritage Objects

- B2.39 If an Aboriginal object is discovered during the construction of the development, works should cease in the subject area and the Applicant must notify Heritage NSW immediately.

Hydrodynamic and Coastal Processes

- B2.40 Deleted.

- B2.40A Deleted.

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* (DoP, 2011). 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.

Fire Safety Study

- B2.42 The Applicant shall prepare a Fire 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. 2 – Fire Safety Study Guidelines* (DoP, 2011). The Study shall be submitted for the approval of the Secretary and the Commissioner of the NSW Fire Brigades prior to the commencement of **any stage of the** construction of the terminal operations infrastructure.

Emergency Incident Management

Emergency Response and Incident Management Plan

- B2.43 Deleted.

Aviation Construction Management

Impact on Aviation Operations at Sydney Airport

- B2.44 The Applicant shall ensure that all aspects associated with the construction of the development considers the required lateral separation distances to minimise the interference to Sydney Airport radar and navigational systems.
- B2.45 The Applicant shall ensure design of the navigation channel and ship turning areas considers the required lateral separation distances to minimise interference to Sydney Airport radar and navigational systems. The design shall be undertaken in consultation with Air Services Australia.

Obstacle limitation Surface

- B2.46 The Applicant shall ensure that all construction equipment is below the obstacle limitation surface, unless otherwise permitted by an approval under the *Airports (Protection of Airspace) Regulation 1996* and following consultation with the Department of Infrastructure, Transport, Regional Development and Local Government, Civil Aviation Safety Authority and Sydney Airport Corporation Limited.

Terminal Construction Lighting Design

- B2.47 The Applicant shall ensure design specifications of any construction lighting conform to the requirements of Regulation 94 of the Civil Aviation Regulations 1988.

Development and Certification of Navigational and Surveillance Technologies

- B2.48 Construction may not commence until details regarding the steps and timeframes for resolution of aviation issues, including certification, has been endorsed by Air Services Australia and **provided** to the **Department**.

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

- 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.
- a copy of the complaints in the Complaints Register to be provided to the Department and the EPA upon request, and within seven days of the request being made.

Community Consultative Committee

- 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 representative from the Applicant,
 - representatives from Bayside Council and Randwick Council; and
 - at least 3 representatives from the local community, whose appointment has been approved by the Secretary;
 - (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 discussed by the CCC and relevant stakeholders.

Note: The Applicant may, with the approval of the Secretary, combine the function of this CCC with the function of other Community Consultative mechanisms in the area, however, if it does this it must ensure that the above obligations are fully met in the combined process

- B3.3 The Applicant shall, at its own expense:
- (a) ensure that 1 representative attends 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 / or allow for 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; and
 - (g) respond to any advice or recommendations the Committee may have in relation to the environmental management or performance of the development.

Community Enhancement

- B3.4 Deleted.

- 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. **The pedestrian bridge must be maintained for the life of the development.**

B4. ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

Incident Reporting

- B4.1 **Deleted.**

Annual Environmental Management Report (AEMR)

- B4.2 **Deleted.**

Environmental Representative

- B4.3 **Deleted.**

Environmental Training

- B4.4 **Deleted.**

Environmental Auditing

- B4.5 **Deleted.**

Maintenance and Management Plan for Expanded Area

- B4.6 **The Applicant must ensure that maintenance issues including safety, vegetation management, feral pest management and other issues identified by the Secretary, are managed in the expansion area.**

SCHEDULE C

TERMINAL OPERATIONS

C1 GENERAL REQUIREMENTS

Application of Schedule

C1.1 The conditions in this Schedule of the consent relate to all the development and activities associated with the operation of the container terminal and associated infrastructure.

C1.2 The conditions in this sub-schedule of the consent must be complied with by the Applicant, or any party undertaking the activities and works referred to under condition C1.1, with the exception of the undertaking of Port, Maritime and Waterway Related Interim Uses at Hayes Dock Services Area, which are subject to condition C1.2A-C1.2E. Should more than one terminal operator undertake operations within the terminal area, compliance with the conditions of this Schedule may be undertaken individually by operators, or collectively.

Interim Uses Port, Maritime and Waterway Related Uses – Hayes Dock Services Area

C1.2A The conditions in this sub-schedule of the consent and conditions A4.2, A4.3, A4.4 and A4.5 must be complied with by the Applicant, or any party undertaking activities and works associated with Port, Maritime and Waterway Related Uses Interim Uses, except conditions C1.3, C2.5, C2.12, C2.16, C2.17, C2.18, C2.20, C2.25, C3.1 and C4.4.

Operation Environmental Management Plan – Port, Maritime and Waterway Related Interim Uses Hayes Dock Services Area

C1.2B The Applicant shall prepare an Operation Environmental Management Plan (OEMP) – Port, Maritime and Waterway Related Interim Uses prior to the commencement of Port, Maritime and Waterway Related Interim Uses on the site. The Plan shall include details of how environmental performance would be managed and monitored to meet acceptable environmental outcomes, including what actions will be taken to address potential adverse environmental impacts. In particular, the following environmental issues shall be addressed in the Plan:

- Odour and Air Quality;
- Noise Management;
- Waste Management;
- Water and Wastewater Management;
- Hazard and Risk Management;
- Amenity, including lighting; and
- Incident Reporting.

The OEMP shall also address:

- details of operation activities including key noise and/or vibration generating activities and machinery that have the potential to generate noise and/or vibration impacts on surrounding sensitive receivers;
- Identification of feasible and reasonable measures proposed to be implemented to minimise and manage operation noise and vibration impacts, especially during sleep disturbance;
- A description of how the effectiveness of mitigation and management measures would be maintained.

Noise Management shall include:

- hours in which particularly activities are undertaken;
- use of shore power where available;
- restrictions on notably noisy vehicles and vessel from the site;
- use of building and vehicle alarms and/or alternatives available.

The Plan shall also

- identify all statutory obligations that the applicant is required to fulfil in relation to operation of the development, including all consents, licences, approvals and consultations;
- include a description of the roles and responsibilities for all key employees involved in the operation of the development; and
- include overall environment policies and principles to be applied to the operation of the facility.

A copy of the updated OEMP shall be submitted for approval by the Secretary within (3) months of the date of approval of Modification 16, unless otherwise agreed by the Secretary.

Noise Management Plan – Interim Uses Hayes Dock Services Area Operation

C1.2C The noise management plan shall include, but not necessarily be limited to:

- compliance standards,
- community consultation,
- complaint handling monitoring system,
- site contact person to follow up complaints,
- mitigation measures,
- the design/orientation of the proposed mitigation methods demonstrating best practice,
- operation times,
- contingency measures where noise complaints are received, and
- monitoring methods and program.

Noise Compliance Assessment – Interim Uses Hayes Dock Services Area Operation

C1.2D Noise from the Hayes Dock Services Area must not exceed the L_{eq} (15 minute) noise limits presented in the Table at C2.6 by more than 5d(B)A between 10:00pm and 7:00am. The Secretary may require a detailed noise compliance assessment, prepared by a qualified acoustic consultant. The noise compliance assessment shall meet the requirements of the Environment Protection Authority.

The noise compliance assessment shall include the representative residential receiver locations identified in the table in C2.6.

C1.2E A complaint handling procedure shall be implemented for the Hayes Dock Services Area. 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,
- 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.

Copies of the complaints in the Complaints Register must be provided to the Department and the EPA upon request, and within seven days of the request being made.

C1.2F Deleted.

Operation Environmental Management Plan (OEMP)

C1.3 The Applicant shall prepare an Operation Environmental Management Plan (OEMP) having regard to the Environmental Management Plan Guideline for Infrastructure Projects (Department of Planning, Industry and Environment, 2020). The OEMP must be approved by the Secretary prior to commencement of any operations at the terminal. The OEMP must:

- identify all statutory obligations that the Applicant is required to fulfil in relation to operation of the development, including all consents, licences, approvals and consultations;
- describe any relevant staging or phasing of the commencement of operations within the terminal envelope and any relevant timeframes;
- clearly outline what aspects of environmental management, monitoring and reporting would be undertaken by the Applicant or jointly with other operators within the terminal area;
- include a description of the roles and responsibilities for all key employees involved in the operation of the development;
- include overall environment policies and principles to be applied to the operation of the facility;
- include specific consideration of measures to address any requirements of EPA, DPIRD Fisheries, CPHR, Water Group and the Council during operation (as relevant);
- detail standards and performance measures to be applied to the development, and a means by which environmental performance can be periodically reviewed and improved, where appropriate;
- detail management policies to ensure that environmental performance goals are met and to comply with the conditions of this consent;
- include the Management Plans relevant to operation, include the environmental monitoring requirements relevant to operation; and
- be made available for public inspection after approval of the Secretary.

Compliance Certification

C1.4 Deleted.

C1.5 Deleted.

C2 OPERATIONAL ENVIRONMENTAL PERFORMANCE

Air Quality Management

Odour

C2.1 The development shall be undertaken so as not to permit any offensive odour, as defined under section 129 of the *Protection of the Environment Operations Act 1997*, to be emitted beyond the boundary of the site.

Dust Emissions

C2.2 All activities shall be undertaken in a manner that minimises or prevents dust emissions from the site, including wind-blown and traffic-generated dust. All activities undertaken on the site shall be undertaken with the objective of preventing visible emissions of dust from the site. Should such visible dust emissions occur at any time, all practicable dust mitigation measures, including cessation of relevant works, as appropriate, shall be identified and implanted such that emissions of visible dust cease.

C2.3 All trafficable and vehicle manoeuvring areas shall be maintained at all times in a condition that minimises the generation and emission of dust.

- C2.4 All vehicles entering or leaving the site carrying a load must be covered or otherwise enclosed at all times, except during loading and unloading, to minimise the generation and emission of dust.

Noise Management

Operation Noise Management Plan

- C2.5 Prior to the commencement of operations, the Applicant must prepare an Operation Noise Management Plan in consultation with EPA, Bayside and Randwick Councils. The Plan shall include noise management, mitigation monitoring and reporting to ensure that local acoustic amenity is not adversely impacted. In addition, the Operational Noise Management Plan must:
- identify general activities that will be carried out and associated noise sources;
 - assess operation noise impacts at the relevant receivers;
 - a primary objective of achieving the operational noise limits outlined in this consent;
 - provide details of overall management methods and procedures that will be implemented to control noise from the development;
 - include a pro-active and reactive strategy for dealing with complaints including achieving the operation noise limits, particularly with regard to verbal and written responses;
 - detail noise monitoring, reporting and response procedures consistent with the requirements of EPA;
 - provide for internal audits of compliance of all plant and equipment;
 - indicate site establishment timetabling to minimise noise impacts;
 - include procedures for notifying residents of operation activities likely to affect their noise amenity;
 - address the requirements of EPA;
 - a strategy to identify operational practices and noise controls that can minimise/or reduce noise levels from container impacts, audible alarms and other short duration high level noise events;
 - identify opportunities to reduce operational noise levels including, but not necessarily limited to, selection of equipment, engineering noise controls and shore based power; and,
 - be approved by the Secretary prior to the commencement of operation.

Noise Limits

- C2.6 Noise from the premises must not exceed the sound pressure level (noise) limits presented in the Table below. Note the limits represent the sound pressure level (noise) contribution, at the nominated receiver locations in the table.

Noise Limits (dB(A))

Most affected residential Location	Day	Evening	Night		
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} ,9hrs	L _{A1} (1 minute)
Chelmsford Avenues	40	40	40	38	53
Dent Street	45	45	45	43	59
Jennings Street	36	36	36	35	55
Botany Road (north of Golf Club)	47	47	47	45	59
Australia Avenue	35	35	35	35	57
Military Road	42	42	42	40	60

For the purpose of this condition;

- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays,
- Evening is defined as the period from 6pm to 10pm
- Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays

- C2.7 Noise from the premises is to be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary, to determine compliance with the noise level limits in condition C2.6 unless otherwise stated.
- C2.8 Noise from the premises is to be measured at 1m from the dwelling façade to determine compliance with the L_{A1} (1 minute) noise level in condition C2.6.
- C2.9 Where it can be demonstrated that direct measurement of noise from the premises is impractical, the EPA may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy.
- C2.10 The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.
- C2.11 The noise emission limits identified in Condition C2.6 apply under meteorological conditions of wind speed up to 3 metres per second at 10 metres above ground level, and temperature inversion conditions up to 1.5°C/100m positive lapse rate.

Operational Traffic Management Plan

- C2.12 Prior to the commencement of terminal operations, the Applicant must prepare an Operational Traffic Management Plan in consultation with TfNSW, Bayside and Randwick Councils and SSROC. The Applicant shall address the requirements of these organisations in the Plan. The Applicant shall also consult with the Community Consultative Committee in preparation of the Plan. The Plan must include, but not be confined to, mitigation measures identified in EIS such as:

- identification of preferred routes to minimise noise impacts on the surrounding community;
- physical and operational measures (including signage) to mitigate noise impacts from vehicles accessing and leaving the terminal;
- measures to limit the impact of traffic noise on Foreshore Road and Botany Road;
- driver education and information to promote driver habits to minimise noise; and
- timetabling, scheduling and details of vehicle booking systems.

The Plan must be submitted and approved by the Secretary prior to the commencement of operations.

Waste Management On-Site

C2.13 Management of waste must be in accordance with the environment protection licence issued by EPA under the *Protection of the Environment Operations Act 1997*.

C2.13A The management of waste for uses and activities not subject to an Environment Protection Licence, shall be managed and disposed of in accordance with the *Protection of the Environment Operation (Waste) Regulation 2014* and the *Waste Classification Guidelines* (Parts 1-4 as applicable) (EPA, 2014) and the *Addendum to Part 1: Classifying Waste* (EPA, 2016), or any future guideline and addendums that may supersede the 2014 Guidelines and 2016 Addendum. All waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.

Water and Wastewater Management

C2.14 Except as may be expressly permitted by a licence under the *Protection of the Environment Operations Act 1997* in relation to the development, section 120 of that Act (prohibition of the pollution of waters) shall be complied with in connection to the development.

Pollutant Concentration Limits

C2.15 For each monitoring/discharge point or utilisation area, the concentration of any pollutant discharged at that point, or applied to the area, must not exceed concentration limits specified in the relevant environment protection licence.

Hazards and Risk Management – Hayes Dock Interim Uses

C2.15A Port, maritime and waterway related uses within Hayes Dock may involve the loading, unloading and storage of minor volumes of dangerous goods (DGs) for the sole purpose of minor site maintenance; line boat, barge and tug maintenance; related service activities and boat refuelling.

Hazards and Risk Management

Storage and Handling of Dangerous Goods

C2.16 Prior to the commencement of operation, the Applicant shall develop management measures in consultation with the Department regarding the use of the new terminal for loading, unloading and storage of dangerous goods of Classes 2.3 and 6.

Hazards and Risk Management – Storage and Handling of Dangerous Goods

C2.17 Twelve months after the determination of DA 494-11-2003-i MOD 16, the Applicant shall submit an annual report to the Secretary which provides details on actual Dangerous Goods movements listed in the Table 1 provided in Schedule 4.

Should the threshold limits listed in Table 2 in Schedule 4 be exceeded for three consecutive annual reporting years, or if the maximum limits are reached in a single 12 month reporting period, the Applicant shall prepare an updated hazard analysis for the PBE operations. The hazards analysis shall:

- Be prepared in consultation with the Department;
- Be prepared in accordance with *Hazardous Industry Planning Paper No. 6, 'Hazard Analysis'*;
- Assess compliance against the land use safety planning risk criteria (including individual fatality risk, injury/irritation risk and societal risk), as outline in *Hazardous Industry Planning Advisory Paper No. 4, 'Risk Criteria for Land Use Safety Planning'*; and
- Assess whether the risks from PBE operations will significantly impact on the cumulative risk contour of 1×10^{-6} per annum, contained in Figure 2 of the *Port Botany Land Use Safety Study Overview Report 1996*, or any other revised land use safety study for the Port that supersedes the 1996 study.

The report shall be prepared to the satisfaction of the Secretary.

The hazard analysis is to be submitted to the Secretary within 6 months of an identified threshold exceedance, or as agreed to by the Secretary.

The information provided shall cover all stevedores in the PBE area. The information may be provided separately by each stevedore to the Department or in total for the PBE by the Applicant.

C2.18 The Applicant shall not store or handle or permit to be stored or handled, dangerous goods of Class 2.3, toxic compressed or liquefied gases above the quantities stored or handled in 1995/96 except in accordance with recommendations 1.1 and 1.2 in the *Port Botany Land Use Safety Study (1996)*.

C2.19 Deleted.

Emergency Incident Management

Emergency Response and Incident Management Plan

C2.20 The Applicant shall develop an Emergency Response and Incident Management Plan in consultation with EPA, Council and the Community Consultative Committee. The Plan must be approved by the Secretary prior to the commencement of operations 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 be scaled as appropriate for any incident or emergency.

Aviation Operational Impacts

Impact on Aviation Operations at Sydney Airport

C2.21 The Applicant shall ensure that the location of fixed terminal operating infrastructure adequately takes into account the required lateral separation distances to minimise the interference to Sydney Airport radar and navigational systems.

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 *Airports Act 1996* and *Airports (Protection of Airspace) Regulation 1996*.

Terminal Lighting

- C2.23 The Applicant shall ensure design specifications of the terminal lighting conform to the requirements of Regulation 94 of the Civil Aviation regulations 1988.

Light Spill

- C2.24 The Applicant shall adopt measures to ensure that there is minimal light spill from ships which may cause distraction, confusion or glare to pilots. These may include:
- minimising ship board lighting while berthed;
 - orientating ships in a specific direction; and or
 - providing temporary shielding on the ship mounted floodlights while docked.

Bird Hazard Management Plan

- C2.25 Prior to operations, the Applicant shall develop a Bird Hazard Management Plan to minimise the attraction of bird species that pose a risk to aircraft movements. The Plan is to be prepared in consultation with the Department of Transport and Regional Services, Sydney Airport Corporation and Bayside and Randwick Councils. The Plan must be approved by the Secretary prior to the commencement of operations.

C3 COMMUNITY INFORMATION, INVOLVEMENT AND CONSULTATION

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 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; and
 - a copy of the complaints in the Complaints Register to be provided to the Department and the EPA upon request, and within seven days of the request being made.

Community Consultative Committee

- 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 representative from the Applicant;
 - 1 representative from **Bayside Council and Randwick Council**; and
 - at least 3 representatives from the local community, whose appointment has been approved by the Secretary;
 - (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.**

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 combined process.

- C3.3 The Applicant shall, at its own expense:
- (a) ensure that 1 representative attends 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 / or allow for 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; **and**
 - (g) respond to any advice or recommendations the Committee may have in relation to the environmental management or performance of the development.

C4 ENVIRONMENTAL MONITORING AND AUDITING

Incident Reporting

C4.1 **Deleted.**

Annual Environmental Management Report (AEMR)

C4.2 **Deleted.**

Environmental Representative

C4.3 **Deleted.**

Environmental Training

- C4.4 Prior to the commencement of operations an Environmental Training Program shall be developed and implemented to establish a framework in which relevant employees will be trained in environmental management and the operation of plant and equipment, including pollution control equipment, where relevant. The Program shall include, but not necessarily be limited to:
- 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.

Environmental Auditing

C4.5 Deleted.

FOR INFORMATION



SCHEDULE 4 -DANGEROUS GOODS REPORTING THRESHOLDS

Table 1 Dangerous Goods Reporting Threshold

DG Class	Basis -Unit Type and number of shipping containers through PBE ^{Note 1} per year containing DG Class		Comments
	From 2 te up to 12 te NEQ ^{Note 2}	Greater than or equal to 12 te NEQ ^{Note 2}	
Total Class 1.1 and 1.2	83	63	Number as per PHA (rev7) Table 6.8
	Containers of packaged material	Tanktainers (Bulk) (≤ 20 m³)	
Class 2.3	157	-	Packaged material is total of Class 2.3 as per PHA Table 6.8.
Toxic gases, DG Class 2.3	-	26	Class 2.3 Tanktainers (bulk) – new figure developed from Technical Note Section 2.5 ^{Note 3}
Very Toxic gases, DG Class 2.3 substances including Chlorine (1017), Sulphur Dioxide (1079) and Methyl Bromide (1062) or any Class 2.3 substance meeting GHS^{Note 4} Acute Toxicity Category 1	-	1	
Class 8 only Hydrogen Fluoride (1052)	11	23	HF numbers as per PHA (rev7) Table 6.8
Notes: 1. PBE (Port Botany Expansion), numbers are inclusive of all stevedores operating under this consent. 2. Contents weight can be used to assign container numbers to a Net Explosive Quantity (NEQ) range. 1 te NEQ can be assumed to equal 1 te contents weight in a container. 3. Technical Note, PBE Proposed revision of Condition of Consent in relation to DGs prepared by Sherpa Consulting Pty Ltd, Document No. 21137-TN-001 Rev 0 22 May 2017. 4. UN chemical classification, Globalised Harmonised System (GHS)			

Table 2 Summary of Dangerous Goods Reporting Thresholds Including Triggers for Further Assessment

DG Class	Basis – Number of shipping containers per year containing DG Class ^{Note 1}	
	Limiting number of containers handled in 12-month period	Threshold – trigger for preparing a further hazard analysis
Total Class 1.1 and 1.2		
2 te NEQ ^{Note 2}	83	83 containers exceeded for 3 successive annual reporting periods OR 100 containers in a single 12 month reporting period
12 te NEQ ^{Note 2}	63	63 containers exceeded for 3 successive annual reporting periods OR 76 containers in a single 12 month reporting period
Total Class 2.3		
Containers of packaged material	157	157 containers of packaged material exceeded for 3 successive annual reporting periods OR 236 containers of packaged material in a single 12 month reporting period
Tanktainers (bulk) - Toxic	26	26 tanktainers exceeded for 3 successive annual reporting periods OR 31 tanktainers in a single 12 month reporting period
Tanktainers (bulk) – Very Toxic gases DG Class 2.3; Chlorine (1017), Sulphur Dioxide (1079) and Methyl Bromide (1062) or any Class 2.3 substance meeting GHS acute toxicity Category 1	1	1 tanktainer exceeded in a single 12 month reporting period
Total Class 8 – Hydrogen Fluoride (1052)		
Packaged Material	11	11 containers of packaged material exceeded for 3 successive annual reporting periods OR 17 containers of packaged material in a single 12 month reporting period
Tanktainers (bulk)	23	23 tanktainers exceeded for 3 successive annual reporting periods OR 28 tanktainers in a single 12 month reporting period
Notes:		
1. This is the physical number of containers on an annual basis (ie 20ft container, a 40 ft container and a tanktainer are all equivalent to one container). This does not need		

to be converted to TEUs. TEU basis can be used if information is more readily available but may overstate the number of container movements as 40ft containers would be counted as two containers.

2. Contents or net weight can be used to assign container numbers to relevant NEQ range. 1te NEQ can be assumed to equal 1 te contents weight in a container.

FOR INFORMATION

SCHEDULE 5 - WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Department via the Major Projects website within seven (7) days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A4.2 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (a) identify the development and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the Applicant became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of approval;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action that will be taken in relation to the incident; and
 - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Secretary, the Applicant must provide the Secretary and any relevant public authorities (as determined by the Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.