



Our ref: DOC16/524273
Your ref: DA-494-11-2003i MOD 16
Contact: Laura Ansted: (02) 9995 6812

Ms Heather Nelson
Senior Planning Officer
Infrastructure Management, NSW Planning and Environment
Via email: heather.nelson@planning.nsw.gov.au

Dear Ms Nelson

**PROPOSED SECTION 75W MODIFICATION (DA-494-11-2003I MOD 16)
PERMANENT USE OF HAYES DOCK SERVICES AREA AND OTHER CONDITION CHANGES**

I am writing in response to the Department of Planning and Environment (DPE)'s request dated 17 October 2016 seeking a submission from the NSW Environment Protection Authority (EPA) regarding the above proposed development.

The EPA understands that the proposed modification includes:

- continuation of temporary uses and associated installation of temporary infrastructure for up to two years on each occasion;
- permanent 24/7 operation of port, maritime and waterway uses, typically mooring of non-trading vessels, and
- changes to some conditions of consent to exclude the Hayes Dock Services area from ongoing operational conditions.

To assist the DPE with its assessment of the proposal, the EPA has conducted a review of the proposal's Modification Application. The EPA's comments on the proposal are set out in **Attachment A**.

Should you have any questions regarding the above, please contact Laura Ansted on (02) 9995 6812.

Yours sincerely

A handwritten signature in purple ink, appearing to read 'James Goodwin'.

26 October 2016

JAMES GOODWIN
Unit Head, Sydney Industry
Environment Protection Authority

Enclosure: *Attachment A – EPA comments on the proposed modification*

Attachment A: EPA comments on the proposed modification

In regards to the proposed section 75W modification (DA-494-11-2003I) for the permanent use of the Hayes Dock area and other condition changes, the EPA has reviewed the following documentation:

- Port Botany Expansion Modification Application 16 to DA-494-11-2003I permanent uses Hayes Dock services area and administrative changes to some conditions (September 2016)
 - Appendix A Figures and Photos
 - Appendix B Minutes of PBE Rail Noise Working Group Meeting 1
 - Appendix C Minutes of CCC 30 August 2016

The following comments and recommendations below are provided regarding these aspects of the proposal:

- 1 *Environmental impacts - Noise*
- 2 *Dangerous goods/chemical management*
- 3 *Rail Working Group – Port Botany CCC*

The EPA has no comment regarding the other matters raised in the modification application.

1. Environmental impacts - Noise

The EPA acknowledges that the Port Botany area is a complex industrial and residential noise environment that features multiple noise sources including container handling, road, rail, shipping and various industrial activities.

The EPA notes that notes that the Sydney International Container Terminal (SICTL) administration building provides a level of shielding between operational port noise and that of sensitive receivers, which is not present for the site.

The following activities undertaken on the site can result in noise impacts, and contribute to overall noise levels in the area;

- Berthing and disembarking
- Refuelling
- Use of diesel generator
- Truck and other vehicle movements
- Construction noise

The EPA notes that the proposal states that there has not been any environmental impacts, incidents or community complaints, resulting from the temporary use of the site. Absence of complaints is not necessarily an indication that there has been no community impact; particularly where it may not be clear as to where the impacts are coming from in a complex operational environment such as Port Botany.

Where practicable and feasible, noise mitigation measures should be implemented to minimise noise impacts from the use of the dock. These measures should be carefully addressed and considered in any current and future Operational Environmental Management Plan (OEMP) and/or Construction Environmental Management Plan/s (CEMP) where not already addressed, and include:

- Hours in which particular activities are undertaken
- Use of on-shore power, where available
- Restrictions on notably noisy vehicles from the site (including barges, line boats, etc)

- The necessity of any alarms used, and/or alternatives available (e.g. use of broadband alarms, where appropriate)

2. Dangerous goods/Chemical management

The proposal seeks to remove site restrictions on dangerous goods and proposes to use small volumes of dangerous goods for the purpose of minor site and boat maintenance, and related activities and boat refuelling.

The EPA also understands that, as a result of the proposal, there is a potential for onsite petroleum storage systems to be installed in the future under the State Environmental Planning Policy (Three Ports SEPP)'s complying and exempt development provisions.

The proponent must ensure that environmental risks associated with the storage, procession and handling of hazardous materials and dangerous goods are minimised. Storage and handling of any dangerous goods must be undertaken in accordance with relevant and latest Codes of Practice for the storage and handling of dangerous goods.

The EPA's "Environmental Action for guidelines for Marinas, Boatsheds and Slipways" provides useful guidance on protecting waterways; particularly where in-water boat maintenance is carried out. This document is available online at:

<http://www.epa.nsw.gov.au/resources/clm/EnvironmentalActionMarinasBoatshedsSlipways2007.pdf>

Effective controls need to be implemented and maintained in the storage, procession and handling of materials at the premises. These controls should also include operating and maintaining bunds or spill containment systems where necessary to minimise the risk of pollution from potential spills and leaks. Information on bunding and spill management can be found online at:

<http://www.epa.nsw.gov.au/mao/bundingspill.htm>

Any installation of petroleum storage systems infrastructure must comply with all current regulations and standards. Any new infrastructure should strive towards best practice environmental controls, and all practicable steps should be taken to ensure that unforeseen events such as spills or leaks do not result in polluted water entering the stormwater system or Botany Bay.

3. Deletion of Condition of Approval: B2.28 Rail Noise Working Group

The EPA has no objection to the Rail Noise Working Group being accommodated in the Port Botany Community Consultative Committee (CCC). The EPA also has no objection to Condition C3.2 being amended to formally include rail noise as an ongoing agenda item for each Port Botany CCC meeting.

Should the DPE amend Condition C3.2 as above; the EPA recommends that the community is re-invited to apply to join the Port Botany CCC via advertisement in the local community paper, with note that the Rail Noise Working Group is now incorporated into the Port Botany CCC. This will ensure that community members interested in discussing rail noise are aware of the Port Botany CCC and have the opportunity to discuss rail noise matters at the Port Botany CCC.

The EPA also recommends that the relevant representatives and stakeholders from the Rail Noise Working Group should join the Port Botany CCC where appropriate (e.g. Roads and Maritime NSW, Australian Rail Track Corporation, etc.). The Port Botany CCC Terms of Reference should be updated accordingly.