1. Introduction

1.1. Hayes Dock Service Area

Hayes Dock Service Area (HDSA) is located within Port Botany (Figure 1) on the most Northern tip of Hayes Dock, west of Sirius Rd (Figure2). Hayes Dock Service Area is accessed off Foreshore Rd and Sirius Rd. There are currently two port tenants undertaking port related operations on Hayes Dock in accordance with the conditions of the project approval.

Figure 1. Port Botany Port Area

1.2. Purpose of the Report

The purpose of this report is comply with Condition of Approval (CoA) C1.2F of the Port Botany Expansion DA 494-11-2003i, which was modified as part of Mod 16 in October 2017 and Mod 17 in September 2019 to allow for the continued ongoing operation of interim uses at the northern tip of Hayes Dock, as well as continuing low potential impact Port, maritime and waterway uses to operate from this area.

C1.2F requires that:

“Reporting on the compliance of the Hayes Dock Services Area with the OEMP shall be conducted annually. Reports shall be provided to the Department within 12 months of this modification unless otherwise agreed.”

NSW Ports Overarching Operational Environmental Management Plan (OEMP) requires Hayes Dock port tenants to supply NSW Ports with an annual Environmental Compliance Summary and this information has been incorporated into this report.

This report covers the 2020 calendar year reporting period and is the third Annual Compliance Report produced under the Overarching OEMP framework for Hayes Dock.
2. Compliance with Conditions of Consent

The following table highlights the operational conditions of approval that apply to Hayes Dock Services Area and are reflected in the OEMP, and details how compliance by both NSW Ports and the Hayes Dock port tenants has been achieved.

<table>
<thead>
<tr>
<th>CLAUSE</th>
<th>DESCRIPTION</th>
<th>STATEMENT OF COMPLIANCE/HOW ADDRESSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1.2A</td>
<td>The conditions in this sub-schedule of the consent must be complied with by the Applicant, or any party undertaking activities and works associated with Port, Maritime and Waterway Related Uses Interim Uses, except conditions C1.3, C1.4, C1.5, C2.5, C2.12, C2.16, C2.17, C2.18, C2.20, C2.25, C3.1, C3.2, C3.3, C4.2, C4.3, C4.4 and C4.5.</td>
<td>Noted – this report provides evidence of compliance with relevant conditions of approval</td>
</tr>
<tr>
<td>C1.2B</td>
<td>The Applicant shall prepare an Operation Environmental Management Plan (OEMP) - Port, Maritime and Waterway Related Interim Uses prior to the commencement of Port, Maritime and Waterway Related Interim Uses on the site. The Plan shall include details of how environmental performance would be managed and monitored to meet acceptable environmental outcomes, including what actions will be taken to address potential adverse environmental impacts. In particular, the following environmental issues shall be addressed in the Plan: Odour and Air Quality, Noise Management, Waste Management, Water and Wastewater Management, Hazard and Risk Management, Amenity, including lighting, Incident Reporting. The OEMP shall also address details of operation activities including key noise and/or vibration generating activities and machinery that have the potential to generate noise and/or vibration impacts on surrounding sensitive receivers; Identification of feasible and reasonable measures proposed to be implemented to minimise and manage operation noise and vibration impacts, especially during sleep disturbance; and a description of how the effectiveness of mitigation and management measures would be maintained. Noise management shall include; hours in which particular activities are undertaken; use of shore power where available; restrictions on notably noisy vehicles and vessels from the site; use of building and vehicle alarms and/or alternatives available. The Plan shall also: identify all statutory obligations that the applicant is required to fulfil in relation to operation of the development, including all consents, licences, approvals and consultations; include a description of the roles and responsibilities for all key employees involved in the operation of the development; include overall environment policies and principles to be applied to the operation of the facility; a copy of the updated OEMP shall be submitted for approval.</td>
<td>NSW Ports has prepared an Overarching Operational Environmental Management Plan (V1) to cover minor tenant activities at Hayes Dock Services Area. This document has been submitted to DPIE for approval and replaces the previous individual tenant OEMPs developed for the Hayes Dock Services Area, as well as addressing the modifications to the project approval from MOD 16. Current Tenant OEMPs for Hayes Dock have been reviewed against the Overarching OEMP and are listed below: - Australian Port Services (NSW Pty Ltd) – Ausport Marine Lease Area: Operational Environmental Management Plan Hayes Dock Tug Berths, Version 3 – June 2019 - National Maritime Services: Operational Environmental Management Plan, Version 1, 2018 (document review completed 1 Jan 2021).</td>
</tr>
</tbody>
</table>
by the Secretary within three (3) months of the date of approval of Modification 16, unless otherwise agreed by the Secretary;

C1.2C The noise management plan shall include, but not necessarily be limited to:

- Compliance standards,
- Community consultation,
- Complaint handling monitoring system,
- Site contact person to follow up complaints,
- Mitigation measures,
- The design/orientation of the proposed mitigation methods demonstrating best practice,
- Operation times,
- Contingency measures where noise complaints are received, and
- Monitoring methods and program.

Incorporated into the OEMP as above.

C1.2D Noise from the Hayes Dock Services Area must not exceed the Leq (15 minute) noise limits presented in the Table at C2.6 by more than 5d(B)A between 10:00pm and 7:00am. The Secretary may require a detailed noise compliance assessment, prepared by a qualified acoustic consultant. The noise compliance assessment shall meet the requirements of the Environment Protection Authority.

The noise compliance assessment shall include the representative residential receiver locations identified in the table in C2.6.

Noted. No noise compliance assessment has been requested to date.

C1.2E A complaint handling procedure shall be implemented for the Hayes Dock Services Area. Annual reports shall be provided to the Department, outlining details of the complaints received. A register of complaints shall be kept and include the following:

- Date and time, where relevant, of the comment, inquiry or complaint, how the comment, inquiry or complaint was communicated,
- Any personal details of the commenter, inquirer or complainant that were provided. If no details were provided this should be recorded,
- The nature of the comment, inquiry or complaint,
- Any actions taken by the Applicant in relation to the comment, inquiry or complaint, including any follow-up contact, and
- If no action was taken, record the reason(s) why.

Procedure established and recorded in OEMP. NSW Ports and Hayes Docks tenants have established a Complaints Register. This report also serves to address the requirement for annual reports to the department and Section 3.1 provides further details on complaints.

No external complaints have been received to date in regards to operations on Hayes Dock Services Area. NSW Ports has raised two requests for corrective actions with Hayes Dock tenants (Section 3.5) provides further details).

C1.2F Reporting on the compliance of the Hayes Dock Services Area with the OEMP shall be conducted annually. Reports shall be provided to the Department within twelve (12) months of this modification unless otherwise agreed.

This report
C2.1 The development shall be undertaken so as not to permit any offensive odour, as defined under section 129 of the Protection of the Environment Operations Act 1997, to be emitted beyond the boundary of the site.  

Noted. No odour complaints or incidents reported to date.

C2.2 All activities shall be undertaken in a manner that minimises or prevents dust emissions from the site, including wind-blown and traffic-generated dust. All activities undertaken on the site shall be undertaken with the objective of preventing visible emissions of dust from the site. Should such visible dust emissions occur at any time, all practicable dust mitigation measures, including cessation of relevant works, as appropriate, shall be identified and implanted such that emissions of visible dust cease.

Noted. No dust complaints or incidents reported to date.

C2.3 All trafficable and vehicle manoeuvring areas shall be maintained at all times in a condition that minimises the generation and emission of dust.

Noted. Included in OEMP. Minimal traffic movements are required during operations on Hayes Dock Services Area.

C2.4 All vehicles entering or leaving the site carrying a load must be covered or otherwise enclosed at all times, except during loading and unloading, to minimise the generation and emission of dust.

Noted. Included in OEMP. No dust complaints or incidents reported to date.

C2.6 Noise from the premises must not exceed the sound pressure level (noise) limits presented in the Table below. Note the limits represent the sound pressure level (noise) contribution, at the nominated receiver locations in the table.

<table>
<thead>
<tr>
<th>Most affected residential location</th>
<th>Day Laeq (15 min)</th>
<th>Evening Laeq (15 min)</th>
<th>Night Laeq (15 min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chelmsford Avenues</td>
<td>40</td>
<td>40</td>
<td>40</td>
</tr>
<tr>
<td>Dent Street</td>
<td>45</td>
<td>45</td>
<td>45</td>
</tr>
<tr>
<td>Jennings Street</td>
<td>36</td>
<td>36</td>
<td>36</td>
</tr>
<tr>
<td>Botany Road (north of Golf Club)</td>
<td>47</td>
<td>47</td>
<td>47</td>
</tr>
<tr>
<td>Australia Avenue</td>
<td>35</td>
<td>35</td>
<td>35</td>
</tr>
<tr>
<td>Military Road</td>
<td>42</td>
<td>42</td>
<td>42</td>
</tr>
</tbody>
</table>

For the purpose of this condition;
- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays,
- Evening is defined as the period from 6pm to 10pm
- Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays

Noted. Included in OEMP. No noise complaints or incidents reported to date.

C2.7 Noise from the premises is to be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary, to determine compliance with the noise level limits in Condition C2.6 unless otherwise stated.

Noted. Included in OEMP. No noise complaints or incidents from Hayes Dock Services Area reported to date.

C2.8 Noise from the premises is to be measured at 1m from the dwelling façade to determine compliance with the LA1 (1 minute) noise level in Condition C2.6.

Noted. Included in OEMP. No noise complaints or incidents from Hayes Dock Services Area reported to date.
Where it can be demonstrated that direct measurement of noise from the premises is impractical, the DEC may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy.

Noted. Included in OEMP. No noise complaints or incidents reported from Hayes Dock Services Area to date.

The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.

Noted. Included in OEMP. No noise complaints or incidents reported from Hayes Dock Services Area to date.

The noise emission limits identified in Condition C2.6 apply under meteorological conditions of wind speed up to 3 metres per second at 10 metres above ground level, and temperature inversion conditions up to 1.50°C/100m positive lapse rate.

Noted. Included in OEMP. No noise complaints or incidents reported from Hayes Dock Services Area to date.

Management of waste must be in accordance with the environment protection licence issued by EPA under the Protection of the Environment Operations Act 1997.

Noted. No EPL currently issued for operations at Hayes Dock Services Area

The management of waste for uses and activities not subject to an Environmental Protection licence, shall be managed and disposed of in accordance with the Protection of the Environment Operation (Waste) Regulation 2005 and the Waste Classification Guidelines (DECCW 2009), or any future guideline that may supersede that document. All waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.

Noted. Included in OEMP

Except as may be expressly permitted by a licence under the Protection of the Environment Operations Act 1997 in relation to the development, section 120 of that Act (prohibition of the pollution of waters) shall be complied with in connection to the development.

Noted. Included in OEMP

For each monitoring/discharge point or utilisation area, the concentration of any pollutant discharged at that point, or applied to that area, must not exceed concentration limits specified in the relevant environment protection licence.

Noted. No EPL currently issued for operations at Hayes Dock Services Area

Port, maritime and waterway related uses with in Hayes Dock may involve the loading, unloading and storage of minor volumes of dangerous goods (DGs) for the sole purpose of minor site maintenance; line boat, barge and tug maintenance; related service activities and boat refuelling.

Noted. No DGs permitted on site beside those listed in this condition.

The Applicant shall ensure that the location of fixed terminal operating infrastructure adequately takes into account the required lateral separation distances to minimise the interference to Sydney Airport radar and navigational systems.

Noted. No fixed infrastructure is present on site that could interfere with Airport radar or navigational systems.

The Applicant shall ensure that all operation equipment is below the obstacle limitation surface, unless otherwise permitted by an approval under the Airports Act 1999 and Airports (Protection of Airspace) Regulation 1966.

Noted. No operation equipment is present on site that could penetrate the OLS.

The Applicant shall ensure design specifications of the terminal lighting conform to the requirements of Regulation 94 of the Civil Aviation regulations 1988.

Noted. Included in OEMP.
C2.24 The Applicant shall adopt measures to ensure that there is minimal light spill from ships which may cause distraction, confusion or glare to pilots. These may include:

- Minimising ship board lighting while berthed;
- Orientating ships in a specific direction; and or
- Providing temporary shielding on the ship mounted floodlights while docked.

Noted. Included in OEMP. No light spill complaints or incidents from Hayes Dock Services Area reported to date.

C4.1 The Director-General shall be notified of any incident with actual or potential significant off-site impacts on people or the biophysical environment within 12 hours of the Applicant, or other relevant party undertaking the development, becoming aware of the incident. Full written details of the incident shall be provided to the Director-General within seven days of the date on which the incident occurred. The Director-General may require additional measures to be implemented to address the cause or impact of any incident, as it relates to this consent, reported in accordance with this condition, within such period as the Director-General may require.

Noted. Incident reporting procedures are included in the OEMP and NSW Ports and Hayes Dock tenants maintain an Incident Register. No reportable incidents have occurred on Hayes Dock Services Area to date.
3. Operational Environmental Performance

3.1. Complaints

No complaints have been received to date in regards to operations at Hayes Dock Services Area since operations commenced. All complaints received by NSW Ports at all of our operational sites are recorded in a central Complaints Register. All Port Botany related complaints are reported to the Port Botany Community Consultative Committee and recorded in the minutes – including any follow up or corrective actions. The meetings are attended by the EPA and copies of the finalised minutes are sent to DPIE and published on NSW Ports website.

NSW Ports raised two items for corrective action by port tenants on Hayes Dock – more details are provided in Section 3.5.

3.2. Incidents

NSW Ports operational management plans for Port Botany and Hayes Dock Services Area provide a detailed incident classification and reporting procedure, as well as the maintenance of an Incident Register. Hayes Dock tenants are required to notify NSW Ports in the event of any incident. Incidents are classified into three categories; minor, notifiable and emergency. NSW Ports has an obligation to report any notifiable or emergency incidents on Hayes Dock Services Area to DPIE.

To date, no minor, notifiable or emergency environmental incidents have occurred on Hayes Dock Services Area.

3.3. Compliance with OEMP

Overall, as noted in the Modification to the Project Approval, the operations occurring on the Hayes Dock Services have a very low potential impact on the environment. The following table summarises the specific OEMP performance goals for environmental aspects for the Hayes Dock Services Area.

<table>
<thead>
<tr>
<th>ENVIRONMENTAL ASPECT</th>
<th>OEMP PERFORMANCE GOALS</th>
<th>2020 PERFORMANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noise and Vibration</td>
<td>To minimise operational noise impact on nearby sensitive receptors.</td>
<td>Noise levels in relation to the identified noise sources are not expected to generate impacts offsite due to the type of equipment and vessels being used, and the distance between the HDSA and the nearest noise and vibration sensitive receivers.</td>
</tr>
<tr>
<td></td>
<td>To ensure compliance with the Noise limits specified in Condition C2.6 of the Project Approval.</td>
<td>No noise complaints have been received to date from operations at Hayes Dock.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No activities have been undertaken that are expected to cause vibration impacts.</td>
</tr>
<tr>
<td>Air Quality</td>
<td>To minimise air quality impacts on nearby sensitive receptors.</td>
<td>Operational activities on the HDSA do not generate significant amounts of dust or emissions to air. The operation of vessels and machinery is the main risk factor for odour and air quality concerns. No activities are expected to generate offensive odours. Therefore, impacts on air quality caused by the vessels will be minimal.</td>
</tr>
<tr>
<td></td>
<td>To ensure compliance with relevant legislation</td>
<td>No air quality or dust complaints have been received to date from HDSA operations.</td>
</tr>
<tr>
<td>ENVIRONMENTAL ASPECT</td>
<td>OEMP PERFORMANCE GOALS</td>
<td>2020 PERFORMANCE</td>
</tr>
<tr>
<td>----------------------</td>
<td>------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td><strong>Flora and Fauna</strong></td>
<td>To minimise impacts on the flora and fauna of Port Botany and port land.</td>
<td>No flora or fauna incidents have been reported on the HDSA.</td>
</tr>
<tr>
<td></td>
<td>To ensure compliance with relevant legislation</td>
<td>NSW Ports requested tenant NMS to remove a seagull nest from the HDSA site as these birds pose an operational hazard to airport operations when they nest on port land. A cormorant bird was noted by a member of the public tangled in plastic on the revetment wall of the main Hayes Dock terminal area – just outside of the HDSA boundary. NSW Ports responded by calling WIRES however the bird flew away before they could arrive. NSW Ports will continue to monitor and record fauna sightings.</td>
</tr>
<tr>
<td><strong>Waste</strong></td>
<td>To minimise waste generated at the site and reduce the volume of waste requiring disposal to landfill.</td>
<td>Waste disposal requirements are included in tenant OEMPs. No operational or illegal waste was required to be disposed of from HDSA by NSW Ports.</td>
</tr>
<tr>
<td></td>
<td>To prevent contamination through unlawful disposal of waste from the site to receiving environments, e.g. adjacent land and waterways</td>
<td>No pollution incidents have been reported to NSW Ports or the Port Authority of NSW (waterside response) in relation to activities from HDSA.</td>
</tr>
<tr>
<td></td>
<td>To ensure compliance with relevant legislation and guidelines</td>
<td></td>
</tr>
<tr>
<td><strong>Water Quality</strong></td>
<td>To avoid detrimental impact on the water quality and marine environment of Port Botany.</td>
<td>There is no stormwater infrastructure on HDSA.</td>
</tr>
<tr>
<td></td>
<td>To ensure compliance with relevant legislation and codes of practice</td>
<td>No water pollution incidents have been reported to NSW Ports or the Port Authority of NSW (waterside response) in relation to activities from HDSA.</td>
</tr>
</tbody>
</table>

### 3.4. Monitoring and Reporting

The Operational Environmental Management Plans state that additional monitoring for the Hayes Dock site may be required in the event of a complaint or non-compliance/incident. No complaints or incidents have been reported as a result of operations on the Hayes Dock site, therefore no specific monitoring regimes have been implemented in 2020. No tenants on the Hayes Dock Services are required to hold Environment Protection Licenses (EPLs) for their operations, therefore no additional monitoring is currently required through EPLs. NSW Ports regularly monitors tenant activities on Hayes Dock as per Section 3.5 below.

### 3.5. Tenant Corrective Actions

NSW Ports undertakes regular inspections of the tenant operations at the Hayes Dock site. During those inspections, any matters identified as potential environmental non-compliances, or observations/opportunities for improvement are raised with the port tenants. The following table summarises the corrective actions raised with Hayes Dock for the reporting year and how the actions were addressed and closed out.
<table>
<thead>
<tr>
<th>DATE</th>
<th>ENVIRONMENTAL ISSUE RAISED</th>
<th>TENANT</th>
<th>DETAILS OF REQUEST</th>
<th>TENANT RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>07/07/20</td>
<td>Safety of operational activities:</td>
<td>NMS</td>
<td>NSW Ports required NMS to either secure the container using ground anchor studs or remove the container from site.</td>
<td>NMS elected to remove the shipping container from site.</td>
</tr>
<tr>
<td></td>
<td>NSW Ports identified an unsecured shipping storage container on the NMS site.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18/09/20</td>
<td>Nesting Bird Hazard:</td>
<td>NMS</td>
<td>NSW Ports requested that NMS arrange removal of the seagull nest and monitor for further nesting activities.</td>
<td>NMA removed the nest and cleared the mooring lines from the location. NMS conducted additional monitoring for further nesting.</td>
</tr>
<tr>
<td></td>
<td>NSW Ports identified that a seagull nest was present in some vessel mooring lines on the NMS site.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>