

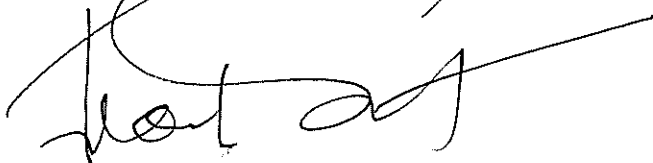
Project Approval

Section 75J of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, approve the project referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts; and
- set standards and performance measures for acceptable environmental performance.



Frank Sartor MP
Minister for Planning

Sydney



2006

File No: 9041401

SCHEDULE 1

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| Application No: | 05_0205 |
| Proponent: | P&O Ports Limited |
| Approval Authority: | Minister for Planning |
| Land: | Lots 1-13 DP 260692 and Lot 6 DP 1053768, Port Botany |
| Project: | Demolition of three minor buildings, construction of a new gear store and installation of a fibre optic communications cable between P&O sites. |
| Major Project: | The proposal is declared a Major Project under section 75B(1)(a) of the <i>Environmental Planning and Assessment Act 1979</i> , because it is a development of a kind described in clause 7(1) of Schedule 2 to <i>State Environmental Planning Policy (Major Projects) 2005</i> . |

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SCHEDULE 2

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| Act, the | <i>Environmental Planning and Assessment Act, 1979</i> |
| BCA, the | Building Code of Australia |
| Conditions of Approval | The Minister's conditions of approval for the project. |
| Construction | all activities requiring a Construction Certificate, and demolition works |
| Council | Council of the City of Botany Bay |
| Department, the | Department of Planning. |
| Director-General, the | Director-General of the Department of Planning (or delegate). |
| Director-General's Approval | <p>A written approval from the Director-General (or delegate).</p> <p>Where the Director-General's Approval is required under a condition the Director-General will endeavour to provide a response within one month of receiving an approval request. The Director-General may ask for additional information if the approval request is considered incomplete. When further information is requested the time taken for the Proponent to respond in writing will be added to the one month period.</p> |
| Director-General's Report | The report provided to the Minister by the Director-General of the Department under section 75I of the EP&A Act. |
| Minister, the | Minister for Planning. |
| Proponent | P&O Ports Limited |
| Site | Land to which Major Projects Application 05_0205 applies. |

1. ADMINISTRATIVE CONDITIONS

Terms of Approval

- 1.1 The Proponent shall carry out the project generally in accordance with the:
 - a) Major Projects Application 05_0205;
 - b) *Environmental Assessment for Major Projects Application*, prepared by James Rose Consulting and dated February 2006; and
 - c) the conditions of this approval.
- 1.2 If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of the inconsistency.

Limits of Approval

- 1.3 This approval shall lapse five years after the date on which it is granted, unless the works the subject of this approval are physically commenced on or before that time.

Utilities and Services

- 1.4 Prior to the commencement of construction, the Proponent shall identify (including, but not limited to the position and level of service) all public utility services on the site, roadway, footpath, public reserve or any public areas that are associated with, and/or adjacent to the site, and/or likely to be affected by the construction and operation of the project.
- 1.5 The Proponent shall consult with the relevant utility provider(s) for those services identified under condition 1.4 and make arrangements to adjust and/or relocate services as required. The Proponent shall bear the full cost associated with providing utilities and services to the site, and restoring any public infrastructure that may be damaged during the proposed works.
- 1.6 Prior to the commencement of construction works that may affect services/utilities, the Proponent shall provide documentary evidence to the Director-General that the requirements of the relevant utility provider(s) have been met.

2. SPECIFIC ENVIRONMENTAL CONDITIONS

Demolition Requirements

- 2.1 The Proponent shall demolish all relevant structures strictly in accordance with *Australian Standard 2601-1991: The Demolition of Structures*, as in force at 1 July 1993.

Air Quality Impacts

- 2.2 The Proponent shall undertake the project in a manner that minimises or prevents dust emissions from the site, including wind-blown and traffic-generated dust.

Noise Impacts

- 2.3 To mitigate construction noise impacts associated with the project, the Proponent shall only undertake construction activities that are audible at any residential receptor during the hours listed below. This condition does not apply in the event of an emergency (to protect the human and biophysical environments) or under direction from a relevant authorised public authority.
 - a) all works undertaken on Mondays to Fridays shall only be carried between 7:00 and 18:00;
 - b) all works undertaken on Saturdays shall only be carried between 8:00 and 13:00; and
 - c) no works shall occur on Sundays or public holidays.
- 2.4 The Proponent may seek the Director-General's prior written agreement to undertake limited works outside the hours specified under condition 2.3 of this approval, if doing so is necessary to cause conflict with train movements (refer to condition 2.6).

Traffic and Transport Impacts

- 2.5 The Proponent shall take reasonable measures to ensure that all vehicles associated with the construction of the project do not queue or park within the surrounding local road network.
- 2.6 The Proponent shall consult with the RailCorp prior to and during the installation of the fibre optic cable to ensure that trenching and cabling is carried out during breaks between train movements over affected sections of track, and to avoid train disruptions.

Soil and Water Impacts

- 2.7 Except as may be expressively provided by an Environment Protection Licence for the development, the Proponent shall comply with section 120 of the *Protection of the Environment Operations Act 1997* which prohibits the pollution of waters.

Waste Generation and Management

- 2.8 All waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.

3. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

Complaints Procedure

- 3.1 Prior to the commencement of construction of the project, the Proponent shall ensure that the following are available for community complaints for the life of the project (including construction and operation):
- a) a telephone number on which complaints about construction and operational activities at the site may be registered;
 - b) a postal address to which written complaints may be sent; and
 - c) an email address to which electronic complaints may be transmitted.

The telephone number, the postal address and the email address shall be displayed on a sign near the entrance to the site, in a position that is clearly visible to the public, and which clearly indicates the purposes of the sign.

- 3.2 The Proponent shall record details of all complaints received through the means listed under condition 3.1 of this approval in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:
- a) the date and time, where relevant, of the complaint;
 - b) the means by which the complaint was made (telephone, mail or email);
 - c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
 - d) the nature of the complaint;
 - e) any action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant; and
 - f) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the Director-General upon request.

4. ENVIRONMENTAL MANAGEMENT

Construction Environmental Management Protocol

- 4.1 Prior to the commencement of construction of the project, the Proponent shall prepare and implement a **Construction Environmental Management Protocol** to outline environmental management practices and procedures to be followed during the construction of the development. The Plan shall be prepared in accordance with *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004).

5. ENVIRONMENTAL REPORTING

Incident Reporting

- 5.1 The Proponent shall notify the Director-General of any incident with actual or potential significant off-site impacts on people or the biophysical environment within 12 hours of becoming aware of the incident. The Proponent shall provide full written details of the incident to the Director-General within seven days of the date on which the incident occurred.
 - 5.2 The Proponent shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this approval, reported in accordance with condition 5.1 of this approval, within such period as the Director-General may require.
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