

SYDNEY PORTS CORPORATION

**APPROVAL UNDER PART 5 OF THE
ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

I, the Chief Executive Officer for Sydney Ports Corporation, **approve** the activity referred to in Schedule 1 in accordance with Part 5 of the *Environmental Planning & Assessment Act 1979* (EP&A Act), subject to the conditions in Schedule 2. I have determined that there will not be a significant effect on the environment from this activity and, therefore, no environmental impact statement is required subject to compliance with Schedule 2 and 3.



Signed

J. G. GILLFILLAN

Print name

Date: 16-12-09

SPC Reference: C09/964

SCHEDULE 1

Proponent:	PB Towage
Determining Authority:	Sydney Ports Corporation
Land:	Part of Lot 6 in Deposited Plan 1053768 and part of Lot 456 in Deposited Plan 1107359, Fishburn Road Port Botany
Activity / Project:	Operation of a tug boat facility & use of an existing jetty
Activity under Part 5 of the Act:	The development is an activity under Part 5 of the EP&A Act, because it is a development of a kind described in clause 2 of Schedule 7 to State Environmental Planning Policy (Major Development) 2005.

SCHEDULE 2: Conditions of Approval

General Conditions	
1	<p>Approved Activity / Project</p> <p>The approved Activity is to be undertaken generally in accordance with:</p> <ul style="list-style-type: none"> - drawing number L1-01 Revision B. dated 5/11/09 prepared by James Rose Consulting - Review of Environmental Factors dated September 2009 prepared by PB Towage - Review of Environmental Factors submitted in November 2009 prepared by PB Towage. <p>In the event of any inconsistency between the submitted assessment documentation and plans and the Conditions of Approval, the Conditions of Approval prevail.</p>
2	<p>Expiry of Approval</p> <p>This Approval expires two (2) years from the date of this Approval, if the Activity has not substantially commenced.</p>
3	<p>Adherence to other Acts and other Statutory Requirements</p> <p>3.1 All licences, permits and approvals must be obtained and maintained throughout the life of this Activity. This Approval does not imply that any other permission, approval or consent required under other state or federal legislation has been granted. No condition of this Approval removes the obligation to obtain, renew or comply with required licences, permits or approvals.</p> <p>3.2 Landowner's consent is required to be obtained from NSW Maritime, as part landowner of the subject site.</p>
4	<p>Future Development Approval Required</p> <p>This Approval does not include an approval for a permanent solution to providing fresh water supply to the site. Planning approval may be required for such works.</p>
5	<p>Compliance with Mitigation Measures and Commitments</p> <p>All mitigation measures nominated and commitments made in any documentation supporting this approved Activity form part of this Approval and must be adhered to. This includes commitments listed in Schedule 3.</p> <p>Evidence of compliance with the Approval and Conditions of Approval is to be submitted to Sydney Ports within two (2) weeks of a request by Sydney Ports, or other time frame as agreed with Sydney Ports.</p>
Conditional Reliance Spc Operations	
6	<p>Sydney Airport Corporation Limited Approval / Referral</p> <p>The site's lighting details and configuration must be referred to Sydney Airport Corporation Limited (SACL) for consideration under Section 9.1.3 of the Civil Aviation</p>

		<p>Safety Authority (CASA) Manual of Standards Part 139 – Aerodromes (MoS). A copy of any correspondence or approval from SACL / CASA is to be provided to Sydney Ports within seven (7) days of receiving such documentation.</p>
7	<p>Operational Environmental Management Plan</p>	<p>7.1 An Operational Environmental Management Plan (OEMP) for the project must be prepared (and following review implemented) in consultation with NSW Maritime Authority and Sydney Ports Corporation. The OEMP must describe the environmental management framework, practices and procedures that will be followed during operations, and include:</p> <ul style="list-style-type: none"> (a) identification of all statutory and other obligations that the Proponent is required to fulfil in relation to operation of the development, including all approvals, licences and consultations; (b) a description of the roles and responsibilities for all relevant employees involved in the operation of the development; and (c) overall environmental policies, principles, performance measures and management procedures that will be applied to the operation of the development. <p>7.2 The Plan must be submitted for the review of Sydney Ports no later than one (1) month of the date of this Approval, or within such period otherwise agreed by Sydney Ports.</p>
8	<p>Traffic Management Plan</p>	<p>An Operational Traffic Management Plan is to be prepared in accordance with Sydney Ports' <i>Traffic Management Plan Guidelines 2007</i> and is to form part of the OEMP.</p>
9	<p>Car parking and loading areas</p>	<p>9.1 Car parking areas (i.e. parking bays and loading areas) must be designed in accordance with <i>Australian Standard AS 1428:1-4 Design for Access and Mobility, Australian Standard AS 2890.1 Car Parking Facilities</i> and <i>Australian Standard AS 2890.2 Commercial Vehicle Facilities</i>,</p> <p>9.2 All parking of vehicles must be within the site / lease boundary. No parking of vehicles on Fishburn Road is permitted at any time.</p> <p>9.3 All vehicles being loaded and / or unloaded (or awaiting loading and / or unloading) must stand entirely within the leased area to avoid queuing of vehicles outside of leased areas.</p>

10	Stormwater / Drainage	<p>10.1 A stormwater treatment device is to capture and treat runoff from the site and is to be installed in the stormwater pit external to the leased area. The treatment device must remove sediment, litter, rubbish, oils, greases and other hydrocarbons from stormwater prior to entering Botany Bay.</p> <p>Such a device is required to be installed within two (2) months of the date of this approval in consultation with Sydney Ports.</p> <p>10.2 Ongoing maintenance of the stormwater treatment device must be undertaken in accordance with the manufacture's specification and a maintenance procedure included in the OEMP.</p>
11	Hours of Operation	<p>The Activity is permitted to operate 24 hours a day, 7 days a week.</p>
12	Storage and Handling of Liquids	<p>Storage and handling of all dangerous goods and hazardous materials, is to be strictly in accordance with:</p> <ul style="list-style-type: none"> a) all relevant Australian Standards; b) a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and c) the DECCW's <i>Storing and Handling Liquids: Environmental Protection - Participants Manual</i> and <i>Environmental Compliance Report: Liquid Chemical Storage, Handling and Spill Management - Part B Review of Best Practice and Regulation</i>.
13	Waste Management	<p>13.1 Garbage and Recycling is to be collected by private arrangement and is to take place wholly within the Lease Boundary.</p> <p>13.2 All liquid and/ or non-liquid waste generated and / or stored on the site is to be assessed and classified in accordance with the DECCW's <i>Waste Classification Guidelines</i>.</p> <p>13.3 All waste materials removed from the site must be directed to a waste management facility lawfully permitted to accept the materials.</p> <p>13.4 For the life of the Activity, the site operator must:</p> <ul style="list-style-type: none"> a) monitor the amount of waste generated by the Activity; b) investigate ways to minimise waste generated

		<p>by the Activity; and</p> <p>c) implement reasonable and feasible measures to minimise the waste generated by the Activity.</p>
14	Noise & Vibration	<p>14.1 Except as may be expressly provided under an Environment Protection Licence applicable to this Activity, the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the <i>Protection of the Environment Operations Act 1997</i>.</p> <p>In this regard, the operation of any plant or equipment on the site must not give rise to an L10 sound pressure level which is 5dB(A) greater than the A-weighted L90 background sound pressure level, measured at any point on a residential boundary or within any residential dwelling.</p> <p>14.2 Vibration transmitted outside the site during operations must be within acceptable limits based on DECCW's guidelines.</p>
15	Air Quality	<p>15.1 The operation and maintenance of plant and equipment is to be undertaken in a manner that prevents emissions to air.</p> <p>15.2 Except as may be expressly provided under an Environment Protection Licence applicable to this Activity, the Activity must not cause or permit the emissions of offensive odours from the site, as defined under Section 129 of the <i>Protection of the Environment Operations Act 1997</i>.</p>
16	Water Quality	<p>Except as may be expressly provided under an Environment Protection Licence applicable to this Activity, the Proponent must comply with Section 120 of the <i>Protection of the Environment Operations Act 1997</i> which prohibits the pollution of waters.</p>
17	Signage	<p>Business identification signage is not to be illuminated. Signage approved to remain on site includes:</p> <ul style="list-style-type: none"> a) the security sign to comply with the Office of Transport Security requirements; b) the business identification sign located on the entry gate to the site; and c) the Sydney Ports gate identification signage. <p><u>All other signage is to be removed from the site including the banner sign and Clarke Fencing advertising signage</u></p>

		no later than 21 December 2009.
18	As Constructed Plans	As Constructed Plans detailing all drainage, submerged utilities, pipelines or easements, and all other on-shore works such as paving is to be submitted to Sydney Ports within two (2) months of the date of this approval.
19	Site Emergency Plan	A Site Emergency Management Plan, which refers to the Port Botany Emergency Management Plan, is to be prepared and submitted to Sydney Ports within one (1) month of the date of this approval.
20	Risk Management	<p>20.1 Due to the close proximity of this Activity to bulk liquid storage facilities, a site induction program must be prepared and implemented within one (1) month of the date of this Approval. The program, for staff and contractors operating on this site must include, in addition to the site requirements and hazards, the type of operations conducted on the adjacent sites and the Port Botany Emergency Management Plan arrangements.</p> <p>20.2 A risk assessment of pedestrian access (by visitors and staff members) to and from the office administration building to the site must be undertaken and any mitigation measures implemented within one (1) month of the date of this Approval.</p>
21	Landscaping Design and Maintenance	<p>21.1 Landscaping areas must be in accordance with drawing number L1-01 Revision B dated 5/11/09 prepared by James Rose Consulting. Planting within these locations must be undertaken using hardy native or indigenous plant species suited to site-specific environmental conditions with a low fire risk. Refer to Sydney Ports' Port Botany Development Code 2009 for the suggested planting palette for Port Botany which includes the subject site.</p> <p>21.2 Landscaped areas must comply with the following requirements:</p> <ul style="list-style-type: none"> a) minimum plant container sizes of 5 litres for accent planting and 100mm for groundcover planting. b) irrigated with an automated drip irrigation system with approved back flow prevention devices, controllers (in vandal resistant boxes) and appropriate zoning. c) provide continued repetition of form, texture and colour to create a strong multi-layered rhythmic pattern of landscaping which incorporates: <ul style="list-style-type: none"> - layered and banded ground stratum planting

		<p>(0.4 – 0.7m high), and</p> <p>- introduced highlights within the landscaped area using grouped accent planting with large perennials (up to 1.4m high).</p> <p>21.3 Regular maintenance of landscaped areas is to be undertaken. Any noxious weeds cleared from the site must be disposed of at appropriate offsite landfill facilities.</p>
22	Restriction to areas of work	All maintenance works must be undertaken within the container(s).
23	Vessel Berthing	Tugs at the berth must be orientated so that the thrusters are as far from the revetment bank as possible.
24	Bunkering / refuelling	A bunker permit application is to be completed and submitted to Sydney Ports on every occasion bunkering is to be undertaken on the site to minimise the potential impact for an oil spill within Botany Bay. Should a permit be issued, a Sydney Ports Port Officer will need to attend the site prior to commencement of bunkering and at completion of this activity for disconnection.
25	Incident Management and Reporting	<p>25.1 Sydney Ports must be notified of any incident with actual or potential significant off-site impacts on people or the biophysical environment as soon as practicable after the occurrence of the incident. Written details of the incident must be provided to Sydney Ports within seven (7) days of the date on which the incident occurred.</p> <p>25.2 A register of accidents, incidents and potential incidents with actual or potential significant off-site impacts on people or the biophysical environment must be maintained. The register is to be made available for inspection at any time by Sydney Ports.</p> <p>25.3 If directed, all of Sydney Ports' requirements to address the cause or impact of any incident must be undertaken within a period agreed by Sydney Ports.</p>
26	Complaints Procedure	<p>Details of all complaints received from members of the public must be recorded in an up-to-date Complaints Register. The Register is to record, but not necessarily be limited to:</p> <p>a) the date and time, where relevant, of the complaint;</p> <p>b) the means by which the complaint was made (telephone, mail or email);</p>

		<p>c) details of the complainant that were provided, or if no details were provided, a note to that effect;</p> <p>d) the nature of the complaint;</p> <p>e) any action(s) taken in relation to the complaint, including any follow up contact with the complainant; and</p> <p>f) if no action was taken in relation to the complaint, the reason(s) why no action was taken.</p> <p>The Complaints Register is to be made available for inspection by Sydney Ports upon request.</p>
27	<p>Movement and berthing of vessels including compliance with the Sydney Port Corporation Procedures Guide and Harbour Master's Directions</p>	<p>The use and operation of the site, including the movement and berthing of vessels is to be undertaken in accordance with the Port Procedures Guide and in compliance with any Harbour Master's Directions issued under Section 88 of the <i>Ports and Maritime Administration Act 1995</i>. (e.g. obtaining permits for certain activities, movement of vessels, etc).</p>

SCHEDULE 3: Proponents Mitigation Measures and Commitments

<p>Environmental Assessment Matter</p>	<p>Mitigation Measure</p>
<p>Water Quality & Stormwater</p>	<p>(a) Vessels hull and machinery will be checked daily to ensure there are no leakages of oil, fuel or other liquids.</p> <p>(b) Contingency plans to deal with any spills or loss of material into the waterway which might occur during the operation of the tugs and during bunkering.</p> <p>(c) Emergency spill kits are readily available and all staff are trained in its proper use. There are spill kits on each vessel, as well as a spill kit on the land side of the lease area for quick response while bunkering.</p> <p>(d) Any materials dropped into the water that may cause obstruction or pollution is promptly retrieved and removed. In the unlikely event of an oil or chemical spill, emergency spill kits are readily available for immediate deployment to prevent the spread of the contamination and the spill is immediately reported to Sydney Ports Harbour Control on 92964001.</p> <p>(e) All fuels and oils are contained in dedicated tanks within the vessels to avoid loss into the water way.</p>

	<p>(f) Additional oil reserves are kept in drums on the shore. These drums are stored on dedicated spill pallets to prevent environmental contamination in the unlikely event of a leakage.</p> <p>(g) In the event of painting taking place on board vessels, employees always ensure that the paint required is obtained and mixed in the storage container prior to being taken onboard. As the painting is usually a small touch up (larger paint jobs are only done at the vessel's 5 yearly dry dockings), only small amounts are used at a time and in the unlikely event of a spill, the paint is quickly contained onboard so no paint escapes into the harbour.</p> <p>(h) No exterior painting of the vessel takes place so no paint makes its way into the harbour. All painting is confined to within the bulwarks of the tug.</p>
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