# APPENDIX A2

## EIS Obligations and Additional Conditions & Compliance (Agreement for Lease Annexure I, Part 2)

| Desired outcome | Mitigation Measures | Comments or OEMP Reference |
|---|---|---|
| **General** | | |
| **Establish environmental management procedures for the protection of the environment.** | The Operator must ensure all environmental requirements required by the Approval and the Lease are addressed in the Construction and Operational Environment Management Plans (**EMPs**). The Operator must prepare high standard Construction and Operational EMPs as well as high standard procedures, method statements, inspection and test plans, checklists, monitoring systems, actioning systems and associated systems.<br><br>The Construction and Operational EMPs must address the issues listed in Part 3 of this Annexure and include the following requirements:<br><br>• Incident Management & Incident Reporting - NSW Ports must be notified verbally within 2 hours and in writing within 24 hours of any environmental or pollution incidents.<br>• Complaints – NSW Ports must be notified verbally within 2 hours and in writing within 24 hours of receiving a complaint about any environmental issue, including pollution. A written report detailing the complaint and action taken to alleviate or rectify the problem and the timing of such actions is to be provided to NSW Ports.<br>• Records – complete and comprehensive records are to be maintained to demonstrate compliance with the EMP.<br>• Pesticide Use – NSW Ports has a Pesticide Use Notification Plan that is to be complied with together with any other relevant legislation and industry codes of practice in the event that pesticides are used by the Operator.<br>• Reporting – monthly environmental reports are to be provided to NSW Ports during the construction phase. The content of the monthly environmental reports is as per item 6 of Part 3 of this Compliance Schedule. These reports are to be provided by the second Friday of the following month. | Refer to Development Consent Pre-Operational Compliance Report – SICTL for evidence of compliance with the Development Consent.<br><br>Refer to Sec 3.5 – 3.10 for the incident management & reporting and Complaint Management.<br><br>The application of pesticides will generally be undertaken by licensed contractors. SICTL will manages these contractors to ensure their work complies with the regulations set by the EPA and is managed in accordance with the EPA's Pesticide Control Orders including any notification or training requirements.<br><br>Environmental reporting during Construction phase is not applicable as this document is for the terminal operations. |

| Desired outcome | Mitigation Measures | Comments or OEMP Reference |
|---|---|---|
| **Hydrology and Water Quality** | | |
| **Minimise impacts on water quality to protect natural ecosystems.** | Prepare and implement a Stormwater Management Plan for operations and incorporate into the Operational EMP. Management measures would include:<br>• a first flush system to capture and treat sediment and contaminants from surface water runoff; and<br>• treatment of surface water runoff from potential pollutant areas by a wastewater treatment system. Discharge of the first flush pollutants to sewer. | Refer to **Stormwater Management Plan** (section 7.5 of the OEMP) |
| | Treated first flush stormwater is not to be discharged into Penrhyn Estuary or the flushing channel.<br>Any stormwater discharged into the Estuary must not create erosion of the estuarine / saltmarsh / sand flat habitats. | Refer to **Stormwater Management Plan** (section 7.5 of the OEMP) |
| | Monitor water quality from the on-site stormwater management system in accordance with the NSW EPA requirements and the *Approved Methods for the Sampling and Analysis of Water Pollutants in New South Wales* (EPA 1998). | Refer to **Stormwater Management Plan** (section 7.5 of the OEMP) |
| | Inspect the various stormwater devices including, the first flush system at the new terminal, and stormwater management devices along Penrhyn Road, monthly or as recommended by the supplier. | Refer to **Stormwater Management Plan** (section 7.5 of the OEMP) |
| **Manage risk of water quality impacts from spills.** | Ensure construction activities are conducted in a manner that minimises the potential for spills or leaks, including the regular inspection and maintenance of plant and equipment, providing bunding or similar spill containment structures for onsite fuel and oil storage. Contain and clean up any spills or leaks as quickly as possible. | NA |
| | Control and manage spills at the new terminal through the first flush system, stormwater lines and by spill response procedures. | Refer to **Stormwater Management Plan** (section 7.5 of the OEMP) and **Dangerous Goods Management Plan** (section 7.6 of the OEMP) |
| | Ensure onsite diesel storage facilities are protected with spill containment structures and warning systems. | Refer to **Dangerous Goods Management Plan** (section 7.6 of the OEMP) |

| Desired outcome | Mitigation Measures | Comments or OEMP Reference |
|---|---|---|
| **Terrestrial Ecology** | | |
| **Enhance shorebird habitat at Penrhyn Estuary and minimise disturbance to shorebirds.** | Operations are to minimise disturbances (including noise, movement around the terminal and flight path barriers) to shorebirds in Penrhyn Estuary. | Refer to **Shorebird Management Plan in OEMP** (section 7.9 of the OEMP) |
| | Impacts of construction activities and operations on shorebirds using Penrhyn Estuary are to be monitored routinely and measures taken to address any potential adverse impacts. Monitoring and response measures are to be incorporated into the Construction and Operation Environmental Management Plans. | Refer to **Shorebird Management Plan in OEMP** (section 7.9 of the OEMP) |
| | Screen moving lights such as vehicle headlights so that they do not shine into Penrhyn Estuary, including from vehicles entering, exiting and moving around the terminal. This may be achieved through the use of solid barriers and/or vegetation, subject to advice from an avian ecologist and approval by NSW Ports. | Refer to **Shorebird Management Plan in OEMP** (section 7.9 of the OEMP) |
| | Avoid use of high mast lighting immediately adjacent to shorebird habitat.<br>Terminal lighting must not spill into Penrhyn Estuary or the flushing channel. | Refer to **Shorebird Management Plan in OEMP** (section 7.9 of the OEMP) |
| | The use of whistles / horns by trains on the rail line south of Botany Road is not permitted, to prevent disturbances to shorebirds in Penrhyn Estuary. | The unnecessary use of whistles or horns by trains on the SICTL rail siding is not permitted, to prevent disturbances to shorebirds in Penrhyn Estuary and local residents. Under the requirements for safe work, the use of train horns (where necessary) will prevail..<br>Refer to **Noise Management Plan** (section 7.3 of the OEMP) |
| | There is to be a buffer between Penrhyn Estuary and any terminal operations of at least 20m. Road access/egress is permitted within the 20m buffer zone. | Refer to **Shorebird Management Plan in OEMP** (section 7.9 of the OEMP) |
| | Prepare a shorebird management plan for the protection of shorebirds in Penrhyn Estuary | Refer to **Shorebird Management Plan in OEMP** (section 7.9 of the OEMP) |

| Desired outcome | Mitigation Measures | Comments or OEMP Reference |
|---|---|---|
| **Minimise "boxing in effect" of shorebirds.** | Ensure structures such as buildings and container stacks are set back from the edge of the new terminal where it adjoins Penrhyn Estuary.<br>Terminal buildings are to be a maximum of 3 storeys and located at the north-western corner of the new terminal to be less of a flyway barrier to shorebirds than if located closer to the Estuary.<br>Container stacks are to be set back at least 100m from the edge of the Estuary. | Refer to **Shorebird Management Plan in OEMP** (section 7.9 of the OEMP) |
| **Control of feral animals.** | Prepare a Feral Animal Management Plan (FAMP) as part of the Construction and Operational EMP for the Port Botany Expansion. The FAMP would address fencing and the management of garbage and the need for further management actions. | Refer to **Feral Animal Management Plan** (section 7.10 of the OEMP) |
| **Traffic and Transportation** | | |
| **Minimise traffic impacts.** | Increase truck utilisation by improving port turnaround time, promoting backloading, and encouraging the use of high productivity vehicles such as B-Doubles. | Refer to **Operational Traffic Management Plan** in OEMP. |
| | Spread container traffic evenly throughout the proposed 24-hour operating period. | Refer to **Operational Traffic Management Plan** (section 7.4 of the OEMP) |
| | Operate road and rail servicing evenly over the 7-day week. | Refer to **Operational Traffic Management Plan** (section 7.4 of the OEMP) |
| | Check that trucks arriving at the site before it opens are parked in designated holding areas and not on adjacent streets. | Refer to **Operational Traffic Management Plan** (section 7.4 of the OEMP) |
| | All truck marshalling/queuing is to occur within the Premises and must not extend outside the Premises. | Refer to **Operational Traffic Management Plan** (section 7.4 of the OEMP) |
| **Minimise disruption to existing rail services.** | Schedule rail construction work around rail operations as necessary to avoid disruption to existing port operations. | NA |
| **Reporting** | Provide to NSW Ports annually, the proportion of cargo transported to/from Port Botany by road and rail and the hourly and daily truck trips to Port Botany. | Refer to section 3.5 on OEMP |

| Desired outcome | Mitigation Measures | Comments or OEMP Reference |
|---|---|---|
| **Air Quality** | | |
| **Air Quality Management Plan** | Prepare an Air Quality Management Plan as part of the Operational EMP to minimise air emissions into the atmosphere and odour impacts. | Refer to **Air Quality Management Plan** (section 7.1 of the OEMP) |
| **Noise** | | |
| **General** | Any recommendations made by the Rail Noise Working Group in relation to the design, construction and operation of the Terminal must be implemented as far as practical. | Refer to **Noise Management Plan** (section 7.3 of the OEMP) |
| **Minimise noise impacts.** | Erect a 4 m high noise barrier along the northern and eastern boundaries of the new terminal. The upper 2 m of the barrier would be constructed from a translucent material with a printed design to minimise "enclosure" of the Estuary but prevent birds from flying into it. The bottom 2m of the noise wall is to be solid to prevent penetration of light.<br>The design of the noise barrier is to be undertaken with the advice of an avian ecologist and must be approved by NSW Ports. | Refer to **Noise Management Plan** (section 7.3 of the OEMP) |
| | Conduct training to ensure construction workers are aware of noise issues and act to minimise noise where possible. | NA |
| | Consider noise emissions during selection of machinery for terminal operations. | Refer to **Noise Management Plan** (section 7.3 of the OEMP) |
| | Turn off audible safety alarms on terminal equipment, where possible and safe, between 10.00 pm and 6.00 am and replace with visual alarms. | Refer to **Noise Management Plan** (section 7.3 of the OEMP) |
| | Conduct operator awareness and training to reduce noise associated with cargo handling. | Refer to **Noise Management Plan** (section 7.3 of the OEMP) |
| **Visual Impact Assessment** | | |
| **Minimise visual impact.** | The urban and landscape design is to comply with the requirements of the NSW Ports Visual Amenity Management Plan (VAMP) (refer Section 4 of the VAMP) and the NSW Ports Exempt & Complying Development Guidelines for Port Botany (dated December 2005 or as amended, augmented or replaced by NSW Ports) | This condition is satisfied through the design of the terminal. |
| | Container stacking height - Containers are to be stacked no more than six high (18 m) and would typically be three high (9 m). | Containers in the automated stacking area is stacked no more than five high. |

| Desired outcome | Mitigation Measures | Comments or OEMP Reference |
|---|---|---|
| | Terminal Lighting – Lighting is to be focused on the terminal and designed to minimise light spill. | Refer to **Aviation Operational Impacts Management Plan** (section 7.2 of the OEMP) |
| | Materials and colours – Select materials and colours for the terminal deck, administration buildings, cranes and other vertically prominent equipment to minimise contrast and reflectivity. | This condition is satisfied through the design of the terminal. |
| | Planting palettes, signage and fencing are to comply with the requirements of the NSW Ports Exempt & Complying Development Guidelines for Port Botany (dated December 2005 or as amended, augmented or replaced by NSW Ports). | This condition is satisfied through the design of the terminal. |
| | The Operator is to identify areas of the site to be landscaped, including car park areas and buffer zones. | This condition is satisfied through the design of the terminal. |
| **Preliminary Hazard Analysis** | | |
| **Reduce hazards and risks to people and the environment.** | Handle containers carrying dangerous goods in accordance with the NSW Dangerous Goods (General) Regulations 1999 and Australian Standard 3846 (1998): *The Handling and Transport of Dangerous Goods in Port Areas* and monitor compliance. | The Dangerous Goods (General) Regulations 1999 (NSW) has been superseded by the Work Health and Safety Regulation 2011 (NSW).<br>Refer to **Dangerous Goods Management Plan** (section 7.6 of the OEMP) |
| | Develop an Occupational Health and Safety Plan to address the handling and transport of dangerous goods during the operation of the new terminal and monitor compliance. | Refer to **Dangerous Goods Management Plan** (section 7.6 of the OEMP) |
| | Implement a notification system for the arrival or delivery of dangerous goods. | Refer to **Dangerous Goods Management Plan** (section 7.6 of the OEMP) |
| | Apply restrictions on the time dangerous goods are allowed to be held within the port. | This condition is satisfied through SICTL's mandatory compliance with the Port Authority of NSW Dangerous Goods Management Guidelines.<br>Refer to **Dangerous Goods Management Plan** (section 7.6 of the OEMP) |

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|---|---|---|
| | Separate various classes of dangerous goods by safe distances on the berth. | This condition is satisfied through SICTL's mandatory compliance with the Port Authority of NSW Dangerous Goods Management Guidelines.<br>Refer to **Dangerous Goods Management Plan** (section 7.6 of the OEMP) |
| | Minimise risk of dropped containers through appropriate container handling equipment. | Refer to **Dangerous Goods Management Plan** (section 7.6 of the OEMP) |
| | Employ suitable container loading/unloading, handling and stacking systems to minimise double handling and attendant risk of damaging containers. | Refer to **Dangerous Goods Management Plan** (section 7.6 of the OEMP) |
| | Ensure the facility is fitted with adequate yard signage and warning systems for mobile equipment. | This condition is satisfied through the design of the terminal. |
| **Reporting** | Provide annual reports to NSW Ports on dangerous goods throughput including for each Class: tonnages, numbers of TEUs and package sizes. | Refer to section 3.5 of OEMP |
| **Bird Hazard** | | |
| **Minimise attraction of birds species which may pose a risk to aircraft.** | Develop a Bird Hazard Management Plan that considers:<br>• measures to minimise the attraction of birds, especially high risk species such as Silver Gulls, Australian Pelicans and Australian White Ibises including:<br>  • prevention of persistent ponding of water<br>  • selection of lighting to minimise insect attraction<br>  • minimising bird roosting sites e.g., rooves of buildings.<br>• use of deterrents to prevent the build-up of birds;<br>• exclusion of activities that attract birds in certain areas;<br>• measures to minimise disturbance of birds at Penrhyn Estuary;<br>• education about bird hazards; and<br>• monitoring. | Refer to **Aviation Operational Impacts Management Plan** (section 7.2 of the OEMP) |

| Desired outcome | Mitigation Measures | Comments or OEMP Reference |
|---|---|---|
| | Ensure construction areas are drained properly and any depressions retaining freshwater after rainfall are filled and levelled, where possible. Ensure any permanent pools of water have netting over the top. | NA |
| | Implement strict litter control in all areas including the use of adequate litter bins, signage and enforcement to ensure that food items or fish remains are not left at the site to attract birds. Litter bins are to be designed to be bird and vermin proof and be emptied on a regular basis. | Refer to **Aviation Operational Impacts Management Plan** (section 7.2 of the OEMP) |
| | Prevent the build-up of birds in the new terminal through use of appropriate deterrent methods. | Refer to **Aviation Operational Impacts Management Plan** (section 7.2 of the OEMP) |
| | Monitor all areas of the terminal weekly, including after nightfall, to determine whether birds are attracted to the site to roost. Immediate bird deterrent action is to be implemented if roosting of birds are observed onsite. | Refer to **Aviation Operational Impacts Management Plan** (section 7.2 of the OEMP) |
| **Education of the public about bird hazard.** | Erect signs in at the new terminal to educate people about the problems associated with feeding birds close to the airport as well as ecological issues relating to bird health. | Refer to **Aviation Operational Impacts Management Plan** (section 7.2 of the OEMP) |
| | Erect signs to encourage people to place litter in the bins provided or take litter home for disposal. | Refer to **Aviation Operational Impacts Management Plan** (section 7.2 of the OEMP) |
| **Emergency and Incident Management** | | |
| **Effective spill containment and management.** | Equip the new terminal 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. | Refer to **Dangerous Goods Management Plan** (section 7.6 in the OEMP) |
| | Contain oil spills through the new terminals' first flush system and by means of penstocks installed at the ends of stormwater lines. Following containment, the spill would be disposed of in an appropriate manner. | Refer to Refer to **Stormwater Management** (section 7.5 of the OEMP) and **Dangerous Goods Management Plans** (section 7.6 of the OEMP) |

| Desired outcome | Mitigation Measures | Comments or OEMP Reference |
|---|---|---|
| **Water and Wastewater** | | |
| **Establish management plan to conserve and manage water resources.** | Prepare and implement a Water and Wastewater Resource Management Plan. This plan would include water minimisation strategies as well as monitoring and testing schedules for wastewater as required. The Plan is to be consistent with and reflect the requirements and principles of the Green Port Guidelines. | Refer to **Water & Wastewater Management** Plan (section 7.8 of the OEMP) |
| **Reduce and/or reuse water.** | Collect treated stormwater in water storage tanks to allow reuse for maintenance, washdown and irrigation purposes. | Refer to **Water & Wastewater Management** Plan (section 7.8 of the OEMP) |
| | Install dual flushing toilets, minimal flow shower heads and regular maintenance to identify leaking or dripping taps and pipes. | Refer to **Water & Wastewater Management** Plan (section 7.8 of the OEMP) |
| **Comply with wastewater disposal requirements and guidelines.** | Empty portable toilet facilities on a regular basis by an appropriately licensed waste management contractor. | NA |
| | Discharge all sewerage and wastewater (trade waste) to the Sydney Water Corporation sewage system in accordance with a Trade Waste Agreement with Sydney Water Corporation. | Refer to **Water & Wastewater Management** Plan (section 7.8 of the OEMP) |
| **Waste** | | |
| **Establish management plan for waste.** | Develop and implement a Waste Management Plan for the construction and operational phase 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 is to be consistent with and reflect the requirements and principles of the Green Port Guidelines. | Refer to **Waste Management Plan** (section 7.7 of the OEMP) |
| **Implement resource management hierarchy – avoid, recover, dispose of waste.** | Minimise construction waste that requires disposal by accurately calculating materials brought to the site and limiting materials packaging. | NA |
| | Return excess construction materials which are suitable for reuse to the supplier or store for future use. | NA |
| | Store construction wastes which are not suitable for reuse, but are able to be recycled, in dedicated and secure skips prior to recycling. | NA |

| Desired outcome | Mitigation Measures | Comments or OEMP Reference |
|---|---|---|
| | Store, in separate skips, construction wastes which cannot be recycled. The skips would be collected by a licensed waste contractor on a regular basis and transported for disposal to a licensed landfill or recycling facility. | NA |
| | Provide recycling facilities to maximise recycling of waste materials such as plastic and glass bottles/containers, aluminium cans and paper/cardboard. Separate bins are to be provided for food waste. All domestic waste is to be collected on a regular basis and transported off site for disposal to a licensed landfill or recycling facility. | Refer to **Waste Management Plan** (section 7.7 of the OEMP) |
| | Recycle scrap metal, used parts, components and machinery where practicable. | Refer to **Waste Management Plan** (section 7.7 of the OEMP) |
| **Comply with waste disposal requirements and guidelines.** | Waste oils and fluids from maintenance activities would be collected and stored and would either be reused on site or removed by a licensed waste contractor. | Refer to **Waste Management Plan** (section 7.7 of the OEMP) |
| | Dispose quarantine waste in accordance with the requirements of NSW Ports, EPA and AQIS. | Refer to **Waste Management Plan** (section 7.7 of the OEMP) |
| | Inspect waste receptacles to ensure that they are not being overfilled and are being collected on a regular basis. | Refer to **Waste Management Plan** (section 7.7 of the OEMP) |
| | Inspect the construction site to evaluate the effectiveness of waste storage and collection practices. | NA |
| | Inspect any portable toilet facilities to ensure they are being emptied on a regular basis. | NA |
| | Monitor waste recycling and disposal procedures to ensure they are being complied with. | Refer to **Waste Management Plan** (section 7.7 of the OEMP) |
| | Collect waste receptacles on a regular basis. | Refer to **Waste Management Plan** (section 7.7 of the OEMP) |
| | Inspect sites to evaluate the effectiveness of waste storage and collection practices. | Refer to **Waste Management Plan** (section 7.7 of the OEMP) |

| Desired outcome | Mitigation Measures | Comments or OEMP Reference |
|---|---|---|
| **Energy** | | |
| **Energy conservation.** | Develop an Energy Management Action Plan consistent with the energy conservation measures for commercial and industrial buildings as outlined in the City of Botany Bay Energy Efficiency Development Control Plan, July 2000. The Plan is to be consistent with and reflect the requirements and principles of the Green Port Guidelines. | Refer to **Energy Management Plan** (section 7.11 of the OEMP) |
| | Design energy efficient buildings and a terminal layout/facility that aims to achieve:<br>• reduction of heating, cooling and lighting loads;<br>• employing renewable energy sources; specifying efficient heating, ventilation air conditioning and lighting systems;<br>• optimising building performance and system control strategies;<br>• considering the reduction of heating and cooling requirements in design, location and building materials;<br>• designing and configuring lighting for energy efficiency in office and industrial buildings;<br>• maximising the use of solar power for signage, navigation aids and pedestrian lighting;<br>• designing buildings to make best use of natural light and shade; and<br>• designing roads and railway lines on the site to reduce transportation distances. | This condition is satisfied through the design of the terminal buildings.<br>Refer to **Energy Management Plan** (section 7.11 of the OEMP) |
| | Use of energy efficient equipment. This would include:<br>• where able, fitting energy intensive equipment with energy saving devices such as power factor regulators, harmonic filters, voltage regulators, and drive controls;<br>• using energy efficient electrical appliances;<br>• installing lighting control devices where appropriate and linking to photo electric dimming; and | This condition is satisfied through the selection of the terminal equipment.<br>Refer to **Energy Management Plan** (section 7.11 of the OEMP) |

| Desired outcome | Mitigation Measures | Comments or OEMP Reference |
|---|---|---|
| | • providing sufficient energy metering and switching for energy management. | |
| | Conserve energy through efficiency in work schedules and practice. This would include:<br>• use of modern container yard management systems for the efficient stacking and retrieval of containers and to minimise ship waiting times;<br>• road and rail transport scheduling to minimise energy use and wastage;<br>• promoting the increase in rail mode share of container freight movement;<br>• setting energy use and reduction targets for site operations;<br>• switching off truck engines while these are waiting to access the site and while these are waiting to be loaded and unloaded;<br>• switch off site office equipment and lights and use optimum lighting intensity for security and safety purposes;<br>• Minimise equipment idle time and double handling of material;<br>• throttling down and switching off idle equipment;<br>• regular maintenance of all powered equipment to ensure optimum fuel consumption rates;<br>• use energy efficient equipment where practical;<br>• communication and education of energy conservation measures to port users and employees; and<br>• monitoring energy conservation performance. | This condition is satisfied through the design of the terminal layout, systems, and selection of equipment, implementation of this OEMP and induction and toolbox talk training of personnel.<br>Refer to **Energy Management Plan** (section 7.11 of the OEMP) |