

# Modification of Minister's Approval

## Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning, under the Instrument of Delegation executed on 11 October 2017, I approve the modification of the project approval referred to in Schedule 1, subject to the conditions outlined in Schedule 2.

**Anthea Sargeant**  
**Executive Director**  
**Key Sites and Industry Assessments**

Sydney

2018

File: OBJ15/10019

### SCHEDULE 1

Project Approval (MP 06\_0089), granted by the former Minister for Planning on 28 February 2007 for the expansion of the Vopak bulk liquids storage facility and associated infrastructure at Port Botany in the Randwick local government area.

### SCHEDULE 2

This approval is modified as follows:

1. Delete the definitions for Construction, DEC, Department and Director-General and insert the following definitions in alphabetical order:

Ancillary works	Includes the following activities: roadworks, awning construction, warehouse extensions, construction of amenities block, civil and electrical activities
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the Project, including bulk earthworks, and erection of buildings and other infrastructure permitted by this approval
Department	Department of Planning and Environment
DPI	Department of Primary Industries
EPA	Environment Protection Authority
Feasible	Feasible relates to engineering and management considerations and what is practical to build
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Material harm	Is harm that: <ul style="list-style-type: none"><li>• involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li><li>• 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)</li></ul>
Mitigation	Activities associated with reducing the impacts of the project prior to or during those impacts occurring
MOD 2	Request to modify a project approval submitted on 2 December 2016 and accompanying <i>Environmental Assessment – Section 75W Modification Site B Bulk Liquids Storage Terminal</i> , prepared by PlanCom Consulting Pty Ltd and dated 23

	November 2016, as modified by the <i>Response to Submissions –Section 75W Modification Site B Bulk Liquids Storage Terminal</i> , prepared by PlanCom Consulting Pty Ltd and dated 24 February 2018
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
NSW Ports PHA	Botany Operations Pty Ltd as trustee for the Port Botany Unit Trust <i>Site B Proposed Throughput Increase s75W Application for Expansion – Quantitative Risk Assessment, Port Botany</i> , prepared by Sherpa Consulting and dated 11 June 2015
POEO Act Reasonable	<i>Protection of the Environment Operations Act 1997</i> Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Planning Secretary	The Secretary of the Department of Planning and Environment, or nominee
Waste	As defined in the POEO Act
Year	A period of 12 consecutive months

## In Schedule 2: Administrative Conditions

2. Delete all references to “Director-General” and replace with “Planning Secretary”.
3. Delete all references to the word “shall” and replace with “must”.
4. Delete all references to “Sydney Ports Corporation” and replace with “NSW Ports”.
5. Delete condition 1 and replace with the following:
  1. In addition to meeting the specific performance measures and criteria in this approval, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the project, and any rehabilitation required under this approval.
6. Delete condition 2, and replace with new conditions 2 to 2B as follows:
  2. The Proponent must carry out the project:
    - a) in compliance with the conditions of this approval;
    - b) generally in accordance with site and architectural plans in Appendix 1: 2515-P-2000 (Rev. 4), and 2515-P-2001 (Rev 2);
    - c) generally in accordance with the EA;
    - d) generally in accordance with MOD 1; and
    - e) in accordance with MOD 2.
  - 2A. Consistent with the requirements in this approval, the Planning Secretary may make written directions to the Proponent in relation to:
    - a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this approval; and
    - b) the implementation of any actions or measures contained in any such document referred to in 2A(a) above.
  - 2B. The conditions of this approval and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition 2c), 2d) or 2e). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition 2c), 2d) or 2e), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.
 

**Note:** For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of approval or direction of the Planning Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.
7. Insert new subheading and condition 5A, after condition 5 as follows:

### Structural Adequacy of Early Works – MOD 2

- 5A. Within three (3) months of the date of approval of MOD 2, or as otherwise agreed to by the Planning Secretary, the Proponent must:

- a) obtain and provide a copy to the Planning Secretary of a building information certificate from Council for any structures proposed as part of MOD 2 that have been constructed or partially constructed prior to the approval of MOD 2; and
  - b) ensure that all new structures, including any alterations or additions to existing structures, are constructed in accordance with the relevant requirements of the BCA.
- 8. In condition 9, delete the number “3,950,000” and insert instead the number “7,800,000”.
- 9. Delete condition 11, and replace with the following:
  - 11. The Proponent must not dispatch more than 3,700,000m<sup>3</sup> of bulk liquids a year by tanker, including a maximum of 2,603,876 m<sup>3</sup> of Dangerous Goods Class 3.1.
- 10. Insert new subheadings and conditions 12 to 15, after condition 11 as follows:

#### **Staged Submission of Plans or Programs**

- 12. With the approval of the Planning Secretary, the Proponent may:
  - a) prepare and submit any strategy, plan or program required by this approval on a staged basis (if a clear description is provided as to the specific stage and scope of the project to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
  - b) combine any strategy, plan or program required by this approval (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
  - c) update any strategy, plan or program required by this approval (to ensure the strategies, plans and programs required under this approval are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the project).
- 13. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this approval.
- 14. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

#### **Evidence of Consultation**

- 15. Where conditions of this approval require consultation with an identified party, the Proponent must:
  - a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
  - b) provide details of the consultation undertaken including:
    - (i) description of how matters raised by those consulted have been resolved to the satisfaction of both the Proponent and the party consulted; and
    - (ii) details of any disagreement remaining between the party consulted and the Proponent and how the Proponent has addressed the matters not resolved.

***Note:** The Proponent may provide evidence of consultation in the form of correspondence with the relevant party.*

#### **In Schedule 3: Specific Environmental Conditions**

- 11. Delete condition 6 and replace with the following:
  - 6. The Proponent must notify NSW Ports in writing on each occasion that flexible hoses are used for ship import and export activities. This notification must occur prior to the use of the hoses, and shall state the reasons for the use of the hoses, the intended duration of use and the quantity of product to be transferred.

12. Insert new subheadings and conditions 9A to 9I after condition 9:

## **HAZARDS AND RISK – MOD 2**

- 9A. The Proponent must:
- implement all risk control measures and safeguards proposed in the PHA;
  - implement all reasonable and feasible prevention measures to reduce the likelihood of major incidents;
  - implement all reasonable and feasible mitigation measures to limit the consequences of major incidents;
  - notify the Planning Secretary if the operation of the project has deviated from the assumptions listed in Appendix E of the PHA. Within three (3) months of notifying the Planning Secretary, the Proponent must submit an updated hazard analysis.
- 9B. At least one month prior to the commencement of construction works associated with MOD 2 (except for ancillary works), or within any such time as the Planning Secretary may agree, the Proponent must update the existing Surge Analysis to be consistent with the operating conditions and carry out new surge studies for operations not included in existing studies. The outcomes of the analysis that may impact on the risk assessment must be included in the Final Hazard Analysis (FHA).

### **Pre-construction**

- 9C. At least one month prior to the commencement of construction works described in MOD 2 (except for ancillary works), or within any such time as the Planning Secretary may agree, the Proponent must prepare and submit for the approval of the Planning Secretary the studies set out under subsections (a) to (d) (the pre-construction studies) of this condition. Construction, other than of preliminary works, shall not commence until approval has been given by the Planning Secretary and, with respect to the Fire Safety Study, approval has also been given by Fire and Rescue NSW (FRNSW).
- FIRE SAFETY STUDY**  
The Fire Safety Study (FSS) of the site as required by condition 1(a) must be updated to incorporate all components described in MOD 2. The updated FSS must also be developed in consultation with FRNSW and address all recommendation raised by FRNSW.
  - HAZARD AND OPERABILITY STUDY**  
A Hazard and Operability Study (HAZOP) for the components described in MOD 2, chaired by a qualified person, independent of the project, approved by the Planning Secretary prior to the commencement of the study. The study shall be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 8, 'HAZOP Guidelines'*. The study report must be accompanied by a program for the implementation of all recommendations made in the report. If the Proponent intends to defer the implementation of a recommendation, reasons must be documented.
  - FINAL HAZARD ANALYSIS**  
A FHA of the site as modified by MOD 2, consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'*. The FHA must:
    - re-evaluate and confirm all relevant data and assumptions of the PHA and, in particular, the outcomes of the surge analysis that may result in changes in the risk assessment; and
    - re-evaluate and confirm all proposed risk reduction measures. If the Proponent intends to defer the implementation of a risk reduction measures, reasons must be documented and agreed with Safework NSW.
  - CONSTRUCTION SAFETY STUDY**  
A Construction Safety Study, prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 7 'Construction Safety'*. Where the construction period exceeds six months, the commissioning portion of the Construction Safety Study may be submitted two (2) months prior to commencement of commissioning of each discrete component/system of the project per the project's commissioning plan. The Construction Safety Study must identify and assess construction and demolition related hazards and the control measures that will be put in place to prevent and/or mitigate such hazards.

### **Pre-commissioning**

- 9D. The Proponent must develop and implement the plans and systems set out under subsections (a) to (c). No later than two (2) months prior to the commencement of commissioning of any components described

in MOD 2 (except for ancillary works), or within such further period as the Planning Secretary may agree, the Proponent must submit, for the approval of the Planning Secretary, documentation describing those plans and systems. Commissioning must not commence until approval has been given by the Planning Secretary.

a) **TRANSPORT OF HAZARDOUS MATERIALS**

The Transport of Hazardous Materials Plan as required by condition 3(a) in Schedule 3 must be updated to incorporate all components described in MOD 2. The study must include information on the Proponent's responsibility under the Heavy Vehicle National Law (NSW), including but not limited to, fatigue management, speeding compliance, mass, dimension and loading requirement for heavy vehicles. The study must demonstrate all practicable control measures to further reduce the risks are implemented.

b) **EMERGENCY PLAN**

The Emergency Plan and detailed emergency procedures for the site, as required by condition 3(b) in Schedule 3 must be updated to incorporate all components described in MOD 2. This plan must include consideration of the safety of all people outside of the site who may be at risk from operations at the site. The plan must be consistent with the *Department's Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'*. The plan must include interim emergency management arrangements (if any) which may be introduced between the commencement of commissioning and reaching end-state terminal operations. The plan must also include a review of access arrangements from the Australian Container Freight Services (ACFS) site, with consultation with ACFS, to determine if any additional emergency access or egress provisions are required in the event of an incident in the southern or eastern parts of the site.

c) **SAFETY MANAGEMENT SYSTEM**

The Safety Management System that covers all on-site operations, as required under condition 3(c) must be updated to incorporate all components described in MOD 2. The document must clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. Records must be kept on-site and must be available for inspection by the Planning Secretary upon request. The Safety Management System must be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'*.

An inspection, testing and preventive maintenance program should be developed, implemented and maintained to ensure the reliability and availability of the key critical safety equipment is, at a minimum, consistent with the data estimated in the PHA.

### **Pre-startup**

9E. **PRE-STARTUP COMPLIANCE REPORT**

Two (2) weeks prior to the commencement of operation of each asset or system described in MOD 2 (except for ancillary works), or as otherwise agreed to by the Planning Secretary, the Proponent must submit to the Planning Secretary, a report detailing compliance with conditions 9A to 9D in Schedule 3, including:

- a) dates of study/plan/system submission, approval, commencement of construction and commissioning;
- b) actions taken or proposed, to implement the recommendations and safety-related control measures in the studies/plans/systems;
- c) a pre-startup safety review/checklist; and
- d) responses to each requirement imposed by the Planning Secretary under condition 9H(b) of this schedule.

### **Post-startup**

9F. **POST-STARTUP COMPLIANCE REPORT**

Three (3) months after the commencement of operation of the first asset or system described in MOD 2 (except for ancillary works), the Proponent must submit to the Planning Secretary, a report verifying that the:

- a) Emergency Plan required under condition 9D(b) in schedule 3 is effectively in place and that at least one emergency exercise has been conducted; and
- b) Safety Management System required under condition 9D(c) in schedule 3 has been fully implemented and that records required by the system are being kept.

## **Ongoing**

### **9G. HAZARD AUDIT**

Within 12 months of the date of approval of MOD 2 and every three (3) years thereafter, or at such intervals as the Planning Secretary may agree, the Proponent must carry out a comprehensive Hazard Audit of the site.

The audits must be carried out at the Proponent's expense by a qualified person or team, independent of the project, approved by the Planning Secretary prior to commencement of each audit. Hazard Audits must be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit Guidelines'* (HIPAP No. 5). The audit reports must, in addition to the requirements provided in HIPAP No 5:

- a) verify that an inspection, testing and preventative maintenance program has been developed, implemented and maintained to ensure the reliability and availability of key safety critical equipment;
- b) confirm the throughput and storage quantities of potentially hazardous materials are consistent with the information provided in the FHA;
- c) verify if the site is operating in accordance with the operating assumptions adopted in the PHA and whether an update of the Hazard Analysis and FSS is triggered by the Proponent's checklist provided in E1.3 of the PHA;
- d) verify implementation of any measures arising from the reports submitted in respect of conditions 9A to 9D of this schedule.

Within three (3) months of receiving the final audit report, or as otherwise agreed by Planning Secretary, a copy of the report must be submitted to the Planning Secretary. The audit report must be accompanied by a program for the implementation of all recommendations made in the audit report. If the Proponent intends to defer the implementation of a recommendation, reasons must be documented. This audit report must also be submitted to SafeWork NSW.

### **9H. Within three (3) years of the date of approval of MOD 2 and every three (3) years thereafter, or as otherwise agreed to by the Planning Secretary, the Proponent must carry out a periodic update of the *Denison Street Dangerous Goods Transport Quantitative Risk Assessment (DS-DG TQRA)*, July 2016 Update, prepared by Systra Scottlister, dated 22 August 2018.**

The periodic update of the DS-DG TQRA must be prepared and submitted for approval of the Planning Secretary. Each quantitative risk assessment, or update to such an assessment, must be prepared in accordance with *Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis* (DoP, 2011).

The update of the DS TQRA reports must, in addition to the requirements provided in HIPAP No 6:

- a) establish the methodology to estimate the annual tanker movements of Dangerous Goods Class 3.1 from the project along Denison Street. The methodology must be agreed by the Planning Secretary prior to the submission of the DS-DG TQRA;
- b) report the estimated annual tanker movements of Dangerous Goods Class 3.1 from the project along Denison Street and compare these numbers against the predicted traffic movements on Denison Street provided in the EA in MOD 2;
- c) evaluate individual and societal transport risk on Denison Street from tanker movements of Dangerous Goods Class 3.1 based on the most recently available population and meteorological data; and
- d) evaluate cumulative individual and societal transport risk on Denison Street considering the *Dangerous Goods Transport Quantitative Risk Assessment for Denison Street*, Hillsdale prepared by Scott Lister, dated 12 February 2015.

### **Further Requirements**

### **9I. The Proponent must comply with all reasonable requirements of the Planning Secretary in respect of the implementation of any measures arising from the reports submitted in respect of conditions 9A to 9G of this schedule inclusive, within such time as the Planning Secretary may agree.**

13. Insert new subheadings and conditions 14A to 14C after condition 14:

#### **Construction Traffic Management Plan**

- 14A. The Proponent must prepare a Construction Traffic Management Plan for the construction works (except for awning works and warehouse extensions) described in MOD 2. The plan must form part of the CEMP required by condition 1B of schedule 4 and must:
- a) be prepared by a suitably qualified and experienced person(s) and in consultation with NSW Ports;
  - b) be prepared to the satisfaction of the Planning Secretary prior to the commencement of construction activities as described in MOD 2;
  - c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction;
  - d) detail heavy vehicle routes, access and parking arrangements;
  - e) include a Driver Code of Conduct to:
    - (i) minimise the impacts of earthworks and construction on the local and regional road network;
    - (ii) minimise conflicts with other road users;
    - (iii) minimise road traffic noise;
    - (iv) ensure truck drivers use specified routes; and
  - f) include a program to monitor the effectiveness of these measures.
- 14B. The Proponent must:
- a) not commence construction of the works described in MOD 2 until the Construction Traffic Management Plan required by condition 14A is approved by the Planning Secretary; and
  - b) implement the most recent version of the Construction Traffic Management Plan approved by the Planning Secretary for the duration of construction.

#### **Operational Traffic Management Plan**

- 14C. Prior to the commencement of operation of the components described in MOD 2 (except for ancillary works), the Proponent must update the Traffic Management Plan (TMP), dated 5 December 2013 and prepared by Sherpa Consulting, to the satisfaction of the Planning Secretary. The plan must form part of the OEMP required by condition 1E of schedule 4 and must:
- a) be by a suitably qualified and experienced person (s) and in consultation with NSW Ports;
  - b) detail the known heavy vehicle routes and access arrangements to and from the site;
  - c) detail procedures for managing operational traffic, including adherence to the *Australian Code for Transport of Dangerous Goods by Road and Rail*, January 1998 or its latest version;
  - d) detail traffic management measures to manage road tanker arrivals during peak periods;
  - e) include a Driver Code of Conduct to:
    - (i) minimise the impacts of operation on the local and regional road network;
    - (ii) minimise conflicts with other road users;
    - (iii) minimise road traffic noise; and
    - (iv) advise truck drivers to use specified routes.
14. Delete Condition 15 and insert new conditions 15 as follows:
15. Prior to commencement of construction (excluding awning works), the Proponent must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements in the latest version of the *Managing Urban Stormwater: Soils and Construction Guideline* and the Erosion Sediment Control Plan included in the CEMP required by condition 1B of schedule 4.
14. Insert new conditions 26A as follows:
- 26A. The Proponent shall use its best endeavours to participate in the development and implementation of a precinct-wide noise map for Port Botany, should one be developed by NSW Ports.

**Note:** The aim of a noise map is to establish an efficient, equitable and cumulative noise management, monitoring and reporting framework across the precinct.

15. Delete condition 27 and replace with new subheadings and conditions 27 to 27E as follows:

#### **Dust Minimisation**

27. The Proponent must implement all reasonable steps to minimise dust generated during demolition, earthworks, construction and operation of the project.

- 27A. During construction, the Proponent must ensure that:
- a) exposed surfaces and stockpiles are suppressed by regular watering; and
  - b) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

#### **Concentration Limits**

- 27B. The Proponent must ensure that vapour resulting from loading operations is recovered, so that the total concentration of unrecovered vapours emitted to the atmosphere during any period of four consecutive hours does not exceed 4 milligrams per litre of volatile organic liquid passing out of the plant during that period.

The concentration limits specified in this condition comes into effect upon the commencement of operation of the upgraded vapour recovery unit and satisfaction of the requirements in condition 27C.

#### **Validation Testing of Upgraded VRU**

- 27C. Within six (6) months of the approval of MOD 2, the Proponent must submit a validation study to the Planning Secretary and the EPA to verify compliance of the vapour recovery unit with the concentrations limits in condition 27B.

#### **Air Quality Management Plan**

- 27D. Prior to the commencement of operation of any component described in MOD 2 (except for ancillary works), the Proponent must prepare an Air Quality Management Plan (AQMP) to the satisfaction of the Planning Secretary. The AQMP must form part of the updated OEMP required by condition 1E of schedule 4 and must:
- a) be prepared by a suitably qualified and experienced person(s);
  - b) detail and rank VOC emissions from all categories of the project operated by the Proponent;
  - c) describe a program that is capable of evaluating the performance of the operation and determining compliance with key performance indicators;
  - d) identify the control measures that that will be implemented for each emission category, including measures already in place; and
  - e) describe proactive and reactive management strategies.
- 27E. The Proponent must:
- a) not commence operation of any components described in MOD 2 (except for ancillary works) until the Air Quality Management Plan required by condition 27D is approved by the Planning Secretary; and
  - b) implement the most recent version of the Air Quality Management Plan approved by the Planning Secretary for the duration of the project.

16. Insert new subheading and condition 29 after condition 28:

#### **Contamination**

29. Prior to the commencement of construction activities described in MOD 2, the Proponent must prepare an unexpected finds protocol to ensure that potentially contaminated material is appropriately managed. The protocol must form part of the CEMP required by condition 1B of schedule 4 and must ensure any material identified as contaminated must be disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary.

#### **In Schedule 4: Environmental Management and Reporting**

17. Insert new subheadings and conditions 1A to 1F after condition 1 as follows:

#### **ENVIRONMENTAL MANAGEMENT**

##### **Management Plan Requirements**

- 1A. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- a) detailed baseline data;
  - b) details of:

- (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
- (ii) any relevant limits or performance measures and criteria; and
- (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
- c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
- d) a program to monitor and report on the:
  - (i) impacts and environmental performance of the project;
  - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
- e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
- f) a program to investigate and implement ways to improve the environmental performance of the project over time;
- g) a protocol for managing and reporting any:
  - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
  - (ii) complaint;
  - (iii) failure to comply with statutory requirements; and
- h) a protocol for periodic review of the plan.

**Note:** *The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans*

## **CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN – MOD 2**

- 1B. The Proponent must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of condition 1A and to the satisfaction of the Planning Secretary.
- 1C. As part of the CEMP required under condition 1B of this approval, the Proponent must include the following:
  - a) Construction Traffic Management Plan (see condition 14C in schedule 3);
  - b) Erosion and Sediment Control Plan (see condition 15 in schedule 3);
  - c) Unexpected Finds Protocol (see condition 29 in schedule 3); and
  - d) Waste Management.
- 1D. The Proponent must:
  - a) not commence construction of the works described in MOD 2 (except for awning works and warehouse extensions) until the CEMP is approved by the Planning Secretary; and
  - b) carry out the construction of the works described in MOD 2 in accordance with the CEMP approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time).

## **OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN**

- 1E. Prior to the commencement of operation of any component described in MOD 2 (except for ancillary works), the Proponent must update the *Operational Environmental Management Plan, Vopak Site B*, prepared by Vopak Terminals Australia and dated 27 September 2016 to incorporate the components described in MOD 2 and its management to the satisfaction of the Planning Secretary. The updated plan must incorporate the following:
  - a) procedures, roles and responsibilities of key personnel involved in the environmental management of the project
  - b) community consultation requirements for the project;
  - c) include the following environmental management plans:
    - (i) Traffic (see condition 14C); and
    - (ii) Air Quality (see condition 27D).
- 1F. The Proponent must:
  - a) not commence operation of any component described in MOD 2 (except for ancillary works) until the updated OEMP required under Condition 1D is approved by the Planning Secretary; and
  - b) operate the project in accordance with the OEMP approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time).

- 18. Delete condition 4 and insert new condition 4 and 4A:

4. Within 12 months of the approval of MOD 2, and every three (3) years thereafter, unless the Planning Secretary directs otherwise, the Proponent must carry out an Independent Audit of the project in accordance the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).
- 4A. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:
  - a) review and respond to each Independent Audit Report prepared under condition 4 of this approval;
  - b) submit the response to the Department; and
  - c) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Department and notify the Department in writing at least 7 days before this is done.

*Note: Information deemed commercially sensitive or confidential by the Proponent does not need to be made publicly available.*

19. Delete Condition 7 and replace with new subheadings and condition 7 and 7C:

7. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident. Subsequent notification requirements must be given and reports submitted in accordance with the requirements set out in Appendix 3.

#### **Non-Compliance Notification**

- 7A. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance.
- 7B. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- 7C. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

20. Insert new subheadings and conditions 8 and 9 as follows:

#### **Compliance Reporting**

8. Within 12 months of the approval of MOD 2, and in the same month each subsequent year (or such other timing as may be agreed by the Planning Secretary), Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).
9. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department in writing at least 7 days before this is done.

#### **In the Appendices**

21. Insert new Appendix 2 after Appendix 1 titled "Statement of Commitments" as shown in Attachment A of this modifying instrument.
22. Insert new Appendix 3 after Appendix 2 titled "Incident Notification and Reporting Requirements" as shown in Attachment B of this modifying instrument.

## APPENDIX A: Statement of Commitments

Statement of Commitments	Timing
<b>General Management Plans</b>	
<ul style="list-style-type: none"> <li>■ A Construction Environmental Management Plan, incorporating: <ul style="list-style-type: none"> <li>- Construction Soil and Water Management Plan;</li> <li>- Construction Traffic Management Plan;</li> <li>- Acid Sulphate Soil procedure; and</li> <li>- Mitigation and management measures identified in this EA and any subsequent approval conditions as issued by the Minister</li> </ul> </li> </ul>	Before construction
<ul style="list-style-type: none"> <li>■ Development of a construction staging report (Stage 1 and Stage 2).</li> </ul>	Before each stage of construction
<ul style="list-style-type: none"> <li>■ Operational environment management plan incorporating: <ul style="list-style-type: none"> <li>- An Air Quality Management Plan.</li> <li>- A waste management plan in accordance with the EPA Environmental Guideline: Assessment, Classification and Management of Liquid and Non-Liquid Waste (2004 edition).</li> <li>- Mitigation and management measures identified in this EA and any subsequent approval conditions as issued by the SPC.</li> </ul> </li> </ul>	Update existing Terminal OEMP
<b><u>Traffic</u></b>	
<ul style="list-style-type: none"> <li>■ Appropriate signage / delineation and linemarking should be provided for the proposed central right-turn lane from simplest Road into Friendship Road, prior to Stage 2 operations. This is required to reinforce the route / travel path for road tankers approaching the site, separate unrelated traffic movements (i.e., Vopak traffic from through traffic) and reduce lane changes.</li> <li>■ Provide a warning sign to be located on the bend at the southern end of Friendship Road to advise northbound vehicles travelling around the corner to be aware of cars reversing out of the proposed southern end parking spaces.</li> </ul>	Before Stage 2 operations
<ul style="list-style-type: none"> <li>■ It is recommended that a road safety audit be undertaken on any proposed road amendments and site access arrangements.</li> </ul>	Before and during construction. During operations
<b>Hazards &amp; Risks</b>	
<ul style="list-style-type: none"> <li>■ The proposal will be reviewed via the HAZOP methodology</li> </ul>	Before construction
<ul style="list-style-type: none"> <li>■ Effective procedures be developed for adequate containment and disposal of ethanol spills in the unloading bay given that it is soluble in water and there</li> </ul>	Before operation

Statement of Commitments	Timing
exists the possibility of off-site impact via water / ethanol releases	
<ul style="list-style-type: none"> <li>Review radiant heat protection for the new Amenities building, particularly if it serves critical functions during an emergency, due to the radiant heat received from a bund fire for Tank Tk 0726.</li> </ul>	Before construction
<ul style="list-style-type: none"> <li>The QRA is intended primarily as a risk profile comparing the current and proposed expansion cases against HIPAP 4 criteria. While the QRA identifies existing risk control measures and safeguards, it does not provide a detailed demonstration of the adequacy of the control measures in place to control risks to levels considered "As Low As Reasonably Practicable" (ALARP). This demonstration will be included as an update to the MHF Safety Report. Hence no specific recommendations have been made as part of the QRA.</li> </ul>	Before construction
<b>Air Quality</b>	
<ul style="list-style-type: none"> <li>Trenching and pipe laying would be undertaken progressively along the route to minimise the area that is disturbed at any single point in time</li> </ul>	During construction
<ul style="list-style-type: none"> <li>Disturbed surfaces would be stabilised as soon as practicable</li> </ul>	During construction
<ul style="list-style-type: none"> <li>Equipment to be well maintained and limit instances of fuel combustion processes</li> </ul>	During construction
<ul style="list-style-type: none"> <li>Where material stockpiles are necessary, the stockpile would be covered or watered down to prevent movement and disturbances from wind.</li> </ul>	During construction
<ul style="list-style-type: none"> <li>Vopak commits to investigating and if practicable implementing benzene reduction opportunities as required under an EPL pollution reduction program for the project.</li> </ul>	During operations
<b>Noise</b>	
<ul style="list-style-type: none"> <li>All combustion engine plant, such as generators, compressors and welders will be checked to ensure they produce minimal noise with particular attention to residential grade exhaust silencers</li> </ul>	During construction and operation
<ul style="list-style-type: none"> <li>Vehicles to be kept properly serviced and fitted with appropriate mufflers. The use of exhaust brakes should be eliminated, where practicable</li> </ul>	During construction
<ul style="list-style-type: none"> <li>Where practical, all vehicular movements to and from the construction site must be made only during normal working hours</li> </ul>	During construction
<ul style="list-style-type: none"> <li>Where practical, machines to be operated at low speed or power and should be switched off when not being used rather than left idling for prolonged periods</li> </ul>	During construction
<ul style="list-style-type: none"> <li>Machines found to produce excessive noise compared to industry best practice should be removed from the site or stood down until repairs or modifications can be made</li> </ul>	If required

Statement of Commitments	Timing
<ul style="list-style-type: none"> <li>Where practical, impact wrenches should be used sparingly with hand tools or quiet hydraulic torque units preferred</li> </ul>	During construction
<b>Water Quality</b>	
<ul style="list-style-type: none"> <li>Construction phase impacts managed by implementation of a Construction Phase Soil and Water Management Plan in accordance with Landcom Soil and Construction, Managing Urban Stormwater (Landcom, 2004). These would include: <ul style="list-style-type: none"> <li>General site practices and responsibilities;</li> <li>Material management practices;</li> <li>Stockpile practises;</li> <li>Topsoil practices; and</li> <li>Erosion control practices (earth sediment basins, straw bales, sediment fences, turbidity barriers, stabilised site accesses, diversions and catch drains).</li> </ul> </li> </ul>	Before construction
<ul style="list-style-type: none"> <li>Monitoring undertaken to ensure that stormwater management measures are working effectively. Monitoring would rely primarily on soil and groundwater bores, visual inspections and sampling. Visual inspections should be undertaken of bunded areas, pits, diversion and catch drains and all other stormwater conveyance structures.</li> <li>Spill kits on new access roads</li> </ul>	During construction and operation
<b>Visual</b>	
<ul style="list-style-type: none"> <li>All worksites to be left clean and tidy and the contractor shall maintain the site in an orderly manner</li> </ul>	During and after construction
<ul style="list-style-type: none"> <li>Construction works would be completed within the shortest possible timeframe</li> </ul>	During construction
<ul style="list-style-type: none"> <li>All work equipment and materials would be contained within the designated boundaries of the work site</li> </ul>	During construction
<ul style="list-style-type: none"> <li>On completion of the works all equipment, materials and refuse relating to construction of the works would be removed from the work areas</li> </ul>	During and after construction
<ul style="list-style-type: none"> <li>All waste generated during the course of the works would be removed from the work area as soon as practicable and disposed in accordance with DEC waste management guidelines (<i>Assessment, Classification and Management of Liquid and Non-Liquid Waste 1995</i>)</li> </ul>	During construction
<ul style="list-style-type: none"> <li>The detailed design of the proposal is to comply with the visual provisions of Molineux Point Masterplan (2002) as far as practicable.</li> </ul>	Before construction
<b>Topography, Geology and Soils</b>	
<ul style="list-style-type: none"> <li>Disturbed areas would be stabilised as soon as possible following completion of works</li> </ul>	During and after construction
<ul style="list-style-type: none"> <li>Stockpiles would be covered or stabilised to prevent transport of sediment from the work site</li> </ul>	During construction

Statement of Commitments	Timing
<ul style="list-style-type: none"> <li>Sediment control devices such as silt fences would be installed on all drainage lines downstream in the vicinity of the work area</li> </ul>	During construction
<ul style="list-style-type: none"> <li>At the completion of construction and stabilisation of the land surface, all stormwater control devices would be removed</li> </ul>	After construction
<ul style="list-style-type: none"> <li>Outdoor construction works would not take place during or immediately after high intensity or prolonged rainfall</li> </ul>	During construction
<ul style="list-style-type: none"> <li>All roads and footpaths affected by construction would be kept free of all waste, loose sand, soil, aggregates and clay deposits</li> </ul>	During construction
<ul style="list-style-type: none"> <li>In the event that contaminated groundwater is discovered, a groundwater management plan would be developed by Vopak Environmental Consultants</li> </ul>	If required
<ul style="list-style-type: none"> <li>Appropriate disposal of any contaminated soil or water in accordance with DEC waste management guidelines as recommended by Vopak Environmental Consultants.</li> </ul>	If required
<ul style="list-style-type: none"> <li>The proposal is located within GMZ A and GMZ B. Vopak will be required to submit to the NSW Ports details as required by the Groundwater Management Zone Deed, May 1994 including: <ul style="list-style-type: none"> <li>Proposed construction methods</li> <li>The likely impact of the water table</li> <li>The likely impact on the LPG storage development</li> <li>A letter to the effect that the applicant agrees to submit any dispute regarding the submissions to arbitration in accordance with Clause 4.8 of the Deed.</li> </ul> </li> <li>During operations groundwater monitoring would continue to be undertaken in accordance with the conditions of the EPL.</li> </ul>	Before construction
<b>Socio-economic</b>	
<ul style="list-style-type: none"> <li>The general community will have the opportunity to register interest, view the EA and write a submission through the Department of Planning and Environment 30-day submission period</li> </ul>	Before EA determination
<ul style="list-style-type: none"> <li>Nearby industries and NSW Ports will be provided with targeted information in relation to the construction timetable and identification of potential impacts</li> </ul>	During construction
<b>Waste minimisation and management</b>	
<ul style="list-style-type: none"> <li>A sufficient number of suitable receptacles for general waste and recyclable materials would be provided for waste disposal on site, including sufficient bins to allow separation of wastes for recycling and conform with EPA guidelines for construction waste</li> </ul>	Before construction
<ul style="list-style-type: none"> <li>All waste would be securely stored to ensure that any pollutants are prevented from escaping</li> </ul>	During construction and operation
<ul style="list-style-type: none"> <li>The work site would be left clean and free of any debris and other rubbish at the end of the works</li> </ul>	During construction

Statement of Commitments	Timing
<ul style="list-style-type: none"> <li>All waste to managed in accordance with EPA Environmental Guideline: Assessment, Classification and Management of Liquid and Non-Liquid Waste (2004 edition)</li> </ul>	During construction and operation
<b>Utilities and Services</b>	
<ul style="list-style-type: none"> <li>Liaison with NSW Ports and relevant utility and service providers regarding timing of connections to the services, location of services and utilities on the site</li> </ul>	During construction
<ul style="list-style-type: none"> <li>Liaison with relevant petroleum distributors that could potentially be impacted in regard to timing of connections with the integrated bulk liquids pipe distribution network</li> </ul>	During construction
<ul style="list-style-type: none"> <li>Liaison with utility and service providers to confirm the location of services and utilities prior to construction commencing</li> </ul>	Before construction

## **APPENDIX B: Incident Notification and Reporting Requirements**

### **WRITTEN INCIDENT NOTIFICATION REQUIREMENTS**

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven 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 7, schedule 4 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 consent;
  - f. describe what immediate steps were taken in relation to the incident;
  - g. identify further action(s) 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 Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning 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