

NOTICE OF PORT OPERATOR DIRECTION

(NO UNAUTHORISED WORKS)

Port Kembla

Ports and Maritime Administration Act 1995 (NSW)
NSW Ports – Direction 3 of 2020

Powers & functions of the port operator of a private port

This notice contains a port operator direction issued by NSW Ports in its capacity as the port operator of the private port of Port Kembla under Part 3A of the *Ports and Maritime Administration Act 1995 (NSW) (PAMA Act)*, for the purposes of maintaining and improving security and/or safety given that work (defined below) pose a risk to safety and/or security at Port Kembla (**Notice**).

This Notice was issued to the Harbour Master of Port Kembla on 6 July 2020 as required under the PAMA Act.

Pursuant to section 38(2) of the PAMA Act, a port operator direction given by notice published on a port operator's website is of no effect until a copy of the notice has been published in the Gazette.

This Notice takes effect on the later of 20 July 2020 or the date on which it is published in the Gazette.

*****PORT OPERATOR DIRECTION*****

TAKE NOTICE: Persons are PROHIBITED from undertaking any Works on, to, over or under land within the port land lease boundary of Port Kembla comprising a Prescribed Road or Prescribed Area as depicted in location map in Annexure A to this Notice without the prior written consent of NSW Ports.

Compliance & Enforcement

FAILING TO COMPLY WITH THIS DIRECTION IS A CONTRAVENTION OF SECTION 39 OF THE PAMA ACT.

NSW Ports can enforce compliance with this direction by:

- removing from Port Kembla any person who is contravening this Notice;
- removing from Port Kembla or moving within Port Kembla any vehicle (including a trailer) in contravention of this Notice at the non-complying party's cost;
- removing from Port Kembla or moving within Port Kembla any goods stored in contravention of this Notice at the non-complying party's cost; or
- carrying out work at Port Kembla that a person has failed to carry out in contravention of this Notice or that is reasonably required to be carried out to remedy a contravention (provided, other than in an emergency, no less than 7 days' notice is provided to the person who failed to carry out the work), at the non-complying party's cost.

A person who obstructs or interferes with an authorised officer of the port operator performing their functions (including giving or enforcing a direction under this Notice) faces a **maximum penalty of 50 penalty units**, being \$5,500.00 (at the date of issue).

For the purposes of this Notice:

Authorised Officer means an employee of Port Botany Operations Pty Limited or its agent.

NSW Ports means Port Kembla Operations Pty Limited the port operator under the PAMA Act for the private port of Port Kembla.

Port Kembla means the land within the port land lease boundary comprising Port Kembla as identified in the location maps in Annexure A.

Prescribed Area means the area marked as a prescribed area as identified in the location maps in Annexure A.

Prescribed Road means a roadway identified as a prescribed road in the location maps in Annexure A, falling within the port land lease boundary of Port Kembla, including the shoulder and any adjoining nature strip.

Works means any activity howsoever described including building, construction, repair, maintenance, engineering, structural, surveying, inspection, environmental, rectification or remediation works (including the taking of photos or video footage).

What you must do in order to obtain the written consent of NSW Ports to undertake Works:

In order for NSW Ports to properly consider providing its consent for you to undertake any proposed Works, you must do the following:

1. Notify the appropriate contact person (see contact details overleaf) at **least 7 days prior to commencement of such Works**, and provide the following information (as a minimum):
 - exact location(s) of the proposed Works, including a layout plan or marked-up map or diagram;
 - date(s) on which the Works are to be performed;
 - a scope of works for the Works;
 - details of persons engaged to perform Works;
 - contact details for a designated person who will supervise/manage the Works;
 - a communication plan to notify other relevant stakeholders (e.g. neighbouring tenants) as required; and
 - provide applicable safe work method statements, job safety analyses and/or safety management plans that address any risks or hazards relevant to the location and the proposed Works including, but not limited to, those which may be advised to you by NSW Ports;
2. Complete the registration of all persons undertaking the Works in NSW Ports' *Rapid Global* system (or as otherwise directed by NSW Ports), which involves providing relevant contact details, submitting insurances and answering a HSE pre-qualification questionnaire (NSW Ports contact person will supply details on how to do this step); and



3. Provide evidence, which in the opinion of the contact person is satisfactory, that all persons nominated as undertaking the Works have successfully completed all applicable induction/s (via *Rapid Global* or as otherwise directed by NSW Ports) plus any other relevant third-party inductions.

Contact details:

For proposed Works at **Port Kembla**, limited to the taking of photos or recording video footage:

Corporate Affairs Lead

Email: enquiries@nswports.com.au

Phone: 1300 922 524

For all other proposed Works at **Port Kembla**:

Asset Manager

Email: pkam@nswports.com.au

Phone: 1300 922 524

For General Enquires:

Company Secretary

Email: companysecretary@nswports.com.au

Phone: 1300 922 524

Annexure A

