

Our ref: 09/177



2 July 2013

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

Dear Ms Ilias

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yours faithfully



 **R J DOWSETT**  
**DIRECTOR – PLANNING & DEVELOPMENT**