


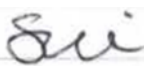
# INDEPENDENT AUDIT REPORT

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SICTL TERMINAL 3 PORT BOTANY EXPANSION  
PROJECT – DA-494-11-2003-I

NOVEMBER 2021

## Authorisation

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<b>Date</b>	20/12/2021	<b>Date</b>	20/12/2021

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## EXECUTIVE SUMMARY

Hutchison Ports is the operator of the Sydney International Container Terminal (SICTL) Terminal 3 area at the Port Botany Expansion (PBE) Project. Consent (DA494-11-2003-i) was granted for the PBE Project, following a Commission of Inquiry, on 13 October 2005, and is subject to a number of Conditions of Consent (CoC).

The objective of this audit is to satisfy CoC C4.5 of the Approval with respect to Terminal 3, which requires an annual independent environmental audit of the PBE following the commencement of operations. The audit seeks to verify compliance with the relevant CoCs and Environment Protection Licence (EPL) conditions, assess operations against the predictions made during the preparation of the PBE Project Environmental Impact Statement, and assess the effectiveness of environmental management on the Terminal 3.

The overall outcome of the audit was positive. Compliance records were well organised and readily available during the audit. Relevant environmental and compliance monitoring records continue to be collected and reported as required to provide verification of compliance to statutory requirements and the broader Project environmental requirements. In summary:

- No non-compliances were identified.
- Five observations were identified. These related to assessment of noise emissions from the facility, maintenance on SQID 24, the publishing of the Community Feedback Reports, waste management at the compound formerly occupied by Ward and weed management near Penrhyn Road.
- One corrective action request from the 2020 Independent Audit relating to maintenance of SQID 24 and an update to the OEMP had been partly addressed but not yet closed out. In summary SQID 24 investigations and maintenance had been completed but the OEMP has yet to be updated.

Detailed findings are presented in Section 3 along with recommended actions proposed to address the findings.

The overall outcome of the audit was indicative of a high level of compliance and environmental performance by the Project. The Auditor would like to thank the auditees for their high level of organisation, cooperation and assistance during the audit.

## 1. INTRODUCTION

The works and activities that are the subject of this operational audit are located within Hutchison Ports / Sydney International Container Terminal Ltd.'s (SICTL's) Terminal 3 area. Terminal 3 is part of NSW Ports' Port Botany Expansion (PBE) Project that also includes other port operators and terminals.

Port Botany is located within the City of Botany Bay, 12 kilometres south of the Sydney Central Business District. The SICTL Terminal 3 is situated between the existing port and the parallel runway at Sydney International Airport. It spans an area of approximately 63 hectares, extending 550 metres west and 1,300 metres north of the existing northern quay of Brotherson Dock.

Terminal 3 (hereafter known as the Project) contains a number of key structural elements, including:

- Quay Line -1,300 metres
- Four Berths
- Depth alongside - 16.4 metres
- Rail sidings 2 x 750 metres
- Cranes: Post Panamax Quay Cranes, Automated Stacking Cranes
- On-site empty container storage facility
- Heavy duty pavements and roadways
- Storm water drainage infrastructure including pumps, pollution control devices, trenching and kerbing
- Light tower foundations and light and radar poles
- Water, waste and firefighting services
- Administration and workshop facilities; and
- Workforce and visitor car parking.

The location and overview of Terminal 3 is presented in Figure 1.

Construction and operation of Terminal 3 is phased to align with customer demand. The terminal commissioning of container handling equipment and infrastructure commenced in July 2013, with the handover to Operations in September 2013. The terminal vessel and truck operations and services to shipping lines commenced in November 2013. The following elements were operational during the audit period:

- Maintenance building and terminal office building
- Vessel berths 1 and 2
- Quay Cranes 1 – 4
- Automated Stacking Cranes 1 – 6

- Shuttle carriers, reach stackers and small plant; and
- Railway sidings and freight train delivery and collection.

Expansion of Automated Stacking Cranes and other container handling equipment has not yet commenced.



Figure 1: Terminal 3 site (modified from Annual Environmental Management Report 2018, Hutchison Ports Sydney)

## 1.1 Approval requirements

Consent was granted to the PBE Project (DA-494-11-2003-i) under section 80(4) and (5) of the *Environmental Planning and Assessment Act 1979* on 13 October 2005, subject to a number of conditions. The consent had been modified on seventeen occasions, most recently on 19 December 2019 to correct a number of administrative errors associated with modification 16.

SICTL hold an Environment Protection Licence 20322 (EPL 20322), issued under Section 55 of the *Protection of the Environment Operations Act 1997*, which permits the up to 5,000 kiloliters (kL) of general chemical storage.

Condition of Consent (CoC) C4.5 requires annual independent environmental audits following the commencement of operations, and sets out the requirements for the undertaking of those audits. It states:

### ***‘Environmental Auditing***

*C4.5 Within one year of the commencement of operations and every year thereafter, the Applicant shall fund a full independent environmental audit. The audit must be undertaken by a suitably qualified person/team approved by the Director-General.*

*The audits would be made publicly available and would:*

- *be carried out in accordance with ISO 14010 – Guidelines and General Principles for Environmental Auditing and ISO 14011 – Procedures for Environmental Auditing;*
- *assess compliance with the requirements of this consent, and other licences and approvals that apply to the development;*
- *assess the construction against the predictions made and conclusions drawn in the development application, EIS, additional information and Commission of Inquiry material; and*
- *review the effectiveness of the environmental management of the development, including any environmental impact mitigation works’.*

## 1.2 The audit team

In accordance with CoC C4.5, Independent Auditors must be suitably qualified, experienced and independent of the Project, and appointed by the Director-General of the Department.

The Audit Team comprises:

- Steve Fermio (Audit Lead): Bachelor of Science (Hons), Graduate Diploma Land Rehabilitation, Exemplar Global Certified Principal Environmental Auditor (Certificate No 110498)
- Derek Low (Support Auditor): Master of Environmental Engineering Management, Exemplar Global Certified Lead Environmental Auditor (Certificate No 114283)
- Nick Ballard (Support Auditor), Bachelor of Science (Hons), Exemplar Global Certified Lead Environmental Auditor (Certificate No.: 129713).

Approval of the Audit Team was provided, by way of two letters, from the Department on 30 July 2020 and 11 August 2021. The letters are presented in Appendix E. Declarations of independent are also included in Appendix E.

The Audit Team is referred to as the Auditor or Auditors.

## 1.3 The audit objectives

The objective of this audit is to satisfy, insofar as it relates to Terminal 3, the requirements of CoC C4.5 along with the relevant requirements of the Department’s 2020 document entitled *Independent Audit Post Approval Requirements* (IAPAR). It seeks to verify compliance with the relevant CoCs and assess the effectiveness of environmental management of the Terminal 3 component of the PBE Project.

## 1.4 Audit scope

The scope of this audit included a detailed assessment of the CoC (including Modifications) and EPL 20322 relevant to SICTL’s operations and activities, along with assessment of the accuracy of the operational related predictions from the Environmental Impact Statement (EIS) and implementation of the Operational Environmental Management Plan.



Construction related requirements are not included in this audit as there are no construction activities taking place at SICTL's premises at the present time. Commonwealth Approval – EPBC 2002/543 is relevant to NSW Ports but not applicable to SICTL's operations at Terminal 3.

The assessment of SICTL's operations against predictions made and conclusions drawn from the EIS included assessment against the following documents:

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

## 2. AUDIT METHODOLOGY

### 2.1 Audit process

The audit was conducted in a manner consistent with AS/NZS ISO 19011.2019 – *Guidelines for Auditing Management Systems* (the Standard which replaces those specified at C4.5: ISO 14010 – *Guidelines and General Principles for Environmental Auditing* and ISO 14011 – *Procedures for Environmental Auditing*). The methodologies and reporting requirements from the IAPAR.

An overview of the audit activities, as specified in the standard, is presented in Figure 2. Further detail is presented in Sections 2.2 – 2.11.

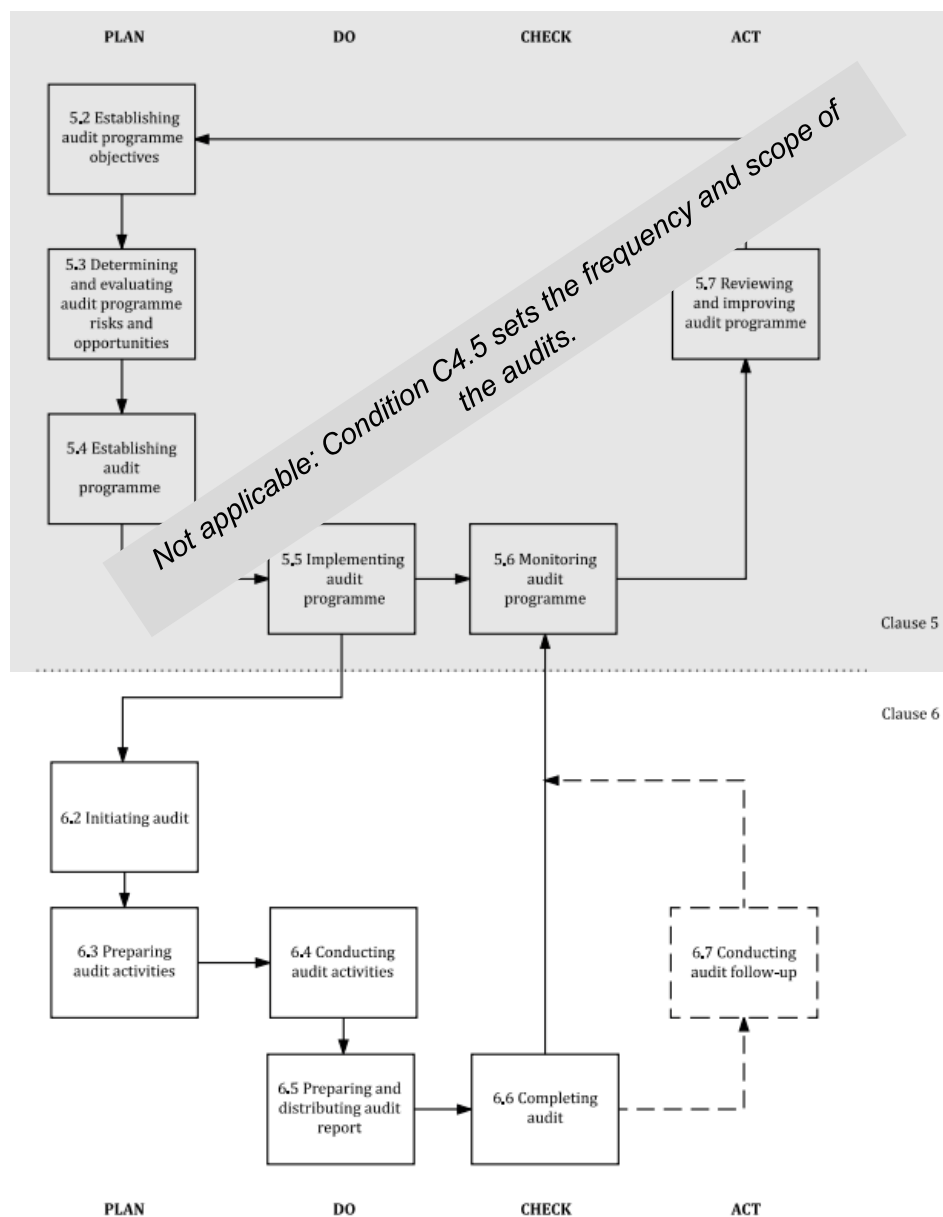


Figure 2: Audit activities overview (modified from AS/NZS ISO 19011). Subclause numbering refers to the relevant subclauses in the Standard.

## 2.2 Audit initiation and scope development

Prior to the commencement of the audit the following tasks were completed:

- Establish initial contact with the auditee
- Confirm the audit team
- Confirm the audit purpose, scope and criteria.

## 2.3 Preparing audit activities

Prior to the commencement of the audit the following tasks were completed.

The Auditor performed a document review, prepared an audit plan, and prepared work documents (audit checklists) and distributed to the Project team in preparation for the audit. The primary documents reviewed prior to the site visit are as follows:

- Development Consent for DA-494-11-2003-I as amended by modifications 1-17
- EPL 20322 and the NSW EPA summary of EPL 20322 Annual Returns
- the PBE Project EIS
- S96 Application – November 2006, MOD-149-12-2006-i (B2.9 & B2.22)
- S96 Application – March 2009, MOD 08-03-2009 (B2.23A) (Rail Corridor)
- HSEQ Management System Operational Environmental Management Plan (OEMP), v6, Hutchison Ports, 25 August 2020; and
- Documents detailing the environmental performance of Terminal 3, as made available on the Project website: <https://www.hutchisonports.com.au/operations/monitoring-and-reporting/>.

Audit checklists were reviewed and prepared. These comprised:

- CoCs from DA-494-11-2003-I as amended by modifications 1-17
- Conditions from EPL 20322; and
- EIS, Commission of Inquiry, Section 96 predictions and conclusions.

Key Performance Indicators (KPIs) from SICTLs OEMP were also tabled, to assist with assessing SICTLs implementation of the document.

## 2.4 Site personnel involvement

The on-site audit activities, including inspections, document review and meetings, took place on 12 October 2021. The following personnel took part in the audit:

- Dozie Egeonu – Environmental Engineer – Hutchison Ports
- Derek Low – Auditor – WolfPeak.

## 2.5 Meetings

Opening and closing meetings were held with the Auditor and Project personnel. The attendance sheet can be found in Appendix F.

During the opening meeting the objectives and scope of the Independent Audit, the resources required and methodology to be applied were discussed. At the closing meeting, preliminary findings were presented, preliminary recommendations (as appropriate) were made, and any post-audit actions were confirmed.

## 2.6 Interviews

The Auditor conducted interviews during the site inspection with key personnel involved in Project delivery, including those with responsibility for environmental management and safety, to assist with verifying the compliance status of the development. All other communication was conducted remotely, which included detailed request for information and auditee responses to the request.

## 2.7 Site inspection

The on-site audit activities took place on 12 October 2021. The on-site audit activities included an inspection of the entire site and associated work activities. Photos are presented in Appendix G.

## 2.8 Document review

The audit included investigation and review of Project files, records and documentation that acts as evidence of compliance (or otherwise) with a compliance requirement. The documents sighted are included within Appendices A – D.

## 2.9 Generating audit findings

Audit findings were based on verifiable evidence. The evidence included:

- Relevant records, documents and reports
- Interviews of relevant site personnel
- Photographs
- Figures and plans; and
- Site inspections of relevant locations, activities and processes.

## 2.10 Compliance evaluation

The Auditor determined the compliance status of each compliance requirement using the following descriptors from Table 2 of the IAPAR, being:

Status	Description
<b>Compliant</b>	The Auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit.
<b>Non-compliant</b>	The Auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit.
<b>Not Triggered</b>	A requirement has an activation or timing trigger that has not been met at the time when the audit is undertaken, therefore an assessment of compliance is not relevant.

Observations and notes may also be made to provide context, identify opportunities for improvement or highlight positive initiatives.

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

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

The audit report was distributed to the Proponent to check factual matters and for input into actions in response to findings (where relevant). The Auditor retained the right to make findings or recommendations based on the facts presented.

## 2.11 Completing the audit

The Independent Audit Report was distributed to the Proponent to check factual matters and for input into actions in response to findings (where relevant). The Auditor retained the right to make findings or recommendations based on the facts presented.

### 3. AUDIT FINDINGS

#### 3.1 Compliance status

This Section, including Table 1, presents the findings from the 2021 Independent Audit, along with recommended actions in response to each of the findings. Detailed findings against each requirement are presented in Appendices A – D. Actions that were open from the previous audits are also presented. In summary, for 2021:

- No non-compliances were identified.
- Five observations were identified. These related to assessment of noise emissions from the facility, maintenance on SQID 24, the publishing of the Community Feedback Reports, waste management at the compound formerly occupied by Ward and weed management near Penrhyn Road.
- One corrective action request from the 2020 Independent Audit relating to maintenance of SQID 24 and an update to the OEMP had been partly addressed but not yet closed out. In summary SQID 24 investigations and maintenance had been completed but the OEMP has yet to be updated.

Table 1: Audit findings and recommended actions

Item	Cond No	Type	Details of Item	Recommended or Completed Action	By whom and by when	Status
<b>STATUS OF FINDINGS / ACTIONS THAT REMAINED OPEN FROM THE 2019 INDEPENDENT AUDIT</b>						
IA19_1	CoC C4.1	Observation	CoC C4.1 states that the Director-General shall be notified of any incident with actual or potential significant off-site impacts on people or the biophysical environment within 12 hours of the Applicant, or other relevant party undertaking the development, becoming aware of the incident. Full written details of the incident shall be provided to the Director-General within seven days of the date on which the incident occurred. The Director-General may require additional measures to be implemented to address the cause or impact of any incident, as it relates to this consent, reported in accordance with this condition, within such period as the Director-General may require.  <b>Observation: The Emergency Response Plan (Version 6, 2018) does not identify DPIE (or Council) as agencies requiring notification despite notification being required in accordance with this condition. It is recommended that the next update to the Emergency Response Plan include inserting DPIE and Council as a notifiable agencies.</b>	A review of the Incident Management and Emergency Response Plan has commenced, and the notification table will be added to both documents	Senior Manager, HSEQ Manager – Risk & Compliance.  30/04/20.	CLOSED.  The Emergency Response Plan has been updated.
IA19_2	EPL 20322 O3.2, R2.1 and R2.2	Observation	Condition O3.2 states in relation to condition 4.1 Emergency Response: A Pollution Incident Response Management Plan (PIRMP) is the relevant document required.  R2.1 and R2.2 state that notifications must be made by telephoning the Environment Line service on 131 555. The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.  <b>Observation: The PIRMP forms part of the Emergency Response Plan (Version 6, 2018) addresses some, but not all, of the necessary requirements of Section 153A of the POEO Act and Clause 98 of the POEO General Regulation.</b>	A review of the Emergency Response Plan has commenced, and the required aspects under the relevant sections of the POEO Act and Regulations will be addressed.	Senior Manager, HSEQ Manager – Risk & Compliance.  30/04/20.	CLOSED.  The Emergency Response Plan has been updated.
<b>STATUS OF FINDINGS / ACTIONS THAT REMAINED OPEN FROM THE 2020 INDEPENDENT AUDIT</b>						
IA20_1	CoC C2.14 EPL 20322 L1.1 OEMP Table 23	Corrective Action Request	CoC C2.4 and EPL 20322 Condition L1.1 state that except as may be expressly permitted by a licence under the Protection of the Environment Operations Act 1997 in relation to the development, section 120 of that Act (prohibition of the pollution of waters) shall be complied with in connection to the development.  The EPL does not permit deviations from s120.  Table 23 of the OEMP sets water quality criteria for the outlets of the SQIDS (consistent with the ANZECC Fresh and Marine Water Quality Guidelines (and included in the Project's EIS).  <b>Corrective Action Request: According to the laboratory results for 16/07/20, the following exceedances of the Project specified limits were recorded on the outlet of the SQIDS:</b> <ul style="list-style-type: none"><li>• SQID 24 Outlet TSS 240mg/L</li><li>• SQID 24 Outlet Oil and Grease 20,000mg/L.</li></ul> <b>The inlet readings for both of these events were below the applicable criteria, and the unit was cleaned with material removed via sucker truck and disposed of as liquid waste. This occurred in accordance with Table 24 of the approved OEMP which states that clean out of the unit will occur within 6 weeks of the exceedance. However there was no evidence available to demonstrate that these exceedances had been thoroughly or formally investigated and attributed to non-site sources.</b>  <b>The auditee resampled the SQID in response to the draft findings of this Report (100 days after receipt of the exceedance). Results are pending.</b>	The Auditor reiterates its recommendation from the 2018-19 audit that, in order to ensure section 120 of the POEO Act is not breached, SICTL should implement a process whereby an exceedance of OEMP stormwater KPIs triggers an appropriate response to investigate, report and rectify the issue as relevant. It is the Auditors opinion that the current process as defined in the OEMP is not adequate in responding to such events.	Environmental Engineer.  31/12/20.	PARTIALLY CLOSED. SQID 24 investigations and repairs have been completed.  The OEMP is yet to be updated.

Item	Cond No	Type	Details of Item	Recommended or Completed Action	By whom and by when	Status
<b>FINDINGS FROM THE 2021 INDEPENDENT AUDIT</b>						
IA21_1	CoC C2.6  EPL 20322 Cond. E1.2	Observation	<p>CoC C2.6 sets the noise emission impact limits at the nearest receivers.</p> <p>EPL 20322 Condition E1.2 requires that every 6 months, the Licensee must undertake a periodic noise monitoring program consisting of attended and unattended monitoring and provide a report within one month after completion of monitoring to the EPA's Manager, Sydney Industry at PO Box 668 Parramatta NSW 2124 containing the following information:</p> <ul style="list-style-type: none"> <li>a) unattended monitoring data for a continuous period of no less than 2 weeks;</li> <li>b) attended monitoring data during the period outlined in subsection (a);</li> <li>c) monitoring data from a minimum of 3 locations;</li> <li>d) an assessment of the noise levels against Condition L3 including a trend analysis;</li> <li>e) details of any feasible and reasonable noise mitigation measures that have been, or are proposed to be implemented to further reduce noise levels below the limits prescribed in this licence</li> </ul> <p><b>Observation: Noise Compliance Assessment Reports for previous years noted the limitations of detecting noise emissions from the facility and, therefore, relied upon a combination of modelling and nearfield monitoring to predict the likely noise impacts at the receivers. This method is permitted under CoC C2.9 and was approved by the EPA in 2014.</b></p> <p><b>The SICTL Noise Compliance Assessment, Rodney Stevens, January and July 2021 indicate that monitoring has been conducted in accordance with the relevant requirements from CoC C2.7, C2.8, C2.10, C2.11, the Industrial Noise Policy and the Noise Policy for Industry.</b></p> <p><b>The Reports indicate that monitoring was conducted in accordance with requirements a), b), and c) of EPL 20322 Condition E1.2. However there does not appear to be a clear statement on trend analysis required under part c) of EPL 20322 Condition E1.2.</b></p> <p><b>The Reports indicate that the ambient noise levels are elevated by non-site noise sources and source of industrial noise emissions could not be determined. No modelling / nearfield monitoring occurred. It is therefore unclear as to how the revised approach adopted for 2021 is effective in verifying compliance with CoA C2.6 or EPL conditions L3.1 – L3.8.</b></p> <p><b>In reviewing the draft Audit Report the auditee noted that the noise assessment was carried out as per our EPL which stipulates measurement at the receiver's end. They further noted that the modelling previously utilized is not a compliance requirement and, in previous years, it consistently identified SICTL as generated no noise impact to the resident. The Auditor agrees with the auditees position in this regard.</b></p>	None.	NA.	CLOSED.
IA21_2	CoC C2.14  EPL 20322 Cond. L1.1  OEMP Table 23	Observation	<p>CoC C2.14 requires that except as may be expressly permitted by a licence under the Protection of the Environment Operations Act 1997 in relation to the development, section 120 of that Act (prohibition of the pollution of waters) shall be complied with in connection to the development.</p> <p>EPL 20322 Condition L1.1 requires that except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.</p> <p>Table 23 of the OEMP sets water quality criteria for the outlets of SQIDs on site. It sets an acceptable limit for oil and grease at 10mg/L.</p> <p><b>Observation: According to the water analyte register for the audit period, results taken for the year were compliant with the exception of one sample. On 13/03/21 SQID 24 returned an oil and grease concentration of 180mg/L on the outlet side. The inlet sample side result was compliant. It is noted that SQID 24 is in a low traffic area, with limited potential for spills. No incidents were identified in proximity to the area.</b></p> <p><b>The CARAS water sampling report (dated 01/04/21) identifies action in response to the elevated reading, including maintenance on SQID 24 and off-site sampling (in Penrhyn Estuary). SPEL (the SQID maintenance contractor / supplier) conducted an inspection on 22/06/21. SPEL recommended maintenance on the unit. The maintenance has yet to be carried out due to the need to coordinate the maintenance and liquid waste removal. According to</b></p>	SQID 24 investigations and repairs have been completed.	NA.	CLOSED.



Item	Cond No	Type	Details of Item	Recommended or Completed Action	By whom and by when	Status
			<b>email chains between SICTL and Port Authority of NSW access to Penrhyn Estuary has not been achieved as yet and, therefore, off site sampling has not been undertaken.</b>			
IA21_3	CoC C3.1	Observation	<p>CoC C3.1 requires that the Applicant must meet the following requirements in relation to community consultation and complaints management:</p> <ul style="list-style-type: none"> <li>all monitoring, management and reporting documents required under the development consent shall be made publicly available;</li> <li>provide means by which public comments, inquiries and complaints can be received, and ensure that those means are adequately publicised; and</li> <li>includes details of a register to be kept of all comments, inquiries and complaints received by the above means, including the following register fields: <ul style="list-style-type: none"> <li>the date and time, where relevant, of the comment, inquiry or complaint;</li> <li>the means by which the comment, inquiry or complaint was made (telephone, fax, mail, email or in person);</li> <li>any personal details of the commenter, inquirer or complainant that were provided, or if no details were provided, a note to that effect;</li> <li>the nature of the complaint;</li> <li>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;</li> <li>if no action was taken by the Applicant in relation to the comment, inquiry or complaint, the reason(s) why no action was taken;</li> </ul> </li> </ul> <p>Provide quarterly reports to the Department and EPA, unless otherwise agreed by the Secretary, outlining details of complaints received.</p> <p><b>Observation: At the time of writing the Quarterly Community Feedback Report for Quarter 3 of 2021 had not been published on the website.</b></p>	The Quarterly Community Feedback Report for Quarter 3 of 2021 was published prior to finalizing this Report.	NA.	CLOSED.
IA21_4	EPL 20322 Cond. O1.1.	Observation	<p>EPL 20322 Condition O1.1 requires that licensed activities must be carried out in a competent manner. This includes:</p> <ol style="list-style-type: none"> <li>the processing, handling, movement and storage of materials and substances used to carry out the activity; and</li> <li>the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.</li> </ol> <p><b>Observation: The Ward Civil compound had been vacated at the time of the inspection. A large amount of unmanaged waste had been left by the tenant. Clean up is required.</b></p>	Complete a full clean-up of the compound formerly occupied by Ward.	Maintenance team. 31/01/22.	OPEN.
IA21_5	General observation	Observation	<b>Observation: During the site inspection it was observed that there were a number of weeds growing adjacent to the rail line near the Penrhyn Road over-bridge. These have the potential to migrate into Penrhyn Estuary if not controlled.</b>	Develop and implement a program of weed survey and treatment for the weeds present adjacent to the rail line near the Penrhyn Road over-bridge.	Environmental Engineer. Prior to next audit.	OPEN.

### 3.2 Summary of notices from agencies

To the Auditor's knowledge no formal notices were issued by the Department or other agencies during the audit period.

### 3.3 Effectiveness of environmental management & mitigation measures

The effectiveness of implementation of operational environmental management measures relied on a review of SICTL's operations against the KPIs identified in the OEMP. The review included a site inspections and consideration of information presented in site inspection records, incident reports, training and induction records and other relevant records. Appendix C presents the review of whether KPIs were being achieved. The photos presented in Appendix G provide evidence of operational environmental controls being implemented on the day of the site audit.

The auditees have demonstrated that they are implementing the plans and the Auditor considers the Project to be complying with the consent as a result. Other than the matters identified in Section 3.1 the Auditor is of the view that the plans are adequate for the works being undertaken.

### 3.4 Complaints

Hutchison Ports maintains a complaints management system and publishes Community Feedback Reports online. One complaint was received during the Audit Period, but this was not attributable to SICTLs activities at Terminal 3. The Community Feedback Report for quarter 3 has yet to be published. Refer finding IA21\_3 in Section 3.1.

### 3.5 Actual vs predicted impacts

CoC C4.5 requires an assessment of *'the construction against the predictions made and conclusions drawn in the development application, EIS, additional information and Commission of Inquiry material.'* As reported in previous audits, the Proponent should consider requesting from the Department removal of this requirement as the reference to construction in CoC C4.5 (which is about audits of operations) appears to be an error.

The IAPAR requires an assessment *'of actual impacts compared to predicted impacts documented in the environmental impact assessment'*. This is presented in Appendix D. The Auditor continues to reiterate that there is little value to be gained by continuing to assess the performance of operations at the Project against predictions that were made in environmental impact and assessment reports prepared over 15 years ago, which are now significantly outdated. This is due to major new developments and changes in operations at the Port and surrounding areas that were not in existence or conceived of at the time the original EIS and other assessment reports were prepared.

### 3.6 Other matters considered relevant by the Auditor

There are no matters considered relevant beyond those identified elsewhere in Section 3 of this Report.

## 4. CONCLUSIONS

The overall outcome of the audit was positive. Compliance records were well organised and readily available during the audit. Relevant environmental and compliance monitoring records continue to be collected and reported as required to provide verification of compliance to statutory requirements and the broader Project environmental requirements.

- No non-compliances were identified.
- Five observations were identified. These related to assessment of noise emissions from the facility, maintenance on SQID 24, the publishing of the Community Feedback Reports, waste management at the compound formerly occupied by Ward and weed management near Penrhyn Road.
- One corrective action request from the 2020 Independent Audit relating to maintenance of SQID 24 and an update to the OEMP had been partly addressed but not yet closed out. In summary SQID 24 investigations and maintenance had been completed but the OEMP has yet to be updated.

Detailed findings are presented in Section 3 along with recommended actions proposed to address the findings.

The overall outcome of the audit was indicative of a high level of compliance and environmental performance by the Project. The Auditor would like to thank the auditees for their high level of organisation, cooperation and assistance during the audit.

## 5. LIMITATIONS

This Document has been provided by WolfPeak Pty Ltd (WolfPeak) to the Client and is subject to the following limitations:

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## **APPENDIX A – CONDITIONS OF CONSENT**

CoC No	Auditee NSW Ports/ SICTL	Condition of Approval Requirement	2020 Comments, observations, discussion, evidence, supporting documentation	2020 Audit Outcome				
				C	O	NC	NT	
		SCHEDULE A: OVERALL SCOPE OF DEVELOPMENT WORKS AND GENERAL PROVISIONS						
A1		GENERAL						
		Scope of Development						
A1.1	NSW Ports SICTL	<p>The approved aspects of the development shall be carried out generally in accordance with:</p> <p>a) Development Application DA-494-11-2003-i, lodged with Department on 26 November 2003.</p> <p>b) Port Botany Expansion: Environmental Impact Statement (ten volumes), prepared by URS and dated Nov 2003;</p> <p>c) Port Botany Expansion Commission of Inquiry – Primary Submission (two volumes), prepared by URS dated May 2004;</p> <p>d) Port Botany Expansion Commission of Inquiry – Supplementary Submission to Environmental Impact Statement, prepared by URS and dated August 2004;</p> <p>e) Port Botany Expansion Environmental Impact Statement – Supplementary Submission (two volumes), prepared by URS and dated October 2004;</p> <p>f) modification application MOD-107-9-2006-i, accompanied by <i>Port Botany Expansion, Section 96(1A) Application: Modification of Consent Conditions</i>, prepared by SPC and dated September 2006;</p> <p>g) modification application MOD-134-11-2006-i, accompanied by <i>Port Botany Expansion, Section 96(1A) Modification – Wharf Structure Design</i>, prepared by SPC and dated November 2006;</p> <p>h) modification application MOD-149-12-2006-i, accompanied by <i>Port Botany Expansion, Section 96(1A) Modification – Application to Modify Conditions B2.9 and B2.22 of the Port Botany Consent</i>, prepared by SPC and dated 1 December 2006;</p> <p>i) modification application MOD-78-9-2007-i, accompanied by <i>Port Botany Expansion – Modification of Conditions C2.20 &amp; C2.25</i>, prepared by SPC, dated July 2007;</p> <p>j) modification application MOD-60-9-2008, accompanied by <i>Port Botany Expansion – Modification of Conditions B2.46 &amp; C2.25</i>, prepared by SPC, dated 27 August 2008;</p> <p>k) modification application MOD-68-12-2008, accompanied by a letter from SPC dated December 2008;</p> <p>l) modification application MOD-08-03-2009, accompanied by a letter from Sydney Ports Corporation dated 16 February 2009 and assessment report titled Port Botany Expansion – Rail <i>Operations Section 96(1A) Modification</i> dated February 2009</p> <p>m) modification application DA-494-11-2003-I MOD 8, accompanied by an assessment report <i>titled “Port Botany Expansion – Ship Turning Area Dredging Section 96 (1A) Modification</i> dated May 2009;</p> <p>n) modification application DA-494-11-2003-I MOD 9 accompanied by an assessment report titled <i>“Port Botany Expansion – Additional High Spot Dredging off Molineux Point Section 96 (1A) Modification”</i> dated May 2009.</p> <p>o) modification application DA-494-11-2003-I MOD 10, accompanied by an assessment within the letter titled <i>“Port Botany Expansion – Section 96(1A) Modification – Additional Ship Turning Area Dredging”</i> dated 8 July 2009;</p> <p>p) modification application DA-494-11-2003-i MOD 11, accompanied by an assessment report titled <i>“Sydney Port Botany Terminal No. 3 PKG-17.1 Planning Section 75W Modification Operations Building and Maintenance Building”</i> dated 14 September 2011; and</p> <p>q) modification application DA-494-11-2003-i MOD 12, accompanied by an assessment report titled <i>“Sydney Port Botany Terminal No. 3 PKG-17.1 Planning Section 75W Modification to Stormwater First Flush System”</i> dated 15 February 2012 and supplementary advice provided on 6 June 2012 in relation to other proprietary SQID devices; and</p> <p>r) modification application DA-494-11-2003-i MOD 13, accompanied by an assessment report titled <i>“Project No. 231658 Section 75W 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 <i>“Port Botany Expansion – Section 75W Modification 14 to DA-494-11-2003i for Temporary Uses at northern tip of Hayes Dock”</i>, dated January 2013; and <i>“Port Botany Expansion, Cumulative Construction Traffic Impact Assessment, Terminal Operations Infrastructure (March 2013 – March 2014)”</i>, dated April 2013; and</p> <p>t) modification application DA-494-11-2003-i MOD 15, accompanied by assessment report titled <i>‘SICTL Quay Crane Operations’</i>, prepared by HPH and dated 20 March 2013; and</p> <p>u) Modification application DA-494-11-2003-1 MOD 16, accompanied by assessment report titled <i>‘Port Botany Expansion Modification Application 16 to DA-494-11-2003i Permanent Uses Hayes Dock Services Area and Administrative Changes to Some Conditions’</i>, prepared by Lendlease for NSW Ports and dated September 2016; and</p> <p>v) modification application DA-494-11-2003-I MOD 17, accompanied by letter titled <i>‘Port Botany Expansion s4.55(1) Modification Application to DA-494-11-2003i – Administrative Update to Conditions of Approval’</i>, prepared by NSW Ports and dated 16 October 2018;</p>	<p>Compliance with these requirements, relevant to operations for the audit period, is verified through this independent audit process, and preparation of the AEMR compliance reports.</p> <p>Refer to evidence sighted and findings against each requirement elsewhere in this table and in appendices B – D. Based on the information provided and the limited number of observations it is the Auditors opinion that the Project is being carried generally in accordance with these documents.</p>	C				

CoC No	Auditee NSW Ports/ SICTL	Condition of Approval Requirement	2020 Comments, observations, discussion, evidence, supporting documentation	2020 Audit Outcome			
				C	O	NC	NT
		w) the conditions of this consent. Insofar as they relate to the approved development.					
		<b>Statutory Requirements</b>					
A1.3	NSW Ports SICTL	All licences, permits and approvals shall be obtained and maintained as required throughout the life of the development. No condition of this consent removes the obligation to obtain, renew or comply with such licences, permits or approvals.	The Federal EPBC Approval 2002/543 and EPL 20322 remain current.	C			
A1.4	NSW Ports SICTL	Port throughput capacity generated by operations in accordance with this consent shall be consistent with the limits specified in the EIS, that is, a maximum throughput capacity at the terminal of 1.6 million TEUs per annum and a total throughput at Port Botany of 3.2 million TEUs. These limits may not be exceeded by the development without further environmental assessment and approval. Sydney Ports Corporation shall prepare, or have prepared on its behalf, such further environmental assessment for the determination of the Minister	According to the Annual Environmental Management Report 2019-20 and interview with the auditee 12/10/21, SICTL retained all of the existing service contracts – A3 Southern Express, ASAL and TTZ in the 2018 period.  TEU Throughput comparison by reporting period: 1 September – 31 August: 2018: 352,127 2019: 344,451 2020: 320,125 2021: 465,053	C			
		<b>SCHEDULE C: TERMINAL OPERATIONS</b>					
C1		<b>GENERAL</b>					
		Application of Schedule					
C1.1	SICTL	The conditions in this Schedule of the consent relate to all the development and activities associated with the operation of the container terminal and associated infrastructure	Noted. See detailed input below	C			
		<b>Interim Uses Port, Maritime and Waterway Related Uses- Hayes Dock Services Area</b>					
C1.2	NSW Ports Port Authority	The conditions in this sub-schedule of the consent must be complied with by the Applicant, or any party undertaking the activities and works referred to under condition C1.1, with the exception of the undertaking of Port, Maritime and Waterway Related Interim Uses at Hayes Dock Services Area, which are subject to condition C1.2A - C1.2F. Should more than one terminal operator undertake operations within the terminal area compliance with the conditions of this Schedule may be undertaken individually by operators, or collectively.	Noted. SICTL is a Terminal operator and has commissioned this Audit to assess compliance against these conditions with respect to its own operations.  SICTL did not operate Hayes Dock Services. There were no temporary uses reported during the audit period.				NT
		<b>Operation Environmental Management Plan- Port, Maritime and Waterway Related Interim Uses Hayes Dock Services Area</b>					
C1.2A	NSW Ports Port Authority	The Applicant shall prepare an Operation Environmental Management Plan (OEMP) - Port, Maritime and Waterway Related Interim Uses prior to the commencement of Port, Maritime and Waterway Related Interim Uses on the site. The Plan shall include details of how environmental performance would be managed and monitored to meet acceptable environmental outcomes, including what actions will be taken to address potential adverse environmental impacts. In particular, the following environmental issues shall be addressed in the Plan: <ul style="list-style-type: none"> <li>• Odour and Air Quality;</li> <li>• Noise Management;</li> <li>• Waste Management;</li> <li>• Water and Wastewater Management;</li> <li>• Hazard and Risk Management;</li> <li>• Amenity, including lighting; and</li> <li>• Incident Reporting.</li> </ul> The OEMP shall also address: <ul style="list-style-type: none"> <li>• details of operation activities including key noise and/or vibration generating activities and machinery that have the potential to generate noise and/or vibration impacts on surrounding sensitive receivers;</li> <li>• Identification of feasible and reasonable measures proposed to be implemented to minimise and manage operation noise and vibration impacts, especially during sleep disturbance;</li> <li>• A description of how the effectiveness of mitigation and management measures would be maintained.</li> </ul> Noise management shall include: <ul style="list-style-type: none"> <li>• hours in which particular activities are undertaken;</li> </ul>	Noted. SICTL is a Terminal operator and has commissioned this Audit to assess compliance against these conditions with respect to its own operations.  SICTL did not operate Hayes Dock Services. There were no temporary uses reported during the audit period.				NT



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				C	O	NC	NT
		<ul style="list-style-type: none"> <li>use of shore power where available;</li> <li>restrictions on notably noisy vehicles and vessels from the site;</li> <li>use of building and vehicle alarms and/or alternatives available</li> </ul> <p>The Plan shall also:</p> <ul style="list-style-type: none"> <li>identify all statutory obligations that the applicant is required to fulfil in relation to operation of the development, including all consents, licences, approvals and consultations;</li> <li>include a description of the roles and responsibilities for all key employees involved in the operation of the development;</li> <li>include overall environment policies and principles to be applied to the operation of the facility;</li> <li>a copy of the updated OEMP shall be submitted for approval by the Secretary within three (3) months of the date of approval of Modification 16, unless otherwise agreed by the Secretary;</li> </ul>					
		<b>Noise Management Plan- Interim Uses Hayes Dock Services Area Operation</b>					
C1.2C	NSW Ports Port Authority	<p>C1.2C The noise management plan shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> <li>compliance standards,</li> <li>community consultation,</li> <li>compliant handling monitoring system,</li> <li>site contact person to follow up complaints,</li> <li>mitigation measures,</li> <li>the design/orientation of the proposed mitigation methods demonstrating best practice,</li> <li>operation times,</li> <li>contingency measures where noise complaints are received, and</li> <li>monitoring methods and program</li> </ul>	<p>Noted. SICTL is a Terminal operator and has commissioned this Audit to assess compliance against these conditions with respect to its own operations.</p> <p>SICTL did not operate Hayes Dock Services. There were no temporary uses reported during the audit period.</p>				NT
		<b>Noise Compliance Assessment- Interim Uses Hayes Dock Services Area Operation</b>					
C1.2D	NSW Ports Port Authority	<p>Noise from the Hayes Dock Services Area must not exceed the Leq (15 minute) noise limits presented in the Table at C2.6 by more than 5d(B)A between 10:00pm and 7:00am. The Secretary may require a detailed noise compliance assessment, prepared by a qualified acoustic consultant. The noise compliance assessment shall meet the requirements of the Environment Protection Authority.</p> <p>The noise compliance assessment shall include the representative residential receiver locations identified in the table in C2.6</p>	<p>Noted. SICTL is a Terminal operator and has commissioned this Audit to assess compliance against these conditions with respect to its own operations.</p> <p>SICTL did not operate Hayes Dock Services. There were no temporary uses reported during the audit period.</p>				NT
C1.2E	NSW Ports Port Authority	<p>A complaint handling procedure shall be implemented for the Hayes Dock Services Area. Annual reports shall be provided to the Department, outlining details of the complaints received. A register of complaints shall be kept and include the following:</p> <ul style="list-style-type: none"> <li>date and time, where relevant, of the comment, inquiry or complaint,</li> <li>how the comment, inquiry or complaint was communicated,</li> <li>any personal details of the commenter, inquirer or complainant that were provided. If no details were provided this should be recorded,</li> <li>the nature of the comment, inquiry or complaint,</li> <li>any actions taken by the Applicant in relation to the comment, inquiry or complaint, including any follow-up contact, and</li> <li>if no action was taken, record the reason(s) why.</li> </ul>	<p>Noted. SICTL is a Terminal operator and has commissioned this Audit to assess compliance against these conditions with respect to its own operations.</p> <p>SICTL did not operate Hayes Dock Services. There were no temporary uses reported during the audit period.</p>				NT
C1.2F	NSW Ports Port Authority	<p>Reporting on the compliance of the Hayes Dock Services Area with the OEMP shall be conducted annually. Reports shall be provided to the Department within twelve (12) months of this modification unless otherwise agreed.</p>	<p>Noted. SICTL is a Terminal operator and has commissioned this Audit to assess compliance against these conditions with respect to its own operations.</p> <p>SICTL did not operate Hayes Dock Services. There were no temporary uses reported during the audit period.</p>				NT



CoC No	Auditee NSW Ports/ SICTL	Condition of Approval Requirement	2020 Comments, observations, discussion, evidence, supporting documentation	2020 Audit Outcome				
				C	O	NC	NT	
		<b>Operation Environmental Management Plan</b>						
C1.3	SICTL	<p>The Applicant shall prepare an Operation Environmental Management Plan (OEMP) which must be approved by the Director-General prior to commencement of any operations at the terminal. The OEMP must:</p> <ul style="list-style-type: none"><li>- identify all statutory obligations that the Applicant is required to fulfil in relation to operation of the development, including all consents, licences, approvals and consultations;</li><li>- describe any relevant staging or phasing of the commencement of operations within the terminal envelope and any relevant timeframes;</li><li>- clearly outline what aspects of environmental management, monitoring and reporting would be undertaken by the Applicant or jointly with other operators within the terminal area;</li><li>- include a description of the roles and responsibilities for all key employees involved in the operation of the development;</li><li>- include overall environment policies and principles to be applied to the operation of the facility;</li><li>- include specific consideration of measures to address any requirements of DOP, DEC, and the Council during operation;</li><li>- detail standards and performance measures to be applied to the development, and a means by which environmental performance can be periodically reviewed and improved, where appropriate;</li><li>- detail management policies to ensure that environmental performance goals are met and to comply with the conditions of this consent;</li><li>- include the Management Plans relevant to operation, include the environmental monitoring requirements relevant to operation; and</li><li>- be made available for public inspection after approval of the Director General.</li></ul>	<p>Operational Environmental Management Plan (OEMP) – Version 6 (25 August 2020) has been prepared to satisfy this condition. It represents a minor administrative change from the previous version which was approved by DPIE on 19/02/19. The revised OEMP did not require approval by DPIE. The OEMP includes the information required by this condition.</p> <p>Sighted post approval portal lodgement of updated OEMP, 26/08/20.</p> <p>The OEMP is also available on the Operators website: <a href="https://www.hutchisonports.com.au/wp-content/uploads/2020/09/HSEQ5.7OperationalEnvironmentalManagementPlan.pdf">https://www.hutchisonports.com.au/wp-content/uploads/2020/09/HSEQ5.7OperationalEnvironmentalManagementPlan.pdf</a></p> <p>A review of Key Performance Indicators from the OEMP is presented in Appendix D. It indicates that by and large, the Key Performance Indicators are being achieved.</p> <p>Letter DPIE to NSW Ports, 10/05/21. DPIE requested a tracked change version of the updated OEMP.</p> <p>Email Hutchison Ports to DPIE, 11/05/21. Hutchison Ports confirmed that a track change version was submitted to DPIE in August 2020. A copy was resent on 11/05/21.</p>	C				
		<b>Compliance Certification</b>						
C1.4	SICTL	<p>Prior to each of the events listed from a) to b) below, or within such period otherwise agreed by the Director-General, documentation certifying that all conditions of this consent applicable prior to that event have been complied with shall be submitted to the satisfaction of the Director-General. Where an event is to be undertaken in stages, submission of compliance certification may be staged consistent with the staging of activities relating to that event, subject to the prior agreement of the Director-General.</p> <p>a) commencement of any operations within the terminal area; and</p> <p>b) commencement of each stage or phase of operations</p>	<p>Letter from DPE of 16/9/2013 approved Version 2 of the Pre-Operational Compliance Report dated 3/9/2013.</p> <p>No new phases have occurred at SICTL during this audit period. The A3 line (developed prior to the current audit period) is not seen as a new phase, as it utilises existing capacity within the terminal berth windows and terminal equipment.</p>				NT	
C1.5	NSW Ports	<p>Notwithstanding condition C1.4 of this consent, the Director-General may require an update report on compliance with all, or any part, of the conditions of this consent. Any such update shall meet the requirements of the Director-General and be submitted within such period as the Director-General may agree</p>	<p>Interview with auditee on 12/10/21 confirms that there have been no requirements issued from the Secretary during the audit period.</p>				NT	
		<b>Air quality management</b>						
C2.1	SICTL	<p>The development shall be undertaken so as not to permit any offensive odour, as defined under section 129 of the Protection of the Environment Operations Act 1997, to be emitted beyond the boundary of the site</p>	<p>No odours detected during site inspection on 12/10/21. The complaints register current to 30/07/21 confirms no odour complaints.</p>	C				
C2.2	SICTL	<p>All activities shall be undertaken in a manner that minimises or prevents dust emissions from the site, including wind-blown and traffic-generated dust. All activities undertaken on the site shall be undertaken with the objective of preventing visible emissions of dust from the site. Should such visible dust emissions occur at any time, all practicable dust mitigation measures, including cessation of relevant works, as appropriate, shall be identified and implanted such that emissions of visible dust cease</p>	<p>No fugitive dust emissions observed during site inspection on 12/10/21.</p> <p>The removal of the sand stockpile was completed 20/4/20. The site is largely sealed with negligible dust risk.</p>	C				

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				C	O	NC	NT																																															
C2.3	SICTL	All trafficable and vehicle manoeuvring areas shall be maintained at all times in a condition that minimises the generation and emission of dust	There is a section of unsealed road near the sandpile on the eastern extent of the facility. No fugitive dust emissions observed during site inspection on 12/10/21. Other sections of the site are sealed.	C																																																		
C2.4	SICTL	All vehicles entering or leaving the site carrying a load must be covered or otherwise enclosed at all times, except during loading and unloading, to minimise the generation and emission of dust	Trucks used on site are either sealed waste trucks or container skels. Vehicles were covered.	C																																																		
		Noise Management																																																				
C2.5	SICTL	<p>Prior to the commencement of operations, the Applicant must prepare an Operation Noise Management Plan in consultation with EPA, DPIE, Botany and Randwick Councils. The Plan shall include noise management, mitigation monitoring and reporting to ensure that local acoustic amenity is not adversely impacted. In addition, the Operational Noise Management Plan must:</p> <ul style="list-style-type: none"><li>- identify general activities that will be carried out and associated noise sources;</li><li>- assess operation noise impacts at the relevant receivers;</li><li>- a primary objective of achieving the operational noise limits outlined in this consent;</li><li>- provide details of overall management methods and procedures that will be implemented to control noise from the development;</li><li>- include a pro-active and reactive strategy for dealing with complaints including achieving the operation noise limits, particularly with regard to verbal and written responses;</li><li>- detail noise monitoring, reporting and response procedures consistent with the requirements of EPA;</li><li>- provide for internal audits of compliance of all plant and equipment;</li><li>- indicate site establishment timetabling to minimise noise impacts;</li><li>- include procedures for notifying residents of operation activities likely to affect their noise amenity;</li><li>- address the requirements of EPA;</li><li>- a strategy to identify operational practices and noise controls that can minimise/or reduce noise levels from container impacts, audible alarms and other short duration high level noise events;</li><li>- identify opportunities to reduce operational noise levels including, but not necessarily limited to, selection of equipment, engineering noise controls and shore-based power; and,</li><li>- be approved by the Secretary prior to the commencement of operation</li></ul>	<p>The Operation Noise Management Plan is presented in section 7.3 of the OEMP Version 6, which was previously approved by DPIE on 19/02/19. It identifies the information required by this condition.</p> <p>The SICTL Noise Compliance Assessment, Rodney Stevens, January and July 2021 demonstrate ongoing assessment of noise impacts in accordance with the Operation Noise Management Plan.</p>	C																																																		
C2.6	SICTL	<p>Noise from the premises must not exceed the sound pressure level (noise) limits presented in the Table below. Note the limits represent the sound pressure level (noise) contribution, at the nominated receiver locations in the table.</p> <table><tr><th rowspan="2">Most affected residential Location</th><th>Day</th><th>Evening</th><th colspan="3">Night</th></tr><tr><th>LAeq(15 minute)</th><th>LAeq(15 minute)</th><th>LAeq(15 minute)</th><th>LAeq,9hrs</th><th>LA1(1 minute)</th></tr><tr><td>Chelmsford Avenues</td><td>40</td><td>40</td><td>40</td><td>38</td><td>53</td></tr><tr><td>Dent Street</td><td>45</td><td>45</td><td>45</td><td>43</td><td>59</td></tr><tr><td>Jennings Street</td><td>36</td><td>36</td><td>36</td><td>35</td><td>55</td></tr><tr><td>Botany Rd (nth of golf club)</td><td>47</td><td>47</td><td>47</td><td>45</td><td>59</td></tr><tr><td>Australia Ave</td><td>35</td><td>35</td><td>35</td><td>35</td><td>57</td></tr><tr><td>Military Road</td><td>42</td><td>42</td><td>42</td><td>40</td><td>60</td></tr></table> <p>For the purpose of this condition;</p> <ul style="list-style-type: none"><li>- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays,</li><li>- Evening is defined as the period from 6pm to 10pm</li><li>- Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays</li></ul>	Most affected residential Location	Day	Evening	Night			LAeq(15 minute)	LAeq(15 minute)	LAeq(15 minute)	LAeq,9hrs	LA1(1 minute)	Chelmsford Avenues	40	40	40	38	53	Dent Street	45	45	45	43	59	Jennings Street	36	36	36	35	55	Botany Rd (nth of golf club)	47	47	47	45	59	Australia Ave	35	35	35	35	57	Military Road	42	42	42	40	60	<p><b>Observation: Noise Compliance Assessment Reports for previous years noted the limitations of detecting noise emissions from the facility and, therefore, relied upon a combination of modelling and nearfield monitoring to predict the likely noise impacts at the receivers. This method is permitted under CoC C2.9 and was approved by the EPA in 2014.</b></p> <p><b>The SICTL Noise Compliance Assessment, Rodney Stevens, January and July 2021 indicate that monitoring has been conducted in accordance with the relevant requirements from CoC C2.7, C2.8, C2.10, C2.11, the INP and NPfl, and EPL 20322. However, the Reports indicate that the ambient noise levels are elevated by non-site noise sources and source of industrial noise emissions could not be determined. No modelling / nearfield monitoring occurred. It is therefore unclear as to how the revised approach adopted for 2021 is effective in verifying compliance with CoA C2.6 or EPL conditions L3.1 – L3.8.</b></p>	C			
Most affected residential Location	Day	Evening		Night																																																		
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				C	O	NC	NT
C2.7	SICTL	Noise from the premises is to be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary, to determine compliance with the noise level limits in Condition C2.6 unless otherwise stated	The SICTL Noise Compliance Assessment, Rodney Stevens, January and July 2021 indicate that monitoring has been conducted in accordance with the relevant requirements from CoC C2.7, C2.8, C2.10, C2.11, the INP and NPfl, and EPL 20322.	C			
C2.8	SICTL	Noise from the premises is to be measured at 1m from the dwelling façade to determine compliance with the LA1 (1 minute) noise level in Condition C2.6	The SICTL Noise Compliance Assessment, Rodney Stevens, January and July 2021 indicate that monitoring has been conducted in accordance with the relevant requirements from CoC C2.7, C2.8, C2.10, C2.11, the INP and NPfl, and EPL 20322.	C			
C2.9	SICTL	Where it can be demonstrated that direct measurement of noise from the premises is impractical, the DEC may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy	Refer response to C2.6 above. No modelling was utilised during the audit period.	C			
C2.10	SICTL	The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable	The SICTL Noise Compliance Assessment, Rodney Stevens, January and July 2021 indicate that monitoring has been conducted in accordance with the relevant requirements from CoC C2.7, C2.8, C2.10, C2.11, the INP and NPfl, and EPL 20322.	C			
C2.11	SICTL	The noise emission limits identified in Condition C2.6 apply under meteorological conditions of wind speed up to 3 metres per second at 10 metres above ground level, and temperature inversion conditions up to 1.50C/100m positive lapse rate	The SICTL Noise Compliance Assessment, Rodney Stevens, January and July 2021 indicate that monitoring has been conducted in accordance with the relevant requirements from CoC C2.7, C2.8, C2.10, C2.11, the INP and NPfl, and EPL 20322.	C			
<b>Operational Traffic Management Plan</b>							
C2.12	SICTL	<p>Prior to the commencement of terminal operations, the applicant must prepare an Operational Traffic Management Plan in consultation with TfNSW, DPIE, Botany and Randwick Councils and SSROC. The Applicant shall address the requirements of these organisations in the Plan. The Applicant shall also consult with the Community Consultative Committee in preparation of the Plan. The plan must include, but not be confined to, mitigation measures identified in EIS such as:</p> <ul style="list-style-type: none"> <li>- identification of preferred routes to minimise noise impacts on the surrounding community;</li> <li>- physical and operational measures (including signage) to mitigate noise impacts from vehicles accessing and leaving the terminal;</li> <li>- measures to limit the impact of traffic noise on Foreshore Road and Botany Road;</li> <li>- driver education and information to promote driver habits to minimise noise; and</li> <li>- timetabling, scheduling and details of vehicle booking systems.</li> </ul> <p>The plan must be submitted and approved by the Director-General prior to the commencement of operations</p>	<p>The Traffic Management Plan is presented in section 7.4 of the OEMP Version 6, which was previously approved by DPIE on 19/02/19. It identifies the information required by this condition.</p> <p>Review of SICTLs operations against the Key Performance Indicators is presented in Appendix D.</p> <p>The Turn Around Time report for the audit period shows that the average PBLIS benchmark time is being achieved.</p>	C			
<b>Waste Management on Site</b>							
C2.13	SICTL	Management of waste must be in accordance with the environment protection licence issued by EPA under the Protection of the Environment Operations Act 1997	<p>SICTL's Waste Register (October 20 – August 21) sighted.</p> <p>Wastes being tracked are categorised and include: General Waste, medical waste, oily rags, used batteries, quarantine, co-mingle, paper and cardboard, steel recycling, oil filters, tyre recycling, liquid waste, waste oil. All of these are pre-classified under the Waste Classification Guidelines and do not require analysis.</p> <p>Percentages of waste being recycled or going to landfill are monitored.</p> <p>SUEZ provide a monthly waste report to SICTL that details the waste categories and quantities. The wastes are being directed to SUEZ Rockdale Facility – EPL 4557.</p> <p>Sighted Cleanaway consignment and docket August 2021 showing proper removal of liquid waste. It identifies the receiving facility EPL number.</p>	C			
C2.13A	SICTL	The management of waste for uses and activities not subject to an Environmental Protection licence, shall be managed and disposed of in accordance with the Protection of the Environment Operation (Waste) Regulation 2005 and the Waste Classification Guidelines (DECCW 2009), or any future guideline that may supersede that document. All waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.	As above.	C			
<b>Water and Wastewater Management</b>							

CoC No	Auditee NSW Ports/ SICTL	Condition of Approval Requirement	2020 Comments, observations, discussion, evidence, supporting documentation	2020 Audit Outcome			
				C	O	NC	NT
C2.14	SICTL	Except as may be expressly permitted by a licence under the Protection of the Environment Operations Act 1997 in relation to the development, section 120 of that Act (prohibition of the pollution of waters) shall be complied with in connection to the development.	<p>No water quality monitoring is required by the EPL (variation 01/09/2016). Previous water quality monitoring reports are available on website: <a href="http://www.hutchisonports.com.au/Sydney-Monitoring-Reporting">http://www.hutchisonports.com.au/Sydney-Monitoring-Reporting</a></p> <p>The incident register for the audit period shows that there were 16 x environmental incidents recorded. These included leaks and spills (such as hydraulic fluid from mobile plant on the port, a loss of palletized [non liquid] materials to waters, a non-site related sediment event, fauna sightings, and a leaking container). None of which threatened or caused pollution of waters.</p> <p>Sampling of the inlet and outlet of the SQIDS is conducted in accordance with the OEMP (3 x units sampled per year). Results are compared to the criteria in the OEMP which are derived from ANZECC (and included in the Project's EIS).</p> <p>Sighted Water Sampling Report, Rev0, CARAS, 01/04/21 and water analyte register current to October 2021. Monitoring was conducted</p> <p><b>Observation: According to the water analyte register for the audit period, all results taken for the year were compliant with the exception of one sample. On 13/03/21 SQID 24 returned an oil and grease concentration of 180mg/L on the outlet side. The inlet sample side was compliant. It is noted that SQID 24 is in a low traffic area, with limited potential for spills. No incidents were identified in proximity to the area.</b></p> <p><b>The CARAS water sampling report (dated 01/04/21) identifies action in response to the elevated reading, including maintenance on SQID 24 and off-site sampling (in Penrhyn Estuary). SPEL (the SQID maintenance contractor / supplier) conducted an inspection on 22/06/21. SPEL recommended maintenance on the unit. The maintenance has yet to be carried out due to the need to coordinate the maintenance and liquid waste removal. According to email chains between SICTL and Port Authority of NSW access to Penrhyn Estuary has not been achieved as yet and, therefore, off site sampling has not been undertaken.</b></p>	C	O		
C2.15	SICTL	For each monitoring/discharge point or utilisation area, the concentration of any pollutant discharged at that point, or applied to that area, must not exceed concentration limits specified in the relevant environment protection licence	No discharge points in EPL.				NT
		<b>Hazards and Risk Management Hayes Dock Interim Uses</b>					
C2.15A	NSW Ports Port Authority	Port, maritime and waterway related interim uses within Hayes Dock may involve the loading, unloading and storage of minor volumes of dangerous goods (DGs) for the sole purpose of minor site maintenance; line boat, barge and tug maintenance; related service activities and boat refuelling	<p>Noted. SICTL is a Terminal operator and has commissioned this Audit to assess compliance against these conditions with respect to its own operations.</p> <p>SICTL did not operate Hayes Dock Services. There were no temporary uses reported during the audit period.</p>				NT
C2.16	SICTL	Prior to the commencement of operation, the Applicant shall develop management measures in consultation with the Major Hazards Unit of DPIE regarding the use of the new terminal for loading, unloading and storage of dangerous goods of Classes 2.3 and 6	<p>DPE letter of October 2013 confirms that this requirement has been addressed as part of the approved OEMP and sub plans, specifically the Handling of Dangerous Goods and Hazardous Substances Sub-Plan. The Dangerous Goods Management Plan now sits within Section 7.6 the OEMP Version 6, which was previously approved by DPIE on 19/2/19.</p> <p>Review of SICTLs operations against the Key Performance Indicators is presented in Appendix D. The Key Performance Indicators are being achieved.</p>	C			
		<b>Hazards and Risk Management- Storage and Handling of Dangerous Goods</b>					
C2.17	NSW Ports SICTL	Twelve months after the determination of DA 494-11-2003-i MOD 16, the Proponent shall submit an annual report to the Secretary which provides details on actual Dangerous Goods movements listed in the Table 1 provided in Schedule 4.	Reports for Hazards and Risk Management – Storage and Handling of Dangerous Goods for the Port Botany Expansion are submitted by NSW Ports on behalf of the individual stevedores in accordance with C2.17 DA494-11-2003-I, as modified.	C			

CoC No	Auditee NSW Ports/ SICTL	Condition of Approval Requirement	2020 Comments, observations, discussion, evidence, supporting documentation	2020 Audit Outcome			
				C	O	NC	NT
		<p>Should the threshold limits listed in Table 2 in Schedule 4 be exceeded for three consecutive annual reporting years, or if the maximum limits are reached in a single 12 month reporting period, the Applicant shall prepare an updated hazard analysis for the PBE operations. The hazards analysis shall:</p> <ul style="list-style-type: none"> <li>• Be prepared in consultation with the Department;</li> <li>• Be prepared in accordance with Hazardous Industry Planning Paper No. 6 'Hazard Analysis';</li> <li>• Assess compliance against the land use safety planning risk criteria (including individual fatality risk, injury/irritation risk and societal risk) outline in Hazardous Industry Planning Advisory Paper No. 4, 'Risk Criteria for Land Use Safety Planning'; and</li> <li>• Assess whether the risks from PBE operations will significantly impact on the cumulative risk contour of 1 x 10<sup>-6</sup> per annum, contained in Figure 2 of the Port Botany Land Use Safety Study Overview Report 1996, or any other revised land use safety study for the Port that supersedes the 1996 study</li> </ul> <p>The report shall be prepared to the satisfaction of the Secretary.</p> <p>The hazard analysis is to be submitted to the Secretary within 6 months of an identified threshold exceedance, or as agreed to by the Secretary.</p> <p>The information provided shall cover all stevedores in the PBE area. The information may be provided separately by each stevedore to the Department or in total for the PBE by the Applicant.</p>	<p>The SICTL report (Condition C2.17 results 2021, Dangerous Goods Reporting Threshold) for the audit period shows that the throughputs were below the permissible thresholds from Table 2 of Schedule 4.</p> <p>NB*: Reporting of this requirement to DPIE is combined by NSW Ports. This submission was not sighted as part of this audit.</p> <p>Port Authority of NSW monitor manifests which informs whether reporting thresholds would be exceeded.</p>				
C2.18	SICTL	The Applicant shall not store or handle or permit to be stored or handled, dangerous goods of Class 2.3, toxic compressed or liquefied gases above the quantities stored or handled in 1995/96 except in accordance with recommendations 1.1 and 1.2 in the Port Botany Land Use Safety Study (1996).	<p>As reference, during the 1995/1996 period 825 tonnes (average value) of Class 2.3 Dangerous Goods were transited through Port Botany).</p> <p>The SICTL report (Condition C2.17 results 2021, Dangerous Goods Reporting Threshold) for the audit period shows that 10 containers of Class 2.3 toxic gases were handled by SICTL during the audit period, well below the 157 container limit.</p>	C			
		<b>Emergency Incident Management</b>					
C2.20	SICTL	<p>The Applicant shall develop an Emergency Response and Incident Management Plan in consultation with EPA, DPIE, Council and the Community Consultative Committee. The Plan must be approved by the Secretary prior to the commencement of operations and shall detail:</p> <ul style="list-style-type: none"> <li>- terminal security and public safety issues;</li> <li>- effective spill containment and management;</li> <li>- effective firefighting capabilities;</li> <li>- effective response to emergencies and critical incidents; and</li> <li>- a single set of emergency procedures, consistent with the existing Port Botany Emergency Plan, should be developed that be scaled as appropriate for any incident or emergency.</li> </ul>	<p>The Emergency Response Plan (Version 6, 2018) had been prepared in consultation with relevant stakeholders during previous revisions and was approved by DPIE (then called DOP) in 2013. Updates since consultation and DPIE approval appear to be minor administrative updates, according to the document control register. The most recent update was made on 21/07/21 (Revision 7) to incorporate notification requirements from the Consent and EPL, as was recommended in the 2020 Independent Audit.</p> <p>Emergency Response Plan available on website:</p> <p>1 x environment emergency drill was conducted 30/04/21, involving a large spoil near a drain. Waterside operations participated in the drill. The drill tested the PIRMP.</p> <p>At least 4 x drills were conducted during the year, including 1 x environmental, 1 x rail and 1 x evacuation drill. This is conformant with the Emergency Response Plan.</p>	C			
		<b>Aviation Operational Impacts</b>					
C2.21	SICTL	The Applicant shall ensure that the location of fixed terminal operating infrastructure adequately takes into account the required lateral separation distances to minimise the interference to Sydney Airport radar and navigational systems	<p>The Aviation Operational Management Plan now sits within Section 7.2 the OEMP Version 6, which was previously approved by DPIE on 19/2/19.</p> <p>Review of SICTLs operations against the Key Performance Indicators is presented in Appendix D. The Key Performance Indicators are being achieved.</p>	C			
C2.22	SICTL	The Applicant shall ensure that all operation equipment is below the obstacle limitation surface, unless otherwise permitted by an approval under the Airports Act 1999 and Airports (Protection of Airspace) Regulation 1966	<p>The Aviation Operational Management Plan now sits within Section 7.2 the OEMP Version 6, which was previously approved by DPIE on 19/2/19.</p> <p>Review of SICTLs operations against the Key Performance Indicators is presented in Appendix D. The Key Performance Indicators are being achieved. Compliance with the OLS is detailed within Table 15 of the OEMP. No issues.</p>	C			
C2.23	SICTL	The Applicant shall ensure design specifications of the terminal lighting conform to the requirements of Regulation 94 of the Civil Aviation regulations 1988	The Aviation Operational Management Plan now sits within Section 7.2 the OEMP Version 6, previously approved by DPIE on 19/2/19.	C			



CoC No	Auditee NSW Ports/ SICTL	Condition of Approval Requirement	2020 Comments, observations, discussion, evidence, supporting documentation	2020 Audit Outcome			
				C	O	NC	NT
			Compliance with the lighting and light spill is detailed within Table 15 of the OEMP. No issues.				
C2.24	SICTL	The Applicant shall adopt measures to ensure that there is minimal light spill from ships which may cause distraction, confusion or glare to pilots. These may include: <ul style="list-style-type: none"> <li>- minimising ship board lighting while berthed;</li> <li>- orientating ships in a specific direction; and or</li> <li>- providing temporary shielding on the ship mounted floodlights while docked</li> </ul>	The Aviation Operational Management Plan now sits within Section 7.2 the OEMP Version 6, previously approved by DPIE on 19/2/19. Compliance with the lighting and light spill is detailed within Table 15 of the OEMP. SICTL have prepared a Ship Booklet (already implemented at their Brisbane Port) that is provided to the Master of the ship on arrival. The Ship Booklet includes information on the local environment and other essentials, including ship lighting impacts, feral pets and waste. The ship booklet continues to be implemented for the audit period.	C			
C2.25	SICTL	Prior to operations, the Applicant shall develop a Bird Hazard Management Plan to minimise the attraction of bird species that pose a risk to aircraft movements. The Plan is to be prepared in consultation with the Department of Transport and Regional Services, Sydney Airport Corporation and Botany and Randwick Councils. The Plan must be approved by the Director-General prior to the commencement of operations	The Aviation Operational Management Plan now sits within Section 7.2 the OEMP Version 6, previously approved by DPIE on 19/2/19. Compliance with bird hazard management is detailed within Table 15 of the OEMP. The site was well maintained, and the identified controls implemented (waste controlled, lunches being eaten internal to the building, incident register included identification of fauna through surveillance). Inspections were occurring and no complaints had been received.	C			
		<b>COMMUNITY INFORMATION, INVOLVEMENT AND CONSULTATION</b>					
C3.1	SICTL	The Applicant must meet the following requirements in relation to community consultation and complaints management: <ul style="list-style-type: none"> <li>• all monitoring, management and reporting documents required under the development consent shall be made publicly available;</li> <li>• provide means by which public comments, inquiries and complaints can be received, and ensure that those means are adequately publicised; and</li> <li>• includes details of a register to be kept of all comments, inquiries and complaints received by the above means, including the following register fields: <ul style="list-style-type: none"> <li>• the date and time, where relevant, of the comment, inquiry or complaint;</li> <li>• the means by which the comment, inquiry or complaint was made (telephone, fax, mail, email or in person);</li> <li>• any personal details of the commenter, inquirer or complainant that were provided, or if no details were provided, a note to that effect;</li> <li>• the nature of the complaint;</li> <li>• 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;</li> <li>• if no action was taken by the Applicant in relation to the comment, inquiry or complaint, the reason(s) why no action was taken;</li> </ul> </li> </ul> Provide quarterly reports to the Department and EPA, unless otherwise agreed by the Secretary, outlining details of complaints received	Monitoring, management and reporting documents are available online: <a href="https://www.hutchisonports.com.au/operations/environmental-management-plans/">https://www.hutchisonports.com.au/operations/environmental-management-plans/</a> <a href="https://www.hutchisonports.com.au/operations/monitoring-and-reporting/">https://www.hutchisonports.com.au/operations/monitoring-and-reporting/</a> Community Feedback Reports are prepared quarterly and published on the website. The reports enable the recording and tracking of the information required by this condition. There was one complaint received for the reporting period which SICTL investigated and determined to not be related to Terminal 3 operations. Contact details and complaints line are available at: <a href="https://www.hutchisonports.com.au/contact-us/">https://www.hutchisonports.com.au/contact-us/</a> <b>Observation: At the time of writing the Quarterly Community Feedback Report for quarter 3 of 2021 had not been published on the website.</b>	C	O		
C3.2	NSW Ports SICTL	At least 6 months prior to commencement of operations, the Applicant shall establish a Community Consultative Committee to oversee the environmental performance of the development. This committee shall: <p>(a) be comprised of:</p> <ul style="list-style-type: none"> <li>• 2 representatives from the Applicant, including the person responsible for environmental management;</li> <li>• 1 representative from Botany Bay City Council; and</li> <li>• at least 3 representatives from the local community,</li> </ul> whose appointment has been approved by the Director-General in consultation with the Council; <p>(b) be chaired by an independent party approved by the Director-General;</p> <p>(c) meet at least four times a year, or as otherwise agreed by the CCC;</p> <p>(d) review and provide advice on the environmental performance of the development, including any construction or environmental management plans, monitoring results, audit reports, or complaints; and</p> <p>(e) port rail noise within the Port Botany Expansion site is to be an ongoing agenda item to be discussed by the CCC and relevant stakeholders; and</p> <p>(f) within 12 months of the commencement of MOD 16, an advertisement must be placed for new members to join the CCC, given that the other working groups such as the RNWG are no longer present.</p>	The PBE Community Consultative Committee has been combined into the Port Botany Neighbourhood Liaison Group, which was approved in a letter from the Director General on 16/9/2013. NSW Ports manage the meeting, SICTL is a participant as an operator. This audit assesses SICTLs compliance with the conditions. Minutes of the meetings are on NSW Ports website at: <a href="https://www.nswports.com.au/resources-filtered/port-botany-CCC-minutes">https://www.nswports.com.au/resources-filtered/port-botany-CCC-minutes</a> Representatives and the chair are presented in each of the minutes. The CCC meets four times per year and minutes show environmental, community and rail matters are discussed.	C			

CoC No	Auditee NSW Ports/ SICTL	Condition of Approval Requirement	2020 Comments, observations, discussion, evidence, supporting documentation	2020 Audit Outcome			
				C	O	NC	NT
		Note: The Applicant may, with the approval of the Director-General, combine the function of this CCC with the function of other existing Community Consultative mechanisms the area, including the construction phase CCC (Condition B3.2) however, if it does this it must ensure that the above obligations are fully met in the combined process					
C3.3	NSW Ports SICTL	The Applicant shall, at its own expense: (a) ensure that 2 of its representatives attend the Committee's meetings; (b) provide the Committee with regular information on the environmental performance and management of the development; (c) provide meeting facilities for the Committee; (d) arrange site inspections for the Committee, if necessary; (e) take minutes of the Committee's meetings; (f) make these minutes available on the Applicant's website within 14 days of the Committee meeting, or as agreed to by the Committee; (g) respond to any advice or recommendations the Committee may have in relation to the environmental management or performance of the development; and (h) forward a copy of the minutes of each Committee meeting, and any responses to the Committee's recommendations to the Director-General within a month of the Committee meeting	Refer response to CoA C3.2 above.  The Auditor notes that NSW Ports (not the auditee) is responsible for the CCC.	C			
		<b>ENVIRONMENTAL MONITORING AND AUDITING</b>					
C4.1	SICTL	The Secretary shall be notified of any incident with actual or potential significant off-site impacts on people or the biophysical environment within 12 hours of the Applicant, or other relevant party undertaking the development, becoming aware of the incident. Full written details of the incident shall be provided to the Secretary within seven days of the date on which the incident occurred. The Secretary may require additional measures to be implemented to address the cause or impact of any incident, as it relates to this consent, reported in accordance with this condition, within such period as the Secretary may require	Sighted environmental incidents register 21/10/20 – 12/10/21.  The incident register for the audit period shows that there were 23 x environmental incidents recorded. These included leaks and spills (such as hydraulic fluid from mobile plant on the port, a loss of palleted [non liquid] materials to waters, a non-site related sediment event, fauna sightings, and a leaking container). None of which posed with actual or potential significant off-site impacts on people or the biophysical environment.  An incident on 14/10/20 involving a container venting gas was notified to HAZMAT, Port Authority of NSW and EPA as a precaution. No off-site impacts were threatened or realised.				NT
C4.2	SICTL	The Applicant must prepare an Annual Environmental Management Report for the development. The Annual Environmental Management Report must: - detail compliance with the conditions of this consent; - contain a copy of the Complaints Register (for the preceding twelve-month period, exclusive of personal details) and details of how these complaints were addressed and resolved; - include a comparison of the environmental impacts and performance predicted in the EIS and additional information documents provided to the Department and Commission of Inquiry; - detail results of all environmental monitoring required under the development consent and other approvals, including interpretations and discussion by a suitably qualified person; - contain a list of all occasions in the preceding twelve-month period when environmental performance goals have not been achieved, indicating the reason for failure to meet the goals and the action taken to prevent recurrence of that type of incident; - be prepared within twelve months of the commencement of operation, and every twelve months thereafter; - to the satisfaction of the Secretary for approval; - be made available for public inspection	The 2019 – 20 AEMR was prepared (07/10/20) and submitted to the Department. It addresses the requirements of this condition and is publicly available at: <a href="https://www.hutchisonports.com.au/wp-content/uploads/2020/10/AnnualEnvironmentalManagementReport2020.pdf">https://www.hutchisonports.com.au/wp-content/uploads/2020/10/AnnualEnvironmentalManagementReport2020.pdf</a>  The Department provided a response to the 2019 – 20 AEMR on 29/10/20, stating that it met the requirements of the condition, noting that the next AEMR was to include: - update on the status of actions for the 20-21 reporting period. - rating on the assessment of predictions from the EIS and Col.  The draft 2020 – 21 AEMR was sighted. It includes an update on the status of actions for the current reporting period. All of the identified actions have been responded to. The rating of the assessment of EIS and Col predictions has been included.	C			
C4.4	SICTL	Prior to the commencement of operations an Environmental Training Program shall be developed and implemented to establish a framework in which relevant employees will be trained in environmental management and the operation of plant and equipment, including pollution control equipment, where relevant. The Program shall include, but not necessarily be limited to: a) identification of relevant employment positions associated with the development that have an operational or management role related to environmental performance; b) details of appropriate training requirements for relevant employees c) a program for training relevant employees in operational and/ or management issues associated with environmental performance; and	Environmental training is set out in section 3.6 of the OEMP Version 6, previously approved by DPIE on 19/2/19.  Sighted employee (site) induction HSEQ-TO01.2 SICTL it covers enviro hazards and controls.  Sighted Employee Operational Orientation training package HSEQ-TO02.1 (for SICTL maintenance and operational personnel) upon commencement. It also covers rules and requirements.  Sighted environmental awareness training which covers all major environmental risks and controls on site. This is being progressively rolled out	C			

CoC No	Auditee NSW Ports/ SICTL	Condition of Approval Requirement	2020 Comments, observations, discussion, evidence, supporting documentation	2020 Audit Outcome			
				C	O	NC	NT
		d) a program to confirm and update environmental training and knowledge during employment of relevant persons	<p>to all persons on site. Approximately 50% of workforce have completed the training and 5 of 7 managers have completed the training.</p> <p>Polluplug training was identified as an observation in the 2018 audit, due to the training being out of date. Since the 2018 audit, SICTL is progressively rolling out polluplug training for its personnel. As at 28/08/20 all shifts had been trained in the polluplug use.</p> <p>1 x environment emergency drill was conducted 30/04/21, involving a large spoil near a drain. Waterside operations participated in the drill. The drill tested the PIRMP.</p> <p>Waste management toolbox training was delivered on 20/10/20 to all maintenance and operational workforce.</p> <p>Maintenance cleaning of washbay training circular issued to maintenance staff on 29/07/21.</p>				
C4.5	SICTL	<p>Within one year of the commencement of operations and every year thereafter, the Applicant shall fund a full independent environmental audit. The audit must be undertaken by a suitably qualified person/team approved by the Secretary. The audits would be made publicly available and would:</p> <ul style="list-style-type: none"> <li>- be carried out in accordance with ISO 14010 – Guidelines and General Principles for Environmental Auditing and ISO 14011 – Procedures for Environmental Auditing;</li> <li>- assess compliance with the requirements of this consent, and other licences and approvals that apply to the development;</li> <li>- assess the construction against the predictions made and conclusions drawn in the development application, EIS, additional information and Commission of Inquiry material; and</li> <li>- review the effectiveness of the environmental management of the development, including any environmental impact mitigation works.</li> </ul> <p>Note: An independent and transparent environmental audit can verify compliance (or otherwise) with the Minister's consent and various approvals. Auditing also provides an opportunity for continued improvement in environmental performance</p>	<p>DPIE letter of approval of WolfPeak as the Auditors, 20/07/20</p> <p>Sighted the DPIE post approval portal lodgement record. The 2020 audit report was submitted to the Department on 06/11/20.</p> <p>Sighted letter DPIE to NSW Ports (no date, ref MP11-0001 MOD 3) confirming adequacy of the 2020 Audit Report.</p>	C			



## **APPENDIX B – EPL 20322 CONDITIONS**

Condition No	Condition Requirement	2020 Comments, observations, discussion, evidence, supporting documentation	2020 Audit Outcome			
			C	O	NC	NT
L1.1	Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997	<p>No water quality monitoring is required by the EPL (variation 01/09/2016). Previous water quality monitoring reports are available on website: <a href="http://www.hutchisonports.com.au/Sydney-Monitoring-Reporting">http://www.hutchisonports.com.au/Sydney-Monitoring-Reporting</a></p> <p>The incident register for the audit period shows that there were 16 x environmental incidents recorded. These included leaks and spills (such as hydraulic fluid from mobile plant on the port, a loss of palletted [non liquid] materials to waters, a non-site related sediment event, fauna sightings, and a leaking container). None of which threatened or caused pollution of waters.</p> <p>Sampling of the inlet and outlet of the SQIDS is conducted in accordance with the OEMP (3 x units sampled per year). Results are compared to the criteria in the OEMP which are derived from ANZECC (and included in the Project's EIS).</p> <p>Sighted Water Sampling Report, Rev0, CARAS, 01/04/21 and water analyte register current to October 2021. Monitoring was conducted</p> <p><b>Observation: According to the water analyte register for the audit period, results taken for the year were compliant with the exception of one sample. On 13/03/21 SQID 24 returned an oil and grease concentration of 180mg/L on the outlet side. The inlet sample side result was compliant. It is noted that SQID 24 is in a low traffic area, with limited potential for spills. No incidents were identified in proximity to the area.</b></p> <p><b>The CARAS water sampling report (dated 01/04/21) identifies action in response to the elevated reading, including maintenance on SQID 24 and off-site sampling (in Penrhyn Estuary). SPEL (the SQID maintenance contractor / supplier) conducted an inspection on 22/06/21. SPEL recommended maintenance on the unit. The maintenance has yet to be carried out due to the need to coordinate the maintenance and liquid waste removal. According to email chains between SICTL and Port Authority of NSW access to Penrhyn Estuary has not been achieved as yet and, therefore, off site sampling has not been undertaken.</b></p>	C	O		
L2.1	<p>The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.</p> <p>Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.</p> <p>Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.</p> <p>This condition does not limit any other conditions in this licence</p>	SICTL does not receive any waste at the premises.	C			
L3.1 - 3.8	Noise from the premises must not exceed the noise limits presented in the Table below. Note the limits represent the noise contribution at the nominated receiver locations in the table	Refer to response for E1.2 below and CoA C2.6 – C2.11.	C			
O1.1	<p>Licensed activities must be carried out in a competent manner.</p> <p>This includes:</p> <ul style="list-style-type: none"> <li>a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and</li> <li>b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.</li> </ul>	<p>Based on a review of water quality and noise monitoring reports and site inspection on 12/10/21, it appears this condition is being complied with.</p> <p>The Scheduled Activity on SICTL's EPA Licence is General Chemicals Storage. This relates to dangerous goods being received, stored, moved and transited through the terminal. It also relates to chemicals kept on site for maintenance activities.</p> <p>The Port Authority's ShiPS system provides the information relating to DG Class, quantity and type on all DG imports and exports to the SICTL terminal. SICTL uses the nGen software system to allocate storage locations for all dangerous goods (ensuring separation where required).</p> <p>Equipment operators have been trained and (where required) licenced to operate the container handling equipment including Quay Cranes, ASC, Shuttle Carriers, ReachStackers, Forklifts, and trailers.</p> <p>Any waste generated by the terminal is removed by Suez Recycling &amp; Recovery Pty Ltd. Suez Recycling &amp; Recovery Pty Ltd are licenced under the EPA for</p>	C	O		

Condition No	Condition Requirement	2020 Comments, observations, discussion, evidence, supporting documentation	2020 Audit Outcome			
			C	O	NC	NT
		<p>Resource Recovery, Waste Processing (nonthermal treatment) and Waste Storage.</p> <p>SICTL undertake site inspections across the site on a monthly basis, with records retained.</p> <p>Incidents are being recorded and actioned to rectify issues. No notifiable incidents occurred during the reporting period.</p> <p>Housekeeping was of a high standard during the inspection, with the exception of one small area. Refer observation below.</p> <p><b>Observation: The Ward Civil compound had been vacated at the time of the inspection. A large volume of waste had been left by the tenant was left unmanaged. Clean up is required.</b></p>				
O2.1	<p>All plant and equipment installed at the premises or used in connection with the licensed activity:</p> <p>a) must be maintained in a proper and efficient condition; and</p> <p>b) must be operated in a proper and efficient manner</p>	<p>Sighted the CMBFLSER (combined fleet services) and the Timers and Counters registers for the 2021 audit. These registers allow for the scheduling tracker, checking and completion of planned, preventative and reactive maintenance. A number of maintenance tasks were overdue, however the maintenance manager stated that those overdue tasks did not relate to the safety or environmental performance of the plant, rather only relating to efficiency or lifecycle. These overdue items were a result of limited access to some equipment due to continuous operations during ship dockings.</p> <p>Equipment operators have been trained and (where required) licenced to operate the container handling equipment including Quay Cranes, ASC, Shuttle Carriers, ReachStackers, Forklifts, and trailers.</p> <p>Environmental training is set out in section 3.6 of the OEMP Version 6, previously approved by DPIE on 19/2/19.</p> <p>Sighted employee (site) induction HSEQ-TO01.2 SICTL it covers enviro hazards and controls.</p> <p>Sighted Employee Operational Orientation training package HSEQ-TO02.1 (for SICTL maintenance and operational personnel) upon commencement. It also covers rules and requirements.</p> <p>Sighted environmental awareness training which covers all major environmental risks and controls on site. This is being progressively rolled out to all persons on site.</p> <p>Polluplug training was identified as an observation in the 2018 audit, due to the training being out of date. Since the 2018 audit, SICTL is progressively rolling out polluplug training for its personnel. As at 28/08/20 all shifts had been trained in the polluplug use.</p> <p>1 x environment emergency drill was conducted 30/04/21, involving a large spoil near a drain. Waterside operations participated in the drill. The drill tested the PIRMP.</p> <p>Waste management toolbox training was delivered on 20/10/20 to all maintenance and operational workforce.</p> <p>Maintenance cleaning of washbay training circular issued to maintenance staff on 29/07/21.</p>	C			
O3.1	<p>The licensee must maintain, and implement as necessary, a current emergency response plan for the premises. The licensee must keep the emergency response plan on the premises at all times. The emergency response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. If a current emergency response plan does not exist at the date on which this condition is attached to the licence, the licensee must develop an emergency response plan within three months of that date</p>	<p>The Emergency Response Plan (Version 6, 2018) had been prepared in consultation with relevant stakeholders during previous revisions and was approved by DPIE (then called DOP) in 2013. Updates since consultation and DPIE approval appear to be minor administrative updates, according to the document control register. The most recent update was made on 21/07/21 (Revision 7) to incorporate notification requirements from the Consent and EPL, as was recommended in the 2020 Independent Audit.</p> <p>Emergency Response Plan available on the website.  <a href="https://www.hutchisonports.com.au/operations/environmental-management-plans/">https://www.hutchisonports.com.au/operations/environmental-management-plans/</a> </p>	C			

Condition No	Condition Requirement	2020 Comments, observations, discussion, evidence, supporting documentation	2020 Audit Outcome			
			C	O	NC	NT
		1 x environment emergency drill was conducted 30/04/21, involving a large spoil near a drain. Waterside operations participated in the drill. The drill tested the PIRMP.  At least 4 x drills were conducted during the year, including 1 x environmental, 1 x rail and 1 x evacuation drill. This is conformant with the Emergency Response Plan.				
O3.2	In relation to 4.1 [sic – should refer to 3.1] Emergency Response: A Pollution Incident Response Management Plan (PIRMP) is the relevant document required.	The PIRMP forms part of the Emergency Response Plan (Version 6, 2018).  The most recent update was made on 21/07/21 (Revision 7) to incorporate notification requirements from the Consent and EPL, as was recommended in the 2020 Independent Audit.  The Emergency Response Plan is available on the website. <a href="https://www.hutchisonports.com.au/operations/environmental-management-plans/">https://www.hutchisonports.com.au/operations/environmental-management-plans/</a>	C			
M1.2	The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.	Noise monitoring is required by the EPL. Results are published on the website: <a href="https://www.hutchisonports.com.au/operations/monitoring-and-reporting/">https://www.hutchisonports.com.au/operations/monitoring-and-reporting/</a>	C			
M1.2	All records required to be kept by this licence must be: a) in a legible form, or in a form that can readily be reduced to a legible form; b) kept for at least 4 years after the monitoring or event to which they relate took place; and c) produced in a legible form to any authorised officer of the EPA who asks to see them.	As above. No issues. The records are legible, retained and accessible.	C			
M1.3	The following records must be kept in respect of any samples required to be collected for the purposes of this licence: a) the date(s) on which the sample was taken; b) the time(s) at which the sample was collected; c) the point at which the sample was taken; and d) the name of the person who collected the sample	As above. The records include dates and times, locations and the details of the consultant.	C			
M2.1	The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies	As per CoA C3.1  Community Feedback Reports are prepared quarterly and published on the website. The reports enable the recording and tracking of the information required by this condition.  There was one complaint received for the reporting period which SICTL investigated and determined to not be related to Terminal 3 operations.  Contact details and complaints line are available at: <a href="https://www.hutchisonports.com.au/contact-us/">https://www.hutchisonports.com.au/contact-us/</a>	C			
M2.2	The record must include details of the following: a) the date and time of the complaint; b) the method by which the complaint was made; c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; d) the nature of the complaint; e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and f) if no action was taken by the licensee, the reasons why no action was taken	Community Feedback Reports are prepared quarterly and published on the website. The reports enable the recording and tracking of the information required by this condition. The details required by this condition are captured and are transposed into the reports (noting some information is confidential and not made public).  There was one complaint received for the reporting period which SICTL investigated and determined to not be related to Terminal 3 operations.	C			
M2.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	As above.  Quarterly Community Feedback Reports go back to 2013. <a href="https://www.hutchisonports.com.au/operations/monitoring-and-reporting/">https://www.hutchisonports.com.au/operations/monitoring-and-reporting/</a>	C			
M3.1	The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence	Contact details and complaints line are available at: <a href="https://www.hutchisonports.com.au/contact-us/">https://www.hutchisonports.com.au/contact-us/</a>  The complaints line was tested by calling the phone number on the 27/10/20. No issues.	C			
M3.2	The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.	As above.	C			

Condition No	Condition Requirement	2020 Comments, observations, discussion, evidence, supporting documentation	2020 Audit Outcome			
			C	O	NC	NT
R1.1	The licensee must complete and supply to the EPA an Annual Return in the approved form comprising: a) a Statement of Compliance; and b) a Monitoring and Complaints Summary. At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA	Last annual return lodged 11/12/20 within due period. There were no non-compliances reported. <a href="https://apps.epa.nsw.gov.au/prpoeoapp/Detail.aspx?instid=20322&amp;id=20322&amp;option=licence&amp;searchrange=licence&amp;range=POEO%20licence&amp;prp=no&amp;status=Issued">https://apps.epa.nsw.gov.au/prpoeoapp/Detail.aspx?instid=20322&amp;id=20322&amp;option=licence&amp;searchrange=licence&amp;range=POEO%20licence&amp;prp=no&amp;status=Issued</a> Next return due by 12/12/21	C			
R2.1 & 2.2	Notifications must be made by telephoning the Environment Line service on 131 555. Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act. The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred	Sighted environmental incidents register 21/10/20 – 12/10/21. The incident register for the audit period shows that there were 23 x environmental incidents recorded. These included leaks and spills (such as hydraulic fluid from mobile plant on the port, a loss of palleted [non liquid] materials to waters, a non-site related sediment event, fauna sightings, and a leaking container). None of which posed with actual or potential significant off-site impacts on people or the biophysical environment. An incident on 14/10/20 involving a container venting gas was notified to HAZMAT, Port Authority of NSW and EPA as a precaution. No off-site impacts were threatened or realised.	C			
G1.1 – 1.3	A copy of this licence must be kept at the premises to which the licence applies. The licence must be produced to any authorised officer of the EPA who asks to see it. The licence must be available for inspection by any employee or agent of the licensee working at the premises	EPL was available at the SICTL administration office and on the EPA's website. A tabled version of the EPL is available on the SICTL website: <a href="https://www.hutchisonports.com.au/wp-content/uploads/2019/02/APPENDIX-A3-EPL-Conditions-Compliance.pdf">https://www.hutchisonports.com.au/wp-content/uploads/2019/02/APPENDIX-A3-EPL-Conditions-Compliance.pdf</a>	C			
E1.2	Every 6 months, the Licensee must undertake a periodic noise monitoring program consisting of attended and unattended monitoring and provide a report within one month after completion of monitoring to the EPA's Manager, Sydney Industry at PO Box 668 Parramatta NSW 2124 containing the following information: (a) unattended monitoring data for a continuous period of no less than 2 weeks; (b) attended monitoring data during the period outlined in subsection (a); (c) monitoring data from a minimum of 3 locations; (d) an assessment of the noise levels against Condition L3 including a trend analysis; (e) details of any feasible and reasonable noise mitigation measures that have been, or are proposed to be implemented to further reduce noise levels below the limits prescribed in this licence	<b>Observation: The SICTL Noise Compliance Assessment Reports, Rodney Stevens, January and July 2021 indicate that monitoring was conducted in accordance with requirements a), b), and c) of this condition. However there does not appear to be a clear statement on trend analysis required under part c) of this condition.</b> <b>Further, Noise Compliance Assessment Reports for previous years noted the limitations of detecting noise emissions from the facility and, therefore, relied upon a combination of modelling and nearfield monitoring to predict the likely noise impacts at the receivers. This method is permitted under CoC C2.9 and was approved by the EPA in 2014.</b> <b>The SICTL Noise Compliance Assessment, Rodney Stevens, January and July 2021 indicate that monitoring has been conducted in accordance with the relevant requirements from CoC C2.7, C2.8, C2.10, C2.11, the INP and NPf, and (for the most part) EPL 20322. However, the Reports indicate that the ambient noise levels are elevated by non-site noise sources and source of industrial noise emissions could not be determined. No modelling / nearfield monitoring occurred. It is therefore unclear as to how the revised approach adopted for 2021 is effective in verifying compliance with CoA C2.6 or EPL conditions L3.1 – L3.8.</b>	C	O		

## APPENDIX C – OEMP KPIS

Unique ID		Compliance requirement		2020 Comments, observations, discussion, evidence, supporting documentation																						
Air Quality																										
Table 13		<table><tr><th>Key Performance Area</th><th>KPI</th></tr><tr><td>Air quality complaints received from residents or other members of the community.</td><td>Zero</td></tr><tr><td>Regular visual inspection of the terminal to verify that control measures are in place and functioning correctly and to identify any air quality issues or the presence of any deposited dust/sand.</td><td>Monthly visual inspection – 12 annually</td></tr><tr><td>A minimum of 3 dust deposition gauges (DDGs) to be installed at the terminal and monitored monthly by the independent air quality consultant<sup>4</sup> in general accordance with the Australian Standard AS/NZS 3580.10.1:2016 and the EPA Guidelines <sup>#</sup></td><td>4g/m<sup>2</sup>/month *</td></tr><tr><td>Implementation of corrective actions following a non-conformance in relation to dust mitigation controls.</td><td>Road sweeping to be undertaken within 2 weeks.  Sandpile stabilisation to be undertaken within 6 weeks.</td></tr></table>	Key Performance Area	KPI	Air quality complaints received from residents or other members of the community.	Zero	Regular visual inspection of the terminal to verify that control measures are in place and functioning correctly and to identify any air quality issues or the presence of any deposited dust/sand.	Monthly visual inspection – 12 annually	A minimum of 3 dust deposition gauges (DDGs) to be installed at the terminal and monitored monthly by the independent air quality consultant <sup>4</sup> in general accordance with the Australian Standard AS/NZS 3580.10.1:2016 and the EPA Guidelines <sup>#</sup>	4g/m <sup>2</sup> /month *	Implementation of corrective actions following a non-conformance in relation to dust mitigation controls.	Road sweeping to be undertaken within 2 weeks.  Sandpile stabilisation to be undertaken within 6 weeks.	<p>Complaints are maintained in the Community Feedback Reports and are available online. 1 x complaint was recorded for the audit period, none of which were attributed to Terminal 3.</p> <p><a href="https://www.hutchisonports.com.au/operations/monitoring-and-reporting/">https://www.hutchisonports.com.au/operations/monitoring-and-reporting/</a></p> <p>Inspections are carried out monthly (sighted evidence for each month during the audit period). Actions are identified for deficiencies, with persons responsible assigned. Actions are entered into rapid global. Rapid Global files evidence that actions have been closed.</p> <p>No fugitive dust emissions observed during site inspection on 12/10/21. Sand removal works were completed in April 2020.</p> <p>During the site inspection operational parts of the site were free of sediment.</p>													
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Aviation																										
Table 16		<table><tr><th>Key Performance Area</th><th>KPI</th></tr><tr><td>Airport-related complaints including light-spill, bird hazards received from Sydney Airport or other members of the community.</td><td>Zero</td></tr><tr><td>Regular visual inspection of the terminal to verify that control measures are in place and functioning correctly and to identify the presence of any bird hazards.</td><td>Monthly visual inspections – 12 annually</td></tr></table>	Key Performance Area	KPI	Airport-related complaints including light-spill, bird hazards received from Sydney Airport or other members of the community.	Zero	Regular visual inspection of the terminal to verify that control measures are in place and functioning correctly and to identify the presence of any bird hazards.	Monthly visual inspections – 12 annually	<p>Complaints are maintained in the Community Feedback Reports and are available online. 1 x complaint was recorded for the audit period, none of which were attributed to Terminal 3.</p> <p><a href="https://www.hutchisonports.com.au/operations/monitoring-and-reporting/">https://www.hutchisonports.com.au/operations/monitoring-and-reporting/</a></p> <p>Inspections are carried out monthly (sighted evidence for each month during the audit period). Actions are identified for deficiencies, with persons responsible assigned. Actions are entered into rapid global. Rapid Global files evidence that actions have been closed.</p>																	
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Noise (over page)																										
Table 19		<div>Table 19 Assessment of Noise Impacts</div> <table><tr><th>Relevant Receiver</th><th>No. on Map</th><th>Assessment of Operational Noise Impacts</th></tr><tr><td>Chelmsford Avenues</td><td>1</td><td>The location is not expected to be impacted as there are many roads, residences and industrial sites between this location and the SICTL Terminal. This location is also close to Sydney Airport.</td></tr><tr><td>Dent Street</td><td>2</td><td>This location is expected to be the most impacted because it is the closest residential receiver to the SICTL Terminal. This area is the most suitable for operational noise monitoring and will be treated as representative of other locations.</td></tr><tr><td>Jennings Street</td><td>3</td><td>This location is not expected to be impacted as there are many roads, residences and industrial sites between this location and the SICTL Terminal.</td></tr><tr><td>Botany Road (North of Golf Club)</td><td>4</td><td>This location is expected to be impacted due to the proximity to the SICTL Terminal.</td></tr><tr><td>Australia Avenue</td><td>5</td><td>This location is not expected to be impacted as there are many roads, residences and industrial sites between this location and the SICTL Terminal.</td></tr><tr><td>Military Road</td><td>6</td><td>This area is not expected to be impacted as there are two other stevedores and various industrial sites between this location and the SICTL Terminal.</td></tr></table> <p>During operations, SICTL will undertake periodic attended and unattended noise monitoring to develop a representation of the terminal noise received by residential receivers. The operational noise monitoring program will:</p> <ul style="list-style-type: none"><li>Continuously record for a duration of two weeks at a time;</li><li>Take place at a frequency of every six months;</li><li>Additionally, take place at the commencement of a new phase of operations or at appropriate operational milestones;</li><li>Take place in support of any application made by NSW Ports to increase the throughput at the terminal;</li><li>Take place at any other additional time as determined by SICTL for example, in relation to noise complaints or the introduction of different equipment, and</li><li>Be used to verify the noise contribution of the terminal against the noise modelling predictions stated in the EIS and investigate and explain differences.</li></ul> <p>The results of noise monitoring will be compiled by the acoustic consultant into the Noise Compliance Assessment Report and reviewed by the Senior Manager, HSEQ. The Noise Compliance Assessment shall be submitted to NSW Ports and uploaded to the HPA website within 14 days of receipt as per SICTL’s environmental protection licence conditions.</p>	Relevant Receiver	No. on Map	Assessment of Operational Noise Impacts	Chelmsford Avenues	1	The location is not expected to be impacted as there are many roads, residences and industrial sites between this location and the SICTL Terminal. This location is also close to Sydney Airport.	Dent Street	2	This location is expected to be the most impacted because it is the closest residential receiver to the SICTL Terminal. This area is the most suitable for operational noise monitoring and will be treated as representative of other locations.	Jennings Street	3	This location is not expected to be impacted as there are many roads, residences and industrial sites between this location and the SICTL Terminal.	Botany Road (North of Golf Club)	4	This location is expected to be impacted due to the proximity to the SICTL Terminal.	Australia Avenue	5	This location is not expected to be impacted as there are many roads, residences and industrial sites between this location and the SICTL Terminal.	Military Road	6	This area is not expected to be impacted as there are two other stevedores and various industrial sites between this location and the SICTL Terminal.	<p>The SICTL Noise Compliance Assessment Reports, Rodney Stevens, January and July 2021 indicate that monitoring was conducted in accordance with these requirements.</p> <p><a href="https://www.hutchisonports.com.au/operations/monitoring-and-reporting/">https://www.hutchisonports.com.au/operations/monitoring-and-reporting/</a></p> <p>Refer to findings against CoA C2.6 and EPL condition E1.2 regarding the efficacy of the monitoring rounds.</p>		
Relevant Receiver	No. on Map	Assessment of Operational Noise Impacts																								
Chelmsford Avenues	1	The location is not expected to be impacted as there are many roads, residences and industrial sites between this location and the SICTL Terminal. This location is also close to Sydney Airport.																								
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Traffic																										



Unique ID	Compliance requirement		2020 Comments, observations, discussion, evidence, supporting documentation																														
Table 22	<b>Key Performance Indicators</b>	<b>Goal</b>	Complaints are maintained in the Community Feedback Reports and are available online. 1 x complaint was recorded for the audit period, none of which were attributed to Terminal 3.  <a href="https://www.hutchisonports.com.au/operations/monitoring-and-reporting/">https://www.hutchisonports.com.au/operations/monitoring-and-reporting/</a>  As shown in the draft 2020 – 21 AEMR, the Turn Around Time report for the audit period shows that the average PBLIS benchmark is being achieved, with the avg turn around time for the reporting period being 43.76 mins.  The SICTL slot utilisation report shows the number of slots released compared to those booked. >55 slots are available, however the number released are commensurate to the number of slots booked for each day. At no stage were the slots released fewer than that booked.																														
	Number of complaints related to traffic noise disturbance and traffic impacts such as congestion or trucks parking in residential streets.	Zero																															
	Average Truck Turnaround Time (PBLIS Compliance Requirement)	45 minutes or less																															
	Number of slots available per hour	55 slots (minimum)																															
Stormwater																																	
Table 23	<b>Key Performance Area</b>	<b>KPI</b>	<b>Observation: According to the water analyte register for the audit period, all results taken for the year were compliant with the exception of one sample. On 13/03/21 SQID 24 returned an oil and grease concentration of 180mg/L on the outlet side. The inlet sample side was compliant. It is noted that SQID 24 is in a low traffic area, with limited potential for spills. No incidents were identified in proximity to the area.</b>  <b>The CARAS water sampling report (dated 01/04/21) identifies action in response to the elevated reading, including maintenance on SQID 24 and off-site sampling (in Penrhyn Estuary). SPEL (the SQID maintenance contractor / supplier) conducted an inspection on 22/06/21. SPEL recommended maintenance on the unit. The maintenance has yet to be carried out due to the need to coordinate the maintenance and liquid waste removal. According to email chains between SICTL and Port Authority of NSW access to Penrhyn Estuary has not been achieved as yet and, therefore, off site sampling has not been undertaken.</b>																														
	The effectiveness of the separator units to be assessed through the testing and analysis of outlet sampling on an annual basis.	3 units tested per annum																															
	<table><tr><th>Key Performance Area</th><th>Goal</th><th>Acceptable Limit</th></tr><tr><td>Total Nitrogen (TN)</td><td>120 - 300 µg/L <sup>2</sup></td><td>5 mg/L <sup>3</sup></td></tr><tr><td>Total Phosphorous (TP)</td><td>&lt; 30 µg/L <sup>2</sup></td><td>0.1 mg/L <sup>3</sup></td></tr><tr><td>Turbidity (NTU)</td><td>2.2 – 3.3 NTU <sup>1</sup></td><td>0.5 – 10 NTU <sup>2</sup></td></tr><tr><td>Total Suspended Solids (TSS)</td><td>&lt; 30 mg/L <sup>3</sup></td><td>50 mg/L <sup>3</sup></td></tr><tr><td>pH</td><td>7.0 – 8.5 <sup>2</sup></td><td>6.5 – 8.5 <sup>3</sup></td></tr><tr><td>Copper (Cu)</td><td>&lt; 1.3 µg/L <sup>2</sup></td><td>10 µg/L <sup>3</sup></td></tr><tr><td>Lead (Pb)</td><td>&lt; 4.4 µg/L <sup>2</sup></td><td>&lt; 4.4 µg/L <sup>2</sup></td></tr><tr><td>Zinc (Zn)</td><td>&lt; 15 µg/L <sup>2</sup></td><td>&lt; 15 µg/L <sup>2</sup></td></tr><tr><td>Oil &amp; Grease</td><td>&lt; 5 mg/L <sup>3</sup></td><td>10 mg/L <sup>3</sup></td></tr></table> <sup>1</sup> Botany Bay & Catchment Water Quality Improvement Plan 2011, prepared by the Sydney Metropolitan Catchment Management Authority <sup>2</sup> Marine Water Quality Objectives for NSW Ocean Waters – Sydney Metropolitan and Hawkesbury-Nepean (October 2005) published by Department of Environment and Conservation NSW, and Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2000), Australian and New Zealand Environment Conservation Council (ANZECC) <sup>3</sup> Developed based on local conditions and previous water quality test results.	Key Performance Area		Goal	Acceptable Limit	Total Nitrogen (TN)	120 - 300 µg/L <sup>2</sup>	5 mg/L <sup>3</sup>	Total Phosphorous (TP)	< 30 µg/L <sup>2</sup>	0.1 mg/L <sup>3</sup>	Turbidity (NTU)	2.2 – 3.3 NTU <sup>1</sup>	0.5 – 10 NTU <sup>2</sup>	Total Suspended Solids (TSS)	< 30 mg/L <sup>3</sup>	50 mg/L <sup>3</sup>	pH	7.0 – 8.5 <sup>2</sup>	6.5 – 8.5 <sup>3</sup>	Copper (Cu)	< 1.3 µg/L <sup>2</sup>	10 µg/L <sup>3</sup>	Lead (Pb)	< 4.4 µg/L <sup>2</sup>	< 4.4 µg/L <sup>2</sup>	Zinc (Zn)	< 15 µg/L <sup>2</sup>	< 15 µg/L <sup>2</sup>	Oil & Grease	< 5 mg/L <sup>3</sup>	10 mg/L <sup>3</sup>	
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Cleanout will be undertaken where the water quality results indicate an Acceptable Limit exceedance.	Cleanout within 6 weeks of Acceptable Limit exceedance																																
After every spill event where it is reasonable to assume that pollutants have entered the stormwater system units.	After Spill Event																																
Dangerous goods																																	
Table 27	<b>Key Performance Indicators</b>	<b>Goal</b>	Reports for Hazards and Risk Management – Storage and Handling of Dangerous Goods for the Port Botany Expansion are submitted by NSW Ports on behalf of the individual stevedores in accordance with 2.17 DA494-11-2003-I, as modified.  The SICTL report (Condition C2.17 results 2021, Dangerous Goods Reporting Threshold) for the audit period shows that the throughputs were well below the permissible thresholds from Table 2 of Schedule 4.  Port Authority of NSW monitor manifests which informs whether reporting thresholds would be exceeded.  NB*: Reporting of this requirement to DPIE is combined by NSW Ports. This submission was not able to be sighted as part of this audit.  As reference, during the 1995/1996 period 825 tonnes (average value) of Class 2.3 Dangerous Goods were transited through Port Botany).																														
	Number of Pollution Incidents involving solid or liquid spills or gas leaks during the handling of dangerous goods and hazardous substances on the terminal.	Zero																															
	Analysis of DG throughput limits specified in <b>Development Consent Condition C 2.17</b> (Table 1 in Schedule 4 of the Development Consent)).	Zero exceedances																															
	The amount specified in <b>Development Consent Condition C 2.18</b> (storage or handling of Dangerous Goods Class 2.3, toxic compressed or liquefied gases above the quantities stored or handled in 1995/96 except in accordance with recommendations 1.1 and 1.2 in the Port Botany Land Use Safety Study (1996)) shall not be exceeded.	Zero exceedances																															
Waste																																	



Unique ID	Compliance requirement		2020 Comments, observations, discussion, evidence, supporting documentation								
Table 31	<table><tr><th>Key Performance Indicators</th><th>Goal</th></tr><tr><td colspan="2">The amount of waste generated is analogous to the amount of operations, personnel and maintenance activities conducted on the terminal. The KPIs below have been developed so that that they are in accordance with the expected changes in the level of operations at the terminal.</td></tr><tr><td>Amount of waste recycled expressed as a % compared to the total waste generated.</td><td>50% or better</td></tr><tr><td>No reports of hazardous or special waste being mixed with general waste.</td><td>Zero</td></tr></table>	Key Performance Indicators	Goal	The amount of waste generated is analogous to the amount of operations, personnel and maintenance activities conducted on the terminal. The KPIs below have been developed so that that they are in accordance with the expected changes in the level of operations at the terminal.		Amount of waste recycled expressed as a % compared to the total waste generated.	50% or better	No reports of hazardous or special waste being mixed with general waste.	Zero		<p>SICTL's Waste Register (October 20 – August 21) sighted.</p> <p>Wastes being tracked are categorised and include: General Waste, medical waste, oily rags, used batteries, quarantine, co-mingle, paper and cardboard, steel recycling, oil filters, tyre recycling, liquid waste, waste oil. All of these are pre-classified under the Waste Classification Guidelines and do not require analysis.</p> <p>Percentages of waste being recycled or going to landfill are monitored.</p> <p>SUEZ provide a monthly waste report to SICTL that details the waste categories and quantities. The wastes are being directed to SUEZ Rockdale Facility – EPL 4557.</p> <p>Sighted Cleanaway consignment and docket August 2021 showing proper removal of liquid waste. It identifies the receiving facility EPL number.</p> <p>Waste register identifies waste streams, volumes, dates destination (landfill / recycling).</p> <p>According to the waste register the % of waste recycled in the draft figures for the year show recycling at 49%.</p> <p>No instances of cross contamination of waste streams were identified during the audit period.</p>
Key Performance Indicators	Goal										
The amount of waste generated is analogous to the amount of operations, personnel and maintenance activities conducted on the terminal. The KPIs below have been developed so that that they are in accordance with the expected changes in the level of operations at the terminal.											
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Water and wastewater											
Table 34	<table><tr><th>Key Performance Indicators</th><th>Goal</th></tr><tr><td colspan="2">The amount of potable water used is analogous to the amount of operations, personnel and maintenance activities conducted on the terminal. The KPI's below have been developed so that that they are in accordance with the expected changes in the level of operations at the terminal</td></tr><tr><td>The amount of potable water used per TEU per month.</td><td>Not to exceed 9L per TEU per month</td></tr></table>	Key Performance Indicators	Goal	The amount of potable water used is analogous to the amount of operations, personnel and maintenance activities conducted on the terminal. The KPI's below have been developed so that that they are in accordance with the expected changes in the level of operations at the terminal		The amount of potable water used per TEU per month.	Not to exceed 9L per TEU per month		<p>SICTL water usage register shows that consumption per TEU exceeds the 9L/ month KPI (ranging between 3.8 and 13.7 L/TEU). The average for the overall audit period (of available data) is 9L/TEU.month.</p> <p>The port uses harvested rainwater stormwater for toilets, washing machinery.</p>		
Key Performance Indicators	Goal										
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Shorebirds											
Table 37	<table><tr><th>Key Performance Area</th><th>KPI</th></tr><tr><td>Regular monitoring of the terminal to identify the presence of any roosting, injured or juvenile shorebirds.</td><td>Monthly monitoring – 12 annually</td></tr><tr><td>Regular monitoring of the terminal to identify the presence of any predatory birds</td><td>Monthly monitoring – 12 annually</td></tr></table>	Key Performance Area	KPI	Regular monitoring of the terminal to identify the presence of any roosting, injured or juvenile shorebirds.	Monthly monitoring – 12 annually	Regular monitoring of the terminal to identify the presence of any predatory birds	Monthly monitoring – 12 annually		<p>Environment inspections are occurring monthly and include monitoring of birdlife. No issues identified during the audit period.</p>		
Key Performance Area	KPI										
Regular monitoring of the terminal to identify the presence of any roosting, injured or juvenile shorebirds.	Monthly monitoring – 12 annually										
Regular monitoring of the terminal to identify the presence of any predatory birds	Monthly monitoring – 12 annually										
Feral animals											
Table 40	<table><tr><th>Key Performance Area</th><th>KPI</th></tr><tr><td>Feral Animal complaints received from NSW Ports, the Port Authority of NSW, adjoining stevedores or other members of the community.</td><td>Zero</td></tr><tr><td>Regular monitoring of the terminal to identify the presence of any feral animal hazards.</td><td>Monthly monitoring – 12 annually</td></tr></table>	Key Performance Area	KPI	Feral Animal complaints received from NSW Ports, the Port Authority of NSW, adjoining stevedores or other members of the community.	Zero	Regular monitoring of the terminal to identify the presence of any feral animal hazards.	Monthly monitoring – 12 annually		<p>Environment inspections are occurring monthly and include monitoring of feral animals.</p> <p>Complaints are maintained in the Community Feedback Reports and are available online. 1 x complaint was recorded for the audit period, none of which were attributed to Terminal 3.</p> <p><a href="https://www.hutchisonports.com.au/operations/monitoring-and-reporting/">https://www.hutchisonports.com.au/operations/monitoring-and-reporting/</a></p>		
Key Performance Area	KPI										
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Energy											
Table 43	<table><tr><th>Key Performance Indicators</th><th>Goal</th></tr><tr><td colspan="2">The amount of diesel and electricity used is analogous to the amount of operations, personnel and maintenance activities conducted on the terminal. The KPI's below have been developed so that that they are in accordance with the expected changes in the level of operations at the terminal.</td></tr><tr><td>The amount of diesel expressed in litres used per TEU.</td><td>2.5L per TEU</td></tr><tr><td>The amount of electricity expressed in kilowatt hours used per TEU</td><td>25kWh per TEU</td></tr></table>	Key Performance Indicators	Goal	The amount of diesel and electricity used is analogous to the amount of operations, personnel and maintenance activities conducted on the terminal. The KPI's below have been developed so that that they are in accordance with the expected changes in the level of operations at the terminal.		The amount of diesel expressed in litres used per TEU.	2.5L per TEU	The amount of electricity expressed in kilowatt hours used per TEU	25kWh per TEU		<p>SICTL Fuel usage and electrical usage reports sighted.</p> <p>Diesel use for 2020-21 is 1.78L per TEU.</p> <p>Electricity use for 2020-21 is 19.02kWh per TEU</p>
Key Performance Indicators	Goal										
The amount of diesel and electricity used is analogous to the amount of operations, personnel and maintenance activities conducted on the terminal. The KPI's below have been developed so that that they are in accordance with the expected changes in the level of operations at the terminal.											
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## **APPENDIX D – EIS, Commission of Inquiry and S96 Application predictions**

Section	Predictions / Conclusions	2021 Assessment	2020 Audit Outcomes <sup>1</sup>			
			😊	😐	😞	NA
17.6.2	<b>Groundwater Quality</b> The operation of the new terminal is expected to have minimal effect on groundwater quality. Once operational, all terminal activities would be conducted in a manner to prevent contamination of surface or groundwater from operational activities. An Operational EMP would be developed in the detailed design phase to ensure an adequate standard is applied to contamination control for the operation of the new terminal	Operational Environmental Management Plan (OEMP) – Version 6 (25 August 2020) has been prepared to satisfy this condition. It represents a minor administrative change from the previous version which was approved by DPIE on 19/02/19. The revised OEMP did not require approval by DPIE. The OEMP includes the information required by this condition.  The OEMP is also available on the Operators website: <a href="https://www.hutchisonports.com.au/wp-content/uploads/2020/09/HSEQ5.7OperationalEnvironmentalManagementPlan.pdf">https://www.hutchisonports.com.au/wp-content/uploads/2020/09/HSEQ5.7OperationalEnvironmentalManagementPlan.pdf</a>  The chapters relevant to the protection of groundwater quality, through management of on-site pollutants, wastes and contamination are: <ul style="list-style-type: none"> <li>- 7.5 Stormwater management plan</li> <li>- 7.6 Dangerous good management plan.</li> <li>- 7.7 Waste management plan</li> <li>- 7.8 Water and wastewater management plan.</li> </ul> These documents describe the controls which SICTL has in place to control any spills and waste which occur during the course of its operations. The Stormwater management plan also details how SICTL ensure that any surface pollutants are captured and treated in order to minimise the contamination of groundwater or waters.	😊			
18.4.2	<b>Soil Erosion</b> The operations at the new terminal would take place on reclaimed and hard surfaced pavement. There is no requirement for soil removal or disturbance during operation of the terminal. Stormwater collection and treatment systems would be designed to capture surface water runoff from all impervious surfaces. Therefore, the operation of the new terminal is expected to have minimal effects on soil erosion. Soil in the vicinity of facilities outside the new terminal area, such as the proposed railway, boat ramp and car park, would be stabilised and erosion in these areas would be low.	Stormwater collection and treatment devices have been installed at SICTL and are operational. There is no evidence of soil erosion identified in the operational areas.	😊			
18.4.3	<b>Sediment Contamination</b> Leaks and spills from operations at the new container terminal would be contained by the proposed stormwater detention and treatment system. There is low potential for leaching of contaminants through the hard stand areas.  Environmental management measures would be included in the Operational EMP	Stormwater collection and treatment devices have been installed at SICTL and are operational. SICTL operational employees have been trained in the control of environmental spills and all incidents are quickly identified, contained and reported. 11 x emergency drills were conducted during the audit period, including an environmental drill on 29/05/20 as per the PIRMP requirements  Polluplug training was identified as an observation in the 2018 audit, due to the training being out of date. Since the 2018 audit, SICTL is progressively rolling out polluplug training for its personnel. As at 28/08/20 all shifts had been trained in the polluplug use.	😊			
18.5.2	<b>Operation</b> The operation of the new terminal would have minimal effects on geology, soils and geotechnical issues. Once operational, all terminal activities would be conducted in a manner to prevent soil erosion and contamination from operational activities. A SWMP would be developed as part of an Operational EMP to ensure an adequate standard is applied to sediment control for the operation of new terminal. This plan would also address stormwater management and be prepared in accordance with NSW EPA requirements. The SWMP for operations would be incorporated in the Operational EMP. Management measures would include: <ul style="list-style-type: none"> <li>• a first flush system to capture sediment and contaminants from surface water runoff from the new terminal;</li> <li>• treatment of surface water runoff from potential pollutant areas on the new terminal by a wastewater treatment system prior to discharge to sewer;</li> <li>• investigation of the feasibility of installation of sediment traps on Floodvale and Springvale Drains to reduce influx of sediment to Penrhyn Estuary;</li> <li>• emergency response plan for fuel, oil and chemical spills; and</li> <li>• storage and handling of all dangerous goods in accordance with Australian Standards, Dangerous Goods Regulations and NSW EPA requirements.</li> </ul>	Stormwater collection and treatment devices have been installed at SICTL and are operational. There was no evidence of soil erosion identified in the operational areas.  SICTL has prepared and implemented the following documents under its OEMP: <ul style="list-style-type: none"> <li>- 7.5 Stormwater management plan</li> <li>- 7.6 Dangerous good management plan.</li> <li>- 7.7 Waste management plan</li> <li>- 7.8 Water and wastewater management plan.</li> </ul> These documents describe the controls which SICTL has in place to control any spills and waste which occur during the course of its operations.  The Stormwater management plan also details how SICTL ensure that any surface pollutants are captured and treated in order to minimise the contamination of groundwater or waters.  Stormwater collection and treatment devices have been installed at SICTL and are operational. There is no evidence of soil erosion identified in the operational areas.	😊			

<sup>1</sup> 😊 = Largely as predicted/concluded, 😐 = Partially as predicted / unknown / as predicted, 😞 = Not as predicted, NA = Not applicable

Section	Predictions / Conclusions	2021 Assessment	2020 Audit Outcomes <sup>1</sup>			
			😊	😐	😞	NA
		Hydrocarbon storage was within suitably designed bunds, labelled and with relevant SDSs available.				
19.6.1	<b>Noise, Vibration and Light</b> 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. <b>Introduced Species</b> There appear to be no aspects of the proposal likely to enhance the risk of the introduction of exotic species, other than an increase in risk associated with greater numbers of vessels using Port Botany. In terms of introduced species already in Botany Bay, there is some risk of changes in distribution associated with the proposed port expansion for <i>Caulerpa taxifolia</i> presently occurring along Foreshore Beach.	The level of vibrations at SICTL would be in line with the types of activities conducted at the adjacent terminals. SICTL operations as yet are not fully 24/7 due to limited shipping line contracts; night shifts and weekend operations are uncommon. SICTL operations have not directly resulted in any increase of vessels in the Port Botany area. The final seagrass monitoring report was prepared in 2019 (Port Botany Post Construction Environmental Monitoring, End of Project Report, Cardno, 22/10/19). There is no mention of the <i>Caulerpa taxifolia</i> in the Foreshore Beach or Penrhyn Estuary area.	😊			
19.6.2	Management of the possible spread of <i>Caulerpa taxifolia</i> would form part of a Construction and Operational EMP	The management of <i>Caulerpa Taxifolia</i> is not included in the SICTL OEMP or the sub-plans, as SICTL has limited control over activities outside of the terminal boundaries. However, the management and monitoring of <i>Caulerpa Taxifolia</i> is addressed in the Penrhyn Estuary Habitat Enhancement Plan. Within the Port Botany Post Construction Environmental Monitoring Annual Report 2015 the following finding has been made: “The invasive alga <i>Caulerpa taxifolia</i> has been recorded previously in areas surveyed at Foreshore Beach but not in post-construction surveys to date. The absence of <i>C. taxifolia</i> from the study area is favourable for the recovery of seagrass, as <i>C. taxifolia</i> is highly competitive and its absence removes further challenges to successful recolonisation.” In the latest Seagrass Summary Report (Port Botany Post Construction Environmental Monitoring Seagrass Summary Report, Cardno, 29/09/17), there is no mention of the <i>Caulerpa taxifolia</i> in the Foreshore Beach or Penrhyn Estuary area. The final monitoring report was prepared in 2019 (Port Botany Post Construction Environmental Monitoring, End of Project Report, Cardno, 22/10/19). There is no mention of the <i>Caulerpa taxifolia</i> in the Foreshore Beach or Penrhyn Estuary area.	😊			
19.7.2	<b>Marine Mammals</b> With the current operation of the port it appears that marine mammals are able to co-exist with the port operations. A Marine Mammal Management Plan would, however, be prepared to ensure that the occurrence of marine mammals in the vicinity of the port during operations is appropriately managed. This would form part of the Operational EMP and would be prepared in consultation with NPW	The management and monitoring of the effects on aquatic ecology in the Penrhyn Estuary is covered in the Penrhyn Estuary Habitat Enhancement Plan. The results are summarised within the Port Botany Post-Construction Environmental Monitoring Annual Report. Marine mammals were not recorded or predicted to reach into the estuary. The final monitoring report was prepared in 2019 (Port Botany Post Construction Environmental Monitoring, End of Project Report, Cardno, 22/10/19). There is no mention of mammals within the report.	😊			
20.8.4	<b>Habitat Enhancement</b> A Vegetation Management Plan (VMP) detailing methodologies for saltmarsh excavation, storage, propagation and transplantation would be prepared and would be incorporated as part of the Construction and Operational EMPs for the project. A Vegetation Management Plan (VMP) detailing methodologies for mangrove removal and control would be prepared and would be incorporated as part of the Construction and Operational EMPs for the project	The Vegetation Management Plan forms part of the Penrhyn Estuary Habitat Enhancement Plan which is managed by Port Authority of NSW. <a href="https://www.portauthoritiesnsw.com.au/sustainability-and-environment/penrhyn-estuary-rehabilitation/">https://www.portauthoritiesnsw.com.au/sustainability-and-environment/penrhyn-estuary-rehabilitation/</a> The final monitoring report was prepared in 2019 (Port Botany Post Construction Environmental Monitoring, End of Project Report, Cardno, 22/10/19). The report concluded that there was a negative change in seagrass and a positive change in saltmarsh since the start of the monitoring program.	😊			
20.8.4	<b>Control of Feral Animals</b> The following two measures would assist in the control of feral animals at Penrhyn Estuary, these include: <ul style="list-style-type: none"> <li>ensure rubbish is placed in appropriately covered bins at all times.</li> <li>Ensure rubbish is regularly disposed; and</li> </ul> Should shorebird monitoring during construction and operation of the Port Botany Expansion reveal feral cat and fox predation (on shorebirds) to be an ongoing issue, a 1080 fox baiting program should be initiated in consultation with NPWS and an expert shorebird ecologist. A Feral Animal Management Plan (FAMP) would be prepared as part of the Construction and Operational EMP for the Port Botany Expansion. The FAMP would address fencing and the management of garbage, particularly in the habitat enhancement areas, and the viability of a baiting program to be initiated in conjunction with NPWS	SICTL has prepared and implemented the Waste management plan (Section 7.7 of the OEMP) and the Feral animal management plan (Section 7.10 of the OEMP). Controls are identified within each of the plans.	😊			

Section	Predictions / Conclusions	2021 Assessment	2020 Audit Outcomes <sup>1</sup>			
			😊	😐	😞	NA
20.10	Key impacts from the proposal on the 23 shorebird and one seabird species considered as regular or occasional visitors to Penrhyn Estuary could include disturbance to feeding and roosting from a change in lighting regime, increased movement, noise from construction and operation of the port (and associated infrastructure such as railway lines) and potential entry/exit flyway barriers due to the enclosure of Penrhyn Estuary.	The Shorebird Monitoring Program forms part of the Penrhyn Estuary Habitat Enhancement Plan which is managed by Port Authority of NSW. <a href="https://www.portauthoritynsw.com.au/sustainability-and-environment/penrhyn-estuary-rehabilitation/">https://www.portauthoritynsw.com.au/sustainability-and-environment/penrhyn-estuary-rehabilitation/</a> The final monitoring report was prepared in 2019 (Port Botany Post Construction Environmental Monitoring, End of Project Report, Cardno, 22/10/19). The report concluded that there was no change in shorebird usage over the life of the monitoring program.	😊			
21.10	<b>Conclusion</b> It has been assumed that the volume moved by rail would be 30% of container throughput by 2006 and 40% by 2011	2011 is outside the audit period. AEMR identifies that SICTL advise that Rail Mode Share for this audit period is 13%. The reasons for this are associated with third party commercial and operating conditions and environments, separate to SICTLs operations.				NA
22.4.2	<b>Operation Noise Impacts – Sleep Disturbance Impacts</b> All predicted noise levels would be below the external level of 65 dBA which some researchers consider would not result in awakening reactions.	The SICTL Noise Compliance Assessment, Rodney Stevens, January and July 2021 indicate that monitoring has been conducted in accordance with the relevant requirements from CoC C2.7, C2.8, C2.10, C2.11, the INP and NPfI, and EPL 20322. Refer to findings in the CoC with respect to compliance with noise levels.	😊			
22.5.2	<b>Mitigation Measures – Operation</b> A Noise Management Plan containing environmental management measures to assess and minimise noise from the operation of the new terminal would be developed. The Noise Management Plan would be included in the Operational EMP for the new terminal. Noise level emissions would be a criteria for selection of new plant for the site. The quietest possible plant that satisfied the operational performance specifications would be selected and noise control kits fitted where required. Regular maintenance of machinery would be carried out to ensure optimal and efficient operation. Audible safety alarms on some terminal equipment would be turned off during night hours (between 10.00 pm and 6.00 am) and replaced with visual alarms. It is understood that for certain types of equipment e.g. quay cranes (long travel alarm and high wind alarm) alarms are required to remain for safety reasons. In respect of other items of equipment, a safety assessment would be undertaken to identify where the audible alarms could be replaced with visual alarms without affecting safety. Operator awareness and training would be regularly conducted. Good training and awareness of noise issues would be implemented to minimise poor cargo handling practices	SICTL has prepared and implemented the Noise management plan (Section 7.3 of the OEMP). Noise level emissions and noise controls are part of the technical specifications for new plant, see: <ul style="list-style-type: none"> <li>HPA-CON-PB-0007 for the Straddle Carriers</li> <li>HPA-CON-PB-0008 for the ASC</li> <li>HPA-CON-PB-0009 for the Quay Cranes</li> </ul> Sighted the CMBFLSER (combined fleet services) the Timers and Counters registers. These registers allow for the scheduling tracker, checking and completion of planned, preventative and reactive maintenance. A number of maintenance tasks were overdue, however the maintenance manager stated that those overdue tasks did not relate to the safety or environmental performance of the plant, rather only relating to efficiency or lifecycle. These overdue items were a result of limited access to some equipment due to continuous operations during ship dockings. The audible safety alarms are not turned off during night hours (Risk Assessment RA0025.2), however “Quackers” instead of beepers have been installed on most equipment. Quay Crane alarms for the movement of deck lids may be switched to the visual only alarms during night hours. Refer response to 22.4.2 regarding predicted noise impacts.	😊			
22.5.2	<b>Mitigation Measures – Operation continued...</b> Complaints would be assessed and responded to in a quick and efficient manner. Noise monitoring would be conducted to assess impacts from the operation of the new terminal at locations most likely to be affected by the new terminal operations. The results of this monitoring would be discussed with the EPA and Planning NSW to identify any responses required, although the predicted noise levels would not be expected to occur for some years after the commencement of operations in about 2010. By this time, technological and operational changes are likely to be available which would reduce operational noise levels at the new terminal. The Noise Management Plan would also contain the option for shore power to be provided to ships in the future. A Traffic Noise Management Plan would be developed for the new terminal. This plan would consider traffic route selection, traffic clustering and traffic rescheduling	Refer response to CoA C3.1 and M2.1-M3.2. SICTL responds to all complaints (Complaints Register Sighted within the Community Feedback Reports for the period). Noise Monitoring is conducted on a 6-monthly basis in accordance with the EPA Licence. Noise monitoring results are provided in SICTL, Noise Compliance Assessments. <a href="http://www.hutchisonports.com.au/Sydney-Monitoring-Reporting">http://www.hutchisonports.com.au/Sydney-Monitoring-Reporting</a> The Noise management plan (Section 7.3 of the OEMP) does consider the future option for shore-based power (Table 18) SICTL has prepared and implemented the Operational traffic management plan (Section 7.4 of the OEMP).	😊			
23.8.2	<b>Mitigation Measures – Operation</b> Notwithstanding the fact that the proposed expansion is shown to result in acceptable impacts, the new terminal would be designed and constructed such that it could support the use of alternative energy for ships at berth (i.e. shore power), should ships be able to accept such power in the future. This would reduce ship emissions in the local area.	Although the infrastructure has been installed during construction of the SICTL terminal, Shore Based Power is not immediately available for use as a noise mitigation measure upon commencement. SICTL will commission Shore Based Power at all berths in future construction phases which will compliment other controls for noise mitigation.	😊			



Section	Predictions / Conclusions	2021 Assessment	2020 Audit Outcomes <sup>1</sup>			
			😊	😐	😞	NA
24.8	<b>Assessment of Impacts During Operation</b> During the operational phase of the Port Botany Expansion there would be no impacts on Aboriginal, European or maritime heritage resources in the primary or secondary study area	The SICTL terminal was constructed on reclaimed land and the operational areas are fully sealed. There have been no incidents of heritage impacts reported.	😊			
25.5	<b>Mitigation Measures</b> Quay Crane specification – quay cranes for the new terminal would be approximately 50 m high Container Stacking height – containers would not be stacked more than six high (18 m) and would typically be only three high (9 m), as is the case with the existing terminals. Noise Wall – the proposed noise wall near the edge of the new terminal would be approximately 4 m in height and would partially screen the operations of the new terminal when viewed from foreshore areas near the port	Maximum operating height of the SICTL Quay Cranes of 51.055m AHD has been approved by Aviation Environment, Aviation and Airports Division of the Department of Infrastructure and Transport on 04-09-2013. The ASC utilised at SICTL terminal will be stacked no more than 5 high (as controlled by nGen software programming). The 4m high noise wall was erected during the construction phase on the northern and eastern boundaries of the SICTL terminal and remains in place.	😊			
26.5.6	<b>Employment Opportunities</b> Operation of the new terminal is expected to generate a substantial number of jobs, which is an important social benefit. The number of people employed directly in the operation of the new terminal has been estimated at more than 1,100 by 2010, increasing to more than 3,700 by 2025. This does not include any jobs created indirectly e.g. workers in the industries supplying materials to the port. The total number of jobs generated both directly and indirectly by the operations of the new terminal is estimated to be more than 2,800 by 2010 increasing to more than 9,100 by 2025	<b>Observation:</b> The estimate predicted in the EIS is not representative of current operations. At the end of September 2019, the staff headcount was at 265 (201 workers, 64 corporate in Sydney). These figures are significantly less than those predicted in the EIS and remain largely unchanged for 2021. The terminal is still incomplete and SICTL faces significant challenges to growing its shipping line portfolio and stevedoring business in the competitive market.		😐		
28.10.1	<b>Risk Management – Mitigation Measures</b> The following mitigation measures would be implemented to manage the hazards and risks described above: (i). containers with dangerous goods would be handled and transported in accordance with the Australian Standard 3846 (1998): The Handling and Transport of Dangerous Goods in Port Areas and the NSW Dangerous Goods (General) Regulation 1999; (ii). an Occupational Health and Safety Plan would be developed by the terminal operator(s) to address the handling and transport of dangerous goods during the operation of the new terminal; (iii). a notification system for the arrival or delivery of dangerous goods would be implemented; (iv). restrictions on the time dangerous goods are allowed to be held within the port would be applied, supported by a loading/unloading plan and arrangement of transport to/from the berths; (v). various classes of dangerous goods would be separated by safe distances on the berth; (vi). suitable container handling equipment would be used to minimise risk of dropped containers; (vii). suitable container loading/unloading, handling and stacking systems would be employed to minimise double handling and attendant risk of damaging containers; (viii). the facility would be fitted with adequate yard signage and warning systems for mobile equipment; (ix). there would be adequate warning systems for ships moving in the vicinity of the facility; (x). a first flush drainage system would be installed and maintained to contain spills and contaminated runoff; (xi). bunds would be constructed around diesel storage tanks; (xii). firefighting equipment would be provided and personnel trained in firefighting and evacuation procedures; and (xiii). emergency and incident management procedures would be developed (refer to Chapter 32 Emergency and Incident Management).	The Dangerous goods management plan (Section 7.6 of the OEMP) addresses the need to appropriately store and handle dangerous goods and hazardous chemicals and has been prepared in accordance with AS3846 and the WHS Act and Regulation (the NSW Dangerous Goods (General) Regulation 1999 has been repealed; provisions saved under the WHS Regulation). (iii) the Sydney Ports ShiPS online system controls the movements of all dangerous goods (import and export) to the terminal. (iv) Dangerous Goods are classified as Red line or Green line cargo in the ShiPS system and truck bookings are controlled to limit the duration that cargo is stored within the terminal. (v) SICTL uses nGen software to program DG separation into the ASC stacking plans, and container movements around the terminal. (vi) SICTL uses Quay Cranes, ASC and Shuttle Carriers with spreaders which lift containers from the top. Quay Cranes and ASC have automated and manual systems to prevent containers from uncontrolled falls/drops. (vii) SICTL's operations are designed to minimise double handling. (viii) SICTL utilises line marking, signage and fish-eye mirrors around the terminal, and all terminal vehicles are fitted with flashing lights and reversing quackers. (ix) SICTL does not control the berthing of vessels, this task is undertaken by the Port Authority Pilot and third-party tug and line service providers. A Shipping Book is proposed to be provided to ship masters informing them of key issues at the port. (x) SICTL has installed a SQIDS system – using SPEL 'Stormceptor' and Humes 'Aquaceptor' separator units. (xi) Bunding has been constructed around the diesel refuelling station. (xii) Fire Fighting equipment is installed at the SICTL terminal and SICTL staff has been trained in its use and in evacuation procedures. (xiii) HSEQ 10.1.3 Emergency Response Plan. The Emergency Response Plan (V8, 2021) is available on the website: <a href="https://www.hutchisonports.com.au/operations/environmental-management-plans/">https://www.hutchisonports.com.au/operations/environmental-management-plans/</a>	😊			
29.3.3	<b>Assessment of Impacts – Operation</b> Sealed surfaces often provide ideal roost sites for large numbers of birds especially Silver Gulls. Bitumen surfaces provide a warm surface for roosting and are particularly attractive where areas are not subject to regular disturbance. These undisturbed open spaces have the potential to attract significant numbers of birds to the site, thereby potentially increasing the risk of bird strike at Sydney Airport. Areas illuminated at night are also likely to attract birds, especially Silver Gulls, as they provide a secure roosting environment and attract insects which birds feed upon. The additional port land may provide large areas of suitable roosting habitat for the Silver Gull. Flat surfaces of buildings, such as roofs, may provide suitable places for Silver Gulls to roost. Openings and ledges may provide roosting and nesting habitat for Feral Pigeons, Common Starlings, Common Mynas and other bird species associated with buildings. The pavements and buildings associated with the new terminal have the	The Aviation Operational Impacts Management Plan (Section 7.2 of the OEMP), was prepared to manage and minimise bird hazard and monitor bird presence on the terminal and response through active management measures. SICTL has adopted the following measures to discourage bird attraction to the terminal: <ul style="list-style-type: none"><li>No eating is permitted outside of the buildings;</li><li>Use of closed bins to reduce the risk of bird attractant;</li><li>Control of littering through signage, induction training</li></ul>	😊			

Section	Predictions / Conclusions	2021 Assessment	2020 Audit Outcomes <sup>1</sup>			
			😊	😐	😞	NA
	potential to attract significant numbers of birds to the site, thereby potentially increasing the risk of bird strike at Sydney Airport. It is therefore important to initiate deterrent strategies.	<ul style="list-style-type: none"> <li>The design of rooves and gutters of terminal buildings to deny birds the opportunities to make nests.</li> </ul> <p>SICTL staff are required to report any hazards or the presence of nesting or injured wildlife, including any eggs. No bird related incidents were recorded on the incident register for the reporting period.</p>				
29.4.2	<b>Deterrent Action – Operations</b> Regular monitoring of the site, including after nightfall, would be undertaken to determine whether birds are attracted to the site. If required, deterrent systems would be employed to prevent the build-up of birds in the new terminal and public recreation areas. Examples of deterrent systems include: <ul style="list-style-type: none"> <li>flagging or streamers;</li> <li>perch spikes;</li> <li>fishing lines strung across bird landing paths;</li> <li>distress calls – designed to scare birds away;</li> <li>cracker shells</li> <li>strobes or moving spotlights</li> </ul> At the first signs of a deterrent system failing to work, alternative methods would be used to supplement or replace the existing bird deterrent system	As above, SICTL staff are required to report any hazards or the presence of nesting or injured wildlife, including any eggs.	😊			
30.4.2	<b>Assessment of Impacts – Operation Air Space</b> There would be no fixed or mobile structures in the new terminal that would intrude into the OLS. <b>Light Spill</b> It is anticipated that light spill from the Port Botany Expansion would not adversely impact operations at Sydney Airport due to the following lighting design measures: <ul style="list-style-type: none"> <li>High masts - lighting would be directed down to the intended application area with minimal light spill outside the area boundaries, by using asymmetric distribution horizontal flat glass floodlights, and would comply with CASA requirements</li> <li>Quay cranes - lighting of shuttle boom quay cranes would be specified as downlight type to meet civil aviation regulations. Lighting elements for access/egress stairs and gangways would be mounted horizontal (no tilt) and have internal shielding of the lamps to ensure correct cut off. Obstruction lights would be placed on cranes to mark these in accordance with civil aviation regulations (CAR Regulation 95).</li> <li>Buildings and associated areas – buildings and other external areas would be lit with floodlights that have a similar cut off lighting performance to those mounted on high masts. Internal building lighting would be similar to that used at the airport terminal and at the existing port facilities. Therefore, these areas would have a negligible impact on operations at Sydney Airport.</li> <li>Roads – cut off type road lighting and low level lighting elements would be used wherever possible to minimise light spill.</li> </ul>	Maximum operating height of the SICTL Quay Cranes of 51.055m AHD has been approved by Aviation Environment, Aviation and Airports Division of the Department of Infrastructure and Transport on 04-09-2013. SICTL terminal lighting has been designed and installed to comply with the requirements of the Development Consent (see Development Consent clauses C2.23 and C2.24 above) Quay Cranes are fitted with obstruction lights which operate on a 24/7 basis. The terminal (including the buildings and roads) utilise cut-off lighting that will reduce light spill when there are no operations in that area. Internal lighting of buildings are also programmed for the normal operational hours, and with movement sensors that will turn off the lights.  Measures to prevent and limit impacts associated within OLS are detailed within the Aviation operational impacts management plan (Section 7.2 of the OEMP).	😊			
30.5.2	<b>Mitigation Measures – Light Spill</b> <ul style="list-style-type: none"> <li>lighting on board ships whilst berthed to be provided primarily by the shuttle boom quay cranes with supplementary lighting on board only being provided where necessary;</li> <li>ships to be berthed facing a specific direction (e.g. north or south) and to only use floodlights mounted on the bridge. The appropriateness of this option could be tested by CASA through a fly-over of the existing Brotherson Dock; and</li> <li>provide restrictive temporary shielding to any permanent ship mounted floodlights whilst the ship was docked</li> </ul>	Measures to prevent and limit impacts associated with lighting and light spill are detailed within the Aviation operational impacts management plan (Section 7.2 of the OEMP).  Maritime Order 32 Schedule 1 (2) lighting requires adequate lighting during loading or unloading activities. In some cases, the ship will be loaded/unloaded at night and require sufficient lighting to undertake the operations. When vessels are not under stevedore operations, the Quay Crane lights (except the beacon lights) will be switched off in order to minimise the light glare or distraction to pilots. Vessels are berthed facing south.  Hutchinson have prepared a Ship Booklet 25/05/20 that is provided to the Master of the ship on arrival. The Ship Booklet includes information on the local environment and other essentials, including ship lighting impacts, feral pets and waste. The ship booklet was implemented throughout the audit period.	😊			
32.1	<b>Introduction</b> The future operator(s) of the new terminal, with advice from Sydney Ports Corporation, would prepare an ERIMP to manage these potential emergencies prior to the new terminal commencing operations. The purpose of the ERIMP would be to provide an organised and practised response to incidents and emergency situations to protect employees, the public and the environment.	SICTL has developed and implemented the HSEQ 10.1.3 Emergency Response Plan (v3 dated 17/10/13 was approved in a letter dated 4/11/13 by the then NSW Department of Planning and Infrastructure).  The Emergency Response Plan (V8, 2021) is available on the website and is consistent with the previously approved plan: <a href="https://www.hutchisonports.com.au/operations/environmental-management-plans/">https://www.hutchisonports.com.au/operations/environmental-management-plans/</a>	😊			
32.2.4	<b>Specific Sub-Plans – Spill Containment and Management</b> The proposed new terminal would be equipped with emergency response equipment typically comprising absorbent materials, absorbent pads to block drainage points and protective equipment consisting of gloves, rubber boots, eye protection etc.	Emergency Spill Kits are situated in key locations around the terminal – i.e., Quay Cranes, landside ASC, waterside ASC, Shuttle Bay, Dangerous Goods containment area, Rail Siding and Maintenance Workshop. Additional bunding is accessible to maintenance and operations staff in an emergency.	😊			



Section	Predictions / Conclusions	2021 Assessment	2020 Audit Outcomes <sup>1</sup>			
			😊	😐	😞	NA
33.2.2	<b>Water Usage – Operation</b> Water used for operational activities that do not require potable water, would be sourced from treated surface water runoff stored in two 10,000 L tanks at the northern end of the new terminal. Operational reuse of this water would include maintenance activities, wash down and irrigation.	SICTL has installed 3 x 30,000L water storage tanks beneath the Operations Building. The stored water is used to flush toilets/urinals and for plant wash down when available. Refer Section 7.8 of the OEMP.	😊			
33.3.2	<b>Wastewater – Operation</b> All trade waste generated during the operation of the new terminal would discharge to the Sydney Water Corporation sewerage system under a Trade Waste Agreement. The Trade Waste Agreement would determine the level of treatment required prior to discharge. All areas where wash down or maintenance activities are to be undertaken would be bunded and provided with sump pits, grit traps and oil/water separators. This would also be the case for any additional bunded storage areas, such as those used for refuelling and fuel storage. Water collected in these areas would be tested and disposed to the sewerage system, or if unsuitable for disposal to sewer would be disposed offsite by a licensed waste disposal contractor.	SICTL has a Commercial Trade Wastewater Permit (ref No: 37958 dated 17 July 2015).  The plant wash-down area in the Maintenance building is bunded and the wastewater is collected in a separate pit with a separator unit for oil/water. A third-party contractor (Cleanaway) is used to pump out the waste and contaminated water from the collection units when required. The refuelling area is also bunded with a separate pit for any spills that occur.  Refer Section 7.8 of the OEMP.	😊			
33.5	<b>Water and Wastewater Management</b> The following mitigation measures would be adopted for the proposed Port Botany Expansion: <ul style="list-style-type: none"> <li>water use and wastewater discharge at the site would be subject to a Water Resources Management Plan (WRMP), which would form part of the construction and operational EMPs. These plans would include water minimisation strategies as well as monitoring and testing schedules for wastewater as required;</li> <li>clean, treated stormwater would be collected in two 10,000 L water storage tanks at the northern end of the new terminal to allow reuse for maintenance, wash down and irrigation;</li> <li>dual flushing toilets, minimal flow shower heads and regular maintenance to identify leaking or dripping taps and pipes would be implemented during construction and operation;</li> <li>monitoring and testing would be undertaken prior to discharge of treated wastewater, to ensure compliance with the site Trade Waste Agreement.</li> </ul>	SICTL has prepared and implemented the Water and wastewater management plan (Section 7.8 of the OEMP).  SICTL has installed 3 x 30,000L water storage tanks beneath the Operations Building. The stored water is used to flush toilets/urinals and for plant wash down. Refer Section 7.8 of the OEMP. Dual-flushing toilets and minimal flow showerheads have been installed. Maintenance of any leaking or dripping taps and pipes is undertaken. SICTL's Commercial Trade Wastewater Permit (ref No: 37958 dated 17 July 2015) does not specify monitoring requirements. It is understood that monitoring was not undertaken during the audit period.	😊			
34.4.2	<b>Waste Management and Disposal – Operational Waste</b> An Operational WMP would be developed and implemented for the new terminal in accordance with the requirements of the Waste Avoidance and Resource Recovery Act 2001, the Protection of the Environment Operations Act 1997, the EPA's Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-Liquid Wastes (1999), the Botany Bay DCP 29 and the National Minimisation and Recycling Strategy. The plan would be incorporated into the Operational EMP for the terminal Recycling facilities would be provided at the new terminal and in public recreation areas to maximise recycling of waste materials such as plastic and glass bottles/containers, aluminium cans and paper/cardboard. Separate bins would be provided for food waste and fish remains from fish cleaning facilities in the public recreation area. All domestic waste would be collected on a regular basis and transported off site for disposal to a licensed landfill or recycling facility as appropriate. Litter bins would be designed in accordance with the bird hazard guideline	SICTL's Waste Register (October 20 – August 21) sighted.  Wastes being tracked are categorised and include: General Waste, medical waste, oily rags, used batteries, quarantine, co-mingle, paper and cardboard, steel recycling, oil filters, tyre recycling, liquid waste, waste oil. All of these are pre-classified under the Waste Classification Guidelines and do not require analysis.  Percentages of waste being recycled or going to landfill are monitored.  SUEZ provide a monthly waste report to SICTL that details the waste categories and quantities. The wastes are being directed to SUEZ Rockdale Facility – EPL 4557.  Sighted Cleanaway consignment and docket August 2021 showing proper removal of liquid waste. It identifies the receiving facility EPL number.	😊			
34.4.2	Waste oils and fluids from maintenance activities may be classified under the POEO Act as being Hazardous, Industrial or Group A Waste. The management of these substances may need to be regulated by an EPA Environment Protection Licence which would be obtained by the terminal operator(s). It is expected that these materials would be collected and stored in proprietary facilities and either be reused onsite or removed by a licensed waste contractor	SICTL has an Environmental Protection Licence for Chemical Storage. Refer response to 34.4.2 above.	😊			
35.3	<b>Operational Phase</b> The estimated annual energy consumption over the operational life of the project is presented in Table 35.2 (summarised below) 2015 Estimated consumption of electricity (MWh) 17,000 Estimated consumption of diesel fuel (litres) 3,656,000	Diesel use for 2020-21 is 1.78L per TEU = total of 827,794L  Electricity use for 2020-21 is 19.02kWh per TEU = total of 8,845MWh.	😊			
35.4	<b>Energy Conservation and Management</b> A key component of achieving energy conservation would be the development of an Energy Management Action Plan. This plan would be included as part of the Construction and Operational EMPs.	SICTL has prepared and implemented the Energy management plan (Section 7.11 of the OEMP).	😊			
35.4.2	<b>Operational Phase</b> Design of buildings and terminal layout would aim to achieve the following energy efficiencies: <ul style="list-style-type: none"> <li>Energy Efficient Design</li> <li>Energy Efficient Equipment</li> <li>Energy Efficient Work Scheduling and Practice</li> </ul>	SICTL has installed energy efficient systems in the buildings including motion-sensors in the internal rooms and corridors to turn lights on and off, climate control air-conditioning with sensors in zones on each floor, external walls in the Operations Building are predominately fitted with large glass windows allowing additional light into the building (these glass windows are fitted with blinds and block-out blinds to control heat and light).	😊			





## **APPENDIX E – DEPARTMENT APPROVAL OF AUDITOR AND DECLARATIONS**

NSW Ports  
C/- Sydney International Container Terminal Pty Ltd  
Gates B150 – 160 Foreshore Road  
Botany NSW 2019

**Attention: Dosie Egeonu – Environmental Engineer**

11/08/2021

Dear Mr Egeonu

**Port Botany Expansion – DA494-11-2003-i  
Agreement of additional Independent Auditor**

I refer to your request (DA494-11-2003-i-PA-52) seeking the agreement of the Secretary of the Department of Planning, Industry and Environment (**Department**) to a suitably qualified, experienced and independent auditor to undertake the operational Independent Audits of "Port Botany Expansion" approved under DA494-11-2003-i, as modified (**Consent**).

In accordance with Schedule C, Condition C4.5 of the Consent, the Secretary has agreed to the following additional auditor:

- Mr Nicholas Ballard of Wolfpeak Pty Ltd – assistant auditor.

The Department notes that the agreement above is in addition to the audit team previously agreed to in accordance with the Department's correspondence dated 30 July 2020.

Please ensure this correspondence and the correspondence dated 30 July 2020 are appended to the Independent Audit Report.

The Independent Audit must be prepared, undertaken and finalised in accordance with the requirements of Schedule C, Condition C4.5 of the Consent. The Department also recommends consideration be given to the *Independent Audit Post Approval Requirements (Department 2020)* to the extent that it does not contradict Schedule C, Condition C4.5 of the Consent. Failure to meet these requirements will require revision and resubmission.

The Department reserves the right to request an alternate auditor or audit team for future audits.

Notwithstanding the agreement for the above listed audit team for this Project, each respective project approval or consent requires a request for the agreement to the auditor or audit team be submitted to the Department, for consideration of the Secretary. Each request is reviewed and depending on the complexity of future projects, the suitability of a proposed auditor or audit team will be considered.

If you wish to discuss the matter further, please contact Gabriel Abi-Saab on 02 9274 6527.

Yours sincerely

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4 Parramatta Square, 12 Darcy Street, Parramatta 2150 | [dpie.nsw.gov.au](http://dpie.nsw.gov.au) | 1



Julia Pope  
Team Leader Compliance - Metro  
Compliance

Julia Pope  
**Team Leader Compliance - Metro**  
As nominee of the Secretary



**Planning,  
Industry &  
Environment**

Sydney International Container Terminals  
Gates B150-160 Sirius Road  
Botany NSW 2019

Ref: DA494-11-2003-i-PA-24

**Attention:** Jennifer Stevenson, Manager, Risk & Compliance

**Email:** Stevenson.jennifer@hutchinsonports.com.au

30 July 2020

Dear Ms Stevenson

**Agreement of Independent Auditor  
Port Botany Expansion – DA494-11-2003i**

I refer to your letter submission (DA494-11-2003-i-PA-2) dated 24 July 2020 and 26 June 2020 seeking the agreement of the Secretary of the Department of Planning, Industry and Environment (**Department**) of a suitably qualified, experienced and independent audit team to undertake operational independent audits of Port Botany Expansion approved under DA494-11-2003i, as modified (**Consent**).

In accordance with Schedule C, Condition C4.5 of the Consent, the Secretary has agreed to the appointment of the following audit team:

1. Steve Fermio of WolfPeak Pty Ltd, lead auditor
2. Derek Low of WolfPeak Pty Ltd, assistant auditor

Please ensure this correspondence is appended to the Independent Audit Report. The Independent Audit must be prepared, undertaken and finalised in accordance with the requirements of Schedule C, Condition C4.5 of the Consent. The Department also recommends consideration be given to the *Independent Audit Post Approval Requirements* (Department 2020) to the extent that it does not contradict Schedule C, Condition C4.5 of the Consent.

Failure to meet these requirements will require revision and resubmission.

The Department reserves the right to request an alternate auditor or audit team for future audits. Notwithstanding the agreement for the above listed audit team for this Project, each respective project approval or consent requires a request for the agreement to the auditor or audit team be submitted to the Department, for consideration of the Secretary. Each request is reviewed and depending on the complexity of future projects, the suitability of a proposed auditor or audit team will be considered.

If you have any questions, please contact Alfarid Hussain on (02) 9274 6456 or email [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)  
Yours sincerely



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4 Parramatta Square, 12 Darcy Street, Parramatta 2150 | [dpie.nsw.gov.au](http://dpie.nsw.gov.au) | 1

Julia Pope  
**Team Leader Compliance Metro**  
As nominee of the Secretary

## Declaration of Independence - Auditor




Project Name:	Port Botany Expansion
Consent Number:	DA-494-11-2003-i
Description of Project:	The construction and operation of a new container terminal and associated infrastructure.
Project Address:	Land described as Lot 2 DP 1009870, Lot 6 DP 1053768, Lots 301 & 302 DP 712992, Part of Crown Reserve R91288, Lots 203 & 205 DP 712991 and Lot 401 DP 816961, Botany Bay Local Government Area
Proponent:	Sydney Ports Corporation (NSW Ports)
Title of audit	Independent Audit 2021
Date:	29/11/21

I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:

- the audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Post Approval Requirements (Department 2020)*;
- the findings of the audit are reported truthfully, accurately and completely;
- I have exercised due diligence and professional judgement in conducting the audit;
- I have acted professionally, objectively and in an unbiased manner;
- I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

- Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- The *Crimes Act 1900* contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of Auditor:	Derek Low
Signature:	
Qualification:	Master of Environmental Engineering Management Exemplar Global Auditor Number 114283
Company:	WolfPeak Pty Ltd



## Declaration of Independence - Auditor




Project Name:	Port Botany Expansion
Consent Number:	DA-494-11-2003-i
Description of Project:	The construction and operation of a new container terminal and associated infrastructure.
Project Address:	Land described as Lot 2 DP 1009870, Lot 6 DP 1053768, Lots 301 & 302 DP 712992, Part of Crown Reserve R91288, Lots 203 & 205 DP 712991 and Lot 401 DP 816961, Botany Bay Local Government Area
Proponent:	Sydney Ports Corporation (NSW Ports)
Title of audit	Independent Audit 2021
Date:	29/11/21

I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:

- the audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Post Approval Requirements (Department 2020)*;
- the findings of the audit are reported truthfully, accurately and completely;
- I have exercised due diligence and professional judgement in conducting the audit;
- I have acted professionally, objectively and in an unbiased manner;
- I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.





Notes:

- Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- The *Crimes Act 1900* contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of Auditor:	Steve Fermio
Signature:	
Qualification:	Bachelor of Science (Honours) Exemplar Global Auditor Number 110498
Company:	WolfPeak Pty Ltd

## APPENDIX F – MEETING ATTENDANCE SHEET

## INDEPENDENT AUDIT MEETING ATTENDANCE RECORD

<b>PROJECT (NAME AND APPROVAL NUMBER)</b>	SICTL Terminal 3 OA-499-11-2003-i		
<b>DATE</b>	12/10/21		
<b>LOCATION</b>	HUTCHINSON PITS		
<b>OPENING MEETING</b>			
<b>NAME</b>	<b>POSITION / TITLE</b>	<b>ORGANISATION</b>	<b>SIGNATURE</b>
Oliver Law	Auditor	Wolfpeak	
Dorie Egeonu	Env. Engineer	Hutchinson	
<b>CLOSING MEETING</b>			
<b>NAME</b>	<b>POSITION / TITLE</b>	<b>ORGANISATION</b>	<b>SIGNATURE</b>
Oliver Law	Auditor	Wolfpeak	
Dorie Egeonu	Env. Engineer	Hutchinson Pits	



## APPENDIX G – PHOTOS



No.	Comment	Photograph
1	Battery recycling in the maintenance office.	
2	Temporary drum storage within the maintenance building (note entire floor drains to liquid waste collection).	




No.	Comment	Photograph
3	Oil separator in the plant wash bay (note entire floor drains to liquid waste collection).	
4	Liquid storage in maintenance shed (note entire floor drains to liquid waste collection).	
5	Liquid waste collection tank (periodically collected by liquid tanker).	






No.	Comment	Photograph
6	Spill kits adjacent maintenance shed.	 <p>Two yellow SpillMax spill kits are positioned against a grey corrugated metal wall. The kits are labeled 'SpillMax' and 'OIL &amp; FUEL SPILL EMERGENCY KIT'. A small yellow container with a grey lid is in the foreground.</p>
7	Fuel and oil storage container (self banded).	 <p>Several green and white Castrol oil drums and containers are stacked in a storage area. The drums are labeled 'Castrol' and 'GEAR OIL ALPHA SP120'. The floor is covered with a grey textured mat.</p>


No.	Comment	Photograph
8	Maintenance yard waste bins.	
9	Mobile plant refueling bay.	

No.	Comment	Photograph
10	Polluplug unit at refueling bay.	



No.	Comment	Photograph
11	SQID 24.	
12	Weeds adjacent the rail line near the Penrhyn Road over-bridge.	

No.	Comment	Photograph
13	Waste at the area formerly occupied by Ward	 <p>The photograph shows an outdoor area with gravel and sparse vegetation. In the foreground, there is a large, rusted blue metal drum (likely a 55-gallon drum) and a white propane tank. To the left, a white building with horizontal siding is visible, and a blue sign is attached to it. In the background, there is a black trash bin and a red metal structure. A white vehicle is partially visible in the upper right corner.</p>

No.	Comment	Photograph
14	Waste at the area formerly occupied by Ward	



No.	Comment	Photograph
15	Waste at the area formerly occupied by Ward	
16	Waste at the area formerly occupied by Ward	

No.	Comment	Photograph
17	Waste at the area formerly occupied by Ward	