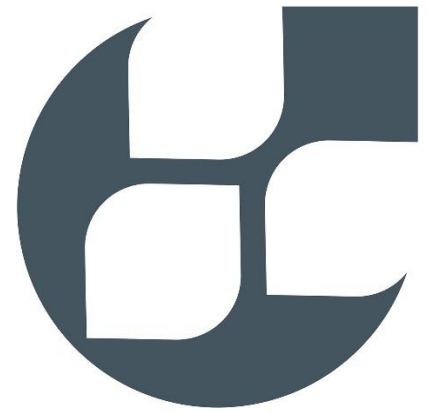
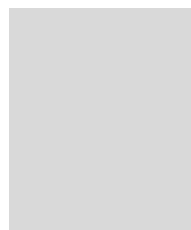
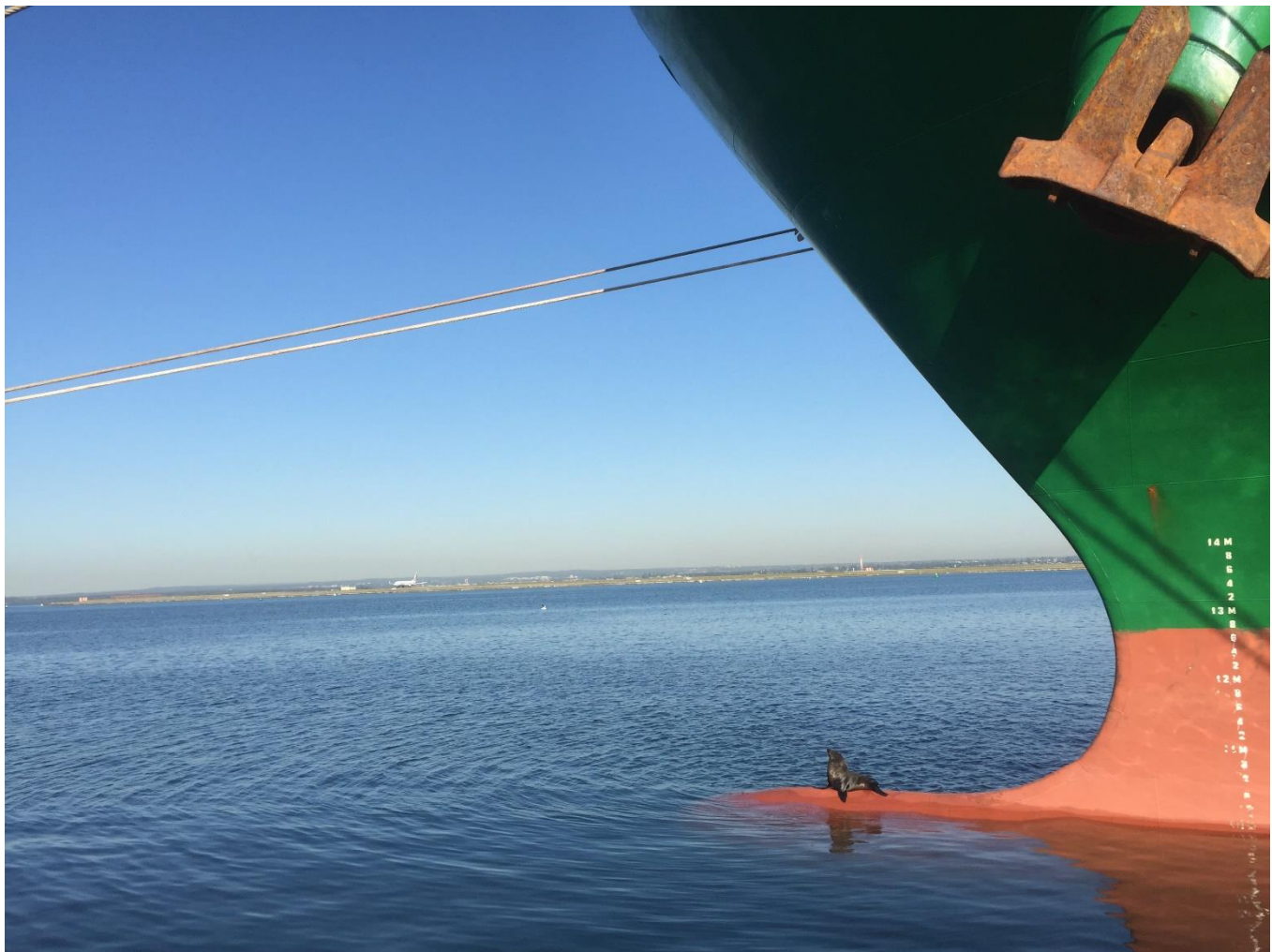


Independent Environmental Compliance Audit



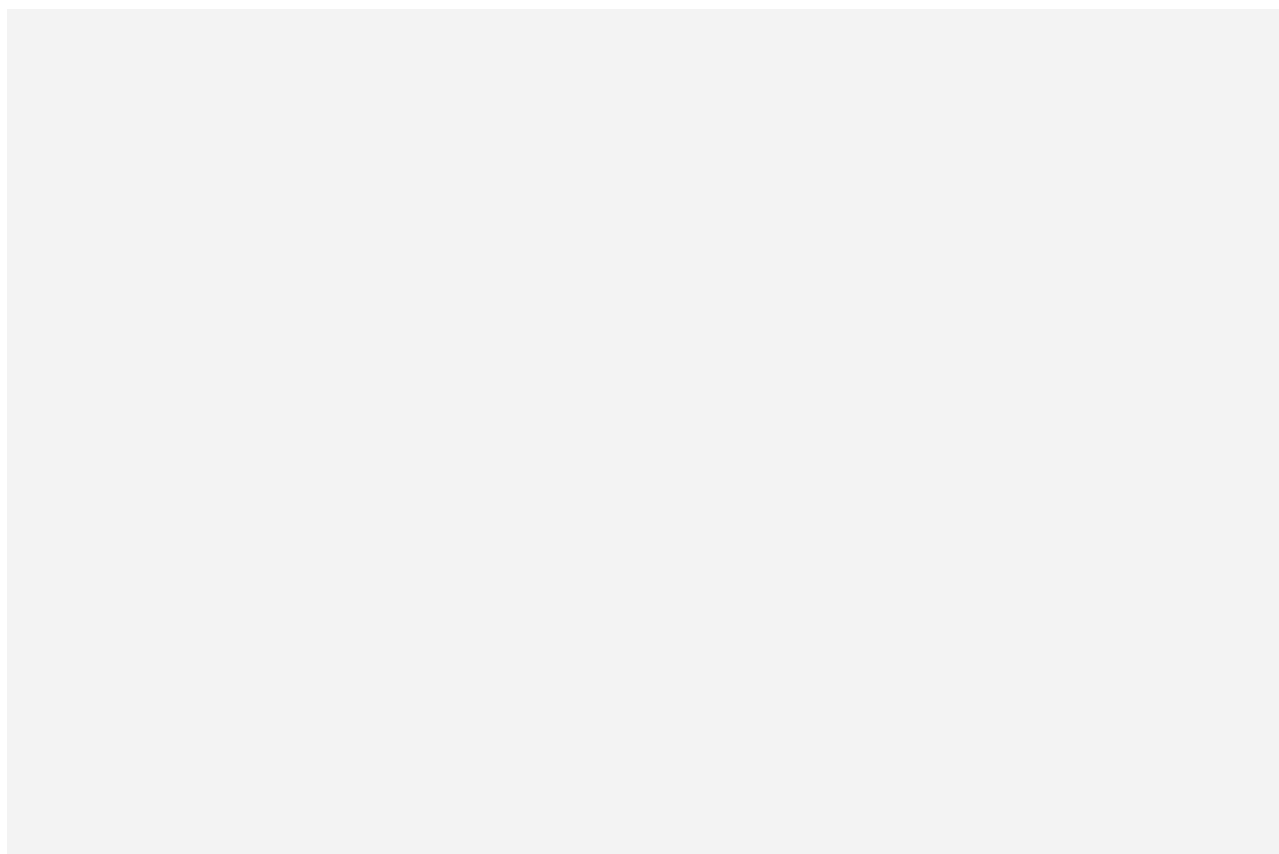
SICTL Terminal 3
Port Botany Expansion Project
November 2016



 wolfpeak

Document History

Revision	Date	Prepared By	Reviewed By	Description
V0.1	8/11/2016	Steve Fermio	SICTL	1 st draft report
V1.0	28/11/2016	Steve Fermio	T Stubbs	Final report



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Cover photo: Australian Fur Seal basking on the vessel: Xin Quan Zhou whilst moored at SICTL wharf for container operations. Photo taken on 19 August 2016 by SICTL employee.

Executive Summary

The purpose of this audit was to undertake the necessary assessment and review of compliance, EIS predictions and effectiveness of operational environmental management controls required under CoA C4.5 of the Project Approval (File No S01/02520) issued by the Minister for Planning on 13 October 2005 for Sydney International Container Terminal's (SICTL) Terminal 3 area at the Port Botany Expansion (PBE) Project.

There were no non compliances made against the CoA or SICTL's EPA licence in relation to its operations at Terminal 3. Two observations were made during the audit relating to the need to review the OEMP and training provisions therein.

Further consideration of proposed changes to the wording of Condition C2.17 (over and above those currently proposed) as part of the current Modification 16 process may be needed in light of current stevedoring practices at the Port and the regulatory role of the NSW Ports Authority in relation to dangerous goods management.

The overall outcome of the audit was positive and indicative of a high level of compliance and environmental performance by SICTL in its operations at Terminal 3.

The assessment against the predictions made and conclusions drawn in the EIS and other environmental documentation found that most of the predictions and conclusions have been realised during the operation of the Project. This has been the case in every audit since operations at the Project began and is unlikely to change in the future. The ongoing requirement for such an assessment to be included as part of the overall operational environmental audit now provides marginal new information or learnings to anyone involved in, or affected by, the operation of the Port Botany Expansion. Given the current proposed modification (Modification No 16) proposed to the Project Approval conditions presently under consideration, there is an opportunity to review and potentially remove or modify this requirement as part of that process.

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1.0 Introduction

1.1 The works

The works and activities that are the subject of this operational audit are located within SICTL's Terminal 3 area indicated in Figure 1. Terminal 3 is part of NSW Ports' PBE Project that includes other port operators and terminals. The PBE Project is located within the City of Botany Bay, 12 kilometres south of the Sydney CBD.

The SICTL Terminal 3 area (hereafter known as the Project), covers approximately 45 hectares with key structural elements comprising:

- Quay Line -1300 metres;
- Berths – 4;
- Depth alongside - 16.4 metres;
- Rail sidings 2 x 750 metres;
- Cranes; Post Panamax Quay Cranes, Automated Stacking Cranes;
- On site empty container storage facility;
- Heavy duty pavements and roadways;
- Storm water drainage infrastructure including pumps, pollution control devices, trenching and kerbing;
- Light tower foundations and light and radar poles;
- Water, waste and firefighting services;
- Administration and workshop facilities; and
- Workforce and visitor car parking.



Figure 1: Location of SICTL site at Port Botany

1.2 Approval requirements

Project Approval for the entire PBE Project was granted by the Minister for Planning on 10 October 2005 pursuant to section 80 (4) and (5) of the Environmental Planning and Assessment Act 1979 subject to a number of Minister's Conditions of Approval (CoA). This audit is being carried out in accordance with the requirements of CoA C4.5.

CoA 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. 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:

- *be carried out in accordance with ISO 14010 – Guidelines and General Principles for Environmental Auditing and ISO14011 – Procedures for Environmental Auditing;*
- *Assess compliance with the requirement of this consent, other licences/ approvals that apply to the Development;*
- *Assess the construction against the predictions made and conclusions drawn in the development application, EIS, additional information and Commission of Inquiry material and;*
- *Review the effectiveness of environmental management of the development, including any environmental impact mitigation works.*

1.3 Purpose

The purpose of this audit was to undertake the necessary assessment and review of compliance with approvals and licences, EIS predictions and effectiveness of environmental management and mitigation works required under CoA C4.5 in relation to SICTL's operational activities at Terminal 3.

1.4 Scope

The scope of this audit included a detailed assessment of the CoA, (including Modifications), Commonwealth Approval – EPBC 2002/543 and Environment Protection Licence (EPL) No 20322 relevant to SICTL's works and activities.

CoA and EPBC approval conditions related solely to NSW Ports activities were generally not assessed as part of this audit and marked as '*not applicable*' in the relevant checklists.

The assessment of SICTL's operations 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; and
- Port Botany Expansion Environmental Impact Statement – Supplementary Submission (two volumes), prepared by URS Pty Ltd and dated October 2004.

The review of effectiveness of environmental management during operations included site visits on 12 and 18 October 2016 and assessment of monitoring and inspection records and reports prepared by SICTL during operations.

1.5 Methodology

This audit was conducted in accordance with the principles ISO 14010 and ISO 14011.

The checklists in Appendices A to D assess compliance against the:

- Minister's Conditions of Approval for the Project
- Environmental Impact Statement, Commission of Inquiry, Section 96 predictions and conclusions
- Environment Protection and Biodiversity Act Approval conditions

A review of monitoring records and inspection reports and site inspection was undertaken to assess the effectiveness of implementation of the OEMP for the Project.

The audit was undertaken by Steve Fermio, a RABQSA certified environmental auditor, approved by the Department of Planning and Environment. The letter approving the auditor is in Appendix E of this report.

This audit included an on-site inspection and interviews with SICTL management and environmental personnel on 12 and 18 October 2016. The audit attendee lists for the opening and closing meetings of the audit are attached at Appendix F.

In relation to findings against conditions:

- **Compliant:** Complies with all requirements of the condition(s)
- **Observation:** A situation observed during the audit that provides an opportunity for improvement or is not necessarily best practice or requires further consideration.
- **Non-compliance:** Does not fully comply with all requirements of the condition. These are categorised as minor or major, depending on the severity of the non-compliance.
- **Not Applicable:** There were either no compliance issues related to the condition, is a future required action, was not applicable at the time of the audit or was not related to a SICTL responsibility.

In relation to findings against predictions and conclusions made in the environmental documentation for the project:

- ☺ = Largely as predicted/concluded
- ☹ = Partially as predicted / unknown / as predicted
- ☹ = Not as predicted
- NA = Not applicable

2.0 Audit Findings

Table 1 provides a summary of the findings of this audit and actions proposed or undertaken in response to the findings. Table 1 also includes a review of the status of any open findings made in previous independent environmental audit reports.

The Audit Checklists provided in Appendices A - D include details of all of the evidence collected, observed and provided in support of compliance, publicly available information on NSW Ports or SICTL's websites. They also include evidence collected during the inspection of the Project site and interviews with personnel on 12 & 18 October 2016. **Highlighted text indicates a finding.**

2.1 Compliance Status

There were no non compliances with the CoA of the Project Approval, EPBC approval or EPA Licence conditions.

2.2 Observations

There were 2 observations made in this audit as summarised below. Refer to Appendices A to D for details:

- C1.3: The current OEMP (V3) is 3 years old and some elements, including but not limited to, Key Performance Indicators, environmental training, roles and responsibilities, audit frequency & the OEMP review process itself should be reviewed to more closely reflect current practices which are achieving good outcomes from an environmental performance perspective.
- C2.17: Formal modification of this condition was underway at the time of this Audit to remove the requirement for NSWP and operators to report on package sizes. However, it is not clear that this change alone is sufficient to address the current difficulties experienced by SICTL in complying with this condition - as outlined in its letter to NSWP on 2 May 2016 in relation to Dangerous Goods Reporting. It is recommended that further discussions take place between SICTL and NSWP on any revised wording of C2.17 prior to finalizing Modification 16.

2.3 Predictions made in EIS & associated documents

The assessment against the predictions made and conclusions drawn in the EIS and other environmental documentation found that most of the predictions and conclusions have been realised in the construction of the Project. See Appendix C for details. This finding is consistent with previous audits.

Consideration could also be given in Modification 16 to removing the requirement to *assess the construction against the predictions made and conclusions drawn in the development application, EIS, additional information and Commission of Inquiry material* as the reference to *construction* in C4.5 (which is about operations) appears to be an error. Additionally, there seems little value to be gained by continuing to assess performance of operations at the Project against predictions that were made in environmental assessment reports prepared over a decade ago and are now significantly outdated due

to major new developments and changes in operations at the Port and surrounding areas that were not in existence or conceived of at the time the original EIS and other assessment reports were prepared.

2.4 Effectiveness of environmental management & mitigation measures

The effectiveness of implementation of operational environmental management measures relied on a review of SICTL's site inspection records, incident reports, training and induction records and other relevant records that were reviewed during the site inspection and interviews held on 12 & 18 October 2016.

The assessment indicated that the OEMP and associated sub-plans were generally being effectively implemented and the mitigation measures therein have achieved an appropriate level of environmental protection. Plates 1 - 5 below provide evidence of operational environmental controls being implemented on the day of the site audit.

3.0 Audit Conclusions

Compliance records were well organised and available at the time of the site inspection and interview with SICTL personnel on 12 & 18 October 2016.

Relevant environmental and compliance monitoring data continues to be collected and reported as required to provide verification of compliance to statutory requirements and the broader Project environmental requirements. The majority of this information is publicly available, along with the relevant environmental management plans, on SICTL and NSW Ports' websites.

The overall outcome of the audit was positive with no non-conformances identified. Two observations were made in relation to:

- C1.3: The current OEMP (V3) is 3 years old and some elements, including but not limited to, Key Performance Indicators, environmental training, roles and responsibilities, audit frequency & the OEMP review process itself need reviewing to more closely reflect current practices which are achieving good outcomes from an environmental performance perspective.
- C2.17: Formal modification of this condition was underway at the time of this Audit to remove the requirement for NSWPA and operators to report on package sizes. However, it is not clear that this change alone is sufficient to address the current difficulties experienced by SICTL in complying with this condition - as outlined in its letter to NSWPA on 2 May 2016 in relation to Dangerous Goods Reporting. It is recommended that further discussions take place between SICTL and NSWPA on any revised wording of C2.17 prior to finalizing Modification 16 to determine if C2.17 could be further modified to ensure it reflects current practices and the role of the NSW Ports Authority in regulating dangerous goods.

Actions proposed by the Project team to address the findings of this audit and any previously open audit findings are set out in Table 1 below.

The auditor considers that the ongoing requirement to assess, as part of the operational audit requirements of C4.5, the construction against the predictions made and conclusions drawn in the development application, EIS, additional information and Commission of Inquiry material could also be reconsidered as part of the scope of the current proposed modification (Modification No 16) to the Project Approval conditions. In the auditor's view there is little benefit or point to be gained in continuing to undertake such an assessment as part of C4.5 as:

- There are no changes or new information of any particular note from one year to the next and this is evidenced by the same observations made, none of which influence or guide current operational practices at the Terminal;
- The predictions and conclusions drawn in the documents referred to above are now over 10 years old and significantly outdated due to major new developments and changes in operations at the Port and surrounding areas were not present or conceived of at the time the original EIS and other assessment reports were prepared; and

- There is no mechanism for any learnings from this retrospective review process to influence current environmental assessment practices, which was one of the intentions of the condition in the first place.

The auditor would like to thank the auditees (representing SICTL) for their high level of organisation, cooperation and assistance during the audit.

Table 1: AUDIT ACTION LIST

Item No	Condition No	Type	Details of Item	Proposed or Completed Action	Who By	When
2016 AUDIT FINDINGS STATUS						
1	C1.3	Observation	The current OEMP (V3) is 3 years old and some elements, including but not limited to, Key Performance Indicators, environmental training, roles and responsibilities, audit frequency & the OEMP review process itself should be reviewed to more closely reflect current practices which are achieving good outcomes from an environmental performance perspective	SICTL propose to review and update the OEMP with input from the Environmental Risk Assessment (to be undertaken in December 2016), and from the relevant operational and engineering managers and workers of the business	J Stevenson & B Moses	Jan – Mar 2017
2	C2.17	Observation	Formal modification of this condition was underway at the time of this Audit to remove the requirement for NSWP and operators to report on package sizes. However, it is not clear that this change alone is sufficient to address the current difficulties experienced by SICTL in complying with this condition - as outlined in its letter to NSWP on 2 May 2016 in relation to Dangerous Goods Reporting. It is recommended that further discussions take place between SICTL and NSWP on any revised wording of C2.17 prior to finalizing Modification 16.	SICTL met with NSW Ports on 16th November 2016 with regard to this condition C2.17 and the MOD 16. SICTL and NSW Ports shall work together to provide examples of data which is available for Dangerous Goods analysis to the Port Authority of NSW for their comment by 31 December 2016. Further work on this condition is dependent on the outcome of discussions with the Port Authority	J Stevenson & B Moses	Dangerous goods info to be provided to NSW Ports by 31 Dec 2016 & further discussions to take place following this
2015 AUDIT FINDINGS						
1	CoA C2.1 – 2.4	Observation	A periodic site inspection record would provide stronger evidence of compliance with operational environmental obligations	General Workplace Inspection Checklist has been amended to include environmental component are completed every 4 – 6 weeks. Outstanding actions are raised to the WHS Committee Meetings for consideration.	Closed	Closed
2	CoA C4.3	Observation	Due to staff departures over the last 12 months previously approved ERs (for construction) have left the project.	The role of Environmental Representative, was approved for Shane Jones on 27/11/15 (since resigned) and then Blair Moses on 02/6/16	Closed	Closed
3	EPL E1.2	Non compliance	Noise monitoring not undertaken every 6 months as required by this condition	Noise monitoring completed in January and July 2016. Reports available on website	Closed	Closed
4	EPL E2.1	Non compliance	Water quality monitoring not undertaken every 6 months as required by this condition	Water Monitoring was delayed due to weather conditions (not conducive to stormwater run-off	Closed	Closed

				collection and analysis). The outstanding report was prepared and submitted to the EPA in June 2016, with the result that the EPA have now removed this condition from the EPA licence. Reports and updated licence are uploaded to the website		
2014 AUDIT FINDINGS STATUS						
6	CoA C2.17	IOC	Modification of this approval condition was to be considered by NSW Ports to address difficulties tracking dangerous goods through port facilities	A Modification Report has been prepared by NSW Port and is currently on display on the DPE's Major Project Website for comment. A modification has been proposed to the wording of CoA2.17 to address the IOC	NSWP	In progress
7	CoA C4.4	OFI	Potential improvements to training materials.	The induction package has been reviewed and updated in September 2016. New starters planned for October will receive the updated Induction Package. Evidence of implementation of new training program sighted	Closed	Closed



Plate 1: Bird hazard signage



Plate 2: Spill pallet under liquid chemicals & lubricants in workshop

Independent Environmental Compliance Audit
SICTL Terminal 3 – Port Botany (November 2016)



Plate 3: Leaking container bund



Plate 4: Remnants of osprey nest removed to reduce bird hazard to aviation

Independent Environmental Compliance Audit
SICTL Terminal 3 – Port Botany (November 2016)



Plate 5: Polluplug stormwater pollution control device

Independent Environmental Compliance Audit
SICTL Terminal 3 – Port Botany (November 2016)



Plate 6: Spill kits conveniently located on gantry crane



Plate 7: Waste segregation on site

Appendix A. PROJECT APPROVAL CONDITIONS

CoA No	Auditee NSW Ports/ SICTL	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
SCHEDULE A: OVERALL SCOPE OF DEVELOPMENT WORKS AND GENERAL PROVISIONS							
A1		GENERAL					
		Scope of Development					
A1.1	NSW Ports SICTL	<p>The approved aspects of the development shall be carried out generally in accordance with:</p> <ul style="list-style-type: none"> a) Development Application DA-494-11-2003-i, lodged with Department on 26 November 2003. b) Port Botany Expansion: Environmental Impact Statement (ten volumes), prepared by URS and dated Nov 2003; c) Port Botany Expansion Commission of Inquiry – Primary Submission (two volumes), prepared by URS dated May 2004 d) Port Botany Expansion Commission of Inquiry – Supplementary Submission to Environmental Impact Statement, prepared by URS and dated August 2004 e) Port Botany Expansion Environmental Impact Statement – Supplementary Submission (two volumes), prepared by URS and dated October 2004; 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; 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; 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>, prepared by SPC and dated 1 December 2006; 	<p>Compliance with these requirements is verified through this independent audit process, compliance reports etc.</p> <p>Modification No 16 (Sep 2016) currently on exhibition proposes several changes to conditions of the Project approval.</p>	C			

CoA No	Auditee NSW Ports/ SICTL	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
		<p>i) modification application MOD-78-9-2007-i, accompanied by <i>Port Botany Expansion – Modification of Conditions C2.20 & 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 & 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; and</p> <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 provided on 6 June 2012 in relation to other proprietary SQID devices; and</p>					

CoA No	Auditee NSW Ports/ SICTL	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
		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; 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; and 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; and u) the conditions of this consent. Insofar as they relate to the approved development.					
		Statutory Requirements					
A1.3	NSW Ports 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.	The Federal EPBC Approval 2002/543 and EPL 20322 remain valid.	C			
A1.4	NSW Ports SICTL	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	132,000 TEUs were moved through Terminal 3 by SICTL in FY 2016. Approx 16.5K TEUs have been moved through the Terminal by SICTL to Oct 2016	C			
		SCHEDULE C: TERMINAL OPERATIONS					
C1		GENERAL					

CoA No	Auditee NSW Ports/ SICTL	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
		Application of Schedule					
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. See detailed input below	C			
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. SICTL is a Terminal operator and has commissioned this Audit to assess compliance against these conditions with respect to its own operations	C			
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	Terminal 3 is now fully operational				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	Terminal 3 is now fully operational				NA
		Operation Environmental Management Plan					
C1.3		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: 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;	Operational Environmental Management Plan (OEMP) – Version 3 (September 2013) has been prepared to satisfy this condition and was approved by DPE on 16/9/2013 and is available on the Operators website: OEMP	C	O		

CoA No	Auditee NSW Ports/ SICTL	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
		<ul style="list-style-type: none"> - describe any relevant staging or phasing of the commencement of operations within the terminal envelope and any relevant timeframes; - 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; - include a description of the roles and responsibilities for all key employees involved in the operation of the development; - include overall environment policies and principles to be applied to the operation of the facility; - include specific consideration of measures to address any requirements of DOP, DEC, and the Council during operation; - 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; - detail management policies to ensure that environmental performance goals are met and to comply with the conditions of this consent; - include the Management Plans relevant to operation, include the environmental monitoring requirements relevant to operation; and - be made available for public inspection after approval of the Director General. <p>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;</p>	<p>A sampling review of implementation of the OEMP and Sub Plans indicates that they are generally being implemented with respect to Governance, Risk & Incident Management, Community Consultation & Complaints, Monitoring & Auditing.</p> <p><i>The current OEMP (V3) is 3 years old and some elements, including but not limited to, KPI, environmental training, roles and responsibilities, audit frequency & the OEMP review process itself should be reviewed to more closely reflect current practices which are achieving good outcomes from an environmental performance perspective.</i></p>				

CoA No	Auditee NSW Ports/ SICTL	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
		<ul style="list-style-type: none"> - describe any relevant staging or phasing of the commencement of operations within the terminal envelope and any relevant timeframes; - 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; - include a description of the roles and responsibilities for all key employees involved in the operation of the development; - include overall environment policies and principles to be applied to the operation of the facility; - include specific consideration of measures to address any requirements of DOP, DEC, and the Council during operation; - 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; - detail management policies to ensure that environmental performance goals are met and to comply with the conditions of this consent; - include the Management Plans relevant to operation, include the environmental monitoring requirements relevant to operation; and - be made available for public inspection after approval of the Director General. 					
Compliance Certification							
C1.4		<p>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.</p> <p>a) commencement of any operations within the terminal area; and</p>	Letter from DPE of 16/9/2013 approved Version 2 of the Pre Operational Compliance Report dated 3/9/2013	C			

CoA No	Auditee NSW Ports/ SICTL	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
		b) commencement of each stage or phase of operations					
C1.5		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	Not required to date				NA
		Air quality management					
C2.1		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	No odours detected during site inspection on 12/10/16	C			
C2.2		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	No dust emissions observed during site inspection on 12/10/16	C			
C2.3		All trafficable and vehicle manoeuvring areas shall be maintained at all times in a condition that minimises the generation and emission of dust	As above	C			
C2.4		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	No uncovered loaded vehicles observed at the site on day of site inspection	C			
C2.5		Noise Management					
		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:	Plan available as part of OEMP on website OEMP	C			

CoA No	Auditee NSW Ports/ SICTL	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
		<ul style="list-style-type: none"> - identify general activities that will be carried out and associated noise sources; - assess operation noise impacts at the relevant receivers; - a primary objective of achieving the operational noise limits outlined in this consent; - provide details of overall management methods and procedures that will be implemented to control noise from the development; - 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; - detail noise monitoring, reporting and response procedures consistent with the requirements of DEC; - provide for internal audits of compliance of all plant and equipment; - indicate site establishment timetabling to minimise noise impacts; - include procedures for notifying residents of operation activities likely to affect their noise amenity; - address the requirements of DEC; - 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; - identify opportunities to reduce operational noise levels including, but not necessarily limited to, selection of equipment, engineering noise controls and shore based power; and, - be approved by the Director-General prior to the commencement of operation 	Noise Monitoring Assessments for January and July 2016 available on website at: Noise reports				
C2.6		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.	Noise monitoring and modelling results provided in SICTL, Noise Compliance Assessment, January & July 2016 (Marshall Day) indicate	C			

CoA No	Auditee NSW Ports/ SICTL	Condition of Approval Requirement					Comments, observations, discussion Evidence, supporting documentation	Audit Outcome				
								* See footer for key				
								C	O	NC	NA	
		Most affected residential Location	Day	Evening	Night		compliance with the limits in accordance with the EPA approved methodology (for modelling noise compliance) of 11 July 2014 and other SICTL EPL requirements regarding noise monitoring locations & methodology.					
			L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} 9hrs		LA1(1 minute)				
		Chelmsford Avenues	40	40	40	38		53				
		Dent Street	45	45	45	43		59				
		Jennings Street	36	36	36	35		55				
		Botany Rd (nth of golf club)	47	47	47	45		59				
		Australia Ave	35	35	35	35		57				
		Military Road	42	42	42	40		60				
		For the purpose of this condition; <ul style="list-style-type: none"> 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 Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays 										
C2.7		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					Noise reports referred to above satisfies this requirement		C			

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				* See footer for key			
				C	O	NC	NA
C2.8		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	As above	C			
C2.9		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	EPA approved noise modelling methodology as per EPA letter of 11 July 2014	C			
C2.10		The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable	Noise report referred to above satisfies this requirement	C			
C2.11		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	Noise report referred to above satisfies this requirement	C			
Operational Traffic Management Plan							
C2.12		<p>Prior to the commencement of terminal operations, the applicant must prepare an 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:</p> <ul style="list-style-type: none"> - identification of preferred routes to minimise noise impacts on the surrounding community; - physical and operational measures (including signage) to mitigate noise impacts from vehicles accessing and leaving the terminal; - measures to limit the impact of traffic noise on Foreshore Road and Botany Road; - driver education and information to promote driver habits to minimise noise; and - timetabling, scheduling and details of vehicle booking systems. 	<p>Plan available as part of OEMP on website</p> <p>OEMP</p>	C			

CoA No	Auditee NSW Ports/ SICTL	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
		The plan must be submitted and approved by the Director-General prior to the commencement of operations					
Waste Management on Site							
C2.13		Management of waste must be in accordance with the environment protection licence issued by EPA under the Protection of the Environment Operations Act 1997	SICTL's Waste Register sighted. SUEZ provide a monthly waste report to SICTL that details the waste categories, quantities and disposal destination details	C			
C2.13A		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 supersede that document. All waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials	As above	C			
Water and Wastewater Management							
C2.14		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.	Water Quality Monitoring Report (June 2016) covering period March 2014 – June 2016 available on website: Water Monitoring Report Periodic monitoring of discharges was previously required under the EPL however the EPL has been modified (1/9/2016) to remove this requirement given the results of the monitoring of the performance of the Stormwater Quality Improvement Devices installed on the site indicate compliance with the required water quality criteria	C			

CoA No	Auditee NSW Ports/ SICTL	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
			occurred for most of the samples tested.				
C2.15		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	No discharge points in EPL				NA
Hazards and Risk Management							
C2.15A		Temporary Uses shall not involve the loading, unloading and storage of dangerous goods	Terminal 3 if full operations, not applicable				NA
C2.16		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	DPE letter of October 2013 confirms that this requirement has been addressed as part of the approved OEMP and sub plans	C			
C2.17		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	Raw DG data spreadsheet covering 1/10/15 to 30/9/16 sighted. SICTL email advice of 27/10/16 is that the following information is provided to the Ports Authority NSW: <ul style="list-style-type: none"> • Daily Dangerous Goods status to DG Audit email • Hourly "In Yard" report to DG Audit email • "In Yard" moves report provided hourly to DG Audit email • DG Audit has access to "Ride Through Report" (24 hours prior to vessel arrival) 	C	O		

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				* See footer for key			
				C	O	NC	NA
			<p>In addition, DG Audit visit SICTL weekly to inspect DG information and confirm compliance</p> <p>A finding against this condition was made in the 2014 and 2015 OEMP Independent Environmental Audits. Modification No 16 (September 2016) proposes a change to the wording of this condition to reflect the current role of the Ports Authority NSW in the regulation of Dangerous Goods.</p> <p>Formal modification of this condition was underway at the time of this Audit to remove the requirement for NSWP and operators to report on package sizes but query whether this change alone addresses the current information deficit surrounding compliance with this condition and whether the Port Authority's role in regulating DGs directly with the ships themselves requires further modification to this condition</p>				
C2.18		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).	As reference, during the 1995/1996 period 825 tonnes (average value) of class 2.3 Dangerous Goods were transited through Port Botany). For this audit period SICTL advises that it has transited 140 tonnes of class 2.3 Dangerous Goods	C			

CoA No	Auditee NSW Ports/ SICTL	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
Emergency Incident Management							
C2.20		<p>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:</p> <ul style="list-style-type: none"> - terminal security and public safety issues; - effective spill containment and management; - effective firefighting capabilities; - effective response to emergencies and critical incidents; and <p>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.</p>	<p>Emergency Response Plan available on website: ERP</p>	C			
Aviation Operational Impacts							
C2.21		<p>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</p>	<p>The Aviation Operational Impacts Sub-Plan (v2 dated 03- 09-2013) address this requirement The Sub-Plan has been uploaded to the SICTL website at: AOLMP</p> <p>An approval was granted by Aviation Environment, Aviation and Airports Division of the Department of Infrastructure and Transport on 04-09-2013.</p>	C			
C2.22		<p>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</p>	<p>The Aviation Operational Impacts Sub-Plan (v2 dated 03- 09-2013) address this requirement The Sub-Plan has been uploaded to the SICTL website at: AOLMP</p>	C			

CoA No	Auditee NSW Ports/ SICTL	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
			An approval was granted by Aviation Environment, Aviation and Airports Division of the Department of Infrastructure and Transport on 04-09-2013.				
C2.23		The Applicant shall ensure design specifications of the terminal lighting conform to the requirements of Regulation 94 of the Civil Aviation regulations 1988	The Aviation Operational Impacts Sub-Plan (v2 dated 03- 09-2013) address this requirement The Sub-Plan has been uploaded to the SICTL website at: AOLMP An approval was granted by Aviation Environment, Aviation and Airports Division of the Department of Infrastructure and Transport on 04-09-2013.	C			
C2.24		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"> - minimising ship board lighting while berthed; - orientating ships in a specific direction; and or - providing temporary shielding on the ship mounted floodlights while docked 	The HSEQ5.1.7b Aviation Operational Impacts Sub-Plan (v2 dated 03-09-2013) address this requirement The Sub-Plan has been uploaded to the SICTL website at: AOLMP Maritime Order 32 Schedule 1 (2) lighting requires adequate lighting during loading or unloading activities. In some cases the ship will be loaded/unloaded at night and require sufficient lighting to undertake the operations.	C			

CoA No	Auditee NSW Ports/ SICTL	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
			When vessels are not under stevedore operations, the Quay Crane lights (except the beacon lights) will be switched off in order to minimise the light glare or distraction to pilots				
C2.25		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	Bird Hazard Management Plan available on website: BHMP Operational controls required under 5.1.1 of the Plan were observed to be implemented during an inspection of the site on 12/10/16 including, but not limited to, signage warning staff not to feed birds, enclosure of rubbish bins, no litter observed. No birds were observed during the inspection. An osprey nest was removed from site during the non breeding season to discourage this bird from the area (Plate 4)	C			
COMMUNITY INFORMATION, INVOLVEMENT AND CONSULTATION							
C3.1		The Applicant must meet the following requirements in relation to community consultation and complaints management: <ul style="list-style-type: none"> - all monitoring, management and reporting documents required under the development consent shall be made publicly available; - provide means by which public comments, inquiries and complaints can be received, and ensure that those means are adequately publicised; and - includes details of a register to be kept of all comments, inquiries and complaints received by the above means, including the following register fields: 	Documentation including management plans and monitoring reports are available on SICTL's website. Contact details and complaints line are available at: contacts SICTL's Quarterly Community Feedback Reports are available on its website and contain the information and details	C			

CoA No	Auditee NSW Ports/ SICTL	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
		<ul style="list-style-type: none"> - the date and time, where relevant, of the comment, inquiry or complaint; - the means by which the comment, inquiry or complaint was made (telephone, fax, mail, email or in person); - any personal details of the commenter, inquirer or complainant that were provided, or if no details were provided, a note to that effect; - the nature of the complaint; - 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 if no action was taken by the Applicant in relation to the comment, inquiry or complaint, the reason(s) why no action was taken. - Provide quarterly reports to the Department and DEC, where relevant, outlining details of complaints received 	required by this condition (with personal details redacted). The reports are provided to the agencies as required Community Feedback Reports				
C3.2	NSW Ports 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: <ul style="list-style-type: none"> (a) be comprised of: <ul style="list-style-type: none"> · 2 representatives from the Applicant, including the person responsible for environmental management; · 1 representative from Botany Bay City Council; and · at least 3 representatives from the local community, whose appointment has been approved by the Director-General in consultation with the Council; (b) be chaired by an independent party approved by the Director-General; (c) meet at least four times a year, or as otherwise agreed by the CCC; (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; and 	The PBE Community Consultative Committee has been combined into the Port Botany Neighbourhood Liaison Group, which was approved in a letter from the Director General on 16/9/2013. Representatives from SICTL attend the meetings with Blair Moses attending the last meeting on 30/8/2016. Minutes of the meetings are on NSW Ports website at: PB CCC	C			

CoA No	Auditee NSW Ports/ SICTL	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
		Note: The Applicant may, with the approval of the Director-General, combine the function of this CCC with the function of other existing Community Consultative mechanisms the area, including the construction phase CCC (Condition B3.2) however, if it does this it must ensure that the above obligations are fully met in the combined process					
C3.3	NSW Ports SICTL	The Applicant shall, at its own expense: (a) ensure that 2 of its representatives attend the Committee’s meetings; (b) provide the Committee with regular information on the environmental performance and management of the development; (c) provide meeting facilities for the Committee; (d) arrange site inspections for the Committee, if necessary; (e) take minutes of the Committee’s meetings; (f) make these minutes available on the Applicant’s website within 14 days of the Committee meeting, or as agreed to by the Committee; (g) respond to any advice or recommendations the Committee may have in relation to the environmental management or performance of the development; and (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	As above	C			
ENVIRONMENTAL MONITORING AND AUDITING							
C4.1		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	Advised that no notifiable incidents have occurred during the period covered by this audit. 6 environmental related incident reports were internally reported between 1/9/2015 – current. A review of these reports indicated that none had potential significant off-site	C			

CoA No	Auditee NSW Ports/ SICTL	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
		consent, reported in accordance with this condition, within such period as the Director-General may require	impacts on people or the biophysical environment.				
C4.2	NSW Ports	<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"> - detail compliance with the conditions of this consent; - 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; - 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 	<p>2015 AEMR dated 4/7/16 covering period 1/9/2014 to 30/8/2015 is on website.</p> <p>2016 AEMR currently in preparation and SICTL expect to finalise & submit to DPE for approval by the end of 2016 calendar year</p>	C			
C4.3	SICTL	<p>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:</p> <ul style="list-style-type: none"> - the primary contact point in relation to the environmental performance of the terminal operations; 	<p>Blair Moses is current ER and was approved in DPE's letter of 2/6/2016.</p> <p>Evidence of ER involvement includes:</p> <ul style="list-style-type: none"> • EPA contact person • Liaison with EPA in relation to noise monitoring variation • Undertakes environmental training 	C			

CoA No	Auditee NSW Ports/ SICTL	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
		<ul style="list-style-type: none"> - responsible for all Management Plans and Monitoring Programs required under this consent, in relation to the terminal operations; - 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; - 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; - required to facilitate an induction and training program for relevant persons involved with the terminal operations; and - 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. 	<ul style="list-style-type: none"> • Attends PB CCC as SICTL's environmental representative • Attends monthly Port Botany HSE Meeting at which environmental issues are discussed 				
C4.4		<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> <ul style="list-style-type: none"> a) identification of relevant employment positions associated with the development that have an operational or management role related to environmental performance; b) details of appropriate training requirements for relevant employees c) a program for training relevant employees in operational and/ or management issues associated with environmental performance; and d) a program to confirm and update environmental training and knowledge during employment of relevant persons 	<p>Environmental training is set out in section 2.3 of the OEMP. Training attendance forms for SICTL's General Induction on 20/10/16 signed by participants were sighted. Individual assessment records including environmental competencies for the same induction session were sighted. IMDG training presentation (in development) also sighted.</p> <p>Environmental Training Levels in section 2.3 of OEMP only partially reflected in current training program at the Port.</p> <p>Section 2.3 of the OEMP requires review to reflect current / planned SICTL training programs at Port</p>	C	O		

CoA No	Auditee NSW Ports/ SICTL	Condition of Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
			Botany (also addressed above in C1.3)				
C4.5		<p>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:</p> <ul style="list-style-type: none"> - be carried out in accordance with ISO 14010 – Guidelines and General Principles for Environmental Auditing and ISO 14011 – Procedures for Environmental Auditing; - assess compliance with the requirements of this consent, and other licences and approvals that apply to the development; - assess the construction against the predictions made and conclusions drawn in the development application, EIS, additional information and Commission of Inquiry material; and - review the effectiveness of the environmental management of the development, including any environmental impact mitigation works. <p>Note: An independent and transparent environmental audit can verify compliance (or otherwise) with the Minister’s consent and various approvals. Auditing also provides an opportunity for continued improvement in environmental performance</p>	This audit	C			

Appendix B. EPL CONDITIONS

Condition No	Condition Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
			* See footer for key			
			C	O	NC	NA
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	As per CoA B2.7	C			
L2.1	<p>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.</p> <p>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.</p> <p>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.</p> <p>This condition does not limit any other conditions in this licence</p>	SICTL does not receive any waste at the premises.	C			
L3.1 - 3.8	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	As per CoA C2.6	C			
O1.1	<p>Licensed activities must be carried out in a competent manner.</p> <p>This includes:</p> <ol style="list-style-type: none"> the processing, handling, movement and storage of materials and substances used to carry out the activity; and the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity. 	<p>Based on a review of water quality and noise monitoring reports and General Workplace Inspection Checklists & site inspection on 12 Oct 2016 it appears this condition is being complied with. Good liquid chemical and waste management practices evidenced in Plates 2, 3 & 7.</p> <p>The Scheduled Activity on SICTL's EPA Licence is General</p>	C			

Condition No	Condition Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
			* See footer for key			
			C	O	NC	NA
		<p>Chemicals Storage. This relates to dangerous goods being received, stored, moved and transited through the terminal. It also relates to chemicals kept on site for maintenance activities.</p> <p>The Port Authority's ShiPS system provides the information relating to DG Class, quantity and type on all DG imports and exports to the SICTL terminal. SICTL utilises the nGen software system to allocate storage locations for all dangerous goods (ensuring separation where required). All equipment operators have been trained and (where required) licenced to operate the container handling equipment including Quay Cranes, ASC, Shuttle Carriers, ReachStackers, Forklifts, and trailers.</p> <p>Any waste generated by the terminal is removed by Suez Recycling & Recovery Pty Ltd (SITA). Suez Recycling & Recovery Pty Ltd are licenced under the EPA for Resource Recovery, Waste Processing (nonthermal treatment) and Waste Storage. Plate 4 indicates good waste separation practice at the maintenance area</p>				
O2.1	<p>All plant and equipment installed at the premises or used in connection with the licensed activity:</p> <p>a) must be maintained in a proper and efficient condition; and</p> <p>b) must be operated in a proper and efficient manner</p>	As above	C			

Condition No	Condition Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
			* See footer for key			
			C	O	NC	NA
O3.1	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 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	As per C2.20	C			
O3.2	In relation to 4.1 Emergency Response: A Pollution Incident Response Management Plan (PIRMP) is the relevant document required.	The PIRMP forms part of the HSEQ10.1.3 Emergency Response Plan.	C			
M1.2	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.	Results published at website: Monitoring results	C			
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.	As above	C			
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	Published results included the relevant details	C			

Condition No	Condition Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
			* See footer for key			
			C	O	NC	NA
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	As per CoA C3.1	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	As above	C			
M2.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	As above	C			
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	As above	C			
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.	As above	C			
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.	Last annual return lodged 11 Dec 2015 within due period. Next return due by 13 /12/16	C			

Condition No	Condition Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
			* See footer for key			
			C	O	NC	NA
	At 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					
R2.1 & 2.2	<p>Notifications must be made by telephoning the Environment Line service on 131 555.</p> <p>Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.</p> <p>The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred</p>	As per CoA C4.1 no reportable incidents are known to have occurred since the last annual audit	C			
G1.1 – 1.3	<p>A copy of this licence must be kept at the premises to which the licence applies.</p> <p>The licence must be produced to any authorised officer of the EPA who asks to see it.</p> <p>The licence must be available for inspection by any employee or agent of the licensee working at the premises</p>	EPL was available at the SICTL administration office	C			
E1.2	<p>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>(a) unattended monitoring data for a continuous period of no less than 2 weeks;</p> <p>(b) attended monitoring data during the period outlined in subsection (a);</p> <p>(b) monitoring data from a minimum of 3 locations;</p>	Noise monitoring reports for January and July 2016 available on SICTL website	C			

Condition No	Condition Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
			* See footer for key			
			C	O	NC	NA
	(c) an assessment of the noise levels against Condition L3 including a trend analysis; (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					

NB: Only conditions relevant to SICTL's operations are included above (i.e. administrative, construction related conditions not included) as the EPA licence is required for port operations, not facility construction.

Appendix C. EIS, Commission of Inquiry (COI) and S96 Application checklists

Part 1 - EIS Predictions & Conclusions Audit Checklist

Please note that sections relating to construction activities, dredging, the enhancement of the Penrhyn Estuary and other areas not relevant for the operation of SICTL's Terminal 3 have been deleted from this checklist.

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
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17.6.2	<p>Groundwater Quality</p> <p>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</p>	<p>The operational areas of the terminal are fully sealed. SICTL has prepared and implemented the following documents under its OEMP:</p> <ul style="list-style-type: none"> • HSEQ5.1.7g Handling of Dangerous Goods and • Hazardous Substances Sub-Plan; • HSEQ5.1.7f Stormwater Management Sub-Plan; and • HSEQ5.1.7h Waste Management On-Site Sub-Plan. <p>These documents describe the controls which SICTL has in place to control any spills and waste which occur during the course of its operations. The Stormwater Management SubPlan further details how SICTL will ensure that any surface pollutants shall be captured and treated in order to minimise the contamination of groundwater or waters.</p>	☺			
18.4.2	<p>Soil Erosion</p> <p>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</p>	<p>Stormwater collection and treatment devices have been installed at SICTL and are operational. There is no evidence of soil erosion identified in the operational areas</p>	☺			

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
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	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.					
18.4.3	<p>Sediment Contamination</p> <p>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> <p>Environmental management measures would be included in the Operational EMP</p>	Stormwater collection and treatment devices have been installed at SICTL and are operational. SICTL operational employees have been trained in the control of environmental spills and all incidents are quickly identified, contained and reported. CCTV footage and incident reports indicate good implantation of OEMP.	☺			
18.5.2	<p>Operation</p> <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. 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"> • a first flush system to capture sediment and contaminants from surface water runoff from the new terminal; • treatment of surface water runoff from potential pollutant areas on the new terminal by a wastewater treatment system prior to discharge to sewer; • investigation of the feasibility of installation of sediment traps on Floodvale and Springvale Drains to reduce influx of sediment to Penrhyn Estuary; • emergency response plan for fuel, oil and chemical spills; and • storage and handling of all dangerous goods in accordance with Australian Standards, Dangerous Goods Regulations and NSW EPA requirements. 	<p>Stormwater collection and treatment devices have been installed at SICTL and are operational. There is no evidence of soil erosion identified in the operational areas.</p> <p>SICTL has prepared and implemented the following documents under its OEMP:</p> <ul style="list-style-type: none"> • HSEQ5.1.7g Handling of Dangerous Goods and • Hazardous Substances Sub-Plan; • HSEQ5.1.7f Stormwater Management Sub-Plan; and • The HSEQ10.1.3 Emergency Response Plan <p>SICTL has also been developed and implemented to describe the plans for managing any spill or environmental emergency.</p>	☺			
19.6.1	<p>Noise, Vibration and Light</p>	The level of vibrations at SICTL would be in line with the types of activities conducted at the	☺			

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
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	<p>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.</p> <p>Introduced Species</p> <p>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.</p>	<p>adjacent terminals. SICTL operations as yet are not fully 24/7 due to limited shipping line contracts; night shifts and weekend operations are uncommon. SICTL operations have not directly resulted in any increase of vessels in the Port Botany area. In the latest Seagrass Summary Report dated April 2015, there is no mention of the <i>Caulerpa taxifolia</i> in the Foreshore Beach or Penrhyn Estuary area.</p>				
19.6.2	<p>Management of the possible spread of <i>Caulerpa taxifolia</i> would form part of a Construction and Operational EMP</p>	<p>The management of <i>Caulerpa Taxifolia</i> is not included in the SICTL Operational EMP or the sub-plans, as SICTL has limited control over activities outside of the terminal boundaries. However the management and monitoring of <i>Caulerpa Taxifolia</i> is addressed in the Penrhyn Estuary Habitat Enhancement Plan. Within the Port Botany Post Construction Environmental Monitoring Annual Report 2015 the following finding has been made:</p> <p>“The invasive alga <i>Caulerpa taxifolia</i> has been recorded previously in areas surveyed at Foreshore Beach but not in post-construction surveys to date. The absence of <i>C. taxifolia</i> from the study area is favourable for the recovery of seagrass, as <i>C. taxifolia</i> is highly competitive and its absence removes further challenges to successful recolonisation.”</p>	☺			
19.7.2	<p>Marine Mammals</p> <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</p>	<p>The management and monitoring of the effects on aquatic ecology in the Penrhyn Estuary is covered in the Penrhyn Estuary Habitat Enhancement Plan. The results are</p>	☺			

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
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	appropriately managed. This would form part of the Operational EMP and would be prepared in consultation with NPW	summarised within the Port Botany Post-Construction Environmental Monitoring Annual Report				
20.8.4	<p>Habitat Enhancement</p> <p>A Vegetation Management Plan (VMP) detailing methodologies for saltmarsh excavation, storage, propagation and transplantation would be prepared and would be incorporated as part of the Construction and Operational EMPs for the project. A Vegetation Management Plan (VMP) detailing methodologies for mangrove removal and control would be prepared and would be incorporated as part of the Construction and Operational EMPs for the project</p>	The Vegetation Management Plan forms part of the Penrhyn Estuary Habitat Enhancement Plan	☺			
20.8.4	<p>Control of Feral Animals</p> <p>The following two measures would assist in the control of feral animals at Penrhyn Estuary, these include:</p> <ul style="list-style-type: none"> • ensure rubbish is placed in appropriately covered bins at all times. • Ensure rubbish is regularly disposed; and <p>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.</p> <p>A Feral Animal Management Plan (FAMP) would be prepared as part of the Construction and Operational EMP for the Port Botany Expansion. The FAMP would address fencing and the management of garbage, particularly in the habitat enhancement areas, and the viability of a baiting program to be initiated in conjunction with NPWS</p>	SICTL has prepared and implemented the HSEQ5.1.7h Waste Management On-Site Sub-Plan and HSEQ5.1.7k Feral Animal Management Sub-Plan under the OEMP	☺			
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 results of the Shorebird Monitoring Program are summarised within the Port Botany Post-Construction Environmental Monitoring Annual Report 2015: “Four of six key species were present in the 2014- 2015 peak period. The Pacific Golden Plover showed a positive result for the PEHE works, surpassing	☺			

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
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		the target count in five consecutive seasons. Double-banded Plover utilised the estuary at both low and high tides, but is yet to reach its target count. Bar-tailed Godwit have declined at both Penrhyn Estuary and reference locations, indicating impacts at a larger scale. It is unclear why the Red-necked Stint have declined in post-construction years				
21.10	<p>Conclusion</p> <p>It has been assumed that the volume moved by rail would be 30% of container throughput by 2006 and 40% by 2011</p>	The NSW Ports Five Year Port Development Plan (March 2014) states “Over 278,000 TEUs were transported to and from Port Botany by rail in the 2012-13 financial year. This is a 14 per cent share of the Port Botany container trade.” The figures reported in the BITRE Maritime Waterline 57 Statistical Report for TEU transported by rail through Port Botany in the Jan-June 2015 period is 19%.	☺			
22.4.2	<p>Operation Noise Impacts – Sleep Disturbance Impacts</p> <p>All predicted noise levels would be below the external level of 65 dBA which some researchers consider would not result in awakening reactions.</p>	Operational Noise Monitoring undertaken by SICTL in July 2015 did not identify any levels above 65dBA.	☺			
22.5.2	<p>Mitigation Measures – Operation</p> <p>A Noise Management Plan containing environmental management measures to assess and minimise noise from the operation of the new terminal would be developed. The Noise Management Plan would be included in the Operational EMP for the new terminal. 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. 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. It is understood that for certain types of equipment e.g. quay cranes (long travel alarm and high wind alarm) alarms are required to remain for safety reasons. In respect of other items of</p>	<p>SICTL has prepared and implemented the HSEQ5.1.7d Noise Management Sub-Plan under the OEMP. Noise level emissions and noise controls are part of the technical specifications for new plant, see:</p> <ul style="list-style-type: none"> • HPA-CON-PB-0007 for the Straddle Carriers • HPA-CON-PB-0008 for the ASC • HPA-CON-PB-0009 for the Quay Cranes <p>Maintenance is carried out on a regular basis in accordance with the OEM and the</p>	☺			

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
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	equipment, a safety assessment would be undertaken to identify where the audible alarms could be replaced with visual alarms without affecting safety. Operator awareness and training would be regularly conducted. Good training and awareness of noise issues would be implemented to minimise poor cargo handling practices	equipment history/risk. The audible safety alarms are not turned off during night hours (Risk Assessment RA0025.2), however “Quackers” instead of beepers have been installed on most equipment. Quay Crane alarms for the movement of deck lids may be switched to the visual only alarms during night hours. SICTL currently operates only 1-2 nights per week so the impact should be quite low. Training commences with the Employee Induction and the requirements to minimise noise in operations and cargo handling is carried through to all equipment training modules.				
22.5.2	<p>Mitigation Measures – Operation continued...</p> <p>Complaints would be assessed and responded to in a quick and efficient manner.</p> <p>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. The results of this monitoring would be discussed with the EPA and Planning NSW to identify any responses required, although the predicted noise levels would not be expected to occur for some years after the commencement of operations in about 2010. By this time, technological and operational changes are likely to be available which would reduce operational noise levels at the new terminal. The Noise Management Plan would also contain the option for shore power to be provided to ships in the future. A Traffic Noise Management Plan would be developed for the new terminal. This plan would consider traffic route selection, traffic clustering and traffic rescheduling</p>	<p>SICTL responds to all complaints (see details in Section 5 Complaints Register).</p> <p>Noise Monitoring is conducted on a 6 monthly basis in accordance with the EPA Licence. Monitoring results for September/October 2014 and July 2015 have been uploaded to the SICTL website at: http://www.hutchisonports.com.au/Sydney-MonitoringReporting</p> <p>Yes, the HSEQ5.1.7d Noise Management Sub-Plan does consider the future option for shore based power (section 5.1.6)</p> <p>SICTL has prepared and implemented the HSEQ5.1.7e Operational Traffic Management Sub-Plan under the OEMP.</p>	☺			
23.8.2	<p>Mitigation Measures – Operation</p>	Although the infrastructure has been installed during construction of the SICTL terminal,	☺			

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
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	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.	Shore Based Power is not immediately available for use as a noise mitigation measure upon commencement. SICTL will commission Shore Based Power at all berths in future construction phases which will compliment other controls for noise mitigation				
24.8	Assessment of Impacts During Operation 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	The SICTL terminal was constructed on reclaimed land and the operational areas are fully sealed. There have been no incidents of heritage impacts reported.	☺			
25.5	Mitigation Measures Quay Crane specification – quay cranes for the new terminal would be approximately 50 m high Container Stacking height – containers would not be stacked more than six high (18 m) and would typically be only three high (9 m), as is the case with the existing terminals. Noise Wall – 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	Maximum operating height of the SICTL Quay Cranes of 51.055m AHD has been approved by Aviation Environment, Aviation and Airports Division of the Department of Infrastructure and Transport on 04-09-2013. The ASC utilised at SICTL terminal will be stacked no more than 5 high (as controlled by nGen software programming). The 4m high noise wall was erected during the construction phase on the northern and eastern boundaries of the SICTL terminal.	☺			
26.5.6	Employment Opportunities 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	Currently 2015 SICTL employ 155 staff (104 operations, 51 management/support staff). These figures are significantly less than those predicted in the EIS however the EIS figures are for the whole terminal and include other port operators. SICTL has recently purchased a new shipping line and expects its staff numbers to significantly increase over the 2016-17 period			⊗	

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
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28.10.1	<p>Risk Management – Mitigation Measures</p> <p>The following mitigation measures would be implemented to manage the hazards and risks described above:</p> <p>(i). containers with dangerous goods would be handled and transported in accordance with the Australian Standard 3846 (1998): The Handling and Transport of Dangerous Goods in Port Areas and the NSW Dangerous Goods (General) Regulation 1999;</p> <p>(ii). 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;</p> <p>(iii). a notification system for the arrival or delivery of dangerous goods would be implemented;</p> <p>(iv). 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;</p> <p>(v). various classes of dangerous goods would be separated by safe distances on the berth;</p> <p>(vi). suitable container handling equipment would be used to minimise risk of dropped containers;</p> <p>(vii). suitable container loading/unloading, handling and stacking systems would be employed to minimise double handling and attendant risk of damaging containers;</p> <p>(viii). the facility would be fitted with adequate yard signage and warning systems for mobile equipment;</p> <p>(ix). there would be adequate warning systems for ships moving in the vicinity of the facility;</p> <p>(x). a first flush drainage system would be installed and maintained to contain spills and contaminated runoff;</p> <p>(xi). bunds would be constructed around diesel storage tanks;</p> <p>(xii). firefighting equipment would be provided and personnel trained in fire fighting and evacuation procedures; and</p> <p>(xiii). emergency and incident management procedures would be developed (refer to Chapter 32 Emergency and Incident Management).</p>	<p>(i) and (ii) The HSEQ5.1.7 Handling of Dangerous Goods and Hazardous Substances Sub-Plan has been developed in accordance with AS3846 and the WHS Act and Regulation (the NSW Dangerous Goods (General) Regulation 1999 has been repealed; provisions saved under the WHS Regulation).</p> <p>(iii) the Sydney Ports ShiPS online system controls the movements of all dangerous goods (import and export) to the terminal.</p> <p>(iv) Dangerous Goods are classified as Red line or Green line cargo in the ShiPS system and truck bookings are controlled to limit the duration that cargo is stored within the terminal.</p> <p>(v) SICTL uses nGen software to program DG separation into the ASC stacking plans, and container movements around the terminal.</p> <p>(vi) SICTL uses Quay Cranes, ASC and Shuttle Carriers with spreaders which lift containers from the top. Quay Cranes and ASC have automated and manual systems to prevent containers from uncontrolled falls/drops.</p> <p>(vii) SICTL's operations are designed to minimise double handling.</p> <p>(viii) SICTL utilises line marking, signage and fish-eye mirrors around the terminal, and all terminal vehicles are fitted with flashing lights and reversing quackers.</p> <p>(ix) SICTL does not control the berthing of vessels, this task is undertaken by the Port</p>	☺			

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
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		Authority Pilot and third party tug and line service providers. (x) SICTL has installed a SQIDS system – using SPEL 'Stormceptor' and Humes 'Aquaceptor' separator units. (xi) Bunding has been constructed around the diesel refuelling station. (xii) Fire Fighting equipment is installed at the SICTL terminal and SICTL staff has been trained in its use and in evacuation procedures. (xiii) Yes - HSEQ 10.1.3 Emergency Response Plan				
29.3.3	Assessment of Impacts – Operation 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. 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. 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. 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.	SICTL has prepared and implemented the HSEQ5.1.7c Bird Hazard Management Sub-Plan under its OEMP. This document has been uploaded to the SICTL website at: http://www.hutchisonports.com.au/Sydney-Environmental SICTL has adopted the following measures to discourage bird attraction to the terminal: <ul style="list-style-type: none"> • No eating is permitted outside of the buildings; • Use of closed bins to reduce the risk of bird attractant; • Control of littering through signage, induction training • and regular toolbox talks; • The design of rooves and gutters of terminal buildings to deny birds the opportunities to make nests. 	☺			

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
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		SICTL staff are required to report any hazards or the presence of nesting or injured wildlife, including any eggs. An Osprey nest was removed (Plate 4) to prevent its being used in the future by nesting Ospreys.				
29.4.2	<p>Deterrent Action – Operations</p> <p>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 the build-up of birds in the new terminal and public recreation areas. Examples of deterrent systems include:</p> <ul style="list-style-type: none"> • flagging or streamers; • perch spikes; • fishing lines strung across bird landing paths; • distress calls – designed to scare birds away; • cracker shells • strobes or moving spotlights <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>	As above, SICTL staff are required to report any hazards or the presence of nesting or injured wildlife, including any eggs. An Osprey nest was removed (Plate 4) prior to any eggs being laid in the nest to act as a deterrent to future use of the nest.	☺			
30.4.2	<p>Assessment of Impacts – Operation Air Space</p> <p>There would be no fixed or mobile structures in the new terminal that would intrude into the OLS.</p> <p>Light Spill</p> <p>It is anticipated that light spill from the Port Botany Expansion would not adversely impact operations at Sydney Airport due to the following lighting design measures:</p> <ul style="list-style-type: none"> • High masts - 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 • Quay cranes - 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 	Maximum operating height of the SICTL Quay Cranes of 51.055m AHD has been approved by Aviation Environment, Aviation and Airports Division of the Department of Infrastructure and Transport on 04-09-2013. SICTL terminal lighting has been designed and installed to comply with the requirements of the Development Consent (see Development Consent clauses C2.23 and C2.24 above) Quay Cranes are fitted with obstruction lights which operate on a 24/7 basis. The terminal (including the buildings and roads) utilise cut-	☺			

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
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	<p>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 regulations (CAR Regulation 95).</p> <ul style="list-style-type: none"> Buildings and associated areas – buildings and other external areas would be lit with floodlights that have a similar cut off lighting performance to those mounted on high masts. Internal building lighting would be similar to that used at the airport terminal and at the existing port facilities. Therefore, these areas would have a negligible impact on operations at Sydney Airport. Roads – cut off type road lighting and low level lighting elements would be used wherever possible to minimise light spill. 	off lighting that will reduce light spill when there are no operations in that area. Internal lighting of buildings are also programmed for the normal operational hours, and with movement sensors that will turn off the lights				
30.5.2	<p>Mitigation Measures – Light Spill</p> <ul style="list-style-type: none"> 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; ships to be berthed facing a specific direction (e.g. north or south) and to only use floodlights mounted on the bridge. The appropriateness of this option could be tested by CASA through a fly-over of the existing Brotherson Dock; and provide restrictive temporary shielding to any permanent ship mounted floodlights whilst the ship was docked 	Maritime Order 32 Schedule 1 (2) lighting requires adequate lighting during loading or unloading activities. In some cases the ship will be loaded/unloaded at night and require sufficient lighting to undertake the operations. When vessels are not under stevedore operations, the Quay Crane lights (except the beacon lights) will be switched off in order to minimise the light glare or distraction to pilots. Vessels are berthed facing south.	☺			
32.1	<p>Introduction</p> <p>The future operator(s) of the new terminal, with advice from Sydney Ports Corporation, would prepare an ERIMP to manage these potential emergencies 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.</p>	SICTL has developed and implemented the HSEQ 10.1.3 Emergency Response Plan (v3 dated 17-10-2013 was approved in a letter dated 4-11-13 by the NSW Department of Planning and Infrastructure)	☺			
32.2.4	<p>Specific Sub-Plans – Spill Containment and Management</p> <p>The proposed new terminal would be equipped with emergency response equipment typically comprising absorbent materials, absorbent pads to block drainage points and protective equipment consisting of gloves, rubber boots, eye protection etc.</p>	Emergency Spill Kits are situated in key locations around the terminal – i.e., Quay Cranes, landside ASC, waterside ASC, Shuttle Bay, Dangerous Goods containment area, Rail Siding and Maintenance Workshop. Additional	☺			

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			☺	☹	⊖	NA
		bunding is kept in the Maintenance work area – accessible to maintenance and operations staff in an emergency				
33.2.2	<p>Water Usage – Operation</p> <p>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, wash down and irrigation.</p>	SICTL has installed 3 x 30,000L water storage tanks beneath the Operations Building. The stored water will be used to flush toilets/urinals and for plant wash down. See drawing: DW-B-HD-11002[A]	☺			
33.3.2	<p>Wastewater – Operation</p> <p>All trade waste generated during the operation of the new terminal would discharge to the Sydney Water Corporation sewerage system under a Trade Waste Agreement. The Trade Waste Agreement would determine the level of treatment required prior to discharge. All areas where wash down 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 refuelling 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.</p>	<p>SICTL has a Commercial Trade Wastewater Permit (ref No: 37958 dated 17 July 2015).</p> <p>The plant wash-down area in the Maintenance building is bunded and the wastewater is collected in a separate pit with a separator unit for oil/water. A third party contractor is used to pump out the waste and contaminated water from the collection units when required. The refuelling area is also bunded with a separate pit for any spills that occur. The refuelling area is not currently being used by operations, and there have been no spills in this area</p>	☺			
33.5	<p>Water and Wastewater Management</p> <p>The following mitigation measures would be adopted for the proposed Port Botany Expansion:</p> <ul style="list-style-type: none"> 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; clean, treated stormwater would be collected in two 10,000 L water storage 	<p>SICTL has prepared and implemented the HSEQ5.1.7i Water and Wastewater Management Sub-Plan under its OEMP.</p> <p>This document has been uploaded to the SICTL website at: http://www.hutchisonports.com.au/Sydney-Environmental</p> <p>SICTL has installed 3 x 30,000L water storage tanks beneath the Operations Building. The stored water will be used to flush toilets/urinals</p>	☺			

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			☺	☹	⊖	NA
	<p>tanks at the northern end of the new terminal to allow reuse for maintenance, wash down and irrigation;</p> <ul style="list-style-type: none"> 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; monitoring and testing would be undertaken prior to discharge of treated wastewater, to ensure compliance with the site Trade Waste Agreement. 	<p>and for plant wash down. See drawing: DW-B-HD-11002[A]. Dual-flushing toilets and minimal flow shower-heads have been installed. Maintenance of any leaking or dripping taps and pipes is undertaken as soon as it has been identified. Monitoring and testing is in line with SICTL's Commercial Trade Wastewater Permit (ref No: 37958 dated 17 July 2015).</p>				
34.4.2	<p>Waste Management and Disposal – Operational Waste</p> <p>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 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 guideline</p>	<p>SICTL has prepared and implemented the HSEQ5.1.7h Waste Management On-Site Sub-Plan under its OEMP. This document has been uploaded to the SICTL website at: http://www.hutchisonports.com.au/Sydney-Environmental</p> <p>SICTL has implemented a recycling program where bins have been placed in the kitchen and lunchroom areas to separate plastic, glass and aluminium. Paper and cardboard are collected by the cleaners (paper is generally shredded) and placed in the appropriate recycling bin. SICTL use Suez Recycling & Recovery Pty Ltd (SITA) to remove all waste materials.</p>	☺			
34.4.2	<p>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</p>	<p>SICTL has an Environmental Protection Licence for Chemical Storage. Any waste oils are removed by a licensed waste contractor. SICTL use Suez Recycling & Recovery Pty Ltd (SITA) to remove waste materials such as oily rags and waste oils stored in containers. Suez Recycling & Recovery Pty Ltd are licenced under the EPA for Resource Recovery, Waste</p>	☺			

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			☺	☹	⊗	NA
		Processing (non-thermal treatment) and Waste Storage. Waste oil and fluids collected in the plant wash-down area in the Maintenance building are removed by a third party contractor – waste is pumped out from the collection units when required.				
35.3	<p>Operational Phase</p> <p>The estimated annual energy consumption over the operational life of the project is presented in Table 35.2 (summarised below) 2015 Estimated consumption of electricity (MWh) 17,000 Estimated consumption of diesel fuel (litres) 3,656,000</p>	Actual electricity consumption for Sep 2015 to Oct 2016: 7,004,474 MWh. Actual diesel fuel consumption for Sep 2015 to Oct 2016: 318,157. The consumption of electricity is significantly higher than the predicted consumption whereas the diesel fuel consumption is significantly less than predicted			⊗	
35.4	<p>Energy Conservation and Management</p> <p>A key component of achieving energy conservation would be the development of an Energy Management Action Plan. This plan would be included as part of the Construction and Operational EMPs.</p>	SICTL has prepared and implemented the HSEQ5.1.7I Energy Management Sub-Plan under its OEMP	☺			
35.4.2	<p>Operational Phase</p> <p>Design of buildings and terminal layout would aim to achieve the following energy efficiencies:</p> <ul style="list-style-type: none"> • Energy Efficient Design • Energy Efficient Equipment • Energy Efficient Work Scheduling and Practice 	SICTL has installed energy efficient systems in the buildings including motion-sensors in the internal rooms and corridors to turn lights on and off, climate control air-conditioning with sensors in zones on each floor, external walls in the Operations Building are predominately fitted with large glass windows allowing additional light into the building (these glass windows are fitted with blinds and block-out blinds to control heat and light).	☺			

Part 3 - S96 Applications - Predictions & Conclusions Audit Checklist

Section	Predictions / Conclusions	Assessment	Audit Outcome																									
			* See footer for key																									
			☺	☹	⊗	NA																						
S96 Application – November 2006, MOD-149-12-2006-i (B2.9 & B2.22)																												
3.7.4	Minimising deposition of sediment on the shorebird feeding habitat to be retained is therefore important. A sediment deposition criteria of 2cm per year is therefore sufficiently conservative (i.e. of low risk) for benthic organisms likely to be preyed upon by shorebirds.	All works on the reclamation have now ceased and there is no sediment runoff due to presence of sediment basin in unsealed (Phase 3) area. Remaining areas now sealed	☺																									
4.5.5	<p>The results of the noise assessment are summarised in Table 4.1 and demonstrate that the proposed criterion can be readily achieved for the evening period, and with the implementation of a range of mitigation measures can be achieved in the night period.</p> <table border="1"> <caption>Table 4.1: Compliance with Proposed Noise Criterion</caption> <thead> <tr> <th rowspan="2">Scenario</th> <th rowspan="2">Mitigation</th> <th colspan="2">Meets Proposed Criterion under neutral meteorological conditions?¹</th> </tr> <tr> <th>Evening (6pm-10pm)</th> <th>Night (10pm-7am)</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Treated equipment*</td> <td>Yes</td> <td>No (max exceedence of 7 dB(A))</td> </tr> <tr> <td>2</td> <td>Treated equipment*, reduced land based equipment[#]</td> <td>Yes</td> <td>No (max exceedence of 5 dB(A))</td> </tr> <tr> <td>3</td> <td>Treated equipment*, 6m high barrier</td> <td>Yes</td> <td>No (max exceedence of 3 dB(A))</td> </tr> <tr> <td>4</td> <td>Treated equipment*, reduced land based equipment[#], 6m high barrier</td> <td>Yes</td> <td>Yes</td> </tr> </tbody> </table> <p>¹ Neutral meteorological conditions refers to calm wind conditions without a temperature inversion * Treated equipment refers to exhaust silencing and engine encapsulation of the dozers and front end loader to provide attenuation of 5 dB(A). [#] Reduced land based equipment means 1 dozer instead of 2 dozers.</p>	Scenario	Mitigation	Meets Proposed Criterion under neutral meteorological conditions? ¹		Evening (6pm-10pm)	Night (10pm-7am)	1	Treated equipment*	Yes	No (max exceedence of 7 dB(A))	2	Treated equipment*, reduced land based equipment [#]	Yes	No (max exceedence of 5 dB(A))	3	Treated equipment*, 6m high barrier	Yes	No (max exceedence of 3 dB(A))	4	Treated equipment*, reduced land based equipment [#] , 6m high barrier	Yes	Yes	Noise monitoring of SICTLs operations in January and July 2016 indicate compliance with EPL requirements.	☺			
Scenario	Mitigation			Meets Proposed Criterion under neutral meteorological conditions? ¹																								
		Evening (6pm-10pm)	Night (10pm-7am)																									
1	Treated equipment*	Yes	No (max exceedence of 7 dB(A))																									
2	Treated equipment*, reduced land based equipment [#]	Yes	No (max exceedence of 5 dB(A))																									
3	Treated equipment*, 6m high barrier	Yes	No (max exceedence of 3 dB(A))																									
4	Treated equipment*, reduced land based equipment [#] , 6m high barrier	Yes	Yes																									
S96 Application – March 2009, MOD 08-03-2009 (B2.23A) (Rail Corridor)																												
-	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.	Not relevant to SICTL operations.				NA																						

Appendix D. EPBC DSEWPC Approvals – EPBC 2002 / 543 Audit Checklist

Para.	Auditee	Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome			
				* See footer for key			
				C	O	NC	NA
1	NSW PORTS	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	NSW PORTS	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.	NSW PORTS received confirmation from the Department of Environment, Water, Heritage and the Arts (DEWHA – dated 2 July 2007) that this condition has been satisfactorily addressed and was not reassessed at this audit.	C			
3	NSW PORTS	<p>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 plan must address the matters listed below and state the environmental objects, performance criteria, monitoring, reporting, corrective action, responsibility and timing for each of these matters:</p> <ul style="list-style-type: none"> a) A detailed description of habitat enhancement works including methodology and staging of works; b) Habitat management and maintenance measures; c) A habitat monitoring programme; d) Flushing of Penrhyn Estuary; e) Measures to detect and respond to issues identified in the habitat monitoring programme; and f) Reporting requirements that include protocols to inform the Minister of relevant issues, milestones, and the results of surveys and studies. <p>The action must not commence until the plan has been approved. The approved plan must be implemented.</p>	The Penrhyn Estuary Habitat Enhancement Plan was approved prior to commencement of construction. Letter from DEWHA dated 27 March 2009 approved condition 3 under the EPBC Act. This was assessed as compliant at the last five audits for the Port Botany Expansion project. The Penrhyn Estuary enhancement works are completed and were in accordance with the PEHEP. The PEHEP post construction monitoring program commenced in early 2012 with the first year of monitoring completed in March 2013.	C			

4	NSW PORTS	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).	C			
5	NSW PORTS	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 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.	No notifications or requests had been made at the time of the audit.	C			
6	NSW PORTS	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	The PEHEP was reviewed in March 2012 and resubmitted for approval on 29 August 2012 as part of the certification letter referred to in item 8 below. There have been no material changes to the PEHEP in the previous five years necessitating revision of the Plan for further approval by the Minister. The Annual Certification letter submitted under Condition 8 states that "A review to the PEHEP is planned following the completion of construction of the terminal operating infrastructure in the first quarter of 2014..." As completion is now expected at the end of 2014 it is expected that this review will be undertaken in 2015.	C			
7	NSW PORTS	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	Phase 3 of SICTL's Terminal 3 works has not yet been commenced – future action.				NA

		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.				
8	NSW PORTS	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.	NSW Ports' letter dated 4 September 2013 and signed by the CEO and Director provides certification of compliance with the conditions of approval. SICTL has advised that this certification has been issued but letter was not available at time of completing this report		O	
9	NSW PORTS	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 January 2008 and construction commenced in July 2008 which is well within the required timeframe.		C	

Appendix E. DP & I Auditor Approval Letter



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

14/17526

Dear Mr Jerogin

Port Botany Expansion DA-494-11-2003-1 Nomination of Environmental Auditors

I refer to your correspondence dated 22 September 2014 seeking the approval of Mr Steve Fermio and Mr Andrew Smith of Wolfpeak Pty Ltd to undertake annual independent environmental audits for the above project in accordance with Condition No. B4.5 of the approval.

After careful consideration of Mr Fermio's and Mr Smith's curricula vitae, the Department is satisfied that both are duly qualified to carry out independent environmental compliance auditing for this project and their appointment is approved.

Should you have any enquiries about this matter, please contact Mr Nathan Stringer, Infrastructure at the Department, on (02) 9228 6314.



Yours sincerely



Karen Jones 8.12.14
As delegate of the Secretary

Appendix F. Audit Attendee List

PORT BOTANY EXPANSION
HUTCHISON PORTS
ANNUAL INDEPENDENT ENVIRONMENTAL AUDIT
12 OCTOBER 2016

OPENING MEETING – ATTENDEES		
NAME	POSITION & COMPANY	SIGNATURE
J STEVENSON	Risk & Compliance Manager	
CLOSING MEETING – ATTENDEES		
B. Moses	Env Manager HSETC	
J. Stevenson	Risk & Compliance Manager	