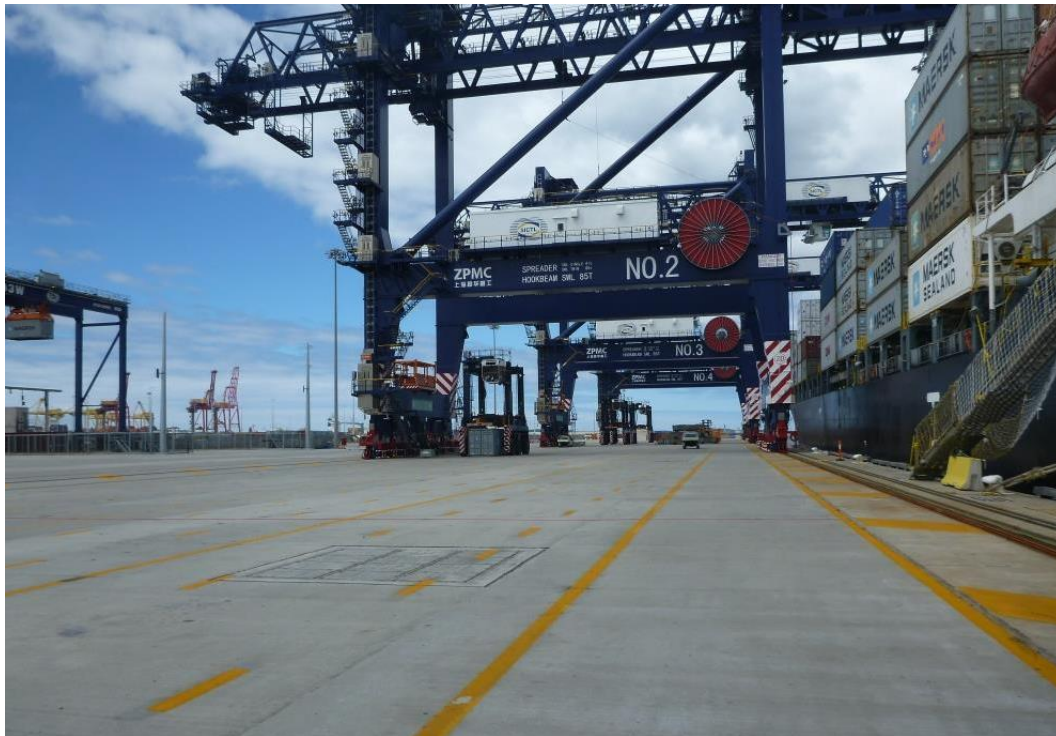


# INDEPENDENT ENVIRONMENTAL AUDIT SYDNEY INTERNATIONAL CONTAINER TERMINALS OPERATIONS

## FINAL REPORT



## Sydney Port Botany Expansion Project

As required under Condition C4.5 of the Ministers Conditions of Approval

**October 2014**

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Date: 18/12/2014

**Document History**

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## TABLE OF CONTENTS

<b>1</b>	<b>EXECUTIVE SUMMARY</b>	<b>1</b>
<b>2</b>	<b>INTRODUCTION</b>	<b>4</b>
2.1	The Project	4
2.2	Approval Requirements	5
2.3	Purpose and Scope	6
2.4	Methodology	7
2.5	Glossary of Terms in relation to findings	7
<b>3</b>	<b>AUDIT FINDINGS</b>	<b>8</b>
3.1	MCoA Compliance	8
3.1.1	Findings - Table 1	8
3.2	Environment Protection Licence Compliance	9
3.2.1	Findings - Table 2	9
3.3	Assessment against EIS, COI & S96 Application predictions	11
3.3.1	Findings - Table 3	11
3.4	Federal Project Approval under the EPBC Act 2002/543	12
3.5	Assessment of Effectiveness of Environmental Management	13
3.5.1	Findings - Table 4	14
3.5.2	Photographs –Operations of SICTL Terminal	15
3.5.3	Photographs – Post audit	19

### LIST OF APPENDICIES

Appendix 1 – MCoA Audit Checklist (p 20)

Appendix 2 – Environmental Protection Licence (P47)

Appendix 3 – Development Application, EIS, additional information, Commission of Inquiry (Col) and S96 Application and predictions Audit Checklist (p 61)

Appendix 4 – Commonwealth EPBC Approval checklist (p 84)

Appendix 5 - DOP Letter – Port Botany Expansion – Approval of Auditor (condition C4.5) (p 87)

## 1 EXECUTIVE SUMMARY

Under the Minister's Conditions of Approval (MCoA), a full independent environmental audit of the Sydney International Container Terminal operations (SICTL Terminal) is required to be undertaken by a suitably qualified person/ team approved by the Director-General in accordance with Condition C4.5 of the Ministers Conditions of Approval (MCoA). Audits are required within one year of commencement of operation of the SICTL Terminal and every year thereafter.

Operation of the SICTL Terminal (Hayes Dock) formally commenced with the first vessel arrival in November 2013 hence the timing of Late October 2014 for this first Independent Environmental Audit of the Terminal operation. The Terminal is leased and managed by Sydney International Container Terminals Limited (SICTL) and will become progressively operational over five construction phases. Phase 1 is complete and Phase 2 is currently in progress

SICTL is one of three stevedoring companies to occupy Port Botany, the other two are Patrick Stevedores and DP World who have existing leases at Brotherson Dock.

The SICTL Terminal is part of the Port Botany Expansion (PBE) project, and as such is subject to the MCoA which impose conditions on the construction phase (Schedule "B" conditions) and operational phase (Schedule "C" Conditions). Construction phase audits have been undertaken annually since commencement in 2008 with the last construction audit conducted in August 2014 (construction still ongoing).

The on-site component of the audit was conducted over 2 days on 22 and 23 October 2014.

The purpose and scope of this audit was to:

- Assess the degree of compliance with the requirements of the consent (Ministers Conditions of Approval), and other licences and approvals that apply to the development as set out in part (b) of Condition C4.5. (Relevant Licences and Approvals include EPA Environment Protection Licence number 20322, Federal EPBC approval 2002/543).
- Assess the construction against the predictions made and conclusions drawn in the development application, Environmental Impact Statement (EIS), additional information and Commission of Inquiry material as set out in part (c) of Condition C4.5.
- Review the effectiveness of environmental management including any environmental impact mitigation works as set out in part (d) of Condition C4.5 and provide opportunities for continued improvement in environmental performance.

### Compliance to Ministers Conditions of Approval

Overall, the audit found that there was a high level of compliance to the Ministers Conditions of Approval with **no non-compliances** identified during the audit. **Two (2) Issues of Concern** and **one (1) Opportunity for Improvement** were also raised in relation to the MCoA. Refer to Section 3.1 Table 1 – Audit Findings - MCoA and Appendix 1 for details.

At the time of issue of this report:

- Two Issues of Concern were open;
- One Opportunity for Improvement was open.

## Compliance to Environment Protection Licence

Overall, the audit found that there was generally a good level of compliance to the Environment Protection Licence however **one (1) non-compliance, five (5) Issues of Concern** and **one (1) Opportunity for Improvement** was raised in relation to the EPL.

The non-compliance related to condition M3.2 which requires that the licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint. The wording on the website does not make it clear that there is a complaint line and does not give guidance on how to make a complaint. In addition, the Contact Us (email) service was tested by the auditor and no response was provided the following business day (refer to Section 3.2 and Appendix 2 of this report for details).

At the time of issue of this report:

- One Non-compliance had been closed out;
- One Issue of Concern had been closed out
- Three Issues of Concern were open, and
- One Opportunity for Improvement was closed out.

## Assessment against the predictions made and conclusions drawn in the EIS

Overall, the assessment against the predictions made and conclusions drawn in the EIS and other associated documentation found that the majority of predictions and conclusions relevant to the SICTL Terminal are largely realised in the construction outcomes, **generally with positive outcomes when compared with the predictions/conclusions**.

However, **three (3) of the outcomes** were **“not as predicted - negative outcomes”**  
For full details of outcomes of predictions, refer to Appendix 3 of this report – EIS Predictions and Conclusions checklist. No specific actions are required to address these findings as any required actions are included in other sections of the findings.

## Compliance with EPBC Approval 2002/543

Note – this was assessed at the Construction phase audit in August 2014 and all conditions were assessed as compliant or not applicable at the time of the audit. There have been no changes since then. Details are included in Appendix 4 – EPBC Conditions audit checklist.

## Effectiveness of Environmental Management

The assessment of effectiveness of environmental management primarily involved a site visit to all areas of the working port, interviews with key SICTL personnel.

Overall, a high level of effectiveness and implementation of environmental impact mitigation works and initiatives documented in the OEMP and sub-plans was noted, however **one (1) non-compliance, three (3) Issues of Concern** and **one (1) Opportunity for Improvement were raised**.

The non-compliance related to not obtaining a Trade Waste Agreement / Industrial waste water approval from Sydney Water for the plant washdown bay. The Trade Waste Agreement will be added to the audit scope at the next scheduled independent audit in accordance with Condition C4.5 (“Other approvals”). Full details are included in Section 3.5 and Table 4 of this report.

At the time of this report:

- One Non-compliance was open;
- Two Issues of Concern were open; and
- One Issue of Concern was closed out.

## 2 INTRODUCTION

### 2.1 *The Project*

In 2009, Hutchison Port Holdings (HPH) signed an agreement with the New South Wales State Government providing HPH with a 30-year lease on 45-hectares of reclaimed land that was constructed as part of the Port Botany Expansion Project. Hutchison Ports Australia (HPA) is the wholly owned subsidiary of HPH and the parent company of Sydney International Container Terminals (SICTL), the entity that now manages the new terminal.

The leased site is adjacent to the existing Patricks Terminal at Port Botany and is bounded by the existing terminal, Penrhyn Road, Foreshore Road, Sydney Airport and Botany Bay. Operations commenced at the site on 6 November 2013. Construction of the terminal is continuing adjacent to the operational site and was subject of an independent environmental audit in August 2014.

Automated Stacking Cranes (ASCs) have being introduced into the port for the first time. Use of the cranes provides greater on-site container capacity to manage peak demands, improved security and greater employee safety. The terminal will be connected by a dedicated rail freight service to Hutchison Logistics Australia's proposed Intermodal Terminal at Enfield, 18 kilometres south west of the port. This has been designed as part of the NSW State Government's commitment to increase the rail modal share of container cargo from Port Botany and to reduce the reliance on road transport and help overcome road congestion issues near the port.

SICTL is one of three stevedoring companies to occupy Port Botany, the other two are Patrick Stevedores and DP World who have existing leases at Brotherson Dock. The general area surrounding the SICTL terminal is comprised mainly of industrial and some residential areas within Botany itself. Sydney International Airport is located to the West of the SICTL terminal. The surrounding natural environment is the Penhryn Estuary and Botany Bay which are sensitive to environmental impacts from Port Botany as a whole.

Environmental management requirements and strategies for the operation of the SICTL Terminal are documented within the Operational Environmental Management Plan (OEMP) and related sub-plans. Some of the sub-plans are a requirement of the Minister's Conditions of Approval (MCoA) whilst others have been prepared in addition to these requirements.

At the time of the audit, approximately 60% of the total lease area was operational. This included:

- operation of Berths 1 and 2 Hayes Dock;
- maintenance building;
- terminal office building;
- exit gate and weighbridge;
- Four quay cranes;
- six automated stacking cranes; and
- operation of two rail sidings.

Figure 1 – Project Location



Operation area located north of marked worksite



## 2.2 Approval Requirements

Under Part 4, Section 76A(7) of the Environmental Planning and Assessment Act 1979, the development is classified as State Significant Development by virtue of a declaration made by the Minister for Planning on 29 June 2001 for berths for shipping, shipping terminals and associated buildings, structures and works within certain lands within the Botany Bay Local Government Area.

Planning approval for the Port Botany Expansion Project was granted by the Minister for Planning pursuant to section 80 (4) and (5) of the *Environmental Planning and Assessment Act 1979*. Stage 1



was approved on 13 October 2005 and Stage 2 was approved on 22 August 2006 subject to a number of Minister's Conditions of Approval (MCoA).

MCoA Condition C4.5 - Environmental Auditing requires that:

*"Within one year of the commencement of operations and every year thereafter, the Applicant shall fund a full independent environmental audit must be undertaken by a suitably qualified person/team approved by the Director-General. Audits would be made publicly available and would:*

- (a) be carried out in accordance with ISO 14010 and ISO 14011 – Procedures for Environmental Auditing;*
- (b) Assess compliance with the requirement of this consent, other licences/ approvals;*
- (c) Assess the construction against the predictions made and conclusions drawn in the development application, EIS, additional information and Commission of Inquiry material and:*
- (d) Review effectiveness of environmental management including any environmental impact mitigation works.*

Operation of the SICTL Terminal commenced on 6 November 2013 and this audit was conducted on site on 22 and 23 October 2014 in accordance with the principles of ISO 19011 (supersedes ISO 14010 and ISO 14011).

The audit was conducted by Julie Dickson, a RABQSA / Exemplar Global certified lead environmental auditor, approved by the Department of Planning and Infrastructure (DP&I). The letter approving the auditor is in Appendix 5 of this report.

### **2.3 Purpose and Scope**

The purpose and scope of this audit was to undertake the required assessment and review of compliance against the Ministers Conditions of Approval, (including modifications 1- 15), Environment Protection Licence 20322, Commonwealth EPBC Approval 2002/543, EIS predictions and the effectiveness of environmental management and mitigation works as required under MCoA C4.5.

The assessment of construction against predictions made and conclusions drawn included assessment against the following documents:

- *Port Botany Expansion: Environmental Impact Statement* (ten volumes), prepared by URS Pty Ltd and dated November 2003
- *Port Botany Expansion Commission of Inquiry – Primary Submission* (two volumes), prepared by URS Pty Ltd and dated May 2004
- *Port Botany Expansion Commission of Inquiry – Supplementary Submission to Environmental Impact Statement*, prepared by URS Pty Ltd and dated August 2004
- *Port Botany Expansion Environmental Impact Statement – Supplementary Submission* (two volumes), prepared by URS Pty Ltd and dated October 2004

## 2.4 Methodology

For this operational audit several checklists were developed to reflect all relevant conditions relating to the operation of the SICTL Terminal. Checklists are based on the Ministers Conditions of Approval (Schedule C – Terminal Operations), Environment Protection Licence Conditions, EPBC approval and the predictions made in the EIS and related documents (see scope). The checklists have been used as the primary basis for conducting the audit against parts b) and c) of condition C4.5. The completed checklists are included as Appendices 1 to 4 of this report.

The assessment of effectiveness of environmental management primarily involved a site visit to all areas of the working port, interviews with key SICTL personnel and review of site documentation and records. The assessment also included a review of the Operation Environmental Management Plan (OEMP), related sub-plans and the Emergency Response Plan.

Following the audit, auditees were provided with interim findings following the site visit and were provided with the opportunity to address the issues raised prior to the finalisation of the report. The actions taken since the audit are reflected in the Findings Tables of this report, and status of the actions is recorded.

Overall, a risk based approach to field inspections and assessment of mitigation works was undertaken, with high risk activities / issues examined in more detail than those with a lower risk.

## 2.5 Glossary of Terms in relation to findings

- **Compliant (C) ✓**: Complies with all requirements of the condition(s)
- **Opportunity for Improvement (OFI) ◆**: An opportunity identified during the audit that could assist in the improvement of environmental performance on the project.
- **Issue of Concern (IOC) ☒**: A situation observed during the audit that is not considered as good environmental practice and requires corrective action. May be considered as a minor non-compliance and will be followed up at subsequent audits.
- **Non-compliance (NC) ☒**: Does not fully comply with all requirements of the condition or does not meet appropriate environmental management standards. Non-compliances will require verification of adequate corrective action by the independent auditor within 6 weeks of the issue of the final audit report. Where the non-compliance is based on site observations, a return site visit will be required.
- **Not Applicable**: There were either no compliance issues related to the condition, is a future required action or was not applicable at the time of the audit.

### 3 AUDIT FINDINGS

#### 3.1 MCoA Compliance

Overall, the audit found that there was a high level of compliance to the Ministers Conditions of Approval with no non-compliances identified during the audit. Two (2) Issues of Concern and one (1) Opportunity for Improvement were also raised in relation to the MCoA.

Refer to Table 1 below and Appendix 1 for detailed findings and status of findings.

##### 3.1.1 Findings - Table 1

Type* & No.	MCoA Ref	Responsible entity	Finding	Status
<b>Non-compliances</b>				
			No non-compliances against the MCoA were identified during the audit	
<b>Issues of Concern</b>				
MCoA IOC 1	C2.6, 2.7, 2.8, 2.11	SICTL	<p>It could not be confirmed that noise monitoring had been conducted in accordance with the conditions of approval. Whilst a consultant has been engaged and was reported that the modelling was being developed at the time of the audit, methodologies and results were not available at the time of report issue.</p> <p>SICTL has since obtained a disposition from the noise consultant stating that the monitoring methodology was conducted in accordance with conditions C2.6, C2.7, C2.8 and C2.11 and supplied this to DECA on 10 December 2014.</p>	Open
MCoA IOC 2	C2.17	Various parties including: *SICTL, *SPC (now Ports Authority of NSW), *NSW Ports *Planning & Environment *Patrick Stevedores	<p>The audit found that this condition could not be fully complied with. In particular, the reporting conditions relating to package sizes for each class of DG could not be complied with due to the way in which DG cargo is reported through the supply chain. In addition, legislative changes made in 2012 mean that limits to throughput of cargo no longer apply, however further information on risks associated with DGs may still be required.</p> <p>This issue is raised as an issue of concern as it appears that further work is still required by various parties (see adjacent column on left) to clarify DG management requirements and modify this Condition of Approval (refer to Appendix 1 for further detail) through a 75W modification.</p>	Open
<b>Observations / Opportunities for Improvement</b>				
MCoA OFI 1	C4.4 (c)	SICTL	<p>A review of the training materials suggests that the materials (particularly Level 1) are somewhat generic and don't include specific references to the MCoA or EPL and the need to comply with these as a minimum.</p> <p>Consideration should be given to including key specific information relating to EPL and MCoA compliance to the training material. Further emphasis could also be provided on the need to report all minor (as well as major) spills (also refer to finding EM IOC 3 in Table 4)</p>	Open

### 3.2 Environment Protection Licence Compliance

Overall, the audit found that there was generally a good level of compliance to the Environment Protection Licence however one (1) non-compliance, five (5) Issues of Concern were raised and one (1) Opportunity for Improvement was raised in relation to the EPL.

Refer to Table 2 below and Appendix 1 for detailed findings and status of findings.

#### 3.2.1 Findings - Table 2

Type* & No.	Licence Cond.	Responsible entity	Finding	Status
<b>Non-compliances</b>				
EPL NC 1	M3.2	SICTL	<p>The wording on the SICTL website does not make it clear that there is a complaint line (as required by this condition) and does not give guidance on how to make a complaint (only a Contact Us form with “send your question or comment here.”, and the Community Contact Line phone number).</p> <p>A written message was posted using to the Contact Us email facility at 6.10pm on 8 Dec 2014 noting the requirements of this condition (and that reference or instruction relating to complaints could not be located on the website) and requesting further information on where to find this reference. Automatic response received 6.13pm.</p> <p>SICTL sent a reply email on 10 December containing references and web links to the OEMP and the latest Quarterly Community Feedback Report which both contained instructions on how complaints can be lodged.</p> <p>SICTL also confirmed by email on the 11 December that the labelling of the ‘Community Contact Line’ was changed to ‘Community Complaints &amp; Feedback line’.</p>	Closed
<b>Issues of Concern</b>				
EPL IOC 1	L3.1	SICTL	<p>It could not be confirmed that noise from the premises meet the requirements as detailed in condition L3.1. Whilst a consultant has been engaged, and was reported that the modelling was being developed at the time of the audit, monitoring results were not available at the time of report writing.</p>	Open
EPL IOC 2	M3.1	SICTL	<p>Testing of the Community Contact Line found that it whilst it operated during business hours, it was not operating in accordance with this condition (i.e. does not operate during its operating hours of 24 hrs/ day)</p> <p>The issue was brought to the attention of the Environmental Compliance Engineer on the same day (11 Nov 14). Immediate action was taken to now divert the Community Contact Line to his mobile phone to allow 24 hr operation of the line. This was again tested and found to be operational.</p>	Closed

Type* & No.	Licence Cond.	Responsible entity	Finding	Status
EPL IOC 3	E1.1	SICTL	<p>At the time of the audit, the first six monthly noise monitoring was overdue by around 5 months. SICTL have consulted with the EPA in regards to the delay in undertaking the monitoring, requesting an extension of 4 weeks from 16 May 2014 – an extension was granted via email communication on 20/05/2014. The EPA was cc'd in an email dated 6 August 2014 to NSW Ports advising of a further delay to the noise monitoring.</p> <p>SICTL have recently demonstrated that Marshall Day Acoustics was engaged to undertake the monitoring and estimate that it will be completed by mid-December 2014 however results had not been received at the time of report issue.</p>	Open
EPL IOC 4	E1.2	SICTL	<p>The 6 monthly periodic noise monitoring program consisting of attended and unattended monitoring had not been undertaken at the time of the audit. This monitoring would be undertaken either as part of or following completion monitoring as part of Condition E1.1.</p> <p>SICTL has since obtained a disposition from the noise consultant stating that the monitoring methodology used attended and unattended monitoring and supplied this to DECA on 10 December 2014.</p>	Open
<b>Observations / Opportunities for Improvement</b>				
EPL OFI 1	O3 and 98E POEO Reg)		<p>At the time of the audit site visit (22 Oct 2014), a test of the Emergency Response Plan in relation to relevant environmental scenarios had not been undertaken. Section 98E of the POEO Regulation requires that the Pollution Incident Response Management Plan (PIRMP) be tested at least once yearly. Operations at the site commenced on 6 Nov 2013, therefore a test should have been undertaken prior to 6 Nov 2014.</p> <p>Records have been provided since the audit to demonstrate that environmental drills were conducted on 17/11/2014. The drill records show that 8 stevedores, the HSEQ Officer, Training and RTO Manager and Environmental &amp; Safety Compliance Engineer were involved in three drill scenarios relating to DG spills – debrief was undertaken.</p> <p>SICTL need to ensure that future ERP tests are conducted within the required time frames in accordance with the requirements of the legislation (at least 12 monthly).</p>	Closed

### 3.3 Assessment against EIS, COI & S96 Application predictions

Overall, the assessment found that the majority of predictions and conclusions relevant to the operation of the SICTL Terminal are largely realised in the construction outcomes, generally with positive outcomes when compared with the predictions/conclusions (☺).

However, three (3) of the outcomes were “not as predicted - negative outcomes” (as presented in Table 2 below).

For full details of outcomes of predictions, refer to *Appendix 3* of this report – EIS Predictions and Conclusions checklist.

#### 3.3.1 Findings - Table 3

Type* & No.	EIS Ref	Prediction	Outcome / Finding
EIS OFI 1 ☹	18.4.3	Leaks and spills from operations at the new container terminal would be contained by the proposed stormwater detention and treatment system. There is low potential for leaching of contaminants through the hard stand areas	<p>The stormwater detention and treatment system mostly, but not fully contained a spill of diesel from a truck accident on site. A truck mounted a raised kerb and damaged the vehicle’s diesel fuel tank. A small volume of diesel entered Botany Bay, which was immediately cleaned up.</p> <p>One of the failures identified in the incident investigation was that the pollu plug system is manually operated, and delays were encountered due to lack of ready access to the pollu plug cabinet key. Additional measures now implemented include better access to the pollu-plug apparatus.</p> <p>Whilst accessibility and awareness of the issue have now been addressed, SICTL site management and personnel will need to be vigilant in this area in the future.</p>
☹	26.5.6	Operation of the new terminal is expected to generate a substantial number of jobs, which is an important social benefit. The number of people employed directly in the operation of the new terminal has been estimated at more than 1,100 by 2010, increasing to more than 3,700 by 2025. This does not include any jobs created indirectly e.g. workers in the industries supplying materials to the port. The total number of jobs generated both directly and indirectly by the operations of the new terminal is estimated to be more than 2,800 by 2010 increasing to more than 9,100 by 2025.	<p>The current number of persons employed at the SICTL Terminal is a total of 140 including 126 Operations staff, 9 Managers, and 5 support staff. This is significantly less than predicted as many of the loading and unloading processes are automated. It should be noted that only SICTL operations have been taken into account at this audit. The Terminal is also still incomplete with the next phase still under construction.</p>

Type* & No.	EIS Ref	Prediction	Outcome / Finding
☹	33.5	Monitoring and testing would be undertaken prior to discharge of treated wastewater, to ensure compliance with the site Trade Waste Agreement	<p>At the time of the audit no trade waste agreement was in place and there is no testing undertaken prior to discharge to sewer.</p> <p>A Trade Waste Agreement needs to be sought from Sydney Water by the operator of the facility (SICTL). Issue of Concern. <b>Refer to EM NC1 in section 3.5</b></p>

### 3.4 Federal Project Approval under the EPBC Act 2002/543

Note – this was assessed at the Construction phase audit in August 2014 and all conditions were assessed as compliant or not applicable at the time of the audit. There have been no changes since then. Details are included in Appendix 4 – EPBC Conditions audit checklist.

### 3.5 Assessment of Effectiveness of Environmental Management

The assessment of effectiveness of environmental management primarily involved a site visit to all areas of the working port, interviews with key SICTL personnel including the Environment and Safety Compliance Engineer, HSEQ Officer, National HSEQ Manager (Environmental Representative), Terminal Manager, Training & RTO Manager and review of site documentation and records. The assessment also included a review of the Operation Environmental Management Plan (OEMP), related sub-plans and the Emergency Response Plan.

Sub-plans reviewed included: Energy Management, Air Quality, Aviation Operational Impacts, Bird Hazard Management, Noise Management, Operational Traffic Management, Waste Management on site, Water and Wastewater Management, Shorebird Management, Feral Animal Management, Stormwater Management and Handling of Dangerous Goods and Hazardous Substances Management. The observations made during the site inspections were generally assessed against the commitments made in these plans.

Overall, a high level of effectiveness and implementation of environmental impact mitigation works and initiatives documented in the OEMP and sub-plans was noted.

**Key strengths** identified during the audit include:

- Good storage and management of fuels, oils and other chemicals (minor quantities only)
- Design of lifting equipment (spreaders rather than forklifts) minimising potential for damage to containers
- Good housekeeping was generally noted across the whole site including outside areas, maintenance workshop, and storage areas.
- Good signage indicating no food in outside areas and no feeding of birds to minimise bird hazard in the vicinity of the airport
- All outside bins that could potentially contain food waste were covered (lids) to prevent access by birds and vermin
- Waste management processes were generally good, with separation of recyclables, provision of appropriate bins and skips
- Provision of spill kits at various locations around the site where spills could potentially occur
- Site design generally ensures that spills from containers would be captured prior to discharge to Botany Bay particularly in the automatic crane stacking area (exceptions occur in other areas – see key weaknesses section below)
- Noise management strategies appeared to be effective – no noise complaints have been received, the noise wall provides separation from sensitive receivers, items of plant have been fitted with “quackers” rather than beepers.

**Key weaknesses** identified during the audit included:

- Several issues were identified in relation to the operation and management of the washbay used to wash down plant and equipment. The most significant finding (non-compliance) is that the site does not have formal approval to discharge waste water (Trade Waste Agreement). The findings are presented below in Table 3.

In summary, one (1) non-compliance, three (3) Issues of Concern and one (1) Opportunity for Improvement were raised. These issues are documented below in Table 3.

Photos are also provided in Section 3.5.2 showing both negative and positive issues identified during the audit.



### 3.5.1 Findings - Table 4

Type & No	Finding	Action taken since initial site visit	Status
EM NC 1	<p><b>Facility has not obtained an approval to discharge industrial waste water (Trade Waste Agreement) from Sydney Water.</b></p> <p>SICTL operates a plant wash down bay within the maintenance shed which discharges waste water to sewer (following treatment in a settling tank and oil water separator). The discharge would be classified as industrial trade wastewater in accordance with Sydney Water which requires “If you discharge trade wastewater, you must have our written approval”</p> <p>The Trade Waste Agreement will be added to the audit scope at the next scheduled independent audit in accordance with Condition C4.5 (“Other approvals”).</p>	SICTL is in the process of negotiating with the lessor and is completing an application to Sydney Water for a Trade Waste Licence	Open
EM IOC 1	The detergents used in the washdown of plant in the washbay are not “quick break” and may therefore emulsify the oils and greases allowing them to pass through the oil water separator directly to sewer. No monitoring is conducted to determine level of contaminants discharged to sewer.	SICTL is pursuing the procurement of a recommended quick-break degreaser for a field trial with a view to replacing the old degreasers with the new quick-break product.	Open
EM IOC 2	The Water and Wastewater Management sub-plan does not identify the requirement for the consent to discharge industrial trade wastewater, (it notes in Section 5.1.2 Controls on wastewater generated from Terminal Office Building “A Sydney Water Trade Waste Agreement will not be operated by SICTL”).	SICTL has added this requirement to the list of proposed amendments to the Stormwater Management Sub-Plan which is already due for review.	Open
EM IOC 3	An oil spill on the hardstand was observed during the site inspection (see photo 3). Minor spills should be cleaned up and reported (no incident report made in relation to this spill)	SICTL have committed to including reporting and clean-up of minor spills in toolbox talks and inductions to ensure improvements in the future.  The oil staining was cleaned up as far as practicable without damaging the integrity of the hard stand (photos sighted)	Closed

\* Refer to Section 2.6 – “Glossary of Terms in relation to findings” for explanation of terms relating to the findings above.

### 3.5.2 Photographs –Operations of SICTL Terminal



Photo 1: Plant washdown bay. Water drains to a settling tank and is treated through a coalescing plate oil water separator then discharged to sewer.



Photo 2: Close up of drain in washbay. No Sydney Water consent to discharge industrial waste water is held by the facility. **Refer to EM NC 1 and IOC 1 & 2**



Photo 3: Evidence of oil spill on hardstand in storage area. **Refer to EM IOC 3**



Photo 4 – Storage of oils on bunded pallets in the maintenance building ✓



Photo 5: Storage of minor quantities of flammable substances in purpose build bunded storage cabinet ✓



Photo 6: - Storage of batteries on bunded pallet (outside – under awning) ✓

### 3.5.2 Photographs –Operations of SICTL Terminal



Photo 7 – View of diesel refuelling facility – area is banded, has spill kits and signage – not yet commissioned at the time of the audit. ✓



Photo 8: - Ground view of diesel refuelling facility – dedicated area for refuelling of light vehicles (plant would refuel in larger bay on other side of tank) ✓



Photo 9: Signage on diesel tank (photos 7 & 8) ✓



Photo 10 – View of spill trailer from Quay crane. The trailer is designed to contain leaks from container placed in it. ✓



Photo 11 – Dedicated area to which leaking/potentially leaking container would be taken – drains to sump (see photo 12) ✓



Photo 12 – Sump behind storage area for leaking containers (valve kept in closed position, clean water pumped out following rain) ✓

### 3.5.2 Photographs –Operations of SICTL Terminal



Photo 13: Hydrocarbon spill kit kept in items of plant to deal with minor spills or leaks ✓



Photo 14 –Spill kit and Pollu-plug apparatus at exit / weighbridge ✓



Photo 15: Contents of spill kit at weighbridge – universal pads and organic booms ✓



Photo 16; Inside spill kit showing organic booms and waste bags ✓



Photo 17: Pollu plug apparatus – manually operated in case of spill. Requires key to access controls ✓



Photo 18: Key to operate Pollu plug. Was not readily accessible during spill incident in May 2014 – additional measures implemented to ensure availability ✓

### 3.5.2 Photographs –Operations of SICTL Terminal

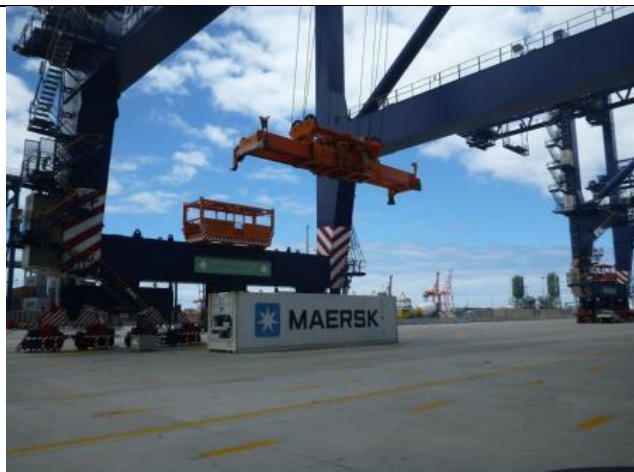


Photo 19: Spreaders used to handle containers (no forklifts used for container handling) – minimises risk of damage to and spills from containers ✓



Photo 20: Spreader on reachstacker loading container onto rail wagons ✓



Photo 21: Waste bins – good segregation of wastes noted. Noise wall in background ✓



Photo 22: Inside comingled waste bin – good separation ✓



Photo 23 – Separation of wastes in the office – good signage and compliance with site requirements ✓



Photo 24 – Separation of metal drums for recycling ✓

### 3.5.2 Photographs –Operations of SICTL Terminal



Photo 25 – One of several signs on the site warning of requirement no to feed birds ✓



Photo 26 – One of several signs reminding staff not to take food outside (also bird hazard control) ✓



Photo 27: View of site from Quay crane towards Penrhyn Estuary and bridge from Foreshore Road



Photo 28: View of site from Quay crane. Site surface is fully sealed – minimal dust issues or roosting sites

### 3.5.3 Photographs -- Post audit



Photo 30 – clean-up of minor oil spill (refer to photo 3)



Photo 31 – as photo 30.

.....END OF REPORT.....

## **APPENDIX 1**

### **AUDIT CHECKLIST**

#### **MINISTERS CONDITIONS OF APPROVAL SCHEDULES A (GENERAL) AND C (TERMINAL OPERATION)**

# Audit Checklist for - Sydney Port Botany Terminal 3 Project Port Botany Audit Ministers Conditions of Approval (MCoA) – Schedules A (General) & C (Terminal Operation)

MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion  Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ◆ ☹ ☒	NA
<b>SCHEDULE A: OVERALL SCOPE OF DEVELOPMENT WORKS AND GENERAL PROVISIONS</b>						
A1	<b>GENERAL</b>					
<b>Scope of Development</b>						
A1.1	SPC/NSWP SICTL	<p>The approved aspects of the development shall be carried out generally in accordance with:</p> <p>a) Development Application DA-494-11-2003-i, lodged with Department on 26 November 2003.</p> <p>b) Port Botany Expansion: Environmental Impact Statement (ten volumes), prepared by URS and dated Nov 2003;</p> <p>c) Port Botany Expansion Commission of Inquiry – Primary Submission (two volumes), prepared by URS dated May 2004</p> <p>d) Port Botany Expansion Commission of Inquiry – Supplementary Submission to Environmental Impact Statement, prepared by URS and dated August 2004</p> <p>e) Port Botany Expansion Environmental Impact Statement – Supplementary Submission (two volumes), prepared by URS and dated October 2004;</p> <p>f) modification application MOD-107-9-2006-i, accompanied by <i>Port Botany Expansion, Section 96(1A) Application: Modification of Consent Conditions</i>, prepared by SPC and dated September 2006;</p> <p>g) modification application MOD-134-11-2006-i, accompanied by <i>Port Botany Expansion, Section 96(1A) Modification – Wharf Structure Design</i>, prepared by SPC and dated November 2006;</p> <p>h) modification application MOD-149-12-2006-i, accompanied by <i>Port Botany Expansion, Section 96(1A) Modification – Application to Modify Conditions B2.9 and B2.22 of the Port Botany Consent</i>,</p>	<p>Noted</p> <p>The operations are carried out generally in accordance with these documents</p>	C		

**Appendix 1:** Key to audit outcomes: **C** = Conforms; **O** = Opportunity for Improvement; **IOC** = Issue for Concern **NC** = Non Compliance; **NA** = Not applicable



MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion  Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ♦ ☹ ☒	NA
		<p>prepared by SPC and dated 1 December 2006;</p> <p>i) modification application MOD-78-9-2007-i, accompanied by <i>Port Botany Expansion – Modification of Conditions C2.20 &amp; C2.25</i>, prepared by SPC, dated July 2007;</p> <p>j) modification application MOD-60-9-2008, accompanied by <i>Port Botany Expansion – Modification of Conditions B2.46 &amp; C2.25</i>, prepared by SPC, dated 27 August 2008;</p> <p>k) modification application MOD-68-12-2008, accompanied by a letter from SPC dated December 2008;</p> <p>l) modification application MOD-08-03-2009, accompanied by a letter from Sydney Ports Corporation dated 16 February 2009 and assessment report titled <i>Port Botany Expansion – Rail Operations Section 96(1A) Modification</i> dated February 2009</p> <p>m) modification application DA-494-11-2003-I MOD 8, accompanied by an assessment report titled <i>“Port Botany Expansion – Ship Turning Area Dredging Section 96 (1A) Modification</i> dated May 2009;</p> <p>n) modification application DA-494-11-2003-I MOD 9 accompanied by an assessment report titled <i>“Port Botany Expansion – Additional High Spot Dredging off Molineux Point Section 96 (1A) Modification”</i> dated May 2009.</p> <p>o) modification application DA-494-11-2003-I MOD 10, accompanied by an assessment within the letter titled <i>“Port Botany Expansion – Section 96(1A) Modification – Additional Ship Turning Area Dredging”</i> dated 8 July 2009;</p> <p>p) modification application DA-494-11-2003-i MOD 11, accompanied by an assessment report titled <i>“Sydney Port Botany Terminal No. 3 PKG-17.1 Planning Section 75W Modification Operations Building and Maintenance Building”</i> dated 14 September 2011;</p>				
A1.1 cont'd	SPC/NSWP	<p>q) modification application DA-494-11-2003-i MOD 12, accompanied by an assessment report titled <i>“Sydney Port Botany Terminal No. 3 PKG-17.1 Planning Section 75W Modification to Stormwater First Flush System”</i> dated 15 February 2012 and supplementary advice</p>	<p>Noted The operations are carried out generally in accordance with these documents</p>	C		

**Appendix 1:** Key to audit outcomes: **C** = Conforms; **O** = Opportunity for Improvement; **IOC** = Issue for Concern **NC** = Non Compliance; **NA** = Not applicable

MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion  Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ♦ ☹ ☒	NA
		<p><i>provided on 6 June 2012 in relation to other proprietary SQID devices;</i></p> <p>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;</p> <p>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;</p> <p>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;</p> <p>u) the conditions of this consent</p> <p>Insofar as they relate to the approved development.</p>				
A1.2	SPC/NSWP SICTL	<p>In the event of an inconsistency between:</p> <p>a) the conditions of this consent and any document listed from condition A1.1a) to t) inclusive., the conditions of this consent shall prevail to the extent of the inconsistency; and</p> <p>b) any document listed from condition A1.1a) to t) inclusive, the most recent document shall prevail to the extent of the inconsistency.</p>	<p>Noted</p> <p>No compliance obligations related to this condition</p>	C		
<b>Statutory Requirements</b>						
A1.3	SPC/NSWP SICTL	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.	Yes – EPL is principal Licence requirement – has been obtained and maintained	C		

MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion  Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ♦ ☐ ☒	NA
		<b>Port Throughput Capacity Limits</b>				
A 1.4		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.	<p>The Operational Environmental Management Plan states that the SICTL terminal was expected to process approximately 39,000 TEU within the final quarter of 2013 using the first two berths and first four cranes.</p> <p>When fully operational, the SICTL estimates that the terminal will handle approximately 1.3 million TEU per annum. It is noted however that under the <i>Port Assets (Authorised Transactions) Act 2012</i>, cargo limits no longer apply.</p> <p>According to a letter from the Acting Director Infrastructure - Planning and Infrastructure dated 4/11/2013 stated, "...it appears that cargo throughput limits outlined in condition A1.4 of the consent no longer apply to the development".</p> <p><b>Condition no longer applicable</b></p>			NA

MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion  Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ◆ ☐ ☒	NA
<b>SCHEDULE C – TERMINAL OPERATIONS</b>						
<b>GENERAL REQUIREMENTS</b>						
<b>Application of Schedule</b>						
C1.1	SICTL	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.	Noted – no compliance requirements for this condition			NA
C1.2	SICTL	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 Temporary Uses, which are subject to condition C1.2A. 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.	Noted			
C1.2A	SICTL	The conditions in this sub-schedule of the consent must be complied with by the Applicant, or any party undertaking activities and works associated with Temporary Uses, except conditions C1.3, C1.4, C1.5, C2.5, C2.12, C2.16, C2.17, C2.18, C2.20, C2.25, C3.2, C3.3, C4.2, C4.3, C4.4 and C4.5.	Not applicable to SICTL			NA
C1.2B	SICTL	Temporary Uses shall be limited to a period of two (2) years, unless otherwise agreed by the Director-General. Any request to extend the period shall be supported by a Temporary Use Environmental Management Report detailing compliance with the conditions of consent, including environmental impacts and performance.	Not applicable to SICTL			NA
C1.2C	SICTL	<b>Operation Environmental Management Plan – Temporary Uses</b> C1.2C The Applicant shall prepare an Operation Environmental Management Plan – Temporary Uses prior to the commencement of temporary 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	Not applicable to SICTL			NA

MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion  Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ♦ ☐ ☒	NA
		the Plan: - Odour and Air Quality; - Noise; - Waste Management; - Water and Wastewater Management; - Hazard Risk Management; - Amenity, including lighting; and - Incident Reporting.				
<b>Operational Environmental Management Plan (OEMP)</b>						
C1.3	SICTL	The Applicant shall prepare an Operation Environmental Management Plan (OEMP) which must be approved by the Director-General prior to commencement of any operations at the terminal. The OEMP must:	SICTL Operational Environmental Management Plan Version 3 last updated 12/09/2013. Letter from DP&I dated 16/09/2013 granted approval for this version of the OEMP.	C		
		- 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;	Yes – outlined in Section 3, being the Development Consent and EPL	C		
		- describe any relevant staging or phasing of the commencement of operations within the terminal envelope and any relevant timeframes;	Yes – outlined in Section 1.3.1.	C		
		- 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;	Yes – outlined throughout document and specified in appropriate management plans.	C		
		- include a description of the roles and responsibilities for all key employees involved in the operation of the development;	Yes – outlined in Section 2.1.2.	C		
		- include overall environment policies and principles to be applied to the operation of the facility;	Yes – reference locations and documents outlined in Section 4.4	C		
		- include specific consideration of measures to address any requirements of DOP, DEC, and the Council during operation;	Generally addressed through requirements of development consent (Section 1.6.1) and compliance with legislation (1.6.2)	C		
		- 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;	Yes – Detail provided in Table 5 of OEMP.	C		
	- detail management policies to ensure that environmental performance goals are met and to comply with the conditions of this consent;	Yes – Detail provided in Table 5 of OEMP.	C			

MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion  Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ♦ ☐ ☒	NA
		- include the Management Plans relevant to operation, include the environmental monitoring requirements relevant to operation; and	Yes – Management Plans and sub-plans available on SICTL website	C		
		-be made available for public inspection after approval of the Director General	Yes – Available for public viewing on SICTL website.	C		
<b>Compliance Certification</b>						
C1.4	SICTL	Prior to each of the events listed from a) to c) below, or within such period otherwise agreed by the Director-General, documentation certifying that all conditions of this consent applicable prior to that event have been complied with shall be submitted to the satisfaction of the Director-General. Where an event is to be undertaken in stages, submission of compliance certification may be staged consistent with the staging of activities relating to that event, subject to the prior agreement of the Director-General..	Development Consent Pre-Operational Compliance Report (Ver. 2 dated 03/09/2013) prepared and submitted to the Director General.  Letter from DP&I dated 16/09/2013 granted approval for Ver. 2 of the Pre-Operational Compliance Report.	C		
		a) commencement of any operations within the terminal area; and	Noted	C		
		b) commencement of each stage or phase of operations.	Noted	C		
C1.5	SICTL	Notwithstanding condition C1.4 of this consent, the Director-General may require an update report on compliance with all, or any part, of the conditions of this consent. Any such update shall meet the requirements of the Director-General and be submitted within such period as the Director-General may agree.	There have been no requests for updates on compliance have been made	C		
<b>C2 OPERATIONAL ENVIRONMENTAL PERFORMANCE</b>						
<b>Air Quality Management</b>						
<b>Odour</b>						
c2.1	SICTL	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	Odour issues outlined in Section 4.3 and Table 1 of OEMP and Table 3.2 of the Air Quality Management Sub-Plan Ver. 2 dated 30/08/2013.  No odours were detected during the site inspection	C		

MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion  Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ♦ ☹ ☒	NA
			undertaken as part of the audit.			
<b>Dust Emissions</b>						
C2.2	SICTL	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.	Dust is addressed in the Air Quality Management Sub-Plan section 4.3.4 and in the OEMP  The site inspection did not identify any issues in relation to dust. All areas of the site are well sealed and there is a low likelihood of dust generation.	C		
C2.3	SICTL	All trafficable and vehicle manoeuvring areas shall be maintained at all times in a condition that minimises the generation and emission of dust.	All trafficable areas are sealed	C		
C2.4	SICTL	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.	Vehicles leaving the site are generally carrying containers which are sealed. It is a site requirement that trucks leaving site would be covered. No uncovered trucks were sighted during the site inspection.	C		
<b>Noise Management</b>						
<b>Operation Noise Management Plan</b>						
C2.5	SICTL	Prior to the commencement of operations, the Applicant must prepare an Operation Noise Management Plan in consultation with DEC, DOP, Botany 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:	Yes – Operational Noise Management Plan Version 2 dated 30/08/2013 is provided on SICTL website.	C		
		- identify general activities that will be carried out and associated noise sources;	Yes – outlined in Table 1 and described in Section 4.2	C		
		- assess operation noise impacts at the relevant receivers;	Yes – outlined in Table 1 and described in Section 5.1.7	C		

MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion  Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ◆ ☐ ☒	NA
		- a primary objective of achieving the operational noise limits outlined in this consent;	Yes – outlined in Table 1 and described in Section 5.1.7	C		
		- provide details of overall management methods and procedures that will be implemented to control noise from the development	Yes – described in Sections 5.1.3 – 5.1.6	C		
		- 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;	Yes – addressed in Section 6.2	C		
		- detail noise monitoring, reporting and response procedures consistent with the requirements of DEC;	Yes – addressed in Section 5.3	C		
		- provide for internal audits of compliance of all plant and equipment;	Yes – addressed in Section 10	C		
		- indicate site establishment timetabling to minimise noise impacts;	Yes – outlined in Table 1 and described in Section 5.1	C		
		- include procedures for notifying residents of operation activities likely to affect their noise amenity;	Yes – addressed in Section 6.2	C		
		- address the requirements of DEC;	Yes – outlined in Table 1	C		
		- 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;	Yes – outlined in Table 1 and described in Section 4.2	C		
		- identify opportunities to reduce operational noise levels including, but not necessarily limited to, selection of equipment, engineering noise controls and shore based power; and	Yes – outlined in Table 1 and described in Section 5.1	C		
		- be approved by the Director-General prior to the commencement of Operation.	Yes – Letter from DP&I dated 16/09/2013 granted approval for Version 2 of the Operational Noise Management Sub Plan.	C		



MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion  Evidence, supporting documentation	Audit Outcome																																																	
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				C ✓	Finding O IOC NC ◆ ☹ ☒	NA																																															
<b>Noise Limits</b>																																																					
C2.6	SICTL	<p>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.</p> <table border="1"> <thead> <tr> <th rowspan="2">Most affected residential Location</th> <th>Day</th> <th>Evening</th> <th colspan="3">Night</th> </tr> <tr> <th>L<sub>Aeq</sub>(15 minute)</th> <th>L<sub>Aeq</sub>(15 minute)</th> <th>L<sub>Aeq</sub>(15 minute)</th> <th>L<sub>Aeq</sub>9hrs</th> <th>L<sub>A1</sub>(1 minute)</th> </tr> </thead> <tbody> <tr> <td>Chelmsford Avenues</td> <td>40</td> <td>40</td> <td>40</td> <td>38</td> <td>53</td> </tr> <tr> <td>Dent Street</td> <td>45</td> <td>45</td> <td>45</td> <td>43</td> <td>59</td> </tr> <tr> <td>Jennings Street</td> <td>36</td> <td>36</td> <td>36</td> <td>35</td> <td>55</td> </tr> <tr> <td>Botany Road (north of Golf Club)</td> <td>47</td> <td>47</td> <td>47</td> <td>45</td> <td>59</td> </tr> <tr> <td>Australia Avenue</td> <td>35</td> <td>35</td> <td>35</td> <td>35</td> <td>57</td> </tr> <tr> <td>Military Road</td> <td>42</td> <td>42</td> <td>42</td> <td>40</td> <td>60</td> </tr> </tbody> </table> <p>For the purpose of this condition;</p> <ul style="list-style-type: none"> <li>· Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays,</li> <li>· Evening is defined as the period from 6pm to 10pm</li> <li>· Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays</li> </ul>	Most affected residential Location	Day	Evening	Night			L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> 9hrs	L <sub>A1</sub> (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	<p>This condition is the same as Condition L3.1 of the Environmental Protection Licence. (Refer to Appendix 2 – EPA Licence Compliance Audit Checklist for details).</p> <p>Noise monitoring had been conducted at the time of the audit (deployed on 25/09/2014) by Marshall Day Acoustics, however the results were not available at the time of the audit. It was therefore not possible to determine compliance at the time of reporting.</p> <p>Also refer to Special Conditions E1 of the Environment Protection Licence - Noise monitoring and Compliance Reporting section of Appendix 2.</p>		IOC Unknown	
Most affected residential Location	Day	Evening		Night																																																	
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C2.7	SICTL	<p>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.</p>	<p>Requirement is outlined in Table 1 and addressed in Section 5.3 of the Noise Management Sub-Plan.</p> <p>This is same as Condition L3.4 of the EPL – refer to Appendix 2 for details</p> <p>Could not be verified as monitoring was not complete at the time of the audit</p>		IOC Unknown																																																

MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion  Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ◆ ☐ ☒	NA
C2.8	SICTL	Noise from the premises is to be measured at 1m from the dwelling façade to determine compliance with the LA1 (1 minute) noise level in Condition C2.6.	Described in Section 5.3.2 of the Noise Management Sub-Plan and in email disposition from Noise Consultant provided to DECA on 10 December 2014.	C		
C2.9	SICTL	Where it can be demonstrated that direct measurement of noise from the premises is impractical, the DEC may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy.	Noted A letter from the Unit Head – Sydney Industry – Environment Protection Authority – <i>Sydney International Container Terminals Port Botany Terminal 3 – Operational Compliance Measurements – SLR Proposed scope of works</i> dated 11 July 2014 notes that “The EPA does not object to the use of a calibrated noise model in this case to demonstrate compliance with the noise limits specified on EPL 20322” subject to addressing aspects of the proposed modelling detailed in the letter. (also refer to Appendix 2 – Environment Protection Licence checklist)	C		
C2.10	SICTL	The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.	As above - alternative means used to determine compliance	C		
C2.11	SICTL	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 1.50C/100m positive lapse rate.	This condition is addressed as part of Condition L3.8 of the Environment Protection Licence. An email disposition from Noise Consultant in December 2014 indicated compliance with this requirement. Refer to Appendix 2 for detail.	C		
<b>Operational Traffic Management Plan</b>						
C2.12	SICTL	Prior to the commencement of terminal operations, the applicant must prepare a Operational Traffic Management Plan in consultation with RTA, DOP, Botany 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:	Yes – Operational Traffic Management Sub- Plan prepared and available on Hutchison Ports website – Ver. 2 dated 30/08/2013	C		

MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion  Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ♦ ☹ ☒	NA
		- identification of preferred routes to minimise noise impacts on the surrounding community;	Yes – Outlined in Table 1 and described in Section 4.3.2	C		
		- physical and operational measures (including signage) to mitigate noise impacts from vehicles accessing and leaving the terminal	Yes – Described in Section 5.1.1	C		
		- measures to limit the impact of traffic noise on Foreshore Road and Botany Road	Yes – Described in Section 5.1.1	C		
		- driver education and information to promote driver habits to minimise noise; and	Yes – Described in Section 7.1	C		
		- timetabling, scheduling and details of vehicle booking systems.	Yes – Described in Section 5.1.1	C		
		The plan must be submitted and approved by the Director-General prior to the commencement of operations.	Yes – Letter from DP&I dated 16/09/2013 granted approval for Version 2 of the Operational Traffic Management Plan	C		
<b>Waste Management On-Site</b>						
C2.13	SICTL	Management of waste must be in accordance with the environment protection licence issued by EPA under the Protection of the Environment Operations Act 1997.	The site complies with the requirements of the Environment Protection Licence (EPL)	C		
C2.13A	SICTL	The management of waste for uses and activities not subject to an Environmental Protection licence, shall be managed and disposed of in accordance with the Protection of the Environment Operation (Waste) Regulation 2005 and the Waste Classification Guidelines (DECCW 2009), or any future guideline that may supercede that document. All waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials. (Mod 14 – new)	There was no evidence of inappropriate waste management. All wastes were noted to be appropriately contained and removed from site by appropriately licensed waste contractors. Waste invoices from SITA including removal of waste oil were sighted – waste was appropriately classified.	C		
<b>Water and Waste Water Management</b>						
C2.14	SICTL	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.	SICTL have generally complied with the requirements of Section 120 of the POEO, however an incident involving a spill of diesel from a container truck on the site led to a small volume of oil reaching Botany Bay. No regulatory action has been taken by the EPA. Refer to Condition L1 in Appendix 2.	C		

**Appendix 1:** Key to audit outcomes: **C** = Conforms; **O** = Opportunity for Improvement; **IOC** = Issue for Concern **NC** = Non Compliance; **NA** = Not applicable

MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion  Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ◆ ☐ ✘	NA
<b>Pollution Concentration Limits</b>						
C2.15	SICTL	For each monitoring/discharge point or utilisation area, the concentration of any pollutant discharged at that point, or applied to that area, must not exceed concentration limits specified in the relevant environment protection licence.	There have been no exceedances from water quality monitoring results	C		
C2.15A		<b>Hazards and Risk Management – Temporary Uses</b> C2.15A Temporary Uses shall not involve the loading, unloading and storage of dangerous goods. (Mod 14 -new)	No Temporary uses - not applicable to SICTL			NA
<b>Hazards and Risk Management</b>						
<b>Storage and Handling of Dangerous Goods</b>						
C2.16	SICTL	Prior to the commencement of operation, the Applicant shall develop management measures in consultation with the Major Hazards Unit of DOP regarding the use of the new terminal for loading, unloading and storage of dangerous goods of Classes 2.3 and 6.	<p>Handling of Dangerous Goods and Hazardous Substances Sub-Plan Ver. 2 dated 9 Sept 2013 has been prepared and is available on the Hutchison Ports website. Letter from DP&amp;I dated 25/10/2013 notes that the Department is satisfied that the requirements of Condition C2.16 have been adequately addressed.</p> <p>Management measures are also included in the revised Emergency Response Plan dated 4/11/13. Letter and email from Major Hazards Unit-reviewed and approved revised Emergency Response Plan. Email from MHU (Lilia) to DOP (Ingrid) dated 29/10/13 noted that there are no outstanding issues with the plan (previously reviewed) and is therefore recommended for approval.</p>	C		

MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion  Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ♦ ☐ ✘	NA
C2.17	SICTL	The Applicant shall ensure that the throughput of dangerous goods of each Class and the unit size shall not exceed those listed in table 6.8 of the Preliminary Hazard Analysis (Revision 7, June 2004) and is required to submit periodic reports to the Director-General detailing information on the actual tonnages, numbers of TEUs and package sizes for each class of dangerous goods handled in the previous five years for all port terminals.	<p>The audit found that this condition could not be fully complied with. In particular, the reporting conditions relating to package sizes for each class of DG could not be complied with due to the way in which DG cargo is reported through the supply chain. In addition, legislative changes made in 2012 have changed and limits to throughput of cargo no longer apply, however further information on risks associated with DGs may still be required.</p> <p>Various documents relating to this condition were reviewed during the audit including:</p> <ul style="list-style-type: none"> <li>• Handling of Dangerous Goods and Hazardous Substances Sub-Plan Ver. 2 dated 9 Sept 2013;</li> <li>• Letter from the Acting Director Infrastructure - Planning and Environment Project – “Port Botany Expansion (DA-494-11-2003-i) – Dangerous Goods (Condition 2.17)” dated 4/11/2013; and</li> <li>• “Technical Note on Condition of Compliance C2_17” dated 23/09/2013 by Dr Robert Hutchison - principal author of the 2004 Preliminary Hazard Analysis</li> <li>• Meeting minutes (draft) dated 4/12/2013 from meeting at NSW Department of Planning and Infrastructure Office (Sydney) with attendees from NSW Ports, SICTL, DP&amp;I (x2), SPC and Patricks – Item 2.0 “Clarification of MCoA2.17 letter dated 4 Nov 2013 with reference to Section 32 of the Ports Assets (Authorised Transactions) Act 2012” and Item 4.0 – Process and timing to address Conditions C2.17 and C2.18. Section 4.1 notes that “DPI considers a modification (rewording) of both conditions is required to reflect the established Port Botany DG Management System”</li> </ul>		IOC	

MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion  Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ♦ ☹ ☒	NA
			<p>Handling of Dangerous Goods and Hazardous Substances Sub-Plan– Section 5.1.2 states “Any exceedance of the limits of DGs specified in table 6.8 of PHA (tables 2 &amp; 3 of the plan) will be managed as a modification of the planning approval by SICTL as a separate process.</p> <p>In a letter from the Acting Director Infrastructure Project - Planning and Environment dated 4/11/2013, it was stated that...<i>“As a result of the lifting of the limit on cargo throughput, it appears that the condition will no longer provide relevant information to the Department if the Proponent decides to increase the volumes of dangerous goods beyond the permissible amount”</i> The letter also suggests that <i>“...a section 75W modification be submitted together with an updated Preliminary PHA which documents the estimated risk levels and the mitigation and management measures to control those identified risks”</i>. At the time of the audit, this had not been done.</p> <p>The <i>“Technical Note on Condition of Compliance C2_17”</i> dated 23/09/2013 outlined the intent of the PHA, noting that there was no intention of using Table 6.8 as a condition of consent and to do so would take the information out of context. The Technical Note also noted that the quantities outlined in Table 6.8 could be increased and the development could still meet HIPAP 4 criteria.</p> <p>Based on the above, this issue is raised as an issue of concern as it appears that further work is still required by various parties to clarify DG management requirements and modify this Condition of Approval</p>			

MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion  Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ♦ ☐ ✘	NA
C2.18	SICTL	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).	Section 5.1.2 of the “Handling of Dangerous Goods and Hazardous Substances Sub-Plan” (v2) notes that SICTL is obliged to limit the throughput of class 2.3 to the quantities handled in 1995/1996. The Plan shows that 825 tonnes (average value) of class 2.3 were transited through Port Botany during this period and that SICTL can limit its yearly handling of this type of cargo by programming the limited into the Automatic Terminal Operating System.  Whilst it appears that this condition may be modified in the future, data provided by SICTL over the 12 months from Nov 2013 to Oct 2014 showed nett tonnage of 168 tonnes which is in compliance with this condition.	C		
C2.19	SICTL	Deleted from Development Consent			NA	
<b>Emergency Incident Management</b>						
<b>Emergency Response and Incident Management Plan</b>						
C2.20	SICTL	The Applicant shall develop an Emergency Response and Incident Management Plan in consultation with DEC, DOP, Council and the Community Consultative Committee. The Plan must be approved by the Director-General prior to the commencement of operations and shall detail:	An Emergency Response Plan HSEQ10.1.3 version 3 dated 17/10/13 is in place and was approved by DP&I in letter to NSW Ports dated 4/11/2013.	C		
		- terminal security and public safety issues;	Yes - Security is addressed throughout the document with roles and responsibilities for security detailed in Section 9.1.8. Public Safety is addressed in Section 12.39 Emergency Response Actions – Public Safety.	C		
		- effective spill containment and management;	Yes – addressed in Section 12.15 – 12.25 – variety of spill scenarios and flow charts	C		
		- effective fire fighting capabilities;	Yes – Fire-fighting capabilities are addressed in various sections of the ERP.	C		

MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion  Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ♦ ☐ ☒	NA
		- effective response to emergencies and critical incidents; and	Yes – the Plan provides procedures for dealing with emergencies and critical incidents	C		
		- 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.	Yes – the ERP is the primary set of Emergency Response for the site and references that one of the purposes of the Plan is to comply with the Port Botany Emergency Plan.	C		
<b>Aviation Operational Impacts</b>						
<b>Impact on Aviation Operations at Sydney Airport</b>						
C2.21	SICTL	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.	Outlined in Table 1 and addressed in Section 4.3.1 of the Aviation Operational Impacts sub-plan. Quay crane height application to CASA An approval was granted by Aviation Environment, Aviation and Airports Division of the Department of Infrastructure and Transport on 4 September 2013. The GDA94 Coordinates of the Quay Crane operational envelope detailed in the approval correspond with the lateral separation requirements.	C		
<b>Obstacle Limitation Surface</b>						
C2.22	SICTL	The Applicant shall ensure that all operation equipment is below the obstacle limitation surface, unless otherwise permitted by an approval under the Airports Act 1999 and Airports (Protection of Airspace) Regulation 1966. (MOD 15 – new)	OLS requirements are outlined in Table 1 and addressed in Section 4.3.2 of the Aviation Operational Impacts sub-plan.  The inner horizontal surface of the OLS above the site is a height of 51 m above AHD and hence prescribed airspace above the site commences at 51m AHD. The quay cranes maximum operating height is 51.055m AHD, and therefore required approval as a “controlled activity” under S 182 of the Airports Act.  A Quay Crane Height application within the Quay Cranes Operations Manual (HPA-QC-)1 was prepared by SICTL to undertake a “controlled activity”.	C		



MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion  Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ♦ ☐ ✘	NA
			<p>An approval was granted by Aviation Environment, Aviation and Airports Division of the Department of Infrastructure and Transport on 4/09/2013 subject to 6 conditions as follows:</p> <ul style="list-style-type: none"> <li>• Quay cranes 1 – 4 must not exceed a max height of 51.055 m AHD (Conditions 1 – 4)</li> <li>• Each of the cranes must be obstacle lit at night with medium intensity steady red lights (Cond 5)</li> <li>• Each of the cranes must be obstacle lit during daylight hours with medium intensity flashing white lights (Cond 6)</li> </ul>			
<b>Terminal Lighting</b>						
C2.23	SICTL	The Applicant shall ensure design specifications of the terminal lighting conform to the requirements of Regulation 94 of the Civil Aviation regulations 1988.	Addressed in Sub Plan Aviation Impacts section 5.1.3. Terminal appears to be in compliance with this condition however this assessment is based on reviewed documents only – full verification was not possible. Requirements / specifications are included within the Quay Crane Operation Manual HPA-QC-01.	C		
<b>Light Spill</b>						
C2.24	SICTL	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: <ul style="list-style-type: none"> <li>- minimising ship board lighting while berthed;</li> <li>- orientating ships in a specific direction; and or</li> <li>- providing temporary shielding on the ship mounted floodlights while docked.</li> </ul>	Maritime Order 32 Schedule 1 (2) lighting requires adequate lighting. These requirements need to be balanced with the requirements for minimal light spill. Noted during site inspection that floodlights face downwards on light poles and on the Cranes. Photos taken at night (provided by SICTL) indicate that light levels are generally low and that lights are facing downwards. It appears that SICTL generally meet these requirements.	C		

MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion  Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ♦ ☐ ☒	NA
		<b>Bird Hazard Management Plan</b>				
C2.25	SICTL	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 Botany and Randwick Councils. The Plan must be approved by the Director-General prior to the commencement of operations.	Yes – Bird Hazard Management Plan Version 2 dated 3/09/2013 prepared and is on the Hutchison Ports website.  Letter from DP&I dated 16/09/2013 granted approval for Version 2 of the Bird Hazard Management Plan	C		
<b>COMMUNITY INFORMATION, INVOLVEMENT AND CONSULTATION</b>						
<b>Community Information Complaints Handling</b>						
C3.1	SICTL	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;	Community Feedback reports on website- Qtr 1 Qtr 2 and Qtr 3 on website. EPL, Water Quality and noise monitoring reports on the website. Further noise monitoring to be uploaded once available.	C		
		- provide means by which public comments, inquiries and complaints can be received, and ensure that those means are adequately publicised; - 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 SICTL / HPA website provides a Community Contact Line 1800 472 888 and is on the general Hutchison Ports “Contact Us” tab.  A Community Feedback and Enquiries Register is maintained and made available on the SICTL website.	C		
		- the date and time, where relevant, of the comment, inquiry or complaint;	Date and time are recorded	C		
		- the means by which the comment, inquiry or complaint was made (telephone, fax, mail, email or in person);	Register includes “Method” column in which means of communication is recorded	C		

MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion  Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ◆ ☐ ☒	NA
		- any personal details of the commenter, inquirer or complainant that were provided, or if no details were provided, a note to that effect;	Register includes "Details of enquiry or feedback" column which is appropriately populated with details	C		
		- the nature of the complaint;	Register includes "Nature of feedback" column	C		
		- 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	Register includes "Action Taken by SICTL & Follow-up" column – relevant actions are entered	C		
		- if no action was taken by the Applicant in relation to the comment, inquiry or complaint, the reason(s) why no action was taken.	Where no action was taken explanations are provided in the Action Taken by SICTL & Follow-up" column.	C		
		- Provide quarterly reports to the Department and DEC, where relevant, outlining details of complaints received.	Community Feedback reports for Qtr 1, Qtr 2 and Qtr 3 2014 were sighted on the SICTL website-. Sighted email and signed letter dated 20/10/14 in which Qtr 3 report was forwarded to DP& I	C		
<b>Community Consultative Committee</b>						
C3.2	SICTL	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:	The PBE Community Consultative Committee has been amalgamated with the Port Botany Neighbourhood Liaison Group and is now called the Port Botany Community Consultative Committee. Minutes of the meetings are available on the NSW Ports website at: <a href="http://www.nswportsbotany.com.au/community/port-botany-community-consultative-committee/">http://www.nswportsbotany.com.au/community/port-botany-community-consultative-committee/</a>  John Ieroklis, the SICTL Environment and Safety Engineer attends the meeting as a participant-last meeting held 26/08/14. The CCC process is managed by NSW Ports and SICTL attend only as a participant.	C		
		(a) be comprised of: · 2 representatives from the Applicant, including the person responsible for environmental management;	Yes – however no direct control by SICTL.  This has been assessed previously during the construction	C		

MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion  Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ♦ ☐ ✘	NA
		<ul style="list-style-type: none"> <li>· 1 representative from Botany Bay City Council; and</li> <li>· at least 3 representatives from the local community, whose appointment has been approved by the Director-General in consultation with the Council;</li> </ul>	phase and deemed compliant. No changes since last construction phase audit in August 2014.			
		(b) be chaired by an independent party approved by the Director-General;	Roberta Ryan is Independent Chairperson	C		
		(c) meet at least four times a year, or as otherwise agreed by the CCC;	Minutes on website indicate at least 4 times yearly.	C		
		(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;	Yes – minutes show responses to advice / recommendations / questions	C		
C3.3	SICTL	The Applicant shall, at its own expense:				
		(a) ensure that 2 of its representatives attend the Committee's meetings;	Minutes indicated that at least 2 representatives from NSW Ports, and SICTL / Hutchison Ports attend the committee meetings	C		
		(b) provide the Committee with regular information on the environmental performance and management of the development;	Updates on SICTL operations provided at last CCC meeting	C		
		(c) provide meeting facilities for the Committee;	Yes	C		
		(d) arrange site inspections for the Committee, if necessary;	If required	C		
		(e) take minutes of the Committee's meetings;	Taken by Sandra Spate	C		
		(f) make these minutes available on the Applicant's website within 14 days of the Committee meeting, or as agreed to by the Committee;	Available (but not responsibility of SICTL)	C		
		(g) respond to any advice or recommendations the Committee may have in relation to the environmental management or performance of the development; and	Yes - Updates and response to questions on SICTL operations provided at last CCC meeting	C		

MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion  Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ♦ ☐ ✘	NA
		(h) forward a copy of the minutes of each Committee meeting, and any responses to the Committee's recommendations to the Director-General within a month of the Committee meeting.	Verified at construction phase audit (August 2014) up to May 2014. Not re-verified at this audit	C		
<b>Incident Reporting</b>						
C4.1	SICTL	Prior The Director-General shall be notified of any incident with actual or potential significant off-site impacts on people or the biophysical environment within 12 hours of the Applicant, or other relevant party undertaking the development, becoming aware of the incident. Full written details of the incident shall be provided to the Director-General within seven days of the date on which the incident occurred. The Director-General may require additional measures to be implemented to address the cause or impact of any incident, as it relates to this consent, reported in accordance with this condition, within such period as the Director-General may require.	<p>One notifiable incident has occurred since commencement of operations- 13/05/14 at 2.35 am- involved diesel spill as a result of a customer truck accident on site. Level 1 (report) and level 2 (investigation) reports prepared</p> <p>Level 2 Investigation provides timeline for ratification to EPA, DP+I and others. Corrective actions completed. Sighted response from EPA dated 27/05/14 notes that no regulatory action will be taken.</p> <p>Sighted email to DP&amp;I notifying the incident dated 14/05/14. Full investigation report forwarded to EPA, DP&amp;I and other stakeholders on 21/5/14 via email.</p> <p>EPA response also forwarded to DP&amp;I on 27/05/14.</p>	C		
		<b>Annual Environmental Management Report</b>				
C4.2	SICTL	<p>The Applicant must prepare an Annual Environmental Management Report for the development. The Annual Environmental Management Report must:</p> <ul style="list-style-type: none"> <li>- detail compliance with the conditions of this consent;</li> <li>- contain a copy of the Complaints Register (for the preceding twelve-month period, exclusive of personal details) and details of how these complaints were addressed and resolved;</li> </ul>	The AEMR is not yet due. It should be prepared following the issue of this independent audit report.			NA

MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion  Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ♦ ☐ ☒	NA
		- include a comparison of the environmental impacts and performance predicted in the EIS and additional information documents provided to the Department and Commission of Inquiry;				
		- detail results of all environmental monitoring required under the development consent and other approvals, including interpretations and discussion by a suitably qualified person;				
		- contain a list of all occasions in the preceding twelve-month period when environmental performance goals have not been achieved, indicating the reason for failure to meet the goals and the action taken to prevent recurrence of that type of incident;				
		- be prepared within twelve months of the commencement of operation, and every twelve months thereafter;				
		- be approved by the Director-General each year; and				
		- be made available for public inspection.				
		<b>Environmental Representative</b>				
C4.3	SICTL	Prior to the commencement of operations, a suitably qualified and experienced Environmental Representative(s) shall be nominated to and approved by the Director-General. The Environmental Representative(s) shall be employed for the duration of operations, or as otherwise agreed by the Director-General. The Environmental Representative shall be:	Mr Trevor Ballantyne is the nominated ER for SICTL. A letter dated 31/7/2012 approves his appointment to the role. The letter notes that an alternate ER should also be nominated for the Director General's Approval should Mr Ballantyne be on leave or off site for a period of greater than 2 weeks.  At the time of the audit, there were proposed changes to organisational structures and reporting relationships that will occur around the end of Nov 2014. The current arrangement will be reviewed by SICTL with the view to appointing John Ieroklis as Primary ER and a consultant as the secondary ER.	C		
		- the primary contact point in relation to the environmental performance of the terminal operations;	Yes –OEMP Section 2.1 – Responsibilities, Accountabilities and Authorities – subsection 2.1.2.2 defines the National HSEQ Manager (Environmental Representative) roles.	C		

Appendix 1: Key to audit outcomes: **C** = Conforms; **O** = Opportunity for Improvement; **IOC** = Issue for Concern **NC** = Non Compliance; **NA** = Not applicable

MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion  Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ♦ ☹ ☒	NA
		<ul style="list-style-type: none"> <li>- responsible for all Management Plans and Monitoring Programs required under this consent, in relation to the terminal operations;</li> <li>- responsible for considering and advising on matters specified in the conditions of this consent, and all other licences and approvals relating to the environmental performance and impacts of the terminal operations;</li> <li>- responsible for the management of procedures and practices for receiving and responding to complaints and inquiries in relation to the environmental performance of the terminal operations;</li> <li>- required to facilitate an induction and training program for relevant persons involved with the terminal operations; and</li> <li>- given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions be ceased immediately should an adverse impact on the environment be likely to occur.</li> </ul>	These responsibilities as defined in this condition are clearly specified within section 2.1.2.2 of the OEMP.	C		
		<b>Environmental Training</b>				
C4.4	SICTL	<p>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:</p>	<p>Section 2.3 of the OEMP – Environmental Training defines four (4) levels of environmental training for various position types. They are:            Level 1 – All staff – as part of the general induction            Level 2 – Wharf-side ground personnel            Level 3 – Maintenance personnel and contractors and            Level 4 - Shift Supervisors and Managers.</p> <p>Each preceding level is a pre-requisite going on to the next level of training.</p>	C		

MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion  Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ♦ ☐ ✘	NA
		a) identification of relevant employment positions associated with the development that have an operational or management role related to environmental performance;	Yes – SICTL has developed an Employee Training Register which identifies environmental training needs according to position.	C		
		b) details of appropriate training requirements for relevant employees;	Yes – detailed in the 4 levels of training specified above	C		
		c) a program for training relevant employees in operational and/ or management issues associated with environmental performance; and	<p>Yes – Environmental topics are included in the various training modules (Environmental Training Levels 1 – 4).</p> <p>A review of the SICTL training materials suggests that the materials (particularly Level 1) are somewhat generic and don't include specific references to the MCoA or EPL and the need to comply with these as a minimum.</p> <p>Consideration should be given to including key specific information relating to EPL and MCoA compliance to the training material. Further emphasis could also be provided on the need to report all minor (as well as major) spills</p>		OFI	
		d) a program to confirm and update environmental training and knowledge during employment of relevant persons.	Yes – program is in place to record and assess participant's knowledge thorough the Operational Orientation Programs Participant Record book.	C		



MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion  Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ♦ ☹ ☒	NA
		<b>Environmental Auditing</b>				
C4.5	SICTL	Within one year of the commencement of operations and every year thereafter, the Applicant shall fund a full independent environmental audit. The audit must be undertaken by a suitably qualified person/team approved by the Director-General. The audits would be made publicly available and would:	This Independent Environmental Audit was conducted within the first year of operation.  The audit was undertaken by Julie Dickson of Dickson Environmental Consulting and Audit Pty Ltd who has been approved by the Director-General. The letter of approval is attached in Appendix 4 of the audit report	C		
		- be carried out in accordance with ISO 14010 – Guidelines and General Principles for Environmental Auditing and ISO 14011 – Procedures for Environmental Auditing;	Yes	C		
		- assess compliance with the requirements of this consent, and other licences and approvals that apply to the development;	Yes – Appendices 1 and 2	C		
		- assess the construction against the predictions made and conclusions drawn in the development application, EIS, additional information and Commission of Inquiry material; and	Yes – Appendix 3	C		
		- review the effectiveness of the environmental management of the development, including any environmental impact mitigation works.	Yes - Audit report Section 3.5	C		

# APPENDIX 2

## AUDIT CHECKLIST

### ENVIRONMENT PROTECTION LICENCE 20322

## Appendix 2 - EPA Licence 20322

# Sydney International Container Terminals Pty Ltd Audit Checklist

Note: Licence Condition reference numbers that are marked “not applicable” in the Licence are not listed in this checklist.

No.	Licence Requirement Licensee: Sydney International Container Terminals Pty Ltd	Comments, observations, discussion Evidence, supporting documentation	Audit Outcomes		
			See footer for key		
			C ✓	Finding O IOC NC ◆ ☹ ☒	NA
2	Limit conditions				
L1	Pollution of waters				
	L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.	A spill of diesel from a truck accident occurred at the site on 13/05/2014, and a small quantity entered Botany Bay. The spill was notified to the EPA, clean-up operations were implemented, in accordance with Section 148 and the incident was investigated. A letter from the EPA dated 27/05/2014 notes that “...the EPA will not be taking regulatory action in regards to this incident at this time.”	C		
L2	Waste				
	L2.1 The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled “Waste” and meeting the definition, if any, in the column titled “Description” in the table below. Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled “Activity” in the table below. Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled “Other Limits” in the table below. This condition does not limit any other conditions in this licence.	SICTL has not received any waste at the premises Hazardous waste exports are sent through the port, with export licences and permits managed by consignors and consignees. SICTL does not receive waste as defined in the legislation.	C		

Key to audit outcomes:

☺ = Largely as predicted/concluded – positive outcome; ☹ = Partially as predicted / or unknown ☒ = Not as predicted – negative outcome; NA = Not applicable

No.	Licence Requirement					Comments, observations, discussion Evidence, supporting documentation	Audit Outcomes																																											
	Licensee: Sydney International Container Terminals Pty Ltd						See footer for key																																											
	C	Finding	NA																																															
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		◆	⊗	⊗	⊗																																													
	Code	Waste	Description	Activity	Other Limits																																													
	NA	General or Specific exempted waste	Waste that meets all the conditions of a resource recovery exemption under Clause 51A of the Protection of the Environment Operations (Waste) Regulation 2005	As specified in each particular resource recovery exemption	NA																																													
	NA	Waste	Any waste received on site that is below licensing thresholds in Schedule 1 of the POEO Act.	-	NA																																													
L3	Noise Limits																																																	
	L3.1 Noise from the premises must not exceed the noise limits presented in the Table below. Note the limits represent the noise contribution at the nominated receiver locations in the table.					<p>A pre-construction noise assessment (unattended noise monitoring) was conducted by SLR between 13/09/2013 to 30/09/2013, to determine background levels prior to commencement of operations. The report is not specifically required by the EPL, however was conducted to allow comparisons with monitoring data collected during operations.</p> <p>The results show that the LAeq (15min) noise levels exceed the noise limits specified in the adjacent table prior to commencement of operations.</p> <p>Hand written numbers adjacent to typed noise limits convey the results of the noise monitoring assessment.</p> <p>As noted in Condition E1.1, noise monitoring has not yet been completed</p> <p>Noise monitoring had been conducted at the time of the audit (deployed on 25/09/2014) by Marshall Day Acoustics, however the results were not available at the time of audit report issue</p>	IOC	Unknown																																										
	<table border="1"> <thead> <tr> <th>Most Affected Residential Location</th> <th>Day</th> <th>Evening</th> <th>Night</th> <th>Night</th> </tr> <tr> <th></th> <th>LAeq(15minute)</th> <th>LAeq(15minute)</th> <th>LAeq(15minute)</th> <th>LAeq(9 hrs)</th> </tr> </thead> <tbody> <tr> <td>-</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Chelmsford Avenue</td> <td>40 <b>61</b></td> <td>40 <b>60</b></td> <td>40 <b>55</b></td> <td>38</td> </tr> <tr> <td>Dent Street</td> <td>45 <b>71</b></td> <td>45 <b>56</b></td> <td>45 <b>54</b></td> <td>43</td> </tr> <tr> <td>Jennings Street</td> <td>38 <b>60</b></td> <td>38 <b>56</b></td> <td>38 <b>53</b></td> <td>35</td> </tr> <tr> <td>Botany Road (north of Gold Club)</td> <td>47 <b>61</b></td> <td>47 <b>60</b></td> <td>47 <b>59</b></td> <td>45</td> </tr> <tr> <td>Australia Avenue</td> <td>35 <b>54</b></td> <td>35 <b>54</b></td> <td>35 <b>53</b></td> <td>35</td> </tr> <tr> <td>Military Road</td> <td>42 <b>59</b></td> <td>42 <b>54</b></td> <td>42 <b>56</b></td> <td>40</td> </tr> </tbody> </table>									Most Affected Residential Location	Day	Evening	Night	Night		LAeq(15minute)	LAeq(15minute)	LAeq(15minute)	LAeq(9 hrs)	-					Chelmsford Avenue	40 <b>61</b>	40 <b>60</b>	40 <b>55</b>	38	Dent Street	45 <b>71</b>	45 <b>56</b>	45 <b>54</b>	43	Jennings Street	38 <b>60</b>	38 <b>56</b>	38 <b>53</b>	35	Botany Road (north of Gold Club)	47 <b>61</b>	47 <b>60</b>	47 <b>59</b>	45	Australia Avenue	35 <b>54</b>	35 <b>54</b>	35 <b>53</b>	35	Military Road
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		Also refer to Special Conditions E1 - Noise monitoring and Compliance Reporting section of this checklist.																			
	<p>L3.2 Noise from the premises must not exceed the noise limits presented in the Table below. Note the limits represent the noise contribution at the nominated receiver locations in the table.</p> <table border="1"> <thead> <tr> <th>Most Affected Residential Location</th> <th>Night</th> </tr> </thead> <tbody> <tr> <td>-</td> <td>LA1(1 minute)</td> </tr> <tr> <td>Chelmsford Avenue</td> <td>53</td> </tr> <tr> <td>Dent Street</td> <td>59</td> </tr> <tr> <td>Jennings Street</td> <td>55</td> </tr> <tr> <td>Botany Road (north of Golf Club)</td> <td>59</td> </tr> <tr> <td>Australia Avenue</td> <td>57</td> </tr> <tr> <td>Military Road</td> <td>60</td> </tr> </tbody> </table>	Most Affected Residential Location	Night	-	LA1(1 minute)	Chelmsford Avenue	53	Dent Street	59	Jennings Street	55	Botany Road (north of Golf Club)	59	Australia Avenue	57	Military Road	60	<p>The pre-construction noise report did not provide results for LA1 (1 minute)</p> <p>As noted above, results not available for noise monitoring at the time of audit report issue.</p>		<b>IOC</b> <b>Unknown</b>	
Most Affected Residential Location	Night																				
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	<p>L3.3 For the purpose of Condition L3.1 and Condition L3.2: 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 on any day. Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays.</p>	Noted. This is the same definition as Condition C2.6 of the MCoA and is referenced in the Noise Management Sub-Plan	<b>C</b>																		
	<p>L3.4 For the purposes of Conditions L3.1 and L3.2, noise from the premises must be measured or computed at the most affected point on or 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 Conditions L3.1 and L3.2 unless otherwise stated.</p>	<p>At the time of the audit, it could not be confirmed that noise monitoring had been conducted in accordance with this condition of the EPL.</p> <p>However, SICTL has since obtained a disposition from the noise consultant (Marshall Day Acoustics) stating that the monitoring methodology was conducted in accordance with the corresponding conditions of development consent and supplied this to DECA on 10 December 2014.</p>	<b>C</b>																		

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	L3.5 Noise from the premises must be measured at 1m from the dwelling façade to determine compliance with the LA1(1minute) noise limits at Condition L3.2.	As above – The noise consultants have confirmed that the methodology for noise monitoring is in accordance with the conditions of approval.	C		
	L3.6 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 (INP)).	A letter from the Unit Head – Sydney Industry– SICTL Port Botany Terminal 3 – Operational Compliance Measurements – SLR Proposed scope of works dated 11 July 2014 notes that “The EPA does not object to the use of a calibrated noise model in this case to demonstrate compliance with the noise limits specified on EPL 20322” subject to addressing aspects of the proposed modelling detailed in the letter. (also refer to MCoA Condition C2.9 in Appendix 1 – MCoA Checklist)	C		
	L3.7 The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the contributed noise level from the premises where applicable.	Noted - As Condition L3.6 - alternative means used to determine compliance	C		
	L3.8 The noise limits specified at Conditions L3.1 and L3.2 apply under the following meteorological conditions: (a) wind speeds up to 3 m/s at 10 metres above ground level; and (b) temperature inversion conditions of up to 1.5 C/100m.	Noted - As Condition L3.6 - alternative means used to determine compliance	C		
<b>3</b>	<b>Operating Conditions</b>				
O2	Maintenance of plant and equipment				
	O2.1 All plant and equipment installed at the premises or used in connection with the licensed activity: (a) must be maintained in a proper and efficient condition; and (b) must be operated in a proper and efficient manner.	All equipment is new- approaching first major services. Site inspection found that plant and equipment were appropriately maintained and operated.	C		
O3	O3.1 Emergency response The licensee must maintain, and implement as necessary, a current emergency response plan for the premises. The licensee must keep the emergency response plan on the premises at all times. The emergency response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. If a current	Systems to deal with various types of incidents are included in Section 12 of the Emergency Response Plan Version 3 dated 17/10/2013. Actions are detailed in relation to spills (land and water), hazardous substance spill / explosions and fire and various other emergency scenarios. In addition, an Emergency Services Information Package V5 11/06/14 –designed as a document to be provided to Emergency Services has	C		

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	emergency response plan does not exist at the date on which this condition is attached to the licence, the licensee must develop an emergency response plan within three months of that date.	been prepared. It indicates location of liquid DGs. Section 3.1 of Emergency Response Plan – SICTLv3 requires that an environmental exercise is to be conducted within 3 months of commencement of operations and that an initial evacuation drill is to be conducted within one month of commencement.			
	<u>98E of the POEO Amendment Regulation (Legislative requirement in addition to Cond O3 – Testing of Pollution Incident Response Management Plans (PIRMP))</u> <b>98E Testing of plan</b> (1) The testing of a plan is to be carried out in such a manner as to ensure that the information included in the plan is accurate and up to date and the plan is capable of being implemented in a workable and effective manner. (2) Any such test is to be carried out: (a) routinely at least once every 12 months, and (b) within 1 month of any pollution incident occurring in the course of an activity to which the licence relates so as to assess, in the light of that incident, whether the information included in the plan is accurate and up to date and the plan is still capable of being implemented in a workable and effective manner.	At the time of the audit site visit (22 Oct), a test of the Emergency Response Plan in relation to relevant environmental scenarios had not been undertaken. Operations at the site commenced on 6 Nov 2013, therefore a test should have been undertaken prior to 6 Nov 2014. Records have been provided since the audit to demonstrate that environmental drills were conducted on 17/11/2014. The drill records show that 8 stevedores, the HSEQ Officer, Training and RTO Manager and Environmental & Safety Compliance engineer were involved in three scenarios relating to DG spills – debrief was undertaken.  SICTL should ensure that future ERP tests are conducted within the required time frames stated within the legislation (at least 12 monthly).		<b>OFI</b>	
<b>4</b>	<b>Monitoring and Recording Conditions</b>				
M1	Monitoring records				
	M1.1 The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.	Monitoring records have been retained and where required are uploaded to the SICTL website.	<b>C</b>		
	M1.2 All records required to be kept by this licence must be: (a) in a legible form, or in a form that can readily be reduced to a legible form; (b) kept for at least 4 years after the monitoring or event to which they relate took place; and (c) produced in a legible form to any authorised officer of the EPA who asks to see them.	Records are being retained and were readily accessible during the audit	<b>C</b>		

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	M1.3 The following records must be kept in respect of any samples required to be collected for the purposes of this licence: (a) the date(s) on which the sample was taken; (b) the time(s) at which the sample was collected; (c) the point at which the sample was taken; and (d) the name of the person who collected the sample.	A Water Quality Testing Register is used to record sampling dates, times, and location of the sample point. Chain of Custody and Analysis request forms sent to the laboratory includes the date sampled, the Lab ID no. and the name of the person collecting the sample.	C		
M2	Recording of pollution complaints				
	M2.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.	No pollution complaints since commencement of operations.	C		
	M2.2 The record must include details of the following: (a) the date and time of the complaint; (b) the method by which the complaint was made; (c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; (d) the nature of the complaint; (e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and (f) if no action was taken by the licensee, the reasons why no action was taken.	Also addressed in Condition 3.1 of the Minister's Conditions of Approval – refer to Appendix 1 for details. The SICTL Community Feedback and Enquiries Register is maintained and made available on the SICTL website. The Register is also included in the Quarterly Community Feedback Reports that are forwarded to DP&I and posted on the SICTL website.	C		
	M2.3 The record of a complaint must be kept for at least 4 years after the complaint was made.	No complaints to date	C		
	M2.4 The record must be produced to any authorised officer of the EPA who asks to see them.	No complaints to date	C		
M3	Telephone complaints line				
	M3.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.	The Community Contact Line 1800 472 888 has been established and is on the general Hutchison Ports "Contact Us" tab.  The auditor phoned the 1800 472 888 number at 19.51 hrs on 10 November 2014 as a test of the Community		IOC Closed	

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		<p>Contact Line. The results were:</p> <ul style="list-style-type: none"> <li>The call was routed to a recorded message and a message was left with a request to call once the message had been received.</li> <li>A second call was made at 9.32am on 11 Nov 2014 and same recorded message was encountered.</li> <li>The General Inquiries number of 02 9578 5800 was also called at 9.33am and the same recorded message was encountered (second message left by auditor). SICTL reception returned the call(s) at 10.00am.</li> </ul> <p>Testing of the Community Contact Line found that it was not operating in accordance with this condition (i.e. does not operate during its operating hours of 24 hrs/ day)</p> <p>The issue was brought to the attention of the Environmental Compliance Engineer on the same day (11 Nov 14). Immediate action was taken to now divert the Community Contact Line to his mobile phone to allow 24 hr operation of the line. This was again tested and found to be operational.</p>			
M3.2	The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.	<p>The Community Contact Line 1800 472 888 is advertised on the Hutchison Ports Australia website on: <a href="http://www.hutchisonports.com.au/contact.htm">http://www.hutchisonports.com.au/contact.htm</a></p> <p>The wording on the SICTL website does not make it clear that there is a complaint line (as required by this condition) and does not give guidance on how to make a complaint (only a Contact Us form with “send your question or comment here:”, and the Community Contact Line phone number).</p> <p>A written message was posted using to the Contact Us email facility at 6.10pm on 8 Dec 2014 noting the requirements of this condition (and that reference or instruction relating to complaints could not be located on the website) and requesting further information on where</p>		<b>NC Closed</b>	

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		to find this reference. Automatic response received 6.13pm. SICTL sent a reply email on 10 December containing references and web links to the OEMP and the latest Quarterly Community Feedback Report which both contained instructions on how complaints can be lodged. SICTL also confirmed by email on the 11 December that the labelling of the 'Community Contact Line' was changed to 'Community Complaints & Feedback line'.			
	M5.3 The preceding two conditions do not apply until : (a) the date of the issue of this licence or (b) if this licence is a replacement licence within the meaning of the Protection of the Environment Operations (Savings and Transitional) Regulation 1998, the date on which a copy of the licence was served on the licensee under clause 10 of that regulation.	Noted. Not a replacement licence – not applicable			NA
<b>5</b>	<b>Reporting Conditions</b>				
R1	Annual return documents				
	R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising: (a) a Statement of Compliance; and (b) a Monitoring and Complaints Summary. A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.	No annual return – not due until 13/12/2014			NA
	R1.2 An Annual Return must be prepared in respect of each reporting period, except as provided below. Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.	As above			NA

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R1.3	Where this licence is transferred from the licensee to a new licensee: (a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and (b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period. Note: An application to transfer a licence must be made in the approved form for this purpose.	Licence is not transferred – New licence			NA
R1.4	Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on: (a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or (b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.	Licence has not been suspended or revoked			NA
R1.5	The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').	Annual return not yet due			NA
R1.6	The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.	No Annual returns yet prepared – first year of Licence			NA
R1.7	Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by: (a) the licence holder; or (b) by a person approved in writing by the EPA to sign on behalf of the licence holder.	As above			NA
R1.8	A person who has been given written approval to certify a certificate of compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review of this licence.	Noted – not applicable			NA

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R2	Notification of environmental harm Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.	Yes – an environmental incident threatening material harm on Tuesday 13 May 2014 was notified to the EPA in accordance with this condition at 5.12am EPA arrived on site at 9.26am	C		
	R2.1 Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.	Yes - Notification was made by phoning 131 555 – pollution line at 5.12 am on the morning of the incident	C		
	R2.2 The licensee must provide written details of the notification to EPA within 7 days of the date on which the incident occurred.	An initial written report providing the salient points of the incident was sent via email at 3.07pm on Wed 14 May 2014 and a full incident Investigation report was sent via email on Wednesday 21 May 2014.	C		
R3	Written report				
	R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that: (a) where this licence applies to premises, an event has occurred at the premises; or (b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.	Written report to the EPA as described above in condition R2.2, however was self-reported, not initiated by EPA	C		
	R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.	No EPA initiated request for written report, however initial written report provided in relation to incident on 14 May 2014, with detailed investigation report on 21 May	C		
	R3.3 The request may require a report which includes any or all of the following information: (a) the cause, time and duration of the event; (b) the type, volume and concentration of every pollutant discharged as a result of the event; (c) the name, address and business hours telephone number of	As above Detailed written report relating to incident 21 May 2014 included the majority of these items.	C		

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	<p>employees or agents of the licensee, or a specified class of them, who witnessed the event;</p> <p>(d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;</p> <p>(e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;</p> <p>(f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and</p> <p>(g) any other relevant matters.</p>				
	R3.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.	No requests by EPA	C		
<b>6</b>	<b>General conditions</b>				
G1	Copy of licence kept at the premises				
	G1.1 A copy of this licence must be kept at the premises to which the licence applies.	A copy of the EPL is held on site electronically and on the SICTL website. Noted that the Premises address has been updated to reflect Port Botany Gate B150-153 address.	C		
	G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.	The EPA Licence was available on site. No requests made to date.	C		
	G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises.	Available on request	C		

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7	Special Conditions				
E1	Noise monitoring and Compliance Reporting.				
	<p>E1.1 The Licensee must undertake noise monitoring:</p> <p>(a) the noise monitoring must be undertaken within the first 6 months of commencement of operations:</p> <p>(b) the noise monitoring must verify the assumptions and noise limits as outlined in the Port Botany Container Terminal Expansion Noise Assessment (2003), part of the Environmental Impact Statement submitted to the Department of Planning and Infrastructure in accordance with the Environmental Planning and Assessment Act 1979 for the approved container terminal development, and Conditions L3.1 and L3.2 of this licence.</p>	<p>At the time of the audit, the first six monthly noise monitoring was overdue by around 5 months.</p> <p>SICTL have consulted with the EPA in regards to the delay in undertaking the monitoring, requesting an extension of 4 weeks from 16 May 2014 – an extension was granted via email communication on 20/05/2014. The EPA was cc'd in an email dated 6 August 2014 to NSW Ports regarding delayed noise monitoring. The emails stated that the delays were due to:</p> <ul style="list-style-type: none"> <li>Decision to proactively consult with the EPA on the merit of using noise modelling alongside noise monitoring to produce better quality data.</li> <li>Noise landscape has changed with the ramp up of operations and reduced construction activity</li> <li>Two noise consultants expressed interest in quoting but then advised otherwise.</li> </ul> <p>SICTL have recently demonstrated that Marshall Day Acoustics was engaged to undertake the monitoring and estimate that it will be completed by mid-December 2014 however results had not been received at the time of report issue.</p>		<b>IOC</b>	
	<p>E1.2 Every 6 months, the Licensee must undertake a periodic noise monitoring program consisting of attended and unattended monitoring and provide a report within one month after completion of monitoring to the EPA's Manager, Sydney Industry at PO Box 668 Parramatta NSW 2124 containing the following information:</p>	<p>This monitoring would be undertaken either as part of or following completion monitoring as part of condition E1.1. Monitoring has commenced by Marshall Day Acoustics data loggers were deployed on 25 Sept</p> <p>SICTL has since obtained a disposition from the noise consultant stating that the monitoring methodology used attended and unattended monitoring and supplied this to DECA on 10 December 2014 however results had not been received at the time of report issue.</p> <p>Six monthly monitoring requirements are referenced in the Noise Management Sub-Plan</p>		<b>IOC (as above)</b>	

Key to audit outcomes:

☺ = Largely as predicted/concluded – positive outcome; ☹ = Partially as predicted / or unknown ☒ = Not as predicted – negative outcome; NA = Not applicable

No.	Licence Requirement Licensee: Sydney International Container Terminals Pty Ltd	Comments, observations, discussion Evidence, supporting documentation	Audit Outcomes		
			See footer for key		
			C ✓	Finding O IOC NC ◆ ☹ ☒	NA
	(a) unattended monitoring data for a continuous period of no less than 2 weeks;	As above			
	(b) attended monitoring data during the period outlined in subsection (a);	As above			
	(b) monitoring data from a minimum of 3 locations;	As above			
	(c) an assessment of the noise levels against Condition L3 including a trend analysis;	As above			
	(d) details of any feasible and reasonable noise mitigation measures that have been, or are proposed to be implemented to further reduce noise levels below the limits prescribed in this licence.	As above			
	Water Quality Monitoring and Reporting				
	E2.1 During the first 3 months of operations and every 6 months thereafter, the Licensee must undertake water quality monitoring during 3 separate rain events (where possible) and provide a report to the EPA's Manager, Sydney Industry at PO Box 668 Parramatta NSW 2124, within 1 month after the final monitoring event, containing the following information:	The initial 3 monthly Water Quality Monitoring Report dated 24 April 2014 is on the SICTL website which contains data from monitoring on Dec 18, 19 2014 and 20 Feb 2014. Monitoring was conducted 3, 4 and 1 day respectively after rain events The report was submitted to the EPA via email on 24 April which is approximately 2 months from the final monitoring event. An email from the EPA dated 10 April 2014 noted that following discussions and review of a draft report, "the EPA is happy with the approach taken by SICTL and will expect the final report by COB 24 April. Receipt acknowledged by EPA on 28 April 2014.	C		
	(a) stormwater discharge locations sampled (at least 3) which must be representative of terminal discharges to surrounding waters;	Sampling locations are located at inlet and outlet of 19 SQIDs discharging to the flushing channel, Quay wall and Penrhyn Estuary. These locations appear to be representative of terminal discharges	C		
	(b) sampling and analysis at the inlet and outlet of the separator units of the following pollutants: oil and grease, pH, total suspended solids and heavy metals; and (c) evaluate the efficiency of both the Stormceptor and Aquaceptor Units.	Sampling locations are at inlet and outlet of 19 SQIDs and analysis results include oil and grease, pH, TSS and various heavy metals.  An evaluation of the efficiency of the Stormceptor and Aquaceptor units was undertaken and documented in section 5.4 of the Initial 3 monthly water quality monitoring report dated 24 April 2014.	C		

Key to audit outcomes:

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## APPENDIX 3

### AUDIT CHECKLIST

#### Development Application, EIS, additional information and Commission of Inquiry (COI) Material and S96 Application checklist

Key to audit outcomes:

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# EIS, Commission of Inquiry (COI) and S96 Application Audit checklists

## Part 1 - EIS Predictions & Conclusions Audit Checklist

### Ch 14 - Land Use

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			😊	😐	😞	NA
-	No operations predictions made. All issues raised refer to other chapters.	Noted				NA

### Ch 15 - Hydrodynamics and Coastal Processes

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			😊	😐	😞	NA
-	No operations predictions made for Hydrodynamic and Coastal Processes	Noted				NA

### Ch 16 - Hydrology and Water Quality

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			😊	😐	😞	NA
16.4.2	Initial consolidation of material in the reclaimed area is expected to take up to two years. During this time the surface of the reclamation, if not protected, may be subject to erosion.	Phase 1 of the SICTL Terminal construction project is now complete and the surface is fully sealed. There was no evidence of erosion on the terminal	😊			NA

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**Ch 17 - Groundwater**

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			😊	😐	☹️	NA
17.6	The operation of the new terminal is expected to have minimal effect on groundwater quality. Once operational, all terminal activities would be conducted in a manner to prevent contamination of surface or groundwater from operational activities. An Operational EMP would be developed in the detailed design phase to ensure an adequate standard is applied to contamination control for the operation of the new terminal	The terminal surface is fully sealed and there were no areas of potential contamination identified during the audit	😊			

**Ch 18 – Geology, Soils and Geotechnical**

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			😊	😐	☹️	NA
18.4.2	The operations at the new terminal would take place on reclaimed and hard-surfaced pavement. There is no requirement for soil removal or disturbance during operation of the terminal. Stormwater collection and treatment systems would be designed to capture surface water runoff from all impervious surfaces. Therefore, the operation of the new terminal is expected to have minimal effects on soil erosion. Soil in the vicinity of facilities outside the new terminal area, such as the proposed railway, boat ramp and car park, would be stabilised and erosion in these areas would be low.	True. The stormwater collection and treatment systems were installed and operational – no areas of potential erosion were identified	😊			
18.4.3	Leaks and spills from operations at the new container terminal would be contained by the proposed stormwater detention and treatment system. There is low potential for leaching of contaminants through the hard stand areas. Environmental management measures would be included in the Operational EMP	The stormwater detention and treatment system mostly, but not fully contained in an incident involving spillage of diesel from an accident whereby a truck mounted a raised kerb and damaged the vehicle's diesel fuel tank. A small volume of diesel entered Botany Bay, which was immediately cleaned up.			☹️	

Key to audit outcomes:

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Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			☺	☹	☹	NA
		<p>One of the failures identified in the incident investigation was that the pollu plug system is manually operated, and delays were encountered due to lack of ready access to the pollu plug cabinet key.</p> <p>Additional measures now implemented include better access to the pollu-plug apparatus.</p> <p>Whilst accessibility and awareness of the issue have now been addressed, SICTL site management and personnel will need to be vigilant in this area in the future.</p>				
18.5.2	<p>The operation of the new terminal would have minimal effects on geology, soils and geotechnical issues. Once operational, all terminal activities would be conducted in a manner to prevent soil erosion and contamination from operational activities.</p> <p>A SWMP would be developed as part of an Operational EMP to ensure an adequate standard is applied to sediment control for the operation of new terminal. This plan would also address stormwater management and be prepared in accordance with NSW EPA requirements. The SWMP for operations would be incorporated in the Operational EMP. Management measures would include:</p> <ul style="list-style-type: none"> <li>• a first flush system to capture sediment and contaminants from surface water runoff from the new terminal;</li> <li>• treatment of surface water runoff from potential pollutant areas on the new terminal by a wastewater treatment system prior to discharge to sewer;</li> <li>• investigation of the feasibility of installation of sediment traps on Floodvale and Springvale Drains to reduce influx of sediment to Penrhyn Estuary;</li> <li>• emergency response plan for fuel, oil and chemical spills;</li> </ul>	<p>True. The stormwater collection and treatment systems were installed and operational – no areas of potential erosion were identified.</p> <p>A Stormwater Management Sub-Plan dated 30/08/2013 is in place and was reviewed by the EPA</p> <p>Mitigation measures include a first flush system, and a treatment system.</p> <p>A separate Emergency Response Plan has been prepared as well as a Handling of Dangerous Goods and Hazardous Substances sub-plan.</p>	☺			

Key to audit outcomes:

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Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			☺	☹	☹	NA
	<p>and</p> <ul style="list-style-type: none"> <li>storage and handling of all dangerous goods in accordance with Australian Standards, Dangerous Goods Regulations and NSW EPA requirements.</li> </ul>					

**Ch 19 – Aquatic Ecology**

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			☺	☹	☹	NA
19.6.1	Vibration would occur as a result of construction and operation of the new terminal. Most aquatic animals would tend to habituate to the changes in noise and vibration, therefore, impacts could be considered as low.	True. The vibration from the terminal would be in line with the activities taken at adjacent facilities.	☺			
19.6.1	There appear to be no aspects of the proposal likely to enhance the risk of the introduction of exotic species, other than an increase in risk associated with greater numbers of vessels using Port Botany. In terms of introduced species already in Botany Bay, there is some risk of changes in distribution associated with the proposed port expansion for <i>Caulerpa taxifolia</i> presently occurring along Foreshore Beach.	Likely to be true. As part of the Seagrass Monitoring Program by SPC (Ports Authority) <i>Caulerpa taxifolia</i> was not observed at any location in the March 2012 and 2013 surveys.	☺			
19.6.2	Management of the possible spread of <i>C. taxifolia</i> would form part of a Construction and Operational EMP	The Management of <i>Caulerpa Taxifolia</i> is not included in the Operational EMP or sub-plans However <i>Caulerpa taxifolia</i> is addressed in the Penrhyn Estuary Habitat Enhancement Plan (PEHEP) and notes that “At the time that the EIS was prepared, the pest species <i>Caulerpa taxifolia</i> was an emerging problem in Botany Bay. <i>Caulerpa</i> has since spread throughout much of Botany Bay and is present on both the northern and southern sides. Consequently, the risk of spreading this pest species to new locations as part of the		☹		

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Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			☺	☹	☹	NA
		<p>construction works is reduced".</p> <p>As part of the Seagrass Monitoring Program by SPC (Ports Authority) <i>Caulerpa taxifolia</i> was not observed at any location in the March 2012 and 2013 surveys</p> <p>As SICTL has limited control over water based activities of ships, it appears to be appropriate for the management of <i>Caulerpa Taxifolia</i> to be addressed in the PEHEP and monitored by the Ports Authority, rather than included in the OEMP</p>				
19.7.2	<p>With the current operation of the port it appears that marine mammals are able to co-exist with the port operations. A Marine Mammal Management Plan would, however, be prepared to ensure that the occurrence of marine mammals in the vicinity of the port during operations is appropriately managed. This would form part of the Operational EMP and would be prepared in consultation with NPWS.</p>	<p>No Marine Mammal Management Plan for Operations - SICTL</p> <p>However, the PEHEP addresses marine mammal management in Section 5.4 and provides samples of Marine mammal management actions in Table 7. The PEHEP states that the Marine Mammal Action Plan in Appendix C would be implemented during the construction phase of the project. No mention is made of the operation phase of the project, however monitoring relating to operations includes monitoring the presence of whales from a lookout at Cape Solander during whale migration season, monitoring of Marine Channel VHF-17, monitoring of communications between Harbour Control and commercial vessels and Sydney Ports constant operational presence in Botany Bay with tug boats, pilot boats, emergency response vessels and security surveillance.</p> <p>As SICTL has limited control over water based activities of ships, it appears to be appropriate for the management of marine mammals to be addressed in the PEHEP and monitored by the Ports Authority, rather than included in the OEMP.</p>		☹		
19.7.4	<p>Monitoring of the effects of the proposed port expansion on aquatic ecology would require investigation during construction and operation. Monitoring would be required before</p>	<p>The proposed monitoring of aquatic ecology (benthos, salt marsh, seagrass is included in the Penrhyn Estuary Habitat Enhancement Plan which is managed by the</p>	☺			

Key to audit outcomes:

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Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			☺	☹	☹	NA
	<p>construction begins to compile appropriate baseline data. The proposed monitoring would be described in the Construction and Operational EMPs for the project and would include the measures described below:</p> <p><b>The Water Column:</b> Following construction, water quality would be measured on a regular basis within Penrhyn Estuary. Indicators would include turbidity, dissolved oxygen, temperature, salinity, pH, nutrients, heavy metals and organic contaminants. In particular, organic contaminants (e.g. VHCs) would be measured in relation to an influx of contaminated groundwater into Penrhyn Estuary.</p> <p><b>Seagrass, Algae and Associated fauna:</b> Monitoring programs would be designed and implemented for seagrass during the construction and operational phases of the project. The seagrass indicators that would be considered include extent and coherence of beds (i.e. patchiness) and morphological characteristics, including shoot density, leaf length and width and extent of epiphytic growth.</p> <p>The occurrence and persistence of nuisance algae within Penrhyn Estuary as a result of nutrients from the catchments of Floodvale and Springvale Drains would be monitored to enable an appropriate management response.</p>	<p>Port Authority.</p> <p>Various monitoring plans were developed as part of the PEHEP to examine the effect of the rehabilitation works done within Penrhyn Estuary on various environmental aspects such as water quality, seagrasses, intertidal benthos, birds and saltmarsh, which is the subject of this report. The Saltmarsh Monitoring Plan relates to both the Water Quality Monitoring Plan and the Bird Monitoring Plan within the PEHEP. The Water Quality Plan has partly focused on providing adequate flushing of the rehabilitated area in the channel of Penrhyn estuary to support saltmarsh rehabilitation, whilst the Bird monitoring Plan aimed to identify and monitor areas within the Estuary used by shorebirds for roosting, including areas of saltmarsh.</p> <p>Monitoring of the above is conducted by the Port Authority and findings are reported in the Port Botany Post Construction Monitoring Annual Report 2013.</p>				

### Ch 20 – Terrestrial Ecology

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			☺	☹	☹	NA
20.7.1	Noise may have a significant impact on birds, especially sudden loud noises such as those from train whistles/horns. To a certain extent, birds appear to tolerate steady background or regularly emitted noise, more than sudden loud noises.	Whilst not specifically addressing noise, the Shorebird Peak Season Summary report prepared by Vifauna/Cardno for Sydney Ports (dated July 2013) and Annual Post Construction Monitoring Report provided		☹		

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	Increased noise from port construction and operation may result in the displacement of the shorebirds to sub-optimal (less preferred) habitat elsewhere in the Estuary/Bay. Safeguard measures to ameliorate noise impacts on shorebirds are outlined in Section 20.8.3.	outcomes of shorebird monitoring.				
20.8.3	Should shorebird monitoring during construction and operation of the Port Botany Expansion reveal feral cat and fox predation (on shorebirds) to be an ongoing issue, a 1080 fox baiting program should be initiated in consultation with NPWS and an expert shorebird ecologist	The Shorebird Monitoring Annual Report 2013 (part of Annual Post Construction Monitoring Report) noted in its recommendations <i>“A fox control program has been successful in protecting shorebirds, including roosting birds and eggs and chicks of Little Terns and non-migratory shorebirds such as the (Endangered) Pied Oystercatcher as well as Red-capped Plover. A continuation of fox-baiting is essential due to the continued recruitment of animals from neighbouring properties and is likely to be a long term commitment. This is particularly important during the peak season when migratory shorebirds are at their peak numbers and when shorebirds and Little Terns are nesting in the estuary”</i> .  A Feral Animal Management Plan has been prepared by SICTL and is available on their website.	☺			
20.10	Key impacts from the proposal on the 23 shorebird and one seabird species considered as regular or occasional visitors to Penrhyn Estuary could include disturbance to feeding and roosting from a change in lighting regime, increased movement, noise from construction and operation of the port (and associated infrastructure such as railway lines) and potential entry/exit flyway barriers due to the enclosure of Penrhyn Estuary.	The Shorebird Monitoring Annual Report 2013 (part of Annual Post Construction Monitoring Report) noted in its conclusion that <i>“Most species of shorebirds appear to be increasing in post-construction years. Analysis in further post-construction years will give a better understanding of the success of the PEHE works”</i> .	☺			

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Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			😊	😐	😞	NA
21.5.3	Right turn exit movements from the boat ramp between 6:00 am and 9:00 am on weekdays would be prohibited as the southbound flows on Foreshore Road at this time would restrict the number of right turn movements.	The right turn exit is not restricted, however there are now traffic lights controlling the intersection.		😐		
21.9.2	A report documenting the proportion of cargo transported to/from Port Botany by road and rail, and the average daily truck trips to Port Botany, would be provided to the RTA and City of Botany Bay Council in 2011, 2016 and 2021.	Not applicable for this audit. Data is generally being collected but not being analysed. Cargo transported by Rail and Road will be presented to the CCC in the Nov 25 2014 meeting.  Rail started August 2014 with only 2 of the 4 sidings constructed – none currently at night given that the operation is in its infancy.				NA

**Chapter 22 – Noise & Vibration**

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			😊	😐	😞	NA
22.4.2	Installation of a noise barrier and noise mitigation to individual plant items is therefore recommended as these measures reduce noise levels by up to 7 dBA	Noise barrier has been installed and is now functional and all plant at the site is new with inbuilt noise controls. Calibration/control monitors were located on the inside of the noise walls. Based on available information and taking into account the multiple measures in place to reduce noise, actual reductions in noise levels are difficult to verify.		😐		
22.4.2	All predicted noise levels would be below the external level of 65 dBA which some researchers consider would not result in awakening reactions.	Pre-operational noise monitoring report prepared in September 2013 did not identify any levels above 65dBA	😊			
22.5.2	The Noise Management Plan would be included in the	A Noise Management Sub-Plan has been prepared as a	😊			

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Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			☺	☹	☹	NA
	Operational EMP for the new terminal.	sub-plan to the OEMP				
22.5.2	Noise level emissions would be a criteria for selection of new plant for the site. The quietest possible plant that satisfied the operational performance specifications would be selected and noise control kits fitted where required. Regular maintenance of machinery would be carried out to ensure optimal and efficient operation.	Noise levels for operations were one of the criteria for selection of new plant. Noise criteria were sighted in the technical specifications for the Straddle Carriers. Regular maintenance is carried out.	☺			
22.5.2	Audible safety alarms on some terminal equipment would be turned off during night hours (between 10.00 pm and 6.00 am) and replaced with visual alarms	The audible safety alarms are not turned off – this has been assessed in a safety risk assessment and it has been determined that turning alarms off is not acceptable, however “Quackers” instead of beepers have been installed on most equipment.	☺			
22.5.2	Operator awareness and training would be regularly conducted. Good training and awareness of noise issues would be implemented to minimise poor cargo handling practices.	Yes – induction programs include awareness of noise.	☺			
22.5.2	Complaints would be assessed and responded to in a quick and efficient manner.	Yes – no complaints received since commencement of operations	☺			
22.5.2	Noise monitoring would be conducted to assess impacts from the operation of the new terminal at locations most likely to be affected by the new terminal operations	Yes – pre-construction monitoring conducted, and monitoring required to be conducted as part of conditions of Environmental Protection Licence	☺			
22.5.2	A Traffic Noise Management Plan would be developed for the new terminal. This plan would consider traffic route selection, traffic clustering and traffic rescheduling.	Yes – An Operational Traffic Management Sub-Plan and a Noise Management sub-plan have been developed which consider route selection, physical and operational measures, timetabling, scheduling etc. These Plans are required as part of the MCoA.	☺			

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**Chapter 23 – Air Quality**

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			☺	☹	☹	NA
23.8.2	Notwithstanding the fact that the proposed expansion is shown to result in acceptable impacts, the new terminal would be designed and constructed such that it could support the use of alternative energy for ships at berth (i.e. shore power), should ships be able to accept such power in the future. This would reduce ship emissions in the local area.	At the time of the audit, a shore power facility has been planned but not yet constructed	☺			
23.10	There are expected to be only marginal increases in CO, NO <sub>2</sub> , SO <sub>2</sub> and PM <sub>10</sub> concentrations in surrounding areas due to the Port Botany Expansion, with modelling results showing no exceedences of the site criteria within residential areas or at sensitive receivers.	Not possible to verify. No air monitoring is conducted and was not specified in the Consent Conditions. As there are a wide variety of industrial emitters nearby, it would be difficult to establish the relative contribution of the new terminal		☹		

**Chapter 24 – Cultural Heritage**

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			☺	☹	☹	NA
24.8	During the operational phase of the Port Botany Expansion there would be no impacts on Aboriginal, European or maritime heritage resources in the primary or secondary study area	True. Whole site is on reclaimed land and is fully sealed	☺			

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### Chapter 25 – Visual Impact

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			😊	😐	☹️	NA
25.4.1	<p>The proposed noise wall near the edge of the new terminal would be approximately 4 m in height and would partially screen the operations of the new terminal when viewed from foreshore areas near the port</p> <p>The landscape buffer strip would further screen operations at the new terminal when viewed from foreshore areas near the port and would soften the hard edges of the proposed terminal infrastructure.</p>	The noise wall partially screens the operations, and vegetation buffer strip provides some softening of the terminal infrastructure	😊			

### Chapter 26 – Social Impact Assessment

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			😊	😐	☹️	NA
Summary	Social impacts on the local Port Botany community, and the community of people using the recreational facilities near the port during the construction and operation of the Port Botany Expansion, would include some restriction on recreational use of Foreshore Beach, Penrhyn Estuary and parts of Botany Bay between Brotherson Dock and the Parallel Runway. The proposal would alter Foreshore Beach and Penrhyn Estuary, but improvements to public open space and recreational facilities would minimise the impacts on the recreational amenity of the area.	The SICTL Terminal operations do not impact on Foreshore Beach	😊			
26.5.6	Operation of the new terminal is expected to generate a substantial number of jobs, which is an important social benefit. The number of people employed directly in the operation of the new terminal has been estimated at more than 1,100 by 2010, increasing to more than 3,700 by 2025. This does not include any jobs created indirectly e.g. workers in the industries supplying materials to the port. The total number of jobs generated both directly and indirectly by the operations of the new terminal is estimated to be more than 2,800 by 2010 increasing to more than 9,100 by 2025	The current number of persons employed at the SICTL Terminal is a total of 140 including 126 Operations staff, 9 Managers, and 5 support staff. This is significantly less than predicted as many of the loading and unloading processes are automated. It should be noted that only SICTL operations have been taken into account at this audit. The Terminal is also still incomplete with the next phase still under construction.			☹️	

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**Chapter 28 – Preliminary Hazard Analysis**

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			☺	☹	☹	NA
28.10.1	<p>The following mitigation measures would be implemented to manage the hazards and risks described in the PHA assessment:</p> <ol style="list-style-type: none"> <li>1) containers with dangerous goods would be handled and transported in accordance with the Australian Standard 3846 (1998): <i>The Handling and Transport of Dangerous Goods in Port Areas</i> and the NSW Dangerous Goods (General) Regulation 1999;</li> <li>2) an Occupational Health and Safety Plan would be developed by the terminal operator(s) to address the handling and transport of dangerous goods during the operation of the new terminal;</li> <li>3) a notification system for the arrival or delivery of dangerous goods would be implemented;</li> <li>4) restrictions on the time dangerous goods are allowed to be held within the port would be applied, supported by a loading/unloading plan and arrangement of transport to/from the berths;</li> <li>5) various classes of dangerous goods would be separated by safe distances on the berth;</li> <li>6) suitable container handling equipment would be used to minimise risk of dropped containers;</li> <li>7) suitable container loading/unloading, handling and stacking systems would be employed to minimise double handling and attendant risk of damaging containers;</li> <li>8) the facility would be fitted with adequate yard signage and warning systems for mobile equipment;</li> <li>9) there would be adequate warning systems for ships moving in the vicinity of the facility;</li> <li>10) a first flush drainage system would be installed and maintained to contain spills and contaminated runoff;</li> </ol>	<ol style="list-style-type: none"> <li>1) Yes – AS3846, WHS Act 2011, ADG and IMO recommendations of safe transport of Dangerous Cargos apply and are referenced in the Handling and DGs and Hazardous Substance Sub-plan. The NSW DG Regulation has been repealed</li> <li>2) As above, a Handling and DGs and Hazardous Substance Sub-plan has been developed to address this</li> <li>3) SICTL conducts in-transit checks upon inbound DGs using SPC/Port Authority ShiPS online system (Sydney’s integrated port system)</li> <li>4) Yes – Restrictions apply – various classes categorised into Red line and Green line cargoes – specified permissible time limits for the cargo to remain within the terminal</li> <li>5) DG separation and segregation rules for incompatible classes are programmed into the SICTL Automated Terminal Operating System to guide the placement of DGs within the automated stacking area</li> <li>6) Top lift systems (spreaders) are used to lift containers – SICTL does not operate any container handling forklifts due to risk of tynes piercing the containers</li> <li>7) Quay cranes, automatic stacking cranes and shuttle cranes are utilised to efficiently move cargo from ship to shore to land transport</li> <li>8) Signage and , line marking in place to direct plant around the terminal, quackers and flashing lights on</li> </ol>	☺			

Key to audit outcomes:

☺ = Largely as predicted/concluded – positive outcome; ☹ = Partially as predicted / or unknown ☹ = Not as predicted – negative outcome; NA = Not applicable

	<p>11) bunds would be constructed around diesel storage tanks;</p> <p>12) fire fighting equipment would be provided and personnel trained in fire fighting and evacuation procedures; and</p> <p>13) emergency and incident management procedures would be developed (refer to <b>Chapter 32 Emergency and Incident Management</b>).</p>	<p>plant.</p> <p>9) No warning system by SICTL– berthing of vessel managed by SPC vessel traffic service.</p> <p>10) The drainage system has been redesigned with SQIS on the outlet of each of drainage line. The stormwater drainage installed under areas where DGS are kept incorporate a SQIDs unit and an automatic cut off system. The system has an array of sensors detecting pollutants and a microprocessor which closes a valve in the drainage line</p> <p>11) A diesel storage tank is double skinned and the area was under development at the time of the audit and was bunded, however it was not yet operational.</p> <p>12) Fire fighting equipment is provided – Site personnel are trained in site evacuation but not on fire fighting. This would be reported to and handed over to the fire brigade should a fire occur.</p> <p>13) An Emergency Response Plan has been developed incorporating a PIRMP as required by POEO Act.</p>				
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Key to audit outcomes:

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**Chapter 29 – Bird Hazard**

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			☺	☹	☹	NA
29.3.3	Sealed surfaces often provide ideal roost sites for large numbers of birds especially Silver Gulls. Bitumen surfaces provide a warm surface for roosting and are particularly attractive where areas are not subject to regular disturbance. These undisturbed open spaces have the potential to attract significant numbers of birds to the site, thereby potentially increasing the risk of bird strike at Sydney Airport	There was no evidence of birds roosting in the sealed area. An osprey has been observed to have built a nest on the top of one of the lighting towers. This is being monitored and advice is being sought on whether it should stay or be moved.	☺			
29.3.3	Areas illuminated at night are also likely to attract birds, especially Silver Gulls, as they provide a secure roosting environment and attract insects which birds feed upon.	There have been no reports of birds being attracted at night	☺			
29.3.3	Buildings may provide roosting or nesting sites for large numbers of birds. Any ledges used by roosting or nesting birds should be bird-proofed at the earliest opportunity before they become accustomed to a particular site. Roosting on roofs, especially by gulls, should be managed at the earliest opportunity to prevent a build up in numbers and possible initiation of a nesting colony.	The design of the building appears to deter birds from roosting – there did not appear to be any problems with the build-up of bird numbers.	☺			
29.3.3	The additional port land may provide large areas of suitable roosting habitat for the Silver Gull. Flat surfaces of buildings, such as roofs, may provide suitable places for Silver Gulls to roost. Openings and ledges may provide roosting and nesting habitat for Feral Pigeons, Common Starlings, Common Mynas and other bird species associated with buildings	As above	☺			
29.3.3	The pavements and buildings associated with the new terminal have the potential to attract significant numbers of birds to the site, thereby potentially increasing the risk of bird strike at Sydney Airport. It is therefore important to initiate deterrent strategies	As above. Strategies employed by SICTL centre on managing the attractants such as no food allowed outside, all bins covered and signage in place to remind staff of this. Regular inspections are also conducted on crane structures to ensure no nesting. There does not appear to be any issues associated with increased numbers of birds on the site.	☺			
29.4.2	Regular monitoring of the site, including after nightfall, would be undertaken to determine whether birds are attracted to the site. If required, deterrent systems would be employed to prevent	As above – no deterrent systems deemed as required for the site at the time of the audit.	☺			

Key to audit outcomes:

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Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			☺	☹	☹	NA
	<p>the build up of birds in the new terminal and public recreation areas. Examples include:</p> <ul style="list-style-type: none"> <li>• Flagging or streamers</li> <li>• Perch spikes</li> <li>• Fishing lines across bird landing paths</li> <li>• Distress calls to scare birds away</li> <li>• Cracker shells (cartridges fired from shotgun)</li> <li>• Strobes or moving spotlights</li> </ul> <p>At the first signs of a deterrent system failing to work, alternative methods would be used to supplement or replace the existing bird deterrent system</p>					

### Chapter 30 – Operational Aviation Issues

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			☺	☹	☹	NA
30.4.2	There would be no fixed or mobile structures in the new terminal that would intrude into the OLS	The quay cranes intrude into the OLS by 55mm. An application for a “controlled action” was made to the Airports and was approved. This is addressed in detail in the Ministers Conditions of Approval checklist.		☹		
30.4.2	Lighting would be directed down to the intended application area with minimal light spill outside the area boundaries, by using asymmetric distribution horizontal flat glass floodlights, and would comply with CASA requirements.	Lighting has been installed and is directed downward .See Section 9.12.21 of the Phase 1 Concept Design Report (specification). Lighting has been built to the specification. Yes. Addressed in detail as per conditions of approval.	☺			
30.4.1	Lighting of shuttle boom quay cranes would be specified as downlight type to meet civil aviation regulations. Lighting elements for access/egress stairs and gangways would be mounted horizontal (no tilt) and have internal shielding of the lamps to ensure correct cut off. Obstruction lights would be placed on cranes to mark these in accordance with civil aviation	Yes. Addressed in detail as per conditions of approval	☺			

Key to audit outcomes:

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	regulations (CAR Regulation 95).					
30.4.1	Buildings and other external areas would be lit with floodlights that have a similar cut off lighting performance to those mounted on high masts.	Yes. Addressed in detail as per conditions of approval	☺			
30.4.1	cut off type road lighting and low level lighting elements would be used wherever possible to minimise light spill	Yes. Addressed in detail as per conditions of approval	☺			
30.4.1	Lighting on board ships whilst berthed to be provided primarily by the shuttle boom quay cranes with supplementary lighting on board only being provided where necessary;	Yes. Addressed in detail as per conditions of approval	☺			
30.4.1	Ships to be berthed facing a specific direction (e.g. north or south) and to only use floodlights mounted on the bridge.	Yes. Addressed in detail as per conditions of approval.	☺			
30.5.2	Lighting during the construction and operation of the Port Botany Expansion would be carefully selected to ensure they would not infringe the provision of Regulation 94 of the Civil Aviation Regulations 1988.	Yes. Addressed in detail as per conditions of approval	☺			

**Chapter 32 – Emergency & Incident Management**

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			☺	☹	☹	NA
Summary	The future operator(s) of the new terminal, with advice from Sydney Ports Corporation, would prepare an Emergency Response and Incident Management Plan (ERIMP) prior to the new terminal commencing operations. The purpose of the ERIMP would be to provide an organised and practised response to incidents and emergency situations to protect employees, the public and the environment.	Yes – An Emergency Response Plan has been developed by SICTL. This is addressed in detail in the conditions of approval	☺			

Key to audit outcomes:

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**Chapter 33 – Water & Wastewater**

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			☺	☹	☹	NA
33.2.2	Water used for operational activities that do not require potable water, would be sourced from treated surface water runoff stored in two 10,000 L tanks at the northern end of the new terminal. Operational reuse of this water would include maintenance activities, washdown and irrigation.	Three 30,000 litre tanks have been installed. Used for toilet flushing, urinals, plant wash down.	☺			
33.3.2	All areas where washdown or maintenance activities are to be undertaken would be bunded and provided with sump pits, grit traps and oil/water separators. This would also be the case for any additional bunded storage areas, such as those used for refueling and fuel storage. Water collected in these areas would be tested and disposed to the sewerage system, or if unsuitable for disposal to sewer would be disposed offsite by a licensed waste disposal contractor.	Yes – washdown facility in the maintenance building is bunded and includes sump pit, grit traps and an oil water separator.  Fuelling area was under development at the time of the audit and had not been commissioned, however the area was bunded in anticipation of future refuelling operations.	☺			
33.5	Water use and wastewater discharge at the site would be subject to a Water Resources Management Plan (WRMP), which would form part of the construction and operational EMPs. These plans would include water minimisation strategies as well as monitoring and testing schedules for wastewater as required;	A water and wastewater management sub-plan has been developed as part of the OEMP. The Plan includes water minimisation strategies. Rainwater tanks have been installed and are used for toilet and urinal flushing and washdown of operation plant.	☺			
33.5	Dual flushing toilets, minimal flow shower heads and regular maintenance to identify leaking or dripping taps and pipes would be implemented during construction and operation	Yes – dual flush toilet, taps and showers installed meeting 4 star WELS and urinal meeting 6 star WELS installed according to the Water and Waste Water Management sub-plan.	☺			
33.5	Monitoring and testing would be undertaken prior to discharge of treated wastewater, to ensure compliance with the site Trade Waste Agreement.	At the time of the audit no trade waste agreement was in place and there is no testing undertaken prior to discharge to sewer. A Trade Waste Agreement needs to be sought from Sydney Water by the operator of the facility (SICTL). Issue of concern			☹ (IOC)	

Key to audit outcomes:

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**Chapter 34 – Waste**

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			😊	😐	☹️	NA
34.4.2	An Operational WMP would be developed and implemented for the new terminal in accordance with the requirements of the Waste Avoidance and Resource Recovery Act 2001, the Protection of the Environment Operations Act 1997, the EPA's Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-Liquid Wastes (1999), the Botany Bay DCP 29 and the National Minimisation and Recycling Strategy. The plan would be incorporated into the Operational EMP for the terminal.	A Waste Management On Site Sub-Plan has been developed and implemented. Also refer to Appendix 1 – MCoA	😊			
34.4.2	Recycling facilities would be provided at the new terminal and in public recreation areas to maximise recycling of waste materials such as plastic and glass bottles/containers, aluminium cans and paper/cardboard. Separate bins would be provided for food waste and fish remains from fish cleaning facilities in the public recreation area. All domestic waste would be collected on a regular basis and transported off site for disposal to a licensed landfill or recycling facility as appropriate. Litter bins would be designed in accordance with the bird hazard guidelines	Recycling facilities are provided at the terminal.  The public recreation area was not part of the scope of this audit.	😊			
34.4.2	Waste oils and fluids from maintenance activities may be classified under the POEO Act as being Hazardous, Industrial or Group A Waste. The management of these substances may need to be regulated by an EPA Environment Protection Licence which would be obtained by the terminal operator(s). It is expected that these materials would be collected and stored in proprietary facilities and either be reused onsite or removed by a licensed waste contractor.	The Terminal has an Environment Protection Licence. Waste Oils and fluids are removed from site by qualified contractor SITA (tax invoice sighted).	😊			
34.4.2	Where required, slops from ships (i.e. oily water/sludges) would be disposed of by an EPA licensed contractor and then recycled. Greywater/sewerage discharge within the port is prohibited.	This was not within the scope of this audit (Terminal Operators only in scope)				NA

Key to audit outcomes:

😊 = Largely as predicted/concluded – positive outcome; 😐 = Partially as predicted / or unknown ☹️ = Not as predicted – negative outcome; NA = Not applicable

**Chapter 35 – Energy**

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			☺	☹	☹	NA
35.4	Development of an Energy Management Action Plan. This plan would be included as part of the Construction and Operational EMPs.	Yes – An Energy Management Action Sub-Plan has been developed as part of the OEMP.	☺			
35.4	Design of buildings and terminal layout would aim to achieve the following energy efficiencies. <ul style="list-style-type: none"> <li>• Energy Efficient Design</li> <li>• Energy Efficient Equipment</li> <li>• Energy Efficient Work Scheduling and Practice</li> </ul>	The Energy Management sub-plan notes that SICTL can control the energy use in terminal buildings and equipment through a number of ways including efficient building and terminal layout design.  The site inspection confirmed that energy saving measures are in place including motion sensors in rooms to turn on lights, and passive light features. Unnecessarily idling of plant mentioned in environmental training.	☺			

Key to audit outcomes:

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**Part 2 – COI Predictions and Conclusions – audit checklist**  
Primary Submission Volume 1

Section	Predictions / Conclusions	Assessment	Audit Outcome			
			* See footer for key			
			😊	😐	😞	NA
-	No predictions/conclusions relevant to operations.	Noted				NA

**Primary Submission Volume 2**

Section	Predictions / Conclusions	Assessment	Audit Outcome			
			* See footer for key			
			😊	😐	😞	NA
-	No predictions/conclusions relevant to operations.	Noted				NA

**Part 3 - S96 Applications - Predictions & Conclusions Audit Checklist**

S96 Application – September 2006, no MOD-107-9-2006-i MOD-149-12-2006-i (B2.9 & B2.22) (no relevance to operation conditions)

Section	Predictions / Conclusions	Assessment	Audit Outcome			
			* See footer for key			
			😊	😐	😞	NA

S96 Application – November 2006, no MOD-134-11-2006-i (wharf structure design) – not relevant to operations

Section	Predictions / Conclusions	Assessment	Audit Outcome			
			* See footer for key			
			😊	😐	😞	NA

Key to audit outcomes:

😊 = Largely as predicted/concluded – positive outcome; 😐 = Partially as predicted / or unknown; 😞 = Not as predicted – negative outcome; NA = Not applicable

**S96 Application – November 2006, no – no relevance to operations**

Section	Predictions / Conclusions	Assessment	Audit Outcome			
			* See footer for key			
			😊	😐	😞	NA

**S96 Application – December 2008, no MOD-68-12-2008 (B2.19) – not relevant to operations**

Section	Predictions / Conclusions	Assessment	Audit Outcome			
			* See footer for key			
			😊	😐	😞	NA

**S96 Application – March 2009, no MOD 08-03-2009 (B2.23A) (Rail Corridor)**

Section	Predictions / Conclusions	Assessment	Audit Outcome			
			* See footer for key			
			😊	😐	😞	NA
-	There would be some reduced impacts around the northern edge of Penrhyn Estuary as the rail track in this location and the rail bridge crossing the flushing channel would no longer be required. This would reduce potential impacts to shorebirds using the Estuary and have the beneficial effect of removing the need for culverts crossing the discharge locations of Floodvale and Springvale Drains and the associated potential for disturbance of contaminated sediments.	There has been a change in design – no need for culverts in built design.	😊			NA

Key to audit outcomes:

😊 = Largely as predicted/concluded – positive outcome; 😐 = Partially as predicted / or unknown; 😞 = Not as predicted – negative outcome; NA = Not applicable

## APPENDIX 4

### AUDIT CHECKLIST

#### Commonwealth EPBC Approval 2002/543

## Appendix 4 EPBC SEWPAC (formerly DEH and DEWHA) Approvals – EPBC 2002/543 Audit Checklist

Para-graph	Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome		
			* See footer for key		
			C ✓	Finding O IOC NC ♦ ☹ ☒	NA
1	The person taking the action must construct the port expansion involving the creation of five additional shipping berths, the provision of road, rail and terminal infrastructure and the enhancement of public and ecologically significant areas, in accordance with the site plan shown at ANNEXURE 2 to this approval.	Noted Construction of the new container terminal footprint is complete and in accordance with the approved site plan.	C		
2	Prior to the commencement of construction, the person taking the action must inform the Minister how radar and air navigation issues associated with the port expansion have been resolved to the satisfaction of Airservices Australia.	Not relevant to Operation			NA
3	The person taking the action must prepare and submit for the Minister's approval a habitat enhancement plan for Penrhyn Estuary to manage impacts on listed migratory bird species during the construction and operation of the new port facilities at Port Botany. The action must not commence until the plan has been approved.  The approved PEHEP must be implemented.	The Penrhyn Estuary Habitat Enhancement Plan was approved prior to commencement of construction (March 2007). This was assessed as compliant at the Construction phase independent audit in August 2014 and has not been reassessed at this audit. It was however noted that ongoing monitoring against the PEHEP by the Port Authority (previously SPC)	C		
4	Should the person taking the action wish to amend or change the habitat enhancement plan approved under paragraph 3, a revised version of the plan must be submitted to the Minister for approval. If the Minister approves such a revised plan, that plan must be implemented in place of the plan as originally approved.	No revisions have been made of the PEHEP, however a review was conducted in March 2012 and resubmitted for approval in August 2012 (see item 6 below). There has been no change since the last independent environmental audit.	C		
5	If the Minister believes that it is necessary or desirable for the better protection of the environment to do so, the Minister may request the person taking the action to make specified revisions to a plan or plans approved pursuant to paragraphs 3 or 4, and to	No Notifications or requests had been made at the time of the construction audit in August 2014. Not reassessed for Operations	C		

Para-graph	Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome		
			* See footer for key		
			C ✓	Finding O IOC NC ♦ ☒ ☒	NA
	submit the revised plan for the Minister's approval. The person taking the action must comply with any such request. If the Minister approves a revised plan pursuant to this condition, the person taking the action must implement that plan instead of the plan as originally approved.				
6	The habitat enhancement plan required under condition 3 must be reviewed and resubmitted to the Minister for approval every five years or as otherwise agreed by the Minister. The resubmitted plan must incorporate the relevant results of the independent audit report required under condition 7	This condition was assessed as compliant at the Construction phase independent audit in August 2014 and has not been reassessed at this Operations audit.	<b>C</b>		
7	After construction of the new port facilities at Port Botany has been completed, and every five years thereafter or as otherwise agreed by the Minister, the person taking the action must ensure that an independent audit of compliance with the conditions of approval for the new port facilities at Port Botany, and the effectiveness of measures to mitigate impacts on listed migratory bird species, is carried out. The independent auditor must be accredited by the Quality Society of Australasia, or such other similar body as the Minister may notify in writing. The audit criteria must be agreed by the Minister and the audit report must address the criteria to the satisfaction of the Minister. An audit report must be given to the Minister within six months of the fifth anniversary of completion of construction of the new port facilities at Port Botany, and within six months of every fifth anniversary thereafter.	Construction of terminal operations infrastructure is on-going. No action is required at this time			<b>NA</b>
8	By 1 July of each year after the date of this approval or as otherwise agreed by the Minister, the Chief Executive Office of Sydney Ports Corporation must provide written certification that Sydney Ports Corporation has complied with the conditions of approval.	Assessed at the construction phase audit in August 2014 – not reassessed. Outcomes shown below. Sydney Ports letter dated 24 June 2014 and signed by the Chief Executive Officer and Director Grant Gilfillan provides certification of compliance with the conditions of approval.	<b>C</b>		



Para-graph	Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome		
			* See footer for key		
			C ✓	Finding O IOC NC ♦ ☒ ☒	NA
9	If, at any time after 5 years from the date of this approval, the Minister notifies Sydney Ports Corporation in writing that the Minister is not satisfied that there has been substantial commencement of construction of the action, construction of the action must not thereafter be commenced.	Approval was issued on 3/01/2006 and construction commenced in May 2008 which is well within the 5 year required timeframe. No changes since last construction phase independent audit	C		

# APPENDIX 5

## AUDIT CHECKLIST

### Independent Auditor Approval



Contact: Ingrid Ilias  
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Our ref: 11/10812-9

Mr Paul Jerogin  
Environment Manager  
NSW Ports  
PO Box 297  
BOTANY NSW 1455

Dear Mr Jerogin

**Subject: Port Botany Expansion Operations Condition C4.5**

I refer to your letter dated 13 August 2014, seeking the approval of Ms Julie Dickson of Dickson Environmental Consulting & Audit Pty Ltd, to undertake the first annual operations environmental audit, pursuant to condition C4.5.

The Department has reviewed the request and Ms Dickson's Curricula Vitae and is satisfied that Ms Dickson has the skills and independence to undertake the audit. The Secretary therefore approves Ms Dickson to undertake the 2014 annual environmental audit pursuant to condition C4.5

If you have any queries on this matter, please contact Ingrid Ilias on 9228 6411.

Yours sincerely

  
Karen Jones 27.8.14  
**Director, Infrastructure Projects**  
as the Secretary's nominee