

4<sup>th</sup> November 2021

**Mr Michael Young**

Principal Planner  
NSW DPIE  
Locked Bag 5022  
Parramatta NSW 2124

**ATT:** Sam Kelly

**No 11 Simblist Road PORT BOTANY – Section 4.55(2) Application DA-42-10-2007-i (MOD 1)**

We refer to your correspondence dated 2 November 2021 in relation to submissions received following the notification of the above modification application currently under consideration by DPIE. Further advice has been sought from our client (Tyne Container Services Pty Ltd) in response to the matters raised.

We understand that the Department requires a response to the issues raised in those submissions and in particular, responses to the issues raised by Qenos and Vopak. Our client advises that NSW Ports is aware of the matters raised by Qenos and Vopak. Following our discussions with NSW Ports we are confident that the concerns raised in submissions have been addressed by the management practices and changes undertaken by 'Tyne' to the container stacking and operational practices now undertaken by 'Tyne' on the site. We consider that the matters raised in the Qenos and Vopak submissions have been addressed by 'Tyne' and ought not result in an adverse outcome for the s 4.55(2) application.

'Tyne' has operated the site in the manner being sought under the modification application (7 empty containers high) for over 18 months under the provisions of clause 29A schedule 1 of State Environmental Planning Policy (Three Ports) Amendment (Shipping Containers) 2020. The operator has prepared and implemented a 'container stacking management plan' as required under clause 29A (3) of the SEPP amendment. Attached is a copy of the risk management procedure and current container stacking plan that provides a 'stepping down' of containers to the western site boundary adjacent to the pipeline corridor.

We recommend that the following additional conditions be imposed on the modified consent to address the matters raised in the submissions as follows:

- 1. The recommended practices in the operation of the site are to be considered in conjunction with AS3711.10- 2000 by the park operator for implementation as part of their safety and risk management of the leasehold area. The container park WH&S Management Plans, Risk Management Plans and Australian Standards are to complement and support these practices.*
- 2. Australian Standard – 3711.10-2000 Freight containers, Handling and securing, section 8, Stacking on the Ground, provides data on wind effects on block stacking of containers and aspects which can be introduced to reduce wind effects. These standards (where applicable) shall be applied at all times as part of the site operations.*

3. Depending upon wind direction and height stacking, in addition to AS3711.10- 2000 the following options should be implemented by the park operator:

#### **Block Stacking**

Block stack empty containers along the boundary fences in accordance with the container stacking plan forming part of the consent. The boundary stacks should be lashed or pinned down during strong winds.

#### **Boundary Stacking**

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

#### **Buffers**

Creation of buffer areas inside yards during the seasonal weather periods should be considered particularly in areas which are subject to strong winds.

#### **Processes**

The container park operator is to include in their park operation processes, protocols for monitoring and assessing stacking performances for different weather conditions, after hours and week-end situations.

#### **Early Warning Devices**

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.

Concurrently, the operation of wind anemometer devices should include regular calibration if required and processes for reducing working activity and stacking capacity during warning periods.

Remote warnings systems for after hours and week-end situations should be considered.

We consider that the imposition of the abovementioned conditions upon the development consent (as modified) will address the matters of concern raised by both Quenos and Vopak in their respective submissions.

Should you have any further queries please don't hesitate the undersigned.

Yours faithfully,

**Peter Fryar**

BTP(UNSW), CERT T&CP(Ord4), MPIA

A handwritten signature in black ink, appearing to read 'Peter Fryar', with a large, stylized loop at the end.

Director,

**KEY URBAN PLANNING**