

# Compliance Tracking Program – Bulk Liquids Berth 2 at Port Botany

Version 2: April 2015

NSW Ports

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# 1. Introduction

## 1.1 Purpose of this Document

This report has been prepared to comply with the Minister's Conditions of Approval (CoA 4.1) for the Bulk Liquids Berth 2 (BLB2) at Port Botany as stated below:

*The Proponent shall develop and implement a **Compliance Tracking Program** to track compliance with the requirements of this approval. The Program shall be submitted to the Director-General for approval prior to the commencement of construction. The Program shall relate to both construction and operational stages of the project and shall include, but not necessarily be limited to:*

- a) provisions for periodic review of the compliance status of the project against the requirements of this approval;*
- b) provisions for periodic reporting of compliance status to the Director-General;*
- c) provisions for specific reporting requirements as required by conditions 4.2 and 4.3*
- d) a program for independent environmental auditing at least annually, or as otherwise agreed by the Director-General, in accordance with ISO 19011:2002 - Guidelines for Quality and/ or Environmental Management Systems Auditing; and*
- e) mechanisms for rectifying any non-compliance identified during environmental auditing or review of compliance.*

Details of NSW Ports Compliance Tracking Program (CTP) and information on how NSW Ports complies with CoA 4.1 are contained in Section 2.

This document is the first revision of the original CTP produced by Sydney Ports (dated May 2011) and approved by the Department of Planning on 14 June 2011. Section 2.1 of the original CTP included the commitment that: *"The Compliance Tracking Program, including the frequency for reviewing compliance, will be reviewed in the first year of operation."*

BLB2 commenced operations in December 2013 and following the results of the first operational compliance tracking reports and environmental audits, the CTP has been revised and re-submitted to the Department for approval.

## 1.2 Background

Project Approval of BLB2 was determined by the NSW Minister for Planning on 20 March 2008 (Major Projects Application 07\_0061). The Conditions of Approval have been modified and amended as follows:

- a.) By letter from the Director-General, dated 22/12/10 (your reference: S07/00205);
- b.) By letter from the Director-General, dated 24/12/10 (your reference: S07/00205);
- c.) By letter from the Director-General, dated 14/4/11 (your reference: 11/03374-1);
- d.) under section 75W of the Environmental Planning and Assessment Act 1979 (EP&A Act) on 28 April 2011 (07\_0061 MOD 1);

Details of the modifications and amendments are either included within the condition requirements of the relevant CoAs or included as new compliance issues in NSW Ports Compliance Tracking system that clearly reference the source of the additional compliance requirements.

### 1.3 Project Description

The construction and operation of the BLB2 consisted of the following key relevant components:

- A central working platform and working area, with berthing face (including bollards and fenders) and pipe manifold / marine loading arm arrangements;
- Adjacent berthing dolphins on each side of the working platform designed to accommodate the maximum design length vessel;
- Two mooring dolphins on each side of the working platform (four in total);
- Walkways (catwalks) connecting the dolphins and working platform;
- An access bridge structure connecting the working platform with the shore, providing vehicle access and pipeline support structures;
- Support infrastructure including fire control facilities (pumps, foam/water monitors and associated tanks), amenities buildings and services such as water, sewer, electrical and communications;
- Berth fit out, including fire fighting monitors and operator shelter; and
- Pipelines to user facilities including support and access structures such as pipe racks and culverts.

### 1.4 Location

The BLB2 has been constructed adjacent to the existing Bulk Liquids Berth 1, at the south western end of Brotherson Dock and to the west of Fishburn Road. The site's location is shown in Figure 1.



Figure 1: Location of BLB2 infrastructure

## 2. Compliance Tracking Program

### 2.1 Periodic Review of Compliance Status

CoA 4.1a requires provisions for periodic review of compliance status of the project against the requirements of the approval.

All construction works have been completed on BLB2 and the project has been operational since December 2013. All pre and post-operational requirements have been met. There are a minor number of on-going operational compliance requirements that NSW Ports is required to adhere to for the life of the project.

Given the scale of the project and the requirements of the applicable operational conditions of consent, NSW Ports will review the compliance status of the project annually and document evidence of compliance within the compliance tracking system to be included in the Environmental Audit (refer Section 2.3).

NSW Ports has a compliance tracking system in place to review and tracks the compliance of the project against the Conditions of Approval. For each CoA the following information is provided:

- the project phase to which the condition is applicable (construction, operation, etc.)
- the status of the Condition (open, in progress, completed compliant, or reviewed closed);
- the Condition requirements from the Project Approval;
- responsibility for carrying out the requirements of the Condition (NSW Ports, Contractor, User); and
- evidence of compliance including a record of all Approvals issued to date by the Secretary of the Department of Planning and Environment (DP&E).

The evidence of compliance contains a summary of how and when each condition has been complied with.

Non-compliances, complaints and incidents will continue to be recorded on an on-going basis and in accordance with the requirements in the Conditions of Approval. All follow up actions will be undertaken as soon as possible (see Section 2.4).

### 2.2 Periodic Reporting of Compliance Status

CoA 4.1b requires provisions for periodic reporting of compliance status to the Director-General (now Secretary of Department of Planning and Environment). Compliance reporting will include:

- An independent environmental audit (refer Section 2.3) that will review NSW Ports Compliance Tracking system and level of compliance with the condition of approval; and
- A report summarising the details of any complaints received, including the means by which they were addressed and whether resolution was reached with or without mediation. This will be included with the Environmental Audit.

## 2.3 Independent Environmental Auditing

In accordance with CoA 4.1d), NSW Ports will implement a program for independent environmental auditing in accordance with ISO 19011:2002. The scope of the independent environmental audits will include (but not necessarily be limited to) the following:

- assessment of compliance with the conditions of approval and project commitments;
- assessment of environmental performance against relevant environmental project criteria; and
- assessment of environmental mitigation measures and recommendations provided in environmental management plans.

The Auditor will be selected based on the following criteria:

- suitable environmental qualifications, including current certification as environmental auditor under the Quality Society of Australia;
- relevant experience in similar types of audits; and
- independence from the project.

Environmental audits will be undertaken every 3 years to coincide with the Hazard Audit required under CoA 3.3 and will include an assessment of NSW Ports' compliance with the conditions of approval. The environmental audit report will be submitted to the Secretary of Department and Planning within two months of each audit being completed.

## 2.5 Rectification of Non-compliances

CoA 4.1e) requires mechanisms for rectifying any non-compliance identified during environmental auditing or review of compliance. If NSW Ports, its contractors or the users of the facility fail to:

- comply with the conditions of approval, project commitments or relevant legal environmental obligations; or
- comply with any environmental/planning requirements or management plans;

then NSW Ports may direct the contractor or the user to modify or cease any or all activities until they can satisfy NSW Ports that the failure has been corrected and will not reoccur.

NSW Ports will endeavour to ensure that any non-compliance identified during operations, annual compliance reviews, or environmental auditing is rectified within one month of it being first raised. Recommendations provided in independent environmental audits for correcting compliance issues will be considered by NSW Ports and implemented as necessary.

NSW Ports has prepared procedures for dealing with non-compliances. NSW Ports maintains a register of compliance and non-conformances. This register will be maintained for operations and will contain all corrective action notices. All staff are responsible for notifying the BLB Operations Manager of non-compliances if they detect one. The BLB Operations Manager and Executive General Manager,

Operations and Engineering are responsible for ensuring all non-compliances are addressed and closed out.

In the event a non-conformance with BLB2 OEMP, environmental approvals or environmental law is identified through the compliance tracking system, incidents, complaints, monitoring results/observations or audit outcomes, NSW Ports, tenants and licensees will take appropriate action to ensure it is managed appropriately as per the ISO 14001 recommended procedure for corrective action shown in the flow chart in Figure 2. Any action to rectify a non-conformance will be recorded and documented appropriately by NSW Ports and/or tenants and licensees.

Follow up action may result in a requirement for additional monitoring or investigation and these details will be incorporated into the BLB2 OEMP or the site specific management plan, sub-management plans or work method systems that apply to the site and/or activity.

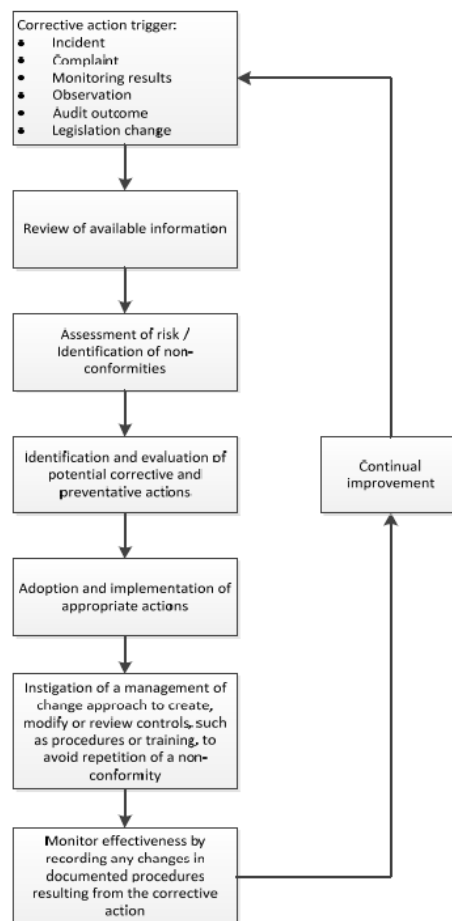


Figure 2: Non-compliance and corrective action procedure