

SYDNEY LPG CAVERN

PROPOSED STARGAS FACILITY

REVIEW OF ENVIRONMENTAL FACTORS

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Elgas Sydney LPG Cavern – Proposed Stargas Cylinder Storage Depot Review of Environmental Factors

1. Introduction

Elgas proposes to establish a facility on site for the storage and distribution of industrial gas cylinders. This facility will be part of the Elgas *Stargas* business.

The Stargas facility will provide for the on-ground storage of up to 350 industrial gas cylinders in steel stillages. The cylinders contain products of Dangerous Goods Class 2.1 and 2.2.

The cylinders will be delivered to site in stillages by truck, offloaded onto the ground in designated storage areas, and then loaded onto utility vehicles for distribution to customers.

The existing site roadways and entrance/exit gates will be used.

There will be no construction activities involved except for the replacement of a small strip of grass with crushed rock to provide a separation from combustible materials, and some Dangerous Goods advisory signs for the designated on-ground storage areas on an existing concrete apron outside the site Workshop Building.

No changes are required to existing site lighting, roadways, or fire protection equipment except for one additional dry chemical powder fire extinguisher.

2. Environmental Impacts

2.1 Construction

No environmental impacts are expected from the minimal construction activities involved with this development, as described above.

2.2 Operation

The site Environmental Management Plan (EMP) was reviewed in order to assess the impact, if any, from the proposed development. The EMP identifies the main environmental aspects on site to be:

- water quality and wastewater,
- noise emissions,
- atmospheric emissions,
- visual aspect,
- solid waste, and
- hazardous materials.

As the proposed Stargas facility on site involves no release of gases from the cylinders or gas processing in any form, no air quality or odour issues are expected. No noise impacts over the background noise in the area are expected for the storage and handling of the cylinders. The Stargas facility will not be readily visible from the site boundaries, and no waste will be generated from the storage or handling of these cylinders on site. The only potential environmental impact from the development involves the storage and handling of hazardous materials. This aspect is covered in Section 4 below.

A completed Green Port Guidelines checklist is included in Appendix 1.

The EMP will be revised to cover the proposed Stargas development once the conditions of approval of the development are known.

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3. Traffic and Transport

A Traffic Management Site Plan has not been prepared because of the negligible impact expected from the additional traffic involved with the development. All access, parking and loading requirements for this development will be accommodated on site with no impact expected on the Port Botany Precinct Traffic Management Plan. Traffic movements within the Elgas site will be managed in accordance with the site operating procedures and road traffic signage.

The additional truck and utility movements to and from the site will be one truck and five utility vehicles per week which is negligible when compared to the truck and vehicle movements permitted on site under the existing Conditions of Consent.

4. Safety & Security

State Environment Planning Policy No.33 (*Hazardous and Offensive Development*) Risk Screening Methodology applied to the proposed development has established that it is not a “Potentially Hazardous Industry/Storage Establishment” in itself and hence SEPP33 does not apply. Therefore a Preliminary Hazard Analysis “PHA” is not required. The proposed development will not contribute to any increase in the cumulative risk (individual & societal risk) beyond the levels shown in Figures 2 and 9 of the *Port Botany Land Use Safety Study Overview Report 1996*.

The site Emergency Response Plan will be revised to cover the proposed Stargas operation.

5. Other (heritage, visual amenity, cumulative impacts)

There are no other environmental impacts expected from the construction or operational activities of this development.

6. Applicable legislation & other guideline requirements

The following applicable legislation and other guideline requirements have been considered in this Review of Environmental Factors (REF) and relevant extracts from the legislation and other guidelines are included in the appendices.

6.1 Environmental Planning & Assessment Act 1979

The facility has a number of conditions imposed pursuant to Section 91AA of the Environmental Planning and Assessment Act 1979 (EPA Act) under Development Approval (DA) No. 463/03, and under DA No. 272-08-00. However it is expected that the proposed development would be assessed under Part 5 of the EP&A Act 1979 as discussed in Section 6.3.below.

6.2 Protection of the Environment Operations Act 1997

PoEO Act Requirements (Licence No. 10698)

This site is identified as a Scheduled Activity under the Protection of the Environment Operations Act 1997 (PoEO Act) therefore an Environment Protection Licence (EPL) applies to the conduct and reporting of activities at the facility. The PoEO Act, through the EPL, sets out obligations to ensure:

- compliance with licence conditions;
- control of pollution of waters;

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- control of pollution of air; and
- recording and reporting of incidents causing or threatening material environmental harm to the environment.

Activities that have triggered the PoEO Act licence fees are:

- Chemical storage – Storage of petroleum and/or petroleum products (with assessable pollutants > 100,000kL of active storage capacity);
- Bulk cargo handling (>100,000 – 500,000 T loaded and unloaded).

Elgas does not expect there to be any required amendments to the current environmental protection licence for the site caused by the proposed development.

6.3 State Environmental Planning Policy (Major Development) 2005

The proposed development is an activity under Part 5 of the EP&A Act 1979 because it is a development of a kind described in Clause 2 (ie. port facilities on land owned or managed by a public authority within the Three Ports Site, and being development with a capital investment value of not more than \$30 million) of Schedule 7 to State Environment Planning Policy (Major Development) 2005.

Therefore approval under Part 5 of the EP&A Act 1979 by the Sydney Ports Corporation as the consent authority is being sought.

6.4 State Environmental Planning Policy No.33 (Hazardous and Offensive Development)

This is discussed in Section 4 above.

6.5 SPC's Port Botany Development Code 2009

A completed Port Botany Development Code 2009 Checklist is included in Appendix 2 to this REF.

Traffic Management Plan requirements are covered in Section 3 above.

Green Port Guidelines requirements are covered in Section 2.2 above.

6.6 Department of Urban Affairs and Planning's Port Botany Land Use Safety Study Overview Report 1996

This is discussed in Section 4 above.

Appendix 1 – Green Port Guidelines Checklist

**Elgas Sydney LPG Cavern – Proposed Stargas Cylinder Storage Depot
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Applicant details

Name Aldo Costabile **Company** Elgas Limited
Address 30 Friendship Road (P.O Box 108 Matraville NSW 2036)
City/Town Port Botany **State** NSW **Postcode** 2036
Telephone (02) 8336 4315 **Mobile** 0401 987 546 **Email** aldo.costabile@elgas.com.au

Project details

Location of proposed development

30 Friendship Road Port Botany

Description of proposed development

Industrial gas cylinder storage facility

The details on this form are the provisions and intentions for maximising the environmental sustainability of this development.

Name Aldo Costabile
Signature  **Date** 1 / 09 / 2011

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	Item No	Purpose/criteria	Has this been addressed? (Yes, No, N/A)	How has it been addressed? Or, why has it not been addressed?	Provide details of supporting documentation/ reference material
Materials selection	R1	Reduce the quantity of new materials being used by reusing materials or by utilising recycled materials.	Yes	The new facility will use the existing gate entrances and road infrastructure on site, and an existing concrete apron for the cylinder storage area. A small strip of grass will be replaced with crushed rock to clear combustible material away from the cylinder storage area, as recommended in the hazard identification study conducted for the proposed development.	Refer site layout drawing.
	R2	Encourage environmentally friendly production of materials.	N/A	No production of materials required.	
	R3	Specify materials that have minimal embodied energy and environmental impact.	Yes	Crushed rock material will replace a small strip of grass adjacent to the cylinder storage area to provide clearance from combustible materials as noted above.	Refer site layout drawing.
	R4	Consider the end of life of materials and the whole building, design for deconstruction.	Yes	The crushed rock will be left in situ.	Refer site layout drawing.

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	Item No	Purpose/criteria	Has this been addressed? (Yes, No, N/A)	How has it been addressed? Or, why has it not been addressed?	Provide details of supporting documentation/ reference material
Waste management	W1	Minimise the generation of wastes.	N/A	No waste will be generated in the storage and handling of industrial gas cylinders on site.	
	W2	Facilitate recycling to reduce the amount of waste going to landfill.	N/A	No waste will be generated with this development.	
	W3	Ensure the safe storage and handling of hazardous wastes.	N/A	No waste will be generated with this development.	

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	Item No	Purpose/criteria	Has this been addressed? (Yes, No, N/A)	How has it been addressed? Or, why has it not been addressed?	Provide details of supporting documentation/ reference material
Water consumption	H1	Reduce consumption of potable water internally.	N/A	No potable water required for this development.	
	H2	Manage and monitor water usage and any leaks.	Yes	No potable water required for this development. Existing site fire water will be used if required in an emergency.	Refer site layout drawing.
	H3	Reduce the quantity of potable water used for landscape irrigation.	N/A	No additional landscaping required for this development.	
	H4	Treat water on-site and reuse the treated water to reduce demand on the local potable water supply and the demand on the local infrastructure.	N/A	No additional water supply required for this development.	

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	Item No	Purpose/criteria	Has this been addressed? (Yes, No, N/A)	How has it been addressed? Or, why has it not been addressed?	Provide details of supporting documentation/ reference material
Energy use	E1	Reduce energy consumption and hence greenhouse gas emissions.	Yes	The existing site fork lift truck will be used to load and unload cylinders from transport vehicles. Minimal additional usage of the forklift truck will be required for the proposed scale of operations. No additional site lighting will be required for this development.	
	E2	Manage the use of energy to minimise consumption.	Yes	As above.	
	E3	Source energy from renewable sources.	N/A	Existing diesel forklift truck used for site safety requirements.	
	E4	Source energy from alternate energy sources and use less greenhouse intensive fuels (in particular limit diesel use).	N/A	As above.	

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	Item No	Purpose/criteria	Has this been addressed? (Yes, No, N/A)	How has it been addressed? Or, why has it not been addressed?	Provide details of supporting documentation/ reference material
Transportation	T1	Encourage the use of alternative modes of transport by employees, in order to reduce the amount of inefficient/individual car travel and therefore greenhouse gas emissions.	N/A	No additional employees on site for this development.	
	T2	Reduce greenhouse gas emissions from operational vehicles and equipment.	Yes	Existing site forklift truck will be used. Only additional vehicles will be delivery trucks and utilities delivering and picking up cylinders.	

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	Item No	Purpose/criteria	Has this been addressed? (Yes, No, N/A)	How has it been addressed? Or, why has it not been addressed?	Provide details of supporting documentation/ reference material
Indoor environment	IE1	Improve the quality of indoor air to protect the health of employees and enhance productivity.	N/A	No impact on indoor air quality from this development. Cylinder storage and handling is located outside the Workshop building.	
	IE2	Optimise daylighting and make best use of artificial lighting to assist eye health and productivity.	Yes	Cylinder storage and handling activities will be conducted to optimize daylighting and make best use of existing artificial lighting.	
	IE3	Provide optimum acoustical environment for productivity and to prevent ear damage.	Yes	Cylinder storage and handling will be conducted outside in the open air.	

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	Item No	Purpose/criteria	Has this been addressed? (Yes, No, N/A)	How has it been addressed? Or, why has it not been addressed?	Provide details of supporting documentation/ reference material
Emissions	EM1	Protect the ozone layer and reduce the potential for global warming.	N/A	No gas will be released from cylinders during storage and handling on site.	
	EM2	Limit the generation of air pollutants and ensure that they are emitted away from sensitive receptors.	N/A	As above.	
	EM3	Minimise odours.	N/A	As above.	
	EM4	Minimise noise nuisance.	Yes	No noise nuisance is expected from the proposed development.	
	EM5	Avoid light spill into night sky or neighbouring properties/areas.	N/A	No additional site lighting required for this development.	
	EM6	Avoid accidental contact with hazardous or poisonous goods.	N/A	None of the gases to be stored or handled as part of this development are poisonous.	

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	Item No	Purpose/criteria	Has this been addressed? (Yes, No, N/A)	How has it been addressed? Or, why has it not been addressed?	Provide details of supporting documentation/ reference material
Water quality	HQ1	Manage stormwater to reduce peak stormwater flows and protect water quality.	N/A	No changes to the existing stormwater drainage system on site are required for this development.	
	HQ2	Manage water quality to protect the harbour and other water bodies.	N/A	As above.	
	HQ3	Prevent damage from potential flood events and water table changes.	N/A	As above.	

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	Item No	Purpose/criteria	Has this been addressed? (Yes, No, N/A)	How has it been addressed? Or, why has it not been addressed?	Provide details of supporting documentation/ reference material
Land use	L1	Encourage the redevelopment of sites that have previously been developed and remediate contaminated land.	Yes	The proposed development is located on an existing developed site.	
	L2	Use landscaping to enhance biodiversity and conserve and create habitat for flora and fauna.	N/A	No additional landscaping is required for this development.	
	L3	Enhance visual amenity.	N/A	No visual impact is expected from this development.	
	L4	Avoid impact on identified heritage items.	N/A	No identified heritage items affected by this development.	

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	Item No	Purpose/criteria	Has this been addressed? (Yes, No, N/A)	How has it been addressed? Or, why has it not been addressed?	Provide details of supporting documentation/ reference material
Environmental management	M1	Maintain good relationships with stakeholders and respond to any complaints.	Yes	The site complaints handling procedure will apply to this development.	
	M2	Provide a framework for identifying, managing and minimising environmental impacts, and maximising environmental benefits.	Yes	The site Environmental Management Plan provides this framework.	Refer site Environmental Management Plan.
	M3	Educate developers, tenants and employees about ESD and how to improve sustainability.	Yes	As above.	

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Appendix 2 – Development Code Checklist

This checklist is a summarised version of the Development Code and is to be completed as part of any environmental assessment for development proposed in Port Botany. Please refer to Development Code for further information and detail.

Section 2	Visual Amenity	Compliance / Comment
Criteria 1	The maximum height of all building structures and tanks is not to exceed the maximum building heights illustrated at Figure 1 . The maximum height is measured to the highest point of a building from Zero Fort Denison Tide Gauge (ZFDTG). Height includes plant and lift overruns, but excludes communication devices, antennae, satellite dishes, flagpoles and the like.	N/A – no building structures or tanks are required for this development.
Criteria 2	The maximum heights at Figure 1 do not apply to port terminal operating equipment such as cranes. These elements may be any height to achieve efficient operational capability, subject to obtaining relevant approvals including approvals under the Commonwealth <i>Airports Act 1996</i> and <i>Civil Aviation Act 1988</i> .	N/A
Criteria 3	Container stacks are not to exceed a height of 6 containers.	N/A – no containers are required for this development.
Criteria 4	Air-conditioning units, telecommunications equipment or mechanical plant are to be concealed within screened enclosures or positioned behind the roofline to minimise their visibility from main port road frontages.	N/A – none of this equipment is required for this development.
Criteria 5	Buildings shall be oriented towards the primary street frontage. The office component of a building is to address the street so as to provide an attractive frontage, easily identifiable building entry and the potential for surveillance of the street.	N/A
Criteria 6	Buildings should be designed so as to mitigate the perception of bulk and scale from main port road frontages by: - the articulation of building facades	N/A

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	<p>where buildings front a main port road frontage,</p> <ul style="list-style-type: none"> - varying façade alignments and height, - breaking up of facades with windows and the use of decorative features, cantilevered elements and the like, and - varying materials and colours used. 	
Criteria 7	The development incorporates the indicative palette of colours for building structures shown at Figure 2 .	N/A
Criteria 8	Buildings, in particular large buildings, are to comprise external materials incorporating muted recessive colours with material and / or tonal colour variation used to break the mass of buildings and walls. Lighter shades should be used for larger wall areas and structures, with darker shades used as highlights. Highlight colours (i.e. red, yellow and orange tones) may be used to articulate architectural features and the like.	N/A
Criteria 9	Materials and colours for buildings and roofs are to be non-reflective. All glazing is to have a reflectivity coefficient of less than 20%.	N/A
Criteria 10	Lighter colours on light poles should be avoided in favour of darker, less reflective colours.	N/A
Criteria 11	All tanks are to be painted white or light grey.	N/A
Criteria 12	The visibility of mobile elements such as cranes and rail mounted gantries is to be reinforced through colour. The colour selected by the terminal operator is to be submitted as part of the application for development.	N/A
Section 3	Sustainable Development	Compliance / Comments
Criteria 1	All development should incorporate as many of the suggested measures contained in Sydney Ports' <i>Green Port Guidelines</i> as practicable. As a minimum, all development proposals are to be accompanied by a completed <i>Green Port</i>	Yes - refer completed <i>Green Port Guidelines</i> checklist in Appendix 1 to this REF.

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	<i>Guidelines</i> checklist.	
Criteria 2	The commercial office component of all buildings is to achieve a minimum 4 Star Green Star rating (or the equivalent) under the Green Star - Office Design v3 tool, or the latest applicable version. Should future Green Star rating tools include industrial facilities, these should also be applied for the industrial component of a building.	N/A
Criteria 3	Buildings (including sheds and workshops) are to be designed and constructed to maximise the use of natural ventilation and natural lighting, and to minimise energy consumption associated with heating, cooling and lighting.	N/A
Criteria 4	Development is to collect sufficient rainwater for irrigation of landscaping and preferably for use in container wash down facilities and the like, and grey water flushing of sanitary fixtures.	N/A
Criteria 5	Low maintenance and robust materials are to be used.	Yes – existing concrete roadways and apron area.
Criteria 6	A climate change risk assessment is to be provided as part of an application for all new developments in accordance with the most current NSW Government Sea Level Rise Policy.	N/A
Criteria 7	All development is to incorporate measures to minimise greenhouse gas emissions.	Yes – refer completed <i>Green Port Guidelines</i> checklist in Appendix 1 to this REF.
Section 4	Access, Parking and Loading	Compliance / Comments
Criteria 1	All development proposals are to assess both on and off-site traffic impacts and are to be accompanied by a Traffic Management Site Plan and, where required, a Traffic Management Control Plan, prepared in accordance with Sydney Ports' <i>Traffic Management Plan Guidelines 2007</i> .	Yes – although a Traffic Management Site Plan has not been prepared, all access, parking and loading requirements for this development will be accommodated on site with no impact on the Port Botany Precinct Traffic Management Plan.
Criteria 2	All site vehicular access points are to be located and designed to avoid conflicts between pedestrians, light vehicles and truck movements.	Yes. Existing site traffic management provisions and new operating procedures will avoid these conflicts.
Criteria 3	Container facilities are to provide separate access points to an adjoining roadway for light vehicles and trucks.	N/A.
Criteria 4	Designated pedestrian paths should have surfaces which clearly delineate pedestrian	N/A – pedestrian movements, near vehicular roads and parking, from this development are minimal.

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	paths from vehicular roads and parking surfaces, with a perceivable change in material or colour.	
Criteria 5	<p>All employee and visitor parking is to be accommodated within the leased area. Car parking areas (ie parking bays and loading areas) are to:</p> <ul style="list-style-type: none"> - be designed in accordance with <i>Australian Standard AS 1428:1-4 Design for Access and Mobility</i>, <i>Australian Standard AS 2890.1 Car Parking Facilities</i> and <i>Australian Standard AS 2890.2 Commercial Vehicle Facilities</i>, - provide a minimum rate of one (1) parking space per staff member or contractor plus 10% (calculation to be based on the maximum number of staff members and / or contractors on site at any one time) and at least two (2) visitor parking spaces, - provide for at least one (1) mobility impaired parking space, to be located adjacent to building entries and clearly delineated, - be paved with concrete or bituminous surfacing designed and drained to the approved stormwater drainage system, and - incorporate landscaping to provide visual screening to reduce the visual impact particularly from external roadways (Figure 4). 	Yes. Existing employee and visitor parking is adequate for this development.
Criteria 6	For sites with less than 20 car spaces, screen planting to the perimeter of the car park is to be provided. For sites with more than 20 car spaces, additional tree bays (1.2 x 3m minimum) are to be incorporated at a rate of rate of one (1) bay for every 10 spaces, except where bays abut rear or side walls of buildings (Figure 5).	N/A – no changes to existing parking are required for this development.
Criteria 7	All vehicles being loaded and/or unloaded (or awaiting loading and/or unloading) shall stand entirely within the leased area to avoid queuing of vehicles outside of leased	Yes. All vehicles loading and/or unloading (or awaiting loading and/or unloading) cylinders will stand entirely within the leased area.

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	areas.	
Criteria 8	Garbage bins and waste recycling areas shall be accommodated on site, appropriately screened and accessible to the users of the building and service vehicles.	N/A – no changes to existing waste management arrangements are required for this development.
Criteria 9	Bicycle parking should be provided at a rate of at least two (2) bicycle parking spaces plus 5% of the total number of required car parking spaces. Bicycle parking facilities should be located in highly visible, illuminated areas and securely anchored to the site surface to prevent removal and shall be of sufficient strength to resist vandalism and theft.	N/A – no changes to existing employee travel arrangements are required for this development.
Section 5	Security	Compliance / Comments
Criteria 1	All development is to incorporate the principles of crime prevention through environmental design in the layout and security measures (principles are available from the NSW Department of Planning).	Yes. Proposed development is covered by the existing site security arrangements.
Criteria 2	All leased areas are to be appropriately fenced for security purposes. All fencing is to be chain wire fencing with optional 3 strand barbed wire along the top portion of the fence (Figure 6). The maximum fence height permitted is 3.5m (inclusive of the barbed wire portion).	As above.
Criteria 3	All chain wire fencing, posts and rails and gates that are visible from the water and main port roads (excluding roads within leased areas) are required to be black in colour (ie black PVC, powder coated or the like). Fencing in other locations may comprise a metallic finish.	As above.
Criteria 4	All access points to leased areas are to be secured with durable gates, and checkpoint facilities, where appropriate. Gates are to comprise either chain wire fencing set within a framed rim (with optional 3 strand barbed wire on top), or palisade slide gates (with optional spikes or barbed wire on top) - (Figure 6).	As above.
Criteria 5	Truck entry to a site must be set back as a minimum 65m from the lease boundary for container facilities and 30m for non-container facilities (Figure 7).	As above.

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Section 6	Landscaping	Compliance / Comments
General Criteria		
Criteria 1	Landscaping is to be provided in front of fences that face roads external to the lease area and to non-active waterfronts.	N/A – no change to existing site landscaping is required for this development.
Criteria 2	Only suitable native plant species are to be used and, where possible and practical, locally sourced provenance stock should be used. The minimum plant container sizes are to be as follows: Trees – 25 litres, Accents – 5 litres, and Groundcovers – 100mm.	As above.
Criteria 3	All landscaping, in particular within car parks and along pedestrian paths, is to take into account the need to maintain passive surveillance.	As above.
Criteria 4	Where landscaping is provided within internal boundaries, the trunks of trees on internal boundaries must not be closer than 2.5m to the perimeter fence and no part of the tree is to overhang the adjoining premise.	As above.
Criteria 5	Landscaped areas are to be irrigated, preferably with captured stormwater runoff / rainwater. Irrigation systems are to consist of an automated drip irrigation system with approved back flow prevention devices, controllers (in vandal resistant boxes), and appropriate zoning.	As above.
Criteria 6	Mown grassed verges, adjoining landscaping strips or otherwise, are to comply with the requirements at Appendix A .	As above.
Specific Criteria	Road Reserve Landscape Areas	
Criteria 7	Establish a 5m landscaped buffer strip within the lease area, facing the external roadway. The buffer strip is to have flush timber edging with the security fencing located behind the landscaping (Figure 8).	N/A – no changes are required for this development.
Criteria 8	Develop and maintain a consistent pattern	As above.

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	<p>of selected native planting including:</p> <ul style="list-style-type: none"> - layered and banded ground stratum planting (up to 0.5 - 0.7m high), - accent planting with large perennials (up to 1.4m high), - clustered and individual small to medium tree planting up to 8-12m in height, and - clusters to have a maximum spacing of 15m between groups. 	
Criteria 9	<p>Ensure a high level of security and passive surveillance:</p> <ul style="list-style-type: none"> - no dense, mid-stratum shrub planting (ie. up to 3m in height), - no tree planting within 2.5m of fence line, and - under prune trees to minimum 2.5m above ground level and maintain adequate branch clearance from the security fencing. 	As above.
Criteria 10	Existing landscape areas that do not comply with the above controls should be removed and replaced with landscaping that complies with the above controls.	As above.
Criteria 11	The suggested planting palette for this area is set out at Appendix A .	As above.
Specific Criteria	Potential Fire Risk Landscape Areas / Non-active Water Front Landscaped Areas	
Criteria 12	Establish a 5m landscaped buffer strip within the lease area, facing the roadway external to the lease area / non-active water front. The buffer strip is to have flush timber edging with the security fencing located behind the landscaping (Figure 9).	N/A - no changes are required for this development.
Criteria 13	<p>Continue repetition of form, texture and colour to create a strong multi-layered, rhythmic pattern in the landscape as follows:</p> <ul style="list-style-type: none"> - layered and banded ground stratum planting (0.4 – 0.7m high), and - introduce highlights within the landscape buffer strip using grouped accent planting with large perennials 	As above.

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	(up to 1.4m high).	
Criteria 14	Develop layered bedding pattern with a progression from smaller species at the front edge to larger species at the back (near the fence line).	As above.
Criteria 15	Existing landscape areas that do not comply with the above controls should be removed and replaced with landscaping that complies with the above controls.	As above.
Criteria 16	Use hardy native or indigenous plant species suited to site-specific environmental conditions with a low fire risk (ie. low combustion or fire retardant properties). The suggested planting palette for this area is set out at Appendix A .	As above.
Section 7	Signage	Compliance / Comment
Criteria 1	<p>All directional signage outside or on the lease area fence (Figure 10) and public notice signage (i.e. a sign which contains warning, safety, security or instructive information that is only erectable by a public authority), excluding RTA street signage:</p> <ul style="list-style-type: none"> - is to be located in a prominent position and clearly visible, - is not to be located above a roadway, - is to be of a size and location so as to not obscure vehicle sightlines, - is to be positioned where it does not obstruct walkways and pathways, - is to consist of similar colours to that of the Sydney Ports Corporation colour scheme comprising dark blue, orange, red, white, black and grey, or is to be consistent with colours of typical safety / warning signage (ie. to comply with applicable Australian Standards), - may incorporate the lessee logo where it is located for directional purposes at the entrance to a leased area. The colours of the logo are to be lessee corporate colours, and 	N/A – no new directional signage outside or on the lease area fence is required for this development.

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	<ul style="list-style-type: none"> - for car parking areas, loading and delivery areas and the like, is to be located close to the main access of a site. 	
Criteria 2	No advertising signs shall be erected within the port estate upon the buildings, structures or tanks other than business identification signage.	N/A – no advertising signs are required for this development.
Criteria 3	<p>Business identification signage (Figure 11):</p> <ul style="list-style-type: none"> - is to be located outside the lease area fence and located on Sydney Ports' standard Blade Sign, - should not obscure vehicle sightlines or control signs, - is permitted on one elevation of the primary building, except where a site has two main road frontages or where there are multiple occupants within a building, - may comprise text, illustrations, and/or both, to ensure clear identification of the sign and its intent, - is not to be illuminated or comprise any form of moving or flashing signage, - is not to occupy more than 10% of any facade or elevation of a building, and - is to identify visitor entrance points to lease areas. 	N/A – no changes to business identification signage are required for this development.
Criteria 4	Business identification signage on the side of tanks is limited to 1 sign per leased area or site (in the case of multiple lease areas being operated as a single site). The sign should be subordinate to the elevation of the tank.	As above.
Section 8	Lighting	Compliance / Comments
Criteria 1	Lighting levels are to be provided in a manner just sufficient to meet operational requirements.	N/A – no changes to site lighting are required for this development.
Criteria 2	All lighting is to meet Civil Aviation Safety Authority (CASA) / Air Services Australia (ASA) requirements.	As above.

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Criteria 3	Appropriate lighting should be provided at key locations such as pedestrian paths, driveways, parking areas and building entries, so as to identify and provide safe access routes for both employees and visitors.	As above.
Criteria 4	Lighting is to be positioned so as to not cause distraction to vehicle drivers on internal or external roads or the occupants of adjoining sites.	As above.
Criteria 5	Light spill outside the site boundary and sky lighting is to be avoided through the adoption of measures such as: <ul style="list-style-type: none"> - Focussing lights downwards, - Installing cut-offs or shields on lights, - Minimising the light mast height, and - Using low mounting height poles to light non terminal operational areas, including access / egress routes. 	As above.
Specific Criteria	Lighting for areas adjacent to Penrhyn Estuary	
Criteria 6	No fixed light is to spill into Penrhyn Estuary or the Estuary flushing channel (Figure 18).	N/A
Criteria 7	Low mounting height poles are to be used adjacent to the Estuary.	N/A
Criteria 8	Screen moving lights, such as vehicle headlights, so they do not shine into Penrhyn Estuary.	N/A
Criteria 9	High level lighting on operational equipment is not to shine into Penrhyn Estuary.	N/A
Criteria 10	There is to be a buffer between Penrhyn Estuary and terminal operations to the west of 20m. Road access / egress only is permitted within this area.	N/A
Section 9	Heritage	Compliance / Comments
Criteria 1	The Revetment Wall along Prince of Wales Drive and the Old Government Wharf Remains are listed as heritage items on Sydney Ports' Section 170 Heritage and Conservation Register (see Figure 12).	N/A

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	Any development proposal which has the potential to impact on these items or their heritage significance is to be accompanied by a heritage impact statement.	
Criteria 2	Development in the vicinity of a heritage item is to be designed to respect and complement the heritage item.	N/A
Section 10	Land Use Safety and Hazard Management	Compliance / Comments
Criteria	Non Hazardous Facilities	
Criteria 1	All proposals for new or expanded non-hazardous developments are required to consider the consequence and risk impacts of existing or proposed potentially hazardous developments on the development proposal. A formal assessment document shall be prepared for the new or expanded non-hazardous development to demonstrate that the development does not result in the proposed facility exceeding the acceptable risk criteria, both individual and societal (refer to the <i>Port Botany Land Use Safety Study Overview Report 1996</i>). A copy of the Risk Assessment, conducted for the proposed development, is to be submitted as part of the application for development.	Yes. Proposed development includes non-hazardous and hazardous materials. Refer to Criteria 3 below.
Criteria 2	For non-hazardous facilities / sites which intend to become a licensed dangerous goods facility, a Risk Assessment is to be undertaken and is to be submitted as part of the application for development.	Yes. Refer to Criteria 3 below.
Specific Criteria	Hazardous Facilities	
Criteria 3	All proposals for new or expanded potentially hazardous developments are required to undergo a Risk Assessment. The Risk Assessment is to be submitted as part of the application for development and is to include the implementation, operation and maintenance phases. The assessment is to demonstrate: <ul style="list-style-type: none"> - that all foreseeable hazards that may arise from a development, that have a potential to harm the health and safety of any person, the environment, or impact the safety 	Yes. A hazard identification and risk assessment has been completed for the proposed development.

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	<p>of buildings, equipment, plant and facilities have been clearly identified,</p> <ul style="list-style-type: none"> - that there will be limited potential for propagation of hazardous incidents to the neighbouring facilities, in accordance with the “As Low As Reasonably Practicable” (ALARP) principle, - that the risks associated with the identified hazards at the development have been appropriately analysed and assessed, - that the proposed development will not contribute to any increase in the cumulative risk (individual & societal risk) beyond the levels shown in Figures 2 and 9 of the <i>Port Botany Land Use Safety Study Overview Report 1996</i>, - that the assessed risks comply with the relevant risk criteria published by the regulatory authorities, - that all identified risks will be controlled and minimised by protection and mitigation, and - that incidents at hazardous facilities will not impact on the use or operation of adjacent land, including Sydney Ports Corporation’s common areas (e.g. roadways). The Risk Assessment for the proposed development is to include the quantitative analysis of incident impacts relating to consequence severity and risk. The impacts are not to exceed acceptable published risk criteria. 	
Criteria 4	Minimum separation distances required to ‘protected places’ must remain within the lease boundary.	Yes.
Specific Criteria	Bulk Liquid Storage Facilities	
Criteria 5	Separation distances within and between bulk liquid storage hazardous facilities (i.e. separation distances between facilities on the subject site or adjoining sites) is to be	N/A – no changes to bulk liquid storage hazardous facilities for this development.

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	provided in accordance with the relevant Australian Standard(s) or the criteria listed in this section of the Code, whichever is the greater.	
Criteria 6	<p>The minimum distance between any bulk liquid storage tank, and associated bunded area, and the boundary of a leased area is to be as follows:</p> <ul style="list-style-type: none"> - tank and lease boundary – 15m, - tank and lease boundary adjacent to the main roadway – 20m, - bund and lease boundary - 6m, and - bund and lease boundary adjacent to the main roadway - 15m. 	N/A
Criteria 7	<p>A perimeter roadway is to be provided around all bulk liquid storage areas. A bulk liquid storage area consists of bulk liquid tanks contained within a bunded area. Figure 14 shows the minimum acceptable roadway layout around a bulk liquids storage area. The perimeter roadway is to be provided with the following:</p> <ul style="list-style-type: none"> - 6m clear road width, - Corners designed to accommodate the turning of emergency vehicles / trucks, - Connected to the main roadway at the front of the site, either directly or by an internal site road no less than 6m wide, and - Unobstructed access along the full length of the road. 	N/A
Criteria 8	<p>Where bulk liquid storage areas are located on adjoining leased land (Figure 15), a single perimeter road is permitted between the bulk liquid storage areas, subject to an agreement/consent between the adjoining lessees. The single access roadway between the two bulk liquid storage areas is to meet the requirements of criteria 8 above as well as the following:</p> <ul style="list-style-type: none"> - any perimeter fence provided between the properties shall be provided with gates at the front and rear sections of the perimeter 	N/A

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	<p>roadway,</p> <ul style="list-style-type: none"> - gates provided for access between the two bulk liquids storage facilities shall have a minimum access opening not less than 5.5m wide, and - the opening movement of the gates shall not be obstructed by any means other than a conventional locking device, kept and maintained in good repair and working order. 	
Criteria 9	<p>Where a bulk liquid storage facility operates a road tanker filling area, the road tanker filling area shall be located wholly off any access road that passes the filling area. Figure 16 provides an example of a bulk liquids tanker filling area located adjacent to an access road. The filling area shall be located so that no part of a truck in the filling bay extends into the access road.</p>	N/A
Specific Criteria	Pipelines	
Criteria 10	<p>All pipelines proposed within the Port Botany Port precinct are to be located in the following manner:</p> <ul style="list-style-type: none"> - Pipelines required to be installed external to the leased area are to be located within a Port Botany pipeline corridor (Figure 17), - Exposed above ground level or in an open culvert lined with impermeable material so as to prevent the percolation of any spilled materials through the paving into the underlying sand. The paving and any jointing materials to be used shall be resistant both to heat and the corrosive effects of the range of the products to be transported in the pipeline, - Underground pipelines are to be avoided unless absolutely necessary, - Where underground pipelines are used they are to be installed with a leak detection system (e.g. differential flow device, inventory 	N/A – no changes to any pipelines for this development.

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	<p>measurement, etc.),</p> <ul style="list-style-type: none"> - Underground pipelines are to be suitably protected against corrosion, considering (but not limited to) the following: - expected lifetime of the pipeline, - soil conditions, - potential acid sulfate soils, and - water table level. <p>Details of the leak detection system and corrosion protection are to be provided in the risk assessment documentation.</p>	
Criteria 11	<p>All above ground bolted flanged joints, associated with the pipeline outside the main storage bund area, are to be provided with the following:</p> <ul style="list-style-type: none"> - A bunded pit to retain any product leaks, - Protection to prevent leaks from flanges and joints spraying beyond the confines of the pit, and - Leak detection within the pit and an alarm system to notify of potential flange/joint leaks. <p>It is noted that the pit may require a cover to prevent the ingress of rain water causing false leak detection alarms.</p>	N/A
Criteria	Areas where petroleum, petroleum products, petro-chemicals and other liquid chemicals are handled or stored	
Criteria 12	<p>Areas where Petroleum, Petroleum Products, Petro-Chemicals and other Liquid Chemicals are handled or stored are required to be bunded in accordance with the relevant standards. Where pipeline or hose connections are made or broken for operational activities, these areas are also required to be bunded.</p>	N/A
Criteria 13	<p>The area within all bunded enclosures is to be impervious so as to prevent the percolation of any spilled materials through the paving into the underlying sand. The paving and any jointing materials to be used shall be resistant both to heat and the</p>	N/A

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	corrosive effects of the range of the products to be handled or stored.	
Criteria 14	The surface of the paving in bunded areas shall be graded so as to permit the flow of surface water to a suitable drainage system. This surface shall be maintained to prevent ponding.	N/A
Criteria 15	All stormwater from bunded areas shall be directed through a separator system located outside the bunded area. The stormwater outlet through the bund walls shall be controlled with a valve located outside the bunded area. This valve shall be kept closed at all times except when stormwater is being released.	N/A
Criteria 16	Unbundled areas used for loading of road tankers, refuelling or other handling operations are to have impervious paving so as to prevent the percolation of any spilled materials through the paving into the underlying sand. The paving and any jointing materials to be used shall be resistant both to heat and the corrosive effects of the range of the products to be handled. All drainage from these areas is to be directed to a drainage system via a separator system.	N/A
Section 11	Water Quality and Stormwater	Compliance / Comments
Criteria 1	The 1 in 20 year storm event (i.e. 5% Annual Exceedance Probability (AEP)) is to be accommodated within a piped stormwater system.	N/A – no changes to existing site stormwater system are required for this development.
Criteria 2	The design and layout of leased areas, including the siting of buildings and the positioning of bunded areas and container stacks, is to take into consideration the need to provide unobstructed stormwater overland flow paths.	As above.
Criteria 3	The first flush from impervious areas is to be captured and treated to prevent pollutants from entering Botany Bay. Pollutants to be removed must include sediments, litter, rubbish, oils, greases and other hydrocarbons.	As above.
Criteria 4	First flush stormwater (treated or otherwise) is not permitted to be discharged to Penrhyn Estuary or the Estuary flushing	N/A

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	channel (Figure 18).	
Criteria 5	Stormwater leaving the site is not to create erosion within Penrhyn Estuary.	N/A
Criteria 6	Measures to contain spills and prevent them from discharging through the stormwater system are to be identified and spill response procedures documented.	N/A
Criteria 7	Emergency spill kits are to be available on-site and staff are to be trained in how to use them.	N/A
Section 12	Air Quality	Compliance / Comments
Criteria 1	Site areas which are trafficked by vehicles and trucks are, as a minimum, to be sealed to minimise dust generation.	Yes. Existing sealed roads will be used for this development.
Criteria 2	Information regarding the products to be stored and/or handled on the premises is to be provided as well as the proposed storage area for such products. Products handled on site which have an offensive odour are to be handled in a closed circuit or sealed system.	Yes. Refer to the site layout drawing.
Criteria 3	Vehicles, plant and equipment are to be maintained and operated in good working condition and are to be turned off when not in use to minimise emissions to air.	Yes.
Criteria 4	Building materials that may potentially contribute to poor internal air quality, such as those generating formaldehyde or those that may create a breathing hazard in the case of fire (e.g. polyurethane), are to be avoided.	N/A
Criteria 5	Air filters are to be installed in all ventilation systems to remove particulate contamination.	N/A
Criteria 6	All development is to incorporate measures to minimise emissions that adversely impact on local air quality.	Yes. Refer to completed <i>Green Port Guidelines</i> checklist in Appendix 1 to this REF.
Criteria 7	Any emissions of smoke, dust, particulate matter, steam or gas must meet Civil Aviation Safety Authority (CASA) / Air Services Australia (ASA) requirements.	N/A
Section 13	Bird Management	Compliance / Comments
Criteria 1	An assessment of aspects of the proposed development which could attract bird species that may pose a hazard to airport	N/A

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	operations is to be provided as part of the application for development. The assessment is to include any mitigation measures to be implemented. Aspects to be considered include potential for roosting on roofs, lights poles, site areas having low levels of activity, areas where water may pond, etc.	
Criteria 2	Height restrictions in Figure 1 are required to be complied with unless a shorebird impact assessment is undertaken which confirms that there is no adverse impact on shorebird access or use of Penrhyn Estuary.	N/A
Criteria 3	No terminal operations (except for road access / egress) are permitted within 20m of the western edge of Penrhyn Estuary.	N/A
Criteria 4	Container stacks, buildings and tanks are to be set back at least 100m from the western edge of Penrhyn Estuary and 64m from the southern edge of Penrhyn Estuary.	N/A
Section 14	Noise and Vibration	Compliance / Comments
Criteria 1	For all new developments, proponents are to identify: <ul style="list-style-type: none"> - relevant noise criteria based on the DECC guidelines, - all sources of noise, - noise emission levels, and - proposed mitigation measures. 	N/A – no noise impacts are expected from this development.
Criteria 2	All buildings, equipment and operational processes are to be selected or designed to minimise the emission of noise.	N/A
Criteria 3	Noise reduction measures for mobile equipment, trucks, other vehicles and machinery are to be implemented, such as through insulation, alternative reversing alarms and 'engine off' policies.	N/A
Criteria 4	Noisy plant and equipment should be located as far as possible from noise sensitive areas, optimising attenuation effects from topography, natural and purpose built barriers.	N/A
Criteria 5	Within three (3) months of completion of the development the applicant is to provide evidence to Sydney Ports of compliance with the relevant noise criteria for the	N/A

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	development.	
Criteria 6	Vibration transmitted outside the site during operations must be within acceptable limits based on DECC guidelines.	N/A
Section 15	Soil Contamination	Compliance / Comments
Criteria 1	For all development a soil and groundwater contamination assessment is to be undertaken as part of the application for development. Where a contamination hazard is deemed possible, approved mitigation / remediation measures are to be undertaken. This is to be generally in accordance with the DECC's <i>Guidelines for Consultants Reporting on Contaminated Sites</i> .	N/A
Section 16	Groundwater Management Zone (Elgas Deed)	Compliance / Comments
Criteria 1	The Groundwater Management Zone (GMZ) associated with the Elgas LPG Storage Cavern is illustrated at Figure 19 . Any development within the area marked 'GMZ(B)' is required to comply with the ' <i>Groundwater Management Zone Deed</i> ' between the Water Administration Ministerial Corporation, Sydney Port Corporation, Elgas Limited and the Marine Ministerial Holding Corporation (NSW Maritime). A copy of the Deed is available on request from Sydney Ports Corporation	N/A

Appendix 3 – Relevant Extracts from Applicable Legislation

Environmental Planning & Assessment Act 1979

The following relevant extracts from applicable legislation have been considered in this REF.

5A Significant effect on threatened species, populations or ecological communities, or their habitats

(1) For the purposes of this Act and, in particular, in the administration of sections 78A, 79B, 79C, 111 and 112, the following must be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats:

- (a) each of the factors listed in subsection (2),
- (b) any assessment guidelines.

(2) The following factors must be taken into account in making a determination under this section:

- (a) in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,
- (b) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction,
- (c) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:
 - (i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or
 - (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,
- (d) in relation to the habitat of a threatened species, population or ecological community:
 - (i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and
 - (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and
 - (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality,
- (e) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly),
- (f) whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,
- (g) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.

(3) In this section:

assessment guidelines means assessment guidelines issued and in force under section 94A of the *Threatened Species Conservation Act 1995* or, subject to section 5C, section 220ZZA of the *Fisheries Management Act 1994*.

key threatening process has the same meaning as in the *Threatened Species Conservation Act 1995* or, subject to section 5C, Part 7A of the *Fisheries Management Act 1994*.

111 Duty to consider environmental impact

(1) For the purpose of attaining the objects of this Act relating to the protection and enhancement of the environment, a determining authority in its consideration of an activity shall, notwithstanding any other provisions of this Act or the provisions of any other Act or of any instrument made under this or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.

(2) Without limiting subsection (1), a determining authority shall consider the effect of an activity on:

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(a) any conservation agreement entered into under the *National Parks and Wildlife Act 1974* and applying to the whole or part of the land to which the activity relates, and

(b) any plan of management adopted under that Act for the conservation area to which the agreement relates, and

(c) any joint management agreement entered into under the *Threatened Species Conservation Act 1995*, and

(d) any biobanking agreement entered into under Part 7A of the *Threatened Species Conservation Act 1995* that applies to the whole or part of the land to which the activity relates.

(3) Without limiting subsection (1), a determining authority shall consider the effect of an activity on any wilderness area (within the meaning of the *Wilderness Act 1987*) in the locality in which the activity is intended to be carried on.

(4) Without limiting subsection (1), a determining authority must consider the effect of an activity on:

(a) critical habitat, and

(b) in the case of threatened species, populations and ecological communities, and their habitats, whether there is likely to be a significant effect on those species, populations or ecological communities, or those habitats, and

(c) any other protected fauna or protected native plants within the meaning of the *National Parks and Wildlife Act 1974*.

Note. The determining authority is not required to consider the effect of an activity on biodiversity values if:

(a) the activity is to be carried out on biodiversity certified land (within the meaning of Part 7AA of the *Threatened Species Conservation Act 1995*), or

(b) a biobanking statement has been issued in respect of the activity under Part 7A of the *Threatened Species Conservation Act 1995*.

Environmental Planning & Assessment Regulation 2000

228 What factors must be taken into account concerning the impact of an activity on the environment?

(cf clause 82 of EP&A; Regulation 1994)

(1) For the purposes of Part 5 of the Act, the factors to be taken into account when consideration is being given to the likely impact of an activity on the environment include:

(a) for activities of a kind for which specific guidelines are in force under this clause, the factors referred to in those guidelines, or

(b) for any other kind of activity:

(i) the factors referred to in the general guidelines in force under this clause, or

(ii) if no such guidelines are in force, the factors referred to subclause (2).

(2) The factors referred to in subclause (1) (b) (ii) are as follows:

(a) any environmental impact on a community,

(b) any transformation of a locality,

(c) any environmental impact on the ecosystems of the locality,

(d) any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality,

(e) any effect on a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations,

(f) any impact on the habitat of protected fauna (within the meaning of the *National Parks and Wildlife Act 1974*),

(g) any endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air,

(h) any long-term effects on the environment,

(i) any degradation of the quality of the environment,

(j) any risk to the safety of the environment,

(k) any reduction in the range of beneficial uses of the environment,

(l) any pollution of the environment,

(m) any environmental problems associated with the disposal of waste,

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- (n) any increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply,
 - (o) any cumulative environmental effect with other existing or likely future activities,
 - (p) any impact on coastal processes and coastal hazards, including those under projected climate change conditions.
- (3) For the purposes of this clause, the Director-General may establish guidelines for the factors to be taken into account when consideration is being given to the likely impact of an activity on the environment, in relation to activities generally or in relation to any particular kind of activity.
- (4) The Director-General may vary or revoke any guidelines in force under this clause.

State Environmental Planning Policy (Major Development) 2005

This specifically includes Part 20 of Schedule 3 and Schedule 7.

Part 20 Three Ports Site Division 1 Preliminary

1 Land to which this Part applies

This Part applies to the land identified on the Land Application Map and referred to in this Part as the ***Three Ports Site***.

2 Interpretation

(1) In this Part:

Additional Permitted Uses Map means:

- (a) the State Environmental Planning Policy (Major Projects) Amendment (Three Ports) 2009 Newcastle Port Site Additional Permitted Uses Map, and
- (b) the State Environmental Planning Policy (Major Development) 2005 (Three Ports) Port Botany Site Additional Permitted Uses Map.

high technology industry means:

- (a) an industry that has as its primary functions the manufacture, development, production, processing or assembly of, or research into, any of the following:
 - (i) electronic or micro-electronic systems, goods or components,
 - (ii) information technology, computer software or hardware,
 - (iii) instrumentation or instruments,
 - (iv) biological, pharmaceutical, medical or paramedical systems, goods or components,
 - (v) multi-media, production of films and television, including any post production communications, telecommunications systems, goods or components,
 - (vi) telecommunications systems, goods or components,
 - (vii) sustainable energy technologies,
 - (viii) other goods, systems or components intended for use in science or technology, and
- (b) any office or business premises related to or used for professional services in the applied sciences (including surveying and engineering and the like) or for logistics, but does not include an industry that presents a hazard or potential hazard to the neighbourhood or by reason of the scale and nature of its manufacturing, development, production, processing or assembly, interferes with the amenity of the neighbourhood.

Land Application Map means:

- (a) the State Environmental Planning Policy (Major Projects) Amendment (Three Ports) 2009 Newcastle Port Site Land Application Map, and
- (b) the State Environmental Planning Policy (Major Development) 2005 (Three Ports) Port Botany Site Land Application Map, and
- (c) the State Environmental Planning Policy (Major Projects) Amendment (Three Ports) 2009 Port Kembla Site Land Application Map.

Land Zoning Map means:

- (a) the State Environmental Planning Policy (Major Projects) Amendment (Three Ports) 2009 Newcastle Port Site Land Zoning Map, and
- (b) the State Environmental Planning Policy (Major Development) 2005 (Three Ports) Port Botany Site Land Zoning Map, and
- (c) the State Environmental Planning Policy (Major Projects) Amendment (Three Ports) 2009 Port Kembla Site Land Zoning Map.

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port facilities includes any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the *Ports and Maritime Administration Act 1995*:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receival, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

relevant council, in relation to land, means the council of the local government area in which the land is situated.

(2) A word or expression used in this Part has the same meaning as it has in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006* (as in force immediately before the commencement of the *Standard Instrument (Local Environmental Plans) Amendment Order 2011*) unless it is otherwise defined in this Part.

3 Maps

(1) A reference in this Part to a named map adopted by this Part is a reference to a map by that name:

- (a) approved by the Minister when the map is adopted, and
- (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.

(2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Part to any such named map is a reference to the relevant part or aspect of the single map.

(3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.

(4) For the purposes of this Part, a map may be in, and may be kept and made available in, electronic or paper form, or both.

4 Relationship with other environmental planning instruments

The only environmental planning instruments that apply, according to their terms, to land within the Three Ports Site are this Policy and all other State Environmental Planning Policies, other than *State Environmental Planning Policy No 1—Development Standards*.

5 Consent authority

The consent authority for development that requires development consent on land within the Three Ports Site, other than development that is a project to which Part 3A of the Act applies, is the relevant council.

Division 2 Provisions relating to development in the Three Ports Site

6 Application of Division

(1) This Division applies to development on land within the Three Ports Site, except as provided by subclause (2).

(2) Clauses 8–12, 14, 15, 17, 18, 20 and 21 do not apply to development to the extent the development is a project to which Part 3A of the Act applies.

Note 1. For relevant development to which Part 3A applies see clause 22 of Schedule 1.

Note 2. Also, see clause 10A and Schedule 7 for development within the Three Ports Site that does not require consent.

7 Land use zones

For the purposes of this Part, land within the Three Ports Site is in one of the following zones if the land is shown on the Land Zoning Map as being in that zone:

- (a) Zone IN1 General Industrial,
- (b) Zone IN3 Heavy Industrial,
- (c) Zone SP1 Special Activities,
- (d) Zone RE1 Public Recreation.

8 Objectives of land use zones to be taken into account

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

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9 Zone IN1 General Industrial

- (1) The objectives of Zone IN1 General Industrial are as follows:
- (a) to provide a wide range of industrial and warehouse land uses,
 - (b) to encourage employment opportunities,
 - (c) to minimise any adverse effect of industry on other land uses,
 - (d) to facilitate and encourage port related industries that will contribute to the growth and diversification of trade through the port,
 - (e) to enable development for the purposes of retailing or commercial offices only where it is associated with, and ancillary to, port related activities or ancillary to industrial use of the same and,
 - (f) to encourage ecologically sustainable development.
- (2) Development for any of the following purposes is permitted without development consent on land within Zone IN1 General Industrial: environmental protection works.
- (3) Development for any of the following purposes is permitted only with development consent on land within Zone IN1 General Industrial: boat repair facilities; business premises (port related); depots; food and drink premises; freight transport facilities; high technology industries; jetties; light industries; neighbourhood shops; office premises (port related); resource recovery facilities; roads; signage; truck depots; vehicle body repair workshops; vehicle repair stations; warehouse or distribution centres; waste or resource management facilities.
- (4) Except as otherwise provided by this Part, development is prohibited on land within Zone IN1 General Industrial unless it is permitted by subclause (2) or (3).

10 Zone IN3 Heavy Industrial

- (1) The objectives of Zone IN3 Heavy Industrial are as follows:
- (a) to provide suitable areas for those industries that need to be separated from other land uses,
 - (b) to encourage employment opportunities,
 - (c) to minimise any adverse effect of heavy industries on other land uses,
 - (d) to provide transport infrastructure and intermodal facilities,
 - (e) to allow some diversity of activities that will not significantly detract from the operation of existing or proposed industries.
- (2) Development for any of the following purposes is permitted without development consent on land within Zone IN3 Heavy Industrial: environmental protection works.
- (3) Development for any of the following purposes is permitted only with development consent on land within Zone IN3 Heavy Industrial: depots; food and drink premises; freight transport facilities; heavy industries; port facilities; roads; transport depots; warehouse or distribution centres; waste or resource management facilities.
- (4) Except as otherwise provided by this Part, development is prohibited on land within Zone IN3 Heavy Industrial unless it is permitted by subclause (2) or (3).

11 Zone SP1 Special Activities

- (1) The objectives of Zone SP1 Special Activities are as follows:
- (a) to provide for special land uses that are not provided for in other zones,
 - (b) to provide for sites with special natural characteristics that are not provided for in other zones,
 - (c) to facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land,
 - (d) to maximise the use of waterfront areas to accommodate port facilities and industrial, maritime industrial and bulk storage premises that benefit from being located close to port facilities,
 - (e) to enable the efficient movement and operation of commercial shipping, and to provide for the efficient handling and distribution of freight from port areas through the provision of transport infrastructure,
 - (f) to facilitate development that by its nature or scale requires separation from residential areas and other sensitive land uses,
 - (g) to encourage employment opportunities.
- (2) Development for any of the following purposes is permitted without development consent on land within Zone SP1 Special Activities: community facilities; environmental facilities; environmental protection works.

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(3) Development for any of the following purposes is permitted only with development consent on land within Zone SP1 Special Activities: boat launching ramps; depots; food and drink premises; freight transport facilities; heavy industries; navigation and emergency response facilities; port facilities; roads; transport depots; warehouse or distribution centres.

(4) Except as otherwise provided by this Part, development is prohibited on land within Zone SP1 Special Activities unless it is permitted by subclause (2) or (3).

12 Zone RE1 Public Recreation

(1) The objectives of Zone RE1 Public Recreation are as follows:

- (a) to enable land to be used for public open space or recreational purposes,
- (b) to provide a range of recreational settings and activities and compatible land uses,
- (c) to protect and enhance the natural environment for recreational purposes.

(2) Development for any of the following purposes is permitted without development consent on land within Zone RE1 Public Recreation: environmental protection works.

(3) Development for any of the following purposes is permitted only with development consent on land within Zone RE1 Public Recreation: boat launching ramps; car parks; community facilities; environmental facilities; kiosks; recreation areas; roads.

(4) Except as otherwise provided by this Part, development is prohibited on land within Zone RE1 Public Recreation unless it is permitted by subclause (2) or (3).

13 Prohibited development

Development, other than development that is permitted with or without development consent on land within a zone, is prohibited on land within that zone.

13A Prohibition on development for the purpose of container depots in Zone IN1

(1) Despite clause 9, development consent must not be granted for development for the purpose of a container depot on the land within Zone IN1 General Industrial that is shown hatched on the State Environmental Planning Policy (Major Development) 2005 (Three Ports) Port Botany Site Land Zoning Map.

(2) In this clause, a **container depot** means a building or place that is used for:

- (a) the unloading or unpacking (or both) of shipping containers for delivery to individual consignees, or
- (b) the consolidation of goods from different consignors into full shipping container loads for despatch, or
- (c) the repair, refitting or storage of shipping containers.

14 Exempt and complying development

(1) Development on land within the Three Ports Site that would satisfy the requirements for exempt development under an environmental planning instrument that would, but for clause 4, apply to the land is exempt development.

(2) Development on land within the Three Ports Site that would satisfy the requirements for complying development under an environmental planning instrument that would, but for clause 4, apply to the land is complying development.

15 Subdivision—consent requirements

(1) Land within the Three Ports Site may be subdivided, but only with development consent.

(2) However, development consent is not required for a subdivision for the purpose only of any one or more of the following:

- (a) widening a public road,
- (b) a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings,
- (c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
- (d) rectifying an encroachment on a lot,
- (e) creating a public reserve,

(f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.

(3) Development consent must not be granted for the subdivision of land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under that Act.

16 Exceptions to development standards—Part 3A projects

(1) A development standard imposed by this or any other environmental planning instrument on development that is part of a project to which Part 3A of the Act applies, and is on land within the Three Ports Site, does not apply to that development if the Director-General is satisfied, and issues a certificate to the effect, that:

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- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) there are sufficient environmental planning grounds to justify exempting the development from that development standard.

(2) In deciding whether to issue a certificate, the Director-General must consider:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
- (b) the public benefit of maintaining the development standard, and
- (c) any other matters required to be taken into consideration by the Director-General.

17 Exceptions to development standards—other development

(1) This clause applies to development on land within the Three Ports Site, other than development that is part of a project to which Part 3A of the Act applies.

(2) The objectives of this clause are:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(3) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(4) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(5) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (4), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
- (b) the concurrence of the Director-General has been obtained.

(6) In deciding whether to grant concurrence, the Director-General must consider:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
- (b) the public benefit of maintaining the development standard, and
- (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (4).

(8) This clause does not allow consent to be granted for development that would contravene any of the following:

- (a) a development standard for complying development,
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated.

18 Infrastructure development and use of existing buildings of the Crown

(1) This Part does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development that is permitted to be carried out with or without development consent or that is exempt development under the *State Environmental Planning Policy (Infrastructure) 2007*.

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(2) This Part does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

19 Suspension of covenants, agreements and instruments

(1) For the purpose of enabling development on land within the Three Ports Site to be carried out in accordance with this Part or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.

(2) This clause does not apply:

(a) to a covenant imposed by the relevant council or that the relevant council requires to be imposed, or

(b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or

(c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or

(d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or

(e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or

(f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or

(g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.

(3) This clause does not affect the rights or interests of any public authority under any instrument.

(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

20 Additional permitted uses for particular land

(1) The following development may be carried out with consent on the land that is shown hatched on the State Environmental Planning Policy (Major Projects) Amendment (Three Ports) 2009 Newcastle Port Site Additional Permitted Uses Map: development permitted with consent in Zone IN1 General Industrial.

(2) The following development may be carried out with consent on the land that is shown hatched on the State Environmental Planning Policy (Major Development) 2005 (Three Ports) Port Botany Site Additional Permitted Uses Map: business premises; office premises.

(3) This clause has effect despite any other provision of this Part.

21 Heritage conservation

(1) Requirement for consent

Development consent is required for any of the following:

(a) demolishing or moving a heritage item,

(b) altering a heritage item that is a building by making structural changes to its interior,

(c) erecting a building on land on which a heritage item is located.

(2) When consent not required

However, consent under this clause is not required if:

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:

(i) is of a minor nature, or is for the maintenance of the heritage item, and

(ii) would not adversely affect the significance of the heritage item, or

(b) the development is limited to the removal of a tree or other vegetation that the council is satisfied is a risk to human life or property, or

(c) the development is exempt development.

(3) Effect on heritage significance

The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (4) or a heritage conservation management plan is submitted under subclause (5).

(4) Heritage impact assessment

The consent authority may, before granting consent to any development on land:

(a) on which a heritage item is situated, or

(b) within the vicinity of land referred to in paragraph (a), require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item concerned.

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(5) Heritage conservation management plans

The consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(6) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Part, if the consent authority is satisfied that:

- (a) the conservation of the heritage item is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

(7) In this clause:

heritage item means a building, work, tree or place listed in the Table to this clause.

Heritage items

Suburb	Item name	Address	Property description
Newcastle LGA			
Carrington	Hydraulic Power Station	106 Bourke Street	Lot 3, DP 834572
Carrington	Bullock Island Crane Bases	140 Bourke Street	Lot 102, DP 1104195
Carrington	Former McMyler Hoist	140 Bourke Street	Lot 102, DP 1104195
Carrington	Armstrong & Royce Timber Mill	8 Cowper Street South	Part Lot 100, DP 1014244
Carrington	Earp Woodcock Beveridge & Co (Industrial Site)	8 Cowper Street South	Part Lot 100, DP 1014244
Kooragang	Palm	2A Heron Road	Lot 1, DP 575674
Mayfield North	Administration Building, 1933	51 Industrial Drive	Lot 225, DP 1013964
Mayfield North	Administration Buildings Nos 2, 3 and 4	51 Industrial Drive	Lot 225, DP 1013964
Mayfield North	No 1 Change House	51 Industrial Drive	Lot 225, DP 1013964
Mayfield North	1st Mill Building	51 Industrial Drive	Lot 225, DP 1013964
Mayfield North	Tool Room	133 Ingall Street	Lot 31, DP 1116571
Mayfield North	Delprat's Quarters	133A Ingall Street	Lot 32, DP 1116571
Mayfield North	Cycle Sheds for No 2 Rod Mill	135 Ingall Street	Lot 2, DP 1032755
Mayfield North	Apprentice Training Centre	135 Ingall Street	Lot 2, DP 1032755
Mayfield North	AC Saltwater Pumphouse	99 Selwyn Street	Lot 33, DP 1116571
Mayfield North	BHP Administration	99 Selwyn Street	Lot 33, DP 1116571

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Suburb	Item name	Address	Property description
	Building		
Mayfield North	Quality Control Laboratory	99 Selwyn Street	Lot 33, DP 1116571
Mayfield North	Master Mechanics Office	99 Selwyn Street	Lot 33, DP 1116571
Mayfield North	Pattern Store	99 Selwyn Street	Lot 33, DP 1116571
Mayfield North	Remnant No 1 Blast Furnace	99 Selwyn Street	Lot 33, DP 1116571
Mayfield North	Original Timber Wharves	99 Selwyn Street	Lot 33, DP 1116571
Mayfield West	Remnant Garden	3 Murray Dwyer Circuit	Lot 51, DP 270249
Newcastle East (Coal River Precinct)	Nobbys Lighthouse, Headland and Breakwater	Nobbys Road	Lot 2613, DP 755247; Part Lot 105, DP 1104195; R88721
Newcastle East (Coal River Precinct)	Stone Boat Harbour (Relic)	Wharf Road	Part Lot 105, DP 1104195
Botany Bay LGA			
Banksmeadow	Main Administration Building—“Orica” and Mature Ficus	Corner of Denison and Beauchamp Streets	Lot 11, DP 1039919
Banksmeadow	Pier Hotel	1751 Botany Road	Lot 1, DP 1031248
Banksmeadow	Botany Bay Hotel	1807 Botany Road	Lot A, DP 333268
Botany	Canary Island Date Palms (Phoenix canariensis)	23 Byrnes Street	Lot 1, DP 169307
Wollongong LGA			
Port Kembla	Mobile Block Setting Steam Crane	Eastern Breakwater Harbour	Lot 100, DP 1013971
Port Kembla	Garden around Former House and Adjacent Driveway	2 Electrolytic Street (Gloucester Boulevard)	Lot 51, DP 1002696
Port Kembla	Brick Chimney, Port Kembla Copper	Military Road	Lot 21, DP 546139
Port Kembla	Office and House, Port Kembla Copper	Military Road	Lot 21, DP 546139
Port Kembla	Commonwealth Rolling Mill Plant and Gardens	Old Port Road	Lot 1, DP 190251

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Schedule 7 Development that does not require consent under Part 4

(Clause 10A)

1 Port and related employment lands development by public authority

The following development carried out in the following areas by a public authority:

(a) (Repealed)

(b) development within the area identified as Glebe Island, White Bay, Rozelle Bay and Blackwattle Bay on Maps 6A and 6B to Schedule 2, being development with a capital investment value of not more than \$5 million.

2 Three Ports Site development

(1) Development for community facilities, environmental facilities, environmental protection works and port facilities on land owned or managed by a public authority within the Three Ports Site, being development with a capital investment value of not more than \$30 million, whether or not the development is carried out by a public authority.

(2) In this clause:

port facilities includes any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the *Ports and Maritime Administration Act 1995*:

(a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,

(b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,

(c) wharves for commercial fishing operations,

(d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,

(e) sea walls or training walls,

(f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

Three Ports Site means the land identified in Schedule 3 on the following maps:

(a) the State Environmental Planning Policy (Major Projects) Amendment (Three Ports) 2009 Newcastle Port Site Land Application Map,

(b) the State Environmental Planning Policy (Major Projects) Amendment (Three Ports) 2009 Port Botany Site Land Application Map,

(c) the State Environmental Planning Policy (Major Projects) Amendment (Three Ports) 2009 Port Kembla Site Land Application Map.