

# Project Approval

## Section 75J of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, approve the project referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.

Frank Sartor MP  
**Minister for Planning**

Sydney                      20<sup>th</sup> day of March   2008

File No: S07/00205

### SCHEDULE 1

<b>Application No:</b>	07_0061
<b>Proponent:</b>	Vopak Terminals Sydney Pty Ltd
<b>Approval Authority:</b>	Minister for Planning
<b>Land:</b>	Lot 6 DP 1053768, Port Botany
<b>Project:</b>	<p>The construction and operation of a second bulk liquids berth facility adjacent to the existing bulk liquids berth at Port Botany comprising:</p> <ul style="list-style-type: none"><li>• a central working platform (measuring approximately 76 metres by 32 metres) and working area, with berthing face (including bollards and fenders) and pipe manifold/marine loading arm arrangements;</li><li>• adjacent berthing dolphins on each side of the working platform designed to accommodate the maximum length vessel;</li><li>• two mooring dolphins on each side of the working platform (four in total);</li><li>• walkways (catwalks) connecting the dolphins and working platform;</li></ul>

- an access bridge structure connecting the working platform with the shore, providing vehicle access and pipeline support structures;
- support infrastructure including fire control facilities (pumps, foam/water monitors and associated tanks, gatehouse and amenities (the need for a gatehouse is dependent on site security arrangement));
- berth fitout, including fire fighting monitors, services such as water, sewer, electrical and communications, amenities and blast proof operator shelter; and
- pipelines to user facilities including support and access structures such as pipe racks and culverts.

**Major Project:**

The proposal is declared a Major Project under section 75B(1)(a) of the *Environmental Planning and Assessment Act 1979*, because it is a development of a kind described in clause 22 of Schedule 1 to *State Environmental Planning Policy (Major Projects) 2005*.

---

28 April 2011 Modification 1 (07\_0061 Mod 1)

## KEY TO CONDITIONS

<b>1. ADMINISTRATIVE CONDITIONS</b>	<b>5</b>
Terms of Approval	5
Limits of Approval	5
Statutory Requirements	5
Compliance	5
Utilities and Services	5
<b>2. SPECIFIC ENVIRONMENTAL CONDITIONS</b>	<b>6</b>
Hazards and Risk	6
Air Quality Impacts	7
Noise Impacts	7
Soil and Water Impacts	8
<b>3. ENVIRONMENTAL MONITORING AND AUDITING</b>	<b>8</b>
Noise Audit	8
Hazard Audit	9
<b>4. COMPLIANCE MONITORING AND TRACKING</b>	<b>9</b>
Compliance Tracking Program	9
<b>5. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT</b>	<b>10</b>
Complaints Procedure	10
<b>6. ENVIRONMENTAL MANAGEMENT</b>	<b>10</b>
Construction Environmental Management Plan	10
Operation Environmental Management Plan	11
<b>7. ENVIRONMENTAL REPORTING</b>	<b>11</b>
Incident Reporting	11

---

## SCHEDULE 2

<b>Act, the</b>	<i>Environmental Planning and Assessment Act, 1979</i>
<b>Conditions of Approval</b>	The Minister's conditions of approval for the project.
<b>Council</b>	Randwick City Council
<b>Day</b>	the period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
<b>DECC</b>	Department of Environment and Climate Change
<b>Department, the</b>	Department of Planning
<b>Director-General, the</b>	Director-General of the Department of Planning (or delegate)
<b>Director-General's Approval</b>	<p>A written approval from the Director-General (or delegate).</p> <p>Where the Director-General's Approval is required under a condition the Director-General will endeavour to provide a response within one month of receiving an approval request. The Director-General may ask for additional information if the approval request is considered incomplete. When further information is requested the time taken for the Proponent to respond in writing will be added to the one month period.</p>
<b>Director-General's Report</b>	The report provided to the Minister by the Director-General of the Department under section 75I of the EP&A Act.
<b>EA</b>	<i>Environmental Assessment: Bulk Liquids Berth No. 2 – Port Botany</i> (prepared by Sinclair Knight Merz Pty Ltd, November 2007).
<b>EPL</b>	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act, 1997</i>
<b>Evening</b>	the period from 6pm to 10pm on any day
<b>Minister, the</b>	Minister for Planning
<b>Night</b>	the period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>Proponent</b>	Vopak Terminals Sydney Pty Ltd
<b>Publicly Available</b>	Available for inspection by a member of the general public (for example available on an internet site or at a display centre)
<b>Sensitive Receiver</b>	Residence, education institution (e.g. school, TAFE college), health care facility (e.g. nursing home, hospital) and/or religious facility (e.g. church) defined as noise sensitive locations in the <i>NSW Industrial Noise Policy</i> (EPA, 2000)
<b>Site</b>	Land to which Major Projects Application 07_0061 applies

## **1. ADMINISTRATIVE CONDITIONS**

### **Terms of Approval**

- 1.1 The Proponent shall carry out the project generally in accordance with the:
- a) Major Projects Application 07\_0061;
  - b) *Bulk Liquids Berth No. 2 – Port Botany: Environmental Assessment* dated November 2007 and prepared by Sinclair Knight Merz Pty Ltd;
  - c) additional information provided by Sinclair Knight Merz Pty Ltd to the Department titled *Failure Frequency of the Port Botany Bulk Liquids Berth 2 Marine Loading Arms* (letter dated 18 December 2007);
  - d) *Response to Submissions Report* prepared by Sinclair Knight Merz Pty Ltd and dated 26 February 2008; and
  - e) the conditions of this approval.
- 1.2 In the event of an inconsistency between:
- a) the conditions of this approval and any document listed from condition 1.1a) to 1.1d) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
  - b) any document listed from condition 1.1a) to 1.1d) inclusive, and any other document listed from condition 1.1a) to 1.1d) inclusive, the most recent document shall prevail to the extent of the inconsistency.
- 1.3 The Proponent shall comply with any reasonable requirement(s) of the Director-General arising from the Department's assessment of:
- a) any reports, plans or correspondence that are submitted in accordance with this approval; and
  - b) the implementation of any actions or measures contained in these reports, plans or correspondence

### **Limits of Approval**

- 1.4 This approval shall lapse five years after the date on which it is granted, unless the works the subject of this approval are physically commenced on or before that time.
- 1.5 The export of Liquefied Petroleum Gas (LPG) is permitted, provided that a report detailing the reverse flow prevention arrangements for LPG export is firstly submitted to the satisfaction of the Director-General.

### **Statutory Requirements**

- 1.6 The Proponent shall ensure that all licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the development. No condition of this approval removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals. The Proponent shall ensure that a copy of this approval and all relevant environmental approvals are available on the site at all times during the project.

### **Compliance**

- 1.7 The Proponent shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities.
- 1.8 The Proponent shall be responsible for environmental impacts resulting from the actions of all persons on site, including contractors, sub-contractors and visitors.

### **Utilities and Services**

- 1.9 Prior to the commencement of construction, the Proponent shall identify (including, but not limited to the position and level of service) all public utility services on the site, roadway, footpath, public reserve or any public areas that are associated with, and/or adjacent to the site, and/or likely to be affected by the construction and operation of the project.

- 1.10 The Proponent shall consult with the relevant utility provider(s) for those services identified under condition 1.9 and make arrangements to adjust and/or relocate services as required. The Proponent shall bear the full cost associated with providing utilities and services to the site, and restoring any public utilities that may be damaged during the proposed works.
- 1.11 Prior to the commencement of construction works that may affect services/utilities, the Proponent shall provide documentary evidence to the Director-General that the requirements of the relevant utility provider(s) have been met.

## 2. SPECIFIC ENVIRONMENTAL CONDITIONS

### Hazards and Risk

#### ***Pre-Construction***

- 2.1 One month prior to the commencement of construction of the project (except for preliminary works such as survey, fencing, minor adjustment to public utilities/services and test excavation works), or within such period otherwise agreed by the Director-General, the Proponent shall prepare and submit for the approval of the Director-General, the following studies:
- a) a **Fire Safety Study** covering the relevant aspects of the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 2 - Fire Safety Study Guidelines* and the NSW Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*. In addition to approval from the Director-General, approval for this study shall also be obtained from the Commissioner of the NSW Fire Brigades;
  - b) a **Hazard and Operability Study**, chaired by an independent and qualified person approved by the Director-General prior to the commencement of the study. The study shall be carried out in accordance with Department of Planning's *Hazardous Industry Planning Advisory Paper No. 8 - HAZOP Guidelines*. The study report shall be accompanied by a program for the implementation of all recommendations made in the report. If the Proponent proposes to defer the implementation of a recommendation, full justification must be included;
  - c) a **Final Hazard Analysis** prepared in accordance with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis*; and
  - d) a **Construction Safety Study** prepared in accordance with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 7 - Construction Safety Study Guidelines*. Because the construction period exceeds six months, the "commissioning" portion of the study may be submitted two months prior to the commencement of commissioning.

Construction, other than of preliminary works, shall not commence until approval has been granted by the Director-General.

#### ***Pre-commissioning***

- 2.2 Two months prior to the commencement of project commissioning, or within such period otherwise agreed by the Director-General, the Proponent shall develop and implement the following plans and systems and submit them for the approval of the Director-General:
- a) a comprehensive **Emergency Plan** and detailed emergency procedures for the project prepared in accordance with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 1 - Industry Emergency Planning Guidelines*; and
  - b) a comprehensive **Safety Management System** covering all on-site operations and associated transport activities involving hazardous materials. The document shall clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. Records shall be kept on-site and shall be available for inspection by the Director-General upon request. The Safety Management System shall be developed in accordance with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 9 - Safety Management*.

## **Air Quality Impacts**

### ***Odour***

- 2.3 The Proponent shall not 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 unless as otherwise permitted by an Environment Protection Licence.

### ***Dust Emissions***

- 2.4 The Proponent shall undertake the project in a manner that minimises or prevents dust emissions from the site, including wind-blown and traffic-generated dust. Should visible dust emissions occur at any time, the Proponent shall identify and implement all practicable dust mitigation measures, including cessation of relevant works, as appropriate, such that emissions of visible dust cease.

## **Noise Impacts**

### ***Construction Noise Impacts***

- 2.5 To mitigate construction noise impacts associated with the project, the Proponent shall only undertake construction activities that are audible at any residential receptor during the hours listed below:
- all works undertaken on Mondays to Fridays shall only be carried out between 7:00 am to 6.00 pm;
  - all works undertaken on Saturdays shall only be carried out between 8:00 am and 1.00 pm; and
  - no construction works shall occur on Sundays or public holidays.

This condition does not apply in the event of a direction from police or other relevant authority for safety or emergency reasons. *Note: 'safety or emergency reasons' refers to emergency works which may need to be undertaken to avoid loss of life, property loss and/or to prevent environmental harm.*

- 2.6 The hours of construction activities specified under condition 2.5 of this approval may be varied with the prior written approval of the Director-General. Any request to alter the hours of construction specified under condition 2.5 shall be:
- considered on a case-by-case basis;
  - accompanied by details of the nature and need for activities to be conducted during the varied construction hours; and
  - accompanied by sufficient information for the Director-General to reasonably determine that activities undertaken during the varied construction hours will not adversely impact on the acoustic amenity of receptors in the vicinity of the site.

- 2.7 ~~Deleted~~

- 2.8 No driven piles are permitted for the construction of wharf structures unless otherwise agreed by the Director-General.

### ***Operation Noise Impacts***

- 2.9 The Proponent shall minimise noise emissions from plant and equipment operated on the site by installing and maintaining, wherever practicable, efficient silencers and low-noise mufflers (residential standard).
- 2.10 The Proponent shall design, operate and maintain the project to ensure that the noise contributions from the project do not exceed the maximum allowable noise contributions specified in Table 1, at those locations and during those periods indicated. The maximum allowable noise contributions apply under:
- meteorological condition of wind speeds up to 3 ms<sup>-1</sup> (measured at 10 metres above ground level); or

- b) temperature inversion conditions up to 3°C per 100 metres and wind speeds up to 2ms<sup>-1</sup> (measured at 10 metres above ground level).

**Table 1 - Operational Noise Limits for Representative Residential Receivers**

Location	Day/Evening/Night Bulk Liquids Berth No. 2 only	Day/Evening/Night Bulk Liquids Berth 1 and 2
	L <sub>Aeq(15 minute)</sub> (dB(A))	L <sub>Aeq(15 minute)</sub> (dB(A))
Botany Road, north of the Golf Club (Location 4)	35	38
Australia Avenue (Location 5)	35	38
Wassel Street/Military Road (Location 6)	35	38
Elaroo Avenue (Location A)	35	38

- 2.11 For the purpose of assessment of noise contributions specified under condition 2.10 of this approval, noise from the project shall be:
- Measured at the most affected point on or within the residential boundary to determine compliance with the L<sub>Aeq(15 minute)</sub> and L<sub>Aeq(night)</sub> noise limits outlined in condition 2.10; and
  - subject to the modification factors provided in Section 4 of the New South Wales Industrial Noise Policy (EPA, 2000), where applicable.

Notwithstanding, should direct measurement of noise from the premises be impractical, the Proponent may employ an alternative noise assessment method deemed acceptable by the DECC (refer to Section 11 of the *New South Wales Industrial Noise Policy* (EPA, 2000)). Details of such an alternative noise assessment method accepted by the DECC shall be submitted to the Director-General prior to the implementation of the assessment method.

### Soil and Water Impacts

- 2.12 The Proponent shall ensure that all stormwater on the working platform is directed to a stormwater treatment unit/pollutant trap capable of removing gross pollutants, oil, grease and sediments, prior to it being discharged to Botany Bay.
- 2.13 The Proponent shall ensure that all oil and grease or other pollutants in the wastewater storage tank and the stormwater treatment unit is regularly collected and disposed of off-site at a waste management facility lawfully permitted to accept this waste.

## 3. ENVIRONMENTAL MONITORING AND AUDITING

### Noise Audit

- 3.1 Within 90 days of commencement of operations associated with the project and during a period in which the project is operating under normal operating conditions, the Proponent shall undertake a noise audit to detail the noise emission performance of the facility. This audit shall meet the requirements of the DECC, and shall include, but not necessarily be limited to:
- noise monitoring, consistent with the guidelines provided in *New South Wales Industrial Noise Policy* (EPA, 2000) to assess compliance with the criteria specified in Table 1 of this approval;
  - methodologies for noise monitoring;
  - location(s) of noise monitoring;
  - frequency of noise monitoring;
  - identification of monitoring sites at which pre-and post-project levels can be ascertained; and
  - provision of details of any complaints received relating to noise generated by the project, and action taken to respond to those complaints.
- 3.2 Within 28 days of conducting the noise audit referred to under condition 3.1 of this approval, the Proponent shall provide the Director-General and DECC with a copy of the report. If the noise audit identifies any non-compliance with the noise limits imposed under this approval, the Proponent shall detail what additional measures would be implemented to ensure

compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Director-General.

### **Hazard Audit**

- 3.3 Twelve months after the commencement of operations of the project or within such period otherwise agreed by the Director-General, the Proponent shall carry out a comprehensive **Hazard Audit** of the project and within one month of its completion submit the audit report to the Director General. The audit shall be carried out at the Proponent's expense by a duly qualified independent person or team approved by the Director General prior to commencement of the audit. Further audits shall be carried out every three years or as determined by the Director General and a report of each audit shall be submitted to the Director General within one month of each audit completion date. All hazard audits shall be carried out in accordance with the Department of Planning's *Hazardous Industry Planning Advisory Paper No.5 - Hazard Audit Guidelines*. Each audit shall include a review of the site Safety Management System and a review of all entries made in the incident register since the previous audit. Each audit report must be accompanied by a program for the implementation of all recommendations made in the audit report. If the Proponent intends to defer the implementation of a recommendation, justification must be included.

## **4. COMPLIANCE MONITORING AND TRACKING**

### **Compliance Tracking Program**

- 4.1 The Proponent shall develop and implement a **Compliance Tracking Program** to track compliance with the requirements of this approval. The Program shall be submitted to the Director-General for approval prior to the commencement of construction. The Program shall relate to both construction and operational stages of the project and shall include, but not necessarily be limited to:
- a) provisions for periodic review of the compliance status of the project against the requirements of this approval;
  - b) provisions for periodic reporting of compliance status to the Director-General;
  - c) provisions for specific reporting requirements as required by conditions 4.2 and 4.3;
  - d) a program for independent environmental auditing at least annually, or as otherwise agreed by the Director-General, in accordance with *ISO 19011:2002 - Guidelines for Quality and/ or Environmental Management Systems Auditing*; and
  - e) mechanisms for rectifying any non-compliance identified during environmental auditing or review of compliance.
- 4.2 One month prior to the commencement of project operations, the Proponent shall submit to the Director-General a **Pre-Startup Compliance Report** detailing compliance with conditions 2.1 and 2.2, including:
- a) dates of study/plan/system submission, approval, commencement of construction and commissioning;
  - b) actions taken or proposed to implement recommendations made in the studies/plans/systems; and
  - c) response to any requirements imposed by the Director-General under condition 1.3.
- 4.3 Three months after the commencement of project operations, the Proponent shall submit to the Director-General, a **Post-Startup Compliance Report** verifying that:
- a) the Emergency Plan required under condition 2.2a) is in place and effective and that at least one emergency exercise has been conducted; and
  - b) the Safety Management System required under condition 2.2b) has been fully implemented and that records required by that system are being kept on site.

## 5. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

- 5.1 Subject to confidentiality, the Proponent shall make all documents required under this approval available for public inspection on request.

### Complaints Procedure

- 5.2 Prior to the commencement of construction of the project, the Proponent shall ensure that the following are available for community complaints for the life of the project (including construction and operation):
- a) a telephone number on which complaints about construction and operational activities at the site may be registered;
  - b) a postal address to which written complaints may be sent; and
  - c) an email address to which electronic complaints may be transmitted.

The telephone number, the postal address and the email address shall be displayed on a sign near the entrance to the site, in a position that is clearly visible to the public, and which clearly indicates the purposes of the sign.

- 5.3 The Proponent shall record details of all complaints received through the means listed under condition 5.2 of this approval in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:
- a) the date and time, where relevant, of the complaint;
  - b) the means by which the complaint was made (telephone, mail or email);
  - c) details of the complainant that were provided, or if no details were provided, a note to that effect;
  - d) the nature of the complaint;
  - e) any action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant; and
  - f) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the Director-General upon request.

## 6. ENVIRONMENTAL MANAGEMENT

### Construction Environmental Management Plan

- 6.1 Prior to the commencement of construction of the project, the Proponent shall prepare and implement a **Construction Environmental Management Plan** to outline environmental management practices and procedures to be followed during the construction of the project. The Plan shall be prepared in accordance with *Guideline for the Preparation of Environmental Management Plans* (DIPNR, 2004).
- 6.2 As part of the Construction Environmental Management Plan for the project, required under condition 6.1 of this approval, the Proponent shall prepare and implement the following:
- a) a **Construction Traffic Management Protocol** to detail how vehicle movements associated with the project will be managed during construction. The Protocol shall specifically address the movement of heavy and/or oversize loads to and from the site, the management of construction traffic and any restrictions to the hours of heavy vehicle movements to avoid road use conflicts with other port users. The Protocol shall detail the expected routes to the site for construction traffic with the intention that all residential areas are avoided.
  - b) a **Construction Water Management Protocol** to outline specific mitigation measures that would be implemented as part of the project to minimise the impact of construction on water quality including piling activities and the handling of chemicals, fuels and concrete. The Protocol shall include the use of appropriate stormwater controls, in accordance with *Managing Urban Stormwater: Soils and Construction* (Landcom,

- 2004) and shall outline specific measures that will be implemented at the site to avoid sediment-laden stormwater from entering Botany Bay.
- c) where surface excavation is required below 1 metre or where soil testing prior to the commencement of construction identifies the presence of acid sulfate soils, an **Acid Sulfate Soil Management Plan** prepared in accordance with guidance provided in *Acid Sulfate Soil Manual* (Acid Sulfate Soil Management Advisory Committee, 1998);
  - d) a **Construction Noise Management Plan** to outline construction noise mitigation, monitoring and management measures to be implemented to minimise noise impacts during construction of the project. The Plan shall include, but not necessarily be limited to:
    - i) details of construction activities and a schedule for construction works;
    - ii) identification of construction activities that have the potential to generate noise and/ or vibration impacts on surrounding land uses, particularly residential areas;
    - iii) where the relevant construction noise goals contained in the *Noise Management Guideline – Construction Noise* (formerly published as Chapter 171 of the *Environmental Noise Control Manual*) are predicted to be exceeded at sensitive receivers, provision for the application of all practicable and reasonable noise mitigation measures to seek to achieve the relevant construction noise goals;
    - iv) procedures for notifying residents of construction activities that are likely to effect their noise and vibration amenity, as well as procedures for dealing with and responding to noise complaints; and
    - v) a description of how the effectiveness of these actions and measures would be monitored during the proposed works, clearly indicating how often this monitoring would be conducted, how the results of this monitoring would be recorded; and, if any non-compliance is detected.

## Operation Environmental Management Plan

- 6.3 Prior to the commencement of operation of the project, the Proponent shall prepare and submit for the approval of the Director-General an **Operation Environmental Management Plan** to detail an environmental management framework, practices and procedures to be followed during the operation of the project. The Plan shall be consistent with the Department's *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004), and shall include, but not necessarily be limited to:
- a) a description of all activities to be undertaken on the site during operation of the project;
  - b) statutory and other obligations that the Proponent is required to fulfil during operation, including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
  - c) specific consideration of measures to address any requirements of Council and the DECC during operation;
  - d) details of how the environmental performance of operations will be monitored, and what actions will be taken to address identified adverse environmental impacts;
  - e) a description of the roles and responsibilities for all relevant employees involved in the operation of the project and a program for how these employees will be trained in responsibilities identified in the plan; and
  - f) complaints handling procedures to be applied during operation of the project (conditions 5.2 and condition 5.3 of this approval).

## 7. ENVIRONMENTAL REPORTING

### Incident Reporting

- 7.1 The Proponent shall notify the Director-General of any incident with actual or potential significant off-site impacts on people or the biophysical environment within 12 hours of becoming aware of the incident. The Proponent shall provide full written details of the incident to the Director-General within 24 hours of any incident or potential incident occurring. A further detailed report shall be prepared and submitted following investigations of the causes and identification of necessary additional preventive measures. The detailed

report is to be submitted to the Director-General no later than 14 days after the incident or potential incident.

---