

Hayes Dock – Port Botany

**Port Botany Expansion - Section 75W  
Modification 14 to DA-494-11-2003i  
for Temporary Uses at northern tip of  
Hayes Dock**

**Supporting Information**

Document Date – January 2013

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# 1 Introduction

## 1.1 Background

Sydney Ports Corporation (Sydney Ports) obtained planning approval from the Minister for Planning for the construction and operation of a new container terminal, referred to as the Port Botany Expansion (PBE) (DA-494-11-2003i approved on 13 October 2005 and 22 August 2006). The project involved reclamation of approximately 62 hectares of land, which was completed in 2011 and is now known as Hayes Dock.

The approved PBE project incorporated the construction and operation of approximately 360m<sup>2</sup> of the northern tip of Hayes Dock as a tug berthing facility for up to 3 tugs. The proposed tug berth site is immediately north of the area nominated for the new container terminal, which is currently being constructed by SICTL. A site locality sketch is shown in Figure 1 in Appendix A of this document.

The subject site is currently vacant and remains unpaved with no formal services.

## 1.2 Proposal

**A modification is being sought to the Port Botany Expansion approval (DA-494-11-2003i), under Section 75W of the Environmental Planning and Assessment Act, to allow low impact "Temporary Uses" of the northern tip of Hayes Dock awaiting its intended development for tug berths.**

The modification seeks that Condition No. C1.2 of the PBE project approval be altered to permit "Temporary Uses" to be undertaken at the northern tip of Hayes Dock prior to the construction of the tug berthing facility, without the need for the remaining conditions in Schedule C to be met prior to operation. Temporary uses are specifically defined in this application but generally involve the mooring of commercial vessels, including lines boats and barges, for the primary purpose of providing a location for crew/operators to board and disembark.

Considering that the conditions of consent provided with the PBE project approval were written with the aim of mitigating impacts for the construction and operation of the new container terminal, many of the conditions as written are not relevant and too onerous for the low impact temporary uses proposed.

It is therefore proposed that the definition of Temporary Uses be added to Schedule 2 of the PBE project approval, as follows:

**Temporary Uses:** *Uses of the northern tip of Hayes Dock generally for the mooring of commercial vessels, including lines boats and barges, for the purpose of providing a location for crew/operators to board and disembark; and associated ancillary activities; and as outlined in modification application [insert number].*

In addition, it is proposed that the wording of Condition No. C1.2 be altered as follows: -

**Existing Wording:** *The conditions in this sub-schedule of the consent must be complied with by the Applicant, or any party undertaking the activities and works referred to under condition C1.1. Should more than one terminal operator undertake operations within the terminal area, compliance with the conditions of this Schedule may be undertaken individually by operators, or collectively.*

**Proposed Wording:** *The conditions in this sub-schedule of the consent must be complied with by the Applicant, or any party undertaking the activities and works referred to under condition C1.1, with the exception of the undertaking of Temporary Uses. Should more than one terminal operator undertake operations within the terminal area, compliance with the conditions of this Schedule may be undertaken individually by operators, or collectively.*

## 2 Modification Description

### 2.1 Approved Use

The approved tug berthing area at the northern tip of Hayes Dock allowed for 3 berths, each having a minimum depth of 6 m and the capability to accommodate large tugs. Facilities for the tug berths are approved to be incorporated into the administration office and workshop for the new container terminal.

Development of the tug berthing area will likely be undertaken at a time when the market demand is sufficient to support 3 tugs at the Hayes Dock location.

### 2.2 Proposed Modification

The northern tip of Hayes Dock is currently vacant with the extent of works to date including installation of the reinforced concrete seawall and reclamation of the land to form the dock. It is proposed that in the interim period, prior to the site being further developed and operated as a tug berth facility, that the site be utilised for low impact temporary uses.

It is proposed to define Temporary Uses as *use of the site for the mooring of commercial vessels, including lines boats and barges, for the purpose of providing a location for crew/operators to board and disembark; and associated ancillary activities.*

Vessels will be secured to the existing wharf face using existing bollards. Personnel will embark / disembark the vessels using the existing wharf face ladders.

In addition to the above definition, Temporary Uses may also include one or more of the following ancillary activities: -

- i. Loading / unloading general operational gear to and from the vessel.
- ii. Storage of general operational gear.
- iii. Parking of crew / operator vehicles at the site. Vehicle access to the facility will be via north-eastern edge of Hayes Dock, accessed from the new terminal access bridge off Foreshore Road, Port Botany.
- iv. Installation and use of basic land based crew amenities, including toilets, storage container, small demountable building.
- v. Occasional refuelling of the vessels by road fuel truck.
- vi. Installation of temporary infrastructure. Temporary infrastructure may include temporary fencing, portable lighting to provide safe illumination and shipping containers for storage purposes only.

The costs associated with Temporary Uses would likely range from \$2,000-\$10,000 per tenancy.

Short-term leases will be put in place to control the length and operation of each specific Temporary Use of the site.

### 3 Relevant Statutory Approvals and Planning Process

#### 3.1 Environmental Protection and Biodiversity Act 1999

The Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act) provides a legal framework for the Australian Government to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places, which are defined in the EPBC Act as matters of national environmental significance.

The impacts of the proposed Port Botany Expansion on matters of national environmental significance as defined in the EPBC Act were assessed as part of the Environmental Impact Statement (EIS) for the proposal. The EIS found that the proposal would not have any significant impact on matters of national environmental significance.

Considering that the proposed Temporary Uses are of less scope, impact and duration as that associated with the approved the tug berthing operation, it is not anticipated that the temporary uses will have significant effect on matters of national environmental significance.

#### 3.2 Airports Act 1996

The *Airports Act 1996* (Airports Act) defines 'controlled activities' which could significantly impact upon prescribed airspace surrounding airports such as Sydney Airport Aerodrome. The subject site is in close proximity to the airport and the proposed temporary uses potentially falls under one type of controlled activity. The applicable criteria has been assessed below to determine if the work is a 'controlled activity' requiring referral for consideration under Clause 7 of the *Airports (Protection of Airspace) Regulations 1996*.

Section 182(1)(b) of the Airports Act states that building works are a controlled activity where the proposal involves:

*constructing a building, or other structure that intrudes into the prescribed airspace*

A prescribed airspace for an airport is defined as:

- a) *the airspace above any part of either an OLS or PANS-OPS surface for the airport and*
- b) *airspace declared in an declaration, under regulation 5, relating to the airport.*

Under Clause 7 of the Airport (protection of Airspace) Regulations 1996, approval is required for a proposed 'controlled activity'. Referrals under the Airport Act for developments surrounding Sydney Airport, or requiring approval, are undertaken through Sydney Airport Corporation Limited (SACL).

The proposed Activity includes the possibility of the installation of temporary infrastructure, including temporary fencing, mobile lighting, storage container(s) and small demountable offices. The maximum height associated with any of these items would be approximately 5m, however this may be exceeded by the use of cranes to unload and load temporary infrastructure. It is envisaged that any cranes used are unlikely to exceed 10m in height (approx. 13.1m AHD). Prescribed airspace is above 51m AHD, hence the proposed Activity is not a controlled activity.

In addition to the above, Section 182(1)(d) of the Airports Act states that certain activities are defined as a controlled activity including where the proposal involves:

- d) *operating a source of artificial light, where:*
  - (i) *the intensity of the light emitted exceeds the level ascertained in accordance with the regulations; and*
  - (ii) *the light is capable of blinding or confusing pilots of aircraft operating in the prescribed airspace.*



With reference to Section 182(1)(d)(i) of the Airports Act, the *Airports (Protection of Airspace) Regulation 1996* does not provide a maximum lighting level. SACL have previously confirmed that there are no specific regulations for lighting restrictions other than the Civil Aviation Safety Authority (CASA) Manual of Standards Part 139 – Aerodromes (MoS).

The CASA MoS defines Zones A to D surrounding the Sydney Airport Aerodrome, where luminous intensities are controlled (refer to Section 9.21 of the MoS). The subject site does not fall within the four listed zones however referral to CASA is required if lighting is proposed within a 6km radius of an aerodrome and is of an intensity, configuration or colour which might endanger the safety of aircraft (refer to Section 9.1.3 of the MoS). In this regard, should the proposed lighting by reason of its intensity, configuration or colour, have the potential to endanger the safety of aircraft referral to SACL for consideration would be required. Section 9.21 of the MoS provides advice regarding lighting installations in the vicinity of an aerodrome.

Considering that any lighting associated with the Temporary Uses of the northern tip of Hayes Dock would be localised low-level task lighting, it is not anticipated that the lighting would be of an intensity, configuration or colour which might endanger the safety of aircraft. Therefore, no approval is required from Sydney Airport Corporation Limited or the Civil Aviation Safety Authority under the *Airports Act 1996*.

### **3.3 Environmental Planning & Assessment Act 1979**

The Port Botany Expansion project is a "State significant development" under Section 76A(7) of Part 4 of the Environmental Planning & Assessment Act 1979 (EP&A Act), which has been repealed since the development was approved under Part 4 of the EP&A Act.

Section 75W of the Act applies to any modification of a development consent granted by the Minister under Part 4 of the EP&A Act (relating to a State significant development) under clause 89 of schedule 6 of the EP&A Act. Although Section 75W has been repealed, the proposed modification is to be assessed under Section 75W of the Act, as the Transitional provisions in the EP&A Regulation clause 8J(8)(c) applies to the Port Botany Expansion project.

## **4 Consultation**

The Port Botany Community Consultative Committee will be notified of the proposed Temporary Uses modification at the first meeting in 2013. The committee includes representatives from the local community, Sydney Ports, Randwick City Council, Botany Bay City Council, the Port Botany Expansion contractors, Patrick Stevedores and Sydney International Container Terminals Pty Ltd (being the direct adjacent neighbour).

Due to the minor nature of the proposal and associated impacts, it is unlikely that any issues will be raised, however, any concerns will be appropriately addressed.

## 5 Environmental Assessment

### 5.1 Environmental Impacts and Mitigation

The Environmental Impact Statement (URS, 2003) for the Port Botany Expansion addressed the proposed use of the northern tip of Hayes Dock as a tug berthing facility, for up to 3 tugs. The Environmental Impact Statement (EIS) included a significant assessment of the potential impact of the tug facility on the subject site and its surrounds. The assessment concluded that the use provided acceptable environmental risk and impact to the Penrhyn Estuary.

The proposed Temporary Uses are considered to be relatively low impact activities and although similar in nature to the berthing of tug boats, proposed vessels to be berthed are significantly smaller and quieter than tug boats and will hence pose notably less impact on the site and surrounds. The assessment undertaken within the EIS is therefore relevant to the proposed Temporary Uses activities and the environmental impacts associated with the proposed Temporary Uses are considered to be less than those assessed in the EIS. The temporary berthing arrangement is not anticipated to interfere with any current uses of Brotherson Dock, any construction works operations at Port Botany.

A summary of potential impacts and proposed mitigation measures specific to the proposed Temporary Uses is provided in Table 1.

**Table 1: Summary of Environmental Impacts and Mitigation Measures for proposed Temporary Uses**

Category	Potential Impact	Mitigation
Noise	<ul style="list-style-type: none"> <li>Potential noise sources include:                             <ul style="list-style-type: none"> <li>Berthing and disembarking of lines boats.</li> <li>Occasional refuelling of lines boats.</li> <li>Use of a diesel generator to power site lighting.</li> <li>Crew personnel's vehicles (up to approx. 12 movements per day)</li> <li>Plant used for temporary fence and lighting installation and associated minimal truck / vehicle movements.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Due to the limited number of traffic movements per day, the associated noise is considered negligible, therefore no mitigation is required.</li> <li>Noise from the movement of vessels would be limited to engine noise which is considered acceptable within the context of the Bay location and close proximity to the boat ramp activity.</li> <li>Site lighting would be rarely used and associated generator noise will be mitigated through in-built noise dampers.</li> <li>The subject site is a significant distance of at least 500 metres from sensitive residential use to the north.</li> <li>The site is situated within an existing industrial area in close proximity to operating shipping terminals, Sydney Airport and the public boat ramp. Any anticipated construction / operational noise is considered negligible in comparison with these existing operations.</li> </ul>
Traffic	<ul style="list-style-type: none"> <li>Traffic may include the following: -                             <ul style="list-style-type: none"> <li>Truck / vehicle movements associated with delivery of temporary infrastructure (approx. 6 movements maximum on any one day).</li> <li>Crew personal vehicles (up to approximately 12 movements per day).</li> <li>Vessel movements (up to approximately 6 movements per day).</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>All traffic will access the site by a dedicated access way along the eastern edge of Hayes Dock as shown in Figure 2 in Appendix A of this document.</li> <li>Traffic will be limited to minimal movements for delivery / pick up of temporary infrastructure and movement of crew vehicles. Due to the minimal number of movements, no congestion or access issues are expected and a traffic management plan is hence not required.</li> <li>Vessel movements will be similar to the number of tug movements assessed in the project EIS (URS, 2003). These movements were considered to be negligible in relation to current vessel activities in Brotherson Dock and at the nearby boat ramp. The destination for most vessels proposed to be moored at the site would be Hayes Dock or Brotherson Dock and therefore the location is suited to the proposed use.</li> </ul>



Category	Potential Impact	Mitigation
Lighting	<ul style="list-style-type: none"> <li>The proposed lighting will be restricted to temporary mobile lighting units.</li> </ul>	<ul style="list-style-type: none"> <li>Lighting will be localised and provided to safely light access to and from the vessels and personnel vehicles. Lighting will be kept to a minimum and positioned appropriately to avoid any light spill onto adjacent areas.</li> <li>Lighting will be appropriately shrouded and aimed away from the airport, runways and flight paths. It is not anticipated that lighting impact would be significant.</li> </ul>
Water Quality	<ul style="list-style-type: none"> <li>Spillage from occasional refuelling of vessels.</li> <li>Truck / vehicle movement disturbing the site surface.</li> </ul>	<ul style="list-style-type: none"> <li>Appropriate spill containment devices will be available during refuelling operations and will be deployed by trained staff in the case of a spill event. Risk mitigation measures will be employed by operators to minimise the risk of a spill event.</li> <li>The site access way is sealed with sprayed bitumen surface. The existing site surface is compacted asphalt profilings.</li> <li>There will be no excavation associated with the proposed Temporary Uses. Surface disturbance will be limited to the infrequent movement of trucks delivering / servicing temporary infrastructure and daily movement of crew personnel vehicles.</li> <li>The access road is covered in a bitumen spray seal and designated parking areas will be allocated onsite. Considering the minimal activity, any further sediment and erosion controls are not considered necessary.</li> </ul>
Contamination	<ul style="list-style-type: none"> <li>Fuel/hydraulic oil leaks from diesel generator or vehicle movements.</li> </ul>	<ul style="list-style-type: none"> <li>The potential risk associated with any leaks from diesel generators (for lighting) and vehicles movements is considered minimal. Diesel storage compartments within mobile lighting towers will be enclosed within the unit.</li> <li>Spill control kits will be stored at the site and deployed in the event of a spill. Staff will be trained in the deployment of the spill control equipment.</li> <li>In the unlikely event of a leak, the affected material will be removed and replaced with clean material.</li> </ul>

Category	Potential Impact	Mitigation
Air	<ul style="list-style-type: none"> <li>Exhaust emissions from vehicle movements, diesel generators within the mobile lighting units and vessel engines.</li> <li>Airborne dust from site surface.</li> </ul>	<ul style="list-style-type: none"> <li>All equipment will be maintained in good working order to prevent excessive exhaust emissions and switched off when not in use.</li> <li>The site access way is sealed with sprayed bitumen surface. The site surface is compacted asphalt profilings. Surface disturbance will be limited to the infrequent movement of fencing and lighting, delivery trucks and daily movement of crew personnel vehicles.</li> </ul>
Sea Level Rise / flooding	<ul style="list-style-type: none"> <li>The subject site RL 5.00 is outside the 1 in 100 year ARI level and the projected sea level rise prediction for 2100. This issue was assessed in the PBE EIS.</li> </ul>	<ul style="list-style-type: none"> <li>Not applicable.</li> </ul>
Visual	<ul style="list-style-type: none"> <li>Visual elements of the activity include temporary fencing, lighting, 2 lines boat vessels and a small 2-space car parking area.</li> </ul>	<ul style="list-style-type: none"> <li>The low-level nature of the visual elements is negligible compared with the developed port areas including prominent crane structures and buildings.</li> <li>The site will not be visible from the nearest residential location.</li> </ul>
Waste	<ul style="list-style-type: none"> <li>There will be minimal waste associated with operational activities, generally limited to general waste from the land based crew amenities including general food and packaging waste (putrescibles and recyclables) and waste from sanitary facilities.</li> </ul>	<ul style="list-style-type: none"> <li>Waste will be removed from site by crew and disposed of in a legal manner.</li> <li>Portable toilets will be serviced / emptied regularly by the provider.</li> </ul>
Recreation	<ul style="list-style-type: none"> <li>Impacts on the public boat facility to the north of Hayes Dock on the Foreshore.</li> </ul>	<ul style="list-style-type: none"> <li>No mitigation measures are required as no conflict with the boat facility is anticipated. The boat ramp access to and from the water occurs eastwards, with a large wall to its south separating it from the subject site. In addition, the boat ramp has been designed with consideration given to the subject site's approved use as a berthing facility for 3 tug boats.</li> </ul>

Category	Potential Impact	Mitigation
Recreation (cont.)		<ul style="list-style-type: none"> <li>Vessel wash from tug movements was assessed in the PBE project EIS and found to be of negligible impact with the construction of the rock groyne to protect recreational vessels using the boat ramp. Any impact from the movements of vessels associated with Temporary Uses will be less significant than that generated by tug movements.</li> </ul>
Vegetation	<ul style="list-style-type: none"> <li>There is no existing vegetation on the site and hence no potential impacts.</li> </ul>	<ul style="list-style-type: none"> <li>Not applicable.</li> </ul>
Port Operations / Construction	<ul style="list-style-type: none"> <li>Impacts on the construction of the SICTL Terminal adjacent to the subject site.</li> </ul>	<ul style="list-style-type: none"> <li>Construction at the adjacent SICTL terminal is commencing. The subject site will be separated from the SICTL site by minimum 1.8m high temporary fencing. The subject site will only be accessed by authorised vessel crew personnel and the occasional truck driver for infrastructure delivery / servicing. No further mitigation is anticipated to be required.</li> </ul>
Security	<ul style="list-style-type: none"> <li>Unauthorised access to the site.</li> </ul>	<ul style="list-style-type: none"> <li>The site will be fenced and access will be controlled through locked gates.</li> </ul>
Operational Environmental Management Plan	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>An Operational Environmental Management Plan (OEMP) for the proposed Temporary Use will be prepared prior to commencement of operations. The OEMP will be implemented and will describe the environmental management framework, practices and procedures that will be followed during operations, and include: <ul style="list-style-type: none"> <li>identification of all statutory and other obligations required to be fulfilled in relation to operation of the activity, including all approvals, licences and consultations;</li> <li>a description of the roles and responsibilities for all relevant employees involved in the operation of the development; and</li> <li>overall environmental policies, principles, performance measures and management procedures that will be applied to the operation of the development.</li> </ul> </li> </ul>

## 6 Conclusion and Recommendation

There would be no additional impacts arising from the Temporary Uses at the northern tip of Hayes Dock than those considered and assessed in the EIS for DA no. DA-494-11-2003i in relation to the approved tug berthing facility.

The proposed mitigation measures associated with the Temporary Uses include the following:-

- An Operational Environmental Management Plan (OEMP) for the proposed Temporary Use will be prepared prior to commencement of operations. The OEMP will be implemented and will describe the environmental management framework, practices and procedures that will be followed during operations, and include:
  - identification of all statutory and other obligations required to be fulfilled in relation to operation of the activity, including all approvals, licences and consultations;
  - a description of the roles and responsibilities for all relevant employees involved in the operation of the development; and
  - overall environmental policies, principles, performance measures and management procedures that will be applied to the operation of the development.
- Generator noise for site lighting will be mitigated through in-built noise dampers.
- All traffic will access the site by a dedicated access way along the eastern edge of Hayes Dock.
- Lighting will be kept to a minimum and positioned appropriately to avoid any light spill onto adjacent areas.
- Lighting will be appropriately shrouded and aimed away from the airport, runways and flight paths.
- Appropriate spill containment devices will be available during refuelling operations and will be deployed by trained staff in the case of a spill event. Risk mitigation measures will be employed by operators to minimise the risk of a spill event.
- Spill control kits will be stored at the site and deployed in the event of a spill. Staff will be trained in the deployment of the spill control equipment.
- In the event of a diesel fuel leak from a generator, the affected material will be removed and replaced with clean material.
- All equipment will be maintained in good working order to prevent excessive exhaust emissions and switched off when not in use.
- Waste will be removed from site by crew and disposed of in a legal manner.
- Portable toilets will be serviced / emptied regularly by the provider.
- The subject site will be separated from the SICTL site by minimum 1.8m high temporary fencing. The subject site will only be accessed by authorised vessel crew personnel and the occasional truck driver for infrastructure delivery / servicing.

The proposed Temporary Uses are considered to be of minimal potential impact and any impacts easily managed with the above noted mitigation measures.

It is therefore recommended that the proposed Temporary Uses be approved together with the proposed alteration to Condition No. C1.2 of the PBE Approval (DA-494-11-2003i).

## 7 References

- URS (2003) *Port Botany Expansion Environmental Impact Statement*, prepared for Sydney Ports Corporation



## Appendix A – Figures



Figure 1: Subject Site – northern tip of Hayes Dock

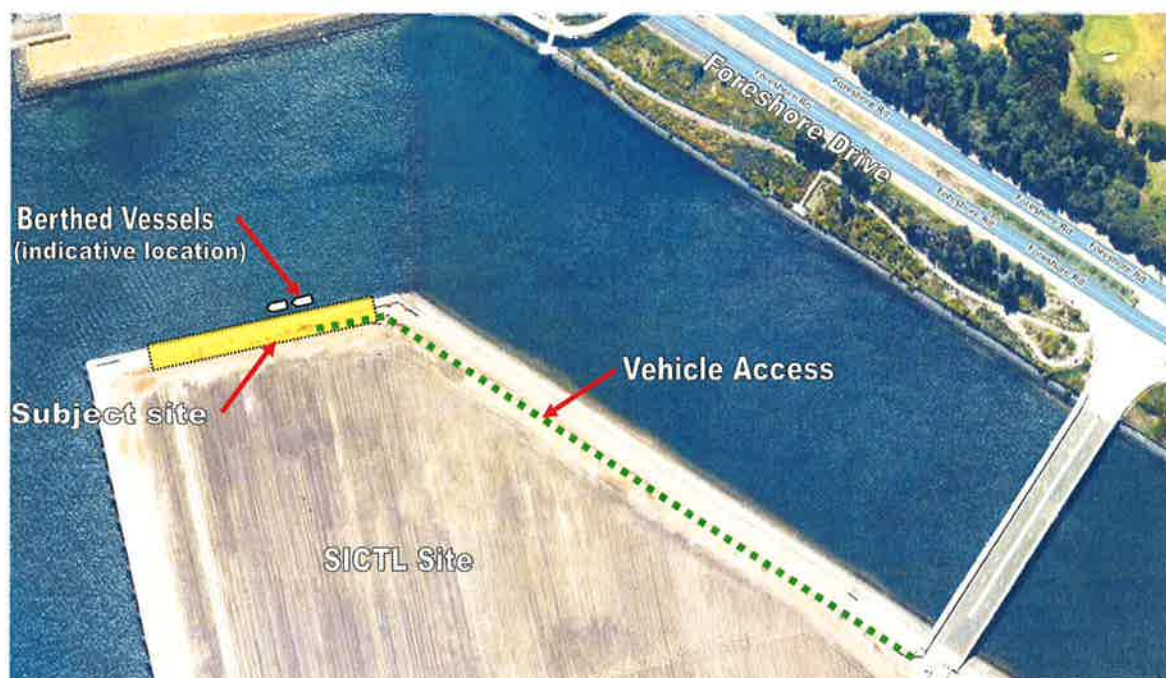


Figure 2: Site Access