

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Michael Young
Principal Planner
Transport Assessments

Sydney

17 December 2021

SCHEDULE 1

Development consent:	DA-42-10-2007-i granted by the Minister for Planning on 22 February 2008
For the following:	The construction and operation of an empty container storage park
Applicant:	Tyne Container Services
Consent Authority:	Minister for Planning and Public Spaces
The Land:	11 Simblist Road, Port Botany Lot 101 DP 1182871
Modification:	DA-42-10-2007-i MOD 2: Modification to allow the stacking of containers within the site to be increased by one container to a maximum height of seven containers.

SCHEDULE 2

1. Amend Schedule 1 as follows:

Delete the following:

In respect of: Lot 1 DP 735037, Simblist Road, Port Botany.

and replace with:

In respect of: Lot 101 DP 1182871, 11 Simblist Road, Port Botany.

2. Delete the table on Page 3 and replace with the following:

Act, the	<i>Environmental Planning and Assessment Act, 1979</i>
Applicant, the	Tyne Container Services
BCA, the	Building Code of Australia
Conditions of Consent	The Minister's conditions of consent for the development
Construction Certificate	A Construction Certificate issued under Part 4A of the <i>Environmental Planning and Assessment Act 1979</i>
Container Park Operator	Operator of the land at Lot 101 DP 1182871, 11 Simblist Road, Port Botany.
Council	Randwick City Council
Department, the	Department of Planning, Industry and Environment
Minister, the	Minister for Planning and Public Spaces
Occupation Certificate	An Occupation Certificate issued under Part 4A of the <i>Environmental Planning and Assessment Act 1979</i>
Planning Secretary, the	Secretary of the Department of Planning, Industry and Environment
Relevant Australian Standard	AS3711.10-2000 <i>Freight containers, Handling and securing, section 8, Stacking on the Ground</i> or any subsequent/superseding Australian Standard
Site	Land to which development application DA-34-7-2007-i applies.

Administrative Controls

3. Delete Condition 1.1 and replace with the following:

1.1 The Applicant shall carry out the development generally in accordance with:

- Development Application DA-42-10-2007-i;
- Statement of Environmental Effects: Proposed Container Depot, Part Lot 1 DP 735037, Simblist Road, Port Botany* dated September 2007 and prepared by Don Fox Planning;
- modification application DA-42-10-2007-i MOD 1, accompanied by *Proposed S.96(1A) Modification to the Approved Stack Height of an Existing Container Depot Statement of Environmental Effects* dated February 2010 prepared for Tyne Container Services;
- modification application DA-42-10-2007-i MOD 2, accompanied by *Statement of Modification and Environmental Effects* dated September 2021 prepared by Key Urban Planning for Tyne Container Services;
- Key Urban Planning's Response to Submissions letter dated 4 November 2021; and the conditions of this consent; and
- the conditions of this consent.

4. Delete Condition 1.2 and replace with the following:

1.2 In the event of an inconsistency between:

- a) the conditions of this approval and any document listed from condition 1.1a) to 1.1e) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
- b) any document listed from condition 1.1a) to e) inclusive, the most recent document shall prevail to the extent of the inconsistency.

5. Insert the following new conditions after Condition 2.17:

Shipping Container Storage and Stacking

- 2.18 The shipping containers stored on the site must:
- a) not contain any goods or items (i.e. empty);
 - b) not be stored or stacked at a height of more than 7 shipping containers; and
 - c) be located on the site so that surface water run-off drains to a stormwater drainage system or to a landscaped area.
- 2.19 A **Container Stacking Management Plan** for the stacking of shipping containers must be prepared in relation to the development and include the following information:
- a) a risk assessment of the site to identify potential issues and strategies or procedures to mitigate the issues identified in relation to the development,
 - b) a risk assessment of neighbouring sites to identify potential issues and strategies or procedures to mitigate the issues identified in relation to the development,
 - c) options for the ongoing management of the development on the site, including procedures for carrying out the development safely and allowing appropriate space for the movement and use of operational equipment and vehicles,
 - d) options for conducting audits and assessments to ensure that any new safety concerns are captured and addressed,
 - e) an assessment of the requirements for the monitoring of weather at the site in relation to the development,
 - f) emergency response protocols that include communications to neighbouring facilities during high wind events, and
 - g) figures/drawings/maps that detail container stacking locations and heights, stepdown to the site boundaries, the location of the pipeline corridor, and any exclusion zones (if necessary).
- 2.20 The Container Stacking Management Plan must be kept at the site and provided to the Planning Secretary, NSW Ports and adjoining leaseholders for their information within three months of the date of approval of Modification 2.
- 2.21 The land on which the development is carried out must be sufficiently firm and level to safely support the shipping containers.
- 2.22 The container park operator must submit a Geotechnical Report to the Planning Secretary every 12 months from the date of approval of Modification 2 to confirm the suitability of the existing platform to accommodate the weight of 7-high containers. In submitting the Geotechnical Report to the Planning Secretary, the Applicant must advise how the recommendations of the Geotechnical Report will be implemented. The Geotechnical Report must be submitted to the Planning Secretary until such time that the surface is replaced with a concrete hardstand platform.
- 2.23 The Relevant Australian Standard must be applied (where applicable) at all times as part of the site operations.
- 2.24 Depending upon wind direction and the height of stacked containers, and in addition to the Relevant Australian Standard, the safety requirements listed in Appendix A must be implemented by the container park operator.
- 2.25 The container park operator must ensure that the container park Operating Safety Procedures listed in Appendix A are reviewed annually, and if necessary, updated when neighbouring land uses change, or when a new Container Stacking Management Plan is prepared.

6. Insert Appendix A as follows:

Appendix A – Container Stacking Safety Requirements

1. Block Stacking

- a) Block stack empty containers along the boundary fences in accordance with the **Container Stacking Management Plan** forming part of the consent. The boundary stacks must be lashed or pinned down during strong winds

2. Boundary Stacking

- a) Each boundary stack must be levelled off to ensure there are no isolated containers on top of the stack.
- b) Boundary containers are to be stacked in rows parallel to prevailing winds.
- c) Boundary stacks are to be positioned so as to allow sufficient wind tunnelling.
- d) Any isolated stacks to be placed appropriately behind boundary block stack which can serve as a shield.
- e) Tiered stacking must be undertaken on boundaries which are affected by strong winds.
- f) End on stacking with suitable spacing on boundaries which are subject to strong winds.
- g) Install barriers above boundaries in areas which are affected by strong winds.

3. Buffers

- a) Creation of buffer areas inside yards during seasonal weather periods must be provided, particularly in areas which are subject to strong winds.

4. Processes

- a) The container park operator is to include in their park operation processes, protocols for monitoring and assessing stacking performances for different weather conditions.

5. Early Warning Devices

- a) The installation of wind anemometers programmed for the wind loading conditions applicable to their location will provide an early warning when wind gusts reach unsafe working conditions.
- b) Concurrently, the operation of wind anemometer devices must include regular calibration if required and processes for reducing working activity and stacking capacity during warning periods.
- c) Remote warnings systems must be provided by the container park operator for periods outside the operational hours of the container park.

6. Container Storage Park Operating Safety Procedures

The following procedures and guides must be implemented to ensure the safe operation of the container storage yard:

- a) Container Handling & Stacking Procedure;
- b) Weather Monitoring and Container Park Securement Procedure;
- c) High-wind Event Safety Quick Guide; and
- d) any other plan, guide, study, or assessment as required by the **Relevant Australian Standards** and any Act or Regulation (if relevant).