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Our ref: 11/10812-8

Dear Mr Jerogin

Subject: Port Botany Expansion (DA-494-11-2003-i) Follow-up to Annual Independent Construction Environmental Audit (Condition B4.5)

I refer to your letter dated 21 January 2013 and the attached *Addendum 1 Close out of Grindley Constructions Issues of Concern* prepared in response to the Department's letter dated 23 November 2013.

The Department has reviewed the addendum and the revised Annual Independent Audit Report (August/September 2013) and considers that the issues of concern and opportunities for improvement have been adequately addressed. The Department requires NSW Ports to continue to put in place actions to address subcontractor management for all contractors on site to ensure compliance with the relevant Construction Environmental Management Plans and conditions of development consent.

The Department expects that the next audit will cover a 12 month period and that the 6th Annual Independent Construction Environmental Audit would be received around November 2014.

If you have any queries, please do not hesitate to contact Ingrid Ilias on the above contact details.

Yours sincerely

Karen Jones 10.2.14
Director, Infrastructure Projects
as the Director-General's nominee

ADDENDUM 1 – Close out of Grindley Constructions Issues of Concern

This addendum has been prepared to provide information on the follow up of the outstanding Issues of Concern (IOCs) raised during the Independent Environmental Audit in relation to Grindley Constructions.

A review of evidence submitted electronically was undertaken, and the following table provides the details of action taken and evidence sighted to close out the Issues of Concern.

Table 1

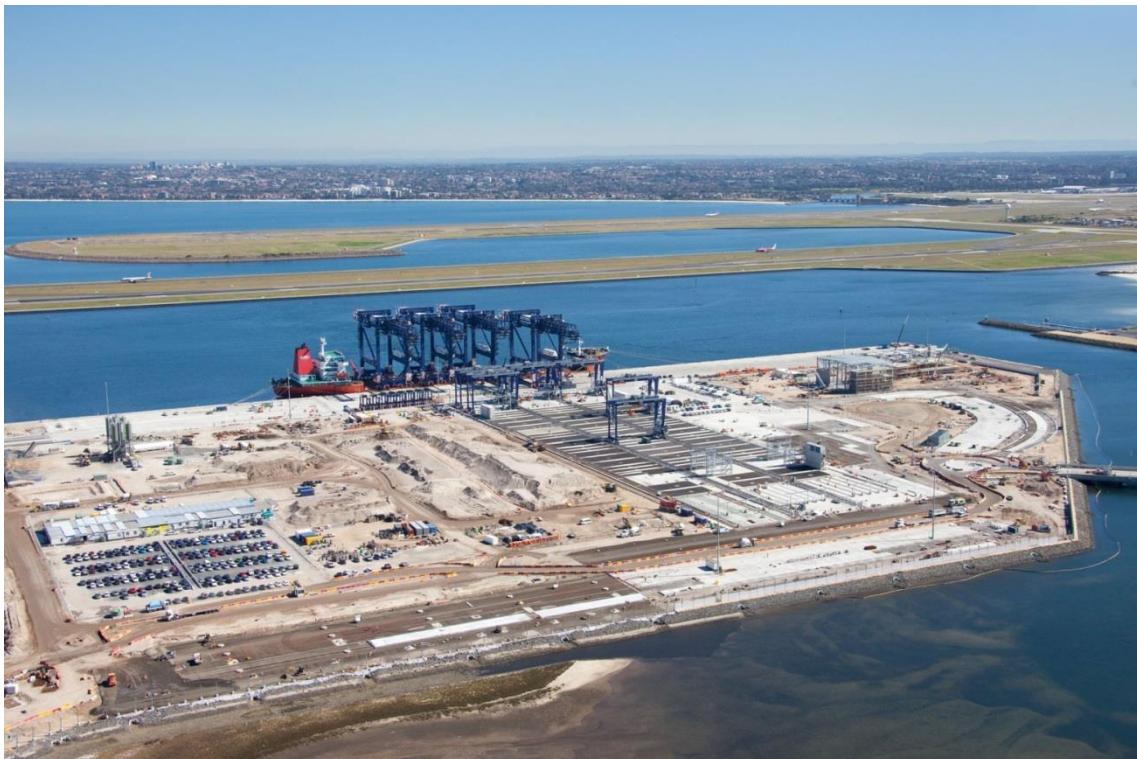
Type* & No.	MCoA Ref	Responsible entity	Finding	Updated Status
MCoA IOC 1	B2.41	Grindley	<p>Letter from DP&I regarding the approval of the Grindley Construction Safety Study being subject to being updated to recognise that there would be a clear separation of the Grindley and Laing O'Rourke works and requirement put in place to ensure where there are any overlapping of works, safety measures would be consistent across the two areas.</p> <p><i>Initial Action taken: The Current Plan has not been updated to reflect this requirement</i></p> <p><i>Further Action Taken: The Site Specific Safety Management Plan (Ver 05 dated 5/12/13) has been revised to address the safety measures in relation to the overlapping of works between Grindley and Laing O'Rourke works.</i></p>	Closed
MCoA IOC 6	B4.4	Grindley	<p>The Grindley site Induction checklist is insufficient to demonstrate that a training program is in place as no specific training material was available on site. The induction material also does not address noise. It was unclear whether the site OHS/environment officer had received any appropriate environmental training.</p> <p><i>Action: The ER is preparing induction material suitable for Grindley staff and subcontractors, however at the time of this report, it had not yet been implemented.</i></p> <p><i>Further Action taken: The ER has finalised the induction material and the process is now implemented.</i></p> <p><i>Supplementary training material was sighted</i></p>	Closed

Summary of Findings – Table 6

Type* & No.	Finding	Updated Status
GC-IOC 2	<p>There was evidence of paint wash water on the ground in vicinity of painting job (see photos). It was noted during the inspection next day that the white water / stained ground had been cleaned up. Staff and contractors need to be advised that washing paint brushes directly onto the ground is unacceptable practice.</p> <p><i>Initial Action Taken: Grindley response advised that they would investigate and reiterate the wash-out procedure, however no evidence has been provided.</i></p> <p>Further Action taken: A toolbox talk by GC dated 5/12/2013 "Paint Washout Procedure and Disposal" provided evidence of communicating these requirements.</p>	Closed
GC-IOC 3	<p>Personnel on site were not clear on disposal requirements for drums that contained dangerous goods (hazardous waste) Need to provide guidelines on appropriate disposal of drums</p> <p><i>Initial Action Taken: Response from Grindley was that Section 2.2 of the Waste Management Plan is to be updated to include disposal of hazardous material and that this was actioned on 12/09/13. CEMP available as at 4 Nov (August 2013) had not been updated.</i></p> <p>Further Action taken: Section 2.2 of the Waste Management Plan within revised CEMP Rev 6.1 dated 5/12/2013 now includes the statement that hazardous liquids and their containers must be disposed of in accordance with the relevant legislative requirements for that product.</p>	Closed
GC-IOC 4	<p>Site inspections do not include sub-contractor compliance to environmental requirements. Generally, housekeeping standards at the subcontractor controlled facilities were not adequate. Grindley need to more pro-actively manage subcontractors work facilities.</p> <p><i>Initial Action Taken: Grindley response stated that inspection checklists are to include subcontractor compound area monitoring. Site revisit and further evidence would be required to verify full implementation</i></p> <p>Further Action taken: The Environmental Officer Weekly checklist has been revised to include an inspection of the subcontractor storage areas and hazmat storage. Inspection dated 29/22/2013 was provided as evidence (issues requiring action identified).</p>	Closed
GC-IOC 5	<p>Subcontractors are not required to provide documentation that indicates the required environmental controls. SWMS provided by subcontractors only provide WHS/OHS assessment and controls.</p> <p><i>Initial Action Taken: Grindley response notes the recommendation to consider inclusion of environmental controls in future SWMS. This does not address current issues, therefore remains open.</i></p> <p>Further Action taken: Whilst SWMS with environmental hazards have still not been obtained from subcontractors evidence of some action to address this finding has been provided in an email dated 27/11/2013 to 9 subcontractors requiring them to undertake toolbox talks regarding hazards and controls. To date, one subcontractor has provided a copy of a toolbox talk as evidence, and one other has provided an Environmental Management Plan.</p>	Closed
GC-IOC 6	<p>SWMS from subcontractors relating to painting had not been obtained (due to start painting soon) and no SWMS was available for Grindley staff undertaking painting tasks (minor touch-up painting undertaken by electricians)</p> <p><i>Initial Action Taken: Grindley response was that SWMS from Vogue Painting Services and SWMS for Grindley minor painting tasks have now been obtained. Evidence not provided.</i></p> <p>Further Action taken: A SWMS has been provided as evidence from InVogue Finishes Painting subcontractor – it adequately addresses paint clean up requirements.</p>	Closed

Type* & No.	Finding	Updated Status
GC-IOC 7	<p>Painting and the associated potential environmental impacts (management and disposal of wash water, waste solvents, paint tins, other wastes generated) are not identified in the aspects register or in sub-contractor documentation.</p> <p><i>Initial Action taken: Grindley response is to include disposal / washout procedure in painting section of the Aspects Register. CEMP available as at 4 Nov had not been updated</i></p> <p>Further Action taken: The aspects register in the updated CEMP Rev 6.1 dated 5/12/2013 now includes appropriate disposal / washout requirements.</p>	Closed
GC-IOC 9	<p>Exemptions for recycled aggregate- Grindley were not aware of the need to ensure that all recycled material meet the requirements of the “Recycled Aggregate Exemption” (EPA requirement). Documentation from the suppliers should confirm that their product meets the exemption requirements.</p> <p><i>Initial Action taken: Grindley response is to request documentation from subcontractor/suppliers. No evidence provided.</i></p> <p>Further Action taken: John Bova Plumbing have provided a letter from Dial-A-Dump stating compliance of their recycled products to the Recovered Aggregates Exemption 2010.</p>	Closed
GC-IOC 10	<p>The Grindley CEMP is not clear on the circumstances in which spills (eg - magnitude) should be reported internally and to client (major spills only addressed - minor spills not mentioned, and none have been reported to date)</p> <p><i>Initial Action taken: Grindley response is that CEMP is to be amended. CEMP available as at 4 Nov had not been updated.</i></p> <p>Further Action taken: The revised CEMP Rev 6.1 dated 5/12/2013 now includes references to minor and major spills in Section 4.4.1 and 4.1 (p 31)</p>	Closed
GC-IOC 11	<p>Records management could be improved. There were missing records of SWMS and toolbox talks for out of hours work</p> <p><i>Initial Action taken: - Not possible to verify without further site visit.</i></p> <p>Further Action taken: An internal Grindley Corrective Action Request (CAR) was raised on 5/12/2013 in relation to misplacement of OOH documents. In response, the corrective action is to create an Out of Hours works folder, and an electronic OOH works folder has also been set up. This response addresses improvement in OOH records, and this finding is therefore being closed, however Grindley need to ensure that ALL records relating to compliance with environmental requirements are adequately maintained.</p>	Closed
GC-IOC 12	<p>Legal and Other Requirements Register (form 814 – not in CEMP). Legislation listed in Appendix D (Aspects and Impacts Register) only references Acts, but not Regulations.</p> <p><i>Initial Action taken: Grindley response is to consider inclusion of regulations in future CEMP revisions. CEMP available as at 4 Nov had not been updated</i></p> <p>Further Action taken: The POEO (General) Regulation 2009 has been added to the register.</p>	Closed

INDEPENDENT ENVIRONMENTAL AUDIT



Sydney Port Botany Terminal 3 Project

As required under Condition B4.5 of the Ministers Conditions of Approval

August / September 2013

Dickson Environmental Consulting and Audit Pty Ltd
Conducted by Julie Dickson
M Env Mgmt, CEnvP,

RABQSA Certified Lead Environmental Auditor
Certificate No 13573

Signed

A handwritten signature in blue ink that reads "Julie Dickson".

Date: 12/12/2013

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LIST OF APPENDICES

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Appendix 2 – Development Application, EIS, additional information, Commission of Inquiry (CoI) and S96 Application and predictions Audit Checklist

Appendix 3 – EPBC/DEWHA/SEWPAC Federal Approval Conditions Audit Checklist

Appendix 4 - DOP Letter – Port Botany Expansion – Approval of Auditor (condition B4.5)

Appendix 5 - ADDENDUM 1 – Follow up and close-out of Grindley Constructions Issues of Concern

Document History Table

Document Version	Revision and comments	Date
0	Final issue – for submission to Client and DP&I	04/11/2013
1	Re-issued – for resubmission to Client and DP&I. Follow up and close out of Issues of Concern – Grindley Constructions – Addition of Appendix 5 - Addendum 1.	12/12/2013

1 EXECUTIVE SUMMARY

Under the Minister's Conditions of Approval (MCoA), a full independent environmental audit of the Sydney Port Botany Terminal 3 (SPBT3) is required to be undertaken by a suitably qualified person/team approved by the Director-General in accordance with Condition B4.5 of the Ministers Conditions of Approval (MCoA). Audits are required within one year of commencement of construction of the Sydney Port Botany Terminal 3 (SPBT3) and every year after.

Construction of the SPBT3 Project commenced in September 2012 and this is the first Independent Environmental Audit of this project. The SPBT3 Project is part of the Port Botany Expansion (PBE) project, and as such is subject to the MCoA. Audits under the MCoA have been previously conducted including 3 audits of the PBE Project in 2009, 2010 and 2011 and two audits of the associated Grade Separation Works (GSW) in 2011 and 2012.

The on-site component of the audit was conducted over 4 days – 29, 30 August and 3 and 4 September 2013.

The purpose and scope of this audit was to:

- Assess the degree of compliance with the Ministers Conditions of Approval, and other licences/approvals (One relevant approval – EPBC 2002/543) as set out in part (b) of Condition B4.5 as relevant to the SPBT3.
- Assess the construction against the predictions made and conclusions drawn in the development application, Environmental Impact Statement (EIS), additional information and Commission of Inquiry material as set out in part (c) of Condition B4.5.
- Review the effectiveness of environmental management as set out in part (d) of Condition B4.5 and provide opportunities for continued improvement in environmental performance.

Compliance to Ministers Conditions of Approval

There were no non-compliances with the MCoA identified during this audit however six (6) Issues of Concern and three (3) Opportunities for Improvement were raised in relation to the MCoA. Refer to Section 3.1 – Audit Findings MCoA and Appendix 1 for details

Assessment against the predictions made and conclusions drawn in the EIS

The assessment against the predictions made and conclusions drawn in the EIS and other associated documentation once again found that the ***predictions and conclusions are largely realised*** in the construction outcomes to date. The assessment found that there were ***generally positive outcomes when compared with the predictions and conclusions***. However, one (1) issue of concern has been raised as a result of observations made during the site inspections in relation to one of the predictions. Refer to Section 3.2 – Audit Findings and Appendix 2 for details

Federal EPBC Approval

One non-compliance was raised in relation to the EPBC Approval conditions. Condition 8 of the Approval required that by First of July each year after the date of this approval or as otherwise agreed by the minister, written certification of compliance with the approval must be provided. The written certification was provided on 4th September 2013, which is just over 2 months overdue. Refer to Section 3.3 - Audit findings and Appendix 3 for full details

Effectiveness of Environmental Management

Overall assessment - SICTL

Some of the findings of the audit were not specifically related to a single contractor, but to the Project overall. One Opportunity for improvement was raised overall. Refer to Section 3.4.1 and Table 4 for details of the findings.

No. of Issues of Concern: **0**

No. of Opportunities for Improvement: **1**

Laing O'Rourke

A high level of effectiveness and implementation of environmental impact mitigation works and initiatives documented in the Construction Environmental Management Plans (CEMP) and sub-plans.

No. of Issues of Concern: **3**

No. of Opportunities for Improvement: **7**

Refer to Section 3.4.2 and Table 5 for details of the findings.

Grindley Constructions

Overall, Grindley Construction management and staff demonstrated satisfactory levels of implementation of environmental strategies and controls on the Project.

*No. of Issues of Concern: **12***

*No. of Opportunities for Improvement: **1***

Refer to Section 3.4.3 and Table 6 for details of the findings.

Kone Cranes

Overall, the environmental performance of Kone Cranes was satisfactory. It was noted that the activities of Kone Cranes have relatively minor potential for environmental harm except for the storage of hazardous substances and waste management on site.

*No. of Issues of Concern: **4***

*No. of Opportunities for Improvement: **3***

Refer to Section 3.4.4 Table 7 for details of the findings

Inver

Overall, the environmental performance of Inver was satisfactory. It was noted that the activities of Inver have relatively minor potential for environmental harm except for the storage of hazardous substances (paints and thinners) and waste management (particularly litter) on site

*No. of Issues of Concern: **1***

*No. of Opportunities for Improvement: **2***

Refer to Section 3.4.5 Table 8 for details of the findings

Fujitsu

Overall, the environmental performance of Fujitsu was satisfactory. It was noted that the activities of Inver have relatively minor potential for environmental harm. The major environmental issues relevant to Fujitsu are management of waste (packaging, small glue containers).

*No. of Issues of Concern: **0***

*No. of Opportunities for Improvement: **0***

Refer to section 3.4.6 for details of the findings.

2 INTRODUCTION

2.1 *The Project*

The SPBT3 Project involves the creation of a new container terminal by Sydney International Container Terminals (SICTL). The SPBT3 Project is located within the City of Botany Bay, 12 kilometres south of the Sydney CBD. The Project site is adjacent to the existing Patricks Terminal at Port Botany. The site is bounded by the existing terminal, Penrhyn Road, Foreshore Road, Sydney Airport and Botany Bay. The new terminal will be approximately 1,200 metres by 400 metres south of the previous port expansion, covering an area of 46 hectares.

Sydney International Container Terminals (SICTL) Limited took ownership of 45 hectares of the site and awarded several contracts to construction contractors for the civil works, building works, and other associated infrastructure works. Construction commenced in September 2012.

The main civil construction works contact was awarded to Laing O'Rourke, and the building works contract was awarded to Grindley Constructions. Both of these contractors were undertaking works on the site at the time of the audit and each work to their own Construction CEMPs. Associated infrastructure works was being undertaken by several contractors, and they are working under the SICTL Framework CEMP.

The scope of works for this project includes:

Civil Construction:

- ◆ Ground improvement, regrading and earthworks as needed to adjust final levels for the site which has been previously filled and consolidated. Excavation will be required to provide trenches for services and utilities.
- ◆ Construction of the Terminal includes internal roads, heavy duty rigid and flexible port pavements, rail siding works, crane footings, high mast and bollards lighting, (including foundations), traffic signage and road markings, fencing, noise walls, landscaping, services, conduits and drainage
- ◆ Construction of the container stacking yard including piling, container stacking beams, rail beams and rails, reefer access gantries, container tunnels, lane identification gates and entrance/exit area gates, fencing and all associated services and drainage
- ◆ Kerbs and footpaths around buildings, (including those on the maintenance building approach slab)
- ◆ Construction of rail sidings elements, (by an Independent Transport Safety Regulator accredited Contractor) including main line turnouts, earthworks, track, sleepers, ballast, buffer stops, track crossings and siding footpath
- ◆ Construction and installation of foundations, facilities and services for the operation, maintenance and manoeuvring of automated stacking cranes (ASC), reach stackers and other container handling equipment as required for the terminal operations
- ◆ Quay crane and ASC crane rails, fixings, stow pins and buffer stops
- ◆ Site wide electrical conduits and pits for HV, LV and communications cabling distribution
- ◆ Connection into existing facilities, roads, rail and services, which shall include works outside the site
- ◆ Temporary access road for various contractors

- ◆ Supply and Installation of electrical distribution equipment and cabling including connection to the main substation and building equipment (by other contractors)
- ◆ Sydney Water main and all associated works in compliance with Sydney Water standards
- ◆ All drainage infrastructure including, gated drain, inlet pits, SQIDS, headwalls and rock lined channels in the Estuary
- ◆ Fuel station
- ◆ Reefer access gantries, container tunnels, reefer and seaside substations, lane identification gates and entrance/exit area gates
- ◆ Reefer and seaside substations including the building structures and building services
- ◆ Site clearance including removal of construction waste and construction material.

Power Cable supply and installation, Construction and Commission 11kV Main substation

- ◆ Construction of a substation bench
- ◆ Construction of an 11 kV Main substation, cable trenches and electrical conduits
- ◆ Installation of 11 kV equipment, supply and installation of power cables, connection works and commissioning of the Main Substation.

Building Construction

- ◆ Construction of:
 - 3 Storey Operations Building;
 - Maintenance Building; incorporating a high bay maintenance shed & 3 levels for amenities, office space & services;
 - single storey security gate house & AQIS building;
 - single storey drivers amenity building;
 - single story rail depot building

Cranes and Other associated infrastructure

- ◆ Supply and installation & Commissioning of Automated Stacking Cranes (ASC) Cranes
- ◆ Supply and installation of Quay Cranes (QC) Cranes
- ◆ Supply and installation and commissioning of Information, communication and Technology infrastructure

Figure 1 – Project Location



2.2 Approval Requirements

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

Planning approval for the Port Botany Expansion Project was granted by the Minister for Planning pursuant to section 80 (4) and (5) of the *Environmental Planning and Assessment Act 1979*. Stage 1 was approved on 13 October 2005 and Stage 2 was approved on 22 August 2006 subject to a number of Minister's Conditions of Approval (MCoA).

MCoA Condition B4.5 - Environmental Auditing requires that:

"Within one year of the commencement of construction and every year thereafter for the duration of construction a full independent environmental audit shall be undertaken by a suitably qualified person/team approved by the Director-General. Audits would be made publicly available and would:

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

Construction of the Sydney Port Botany Terminal 3 commenced on 12 September 2012 and this audit was conducted on site on 26-30 August 2013 in accordance with the principles of ISO 19011 (supersedes ISO 14010 and ISO 14011).

The audit was conducted by Julie Dickson, a RABQSA certified lead environmental auditor, approved by the Department of Planning and Infrastructure (DP&I). The letter approving the auditor is in Appendix 4 of this report.

2.3 Purpose

The purpose of this audit was to undertake the required assessment and review of compliance, EIS predictions and the effectiveness of environmental management and mitigation works as required under MCoA B4.5 a) to d).

2.4 Scope

The scope of this audit included a detailed assessment of the relevant Ministers Conditions of Approval, (including modifications 1- 15) the Commonwealth EPBC Approval 2002/543.

Note: there are no Environmental Protection Licences on the SPBT3 project (previously required under the MCoA for the Port Botany Expansion project). Any conditions relating to dredging operations are not part of the scope of this audit, and conditions not relevant to the scope have been deleted from the MCoA checklist (Appendix 1).

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

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

Note: Predictions relating to the impact of dredging are not relevant to the SPBT3 projects and as such these have been deleted from the EIA/COI S96 Predictions Checklist (Appendix 2)

The review of effectiveness of environmental management primarily involved site visits to the various contractors and subcontractors work sites, observation of activities, interviews with their management and supervisors and review of site documentation and records. Actual practice on site was reviewed both in terms of good environmental practice and the commitments made in the respective Construction Environmental Management Plans (CEMPs), sub-plans and Impact Mitigation Plans.

The site field visit component of the audit included a visit to all major construction areas / activities of the site as described in Section 2.1 – The Project - scope of works section of this report.

2.5 Methodology

For this SPBT3 audit the checklists used for the first Port Botany Expansion audit in 2009 were reviewed and then adapted to match the scope of this project. The checklists have been used as the primary basis for conducting the audit against parts b) and c) of condition B4.5. The completed checklists are included as Appendices 1 to 3 of this report.

The MCoA include conditions that are individually managed either by SICTL, NSW Ports, Sydney Ports Corporation, Laing O'Rourke, Grindley Constructions or collectively by the various organisations. In addition, other contractors working under the SICTL Framework CEMP (Fujitsu, Kone Cranes and Inver) and contractors who had already completed their packages of work (Downer Australia) also had compliance responsibilities under the MCoA. The audit checklists identify the appropriate organisations responsible for compliance to the conditions / requirements.

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

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

2.6 Glossary of Terms in relation to findings

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

3 AUDIT FINDINGS

3.1 MCoA Compliance

Overall, the audit found that there was a high level of compliance to the Ministers Conditions of Approval. No non-compliances were identified at the audit however a number of Issues of Concern and Opportunities were raised in relation to the MCoA. Refer to Table 1 below and Appendix 1 for detailed findings.

Table 1

Type* & No.	MCoA Ref	Responsible entity	Finding	Status
MCoA OFI 1	B1.3	Laing O'Rourke SICTL	The Legal and Other requirements registers for SICTL and Laing O'Rourke refer to the Dangerous Goods Act 1975 and Rivers and Foreshores Improvement Act 1948 – these have been repealed. Update of the legal register in the CEMP is required <i>Action taken: Register updated</i>	Closed
MCoA OFI 2	B2.20	SICTL	The SICTL Construction Noise Management Plan does not specifically require internal audits / inspection of plant except as a reactive action to complaint or incident <i>Action taken: No further action required. The majority of plant is managed by Laing O'Rourke and other subcontractors managing plant have now left the site.</i>	Closed
MCoA OFI 3	B2.33	SICTL	The SICTL Waste Management Plan does not include any monitoring requirements for waste. Section 11 of the CEMP – Monitoring and Measurement includes monitoring for air, water noise and vibration etc, but not waste <i>Action taken: A new section 6.1 has been added to the WMP – Monitoring and auditing of waste measures</i>	Closed
MCoA OFI 4	B2.33	Laing O'Rourke	This condition requires that the type and quantities of waste generated are identified. The Laing O'Rourke Waste Management Plan does not estimate quantities. <i>Action taken: Laing O'Rourke has provided detailed accounts of waste generated. At this stage of the development it is considered that adjustment of the CEMP would not be worthwhile</i>	Closed
MCoA IOC 1	B2.41	Grindley	Letter from DP&I regarding the approval of the Grindley Construction Safety Study being subject to being updated to recognise that there would be a clear separation of the Grindley and Laing O'Rourke works and requirement put in place to ensure where there are any overlapping of works, safety measures would be consistent across the two areas. <i>Action taken: The Current Plan has not been updated to reflect this requirement</i>	Open <i>Refer Addendum #1 for closure details</i>
MCoA IOC 2	B2.43	Laing O'Rourke	Approval letter from DP&I noted that approval was subject to the procedures in 13.4, 13.13 and 13.14 referring to the Environmental Representative also being contacted in relation to the incident. Review of document provided at the audit found (hard copy) that these sections have not been revised to include the ER being contacted in an emergency. <i>Action taken: This was revised following the audit</i>	Closed

Type* & No.	MCoA Ref	Responsible entity	Finding	Status
MCoA IOC 3	B2.43	SICTL	<p>The Condition States: “<i>a single set of emergency procedures, consistent with the existing Port Botany Emergency Plan, should be developed that can be scaled as appropriate for any incident or emergency</i>” There are several Emergency Response Plans relating to various contractors’ scopes of work, however there was no clear single set of procedures which provide an umbrella document covering the whole project. It is not clear which Emergency Response Plan takes precedence and who is responsible for overall / principal response or who would be responsible for EPA Notification.</p> <p><i>Action taken: A SPBT Project Emergency Response – Incident Escalation Coordination Procedure has been developed by SICTL to provide guidance to all contractors on site in the event of an emergency</i></p>	Closed
MCoA IOC 4	B3.1	Sydney Ports / NSW Ports	Complaints reports were only submitted on a 6 monthly basis for the period 15 April – 15 October 2012 (a quarterly report followed this), with no quarterly report for period April – July 2013 to date. The MCoA requires reports to be provided quarterly.	Open
MCoA IOC 5	B4.2	NSW Ports	<p>The Annual Environmental Management Report for the period June 2011 to November 2012 covers an 18 month period – the MCoA requires a reporting period of 12 months. The letter of Approval by DP&I notes this discrepancy and notes that “subsequent reports should therefore be submitted in a timely manner”.</p> <p>The next AEMR is scheduled to be submitted in Nov 2013 following the submission of this audit report.</p>	Closed
MCoA IOC 6	B4.4	Grindley	<p>The Grindley site Induction checklist is insufficient to demonstrate that a training program is in place as no specific training material was available on site. The induction material also does not address noise. It was unclear whether the site OHS/environment officer had received any appropriate environmental training.</p> <p><i>Action: The ER is preparing induction material suitable for Grindley staff and subcontractors, however at the time of this report, it had not yet been implemented.</i></p>	Open <small>Refer Addendum #1 for closure details</small>

3.2 Assessment against EIS, DA, & COI predictions

Overall, the assessment found that the predictions and conclusions relevant to the SPBT3 project are largely realised in the construction outcomes, generally with positive outcomes when compared with the predictions/conclusions. However, one issue of concern has been raised as a result of observations made during the site inspections. Refer to Table 2 below.

Table 2

Type* & No.	EIS Ref	Finding	Status
EIS IOC1 😊	29.3.2	<p>Whilst there was no evidence of birds being attracted to the construction site during the site inspection, it was noted that several bins containing food waste were not covered. No specific training or procedures are in place to ensure that food waste bins are covered at all times. Recommend that this requirement is highlighted to contractors operating on the site.</p> <p><i>Action taken – photo evidence has been sighted to indicate that actions are being undertaken to provide lids on all bins on site</i></p>	Closed

The assessment did not identify any instances where the construction outcomes are “😊 Not as predicted - negative outcomes”.

Detailed findings are included in the checklist in Appendix 2 of this report.

3.3 Federal Project Approval under the EPBC Act 2002/543

A review against the EPBC 2002/543 conditions found most conditions had been complied with, however one non-compliance was raised in relation Condition 8 on the timing of the submission written compliance certification. Key outcomes / findings of the audit are provided below:

- Most of the conditions under the federal approval are also required in the Ministers Conditions of Approval.
- Condition 8 of the Approval required that by first of July each year after the date of the approval or as otherwise agreed by the minister, written certification of compliance with the approval must be provided. The written certification was provided on 4th September 2013, which is just over 2 months overdue.

Detailed findings are included in the checklist in Appendix 3 of this report.

Table 3

Type* & No.	Condition Ref	Finding	Status
EPBC NC1	8	Non-Compliance: Condition 8 of the Approval required that by first of July each year after the date of the approval or as otherwise agreed by the minister, written certification of compliance with the approval must be provided. The written certification was provided on 4 th September 2013, which is just over 2 months overdue	For reference only. Certification has been provided

3.4 Assessment of Effectiveness of Environmental Management

The assessment of effectiveness of environmental management primarily involved site visits to the worksites of the various contractors and subcontractors undertaking work on the Project.

Each contractor / subcontractor was assessed separately. The outcomes of the site inspections and review of documents and records are presented separately in the following sections. Photos are also provided showing both negative and positive issues identified during the audit.

3.4.1 Sydney International Container Terminals Ltd (SICTL - overall)

Some of the findings of the audit were not specifically related to a single contractor, but to the Project overall, and therefore it is the responsibility of SICTL to coordinate solutions. The Table below provides a summary of findings relating to SICTL responsibilities in managing the smaller subcontractors engaged on the project.

Executive overview of performance

Key Strengths

- The project has a number of principle contractors working on the site and there would be significant potential for overlap / neglect of key environmental requirements without well-coordinated project management. The audit found that the interfaces between the contractors are generally well identified and managed, however some areas requiring attention have been identified (see below – key weaknesses)
- Installation of stormwater management controls for operational phase. Installation of first flush systems including Stormwater Quality Improvement Devices (SQIDS) and retention systems should ensure high level of control over potential spills during operation.

Key Weaknesses

The area of Emergency Response needs to be coordinated from a central point (SICTL). This is addressed in the MCoA findings (Condition B2.43). Refer to Table 1)

Summary of Findings – Table 4

Type* & No.	Finding	Status
SIC OFI 1	<p>For smaller contractors, consideration should be given to providing a coordinated approach to induction and training. There would be benefits to providing environmental induction packages for the smaller contractors (or even provide resources to present the environmental material to a high standard)</p> <p><i>Action taken: The ER is developing / developed a short environmental induction presentation that will be distributed to the smaller contractors. The supplementary induction material was sighted.</i></p>	Closed

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

3.4.2 Laing O'Rourke

Executive overview of performance

Overall, Laing O'Rourke management and staff demonstrated excellent levels of commitment to the implementation of effective environmental strategies and controls on the Project. The systems in place are pro-active and aim to prevent or minimise any environmental harm, and the monitoring programs in place meet and exceed the requirements set out in the MCoA. The Environmental Manager should be congratulated on his thorough, systematic approach to managing environmental issues across the project.

Key Strengths

- Pro-active detailed reporting and investigation of minor incidents to prevent recurrence
- Laing O'Rourke is primarily responsible for monitoring on the project. The monitoring undertaken is thorough and meets and exceeds MCoA requirements
- Comprehensive environmental induction material and good programs to deliver this and other training to staff and subcontractors
- Generally good management of the storage and handling of hazardous substances and dangerous goods
- Waste management processes were good, with separation of recyclables, provision of appropriate bins and skips and good record keeping of wastes generated.
- Effective dust management strategies in place (dust is one of the most challenging issues to control on the site)
- Generally good management of subcontractors – Safe Work Method Statements with environmental components are required from subcontractors, and recent changes to the process now require sign-off by the Environmental Manager prior to acceptance.
- Installation of additional erosion control rock stabilisation structures at outlets to the estuary

Key Weaknesses

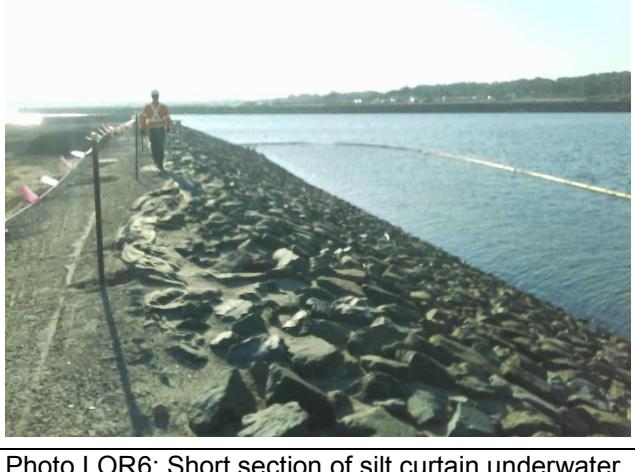
Whilst overall, compliance to environmental management was noted as high, some Issues of Concern and Observations have been raised which require corrective action. The majority of the issues identified relate to subcontractor performance, and as such, Laing O'Rourke need to improve some aspects of subcontractor management.

Summary of Findings – Table 5

Type* & No.	Finding	Status
LOR-IOC 1	<p>Subcontractor (concreting) - Liscon – Storage of chemicals The covered storage area for concrete additives and wastes in Intermediate Bulk Containers (IBCs) was of inadequate capacity at the time of the audit site inspection. One of the bunded pallets with IBC containing waste product was stored outside and was full of water. Also, three of the IBCs contain wastes – the containers should be labelled, and the areas within the covered waste storage area should also be labelled.</p> <p><i>Action: This was partially addressed during the audit. Further signage and improved storage was implemented following the audit – photos sighted.</i></p>	Closed
LOR-OFI 1	<p>Subcontractor - CG Civil – storage of waste wash water Open buckets of wash water (not within secondary containment) were observed at the subcontractor sheds</p> <p><i>Action taken: This was addressed immediately (buckets moved) during the audit. Subsequent actions have been taken to provide secondary containment since the audit (photos sighted).</i></p>	Closed
LOR-OFI 2	<p>Subcontractor - CG Civil – incorrect spill kit CG Civil uses water based paint and wash-up. Spill kits are suitable for hydrocarbon spills only. These should be replaced by universal kits.</p> <p><i>Action taken: Laing O'Rourke has provided universal spill kits to be kept with the GC crew at all times.</i></p>	Closed
LOR IOC 2	<p>Batch Plant area - Boral: Open skip bin in Boral batch plant area with food waste and loose paper was observed. This is an issue for litter and could potentially attract birds and vermin. Bins containing any loose or food / putrescible waste should have a lid.</p> <p><i>This was addressed on the day of the audit</i></p>	Closed
LOR-IOC 3	<p>Section of silt curtain under water – Laing O'Rourke A section of silt curtain was observed to be underwater and needs repair (underwater at high tide)</p> <p><i>Action Taken: This was addressed subsequent to the audit – temporary floats attached and permanent foam float in curtain stitching was fixed.</i></p>	Closed
LOR IOC 4	<p>The site inspection identified that there are remnants of Bitou Bush near the grade separation area with no specific plans to remove it under the contractor's scope of works. Given that Bitou Bush is a weed of national significance, is listed as "noxious" in all coastal districts and that significant effort was given in earlier stages of the project to eradicate it, it should be removed from the site (see photo for location). Appropriate disposal of the weeds needs to be considered.</p> <p><i>Action: Laing O'Rourke has been assigned the responsibility to remove the Bitou Bush. The Bitou Bush has now been removed (photo sighted)</i></p>	Closed
LOR-OFI 3	<p>Recommend the Laing O'Rourke request training records from Caltex (refuelling contractor) for due diligence purposes</p> <p><i>Action: training records obtained and forwarded following audit</i></p>	Closed
LOR-OFI 4	<p>Some SWMS reviewed did not have sufficient environmental aspects and controls identified. There was no sign-off of some SWMS Reviews by Enviro Manager (Process has changed – most are now being reviewed by EM) Eg. Caltex</p> <p><i>Action: SWMS for Caltex signed off environmental controls included – section on environmental controls</i></p>	Closed
LOR-OFI 5	<p>Noise management should be more prominent in induction material (as this is a specific MCoA requirement)</p> <p><i>Action: Noise management is now more prominent in the induction material and toolbox talk on Noise and Vibration was presented to the entire workforce</i></p>	Closed
LOR-OFI 6	<p>Document Control information (dates reviewed, revision history) not on the sub-plans. This was addressed subsequent to the audit</p>	Closed
LOR-OFI 7	<p>Traffic Management plan not on website. This was addressed subsequent to the audit. Now on Website</p>	Closed

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

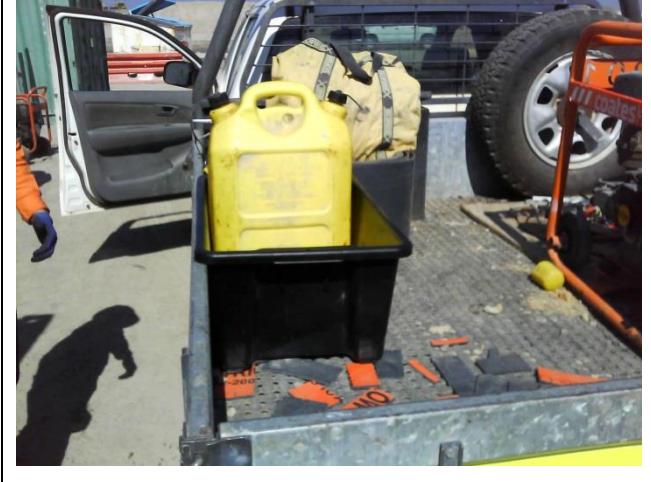
Photographs - Laing O'Rourke

	
<p>Photo: LOR1: Liscon IBC concrete additive and waste storage. One IBC outside covered area, no relevant labelling on waste IBCs</p>	<p>Photo LOR 2: Bunded pallet full of water (no capacity for spillage)</p>
	
<p>Photo LOR3: CG Civil storage area – open bucket with waste was stored here (moved prior to photo taken). Housekeeping could be improved here.</p>	<p>Photo LOR4 – CG Civil. Incorrect type of spill kit for type of substances used (paints used are water based, not hydrocarbon)</p>
	
<p>Photo LOR5: Boral Batch Plant area – Food waste and other loose waste in skip bin.</p>	<p>Photo LOR6: Short section of silt curtain underwater (top RHS of curtain). Needed repair</p>

Photographs - Laing O'Rourke

	
<p>Photo LOR7: Installation of Stormwater devices</p>	<p>Photo LOR8: Installation of SQID. Groundwater is pumped out into tanks and discharged to the bay only after water quality is checked.</p>
	
<p>Photo LOR9 – Rock lined channel under construction – discharge of stormwater. Saltmarsh removed was planted elsewhere.</p>	<p>Photo LOR10 – Protected drain (thick geofabric) – interim measure until SQIDs fully operational</p>
	
<p>Photo LOR 11: View of roosting Island and saltmarsh plantings. Revetment wall extended to address erosion issues.</p>	<p>Photo LOR12: Works adjacent to the upper estuary</p>

Photographs - Laing O'Rourke

	
<p>Photo LOR13 – Boral batch plant – concrete washout area. Concrete washout generally well managed across the site.</p>	<p>Photo LOR14 – Appropriate bundled storage of concrete additives at the Boral Batch Plant</p>
	
<p>Photo LOR15 – Minor quantities (500ml – 200 litre) of chemicals and fuels were generally stored and handled appropriate across the site (some minor exceptions with subcontractors)</p>	<p>Photo LOR16 – Plastic tubs for transporting and storing minor quantities of fuel on site. Subcontractors required to comply. Spill kits carried on board</p>
	
<p>Photo LOR 19 – Fuels on site are stored within double skinned storage tanks. Bowser kept locked. (this container about to be moved)</p>	<p>Photo LOR18 Spill kits provided across the site wherever chemicals and fuels are stored</p>

Photographs - Laing O'Rourke

	
Photo LOR19 – Waste separated into well marked general and recycling bins	Photo LO20 – Foundations and early phase of installation of noise wall
	
Photo LOR21 Installation of noise wall	Photo LOR21 – Completed section of noise wall
	
Photo LOR22 Bitou Bush remnants. Bitou bush is classified as a weed of National Significance. All remnants should be removed from the project site	Photo LOR23 Bitou Bush now cleared from the area. (refer to photo LOR22)

3.4.3 Grindley Constructions

Executive overview of performance

Overall, Grindley Construction management and staff demonstrated satisfactory levels of implementation of environmental strategies and controls on the Project. No areas of non-compliance were identified, however a number of Issues of Concern and Observations have been raised that will require corrective action. The CEMP prepared by the company provides a framework for the implementation of environmental requirements on the project, and these are generally implemented in line with documented requirements.

Key Strengths

- Generally good waste management for general waste and recyclables - sorted off site by Waste contractor – concrete and metal wastes separated on site
- Dust management (use of water cart) appeared to be well implemented
- Housekeeping in areas controlled by Grindley generally acceptable

Key Weaknesses

The most significant weakness of the Grindley Constructions performance was in the area of subcontractor management. The CEMP and management system does not adequately ensure that all subcontractors undertaking work on their behalf comply with all the environmental requirements of the project. In particular, Subcontractors SWMS or other documentation are not reviewed or checked to ensure they contain adequate environmental protection requirements. Inspections of subcontractor work areas and monitoring of their environmental performance was also not undertaken. The audit site inspection undertaken found generally unacceptable housekeeping standards in subcontractor managed areas.

Other weaknesses noted included insufficient knowledge and training around environmental issues for both subcontractors and staff members. Induction material consisted on a combined WHS / Environmental checklist only and didn't include some key issues such as noise management. Records management could also be improved (some key records relating to night works had been lost or misplaced). The systems in place for addressing corrective actions are not transparent.

UPDATE 9th Dec 2013: Since the issue of the first audit report, a desktop follow up has been conducted to review evidence of actions taken to address the issues that had an "Open" status. The table below indicates those findings that were open and have now been subsequently closed. Refer to Addendum 1 in Appendix 5 of this report for information on actions taken to address the Issues of Concern.

Summary of Findings – Table 6

Type* & No.	Finding	Status
GC-IOC 1	Hazardous substances shed-no secondary containment for some substances- stacked containers of class 3 – empty. Shed is not purpose built for hazardous substances and is in poor condition (rusting, holes whereby rain could enter). If shed is to be used, secondary containment needs to be provided for all stored substances <i>Action taken: Modifications have been made to the shed to waterproof and include secondary containment. Verified by ER and photos sighted.</i>	Closed
GC-IOC 2	There was evidence of paint wash water on the ground in vicinity of painting job (see photos). It was noted during the inspection next day that the white water / stained ground had been cleaned up. Staff and contractors need to be advised that washing paint brushes directly onto the ground is unacceptable practice. <i>Action Taken: Grindley response advised that they would investigate and reiterate the wash-out procedure, however no evidence has been provided.</i>	Closed Dec 2013 <i>Refer Addendum #1 for closure details</i>

Type* & No.	Finding	Status
GC-IOC 3	<p>Personnel on site were not clear on disposal requirements for drums that contained dangerous goods (hazardous waste) Need to provide guidelines on appropriate disposal of drums</p> <p><i>Action Taken: Response from Grindley was that Section 2.2 of the Waste Management Plan is to be updated to include disposal of hazardous material and that this was actioned on 12/09/13. CEMP available as at 4 Nov (August 2013) had not been updated.</i></p>	Closed Dec 2013 Refer Addendum #1 for closure details
GC-IOC 4	<p>Site inspections do not include sub-contractor compliance to environmental requirements. Generally, housekeeping standards at the subcontractor controlled facilities were not adequate. Grindley need to more pro-actively manage subcontractors work facilities.</p> <p><i>Action taken: Grindley response stated that inspection checklists are to include subcontractor compound area monitoring. Site revisit and further evidence would be required to verify full implementation</i></p>	Closed Dec 2013 Refer Addendum #1 for closure details
GC-IOC 5	<p>Subcontractors are not required to provide documentation that indicates the required environmental controls. SWMS provided by subcontractors only provide WHS/OHS assessment and controls.</p> <p><i>Action Taken: Grindley response notes the recommendation to consider inclusion of environmental controls in future SWMS. This does not address current issues, therefore remains open.</i></p>	Closed Dec 2013 Refer Addendum #1 for closure details
GC-IOC 6	<p>SWMS from subcontractors relating to painting had not been obtained (due to start painting soon) and no SWMS was available for Grindley staff undertaking painting tasks (minor touch-up painting undertaken by electricians)</p> <p><i>Action Taken: Grindley response was that SWMS from Vogue Painting Services and SWMS for Grindley minor painting tasks have now been obtained. Evidence not provided.</i></p>	Closed Dec 2013 Refer Addendum #1 for closure details
GC-IOC 7	<p>Painting and the associated potential environmental impacts (management and disposal of wash water, waste solvents, paint tins, other wastes generated) are not identified in the aspects register or in sub-contractor documentation.</p> <p><i>Action taken: Grindley response is to include disposal / washout procedure in painting section of the Aspects Register. CEMP available as at 4 Nov had not been updated</i></p>	Closed Dec 2013 Refer Addendum #1 for closure details
GC-IOC 8	<p>Corrective action system for addressing issues identified in ER audits not well documented (limited transparency of process)</p> <p><i>Action taken: ER reports an improvement through monthly reporting processes.</i></p>	Closed
GC-IOC 9	<p>Exemptions for recycled aggregate- Grindley were not aware of the need to ensure that all recycled material meet the requirements of the “Recycled Aggregate Exemption” (EPA requirement). Documentation from the suppliers should confirm that their product meets the exemption requirements.</p> <p><i>Action taken: Grindley response is to request documentation from subcontractor/suppliers. No evidence provided.</i></p>	Closed Dec 2013 Refer Addendum #1 for closure details
GC-IOC 10	<p>The Grindley CEMP is not clear on the circumstances in which spills (eg - magnitude) should be reported internally and to client (major spills only addressed - minor spills not mentioned, and none have been reported to date)</p> <p><i>Action taken: Grindley response is that CEMP is to be amended. CEMP available as at 4 Nov had not been updated.</i></p>	Closed Dec 2013 Refer Addendum #1 for closure details
GC-IOC 11	<p>Records management could be improved. There were missing records of SWMS and toolbox talks for out of hours work</p> <p><i>Action taken: - Not possible to verify without further site visit.</i></p>	Closed Dec 2013 Refer Addendum #1 for closure details
GC-OI 1	<p>Section 2.8 of CNMP states training will be provided in noise and vibration (as required by the MCoA) however noise is not listed as an item for discussion on the induction checklist (also see above).</p> <p><i>Action Taken: ER verifies that noise and vibration is now included in Grindley inductions</i></p>	Closed

Type* & No.	Finding	Status
GC-IOC 12	<p>Legal and Other Requirements Register (form 814 – not in CEMP). Legislation listed in Appendix D (Aspects and Impacts Register) only references Acts, but not Regulations.</p> <p>Action taken: Grindley response is to consider inclusion of regulations in future CEMP revisions. <i>CEMP available as at 4 Nov had not been updated</i></p>	<p>Closed Dec 2013</p> <p><i>Refer Addendum #1 for closure details</i></p>

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

Photographs – Grindley Constructions

	
<p>Photo GC1: Hazardous storage container – in poor condition with rust holes and no built in secondary containment</p>	<p>Photo GC2: Inside the storage cabinet. Whilst some fuels and chemicals are within tubs, some (including highly flammable thinners) are not</p>
	
<p>Photo GC3: White coloured water in vicinity of tap. Painting with white paint was being conducted by Grindley employees nearby.</p>	<p>Photo GC4: Evidence of clean-up of the paint water the next day</p>
	
<p>Photo GC5: Containers of chemicals ready for use stored in building under construction. Appropriate MSDSs not available and personnel unsure of disposal requirements for container (DGs)</p>	<p>Photo GC6 Water cart used for dust suppression</p>

Photographs – Grindley Constructions



Photo GC7: Separation of metal waste



Photo GC8: Separation of concrete waste



Photo GC9: mixed waste – to be separated at contractor premises



Photo GC10: General waste – to be separated at contractor premises

3.4.4 Kone Cranes

Kone Cranes formally operate under SICTL framework CEMP, however also have their own Health Safety and Environment Management Plan. On the day of the audit, the Compliance Manager was unavailable, so it was difficult to ascertain full level of compliance. However, the Site Manager was interviewed and a site inspection was undertaken.

Executive overview of performance

Overall, the environmental performance of Kone Cranes was satisfactory. It was noted that the activities of Kone Cranes have relatively minor potential for environmental harm except for the storage of hazardous substances and waste management on site.

Key Strengths

- Hazardous substances containers meet environmental and safety requirements, and generally stored appropriately except for examples in findings in table 6 below.

Key Weaknesses

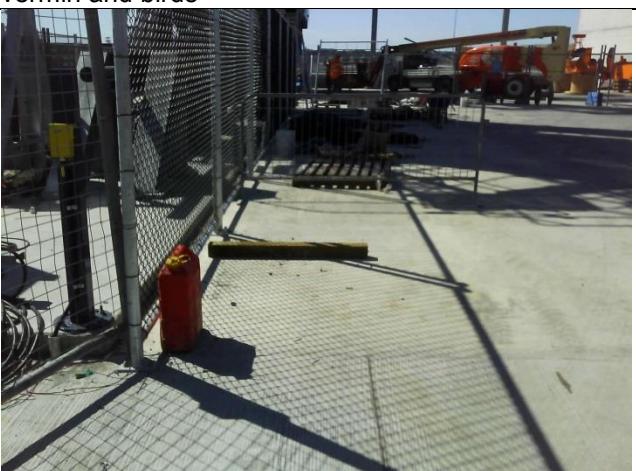
As noted above, the environmental risks from Kone Cranes activities are relatively minor compared with other contractors on site. The management of fuels and hazardous substances and general housekeeping are the key weaknesses identified.

Summary of Findings – Table 7

Type* & No.	Finding	Status
KC-OFI 1	Two unlabelled containers were observed in the hazardous substances container (with residue of product – may be diesel) <i>Fixed</i>	Closed
KC-OFI 2	Container of petrol left on the dock without secondary containment (see photo) <i>Fixed on day of audit</i>	Closed
KC-IOC 1	Waste bins with food waste and loose material stored outside did not have lids on them (could attract vermin and birds and allow litter to enter Botany Bay). <i>Lids have now been provided</i>	Closed
KC-IOC 2	The induction material does not include Noise and Vibration management. Whilst there is a Powerpoint slide with Noise and Vibration as a topic, the controls listed relate to air quality and dust management. <i>SICTL are preparing induction material for use by the smaller contractors. Kone have also provided induction material which contains relevant environmental topics</i>	Closed
KC-IOC 3	The Health Safety and Environment Management Plan SER-DO 015 dated 08/05/13 addresses environmental issues in minimal depth (Section 30 - with 3 lines of text, not relating to MCoA). The company should consider using and referencing the relevant sections of the SICTL CEMP or extract relevant sections and insert into own Plan. <i>Changes were made to the induction presentation and reference is made to the SICTL CEMP to include points with reference to Noise management, fauna and dust control</i>	Closed
KC-IOC 4	There was evidence of minor spills and leaks into a stormwater drain. <i>Spills cleaned up as verified by ER, downstream controls are in place.</i>	Closed
KC-OFI 3	Issues were identified in relation to management of MSDSs including: <ul style="list-style-type: none"> • No MSDS for petrol, Diesel MSDS was out of date (> 5 years old) • The MSDS folder does not include a listing of chemicals kept and it was not in alphabetical order. This made it difficult to locate relevant MSDSs • Brakleen MSDS was a USA version referring to US legislation and contained US emergency phone numbers only <i>The register has been updated and appropriate MSDSs have been obtained</i>	Closed

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

Photographs – Kone Cranes

	
<p>Photo KC1: Generally good storage of hazardous substances, however 2 containers are unlabelled</p>	<p>Photo KC2: Open waste bins with loose litter and food waste – litter issue and potential for attracting vermin and birds</p>
	
<p>Photo KC3 – Evidence of minor leaks of diesel into stormwater drains.</p>	<p>Photo KC4: Container of petrol left in container yard without secondary containment</p>

3.4.5 Inver

Inver formally operate under SICTL framework CEMP and are engaged to partner with ZPMG (Quay Crane supplier from China) to install and commission the cranes.

Executive overview of performance

Overall, the environmental performance of Inver was satisfactory. It was noted that the activities of Inver have relatively minor potential for environmental harm except for the storage of hazardous substances (paints and thinners) and waste management (particularly litter) on site.

Key Strengths

- Good storage of hazardous substances on site

Key Weaknesses

No significant weaknesses were identified for Inver however actions need to be taken to address the issues identified below in Table 7 – Emergency Plan and signage for the flammable goods container

Summary of Findings – Table 8

Type* & No.	Finding	Status
IN-OFI	The flammable Goods containers did not have appropriate Class 3 flammable signage. <i>Action: Flammable goods signage now added – photos sighted.</i>	Closed
IN-IOC	There is no emergency plan prepared or displayed (should adopt or modify SICTL Plan to suit potential risks at Inver site) <i>Action: emergency plan prepared and displayed</i>	Closed
IN-OFI	Whilst an HSEQ Plan (primarily OHS) is on site in electronic form, there is no reference to the SICTL Framework CEMP. <i>SICTL framework CEMP used. Inver have now completed site works</i>	Closed

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

Photographs – Inver

	<p>PLEASE READ.</p> <p><u>Loose rubbish and crane wrapping</u></p> <p>1.) There is to be no loose rubbish on site 2.) All wrapping is to be collected and placed in waste disposal bin. 3.) No wrapping is allowed to become loose on site. 4.) In the event any wrapping or rubbish enters the harbour/Botany Bay, LORAC shall be contacted 5.) LORAC will launch their safety boat and retrieve the article.</p> <p style="text-align: center;">26 - 8 - 2013</p> <p style="text-align: center;"><i>[Signature]</i></p>
Photo IN 1 Waste skip – general waste	Photo IN2 – Site Notice: Due to proximity to Botany Bay and generally windy conditions, care is required in management of waste.
	
Photo IN3 – Flammable goods containers (no DG / flammable goods signage)	Photo IN4 – Contents of flammable goods cabinet – touch up paints for the Quay Cranes
	
Photo IN5 – Spill kits provided in proximity to the flammable goods cabinets	Photo IN6 – contents of spill kit

3.4.6 Fujitsu

Fujitsu formally work under the SICTL framework CEMP however have also prepared at CEMP in alignment with the SICTL CEMP. Fujitsu staff work (around 6 on average) in site offices provided by Liang O'Rourke and SICTL monitor their environmental performance. The Project Manager and SICTL Superintendent was interviewed in the Laing O'Rourke offices

Executive overview of performance

Overall, the environmental performance of Fujitsu was satisfactory. It was noted that the activities of Inver have relatively minor potential for environmental harm. The major environmental issues relevant to Fujitsu are management of waste (packaging, small glue containers). Weekly inspections by SICTL identify appropriate performance.

Key Strengths

- No negative issues identified in site inspections by SICTL
- No non-compliances, Issues or Concern or Opportunities for improvement identified during the audit.

Key Weaknesses

- No key weaknesses identified

Summary of Findings

Note – there were no formal findings or photos taken in the audit of Fujitsu

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

APPENDIX 1

AUDIT CHECKLIST

MINISTERS CONDITIONS OF APPROVAL

Audit Checklist for - Sydney Port Botany Terminal 3 Project Port Botany Audit Ministers Conditions of Approval (MCoA)

MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome						
				* See footer for key						
				C ✓	Finding O IOC NC ◆ ☑ ☒	NA				
SCHEDULE A: OVERALL SCOPE OF DEVELOPMENT WORKS AND GENERAL PROVISIONS										
A1		GENERAL								
		Scope of Development								
A1.1	SPC/NSWP SICTL	The approved aspects of the development shall be carried out generally in accordance with: 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;	No non-compliances against the MCoA were identified during this audit.							

MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ◆ ☑ ✗	NA
		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; 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; k) modification application MOD-68-12-2008, accompanied by a letter from SPC dated December 2008; 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 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; 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. 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) 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;				
A1.1 cont'd	SPC/NSWP LORAC	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; r) modification application DA-494-11-2003-i MOD 13, accompanied by an assessment report titled <i>“Project No. 231658 Section 75W</i>	No non-compliances against the MCoA were identified during this audit.	C		

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				* See footer for key		
				C ✓	Finding O IOC NC ◆ ☑ ✗	NA
		<p><i>Modification to Stormwater Management System for Southern Expansion Area</i>" dated 31 October 2012;</p> <p>s) modification application DA-494-11-2003-i MOD 14, accompanied by assessment reports titled "Port Botany Expansion – Section 75W Modification 14 to DA-494-11-2003i for Temporary Uses at northern tip of Hayes Dock", dated January 2013; and "Port Botany Expansion, Cumulative Construction Traffic Impact Assessment, Terminal Operations Infrastructure (March 2013 – March 2014)", dated April 2013;</p> <p>t) modification application DA-494-11-2003-i MOD 15, accompanied by assessment report titled 'SICTL Quay Crane Operations', prepared by HPH and dated 20 March 2013;</p> <p>u) the conditions of this consent</p> <p>Insofar as they relate to the approved development.</p>				
A1.2	SPC/NSWP SICTL	<p>In the event of an inconsistency between:</p> <p>a) the conditions of this consent and any document listed from condition A1.1a) to t) inclusive,, the conditions of this consent shall prevail to the extent of the inconsistency; and</p> <p>b) any document listed from condition A1.1a) to t) inclusive, the most recent document shall prevail to the extent of the inconsistency.</p>	<p>Noted No compliance obligations related to this condition</p>	C		
Statutory Requirements						
A1.3	SPC/NSWP SICTL	All licences, permits and approvals shall be obtained and maintained as required throughout the life of the development. No condition of this consent removes the obligation to obtain, renew or comply with such licences, permits or approvals.	<p>Noted No Environment Protection Licence is required as part of this package of works The Federal EPBC Approval 2002/543 remains valid and was assessed at this audit. (refer to Main report and Appendix 3)</p>	C		

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				C ✓	Finding O IOC NC ◆ ☑ ✗	NA
COMMENCEMENT OF CONSTRUCTION OF TERMINAL OPERATIONS INFRASTRUCTURE						
A3.1	SPC/NSWP	Commencement of the construction of terminal operations infrastructure on the area of the Stage 1 port footprint shown hatched in Schedule 3, shall not occur until such time as the Sydney Ports Corporation has submitted documentation, to the satisfaction of the Minister, by way of a copy of a contract(s) or agreement(s), by way of lease(s) or similar arrangement, between the Sydney Ports Corporation and any other party or parties, in respect of the construction and operation of new terminal facilities on that area that demonstrate that the area shall operate as a stand alone terminal. The Minister may exempt areas of the approved footprint from the requirements of this condition where it can be demonstrated that option agreements relating to such areas were in force prior to consent being granted.	<i>Assessed as compliant at previous audits. No further assessment required</i>	C		

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				C ✓	Finding O IOC NC ◆ ☑ ✗	NA			
SCHEDULE B – CONSTRUCTION WORKS AND ONGOING ENVIRONMENTAL MANAGEMENT OF THE NON-OPERATIONAL ASPECTS OF THE TERMINAL									
GENERAL REQUIREMENTS									
Application of Schedule									
B1.2	SPC/NSWP	The conditions in this Schedule of the consent relate the following aspects of the development: a) development activities and works associated with the construction phase(s) of terminal footprint infrastructure including transportation and delivery of materials and construction personnel to/from the site;	Noted No compliance issues related to this condition	C					
B1.2	SPC/NSWP LORAC / Grindley Downer Kone Cranes/ Inver Fujitsu	The conditions in this Schedule of the consent must be complied with by the Applicant, or any party undertaking the activities and works referred to under condition B1.1 on behalf of the Applicant.	The outcomes of the Sydney Port Botany Terminal 3 construction project indicate that all of the relevant Minister's Conditions of Approval have been complied with. Whilst no non-compliances have been identified, some observations and Issues of Concern will require action by various contractors / subcontractors to improve environmental performance.	C					
Construction Environmental Management Plan (CEMP)									
B1.3	LORAC / Grindley Downer SICTL	The Applicant shall prepare a Construction Environmental Management Plan (CEMP) which, must be approved by the Director-General prior to the commencement of any site preparation or construction works. The CEMP must:	Grindley Yes. Project Specific Construction Environment Management Plan (CEMP) Port Botany Terminal 3 Project Revision 4 dated 23 Jan 2013 – Approved. 30 Jan 2013 Felicity Greenway Laing O'Rourke Yes – Main Works CEMP dated August 2012. Letter dated 04/09/2012 from A/Director Infrastructure Projects granted approval for CEMP Rev 5 August 2012 Downer Australia Yes – CEMP Rev 4.0 sighted. Revision 3.5 was received by DP&I on 23/11/2012. Letter dated 30/11/2012 from A/Director	C					

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				C ✓	Finding O IOC NC ◆ ☑ ✗	NA
		<ul style="list-style-type: none"> -Describe all activities to be undertaken on the site during site establishment and construction; -Describe relevant stages/phases of construction, including a work program outlining relevant timeframes for each stage/phase. -clearly outline stages/phases of construction that require on-going environmental management monitoring and reporting up to and beyond the commencement of operations of the terminal; 	<p>Infrastructure Projects granted approval for the CEMP and other sub-plans as required by the MCoA. All works by Downer had been completed prior to the commencement of the audit.</p> <p>SICTL Yes. Framework Construction Environment Management Plan (FCEMP) Revision 1 dated 2 April 2013 including statement of commitments tracking in Appendix 6 – Approved 22 May 2013 Chris Wilson, Executive Director Development Assessment Systems and Approvals.</p>			
			<p>Grindley Yes. Section 1.3 – Scope of Works section and 2.3 Construction Phases and 2.3.1 Construction Activities for description of construction activities.</p> <p>Laing O'Rourke Yes - Addressed in Section 2 – Scope Table</p> <p>SICTL Yes – described in Section 2 - Scope</p>	C		
			<p>Grindley Yes. Section 2.3 – Construction Phases</p> <p>Laing O'Rourke Addressed in Section 2 – Scope Table (pages 8 – 11 of Main Works CEMP) includes expected duration of construction activities per section plus a gantt chart following the table.</p> <p>SICTL Yes – In section 2 - Scope – table showing expected duration of construction activities</p>	C		
			<p>Grindley Yes – Section 2.3.1 – Construction Activities (to end of Grindley involvement)</p> <p>Laing O'Rourke Addressed in Section 2 – Scope Table includes monitoring requirements</p>	C		

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				C ✓	Finding O IOC NC ◆ ☑ ☒	NA
			SICTL Yes – Section 3 – Objectives and Targets section of Framework CEMP			
		-detail statutory and other obligations that the Applicant is required to fulfil during site establishment and construction, including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;	Grindley Legal and Other Requirements Register (form 814 – not in CEMP), Acts (no regs) listed in Appendix D – Site Specific Aspects and Impacts Register <i>Observation: Regulations are listed in the CEMP (only Acts)</i> Laing O'Rourke Addressed in Section 5-Legal and Other Requirements. <i>Opportunity for Improvement: DG Act 1975 and Rivers and Foreshores Improvement Act 1948 have been repealed. Update of register required. Fixed following audit</i> SICTL Section 5 – Legal and Other Requirements Section - general listing of legislation and specific requirements of the approval. Specific requirements detailed in Appendix 1 – Legal and Other Requirements. Same listing as in Laing O'Rourke Register <i>Opportunity for Improvement: DG Act 1975 and Rivers and Foreshores Improvement Act 1948 have been repealed. Update of register required. – Fixed following audit</i>		O	
		-include specific consideration of measures to address any requirements of the Department, DEC, DNR and the Council during site establishment and construction;	Grindley Section 1.7.1 – Schedule of Licences and Consents provides actions required by Grindley against relevant MCoA and Licences (no licences required) Laing O'Rourke Compliance Certificate Report –Appendix 1 –Stakeholder correspondence summary. Responses from stakeholders	C		

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				C ✓	Finding O IOC NC ♦ ☑ ✗	NA
			retained and documented in the Appendix (see Folder) SICTL Yes – Appendix 6 – Statement of commitments tracking against MCoA.			
		-describe roles and responsibilities for all relevant employees involved in site establishment or construction;	Grindley Overview provided in Section 4.4.1, stating that specific and general responsibilities are outlined in Job descriptions. Specific responsibilities noted in Management Representative's job description. Section 3.1 – Position Descriptions. Site Manager and Site Environment Officer – Paul Dunand (primary responsibility for site environmental management). Also lists Approved ER – Jason Ambler (Liang O'Rourke)	C		
			Laing O'Rourke Section 9 of CEMP – Responsibilities and Accountabilities Section includes key responsibilities and authorities for Project Leader (Richard Hofton) Environmental Manager, Project Environment Representative (Noel and Eladio-provide approval letters), Construction Manager (now David Cocking), Superintendent (Gary Todd), Contractors, Engineering Personnel, Procurement Personnel, Regional Group Quality and Environmental Manager (Chris Greenaway), and all personnel. Section also states that authorities and responsibilities are defined and communicated in Job Descriptions and project documentation. Management and Staff have signed off in Appendix 17 –Staff acknowledgement Register-commenced 23/11/12 to 9/05/13. Signatures sighted. Presentation on CEMP 8/11/12 for initial training -17 participants.			

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			SICTL Yes – Key responsibilities and Authorities are outlined in Section 7 of the Framework CEMP including Project Manager, ER, contractors, Engineering personnel and all personnel.			
		-detail how environmental performance of the site preparation and construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts;	Grindley Section 2.5 - Weekly site inspections, 3 monthly by Environment Manager Laing O'Rourke Section 12.2 of the CEMP – Reporting states that issues resulting from weekly inspections, monitoring, non-compliance and general issues will be collated into the Monthly Project Report and provided to SICTL as required. Section 15 –Operational Control Section 17 – Monitoring and Measurement provides a table indicating the aspect (eg water), means (type of monitoring), location, time frame and responsibilities. Section indicates that issues beyond normal practice or maintenance are to be documented on F1228 Environmental Improvement Request (not used-added to CAR Register). Non-conformances to operational control procedures to EMS to be raised through Non-conformance Report or logged onto HSEQ Corrective Actions Register Incidents logged into Impact and summarised in Monthly Environment Report (internal) and into client report (SICTL) SICTL Yes – objectives and targets – section 3 of Framework CEMP – Monthly environmental monitoring report	C		

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				C ✓	Finding O IOC NC ◆ ☑ ✗	NA
		- include all Management Plans/Studies and Monitoring Programs required in this schedule	Grindley Appropriate for Grindley involvement Laing O'Rourke Section 17 and Appendix 13 (Sub-plans) Yes – sub-plans prepared and are on website SICTL Yes – Framework CEMP with Appendices and Sub plans included	C		
		- include arrangements for community consultation and complaints handling procedures during construction;	Grindley Yes - Complaints Handling section -2.10 – refers to SPC 1800 project information line process. Complaints Register Laing O'Rourke Yes – Sections 17.2 – Community and Stakeholder Management, 17.3 – Community Notifications Procedure and 17.4 – Enquiries and Complaint Response. Contact were current at the time of the audit. SICTL Yes – Section 11 of Framework CEMP – Monitoring and measurement – Community Notifications procedure and Enquiries and Complaints response.	C		
		-be made available for public inspection after approval of the Director General	Grindley Yes - Available on the SICTL website Laing O'Rourke Yes - Available on the SICTL website SICTL Yes – available on the SICTL website	C		

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				C ✓	Finding O IOC NC ◆ ☑ ✗	NA
		- Separate CEMPs may be prepared and submitted for works associated with the construction of the terminal footprint.	Grindley Yes – the CEMP is for this purpose Laing O'Rourke Sub-Plans prepared SICTL Yes – the Framework CEMP has been prepared and submitted for the construction of the terminal footprint.	C		

Compliance Certification

B1.4	LORAC Grindley Downer SICTL	Prior to each of the events listed from a) to c) below, or within such period otherwise agreed by the Director-General, documentation certifying that all conditions of this consent applicable prior to that event have been complied with shall be submitted to the satisfaction of the Director-General. Where an event is to be undertaken in stages, submission of compliance certification may be staged consistent with the staging of activities relating to that event, subject to the prior agreement of the Director-General.	See below			
		a) commencement of construction works associated with the development;	Addressed in previous audits - construction of port footprint			NA
		b) commencement of each phase of construction works established under the program required under condition B1.3; and	Laing O'Rourke Pre- construction Compliance Certificate Report including Stakeholder correspondence Summary sighted dated 16/07/12 Rev 0.1 submission to DP&I. Letter dated 04/09/2012 from A/Director Infrastructure Projects granted approval for Compliance Certification Report Rev 02 20/08/12 Grindley –CEMP Compliance Certificate Report Rev D dated 24 August 2013 sighted. Letter dated 30/01/2013 from A/Director Infrastructure Projects granted approval for Compliance Certification Report Rev C 17/01/12 (subject to correction of date to 2013)	C		

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				C ✓	Finding O IOC NC ♦ ☑ ✗	NA
			Downer Letter dated 30/11/2012 from A/Director Infrastructure Projects granted approval for Compliance Certification Report Revision 3.4. SICTL Yes. Framework Construction Environment Management Plan (FCEMP) Revision 1 dated 2 April 2013 including statement of commitments tracking in Appendix 6 – Approved 22 May 2013			
		c) completion of each phase of construction works established under the program required by condition B1.3.	A MCoA Post-Construction Compliance Report RPT-EN-002(0) for the Construction of Grade Separation Works (Baulderstone) dated 05/01/2013 was prepared and was submitted to DP&I in January 2013.	C		
		The certifying documentation shall clearly outline any on-going environmental management, monitoring or reporting requirements associated with the concluded construction works phase.	Compliance Certificate Reports outline ongoing environmental management requirements within their respective scopes of work.	C		
B1.5	SPC/NSWP SICTL	Notwithstanding condition B1.4, the Director-General may require an update report on compliance with all, or any part, of the conditions of this consent. Any such update shall meet the requirements of the Director-General and be submitted within such period as the Director-General may agree.	There had been no requests for additional compliance reporting at the time of the audit	C		
CONSTRUCTION ENVIRONMENTAL PERFORMANCE						
B2						
Air Quality Management						
Odour Impacts and Sediment Sampling						
B2.1	LORAC / Grindley	Unless otherwise permitted by an Environment Protection Licence applicable to the development, the Applicant shall ensure that construction works are undertaken in compliance with section 129 of the protection of the Environment Operations Act 1997. [S129 prohibits odour emission without a licence]	Laing O'Rourke Noted – assessment of odour part of site inspection Grindley Noted – assessment of odour part of site inspection. CEMP 4.4.1 Odour reporting in induction checklist.	C		

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				C ✓	Finding O IOC NC ◆ ☑ ✗	NA
Dust Management Plan						
B2.4	LORAC / Grindley SICTL	The Applicant shall prepare a Dust Management Plan in consultation with DEC, RTA, DOP, Botany and Randwick Councils. 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. Plan must include, but not be limited to strategies in which the construction shall:	Laing O'Rourke Air Quality and Dust Management Plan 3-01 prepared – (Rev 3.1 dated 21/08/12). Dust monitoring by Liang O'Rourke. 2 Exceedances of PM10 in June 2013 –Issued July 2–not related to works on site Grindley Dust management is addressed in the CEMP Section 4.4.1 – Air Quality and Dust Management and Impact Mitigation Plan (IMP-006 in Appendix E). SICTL An Air Quality and Dust Management Sub-plan is attached to the Framework CEMP	C		
		-minimise or prevent the emission of dust from the site;	All plans require actions to minimise or prevent emissions of dust	C		
		-ensure that all trafficable areas and vehicle manoeuvring areas in or on the premises shall be maintained, at times, in a condition that will minimise the generation, or emission from the premises, of wind blown or traffic generated dust;	Laing O'Rourke Yes – Section 3.4 of Dust Plan under Mitigation Measures Section 3.6 suppression improvement Grindley Yes – Impact Mitigation Plan SICTL Yes – Section 3.4 – Mitigation Measures	C		
		-ensure that all vehicles entering and leaving the site and carrying a load that may generate dust are covered at all times, except during loading and unloading. Any such vehicles shall be covered or enclosed in a manner that will prevent emissions of dust from the vehicle at all times; and	Laing O'Rourke Yes – Section 3.4 of Air Quality and Dust Management Plan under Mitigation Measures Grindley Yes – Impact Mitigation Plan SICTL Yes – Section 3.4 – Mitigation Measures	C		

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				C ✓	Finding O IOC NC ♦ ☑ ✗	NA
		-ensure that all dust source surfaces are sealed.	<p>Laing O'Rourke Yes – Section 3.4 of Dust Plan under Mitigation Measures</p> <p>Grindley Yes – Impact Mitigation Plan</p> <p>SICTL Yes – Section 3.4 – Mitigation Measures</p>	C		
		The Plan shall be approved by the Director-General prior to commencement of construction.	<p>Laing O'Rourke Letter dated 04/09/2012 from A/Director Infrastructure Projects granted approval for Air Quality and Dust Management Plan Rev 3 20/08/12</p> <p>Grindley Letter dated 30/01/2013 from /Director Infrastructure Projects granted approval for Dust Management Plan and Appendix E of the CEMP subject to the Plan being updated to clarify SPC role to avoid off site impacts. Plan was reviewed and noted that changes have been effected.</p> <p>SICTL Yes. Part of Framework Construction Environment Management Plan (FCEMP) Revision 1 dated 2 April 2013 Approved 22 May 2013 – subject to revisions being made relating to covering of vehicles and sealing of dust source surfaces asap. Revisions have been verified.</p> <p>Downer Letter dated 30/11/2012 from A/Director Infrastructure Projects granted approval for CEMP and all related sub-plans</p>	C		

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Soil and Water Management									
Soil and Water Management Plan									
B2.5	LORAC / Grindley	The Applicant shall prepare a Soil and Water Management Plan in consultation with DEC, RTA, DOP, DNR, Botany and Randwick Councils. 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 detail erosion and sediment controls, prepared in accordance with Managing Urban Stormwater: Soils and Construction (available from the Department of Housing) and must:	Laing O'Rourke Soil and Water Quality Management Plan 3-1 (dated 21/08/12) sighted and on SICTL website. Grindley Addressed in Section 5 - Sediment & Erosion Control, Stormwater Management, and Appendix H Erosion and Sediment Control Plan Stormwater Discharge log maintained (form 406). 3 test results- none were within required limits, than no discharge. SICTL A Soil and Water Management Plan is included as an Appendix to the Framework CEMP in Appendix 8 – Sub-Plans	C					
		-identify the management responses to activities that could cause soil erosion or result in the discharge of sediments and/or other pollutants from the site;	Laing O'Rourke Yes – addressed under Section 4.3 - Mitigation Measures Grindley Yes – section 5 SICTL Yes - addressed in section 3.1 – 3.3 of SWMP	C					
		-specify standards/performance criteria for erosion, sediment, and pollution control including water sediment basin locations and discharge points, for example parameters, frequency, duration location and method; and	Laing O'Rourke Yes – addressed under Section 4.3 - Mitigation Measures Grindley Yes – Section 5 of CEMP	C					

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				C ✓	Finding O IOC NC ◆ ☑ ✗	NA
			SICTL Yes - addressed in section 3.1 – 3.3 of SWMP			
		-describe what actions and measures will be implemented, the effectiveness these actions and measures and how they will be monitored during the works, clearly indicating who will conduct the monitoring, how the results of this monitoring would be recorded; and, if any non-compliance is detected.	Laing O'Rourke Yes – addressed under Section 4.3 - Mitigation Measures. Corrective action process described within CEMP. Grindley Yes – inspections for monitoring, non-conformance system referenced in plan SICTL Yes - addressed in section 5.1 and 5.2 – Water monitoring, monitoring of controls	C		
		The Plan shall be approved by the Director-General prior to commencement of construction.	Laing O'Rourke Letter dated 04/09/2012 from A/Director Infrastructure Projects granted approval for Soil and Water Quality Management Plan Rev 3 20/08/12. Grindley Soil and Water Plan incorporated as part of CEMP. Letter dated 30/01/2013 from /Director Infrastructure Projects granted approval for Soil and Water Plan (section 5 of the CEMP) SICTL Yes. Part of Framework Construction Environment Management Plan (FCEMP) Revision 1 dated 2 April 2013 Approved 22 May 2013. Downer Letter dated 30/11/2012 from A/Director Infrastructure Projects granted approval for CEMP and all related sub-plans	C		

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				* See footer for key		
				C ✓	Finding O IOC NC ♦ ☑ ✗	NA
Acid Sulphate Soils						
B2.6	LORAC / Grindley	Prior to the commencement of construction activities, the Applicant must prepare an Acid Sulphate Soils Management Plan to assess and manage any Acid Sulphate Soils (ASS) or potential ASS (PASS). The Plan shall be prepared in accordance with the Acid Sulphate Soils Manual 1998 published by the NSW Acid Sulphate Soil Management Advisory Committee. In the event that ASS are encountered during the works, the Applicant shall notify the NSW Maritime Authority immediately.	<p>Laing O'Rourke Acid Sulphate Soils Management Plan 3-00 is in place (Rev 0.6 - 07/06/12). 9/07/13 –reported suspected ASS to NSW Maritime (RMS) Sighted emails to Graeme Dunlavie (RMS) dated 9/07/13 advising that notification is required under Condition 2.6 of the Approval and outlining the lab results and notifying them that appropriate mitigation measures would be put in place. Return email from Graeme Dunlavie dated 9/07/13 indicated the matter was referred to Dennis Buttigieg in the Property Service Branch. No further response had been received from RMS at the time of the audit</p> <p>Grindley Referenced in CEMP (new CEMP 4.4.1) – Table 1.7.1 Schedule of Licences and Consents – states it is outside the scope of the CEMP.</p> <p>SICTL An Acid Sulphate Soils Management Plan is included as an Appendix to the Framework CEMP in Appendix 8 – Sub-Plans</p>	C		
Pollution Prevention						
B2.7	LORAC / Grindley	Unless permitted through an environment protection licence applicable to the development, the Applicant must comply with section 120 of the Protection of the Environment Operations Act 1997, which prohibits the pollution of waters. [S120 prohibits pollution without a licence.]	<p>Laing O'Rourke Addressed under Section 2 of Soil and Water Management Plan as a reference to the Section of the Act.</p> <p>Grindley Site inspection to confirm. Section 2.7 –Pollution prevention and section 5.2.2 Pumping of stormwater.</p>	C		

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				C ✓	Finding O IOC NC ◆ ☑ ☒	NA
			SICTL Addressed in the Framework CEMP. No physical work by SICTL Site Inspections were carried out at all Contractor and subcontractor work sites and compliance to Section 120 was assessed. No areas of non-compliance were noted, however some IOCs have been raised in areas where controls could be improved. For further information refer to section 3.4 of report – Effectiveness of Environmental Management.			
Impact of Dredging						
B2.8 – 2.12	Nil	All activities associated with dredging and reclamation works must be carried out in a manner that protects seagrass beds between the dredge area and Foreshore Beach, and between the dredge area and Parallel Runway.	No dredging or reclamation works are being undertaken are part of this phase of works. Conditions B2.8 – B2.12 are not applicable and are not included in the scope of this audit			NA
Consultation with Sydney Water						
B2.13	SICTL	Prior to commencement of construction, the Applicant is required to consult with Sydney Water regarding the likely requirements from Sydney Water for a section 73 Compliance Certificate.	SICTL have entered into an agreement with Sydney water for the supply of a Combined Water connection. The agreement authorises connection to the water system subject to conditions at Lot 2 Penrhyn Road Port Botany. Acceptance of Customer agreement signed by a SICTL representative – dated 20/12/2012 was sighted.	C		
Traffic, Transport and Infrastructure Management						
Construction Traffic Management Plan						
B2.14	LORAC / Grindley	Prior to the commencement of any construction works, the applicant must prepare a Construction 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. Plan must include, but not be confined to, mitigation measures identified	Laing O'Rourke Works Program – Traffic Management Plan (last updated 17/12/12 sighted. This is a stand alone plan. Grindley Yes – Site Specific Traffic Management Plan Rev 02 (now Ver 3 – last week updated but not on doc). References Traffic	C		

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				C ✓	Finding O IOC NC ♦ ☑ ✗	NA
		in EIS such as:	<p>Management Plan Document Ref SA67- Appendix J. Email from RMS- no objection. Dated 5 Dec 12. Approved as part of CEMP</p> <p>SICTL A Traffic Management Plan has been prepared as part of the Framework CEMP – Appendix 8</p> <p>Downer Letter dated 30/11/2012 from A/Director Infrastructure Projects granted approval for CEMP and all related sub-plans</p>			
		-identification of preferred haulage routes;	Yes P9 and 10 of TMP	C		
		-access routes and, signage and access arrangements on site;	Yes	C		
		-measures to limit the impact on Foreshore Rd. and Botany Rd.;	Yes	C		
		-need for restrictions on delivery hours and/or routes; and,	Yes	C		
		-development of traffic management measures during construction works to ensure minimal traffic disruptions	Yes	C		
		The plan must be submitted and approved by the Director-General prior to the commencement of construction.	<p>Laing O'Rourke Letter dated 04/09/2012 from A/Director Infrastructure Projects granted approval for Construction Traffic Management Plan Rev 02 22/06/2012.</p> <p>Grindley Letter dated 30/01/2013 from /Director Infrastructure Projects granted approval of the Construction Traffic Management Plan (Appendix J to CEMP) subject to page 13 being updated. Plan reviewed – page 13 includes interaction with other contractors and cumulative traffic issues.</p>	C		

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				* See footer for key		
				C ✓	Finding O IOC NC ◆ ☑ ✗	NA
			SICTL Yes. Part of Framework Construction Environment Management Plan (FCEMP) Revision 1 dated 2 April 2013 Approved 22 May 2013 Downer Letter dated 30/11/2012 from A/Director Infrastructure Projects granted approval for CEMP and all related sub-plans			
Safety Audit						
B2.15	SPC/NSWP	The Applicant must undertake a safety audit in accordance with RTA guidelines upon completion of works but prior to operation to ensure the safety of any road works, traffic management facilities, cycling and pedestrian provisions undertaken as part of the proposed works.	Not required for this package of works or scope of this audit			NA
B2.16	LORAC Grindley SICTL	Prior to construction the Applicant must prepare a handbook and distribute it to drivers of construction related vehicles providing information on accepted routes, constraints to traffic and preferred hours of use and amenities on such routes to ensure that the impact of traffic growth on local traffic is minimised.	Laing O'Rourke A Port Traffic Handbook is included as part of the Traffic Management Plan. The Plan is sent to Transport /delivery companies and drivers via Project Centre and outlook. Sighted several samples of correspondence (eg Bakers, Benedicts, and Concrete Recyclers) Grindley Yes – Grindley Port Traffic Handbook located in Appendix B of Traffic Management Plan. Copies of the Plan are required to be sent out with Purchase order to transport companies. SICTL A Port Traffic Handbook is provided as Appendix 1 to the Construction Traffic Management Plan	C		

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				C ✓	Finding O IOC NC ♦ ☑ ✗	NA
Rail Siding Capacity						
B2.17	SPC/NSWP	To maximise the increase in rail mode share associated with the expansion of the Port, rail siding capacity shall be provided in accordance with the Plan required by condition A2.4 of Schedule A.	Future activity – related to A 2.4			NA
		Rail Access to New Terminal				
B2.18	SPC/NSWP Baulderstone	The Applicant shall ensure that Grade separation of Penrhyn Road over the rail access to the new berth includes the grade separation of the inter-terminal road over the rail access to Patrick's terminal. This is required to ensure efficient operation of both road and rail access to all existing and proposed new berths.	Grade Separation Works are complete	C		
Noise and Vibration Management						
Restriction to Hours						
B2.19	LORAC / Grindley SICTL	The Applicant shall only undertake construction activities associated with the project (with the exception of dredging construction activities) that would generate an audible noise at any residential premises during the following hours: a) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive; b) 8:00 am to 1:00 pm on Saturdays; and c) at no time on Sundays or public holidays. Audible noise is defined as "noise that can be heard at the receiver". This condition does not apply in the event of a direction from police or other relevant authority for safety or emergency reasons. Note: 'safety or emergency reasons' refers to emergency works which may need to be undertaken to avoid loss of life, property loss and/or to prevent environmental harm.	The ER maintains an Out of Hours Work Register (sighted version as at 05/09/2013). The Register includes out of hours works details for all contractors undertaking work on site – Laing O'Rourke, Grindley, Cargotec, Fujitsu, Kone and Inver. Entries in the Register indicated that all works undertaken out of the approved hours were assessed by the Environmental Manager / ER, considered as inaudible at residential receivers and approved by the ER. Reasons for undertaking work OOH are also documented. There have been no noise related complaints since commencement of this this package of works.	C		
B2.19A	LORAC / Grindley SICTL	The Applicant must seek the Director-General's approval to conduct construction activities audible at residential premises (with the exception of dredging construction activities) outside the hours specified under condition B2.19 on a case-by-case basis. In seeking the Director-General's approval, the Applicant shall demonstrate a need for activities to be conducted during varied hours and how local	There have been no out of hours works required that are audible at residential premises and require approval	C		

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				C ✓	Finding O IOC NC ◆ ☑ ✗	NA
		acoustic amenity will be protected, as well as details of how the EPA's requirements with respect to the variation of hours have been addressed.				
B2.19B	LORAC / Grindley SICTL	For activities subject to an environmental protection licence issued by the EPA under the <i>Protection of the Environment Operations Act 1997</i> , conditions B2.19 and B2.19A do not apply if the EPA has approved activities to be conducted outside the hours permitted by condition B2.19.	Noted – No Environment Protection Licence on this package of works			NA
Construction Noise Management Plan						
B2.20	LORAC / Grindley SICTL	Prior to the commencement of construction, the Applicant must prepare a Construction Noise Management Plan in consultation with DEC, DOP, Botany and Randwick Councils. The Plan shall include noise mitigation for piling works for diesel powered machinery, provision of training to ensure that construction workers are aware of the noise created during construction and are appropriately trained to minimise noise where possible. In addition, the Construction Noise Management Plan must:	<p>Laing O'Rourke Yes - Construction Noise and Vibration Management Plan 3-1 20/08/2012 and 12/09/12 sighted – available on SICTL website. Grindley Addressed in Section 4.4.5 of CEMP - Appendix I – Construction Noise Management Plan (CNMP) (12 page document) embedded in CEMP. SICTL A Construction Noise and Vibration Management Plan is included as a sub-plan in Appendix 8 of the Framework CEMP</p>	C		
		-identify general activities that will be carried out and associated noise sources;	<p>Laing O'Rourke Yes – addressed in Section 4 Construction Noise and Vibration Management – Noise Impact Grindley Addressed in Section 2.4 CNMP Construction Noise Sources identifies sources and typical sound power levels for plant items SICTL Activity Specific Risks are addressed in Section 2.4 of the CNVP including supply and installation of automated stacking cranes and Quay cranes and communication infrastructure.</p>	C		

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				C ✓	Finding O IOC NC ◆ ☑ ✗	NA
B2.20 Cont'd	LORAC / Grindley SICTL	-assess construction noise impacts at the relevant receivers;	<p>Laing O'Rourke Yes – addressed in Section 9 of CNMP – monitoring</p> <p>Grindley Addressed in Sections 2.4 Noise criteria stated for 6 locations and 2.5 – Assessment of impacts</p> <p>SICTL Section 2.8 of the CNVP – Monitoring – states that there will be a coordinated approach due to multiple contractors working on the site and this will be coordinated by SICTL.</p>	C		
		-provide details of overall management methods and procedures that will be implemented to control noise during the construction stage;	<p>Laing O'Rourke Yes – addressed in Section 8 – Mitigation Measures</p> <p>Grindley Addressed in Section 2.6 – Control Measures to be implemented listed</p> <p>SICTL Yes – addressed in Section 2.7 – Mitigation Measures</p>	C		
B2.20 Cont'd		<ul style="list-style-type: none"> - identification of all feasible and reasonable measures to minimise noise and vibration, including but not limited to: <ul style="list-style-type: none"> • using least noisy construction methods, vehicles, plant and equipment; • positioning and orientating noisy plant and equipment so as to minimise noise impacts on noise sensitive receivers and wildlife in Penrhyn Estuary; • positioning items of noisy plant and equipment as far apart as is practicable from each other; • minimising noisy activities by adopting alternative construction measures; 	<p>Laing O'Rourke Yes – addressed in Section 8 – Mitigation Measures</p> <p>Grindley As above - Section 2.6 – Control Measures</p> <p>SICTL Yes – addressed in Section 2.7 – Mitigation Measures</p>	C		

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				C ✓	Finding O IOC NC ◆ ☑ ☒	NA
		<ul style="list-style-type: none"> • carrying out above ground loading and unloading activities as far away as is practicable from noise sensitive receivers and wildlife in Penrhyn Estuary; • designing each work site to minimise the need for truck reversing movements; • ensuring all vehicles and self-propelled plant and equipment enter and leave the premises in a forward direction unless unforeseen accidents or other unforeseeable circumstances arise that may require reversing movements, in which case minimising any such reversing movements; • taking all practicable steps to avoid reversing movements on the surface within the premises, and where it is impracticable to avoid reversing movements, taking all necessary steps to minimise reversing movements; • preventing vehicle, plant and equipment queuing and idling outside the hours of construction prescribed by this consent. 				
B2.20 Cont'd	LORAC / Grindley SICL	-include a pro-active and reactive strategy for dealing with complaints including achieving the construction noise goals, particularly with regard to verbal and written responses;	<p>Laing O'Rourke Addressed in Section 2.10 incident response (reactive) Section 3.2 – Enquiries and Complaint response</p> <p>Grindley Addressed in NMP section 2.7 Complaints handling SICL Yes – addressed in Section 3.2 – Enquiries and Complaint Response</p>	C		
		-detail noise monitoring, reporting and response procedures consistent with DEC requirements;	<p>Laing O'Rourke Primarily monitoring undertaken by LORAC. Addressed under section 2.9 – Monitoring . There has been no incidences where out of hours works have required EPA approval or consultation</p>	C		

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				C ✓	Finding O IOC NC ♦ ☑ ✗	NA
			<p>Grindley Addressed in Section 2.5 of the NMP (Appendix I). The plan notes that the noise monitoring will be conducted by the ER or approved consultant.</p> <p>SICTL Yes –Section 2.8 of the CNVP – Monitoring – states that there will be a coordinated approach due to multiple contractors working on the site and this will be coordinated by SICTL.</p>			
	LORAC / Grindley SICTL	-provide for internal audits of compliance of all plant and equipment;	<p>Laing O'Rourke Addressed in section 2.10 – all plant and machinery will be checked and verified for noise levels and appropriate exhaust / fittings/ noise attenuators – check records</p> <p>Grindley Section 2.6 – Control Measures includes requirements for regular checks are undertaken to ensure that all plant and equipment are in good working order and being operated correctly.</p> <p>SICTL Section 2.9 of the CNVP – Incident Planning and Response requires that remedial work would be implemented if noise goals are exceeded and that all plant and machinery will be checked and verified for noise levels if any noise complaints are received.</p> <p><i>Opportunity for Improvement: The CNVP does not specifically require internal audits / inspection of plant except as a reactive action to complaint or incident</i></p>		O SICTL	

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				* See footer for key		
				C ✓	Finding O IOC NC ♦ ☑ ✗	NA
	B2.20 cont'd	-indicate site establishment timetabling to minimise noise impacts;	<p>Laing O'Rourke Yes – addressed in Section 8 – Mitigation Measures</p> <p>Grindley As above - Section 2.6 – Control Measures</p> <p>SICTL Yes – addressed in Section 2.7 – Mitigation Measures</p>	C		
		-procedures for notifying residents of construction activities likely to affect noise amenity;	<p>Laing O'Rourke Yes – addressed in Section 3 of CVMP – Community Notifications – written notification two weeks prior to commencement of works – letterbox drop and CCC</p> <p>Grindley Notified by Letter drop</p> <p>SICTL Section 3.1 of the CNVP provides and Community communications procedure for residents identified as being impacted by the project works – written notification two weeks prior to commencement of works.</p>	C		
		-address the requirements of DEC; and	There is no Environment Protection Licence and there have been no incidences where out of hours works were audible or has required EPA approval or consultation.	C		
	B2.20 cont'd	-be approved by the Director-General prior to the commencement of any works on the site.	<p>Laing O'Rourke Letter dated 04/09/2012 from A/Director Infrastructure Projects granted approval for Construction Noise Management Plan 20/08/2012.</p>	C		

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				C ✓	Finding O IOC NC ♦ ☑ ✗	NA
			<p>Grindley Letter dated 30/01/2013 from /Director Infrastructure Projects granted approval of the Construction Noise Management Plan (Appendix I of the CEMP, Rev 02 23/01/2013) subject to the editorial error referencing the year date as 2012 being corrected to 2013. CEMP has been revised at Rev 5 dated 08/08/2013.</p> <p>SICTL Yes. Part of Framework Construction Environment Management Plan (FCEMP) Revision 1 dated 2 April 2013 Approved 22 May 2013</p> <p>Downer Letter dated 30/11/2012 from A/Director Infrastructure Projects granted approval for CEMP and all related sub-plans</p>			
		Construction Noise Goals				
B2.21	LORAC / Grindley SICTL	The goal for noise from construction activities as the LA10 (15 minute) should not exceed the Rating Background Level (RBL) plus 5dB(A) at sensitive receivers.	<p>Laing O'Rourke Laing O'Rourke is primarily responsible for conducting noise monitoring.</p> <p>The July 2013 monitoring report notes in Section 3 – Noise Monitoring that recorded LAeq levels exceeded the noise goals for noise emissions from the Port Botany expansion Project at four locations (5 in June, 3 in May, 4 in April), however at each monitoring location extraneous, non-project related noises were the dominant noise sources. These noise sources included road traffic, both local and main, and aircraft noise. No Terminal 3 construction activities were audible at any monitoring locations.</p>	C		

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				C ✓	Finding O IOC NC ♦ ☑ ✗	NA
			Night time noise monitoring was undertaken in April for concrete batching and pavement works. Conditional approval was granted by Department of Planning and Infrastructure to undertake these works outside of the standard construction hours for the site. Attended audibility trials for certain activities outside of standard construction hours have been undertaken in previous months and night time monitoring results during April have shown that concrete batching and paving works were deemed inaudible at the closest residential locations to the Terminal 3 construction site.			
		Construction of Noise Barrier				
B2.23	LORAC / SICTL	To help minimise the impact of operational noise on the surrounding area, a noise barrier shall be constructed by the Applicant along northern and eastern boundaries of the site prior to the commencement of operations. The applicant must seek appropriate independent expert advice to ensure the design of the noise barrier has regard to the flight path requirements of bird species using the area.	The noise barrier was under construction at the time of the audit and will be completed prior to commencement of operations. Independent advice from an independent expert Avifauna (Phil Straw) was provided in a letter dated 29/06/2012.	C		
B2.23A	SICTL	Subject to the alternative rail option being implemented as described within the report listed in condition A1.11), the Applicant shall construct a three metre high noise barrier along the northern edge of the Inter-terminal Access Road Corridor prior to the commencement of operations. The bottom two metres of the barrier shall be opaque and the top one metre shall be of transparent material sufficiently patterned to minimise impacts to bird species utilising the adjacent Penrhyn Estuary.	Future activity for operator of facility			NA

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				* See footer for key		
				C ✓	Finding O IOC NC ◆ ☑ ✗	NA
		Other Construction Noise Matters				
B2.24	LORAC / Grindley SICTL	The Applicant is required to identify measures to be implemented to ensure that where movement alarms are fitted to vehicles, plant or equipment entering or operating on the site, such alarms are of a type that minimises noise at noise sensitive receivers.	Some plant and machinery were fitted with "quackers" (Laing O'Rourke) but others were not. However, noise from the site is deemed "inaudible" It was considered that noise impact from "beepers" was insignificant and was not audible off site.	C		
B2.25	LORAC / SICTL	The Applicant must install all physical noise management measures as early as is practicable during construction of the Port Botany Expansion project.	The permanent noise barrier was under construction at the time of the audit. .	C		
B2.26	LORAC / Grindley SICTL	The Applicant must not undertake any blasting on the premises	No blasting has occurred on the project	C		
		Port Traffic and Rail Noise Management Plan				
B2.27	SPC/NSWP	Within two years of commencement of terminal operations at the development, a Port Traffic and Rail Noise Management Plan shall be prepared by the Applicant in consultation with relevant stakeholders, including the Community Consultative Committee, DEC, DOP, Botany Council, SSROC and RailCorp. The Plan shall include consideration for traffic re-routing, traffic clustering and traffic rescheduling	Future Requirement Currently in development. NSW Ports Responsible for coordinating			NA
		Rail Noise Working Group				
B2.28	SPC/NSWP	While expansion will generate an increase of trains on freight rail lines, the manager of the freight line RailCorp is subject to an Environment Protection licence with the EPA. The Applicant must establish a Rail Noise Working Group prior to the operation of the development. The Rail Noise Working Group shall address all associated rail noise issues and shall include but not be limited to RailCorp, ARTC, SPC, DOP, relevant councils and representatives of Community Consultative Committee and is required to consult with relevant regulatory authorities including DEC .	Future requirement – operational phase			NA

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				C ✓	Finding O IOC NC ♦ ☑ ✗	NA
		Rail Noise Assessment – Botany Yard – Cooks River				
B2.29	SPC/NSWP	Prior to construction of Stage 4 – rail duplicated line, a noise assessment should be conducted by the Rail Noise Working Group to identify potential impacts on residents and to recommend mitigation measures, including identification of responsibility for implementation of such measures.	Future requirement –for Rail Noise Management Group (NSW Ports) operations			NA
B2.30 – B2.32		Penrhyn Estuary (aquatic and terrestrial, surface water quality and related issues) Conditions B2.30 to B2.32 were a once off requirement and are not part of the scope of this audit				NA
		Waste Management				
		Construction Waste Management Plan				
B2.33	LORAC / Grindley SICTL	Prior to the commencement of construction, the Applicant is required to prepare a Construction Waste Management Plan in consultation with Botany Council and DEC. The Plan must provide details of proposed waste management measures to minimise production and impact of wastes generated at the site including but not limited to:	Laing O'Rourke Waste Management Plan3-01 20/08/12. Letter dated 04/09/2012 from A/Director Infrastructure Projects granted approval for Construction Waste Management Plan 20/08/2012. Grindley Appendix G of CEMP - Waste Management Plan, Impact Mitigation Plan 004 – Appendix E. Letter dated 30/01/13 from A/Director Infrastructure Projects granted approval for Construction Waste Management Plan 23/01/12 subject to editorial error referencing the date as 2012 being corrected to 2013. Fix – now dated 20/08/13. SICTL A Waste Management Plan is included as a sub-plan in Appendix 8 of the Framework CEMP.	C		

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				C ✓	Finding O IOC NC ♦ ☑ ✗	NA
		-identification of the type and quantities of waste that would be generated, a description of how the waste would be handled, stored, re-used, recycled, and if necessary, appropriately treated;	<p>Laing O'Rourke The types of waste that would be generated are identified in Section 4.2.1 – Waste Sources, and a description of how the wastes would be handled, stored etc are in section 4.2.6 – Storage / Handling and Section 4.4 – Mitigation Measures.</p> <p><i>Opportunity for Improvement: Quantities of waste that would be generated are not identified in the WMP</i></p> <p>Grindley Section 2 of Waste Management Plan – 2.1 Waste Sources – estimates provided</p> <p>SICTL The types of waste that would be generated are identified in Section 4.2.1 – Waste Sources, and a description of how the wastes would be handled, stored etc. are in section 4.2.5 – Storage / Handling and Section 4.3 – Mitigation Measures.</p>		O LORAC SICTL	
	LORAC / Grindley SICTL	-identification of a designated area for the storage and collection of waste and recyclable materials to be provided on the site;	<p>Laing O'Rourke Appendix 2 of the Waste Management sub-plan provide a map showing locations on site where waste will be segregated and stored in bays.</p> <p>Grindley Addressed in section 2.2 of WMP – Storage and handling – location map provided in section 2.4</p> <p>SICTL Appendix 1 of the SICTL Waste Management Plan provide a map showing locations on site where waste will be segregated and stored in bays (same map as Laing O'Rourke)</p>	C		

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		-description of how the effectiveness of these measures would be monitored and, if non-compliance detected, actions to be required;	<p>Laing O'Rourke Yes – addressed in Section 6.1 of the Waste Management Plan 3-01 – Auditing of Waste Management Measures and 6.2 – Waste Tracking</p> <p>Grindley Yes – Addressed in Section 2.5 Monitoring</p> <p>SICTL <i>Opportunity for Improvement: The SICTL Waste Management Plan does not include any monitoring requirements for waste. Section 11 of the CEMP – Monitoring and Measurement includes monitoring for air, water noise and vibration etc, but not waste</i> <i>Action taken: A new section has been added to the WMP – Monitoring and auditing of waste measures.</i></p>		O SICTL	
		-measures to involve and encourage employees and contractors to minimise domestic waste production on site and to reuse/recycle where possible.	<p>Laing O'Rourke Yes – addressed in Section 4.2.3 of Waste Management Plan – Waste Minimisation and Recycling</p> <p>Grindley Yes – addressed in section 2.3 – Recycling / Reusing waste</p> <p>SICTL Yes – addressed in Section 4.3 of SICTL waste management plan – Mitigation measures</p>	C		

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		Waste Management On-Site				
B2.34	LORAC / Grindley SICTL	Management of waste must be in accordance with the environment protection licence issued by EPA under the Protection of the Environment Operations Act 1997.	No EPL on site See below.			NA
B2.35	LORAC / Grindley SICTL	All wastes and material generated on the site during construction and operation shall be classified in accordance with the DEC's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes prior to transporting the waste off site and be disposed of to a facility that may lawfully accept the waste.	<p>All wastes on generated on site are classified in accordance with the 2008 guidelines and disposed of appropriately. A sample of waste dockets for liquid and solid waste was sighted from a number of contractors and subcontractors. Contractors on site are generally responsible for management of waste and engagement of waste subcontractors.</p> <p>Laing O'Rourke A waste register is maintained by Laing O'Rourke. Records are retained in the project filing system. Copies of the EPLs of the waste management contractors are also maintained within the Liang O'Rourke records system.</p> <p>Grindley Grindley previously engaged the services of Bingo Group for waste management, and have recently changed to DATS. A copy of the EPL for DATS was retained on site and quarterly reports are provided with a breakdown of waste streams. A letter from DATS confirms that all wastes are transported and disposed of at Green Star licensed waste processing facilities.</p>	C		
		Hazardous and Industrial Waste				
B2.36	LORAC / Grindley SICTL	Except as expressly permitted by a licence issued by the EPA under the Protection of the Environment Operations Act 1997, only the hazardous and/or industrial and/or Group A waste listed below may be generated and/or stored at the premises: -waste oil/water, hydrocarbons/water mixtures or emulsions; and -grease trap waste.	<p>Laing O'Rourke, Grindley, Kone Cranes, Fujitsu, Inver</p> <p>No Hazardous Wastes outside these criteria have been generated.</p>	C		

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		Potential for Discovery of Aboriginal Heritage Objects				
B2.39	LORAC / Grindley SICTL	If an Aboriginal object is discovered during the construction of the development, works should cease in the subject area and the Applicant shall notify DEC immediately.	No Aboriginal artefacts or objects have been uncovered to date. Protocols are in place should artefacts or objects be uncovered.	C		
		Hazards and Risk Management				
		Construction Safety Study				
B2.41	LORAC / Grindley SICTL	The Applicant shall prepare a Construction Safety Study prior to commencement of construction of terminal operations infrastructure, accordance with Hazardous Industry Planning Advisory Paper No.7 – Construction Safety Study Guidelines (DoP, 1992). The commissioning portion of the Construction Safety Study may be submitted 2 months prior to commencement of commissioning. The study shall be submitted for the approval of Director-General prior to the commencement of construction of the terminal operations infrastructure.	<p>Laing O'Rourke A construction Safety Study has been prepared by Laing O'Rourke and has been approved by DP&I. Letter dated 04/09/2012 from A/Director Infrastructure Projects granted approval for the Construction Safety Study Rev 1 02/08/12.</p> <p>Grindley A construction Safety Study has been prepared by Grindley Constructions and has been approved by the DP&I. Letter dated 30/01/2013 from A/Director Infrastructure Projects granted approval for the Construction Safety Study Rev A Nov 2012 subject to the study being updated to recognise that there would be a clear separation of the Grindley and Laing O'Rourke works and requirement put in place to ensure where there are any overlapping of works, safety measures would be consistent across the two areas.</p> <p>Issue of Concern <i>The current Grindley CEMP does not reflect the changes required to be made as per the letter dated 30/01/2013.</i></p>		IOC Grindley	

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			SICTL A Construction Safety Study Report (v 03/13) has been prepared by SICTL and covers the activities relating to Supply and installation of automated stacking cranes, supply and installation of information and technology infrastructure and delivery and fabrication of shuttle carriers. Letter dated 31/05/2013 from A/Director Infrastructure Projects granted approval for the Construction Safety Study (Ver 03/13) Downer Letter dated 30/11/2012 from A/Director Infrastructure Projects granted approval for CEMP and all related sub-plans including the Construction Safety Study Report.			
		Fire Safety Study				
B2.42	SICTL?	The Applicant shall prepare a Fire Safety Study prior to the commencement of construction of the terminal operations infrastructure in accordance with <i>Hazardous Industry Planning Advisory Paper No.2 – Fire Safety Study Guidelines</i> (DoP, 1992). The study shall be submitted for the approval of the Director-General and the Commissioner of the NSW Fire Brigades prior to the commencement of construction of the terminal operations infrastructure.	A fire Safety Study has been prepared and submitted to DP&I and NSW Fire and Rescue. DP&I have reviewed the Fire Safety Study and comments were provided to SICTL and SPC on 30/08/2012. A letter from Sydney Ports dated 31 August 2012 notes that there may be delays in obtaining final approval from NSW Fire and Rescue due to issues outside SICTL control. In the letter, SPC note that they have had discussions with DP&I, and that SPC have no objection to SICTL commencing works that do not have an impact on the assessment, methodology and recommendations of the Fire Safety Study on the understanding that they do it at their own risk. Subsequent to the audit, The Fire Safety Study was approved by Fire and Rescue NSW in a letter dated 25 October 2013.	C		

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				C ✓	Finding O IOC NC ♦ ☑ ✗	NA
		Emergency Incident Management				
		Emergency Response and Incident Management Plan				
B2.43	LORAC / Grindley SICTL	<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 construction and shall detail:</p> <ul style="list-style-type: none"> -terminal security and public safety issues; -effective spill containment and management; -effective fire fighting capabilities; -effective response to emergencies and critical incidents; and -a single set of emergency procedures, consistent with the existing Port Botany Emergency Plan, should be developed that can be scaled as appropriate for any incident or emergency. 	<p>Laing O'Rourke Emergency Response and Incident Management Plan 3-01 Rev 3.1 dated 21/08/12. Letter dated 04/09/2012 from A/Director Infrastructure Projects granted approval for Emergency Response and Incident Management Plan Rev 03 20/08/12 subject to the procedures in section 13.4, 13.13 and 13.14 referring to the Environmental Representative also being contacted in relation to the incident.</p> <p><i>Issue of Concern: Review of document provided at the audit found (hard copy) that these sections have not been revised to include the ER being contacted in an emergency. The Plan was revised following the audit</i></p> <p>Grindley Section 4 – Site Emergency Response Plan – very general – requirement to notify SICTL not specified – clarify. Emergency Contacts section doesn't mention Laing O'Rourke or SICTL.</p> <p>SICTL Framework CEMP includes Appendix 4 – Emergency Preparedness and Incident Response which list the types of emergencies that could occur on site, the response and responsibilities for actions.</p> <p><i>Issue of Concern– There are several Emergency Response Plans relating to various contractors' scopes of work, however there was no clear single set of procedures which provide a guiding document covering the whole project. It is not clear</i></p>	IOC LORAC SICTL		

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			<p>which Emergency Response Plan takes precedence and who is responsible for overall / principal response or who would be responsible for EPA Notification.</p> <p>Action taken: A SPBT Project Emergency Response – Incident Escalation Coordination Procedure has been developed by SICTL to provide guidance to all contractors on site in the event of an emergency</p> <p>Owner Letter dated 30/11/2012 from A/Director Infrastructure Projects granted approval for CEMP and all related sub-plans including the Emergency Response and Incident Management Plan.</p>			
Aviation Construction Management						
Impact on Aviation Operations at Sydney Airport						
B2.44	SPC/NSWP	The Applicant shall ensure that all aspects associated with construction considers the required lateral separation distances to minimise the interference to Sydney Airport radar and navigational systems.	This was assessed as compliant at previous audits and was not reassessed			NA
B2.45	SPC/NSWP	The Applicant shall ensure design of the navigation channel and ship turning areas considers the required lateral separation distances to minimise interference to Sydney Airport radar and navigational systems. Design shall be undertaken in consultation with Air Services Australia.	Design of the navigation channel and ship turning areas has been completed previously by others. See Conditions B2.44 and B2.48.			NA

MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ◆ ☑ ✗	NA
		Obstacle limitation Surface				
B2.46	SICTL Grindley	The Applicant shall ensure that all construction equipment is below obstacle limitation surface, unless otherwise permitted by an approval under the <i>Airports (Protection of Airspace) Regulation 1996</i> and following consultation with the Department of Infrastructure, Transport, Regional Development and Local Government, Civil Aviation Safety Authority and Sydney Airport Corporation Limited.	SICTL Letter from SACL (dated 28/05/2013 Peter Bleasdale) to SICTL indicates no objection to the shipping movement of the BBC PLATA through Botany Bay to Hutchison Terminal subject to the conditions: max height of ship including cargo not to exceed 51.0m above AHD. Grindley Addressed in CEMP Section 4.4.9 Site Emergency Response Plans / Environmental Impact Issues / Aviation Management	C		
		Terminal Construction Lighting Design				
B2.47	SICTL LORAC	The Applicant shall ensure design specifications of any construction lighting conform to the requirements of Regulation 94 of the Civil Aviation Regulations 1988.	SICTL The Framework CEMP requires that all construction lighting is minimal and facing downwards. Liang O'Rourke The main works CEMP requires that all construction lighting is minimal and facing downwards	C		
		COMMUNITY INFORMATION, INVOLVEMENT AND CONSULTATION				
		Community Information and Complaints Handling				
B3.1	SPC/NSWP	The Applicant must meet the following requirements in relation to community consultation and complaints management:	Coordinated overall by NSW Ports, assigned to relevant contractors as required	C		
	SPC/NSWP LORAC / Grindley SICTL	-all monitoring, management and reporting documents required under the development consent shall be made publicly available;	Environmental Management Plans, Monitoring Report and Project updates are available on the website: http://www.hutchisonports.com.au/port-botany-expansion . Monitoring plans on the website date from September 2012 to July 2013 as at the time of the audit. The audit report from this independent audit is required to be uploaded to the website.	C		

MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome		
				C ✓	Finding O IOC NC ♦ ☑ ✗	NA
		-provide means by which public comments, inquiries and complaints can be received, and ensure that those means are adequately publicised; and	A General Enquiries line and a Complaints line is provided on the Hutchison Ports website for the Port Botany Expansion Project. The Auditor phoned the complaints line just prior to commencement of the audit and confirmed that the complaints number provided is correct and for that purpose.	C		
		-includes details of a register to be kept of all comments, inquiries and complaints received by the above means, including the following register fields:	SICTL Complaints Register sighted. Only one complaint has been received and that was received by email on 10/08/2013 at 14.41 hrs. The complaint is entered into the register in relation to the visual size and bulk of Quay cranes and the lights flashing on top. The Register shows that SICTL responded within 24 hours and attempted to organise a meeting with the complainant however the meeting has been postponed by the complainant. Lights have been turned off during the day temporarily and this step has been acknowledged. At the time of the audit, only the one complaint recorded for the construction phase to date.	C		
		-the date and time, where relevant, of the comment, inquiry or complaint;		C		
		-means by which comment, inquiry, complaint was made (telephone, fax, mail, email, person);		C		
		-any personal details of the commenter, inquirer or complainant that were provided, or if no details were provided, a note to that effect;		C		
		-the nature of the complaint;		C		
	SPC/NSWP LORAC / Grindley SICTL	-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	Actions taken are documented in the register	C		
		-if no action was taken by the Applicant in relation to the comment, inquiry or complaint, the reason(s) why no action was taken.	As above – no complaints where no action was taken	C		
	SPC/NSWP	-Provide quarterly reports to the Department and DEC, where relevant, outlining details of complaints received.	Quarterly Complaints reports are forwarded to DP&I. Sighted reports 15 April – 15 October 2012; 15 Oct 12 – 15 Jan 13; 15 Jan to 15 April 2013. <i>Issue of Concern: Complaints reported 6 monthly in April – Oct 12, and none since April 2013.</i>		IOC	

MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ◆ ☑ ☒	NA
		Community Consultative Committee				
B3.2	SPC/NSWP	Within 6 months of this consent or prior to commencement of construction, whichever is earlier, the Applicant shall establish a Community Consultative Committee to oversee the environmental performance of the development. This committee shall:	Construction and Operations Community Consultative Committee in place (Minutes are on the NSW Ports website) http://www.nswportsbotany.com.au/projects/port-botany-expansion/	C		
		(a) be comprised of 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.	There are at least 2 representatives of NSW Ports, The ER (Eladio Perez – EPRM) and The Environmental Manager from Laing O'Rourke are primarily responsible for environmental Management, Steven Poulton represents City of Botany Bay Council, Bronwyn Englano represents Randwick City Council. Community representatives are John Burgess, Paul Pickering	C		
		(b) be chaired by an independent party approved by the Director-General;	Roberta Ryan is Independent Chairperson	C		
		(c) meet at least four times a year, or as otherwise agreed by the CCC;	Minutes on website indicate more than 4 times yearly (actual = 5 times yearly). Meeting minutes available for 2/07/13; 07/05/13, 12/02/13, 06/11/12; 11/09/12 and 5/07/12	C		
		(d) review and provide advice on the environmental performance of the development, including any construction or environmental management plans, monitoring results, audit reports, or complaints; &	Minutes reviewed – includes presentations of management plans, environmental monitoring, discussions, advice etc. The CCC meeting held on 12 Feb 12 discussed the outcomes of the last PBE Grade separation audit.	C		
		Note: The Applicant may, with the approval of the Director-General, combine the function of this CCC with the function of other Community Consultative mechanisms the area, however, if it does this it must ensure that the above obligations are fully met in the combined process.	The CCC remains as a separate entity, however the July 2013 meeting minutes indicated that members are giving consideration to integrating it with the Port Botany Neighbourhood Liaison Group after completion of the construction phase.	C		
B3.3	SPC/NSWP	The Applicant shall, at its own expense:				
		(a) ensure that 2 of its representatives attend the Committee's meetings;	Minutes indicated that representatives from NSW Ports, and SICTL / Hutchison Ports attend the committee meetings	C		

MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ◆ ☢ ☒	NA
		(b) provide the Committee with regular information on environmental performance/management;	Yes – regular information on environmental performance and management is provided	C		
		(c) provide meeting facilities for the Committee;	Yes	C		
		(d) arrange site inspections for the Committee, if necessary;	As required	C		
		(e) take minutes of the Committee's meetings;	Minutes sighted on website	C		
		(f) make these minutes available on the Applicant's website within 14 days of the Committee meeting, or as agreed to by the Committee;	As per agreement by the committee. Last meeting minutes posted on website as at the time of the audit was 2 July 2013. Next meeting October 2013.	C		
		(g) respond to any advice or recommendations the Committee may have in relation to the environmental management or performance of the development; and	Yes – minutes show responses to advice / recommendations / questions.	C		
		(h) forward 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.	Minutes have been forwarded to DP&I within one month of the committee meeting as required (relevant emails sighted)	C		
B4		ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING				
		Incident Reporting				
B4.1	SPC/NSWP SICTL	The Director-General shall be notified of any incident with actual or potential significant off-site impacts on people or biophysical environment within 12 hours of Applicant, or other relevant party undertaking the development, becoming aware of the incident. Full written detail of the incident shall be provided to the D-G within seven days of the date on which the incident occurred. The D-G may	There have been no environmental incidents that would be required to report to the DG Contractors Incident reports were reviewed and key project personnel were interviewed as part of the audit confirming that there have been no significant environmental incidents.	C		

MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ♦ ☑ ✗	NA
		require additional measures to be implemented to address the cause or impact of any incident, as it relates to this consent, reported in accordance with this condition, within such period as the D-G may require.				
		Annual Environmental Management Report (AEMR)				
B4.2	SPC/NSWP	The Applicant must prepare an Annual Environmental Management Report for the development. The Annual Environmental Management Report must:	The 2012 AEMR report is available on the NSW Ports Website. The 2013 Annual Environmental Management Report will be prepared following release of this independent audit report.	C		
		-detail compliance with the conditions of this consent;	Yes	C		
		-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;	Yes (no complaints received for reporting period)	C		
		-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;	Yes - Appendix 3	C		
		-detail results of all environmental monitoring required under the development consent and other approvals, including interpretations and discussion by a suitably qualified person;	Yes – Appendix 4	C		
		-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;	Yes – report states all performance goals achieved	C		
		-be prepared within twelve months of commencement of construction, and every twelve months thereafter;	As noted in previous audit reports, the AEMR cannot be prepared until this audit report has been released. This audit was conducted 12 months after commencement of construction and the AEMR will be prepared shortly after.	C		

MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ♦ ☑ ✗	NA
		-be approved by the Director-General; and	The previous (Fourth) Annual Environmental Management Report which was submitted in January 2013. The report was approved by the Director General on 19 March 2013 however it was noted that the report covered an eighteen month period rather than the 12 monthly requirement. It notes that subsequent reports should be submitted in a timely manner. <i>Issue of Concern: DP&I require that the AEMR are to be submitted in a more timely manner (12 monthly as per MCoA)</i>		IOC NSW Ports	
		-be made available for public inspection.	The AEMR is available on the NSW Ports Website	C		
		Environmental Representative				
B4.3	SICTL? LORAC	Prior to the commencement of construction, a suitably qualified and experienced Environmental Representative(s) shall be nominated and approved by the D-G. The Environmental Representative(s) shall be employed for the duration of the construction and the on-going management, mitigation and monitoring associated with the development, excluding direct terminal operation matters subject to the conditions in Schedule C, or as otherwise agreed by the D-G. The Environmental Representative shall be:	The following persons have been appointed as ER and back-up ER on the project. Both have been approved by DP&I: • Noel Storan – approved by DP&I 19/03/2013 • Eladio Perez - approved by DP&I 10/04/2013 Letters from DP&I provide verification of appointment Prior to the appointment of Noel and Eladio, Jason Ambler (Laing O'Rourke) was initially appointed as ER – verified in letter. 17/07/12	C		
		a) the primary contact point in relation to environmental performance of construction phases;	The responsibilities of the Project Environment Representative are listed in the SICTL Framework CEMP and reflect the requirements of parts a) to f) of this condition.	C		
		responsible for all Management Plans and Monitoring Programs required under this consent, in relation to construction phases;				
		responsible for considering/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 construction phases;				

MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion		Audit Outcome		
			Evidence, supporting documentation		* See footer for key		
			C ✓	Finding O IOC NC ♦ ☑ ☒	NA		
		d) responsible for the management of procedures and practices for receiving and responding to complaints & inquiries in relation to the environmental performance of construction phases; e) required to facilitate an induction/training program for relevant persons involved with construction phases; f) 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 environment be likely to occur.					
		Environmental Training					
B4.4	LORAC / Grindley Kone Cranes	Prior to commencement of any dredging, reclamation and construction an Environmental Training Program shall be developed and implemented to establish a framework in which relevant employees will be trained in environmental management and operation of plant and equipment, including pollution control equipment, where relevant. Program shall include, but not necessarily limited to: 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) program for training relevant employees in operational and/ or management issues associated with environmental performance; d) program to confirm/update environmental training and knowledge during employment of relevant persons.	<p>Laing O'Rourke Environmental Training Material was sighted for Laing O'Rourke. It provides a good framework for relevant environmental management requirements on the project. All employees are required to undergo this training at induction. In addition, environmental topics are presented by the Environmental Manager at toolbox meetings and other sessions. Recent erosion and sediment control training (May 2013 – approx. 200 participants) and spill kit training (Feb and Mar – approx. 300 participants). Records of training were sighted and are retained on site.</p> <p>Fujitsu Fujitsu employees work on the LORAC site and are required to be inducted by LORAC</p> <p>Grindley Addressed in Section 2.12 of CEMP, Section 2.8 of Construction Noise Management Plan and in traffic</p>			IOC Grindley	

MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ◆ ☑ ☒	NA
			<p>management plan. Staff and personnel required to undergo project specific induction training. Induction material is limited to a checklist listing OHS and environmental topics – no specific training material was available at site.</p> <p><i>Issue of Concern: Induction checklist is insufficient to demonstrate that a training program is in place. The induction material does not address noise. It was unclear whether the site OHS/environment officer had received any appropriate environmental training</i></p> <p><i>Action – The ER is preparing induction material that should also be used to induct Grindley staff and subcontractors.</i></p> <p>Kone Cranes Training material (PowerPoint photo slides including environmental content) were available in the site files and are used for induction purposes</p> <p>Inver Inver had been on-site for one week at the time of the audit, and induction included sign-off of SWMS 0159 which dealt with diesel spills.</p> <p>SICTL The ER checks that appropriate inductions have been conducted on behalf of SICTL</p>			
		Environmental Auditing				
B4.5	SPC/NSWP SICTL	Within one year of the commencement of construction and every year thereafter for the duration of construction a full independent environmental audit shall be undertaken by a suitably qualified person/team approved by the Director-General. Audits would be made publicly available and would:	This independent audit was conducted within the required 12 months. Construction commenced Sept 2012	C		

MCoA No	Auditee	MCoA Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ◆ ☑ ✗	NA
		-be carried out in accordance with ISO 14010 and ISO 14011 – Procedures for Environmental Auditing;	Carried out in accordance with ISO19011 - this supersedes ISO 14010 and 14011.	C		
		-assess compliance with requirements of this consent, other licences/approvals;	Yes – refer to this appendix – all Ministers Conditions of Approval relevant to the current scope of works is included	C		
		-assess the construction against the predictions made and conclusions drawn in the development application, EIS, additional information and Commission of Inquiry material; and	Yes – Refer to Appendix 2 of this report	C		
		-review effectiveness of environmental management, including any environmental impact mitigation works.	Yes – Refer to Section 3.4 of the main Environmental Audit Report	C		
		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.	Noted.	C		
		Maintenance and Management Plan for Expanded Area				
B4.6	SPC/NSWP	Within 1 month of full reclamation, or as otherwise agreed to by D-G, the Applicant shall prepare a Maintenance and Management Plan for the expanded area to address maintenance issues including safety, vegetation management, feral pest management, other issues identified by the Applicant in consultation with DOP. The preparation and implementation is required in case the expanded area is not leased to a new operator immediately upon construction completion. The Plan is required until such time as a lease is signed	Maintenance Management Plan dated 28/09/11 referenced in last audit for Grade Separation Works. No further action required			NA

APPENDIX 2

AUDIT CHECKLIST

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

Appendix 2 - Development Application, EIS, additional information and Commission of Inquiry (COI) Material and S96 Application checklists

Part 1 - EIS Predictions & Conclusions Audit Checklist

Note: predictions relating to dredging impacts during construction have not been included in this checklist as dredging was completed in 2011. However, predictions relating to dredging impacts over the longer term have been retained.

Ch 14 - Land Use

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

Ch 15 - Hydrodynamics and Coastal Processes

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

Ch 16 - Hydrology and Water Quality

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			😊	😐	😢	NA
16.4.1	It is anticipated that construction activity would not cause blockages to water flow through Springvale and Floodvale Drains and the Mill Stream.	No recorded blockages. Construction activities on current package of works would have minimal impact	😊			
16.4.2	Initial consolidation of material in the reclaimed area is expected to take up to two years. During this time the surface of the reclamation, if not protected, may be subject to erosion.	The reclaimed area was in the terminal construction phase at the time of the audit, and a substantial area was in the process of being sealed. Erosion of the surface was not a significant issue	😊			

Key to audit outcomes:

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

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			😊	😐	😢	NA
16.4.2	Dredged or construction material stockpiles and active construction areas may be subject to erosion and sedimentation from surface runoff.	Stockpiles were on site at the time of the audit. These were generally being managed and no significant erosion or sedimentation from surface runoff was noted.	😊			
16.4.2	There is a potential for spills and leaks from plant and equipment and onsite fuel storage during construction.	Potential is noted. Diesel and other liquids are kept on site, and overall, the potential for spills and leaks is controlled through bunded storage areas, double skinned tanks, and refuelling operations by trained subcontractor suppliers. Minor spills have been cleaned up, spill kits are provided on site	😊			

Ch 17 - Groundwater

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			😊	😐	😢	NA
17.4.4	However, it is not expected that any of these works (excavation and pile driving associated with construction of road and rail bridges) would significantly impede groundwater flow, and as a result, groundwater levels would not be affected during construction irrespective of the construction method.	SPC continue to undertake groundwater monitoring in accordance with the Port Botany Expansion Project Groundwater Monitoring Plan – Appendix J of the PEHEP. Monthly monitoring commenced in April 2002. Ongoing monitoring is required until one year following completion of reclamation. The first Port Botany Annual Post Construction Monitoring Report was released and is posted on the SPC website. There is no indication in the monitoring report that groundwater flows are significantly impeded.	😊			
17.4.4	Services for the proposed Port Botany Expansion would be installed underground in shallow trenches (up to approximately 1.2 m deep) along Foreshore Road and Penrhyn Road. It is expected that in these areas the	Generally true. No change from last audit report – activities for Terminal 3 would not have any further impact	😊			

Key to audit outcomes:

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Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			😊	😊	😢	NA
	groundwater would be below the depth of the trenching activities. Therefore, the construction of services would generally not involve excavation below the water table. Service trenches would be backfilled using excavated material or sand bedding, and therefore, even if excavation did intercept the water table, it is expected that groundwater levels would not be affected.					
17.5	The construction of the proposed Port Botany Expansion would, however, have the potential to cause minor localised contamination of groundwater from fuel and oil spills/leaks from construction equipment or machinery.	Noted that there is potential, however, there have been no reported spills likely to affect groundwater. Larger volumes of fuels of oils stored on site are stored in double skinned tanks.	😊			

Ch 18 – Geology, Soils and Geotechnical

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			😊	😊	😢	NA
18.3.2	The majority of the construction works would involve reclamation and construction of the hardstand, berths and port infrastructure with expected negligible impact on soil erosion. However, construction of other infrastructure in the vicinity of Penrhyn Estuary would involve removal of vegetation and other activities that would disturb soils with the possibility of soil erosion.	Prediction largely true. No further removal of vegetation as part of Terminal 3 construction	😊			
18.3.3	Once the reclamation is above the water level, any sulphide contained within the sandy sediment matrix may be subject to oxidation. However the overall risk of adverse ecological effects from these oxidised PASS is considered to be low	Prediction true. Since commencement of construction of the Terminal infrastructure, there has been one instance where PASS has been identified. The identified PASS was appropriately managed through the protocols in the Acid Sulphate Soils Management sub-plan	😊			

Key to audit outcomes:

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Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			😊	😐	😢	NA
18.3.3	Sediment and soil currently below the water table disturbed during the earthworks for the proposed habitat enhancement activities in Penrhyn Estuary may have acid generating potential	Prediction true.- see above	😊			
18.3.4	Disturbance of estuarine sediment during the proposed construction activities would result in only localised and temporary remobilisation of contaminated sediment and is therefore not likely to cause a significant risk to human health or the environment.	No disturbance of estuarine sediments during Terminal 3 infrastructure works	😊			

Ch 19 – Aquatic Ecology

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			😊	😐	😢	NA
19.6.1	Vibration would occur as a result of construction and operation of the new terminal. Most aquatic animals would tend to habituate to the changes in noise and vibration, therefore, impacts could be considered as low.	Minimal vibration is generated during the Terminal 3 infrastructure works				NA
19.6.2	The removal of mangroves would require a permit from NSW Fisheries under the FM Act. Given the small size of the stand relative to other areas in Botany Bay, this loss is considered to be ecologically sustainable. On the other hand, the creation of additional saltmarsh habitat is considered a positive effect as it would represent a substantial increase of almost 4%, based on West et al (1985), in the area of this habitat within Botany Bay.	No mangroves were removed as part of the Terminal 3 infrastructure works				NA

Key to audit outcomes:

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Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			😊	😐	😢	NA
20.10	The proposed Port Botany Expansion would result in changes to the terrestrial environment on the northern side of Botany Bay between the Parallel Runway and Penrhyn Road.	Noted. No work done in this area for Terminal 3. The vegetation planted during the port footprint phase continue to thrive.	😊			
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.	SPC also conducts shorebird monitoring in accordance with the Bird Monitoring Plan in the PEHEP – states that monitoring will continue until success levels are assessed after 5 years following commencement of port operations (page 50 of PEHEP Report Exec Summary) The Port Botany Post Construction Monitoring report released Sept 2013 notes that “the PEHE works have expanded both feed and roosting habitats for shorebirds and has eliminated much disturbance in the estuary”	😊			

Key to audit outcomes:

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

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			😊	😐	😢	NA
21.7.1	<p>1. Construction generated truck traffic volumes would be significantly lower than the existing volume generated by the port. The estimated 103 truck deliveries per day in the second year, which is the maximum during the construction period, represents about 7% of the existing 1,450 port trucks on an average day).</p> <p>2. Construction traffic would also represent a very small proportion of peak traffic volumes. As a result, the impact of construction vehicles on the performance of the road system would likely be very minor.</p>	<p>By late 2012, SICTL works accelerated requiring an increase in the truck deliveries for parts of 2013. In March 2013 Patricks were also preparing to start construction activities resulting in a further increase if forecast truck deliveries in 2013</p> <p>Due to the concurrent activities, A “PBE Cumulative Traffic Assessment” (April 2013) was undertaken by Parking and Traffic Consultants (on behalf of SICTL and Patrick) to investigate the cumulative impact on traffic by SICTL and Patrick on the road system.</p> <p>Key outcome of the report relevant to Part 1 of prediction:</p> <ul style="list-style-type: none"> Maximum daily truck numbers for the Patrick and SICTL works combined is 145 (as compared with prediction of 103). <p>Key outcomes of the report relevant to Part 2 of prediction included:</p> <ul style="list-style-type: none"> The commuter model results indicate that both the intersections of Foreshore Road with Botany Road/Penrhyn Road and Foreshore Road with SICTL access road are operating at Level of Service C (Satisfactory) and B (good with acceptable delays and spare capacity) respectively both with and without the construction traffic associated with the development of the Patrick development site An analysis of “average delay” and “level of service” indicates that the construction traffic will have a very minor impact on the overall operation of the road network, which is consistent with the findings of the EIS 	😊	😐	😢	

Key to audit outcomes:

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

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			😊	😐	😢	NA
		<ul style="list-style-type: none"> • There will be no notable difference for traffic on Foreshore Road including the intersection of the Foreshore Road and the SICTL access bridge • Section 6 of the report concludes that “the road network provides sufficient capacity to accommodate the construction traffic movements with no amendments to existing infrastructure” 				
21.7.1	The materials to be delivered to the site (rocks, piling equipment and concrete) would generally be transported by standard articulated and rigid trucks, although depending on the sources, some rock materials may also be delivered by barge. The use of restricted access oversize/overmass vehicles would be unlikely, except possibly for transport of some plant and equipment to and from the construction site (e.g. loaders, dozers, rollers, cranes and graders).	Generally true. Materials are generally transported by standard articulated trucks and rigid trucks. No materials delivered by barge.	😊			
21.7.1	Normal construction working hours would generally apply for landside activities (7 am to 6 pm Monday to Friday; 7 am to 1 pm Saturday). These are generally considered as “daytime” working hours and are in line with EPA guidelines and working hours of other construction projects around Sydney. Some works may be undertaken outside of these hours (e.g. maintenance or road and rail works) to minimise impact on other users. Where the project requires construction work outside these hours, the regulatory authorities and affected stakeholders would be notified.	<p>The approved hours (condition B2.19) are 7 am to 6.00pm Mon – Friday, however, for Saturdays are from 8.00am to 1.00pm (change from prediction).</p> <p>There have been no works requiring approvals as all works to date have been assessed as inaudible at the nearest residential receivers.</p>	😊			
21.7.1	As pedestrian and cyclist activity on Foreshore Road is currently very low, the construction traffic is expected to have a negligible impact on these road users.	Noted. Pedestrian and cyclist activity is not being monitored (not required to be monitored)		😐		

Key to audit outcomes:

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

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			😊	😐	😢	NA
21.7.1	Construction of the intersection would cause some minor and temporary disruption to traffic using Foreshore Rd.	Noted. Intersection works completed	😊			
21.7.1	These operations (on the inter-terminal access corridor) would not add significantly to construction traffic on the southern side of Penrhyn Estuary.	Prediction true	😊			
21.7.1	The installation/connection of services would not add significantly to construction traffic.	Prediction true	😊			

Chapter 22 – Noise & Vibration

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			😊	😐	😢	NA
22.6	Vibration criteria to protect buildings from damage would be complied with. The vibration comfort criteria would also be complied with.	There are no activities relating to the construction of Terminal 3 that would cause significant vibration	😊			

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Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			😊	😐	😢	NA
23.10	Dispersion modelling of dust emissions from construction of the proposed new terminal showed that PM10 (24-hour) concentrations and monthly dust depositions did not exceed the project criterion of 16 µg/m³ and 2 g/m²/month respectively at residences closest to the work sites (to the north of Foreshore Road) for the periods of maximum construction activity.	Dust Management Sub-Plan has been prepared and dust is being monitored No dust complaints to date No criteria has been set for project, however, dust goal of 4g/m²/month has been set as a guideline.	😊			
23.10	Concentrations of PM10 during construction would result in at most two additional exceedences per year of the 50µg/m³ criteria measured in the vicinity of the site in recent years, which is not considered to be significant.	Some PM10 exceedances (eg 10/06/13) have been recorded on the project however investigations have found that no construction work was being undertaken on the day. The monitoring report suggests that it is likely that the dust was generated from lawn and landscaping works in the area.	😊			
23.10	Predicted TSP concentrations are significantly lower than EPA criteria of 90µg/m³ beyond the site boundary.	TSP not required to be separately reported and are not measured as TSP – only PM 10 is measured.	😐			
23.10	An assessment of greenhouse gas emissions found that construction and operation of the Port Botany Expansion would reduce overall greenhouse gas emissions in the future “Long Term” operating scenario, when compared to the “do nothing” scenario.	Future action				NA

Key to audit outcomes:

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Chapter 24 – Cultural Heritage

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			😊	😐	😢	NA
24.7.1	The construction of the proposed development would have no identifiable impact on Aboriginal archaeological heritage values as there were no Aboriginal sites recorded within the primary study area and the potential for submerged Aboriginal sites is negligible given that any cultural material would have been exposed to, and affected greatly by, waves, tides and currents.	Noted. No Aboriginal artefacts found to date	😊			
24.10	European structures of maritime cultural heritage significance have been identified in close proximity to the proposed reclamation and dredging area. The main maritime heritage feature identified was the former Government Pier. The Pier would be conserved by Sydney Ports Corporation as part of the development.	The Pier was built into the design of the Penrhyn Estuary enhancement – addressed in the SPC Public Realm Concept Design Report. Pier has been conserved	😊			

Chapter 26 – Social Impact Assessment

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			😊	😐	😢	NA
26.6	During construction of the proposed expansion, most of the social impacts would be on the local Port Botany community and the community of people using the recreational facilities near the port. Social impacts during this phase would include a partial restriction on recreational use of Foreshore Beach and areas of Botany Bay, increased traffic on local roads, and increased noise levels.	The Terminal 3 works do not impact on Foreshore Beach	😊			

Key to audit outcomes:

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

Chapter 29 – Bird Hazard

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			😊	😐	😢	NA
29.3.2	Pooling of water may occur on the reclaimed land from uneven surfaces. Birds may take advantage of the pools for bathing, especially if close to a roost site or feeding area. Pooling of water can attract birds to congregate and form large flocks.	No significant pooling of water was observed on the project site. Temporary pooling following rain events drain quickly.	😊			
29.3.2	Construction sites may also attract birds if workers feed birds and leave food scraps.	Whilst there was no evidence of birds being attracted to the construction site during the site inspection, it was noted that several bins containing food waste were not covered. No specific training or procedures are in place to ensure that food waste bins are covered at all times. Recommend that this requirement is highlighted to contractors operating on the site.	😐			
29.3.2	Areas illuminated at night are likely to attract birds, especially Silver Gulls. Such areas help to provide a secure roosting environment where potential predators, such as foxes or feral cats can be seen. Additionally, lights may also attract insects such as moths and other large insects, which in turn attract Silver Gulls.	Minor out of hours work have occurred, however this is unlikely to have attracted predators or birds.	😊			

Chapter 30 – Operational Aviation Issues

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			😊	😐	😢	NA
30.4.1	There would be no anticipated impact on OLS (Obstacle Limitation Surface) during construction as equipment, including lighting masts and pile drivers, would be selected so as not to intrude into the OLS (i.e. less than 52 m LAT). Given that the OLS is the lower of the surfaces which control aircraft safety, the PAN-OPS would also not be compromised by the proposed development.	Condition B2.46 of the MCoA was modified to allow for breaches of the OLS subject to SACL approval and requires approval to breach the OLS. Approvals have been obtained from SACL for the breaches of the OLS by shipping carrying cranes. Refer to MCoA checklist.	😐	😐		

Key to audit outcomes:

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Chapter 32 – Emergency & Incident Management

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			C	O	NC	NA
	No construction predictions made for Emergency & Incident Management					NA

Chapter 33 – Water & Wastewater

Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
			😊	😐	😢	NA
33.2.1	It is estimated that during construction of the new terminal, approximately 15 ML of potable water would be required per year.	The 2010 audit found only 22% of predicted usage. Water usage is not currently measured. The water meter is in the NSW Ports area and as such it has not been possible to monitor usage directly. A commitment has been made to address this issue and measurement will be commencing this year.		😐		
33.3.1	The volume of wastewater generated during construction would depend on the number of construction workers at the site and the nature of the construction activities being undertaken. For significant periods of the construction program, up to 160 construction workers would be on site. With this number of workers, the peak domestic wastewater volume during construction would be about 14 kL per day.	Figures provided by Laing O'Rourke show approximate generation of 8,200 litres per day at the time of the audit (peak activity period). The pumpout from the Laing O'Rourke offices would represent approximately 70% of site usage. This equates to around 10,500 litres per day for the site, which is within the predicted range	😊			

Key to audit outcomes:

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Section	Predictions / Conclusions	Assessment	Audit Outcomes																																																															
			See footer for key																																																															
			😊	😐	😢	NA																																																												
34.2	<p>Activities during the construction of the Port Botany Expansion resulting in the generation of waste would include:</p> <ul style="list-style-type: none"> • dredging and reclamation; • construction of road and rail connections; • construction of public recreation facilities; • construction of wharf structures and pavements; • installation of utility connections; • construction of road and rail exchange facilities; • construction of buildings; and • landscaping. 	Noted	😊																																																															
34.2	<table border="1" data-bbox="265 774 932 1127"> <thead> <tr> <th>CONSTRUCTION WASTE</th> <th>ESTIMATED ANNUAL QUANTITY OF WASTE FOR DISPOSAL</th> </tr> </thead> <tbody> <tr> <td>Construction materials (rock, concrete, timber, masonry, bricks, plasterboards, metal and packaging materials)</td> <td>3,000 tonnes</td> </tr> <tr> <td>Road and rail waste (road stone/railway ballast/concrete and metal railway lines)</td> <td>200 tonnes</td> </tr> <tr> <td>Dredged material</td> <td>None (contained on site)</td> </tr> <tr> <td>Green Waste</td> <td>None (reused on site)</td> </tr> <tr> <td>Excavated soil</td> <td>None (contained on site)</td> </tr> <tr> <td>Domestic waste (glass, aluminium cans, paper and cardboard, milk bottles, soft drink bottles and food waste)</td> <td>720 m³</td> </tr> <tr> <td>Human waste</td> <td>14,000 kL</td> </tr> </tbody> </table>	CONSTRUCTION WASTE	ESTIMATED ANNUAL QUANTITY OF WASTE FOR DISPOSAL	Construction materials (rock, concrete, timber, masonry, bricks, plasterboards, metal and packaging materials)	3,000 tonnes	Road and rail waste (road stone/railway ballast/concrete and metal railway lines)	200 tonnes	Dredged material	None (contained on site)	Green Waste	None (reused on site)	Excavated soil	None (contained on site)	Domestic waste (glass, aluminium cans, paper and cardboard, milk bottles, soft drink bottles and food waste)	720 m ³	Human waste	14,000 kL	<p>LORAC provided the following waste figures for period Sept 2012 – Sept 2013 provided (majority of site waste generation):</p> <table border="1" data-bbox="965 881 1628 1135"> <thead> <tr> <th>Waste-Type</th> <th>Total-waste</th> <th>Amount-recycled</th> <th>Amount-disposed</th> </tr> </thead> <tbody> <tr> <td>Mixed Construction</td> <td>1193.93-T_h</td> <td>1131.72-T_h</td> <td>62.21-T_h</td> </tr> <tr> <td>Concrete</td> <td>2488.28-T_h</td> <td>2488.28-T_h</td> <td>0-T_h</td> </tr> <tr> <td>Steel</td> <td>7.14-T_h</td> <td>7.14-T_h</td> <td>0-T_h</td> </tr> <tr> <td>Spoil</td> <td>43938.55-T_h</td> <td>43938.55-T_h</td> <td>0-T_h</td> </tr> <tr> <td>Compound-General Rubbish</td> <td>374.4-m³</td> <td>0-m³</td> <td>374.4-m³</td> </tr> <tr> <td>Compound-Comingled</td> <td>30-m³</td> <td>30m³</td> <td>0m³</td> </tr> <tr> <td>Compound-Paper & Cardboard</td> <td>187m³</td> <td>187m³</td> <td>0m³</td> </tr> <tr> <td>Septic-Waste</td> <td>1950-kL</td> <td>0-kL</td> <td>1950-kL</td> </tr> <tr> <td>Hazardous-(solid)</td> <td>47.26T_h</td> <td>0-kL</td> <td>47.26T_h</td> </tr> <tr> <td>Hazardous-(liquid)</td> <td>13.2kL</td> <td>0-kL</td> <td>13.2kL</td> </tr> </tbody> </table> <p>A high percentage of recycling is noted – actual figures are positive compared with predictions</p>	Waste-Type	Total-waste	Amount-recycled	Amount-disposed	Mixed Construction	1193.93-T _h	1131.72-T _h	62.21-T _h	Concrete	2488.28-T _h	2488.28-T _h	0-T _h	Steel	7.14-T _h	7.14-T _h	0-T _h	Spoil	43938.55-T _h	43938.55-T _h	0-T _h	Compound-General Rubbish	374.4-m ³	0-m ³	374.4-m ³	Compound-Comingled	30-m ³	30m ³	0m ³	Compound-Paper & Cardboard	187m ³	187m ³	0m ³	Septic-Waste	1950-kL	0-kL	1950-kL	Hazardous-(solid)	47.26T _h	0-kL	47.26T _h	Hazardous-(liquid)	13.2kL	0-kL	13.2kL	😊			
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Key to audit outcomes:

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Section	Predictions / Conclusions	Assessment	Audit Outcomes			
			See footer for key			
						NA
35.2	<p>During the construction phase, energy consumption would result from activities including:</p> <ul style="list-style-type: none"> ▪ dredging and reclamation works, enhancement of public recreation areas and Penrhyn Estuary; ▪ berth and port infrastructure works; ▪ development of terminal facilities; and ▪ procurement and delivery of construction materials. <p>Electricity would be used for small hand-held construction tools and site office equipment.</p>	Noted				
35.2	The use of fuels and electricity would be minimised during the construction phase for environmental reasons as well as economic savings	<p>The Energy Management sub-plan provides initiatives for reducing energy.</p> <p>As noted in the previous audit (Grade Separation Works) the prediction is difficult to quantitatively assess.</p>				

Key to audit outcomes:

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

Part 2 - COI Predictions & Conclusions – audit checklist

Primary Submission Volume 1

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

Primary Submission Volume 2

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

Supplementary Submission

Section	Predictions / Conclusions	Assessment	Audit Outcome			
			* See footer for key			
			😊	😐	😢	NA
Document 3B Section 4.2.5	Compared with the existing volume of truck trips generated by the port (120 for the AM peak and 55 for the PM peak), the volume of construction generated vehicles is significantly lower, and would hence represent a very small proportion of peak traffic volumes (<10%). As a result, the impact of construction vehicles on the performance of the road system is likely to be negligible.	A “PBE Cumulative Traffic Assessment” (April 2013) concluded that There will be no notable difference for traffic on Foreshore Road including the intersection of the Foreshore Road and the SICTL access bridge Section 6 of the report concludes that “the road network provides sufficient capacity to accommodate the construction traffic movements with no amendments to existing infrastructure”. Refer to		😐		

Key to audit outcomes:

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		section 21.7.1 of this checklist.			
Document 4A	Cumulative (background + Port Botany construction) frequency of exceedance of the Department of Environment and Conservation (DEC) 24-hour PM10 criteria of 50 µg/m ³ . In addition to the 27 exceedances of the criteria resulting from background air quality, the Port Botany construction works result in a maximum 2 additional days where the criteria may be exceeded.	Some PM10 exceedances were recorded (June 2013) however investigation found the source was not from construction activities – see prediction 23.10	☺		

Key to audit outcomes:

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

Part 3 - S96 Applications - Predictions & Conclusions Audit Checklist

S96 Application – September 2008, no MOD-60-9-2008 (B2.46)

Section	Predictions / Conclusions	Assessment	Audit Outcome			
			* See footer for key			
			😊	😐	😢	NA
	The Applicant shall ensure that all construction equipment is below the obstacle limitation surface, unless otherwise permitted by an approval under the <i>Airports (Protection of Airspace) Regulation 1996</i> and following consultation with the Department of Infrastructure, Transport, Regional Development and Local Government, Civil Aviation Safety Authority and Sydney Airport Corporation Limited.	Condition B2.46 of the MCoA was modified to allow for breaches of the OLS subject to SACL approval and requires approval to breach the OLS. Approvals have been obtained from SACL for the breaches of the OLS by shipping carrying cranes. Refer to MCoA checklist.	😊			

S96 Application – December 2008, no MOD-68-12-2008 (B2.19)

Section	Predictions / Conclusions	Assessment	Audit Outcome			
			* See footer for key			
			😊	😐	😢	NA
	No prediction – change to condition – B2.19A	See B2.19 MCoA Checklist – needs approval from DoP for out of hours work for non-scheduled activities.- Complies	😊			

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

Key to audit outcomes:

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

APPENDIX 3

AUDIT CHECKLIST

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

Key to audit outcomes:

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Appendix 3 EPBC SEWPAC (formerly DEH and DEWHA) Approvals – EPBC 2002/543 Audit Checklist

Para-graph	Auditee SPC/ BHJDN	Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ◆ ☑ ☒	NA
1	SPC	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	SPC	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.	SPC received confirmation from the Department of Environment, Water, Heritage and the Arts (DEWHA – dated 2/07/07) that this condition has been satisfactorily addressed and was not reassessed at this audit.	C		
3	SPC/NSWP	The person taking the action must prepare and submit for the Minister's approval a habitat enhancement plan for Penrhyn Estuary to manage impacts on listed migratory bird species during the construction and operation of the new port facilities at Port Botany. The action must not commence until the plan has been approved. The approved PEHEP must be implemented.	The Penrhyn Estuary Habitat Enhancement Plan was approved prior to commencement of construction. Letter from DEWHA dated 27/03/09 approved condition 3 under the EPBC Act. This was assessed as compliant at the last 4 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		

Para-graph	Auditee SPC/ BHJDN	Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ◆ ☑ ☒	NA
4	SPC/NSWP	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	SPC/NSWP	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	SPC/NSWP	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	As reported in the previous audit report (Grade Separation Audit December 2012) 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 5 years necessitating revision or submission 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..."	C		

Para-graph	Auditee SPC/ BHJDN	Approval Requirement	Comments, observations, discussion Evidence, supporting documentation	Audit Outcome		
				* See footer for key		
				C ✓	Finding O IOC NC ◆ ☑ ☒	NA
7	SPC/NSWP	After construction of the new port facilities at Port Botany has been completed, and every five years thereafter or as otherwise agreed by the Minister, the person taking the action must ensure that an independent audit of compliance with the conditions of approval for the new port facilities at Port Botany, and the effectiveness of measures to mitigate impacts on listed migratory bird species, is carried out. The independent auditor must be accredited by the Quality Society of Australasia, or such other similar body as the Minister may notify in writing. The audit criteria must be agreed by the Minister and the audit report must address the criteria to the satisfaction of the Minister. An audit report must be given to the Minister within six months of the fifth anniversary of completion of construction of the new port facilities at Port Botany, and within six months of every fifth anniversary thereafter.	Port facilities are currently under construction – future action			NA
8	SPC/NSWP	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.	Sydney Ports letter dated 4 September 2013 and signed by the CEO and Director provides certification of compliance with the conditions of approval. It is noted that the certification letter is 2 months overdue		NC	
9	SPC	If, at any time after 5 years from the date of this approval, the Minister notifies Sydney Ports Corporation in writing that the Minister is not satisfied that there has been substantial commencement of construction of the action, construction of the action must not thereafter be commenced.	Approval was issued on 3/01/2008 and construction commenced in July 2008 which is well within the required timeframe.	C		

APPENDIX 4

Independent Auditor Approval

Key to audit outcomes: **C** = *Conforms*; **O** = *Observation / Opportunity for Improvement*; **NC** = *Non Compliance*; **NA** = *Not applicable*



Contact: Ingrid Ilias
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Fax: 02 9228 6366
Email: ingrid.ilias@planning.nsw.gov.au

Our ref: S01/02520-25
Your ref: OG-1019

Mr Peter O'Leary
PBE Project Manager
Sydney Ports Corporation
PO Box 25
MILLERS POINT NSW 2000

Dear Mr O'Leary

Port Botany Expansion – Approval of Auditor (condition B4.5)

I refer to your letter dated 16 March 2009 in which you nominate Ms Julie Dickson to undertake a full independent environmental audit of the construction of the Port Botany Expansion project, as required by condition B4.5 of the Minister's consent.

The Department has reviewed Ms Julie Dickson's qualifications and experience and considers that she is suitably qualified and experienced to undertake the environmental audit. The Director-General has therefore approved Ms Julie Dickson as the environmental auditor for the construction of the Port Botany Expansion project.

If you have any questions or require clarification of the above, please do not hesitate to contact Ingrid Ilias on 9228 6411 or via email at ingrid.ilias@planning.nsw.gov.au.

Yours sincerely,

Scott Jeffries
Director
Major Infrastructure Assessments
as delegate for the Director-General

30/03/09

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APPENDIX 5

ADDENDUM 1 – Follow up and close-out of Grindley Constructions Issues of Concern

ADDENDUM 1 – Close out of Grindley Constructions Issues of Concern

This addendum has been prepared to provide information on the follow up of the outstanding Issues of Concern (IOCs) raised during the Independent Environmental Audit in relation to Grindley Constructions.

A review of evidence submitted electronically was undertaken, and the following table provides the details of action taken and evidence sighted to close out the Issues of Concern.

Table 1

Type* & No.	MCoA Ref	Responsible entity	Finding	Updated Status
MCoA IOC 1	B2.41	Grindley	<p>Letter from DP&I regarding the approval of the Grindley Construction Safety Study being subject to being updated to recognise that there would be a clear separation of the Grindley and Laing O'Rourke works and requirement put in place to ensure where there are any overlapping of works, safety measures would be consistent across the two areas.</p> <p><i>Initial Action taken: The Current Plan has not been updated to reflect this requirement</i></p> <p><i>Further Action Taken: The Site Specific Safety Management Plan (Ver 05 dated 5/12/13) has been revised to address the safety measures in relation to the overlapping of works between Grindley and Laing O'Rourke works.</i></p>	Closed
MCoA IOC 6	B4.4	Grindley	<p>The Grindley site Induction checklist is insufficient to demonstrate that a training program is in place as no specific training material was available on site. The induction material also does not address noise. It was unclear whether the site OHS/environment officer had received any appropriate environmental training.</p> <p><i>Action: The ER is preparing induction material suitable for Grindley staff and subcontractors, however at the time of this report, it had not yet been implemented.</i></p> <p><i>Further Action taken: The ER has finalised the induction material and the process is now implemented. Supplementary training material was sighted</i></p>	Closed

Summary of Findings – Table 6

Type* & No.	Finding	Updated Status
GC-IOC 2	<p>There was evidence of paint wash water on the ground in vicinity of painting job (see photos). It was noted during the inspection next day that the white water / stained ground had been cleaned up. Staff and contractors need to be advised that washing paint brushes directly onto the ground is unacceptable practice.</p> <p><i>Initial Action Taken: Grindley response advised that they would investigate and reiterate the wash-out procedure, however no evidence has been provided.</i></p> <p>Further Action taken: A toolbox talk by GC dated 5/12/2013 "Paint Washout Procedure and Disposal" provided evidence of communicating these requirements.</p>	Closed
GC-IOC 3	<p>Personnel on site were not clear on disposal requirements for drums that contained dangerous goods (hazardous waste) Need to provide guidelines on appropriate disposal of drums</p> <p><i>Initial Action Taken: Response from Grindley was that Section 2.2 of the Waste Management Plan is to be updated to include disposal of hazardous material and that this was actioned on 12/09/13. CEMP available as at 4 Nov (August 2013) had not been updated.</i></p> <p>Further Action taken: Section 2.2 of the Waste Management Plan within revised CEMP Rev 6.1 dated 5/12/2013 now includes the statement that hazardous liquids and their containers must be disposed of in accordance with the relevant legislative requirements for that product.</p>	Closed
GC-IOC 4	<p>Site inspections do not include sub-contractor compliance to environmental requirements. Generally, housekeeping standards at the subcontractor controlled facilities were not adequate. Grindley need to more pro-actively manage subcontractors work facilities.</p> <p><i>Initial Action Taken: Grindley response stated that inspection checklists are to include subcontractor compound area monitoring. Site revisit and further evidence would be required to verify full implementation</i></p> <p>Further Action taken: The Environmental Officer Weekly checklist has been revised to include an inspection of the subcontractor storage areas and hazmat storage. Inspection dated 29/22/2013 was provided as evidence (issues requiring action identified).</p>	Closed
GC-IOC 5	<p>Subcontractors are not required to provide documentation that indicates the required environmental controls. SWMS provided by subcontractors only provide WHS/OHS assessment and controls.</p> <p><i>Initial Action Taken: Grindley response notes the recommendation to consider inclusion of environmental controls in future SWMS. This does not address current issues, therefore remains open.</i></p> <p>Further Action taken: Whilst SWMS with environmental hazards have still not been obtained from subcontractors evidence of some action to address this finding has been provided in an email dated 27/11/2013 to 9 subcontractors requiring them to undertake toolbox talks regarding hazards and controls. To date, one subcontractor has provided a copy of a toolbox talk as evidence, and one other has provided an Environmental Management Plan.</p>	Closed
GC-IOC 6	<p>SWMS from subcontractors relating to painting had not been obtained (due to start painting soon) and no SWMS was available for Grindley staff undertaking painting tasks (minor touch-up painting undertaken by electricians)</p> <p><i>Initial Action Taken: Grindley response was that SWMS from Vogue Painting Services and SWMS for Grindley minor painting tasks have now been obtained. Evidence not provided.</i></p> <p>Further Action taken: A SWMS has been provided as evidence from InVogue Finishes Painting subcontractor – it adequately addresses paint clean up requirements.</p>	Closed

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Type* & No.	Finding	Updated Status
GC-IOC 7	<p>Painting and the associated potential environmental impacts (management and disposal of wash water, waste solvents, paint tins, other wastes generated) are not identified in the aspects register or in sub-contractor documentation.</p> <p><i>Initial Action taken: Grindley response is to include disposal / washout procedure in painting section of the Aspects Register. CEMP available as at 4 Nov had not been updated</i></p> <p>Further Action taken: The aspects register in the updated CEMP Rev 6.1 dated 5/12/2013 now includes appropriate disposal / washout requirements.</p>	Closed
GC-IOC 9	<p>Exemptions for recycled aggregate- Grindley were not aware of the need to ensure that all recycled material meet the requirements of the "Recycled Aggregate Exemption" (EPA requirement). Documentation from the suppliers should confirm that their product meets the exemption requirements.</p> <p><i>Initial Action taken: Grindley response is to request documentation from subcontractor/suppliers. No evidence provided.</i></p> <p>Further Action taken: John Bova Plumbing have provided a letter from Dial-A-Dump stating compliance of their recycled products to the Recovered Aggregates Exemption 2010.</p>	Closed
GC-IOC 10	<p>The Grindley CEMP is not clear on the circumstances in which spills (eg - magnitude) should be reported internally and to client (major spills only addressed - minor spills not mentioned, and none have been reported to date)</p> <p><i>Initial Action taken: Grindley response is that CEMP is to be amended. CEMP available as at 4 Nov had not been updated.</i></p> <p>Further Action taken: The revised CEMP Rev 6.1 dated 5/12/2013 now includes references to minor and major spills in Section 4.4.1 and 4.1 (p 31)</p>	Closed
GC-IOC 11	<p>Records management could be improved. There were missing records of SWMS and toolbox talks for out of hours work</p> <p><i>Initial Action taken: - Not possible to verify without further site visit.</i></p> <p>Further Action taken: An internal Grindley Corrective Action Request (CAR) was raised on 5/12/2013 in relation to misplacement of OOH documents. In response, the corrective action is to create an Out of Hours works folder, and an electronic OOH works folder has also been set up. This response addresses improvement in OOH records, and this finding is therefore being closed, however Grindley need to ensure that ALL records relating to compliance with environmental requirements are adequately maintained.</p>	Closed
GC-IOC 12	<p>Legal and Other Requirements Register (form 814 – not in CEMP). Legislation listed in Appendix D (Aspects and Impacts Register) only references Acts, but not Regulations.</p> <p><i>Initial Action taken: Grindley response is to consider inclusion of regulations in future CEMP revisions. CEMP available as at 4 Nov had not been updated</i></p> <p>Further Action taken: The POEO (General) Regulation 2009 has been added to the register.</p>	Closed

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