

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation issued on 14 September 2011, the NSW Planning Assessment Commission approves the modification of the modification application referred to in schedule 1, subject to the conditions in schedule 2.



David Furlong
Member of the Commission

Sydney

26 September 2013

SCHEDULE 1

Development Consent: DA 453-12-2002-i granted by the Minister for Planning on 27 October 2003.

For the following: Modification to the layout and operation of the container terminal, comprising:

- Demolition and removal of structures;
- Construction of new road, rail and wharf infrastructure;
- Installation of new operational equipment;
- Construction of the Exceptions Administration Office; and
- Relocation of the road access to the public boat ramp to the north of Penrhyn Road.

In addition, the development includes the scope of activities described in the document listed in condition 1.2(i) which comprises:

- Removal or demolition of redundant buildings and infrastructure;
- Construction of new buildings and the installation of associated infrastructure;
- Pavement improvement works; and
- Modifications to a range of utilities and services.

Modification: DA 453-12-2002-i MOD 7 to undertake a range of demolition and construction activities at the Patrick Container Terminal.

specified in condition 3.3 of this consent, have been achieved as early as possible prior to that date;

- (b) A timetable specifying dates by which all reasonable and feasible measures will be implemented as identified in (a) above; and
- (c) Identification and timetabling of noise control measures to reduce noise from existing plant and equipment.

8) Replace existing condition 3.6 with the following:

3.6 ⁶Noise from the site shall be measured at the most affected point on or within the residential boundary, to determine compliance with the noise limits in condition 3.3 of this consent.

Where it can be demonstrated that direct measurement of noise from the site is impractical, the EPA may accept alternative means of determining compliance. See Chapter 11 of the *NSW Industrial Noise Policy*.

The modification factors provided in Section 4 of the *NSW Industrial Noise Policy* shall be applied to the measured noise levels where applicable.

9) Replace condition 3.9 with the following:

The Applicant shall fund and construct the following road works to the satisfaction of the Council and the Roads and Maritime Service:

- (a) Upgrade of the Botany Road/Foreshore Road/Penrhyn Road intersection to provide:
 - (i) Dual eastbound right turn lanes or a lengthened single right turn lane from Foreshore Road to Penrhyn Road; and
 - (ii) A westbound continuous slip left turn lane from Penrhyn Road to Foreshore Road.
- (b) Construction of a roundabout intersection at Penrhyn Road/Boat Ramp Access Road/Inter terminal Access Road. The roundabout shall be designed to accommodate a u-turn manoeuvre by a super B-double vehicle.
- (c) Construction of a new access road to the Penrhyn Boat Ramp.

10) Replace condition 3.11 with the following:

The roadworks in condition 3.9 of this consent shall be designed and constructed in accordance with RMS requirements and standards. Detailed design plans of the proposed road works shall be submitted to the RMS for approval prior to construction.

Note:	A plan checking fee and lodgement of a performance bond may be required from the Applicant prior to the release of the approved road design plans by the RMS.
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11) Insert two new conditions 3.15A and 3.15B, as follows:

3.15A All parking associated with construction shall be temporary, provided within construction compounds and located wholly within the site.

3.15B The site shall provide a maximum of 333 car parking spaces within two new car parks. Of the total number of spaces, at least two shall be for visitor parking and one mobility impaired space provided, located adjacent to building entries and clearly delineated. All car parking, landscaping and

⁶ EPA General Terms of Approval – L 6.3

bicycle parking shall be provided and designed in accordance with the *Port Botany Development Code 2012*.

12) **Delete the Note that follows existing condition 3.28.**

13) **Replace existing condition 3.47 with the following:**

3.47 During construction of the development, the Applicant shall ensure that all vehicles entering or leaving the site, carrying a load that may generate dust, are covered at all times, except during loading and unloading. Any such vehicles shall be covered or enclosed in a manner that will prevent emissions of dust from the vehicle.

14) **Replace existing condition 6.2(c) with the following:**

6.2(c) A **Traffic Management Plan (TMP)** shall be prepared to the satisfaction of the Director-General and submitted at least two weeks prior to the commencement of construction of, or the modification to, the truck and rail portals. The TMP shall specifically address the management of construction traffic and the alternate arrangements for truck/rail movements around the Terminal during construction.

15) **Insert a new condition 6.10, as follows:**

6.10 Where standards, guidelines or other documents are referred to in the conditions, the latest version of these standards, guidelines or documents shall apply, unless otherwise agreed by the Director-General.

16) **Replace existing condition 7.13 with the following:**

Emergency Spill Response Management Plan

7.13 The Applicant shall develop an Emergency Response and Incident Management Plan in consultation with the EPA and Council. The Plan must be approved by the Director-General prior to the commencement of operations and shall include the following:

- (a) list of chemicals and maximum quantities to be stored at the site;
- (b) identification of potentially hazardous situations;
- (c) procedure for incident reporting;
- (d) details of spill stations and signage;
- (e) containment and clean-up facilities and procedures; and
- (f) the roles of all staff in the Plan and details of staff training.

17) **Replace existing condition 7.16 with the following:**

Spray Painting

7.16 All spray painting is to be carried out in a spray booth constructed and ventilated in accordance with AS 1668.2-2002 – The Use of Mechanical Ventilation and Air-Conditioning in Buildings. Exhausts from the spray booth shall be discharged through a single stack with a minimum height of 3 metres above the ridge of the building. The stack shall be located not less than 6 metres from any fresh air intake or openable window. Disposal of wastewater from wet scrubbing shall be disposed of in accordance with Sydney Water's *Trade Waste Policy and Management Plan*.
