




# Annual Compliance Report - 2022-2023

**ENVIRONMENTAL MANAGEMENT PLAN - PORT LEASE for reporting period  
1 June 2022 to 31 May 2023**



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**CONTENTS**

1.	BACKGROUND.....	5
1.1	Acknowledgement of Country .....	5
1.2	Port Lease and conditions.....	5
1.3	EMP and request for extension 2023 .....	5
1.4	Annual Compliance Report .....	6
1.5	Compliance Statement.....	6
2.	SIGNIFICANT CHANGES TO THE PORT.....	6
2.1	Commercial and trade activities.....	6
2.2	Operational Activities and Initiatives.....	7
2.3	Significant legal changes – Extinguishment of Liability Act 2022.....	8
2.4	New Developments.....	10
2.5	Staffing and Human Resources.....	11
2.6	Changes to Port Lease terms.....	11
2.7	Updates to the EMP or Environmental Management Systems (EMS).....	11
3.	ENVIRONMENTAL COMPLIANCE.....	12
3.1	Changes to Port Operator Environmental Licences, Permits and Approvals.....	12
3.2	Port Operator infringements including fines, warnings, infringement notices, mitigations imposed via permits such as Pollution Reduction Plans .....	12
3.3	Port Operator’s completed or proposed approach to resolution of the above issues.....	13
3.4	Sub-tenant EPL matters or infringements known to Port Operator.....	14
3.5	Tenant and Licence Engagement .....	14
3.6	Interaction with regulators .....	14
3.7	Summary of environmental audits required to be conducted by Port Operator under licences (EPLs) or consents (DAs) .....	15
3.8	Other Environmental and ESG Certifications and Achievements.....	15
4.	POLLUTION INCIDENTS AND SPILLS .....	16
4.1	Summary of incidents and spills over the year at the Port showing frequency and type.....	16
4.2	Description of any major incidents/spills and their consequences and clean-up.....	17
4.3	Pollution incidents reported to any regulator by PON, Subtenants, licences or Port Users (eg to EPA under s148 of the POEO ACT, PANSW under the Marine Pollution Act).....	17
5.	COMMUNITY AND PORT USER ISSUES.....	17
5.1	Summary of Complaints over the year showing frequency, complaint type and type of complainant .....	17

5.2	Status of any disputes between port users where these are not strictly commercial in nature	18
5.3	Port Operators completed or proposed approach to the resolution of the above issues ..	18
5.4	Media coverage of the Port .....	18
6.	<b>CONTAMINATION AND REMEDIATION .....</b>	<b>20</b>
6.1	Status of the assessment and reporting under s60 of the CLM Act.....	20
6.2	Copies of s60 reports submitted this reporting period .....	21
6.3	Status of remediation projects.....	21
6.4	Status of Compliance with Underground Petroleum Storage Systems (UPSS) Legislation...	21
7.	<b>ASBESTOS MANAGEMENT.....</b>	<b>22</b>
7.1	Currency of register of asbestos containing materials and brief description of any new ACM identified.....	22
7.2	Status of asbestos management program (any ACM removed, sealed etc).....	22
7.3	Description of any claims and/or exposure incidents .....	22
8.	<b>HERITAGE.....</b>	<b>22</b>
8.1	Maintenance of Heritage items .....	23
8.2	Activities affecting any heritage items .....	23
8.3	Changes to heritage registers or management plans .....	23
9.	<b>DREDGING .....</b>	<b>23</b>
9.1	Status of Approvals.....	23
9.2	Compliance with approval conditions.....	24
9.3	10-year Sea Dumping Permit Renewal for 2022-2032 – Summary of actions .....	24
9.4	Any new assessments of environmental impact .....	25
9.5	Any impacts on marine fauna .....	25
10.	<b>OTHER MATTERS TO REPORT .....</b>	<b>25</b>
	APPENDIX A – PON ENVIRONMENTAL EVENT REGISTER FOR THE REPORTING PERIOD.....	26
	APPENDIX B – ORGANISATION CHART.....	27
	APPENDIX C – ECOPORTS CERTIFICATION.....	28

**List of Tables**

<i>Table 1: Annual Compliance Report Submission Dates.....</i>	6
<i>Table 2: Development activities in the Port Lease Area during the reporting period 1 June 2022 to 31 May 2023 .....</i>	10
<i>Table 3: Detail of Port operator penalty infringement notices and pollution reduction studies for the reporting period.....</i>	12
<i>Table 4: Detail of completed and/or ongoing PRPs .....</i>	13
<i>Table 5: Subtenant Environmental Protection Licences – Infringements and Pollution Reduction Programs during the reporting period.....</i>	14
<i>Table 6: A summary of pollution incidents recorded by PANSW .....</i>	17
<i>Table 7: Summary of complaints received during the reporting period.....</i>	17
<i>Table 8: Summary of environmental media coverage for PON during the reporting period .....</i>	18
<i>Table 9: Detail of asbestos works during the reporting period.....</i>	22

*Table 10: PON heritage items inspection regime..... 23*  
*Table 11: Current approvals held by Port of Newcastle for dredging works within the Port area..... 23*

## 1. BACKGROUND

### 1.1 Acknowledgement of Country

Port of Newcastle (PON) acknowledge the Traditional Custodians of the land and waters on which PON operates, the Awabakal and Worimi people, and pays respect to all elders past, present and emerging.

### 1.2 Port Lease and conditions

In May 2014, the NSW Government through the entity Port of Newcastle Lessor Pty Limited (Port Lessor) entered a 98-year lease of the land, facilities and operations of the port of Newcastle (the Port Lease) with Port of Newcastle Investments (Property) Pty Limited. The Port Lease commenced on 30 May 2014 (the Commencement Date). The Port Lease dealing reference is A1631867. On 1 July 2022 due to a NSW Government restructure of its portfolio the Port Lessor changed from Port of Newcastle Lessor Pty Limited to the new entity Port of Newcastle Lessor Ministerial Holding Corporation.

Port Lessee has a sub-lease arrangement with the entity Port of Newcastle Operations Pty Limited, as trustee for the Port of Newcastle Unit Trust (Port of Newcastle, or PON). Port of Newcastle is the manager of the port and is the entity responsible for discharging Port Lessee's obligations under the Port Lease.

Clause 16 of the Port Lease defines the requirements for the establishment; implementation and ongoing compliance for an Environmental Management Plan (EMP). Clause 16.2 provides the submission requirements for the EMP and is reproduced below.

#### *16.2 Environmental Management Plan*

*Port Lessee must prepare and provide to Port Lessor an Environmental Management Plan and Environmental Management Plan Certification:*

- a) Within six months after the Commencement Date;*
- b) On or prior to the fourth anniversary of the Commencement Date; and*
- c) At least every five years thereafter.*

Clause 16.3 outlines PON's ongoing compliance and reporting commitments for the Port Lease.

#### *16.3 Compliance with Environmental Management Plan*

- a) Port Lessee must at all times comply with the then current Environmental Management Plan.*
- b) Port Lessee must provide a report to Port Lessor one month after each anniversary of the Commencement Date describing:*
  - i. Port Lessee's compliance with the Environmental Management Plan (including the requirements of the Transaction Documents in relation to Environmental matters);*
  - ii. The extent (if any) to which Port Lessee has failed to comply with the Environmental Management Plan and the requirements of the Transaction Documents in relation to Environmental matters; and*
  - iii. Port Lessee's relevant activities in the Total Concession Area*

### 1.3 EMP and request for extension 2023

Port of Newcastle, in accordance with Clause 16.2(a) of the Port Lease, submitted the EMP and EMP Certification to Port Lessor within six months of the Commencement Date on 25 November 2014. A revised version of the EMP in accordance with Clause 16.2(b) was provided to Port Lessor on 31 May 2018 and remains current at the time of writing.

The next EMP submission date was to be end of May 2023. PON requested with Port Lessor if it was possible to

obtain an extension for the requirement for 2023, due to the need for update of several internal documents and maps once handover of the KIWEF lands occurs in approximately Q3 2023. Port Lessor provided confirmation of agreement to the extension for provision of the EMP and EMP Certification, bringing the revised due date to 30 November 2023.

## 1.4 Annual Compliance Report

In accordance with Clause 16.3 (b) Port of Newcastle is required to provide a report to Port Lessor one (1) month after the anniversary of the Commencement Date of 31 May. The following report is presented as an *Annual Compliance Report* intended for the purposes of compliance with Clause 16.3 (b).

Table 1 provides detail of historical submission dates of the annual compliance reports in accordance with the provisions of Clause 16.3 (b) of the Port Lease.

*Table 1: Annual Compliance Report Submission Dates*

Period	Date Submitted
31 May 2014 to 26 November 2015	14 March 2015
27 November 2015 to 31 May 2016.	30 June 2016
1 June 2016 to 31 May 2017	30 June 2017
1 June 2017 to 31 May 2018	30 June 2018
1 June 2018 to 31 May 2019	2 July 2019
1 June 2019 to 31 May 2020	1 September 2020
1 June 2020 to 31 May 2021	30 June 2021
1 June 2021 to 31 May 2022	30 June 2022
1 June 2022 to 31 May 2023	30 June 2023; additional submissions to 16 August 2023

The reporting period for compliance with the EMP is 1 June to 31 May.

## 1.5 Compliance Statement

During the reporting period of 1 June 2022 to 31 May 2023 the Port Lessee (PON) confirms its compliance with the EMP including the requirements of the Transaction Documents in relation to Environmental matters. The Port Lessee also provides confirmation that there has not been any failure to adhere to the Port Lessee's EMP. For Port Lessee and Port Manager, the following report presents detail of the compliance summary from 1 June 2022 to 31 May 2023.

# 2. SIGNIFICANT CHANGES TO THE PORT

## 2.1 Commercial and trade activities

During the reporting period of 1 June 2022 to 31 May 2023 the following significant commercial activities have taken place.

During the 2022 calendar year, 136 MT of coal was exported through the Port, compared to 157 MT in 2021 showing a continual reduction in coal exports when compared to export record year of 2019 of 165 MT. Over the past two (2) years lower export volumes have occurred due to weather events, shortages of labour and disruptions to the supply chain. Coal shipments were resumed to China in 2023 following the Chinese government's ban on import of Australian coal in 2020.

In 2021, PON facilitated 140 MT of trade through the port, and a total of 2,072 vessel visits; an increase from 2021. Further detail on monthly and annual trade reports are available on the PON [website](#).

Despite the year being impacted by weather, wheat exports were the second highest on record at over two (2) million tonnes, over 470,000 tonnes of meals and grain were exported, and general cargo exports rose over 110%, with 160,000 tonnes leaving the port. Coupled with strong diversified trade results, the intent of diversifying into container trade took a significant step forward, with the PON *Extinguishment of Liability Act* becoming law. Following all the requirements of the legislation being met and agreed to, PON will move forward with plans to develop the

\$2.4 billion Newcastle Deepwater Container Terminal.

PON's Mayfield site has continued to be identified as the preferred port of call for major project cargo operations on the General Cargo Storage Facility, including for previous projects such as the importation of wind turbine components across the M4 berth in 2019 and the years thereafter. During 2022 cargo continued to include bulk cargo such as industry machine equipment and steel products.

PON underwent a successful refinancing process during 2020-2021 with NAB as core lender. The refinancing includes sustainability-linked loans that incentivise businesses through offering a lower margin on debt based upon targets met across a range of social and environmental metrics. The loan was the first sustainability-linked financing by an Australian seaport and the first such loan in Australia to include a modern slavery assessment metric addressing all of the borrower's suppliers. During the reporting period PON updated its 2021 Sustainability Financing Framework in alignment with the updated 2022 Green Loan Principles and the Green Bond principles. In November 2022, the Port of Newcastle refinanced a sustainability-linked loan (SLL), bringing the total bank debt to over 90% under SLL arrangement. The SLL incentivises PON by reducing the interest rates if a range of social and environmental sustainability targets are met. The loan is the first sustainability-linked financing by an Australian seaport to include a Scope 3 CO<sub>2</sub>e emissions target aligned with the Science Based Targets initiative (SBTi) framework.

## 2.2 Operational Activities and Initiatives

### **Sweeper vessel**

PON owns and operates its dredger, the David Allan, to conduct maintenance dredging to enable safe navigation of vessels in and out of the port. The David Allan operates seven days a week, taking dredged material to a designated government approved offshore spoil ground. The David Allan is a trailer suction hopper dredge, of which the operation of the long vacuum arm leaves peaks and troughs across the channel bed. In 2021, PON purchased the sweeper vessel Lydia as an addition to its maintenance operations to enhance the capability and efficiency of its dredging operations. The purpose of a sweeper vessel is to level out the peaks and troughs on the channel bed, which results in a reduction in the amount of spoil material that needs to be removed from the harbour to maintain required depths. The Lydia became operational in 2022.

### **Dredging EPL**

From 1 September 2022, the definition of 'extractive activities' in Schedule 1 of the *Protection of the Environment Operations Act* (POEO Act) was changed to include maintenance dredging activities. Therefore PON are currently in the process of obtaining an Environment Protection Licence 21815 for the David Allan operations. At time of writing the EPL 21815 is in draft form and expected to be instated.

### **Renewable energy**

At the beginning of 2022, PON achieved the goal of being 100% powered by renewable energy, which reduces carbon emissions at PON by approximately 5,000 cubic tonnes. PON partnered with green energy supplier Iberdrola to secure a retail Power Purchase Agreement (PPA) that provides the Port with Large Scale Generation Certificates that have direct links with the Bodangora Wind Farm in the Orana Region of New South Wales. The wind turbines on the farm were imported through the Mayfield Berth. The agreement also allows 15 of PON's tenants to be supplied by renewable electricity, thereby further enabling sustainability at tenanted sites.

### **Mobile Harbour Cranes at Mayfield**

In July 2021 PON made a \$28.4 million investment in the purchase of two (2) Liebherr mobile harbour cranes (MHCs) for use at Mayfield 4 berth. The cranes are intended in the expansion of PON's service offering by broadening the potential market and expanding PON's service offering. The cranes will have application for containers, break bulk and project cargo, such as wind turbine components. The MHCs became operational in 2022 and are currently fuelled by diesel, with a longer term view to become electrically powered.

### **M4 Berth Expansion Works**

Improvements were required to M4 to allow handling the projected increase in cargo throughput and to enable larger vessels up to 300 LOA to berth. Expansion and construction activities began in 2022 as exempt development under *State Environmental Planning Policy (Transport and Infrastructure) 2021*. The scope of works included:



- Additional hardstand area for cargo handling and storage;
- Upgrades to access roads;
- Services upgrades – fire, water, power, and communications;
- Security upgrades – fencing and access systems; and
- Temporary relocation of the carpark.

Construction is expected to be completed this year. As a result, an EPL variation for the extension of the M4 berth will be performed at the appropriate time.

### ***K2 Bulk Ship Unloader***

The Kooragang 2 Bulk Ship unloader arrived on 16 May 2021, with application for fertiliser, grains and other bulk import products. The new unloader is a \$35 million dollar investment by the Port and will allow greater control of environmental emissions to air with the use of new baghouses and state of the art controls. At time of writing the unloader is continuing undergoing commissioning periods.

### ***Fire Safety Study***

Following a robust tender process, PON began its first port-wide Fire Safety Study (FSS) in May 2022. The FSS was designed to cover all Port occupied land, and includes assessment of perfluoroalkyl and polyfluoroalkyl substances (PFAS) risk at occupied sites. The program is continuing to ensure compliance with applicable fire legislation, including storage of firefighting chemicals and potential historic use of PFAS. The program assists in identifying and addressing non-compliances and risk in addition protection of Port assets and potential contamination,

### ***Road Naming Project***

During 2022 City of Newcastle (Council) advised PON of a directive from Local Emergency Management Committee chaired by NSW Police to comply with Geographical Name Board (GNB) Policy and Procedures. A number of road names were being adjusted in response to past events where emergency services had been unable to quickly locate a property in the case of an emergency. The project brought street addressing in-line with the current *GNB Naming & Addressing Policy* and have been developed in the interest of public safety to aid emergency services, and for the ease of general service delivery. PON covered costs in budget to complete signage in line with the agreed and Government Gazetted Road Names.

## **2.3 Significant legal changes – Extinguishment of Liability Act 2022**

On 30 May 2014, PON and the State of NSW entered into a series of documents relating to the privatisation of the PON, including a *Port Commitment Deed (Deed)*. The Deed contained a provision which required PON to pay amounts to the State if a certain volume of containers were handled at PON (the Reimbursement Provision).

The State was also party to a Port Commitment Deed with the purchasers of Port Kembla and Port Botany. That Port Commitment Deed contained a provision under which the State would effectively pass on any amounts that PON paid to the State as a result of the reimbursement provision (Compensation Provision).

The Reimbursement and Compensation Provisions gave the purchasers of Kembla and Botany confidence of full value of the container trade on the East Coast, and allowed the State to recover a higher purchase price. The State theoretically recovered less when PON was privatised as it was selling a coal port only, without potential to handle containers in the future. The arrangements have meant that the development of a container terminal in Newcastle would not be economically viable ands PON would have to pay its competitor a prescribed rate per container above a certain threshold.

From 2018 to 2021 the Australian Competition and Consumer Commission (ACCC) led court proceedings arguing that the Reimbursement Provision and Compensation Provision were anti-competitive. Ultimately the ACCC was not successful, and the provisions remained in place.

On 25 November 2022, the *Port of Newcastle (Extinguishment of Liability) Act 2002* came into effect. The Act provides that:

- PON may submit a request to NSW Treasury to appoint an appropriately qualified person to determine: *'the amount by which the financial value of the right to operate and lease the assets of the Port of Newcastle for*

*98 years would have been reduced, in the opinion of a reasonable person at the time the Deed was entered into, because of the inclusion of the reimbursement provision in the Deed (the Relevant Compensation)'; and*

- If PON pays the Relevant Compensation to the State, then the Reimbursement Provision of the Deed will have no legal effect.

If PON pays the Relevant Compensation and the Reimbursement Provision is removed, PON would no longer need to pay an amount per container to the State. The effect may mean the development of a container terminal economically viable.

On 2 March 2023, the Independent Pricing and Regulatory Tribunal of NSW (IPART) was appointed under the Act to determine the Relevant Compensation, PON is currently cooperating with IPART to assist with determination, which is due within six (6) to nine (9) months, with rights to extend the timeframes in certain circumstances. Since March 2023 PON have cooperated with IPART's requests for documents and information, to assist them with their calculations.

## 2.4 New Developments

Table 2 provides detail on development activities that have been occurring in the Port Lease area during the reporting period.

Table 2: Development activities in the Port Lease Area during the reporting period 1 June 2022 to 31 May 2023

Location	Development	Approval Mechanism	Commencement Date	Expected Completion Date
Lot 42 DPI191982 Lot 44 DPI191982 Mayfield MPT	Construction of a formal hardstand area and ancillary stormwater system, a new internal service road (driveway), installation of infrastructure (water, electricity, and communications), security fencing and gates, relocation of the existing gatehouse, installation of a wash bay, and lighting. Commissioning of two mobile harbour cranes (Liebherr LHM550) for the purposes of handling cargo.  Proponent: PON	Exempt development under s5.24 of SEPP (Transport and Infrastructure) 2021.	Construction commenced September 2022	Construction completed.
Lot 62 DP802700 Lot 63 DP802700 32 Heron Rd, Kooragang	Construction of a bulk storage facility consisting of a 9500sqm shed, hardstand area for parking and vehicle manoeuvring.  Proponent: Qube Ports	Complying development under s5.25 of the SEPP (Transport and Infrastructure) 2021.  Certifier: McKenzie Group Consulting (NSW)	Construction yet to commence.	Q4 2023 Post construction use to be ongoing.
Lot 30 DPI190075 140 Bourke St, Carrington Carrington Hydraulic Engine House (CHEH)	State Development (DA22/6312) for the following works:  Engine room asbestos encapsulation. New accessible entry ramp. Interpretive landscaping features.  Applicant: PON	Part 4 EP&A Act approval  Authority: Independent Planning Commission (IPC).	Approved: 23 December 2022	Construction yet to commence.

## 2.5 Staffing and Human Resources

### Staffing changes

There were changes to the structure of the organisation between 1 June 2022 and 31 May 2023. **Appendix C** provides an organisational chart with changes to staffing and departments that have occurred during the reporting period.

Other staffing changes included:

- Previous Commercial Function split into separate teams as Commercial and Legal functions.
- Inclusion of additional Clean Energy and Hydrogen functions in Commercial team, reflective of KIWEF handover anticipated in 2023.
- Appropriate promotions of staff to Senior roles separate to environmental functions.
- Re-identification of roles appropriately separate to environmental functions.

### Coronavirus (COVID-19) Measures – PON Operations

During 2021 the worldwide COVID-19 pandemic continued to impact a number of operational and staffing requirements. PON is registered as a COVID-Safe business, and the controls implemented are described in the following section. A Pandemic Emergency Management Response Plan was implemented in March 2020.

A number of operational changes were implemented by the PON Incident Management Team (IMT) in 2021 and were detailed in previous reports. The IMT performed ongoing reviews of PON's COVID-19 controls depending upon community transmission within NSW, and the ongoing Government restrictions and guidelines. The controls are subject to continual review to ensure PON align with current government regulations, and to provide a COVID-safe environment that supports an agile working arrangement. The controls were a success for PON and enabled operations to continue successfully once again through to 2023 as conditions and regulations are changed.

## 2.6 Changes to Port Lease terms

There have been no changes to the terms of the Port Lease during the reporting period.

## 2.7 Updates to the EMP or Environmental Management Systems (EMS)

The Environmental Management Plan and Environmental Management System were initially endorsed by Port Lessor on 26 November 2015.

In accordance with Clause 16.2(b) a review of the EMP was undertaken with a revised version of the EMP document provided to Port Lessor on 31 May 2018. As described in Section 1.3, the next EMP submission date was to be end of May 2023. PON requested with Port Lessor if it was possible to obtain an extension for the requirement for 2023, due to the need for update of several internal documents and maps once handover of the KIWEF lands occurs in approximately Q3 2023. Port Lessor provided confirmation of agreement to the extension for provision of the EMP and EMP Certification, bringing the revised due date to 30 November 2023.

During 2021 an external voluntary review of the EMS was undertaken by contractor Ramboll. The project was intended as a review of the EMS in its current state, with a GAP analysis included for alignment with *ISO 14001 Environmental Management Systems*. An action plan for update of the EMS is continued to be prepared for approval of the Executive Leadership Team (ELT). Following the external voluntary review, an internal review and general updating commenced of the EMS and environment policy which was completed by the Environment Team. While review of the EMS remains ongoing as living documents, the environment policy was approved by the ELT in December 2021 with next review scheduled for December 2023.

### 3. ENVIRONMENTAL COMPLIANCE

#### 3.1 Changes to Port Operator Environmental Licences, Permits and Approvals

##### **Environment Protection Licences (EPLs)**

During the reporting period Port of Newcastle continued to hold two Environment Protection Licences (EPLs) for Shipping in Bulk. The EPLs are held at the common user berths under EPL 1967 Newcastle Bulk Terminal (Kooragang 2 & Kooragang 3 berths), and EPL 13181 at Mayfield 4.

As described in Section 2.2, a hardstand extension and related works underway at M4 in order to allow the projected increase in cargo throughput and to enable larger vessel. Construction is expected to be completed this year and therefore an EPL variation for the extension of the M4 berth will be performed at the appropriate time to include the extended area and additional stormwater monitoring point.

From 1 September 2022, the definition of 'extractive activities' in Schedule 1 of the *Protection of the Environment Operations Act* (POEO Act) was changed to include maintenance dredging activities. Therefore PON are currently in the process of obtaining an Environment Protection Licence for the David Allan operations. The EPL application is currently lodged and under review by EPA.

##### **Sea Dumping Permit**

In addition, the 10-year renewal of the Sea Dumping Permit was granted in 2022, and further details are provided in Section 9.

##### **Summary**

There were no other significant changes to the Port operator environmental licences, permits and approvals during the reporting period. The following sections detail items of note related to each document, including submissions dates and associated correspondence.

#### 3.2 Port Operator infringements including fines, warnings, infringement notices, mitigations imposed via permits such as Pollution Reduction Plans

During the reporting period EPL 13181 at Mayfield 4 Berth did not have regulatory actions relating to the EPL to report.

During the reporting period, EPL 1967 (Newcastle Bulk Terminal) had two (2) Pollution Reduction Studies (PRS) required for actioning. There have not been any events that have resulted in regulatory action against PON under EPL 1967 during the reporting period. Details are presented in Table 3 and the following sections. It is noted that PON applied for Variation of Licence for EPL 1967 with EPA in 2021, and details are provided in the following table.

Table 3: Detail of Port operator penalty infringement notices and pollution reduction studies for the reporting period

Newcastle Bulk Terminal EPL 1967 Shipping in Bulk	
Combined PRP for K2 and K3 Berths	
Item	Actions to date
Condition U1 PRS 7: Review of Stormwater Management Improvements  Following completion of the crane replacement project, the licensee must review stormwater discharge quality. The review must include, but is not limited to: <ul style="list-style-type: none"> <li>a) A twelve-month stormwater discharge quality monitoring program, to be commenced following completion of the crane replacement project.</li> <li>b) A year by year review of stormwater quality and loads discharged from the premises since 2015 compared with the twelve-month monitoring program identified in (a) above. At a minimum the review must consider cargo</li> </ul>	Delays were experienced in the arrival of the unloader. The plant arrived at PON for commissioning in mid-May 2021. Therefore a 12-month stormwater study required additional time for PON to complete appropriately.  In November 2021 PON applied for an extension to the PRS to enable completion of the full stormwater study. The Variation was granted in December 2021 and the due date adjusted in line

<b>Newcastle Bulk Terminal EPL 1967 Shipping in Bulk</b>	
<p>handled, rainfall and nutrient discharge loads (total nitrogen, total phosphorous, ammonia).</p> <p>c) An explanation of any trends in stormwater discharge quality, including with reference to any infrastructure improvements completed or changed work practices implemented at the premises.</p> <p>Original Date due: 31 December 2021</p> <p><b>Variation due date: 15 months after the date of practical completion of commissioning of the unloader.</b></p>	<p>with commissioning and practical completion date. Commissioning remains ongoing at time of writing.</p>
<p>Condition U2 PRS 8: Investigation of Collaborative Stormwater Management Improvement Works - Closed Transfer Systems</p> <p>Date due: 21 May 2021</p> <p><b>Update: Condition removed from EPL in December 2021 as part of Variation of Licence.</b></p>	<p>Investigation report was submitted to EPA by the due date. Report was accepted by EPA and no further investigations or actions requested.</p> <p>Condition removed from EPL and marked Complete in EPL.</p>
<b>Penalty Infringement Notices EPL 1967</b>	
<b>Event Detail</b>	<b>PON response</b>
Nil for this period.	-

### 3.3 Port Operator's completed or proposed approach to resolution of the above issues

#### **Newcastle Bulk Terminal (K2 and K3 Berths) – Pollution Reduction Program**

PON has reported on completed or ongoing PRPs for previous periods and for the current reporting period of 1 June 2022 to 31 May 2023, as described in Table 4.

Table 4: Detail of completed and/or ongoing PRPs

<b>K2 Berth</b>		<b>K3 Berth</b>	
<b>Action</b>	<b>Completion Date</b>	<b>Action</b>	<b>Completion Date</b>
PRP 2 Stormwater Improvement Program	31 December 2015	PRP 1 Investigation of stormwater discharge quality	29 April 2014
		PRP 2 – Review of Trial Bio-filtration System	31 December 2015
<b>Combined PRP for K2 and K3 Berths</b>			
<b>Action</b>		<b>Completion Date</b>	
PRP 3 Surface Water Scoping and Options Study		Completed 31 December 2016	
PRP 4 Investigation of Collaborative Stormwater Management Improvement Works		Completed 31 December 2017	
PRP 5 Investigation of Loose Bulk Cargo Handling Controls		Completed 29 June 2018	
PRS 6 Investigation of Collaborative Stormwater Management Works		Completed 30 April 2019	

K2 Berth		K3 Berth	
Action	Completion Date	Action	Completion Date
PRS 7: Review of Stormwater Management Improvements		Ongoing.  Original due date 31 December 2021.  EPL Variation submitted for extension as described in Table 3. Due date adjusted in line with commissioning and practical completion date.	
PRS 8: Investigation of Collaborative Stormwater Management Improvement Works - Closed Transfer System		Completed 21 May 2021. Accepted by EPA and condition noted complete on EPL as part of 2021 Variation.	

### 3.4 Sub-tenant EPL matters or infringements known to Port Operator

Port of Newcastle maintains a register of subtenants that hold EPLs for activities carried out at their premises. A review of the EPA POEO Public Register against each of those tenants has identified that those listed in the table below have had specific matters, infringements or Pollution Reduction Program requirements on their EPLs during the reporting period of 1 June 2022 to 31 May 2023 at the time of writing.

*Table 5: Subtenant Environmental Protection Licences – Infringements and Pollution Reduction Programs during the reporting period*

Tenant/Licence	Detail
Koppers Carbon Materials and Chemicals Pty Ltd EPL 2156	Notice 3173530416 issued 19 July 2021 for incident 24 March 2021 – Pollution of Waters. Coal tar pitch spilled on wharf, with some entering the Hunter River. Clean-up was reported to PON. Final penalty notice for same incident received during 2022.
Port Waratah Coal Services Kooragang EPL 1552	Notice 3503789 issued May 2022 for spillage of coal fines incident. Fine issued by EPA.
Orica Australia Pty Ltd EPL 828	EPL 828 has PRPs active in the licence. It is noted that Orica is a tenant of PON, however the tenancy relates to an area of carpark only. The plant and operational processes are on lands which are owned by Orica. As a stakeholder in the Port and community, Orica provides regular updates on the planned PRPs in the EPL.

### 3.5 Tenant and Licence Engagement

Port of Newcastle meets with its tenants to discuss environmental matters that are related to their facility and operation. The discussions include compliance related matters where the tenant provides PON with a status update of any current or emerging issues.

### 3.6 Interaction with regulators

In order to maintain positive and transparent relationships, Port of Newcastle regularly meets with federal and state regulators of Port activities including:

- Department of Planning and Environment (DPE);
- City of Newcastle (CoN);
- Department of Primary Industries (DPI);
- Department of Climate Change, Energy, the Environment and Water (DCCEEW);
- Department of Agriculture, Fisheries and Forestry Biosecurity (DAFF – Biosecurity); and
- Transport for NSW (TfNSW).

Regular interaction with these government bodies occurs through several avenues including scheduled reoccurring meetings, industry forums where regulators present on key issues/ annual monitoring/reviews, project specific engagement and organised port orientation tours for regulators located outside of the Newcastle area. Our maintenance dredging Technical Advisory Consultation Committee (TACC) meetings also include representatives from many of the agencies above.

### **3.7 Summary of environmental audits required to be conducted by Port Operator under licences (EPLs) or consents (DAs)**

PON did not have requirements under EPLs 1967 or 13181 to conduct mandatory environmental audits during the reporting period of 1 June 2022 to 31 May 2023.

Similarly, PON did not have requirements under Development Approvals during the reporting period. The most recent Independent Environmental Audit (IEA) and Independent Hazard Audit (IHA) for Development Approval No. 293-08-00 was due in late 2020, and have been completed. The next audits will be due in late 2023.

PON has an EMS in place that is aligned with the *ISO 14001:2015 - Environmental management systems* standard. All PON employees are briefed on the PON EMS as part of employee onboarding. In 2021 a voluntary internal review audit of the PON EMS was completed against the ISO14001 standard with an external qualified contractor. The audit provided 11 opportunities for improvement, and a GAP analysis to ISO 14001:2015 standard. As a result of the audit and in line with PON review frequency requirements, a detailed internal review of the EMS is being performed. It is anticipated that PON will work to begin the process to obtain ISO 14001 certification within the next year.

In 2021 PON committed to further understanding opportunities to improve its waste management through participation in the NSW Government's Bin Trim Program. The program included an initial waste survey and provided the business with a tailored action plan to find more ways to avoid, reduce and recycle waste. Actions from the Bin Trim audit are continually being assessed and improved. During 2022 and 2023 the waste and recyclable streams were increased to a total of 17 different waste streams, with a goal of reducing waste to landfill.

### **3.8 Other Environmental and ESG Certifications and Achievements**

The following section outlines environmental and environmental, social and governance (ESG) related achievements for the period. Further detailed information relating to sustainability and ESG is available on the website in the [2022 Sustainability Report](#).

#### **EcoPorts**

The EcoPorts SLC is a port-specific environmental certification program, and provides a consistent and globally recognised approach to environmental management in the sector. In 2019 PON was the first port in Australia or New Zealand to become a member of the International EcoPorts network and to be certified under the program, PON has been working across the Pacific region to advocate the benefits of the group's initiative for other ports, and nine (9) additional Australian ports have committed to the program. PON was re-certified under audit by EcoPorts and Lloyd's Register Quality Assurance (LRQA) in December 2021, which continues to 12 December 2023. A copy of the certificate is provided in Appendix D.

#### **GRESB (Global Real Estate Sustainability Benchmark)**

The GRESB score is an overall measure of environmental, social and governance (ESG) performance, represented as a percentage out of 100, which gives quantitative insight into ESG performance over time and against participating peer organisations. 2022 was the fourth year PON participated in GRESB and was awarded a score of 95, which was an improvement on the previous year of a score of 92. The ranking marks a significant and continual improvement from a score of 40 in 2019 and 75 in 2020. GRESB rankings are available on the [GRESB website](#).

#### **Sustainability Advantage**

PON joined the NSW Government's Sustainability Advantage Program in 2019 and was previously a Bronze Partner. During 2021 PON was awarded Silver Partner Status in recognition of significant progress towards achieving commitments through key initiatives since the launch of the ESG Strategy in 2019.



### ***Diversity and Inclusion***

PON implemented a Diversity and Inclusion (D&I) Strategy and a D&I Working Group in 2022. The D&I Working Group focuses on, among other issues, gender equality, accessible learning and development, inclusive recruitment, and also oversees the Reconciliation Action Plan (RAP, available on the PON [website](#)).

### ***Internships***

The Aboriginal and Torres Strait Islander internship program was rolled out in 2022 with the provision of two internship opportunities at PON. The company continues to work with our partners at University of Newcastle and in industry to continue the internships into the future.

### ***United Nations Global Compact***

To further our public commitment to sustainability, in 2022 we became a signatory to the UN Global Compact, aligning with ten principles relating to human rights, anti-corruption, environment and labour. PON has incorporated 15 of the UN Sustainable Development Goals (SDGs) into core business operations.

## **4. POLLUTION INCIDENTS AND SPILLS**

### **4.1 Summary of incidents and spills over the year at the Port showing frequency and type**

PON utilises an incident reporting system (MYOSH) to record a number of items including environmental incidents, complaints, maintenance, safety shares, positive feedback, safety conversations, inspection non-conformances and audit actions. The system captures environmental events related to PON operations as well as non-PON operations such as incidents reported to PON by tenanted facilities or operations within the Port boundary that are under the control of third parties. A full summary of events is detailed in Appendix A.

During the reporting period, there was a total of 23 environmental or environmental-adjacent events recorded.

11 of the reports were environmental incidents or events on PON sites or vessels where PON were in direct control of the operation, or where contractors were performing work on behalf of PON. All eleven events were classified as either low (6) or medium (5) risk level, and compromised:

- Five (5) minor hydraulic oil leaks on land-based plant. All spills were contained with no impact to surface water.
- Two (2) minor hydraulic oil leaks and one coolant leak onboard a vessel, all contained with no impact to marine water.
- One (1) instance of elevated water quality parameters in a groundwater dewatering operation. The water was treated and reinjected with no impact to surface water.
- One (1) instance of theft of environmental monitoring equipment resulting in a non-compliance with monitoring frequency requirements.
- One (1) occurrence of a bee swarm during the Varroa Mite outbreak. The bees were euthanized, sampled by Biosecurity and removed from site. Laboratory results show that the bees did not have the Varroa mite.

It is noted that construction was performed in areas of PON's sites, such as the expansion of the Mayfield 4 berth area, during the reporting period. As PON has operational control of sub-contractors, increased reporting rates and the construction activities led to higher rate of incident reporting compared to previous years.

Eight (8) of the reports were environmental incidents or events on sites or vessels that operate within the Port boundary but are under the control of external parties.

Three (3) of the reports were environmental complaints.

One (1) report involved the detection of elevated water quality parameters in surface water at Mayfield. It is uncertain if the pollutants originated from adjacent PON water treatment or stockpiling activities, or from the migration of contaminated groundwater from the BHP Remediation Area. Further sampling showed the results have returned to within historic range.

#### 4.2 Description of any major incidents/spills and their consequences and clean-up

No major incidents/spills during this report period occurred due to PON operations.

#### 4.3 Pollution incidents reported to any regulator by PON, Subtenants, licences or Port Users (eg to EPA under s148 of the POEO ACT, PANSW under the Marine Pollution Act)

The following events were reported to regulators by PON during the reporting period of 1 June 2022 to 31 May 2023.

A list of pollution incidents recorded by the Port Authority of NSW (PANSW) for the reporting period is provided. In summary, a total of 5 events were reported to and recorded by PANSW during the reporting period, Table 6 demonstrates the number and types of incidents recorded.

Table 6: A summary of pollution incidents recorded by PANSW

Air	Water	Land	Noise	Vessel (event contained)
-	6	2	-	-

## 5. COMMUNITY AND PORT USER ISSUES

### 5.1 Summary of Complaints over the year showing frequency, complaint type and type of complainant

A total of three (3) complaints were received and recorded by PON in the MYOSH event reporting system during the reporting period of 1 June 2022 to 31 May 2023. The three (3) reports were community complaints related to external operations. Table 7 provides a summary of the complaints in addition to Appendix A. There were no complaints of an environmental nature in relation to PON operations.

Table 7: Summary of complaints received during the reporting period

Date received	Detail of complaint and actions taken
25/12/2022	Incident #000119 – Complaint received regarding ‘a trail of brown water heading out to sea’ as viewed from the southern breakwater. PON on Christmas shutdown. Investigation commenced 10/1/2023 with assistance of CAS and M&O. No ongoing evidence of the incident, no photos or other information available to corroborate the event.
31/01/2023	Incident #000116 – Noise complaint: PON received a call from a Honeysuckle community member regarding a droning noise going 24/7 for approximately a week. Investigations identified the source of the noise as a vessel berthed at East Basin under operational control by Linx. The issue resolved after the vessel departed and the complainant appeared satisfied.
16/03/2023	Incident #000138 - Community complaint regarding ‘visible and excessive dust’ during GrainCorp ship loading operations at West Basin. Visual inspection by PON confirmed fugitive dust emissions from the operation, as well as substantial grain dust deposition on parked cars and surfaces in the vicinity. Enquiries were made with GrainCorp Site Manager who stated that no excessive dust emissions were reported by their staff or recorded in their Inspections or Observations records. Further stating that no incidents were recorded that could have affected the performance of their dust extraction system. PON will continue monitor grain handling operations.

## 5.2 Status of any disputes between port users where these are not strictly commercial in nature

Port of Newcastle is not aware of any disputes between port users during the reporting period.

## 5.3 Port Operators completed or proposed approach to the resolution of the above issues

As detailed above Port of Newcastle is not aware of any disputes between port users and therefore no resolution has been required.

## 5.4 Media coverage of the Port

Port of Newcastle media monitoring and reporting is focused on the activities of PON or impact on PON infrastructure. A summary of this media coverage is provided below in Table 8.

Table 8: Summary of environmental media coverage for PON during the reporting period

Date	Source	Title	Summary
1 June 2022	The Farmer Magazine	Making investment in regional NSW work	The NSW Government has a diverse strategy for growing investment in regional NSW <a href="https://thefarmermagazine.com.au/keeping-up-with-government-investment-plans-in-regional-nsw/">https://thefarmermagazine.com.au/keeping-up-with-government-investment-plans-in-regional-nsw/</a>
22 June 2022	Newcastle Herald	Port of Newcastle lifts closer to container terminal goal with cranes on their way	Port of Newcastle is lifting the stakes on its bid to be a container handling hub <a href="https://www.newcastleherald.com.au/story/7790486/cranes-to-lift-port-of-newcastles-container-terminal-ambition/">https://www.newcastleherald.com.au/story/7790486/cranes-to-lift-port-of-newcastles-container-terminal-ambition/</a>
22 June 2022	Newcastle Herald	Plans for Pump House restoration	Restoration the Carrington Engine House is almost complete with the public exhibition of the final phases of the project. <a href="https://www.newcastleherald.com.au/story/7790880/plans-for-last-of-pump-house-restoration/">https://www.newcastleherald.com.au/story/7790880/plans-for-last-of-pump-house-restoration/</a>
3 July 2022	Newcastle Herald	Labor Infrastructure minister Catherine King accuses Coalition government of failing to provide funding for Newcastle container terminal	The federal government has labelled the Morrison government's plans to spend \$250million to establish a container terminal at the port of Newcastle as a "cruel hoax" <a href="https://www.newcastleherald.com.au/story/7795286/labor-under-pressure-to-fund-newcastle-container-terminal/">https://www.newcastleherald.com.au/story/7795286/labor-under-pressure-to-fund-newcastle-container-terminal/</a>
20 July 2022	Newcastle Herald	Port of Newcastle tells NSW Farmers conference container terminal would save billions in freight costs	Port of Newcastle has told the NSW Farmers' annual conference that a full-scale container terminal in Newcastle would save producers \$2.8 billion over 30 years. <a href="https://www.newcastleherald.com.au/story/7827074/port-tells-farmers-container-terminal-would-save-billions/">https://www.newcastleherald.com.au/story/7827074/port-tells-farmers-container-terminal-would-save-billions/</a>
21 July 2022	The Chronicle	Call for Newcastle to be a container port to stop exports being directed to Queensland	A block on building a new container port in NSW is seeing the state lose out to Queensland. <a href="https://www.thechronicle.com.au/news/nsw/call-for-newcastle-to-be-a-container-port-to-stop-exports-being-directed-to-queensland/news-story/8adb6a077dde1d8f899f1809027d78b1?btr=66506c087445102dc282c48c34ff75fa">https://www.thechronicle.com.au/news/nsw/call-for-newcastle-to-be-a-container-port-to-stop-exports-being-directed-to-queensland/news-story/8adb6a077dde1d8f899f1809027d78b1?btr=66506c087445102dc282c48c34ff75fa</a>
2 August 2022	The Rural	NSW Farmers identify bottlenecks in freight framework	NSW Farmers is calling for improvements to freight infrastructure. <a href="https://www.therural.com.au/story/7843643/freight-burdens-take-hold-in-nsw/?src=rss">https://www.therural.com.au/story/7843643/freight-burdens-take-hold-in-nsw/?src=rss</a> .
2 August 2022	Newcastle Weekly	Arrival of mobile harbour cranes signals new era at Port	Crane appearance means the Hunter's global gateway should now take a critical step forward in its important diversification agenda.

Date	Source	Title	Summary
			<a href="https://newcastleweekly.com.au/arrival-of-mobile-harbour-cranes-signals-new-era-at-port/">https://newcastleweekly.com.au/arrival-of-mobile-harbour-cranes-signals-new-era-at-port/</a>
2 August 2022	Newcastle Herald	NSW Farmers boss Xavier Martin says Port Botany will never be as efficient as Newcastle for agriculture exports	The state's peak farming body says it is "hugely unlikely" Port Botany will "ever be as attractive or efficient as the Port of Newcastle". <a href="https://www.newcastleherald.com.au/story/7844364/farmers-say-botany-never-as-efficient-as-newcastle-port/">https://www.newcastleherald.com.au/story/7844364/farmers-say-botany-never-as-efficient-as-newcastle-port/</a>
23 September 2022	Newcastle Herald	Upper Hunter MP Dave Layzell hopes the Coalition MPs will support Port of Newcastle private members bill	Upper Hunter MP Dave Layzell admits a bill designed to dismantle port commitment deeds constraining the development of a Newcastle container terminal will test the Coalition's unity. <a href="https://www.newcastleherald.com.au/story/7914517/port-legislation-will-test-coalition-friendship/">https://www.newcastleherald.com.au/story/7914517/port-legislation-will-test-coalition-friendship/</a>
23 September 2022	ACM syndications	MP Greg Piper to introduce a bill to parliament that will pave the way for the establishment of a container terminal at the Port of Newcastle	The independent MP gave notice on Wednesday that he would introduce the 'Port of Newcastle Extinguishment of Liability Bill 2022'. <a href="https://www.greatlakesadvocate.com.au/story/7913607/greg-piper-to-introduce-bill-that-will-pave-the-way-for-newcastle-container-terminal/">https://www.greatlakesadvocate.com.au/story/7913607/greg-piper-to-introduce-bill-that-will-pave-the-way-for-newcastle-container-terminal/</a>
30 September 2022	ACM syndications	The Hunter Region must move fast to realise the potential of green hydrogen markets	The Hunter green hydrogen hub, to be based on land owned by the Port of Newcastle, is still in the early planning stages. <a href="https://www.sconeadvocate.com.au/story/7921695/hunters-hydrogen-window-wont-last/">https://www.sconeadvocate.com.au/story/7921695/hunters-hydrogen-window-wont-last/</a>
6 October 2022	ABC News	NSW farmers unite to address freight rail failures from paddock to port	The peak body for farmers in NSW has formed a new task force to tackle what it says are rail freight failures from paddocks to ports. <a href="https://www.abc.net.au/news/rural/2022-10-06/nsw-farmers-freight-rail-failure-task-force/101506624">https://www.abc.net.au/news/rural/2022-10-06/nsw-farmers-freight-rail-failure-task-force/101506624</a>
7 October 2022	Newcastle Herald	Deputy Premier Paul Toole to meet with Port of Newcastle to discuss container terminal proposal	Deputy Premier Paul Toole will meet with the Port of Newcastle to discuss its push to establish a container terminal at the port. <a href="https://www.newcastleherald.com.au/story/7931798/deputy-premier-to-meet-with-port-over-container-terminal-plans/">https://www.newcastleherald.com.au/story/7931798/deputy-premier-to-meet-with-port-over-container-terminal-plans/</a>
10 October 2022	Newcastle Herald	NSW Farmers make Newcastle Container Terminal a top priority for supply chain taskforce	The establishment of a Newcastle container terminal is among the top priorities for a new NSW Farmers Federation taskforce. <a href="https://www.newcastleherald.com.au/story/7935799/newcastle-container-terminal-a-top-priority-for-states-farmers/">https://www.newcastleherald.com.au/story/7935799/newcastle-container-terminal-a-top-priority-for-states-farmers/</a>
19 October 2022	Cessnock Advertiser	Clayton Barr: Raising the Barr   The Port of Newcastle must be more than just coal	Setting up another purpose for our Port of Newcastle, another economy and another job creator, is extremely important to our future. <a href="https://www.cessnockadvertiser.com.au/story/7945084/port-of-newcastle-must-be-more-than-just-coal-barr/">https://www.cessnockadvertiser.com.au/story/7945084/port-of-newcastle-must-be-more-than-just-coal-barr/</a>
24 October 2022	Nine News	World first partly wind-powered ship glides into Port of Newcastle	The world's first partly wind-powered ship had a warm and wet welcome as it glided into the Port of Newcastle this morning. <a href="https://www.9news.com.au/national/world-first-partly-wind-powered-bulk-carrier-shofu-maru-arrives-newcastle-new-south-wales/6c010382-fee3-4c4a-853c-42dc93a3c7a2">https://www.9news.com.au/national/world-first-partly-wind-powered-bulk-carrier-shofu-maru-arrives-newcastle-new-south-wales/6c010382-fee3-4c4a-853c-42dc93a3c7a2</a>
27 October 2022	Newcastle Herald	Port of Newcastle is pushing ahead with the construction of stage one of its container terminal plans	Following the arrival of two mobile cranes in August, work is now underway on the construction of a 12,000 square metre hardstand storage area adjacent to Mayfield 4 berth. <a href="https://www.singletonargus.com.au/story/7958929/full-steam-ahead-for-newcastle-container-terminal-works/">https://www.singletonargus.com.au/story/7958929/full-steam-ahead-for-newcastle-container-terminal-works/</a>
9 November	ACM	Port of Newcastle vows to	The NSW lower house voted on Tuesday in favour of a bill which will extinguish ongoing financial penalties on the port

Date	Source	Title	Summary
2022	syndications	honour container terminal commitment to Hunter 'without delay'	building a freight terminal. <a href="https://www.macleayargus.com.au/story/7973500/port-vows-to-launch-terminal-without-delay/">https://www.macleayargus.com.au/story/7973500/port-vows-to-launch-terminal-without-delay/</a>
11 November 2022	Newcastle Herald	Container bill passes as upper house	The upper house voted down the Labor amendments to Lake Macquarie MP Greg Piper's original bill on Thursday night and approved the legislation intact. <a href="https://www.newcastleherald.com.au/story/7976555/container-bill-passes-as-upper-house-rejects-labor-amendments/">https://www.newcastleherald.com.au/story/7976555/container-bill-passes-as-upper-house-rejects-labor-amendments/</a>
17 December 2022	Newcastle Herald	Early works commence on Port of Newcastle's hydrogen hub	Early works have commenced on the establishment of a \$100million green hydrogen hub at the Port of Newcastle. <a href="https://www.newcastleherald.com.au/story/8022431/ports-hydrogen-vision-taking-shape/">https://www.newcastleherald.com.au/story/8022431/ports-hydrogen-vision-taking-shape/</a>
3 February 2023	Daily Cargo News	Newcastle gears up for inaugural Greenport Conference	Port of Newcastle is getting ready to host the inaugural GreenPort Congress Oceania this month. <a href="https://www.thedcn.com.au/news/environment/newcastle-gears-up-for-inaugural-greenport-congress-oceania/">https://www.thedcn.com.au/news/environment/newcastle-gears-up-for-inaugural-greenport-congress-oceania/</a>
6 February 2023	NBN News	Port of Newcastle to generate storage, export opportunities with 'Empty Container Park'	The Port of Newcastle continues to add more strings to its bow, as it moves to create a world class container terminal. <a href="https://www.nbnnews.com.au/2023/02/06/port-of-newcastle-to-generate-storage-export-opportunities-with-empty-container-park/">https://www.nbnnews.com.au/2023/02/06/port-of-newcastle-to-generate-storage-export-opportunities-with-empty-container-park/</a>
9 March 2023	Newcastle Herald	Country mayors say Port of Newcastle container terminal would be a big help for northern and western NSW exports	The Port of Newcastle played host today to a delegation from the Country Mayors Association of NSW. <a href="https://www.newcastleherald.com.au/story/8115254/country-mayors-association-meets-in-newcastle-and-tours-port-on-container-fact-finder/">https://www.newcastleherald.com.au/story/8115254/country-mayors-association-meets-in-newcastle-and-tours-port-on-container-fact-finder/</a>
13 April 2023	Newcastle Herald	Port of Newcastle nominated for Port of the Future award at World Hydrogen Awards	The Port of Newcastle has been listed as a global finalist for Port of the Future at next month's World Hydrogen Awards in the Netherlands. <a href="https://www.newcastleherald.com.au/story/8156557/future-beckons-for-worlds-largest-coal-port/">https://www.newcastleherald.com.au/story/8156557/future-beckons-for-worlds-largest-coal-port/</a>
3 May 2023	Newcastle Herald	Port of Newcastle releases concept plans for Clean Energy Precinct Stage I	The Port of Newcastle has unveiled artist impressions for Stage I of its clean energy precinct site at Kooragang Island, which will eventually support almost 6000 jobs. <a href="https://www.newcastleherald.com.au/story/8180506/ports-clean-energy-precinct-will-create-5800-new-jobs/">https://www.newcastleherald.com.au/story/8180506/ports-clean-energy-precinct-will-create-5800-new-jobs/</a>

## 6. CONTAMINATION AND REMEDIATION

### 6.1 Status of the assessment and reporting under s60 of the CLM Act

On 30 May 2014 PON provided notification under Section 60 of the Contaminated Land Management Act 1997 for seven sites within the Port Boundary, including:

1. Lot I DP748429 (former Forgacs facility);
2. Lots 12/1190232, 21/1190232, 14/1190232, 15/1190232, 16/1190232, 17/1190232 and 3/1187068 (Carrington coal tar pavements);
3. Lot 13 DP 1023961 (Commercial Metals Company facility);
4. Part Lot 219 DP 1195310 (Dyke Point containment cell);
5. Lot 361 DP 1104196 (K2 & K3 Berths);
6. Lot 63 DP 802700 (former Boral timber export facility); and
7. Lot 12 DP1190232 (NAT Vacant Land)

None of the sites were significantly declared, and no remediation or management orders were issued. There are no outstanding Section 60 notifications.

## 6.2 Copies of s60 reports submitted this reporting period

No Section 60 notification reports were submitted during the reporting period.

However, during the reporting period PON received advice through a Land Valuation Report that a property part of Lot 222 DPI013964 may be required to report to EPA through a Duty to Report Contamination process. The site was acquired from OneSteel in late 2012 with intention of usage for a swing basin. The lot 222 was subsequently subdivided and the swing basin portion acquired became Lot 2 DPI 184257.

During the 2022-2023 reporting period Port Lessor was advised of the intention of PON to submit the Duty to Report (DTR) process. The DTR was submitted to:

- Port Lessor under Clause 15.4(C) of Port Lease – Contaminated Land on 18 July 2023 via email and Box File Share; and
- NSW EPA on 18 July 2023 via email and Box File Share.

The EPA were not able to download the appendices documents via file share. EPA were provided with the remaining documents via USB on Friday 11 August 2023.

## 6.3 Status of remediation projects

Remediation works for the Mayfield Intermodal site have been completed by the Hunter and Central Coast Development Corporation (HCCDC). The EPA have issued an updated Section 28 Ongoing Maintenance Order to PON, which incorporates the Intermodal Site. In April 2020 EPA determined ending the declaration of the former BHP closure site as significantly contaminated land. The determination means the following:

- All remediation works for the entire former BHP closure site including the intermodal and intertrade site are complete;
- The Area 1 containment cell located within Lot 54 DP 1229869 will be subject to the ongoing maintenance order; and
- The CSMP will continue to apply to the site in accordance with the ongoing maintenance order.

There is currently one (1) remediation project being undertaken within the Port Lease Boundary, which is the Kooragang Island Waste Emplacement Facility (KIWEF) project. The project is being managed by Hunter and Central Coast Development Corporation (HCCDC) with the land intended to be handed over to PON upon the completion of the works. The KIWEF lands are expected to be handed back from HCCDC to PON in 2022 upon finalisation of HCCDC's obligations. Part of the remediated land includes a 'capped' area that will require an appropriate maintenance program and budget. The handback process is currently being managed with regular meetings between PON, NSW Treasury and HCCDC. Potential projects can be discussed during these meetings, however projects are not permitted to proceed on KIWEF until after the handback is completed, and after detailed technical assessments are performed and all approvals obtained.

No additional new remediation projects were commenced during the reporting period.

## 6.4 Status of Compliance with Underground Petroleum Storage Systems (UPSS) Legislation

PON does not operate any underground storage tanks. PON currently has one (1) tenant that operates an underground petroleum storage system (UPSS), being the Sovechles service station located on Lot 1 DP 1195449 which commenced operations in December 2015. Condition B10 of the Development Approval 6563 for this project states the following:

*B10. The UPSS and required groundwater monitoring wells shall be designed and installed in accordance with UPSS Regulation 2014 and AS 4897:3008 'Design, installation and operation of underground petroleum storage systems.' Full details are to be included in documentation for a Construction Certificate application.*

In addition to the planning approvals, PON's lease agreement with Sovechles (the tenant) covers the requirement

for the tenant to comply with the relevant UPSS legislation as follows:

*24.12 The Lessee must ensure that the Lessee's occupation and use of the Land and the Facility complies with Environmental Laws to the extent that such laws are applicable to the Lessee's use and occupation of the Land or the Facility.*

## 7. ASBESTOS MANAGEMENT

### 7.1 Currency of register of asbestos containing materials and brief description of any new ACM identified

The PON Asbestos Register was last updated in October 2022.

There were no new locations during the reporting period where asbestos was identified.

### 7.2 Status of asbestos management program (any ACM removed, sealed etc)

Table 9 presents the status of the asbestos management program for the period, reflecting that no new works were completed.

*Table 9: Detail of asbestos works during the reporting period*

Location of Facility	Works Completed	Month of Completion
N/A	Nil	N/A

### 7.3 Description of any claims and/or exposure incidents

There have been no claims during the reporting period relating to asbestos.

A summary of incidents was presented previously in Section 4. No exposure incidents were reporting during the reporting period.

## 8. HERITAGE

Clause 17(b) of the Port Lease requires that Port Lessee must at its own cost discharge any obligations imposed on Port Lessor under the *Heritage Act 1977* relating to the Total Concession Area as described in the lease, including the adjoining wetlands.

A number of heritage assets are contained within the Port Lease Area. Accordingly, PON maintains a Heritage and Conservation Register in accordance with section 170 of the *Heritage Act 1977*, on behalf of Port Lessor, in compliance with PON's obligations under the lease. A list of those items detailed in the Heritage and Conservation Register (Part 3) are listed below:

- Carrington Hydraulic Engine House – Bourke Street, Carrington (currently under restoration)
- Morison & Bearby Building – Hill Street, Carrington (Hill Street façade only)
- Southern Breakwater – Newcastle East (owner: TfNSW)
- Navigation Markers of Rear Main Lead Tower – Church Street, The Hill (owner: PANSW)
- Wreck of Adolphe – End of King Street, Stockton (owner: TfNSW)
- Crane Bases No. 15, 14, 13, 10, 8, 7, 6, 5, 4, 3, 2 and 1 – Bourke Street, Carrington (note; No. 6-14 and 15 are outside of PON's Lease Area and are located on TfNSW owned land)
- Former McMyler Hoist – Dyke 3, Carrington
- Master Mechanics Office (demolished in 2015)
- Pattern Store (demolished in 2015)
- Palm tree – Walsh Point, Kooragang Island

## 8.1 Maintenance of Heritage items

PON's heritage items are inspected regularly to identify any maintenance requirements. Table 10 shows PON's inspection regime (included in EMS procedure 015) details the frequency for the individual heritage asset groups to be inspected.

Table 10: PON heritage items inspection regime

Asset Type	Inspection frequency	Inspection type
Buildings	Annual	Tech I preventative maintenance task checklist <sup>[1]</sup>
Crane Bases (including the McMyler Hoist)	Annual	Tech I crane base visual inspection checklist
Heritage Palm	Annual	Tech I heritage palm visual inspection checklist
Church Street Rear Main Lead Navigational Aid	Biannual	Tech I navigational aid inspection checklist
Southern Breakwater	Weekly	Tech I Port inspection task checklist
Wreck of Adolphe, Northern Breakwater	Weekly	Tech I Port inspection task checklist

<sup>[1]</sup> The preventative maintenance task includes all PON buildings, therefore the inspections are staggered over the year

The heritage item(s) requiring maintenance and/or repair works during the reporting period was the Carrington Hydraulic Engine House.

### Carrington Hydraulic Engine House

Maintenance works were planned and undertaken on the Carrington Hydraulic Engine House during the reporting period. PON engaged EJE Architecture to prepare documentation for development approval under the *Environmental Planning & Assessment Act 1979* (DA22/6312), and obtain s60 *Heritage Act 1977* approval in the 2022-2023 reporting period for the following:

1. Engine room asbestos encapsulation.
2. New accessible entry ramp.
3. Interpretive landscaping features.

A conservation management plan (CMP) for the building and ancillary cranes has been prepared by EJE Architecture.

## 8.2 Activities affecting any heritage items

### State Heritage Listing

On 25 August 2017 the Carrington Hydraulic Engine House and associated crane bases 7, 8, 9 and 10 were listed in the State Heritage Register in accordance with the *Heritage Act 1977*.

When appropriate, works will continue on the Engine House as described in Section 8.1.

## 8.3 Changes to heritage registers or management plans

No additional changes to heritage registers or management plans have occurred in addition to the information presented above.

# 9. DREDGING

## 9.1 Status of Approvals

Table 11 shows a summary of current and recently revoked or expired approvals for dredging works within the Port of Newcastle.

Table 11: Current approvals held by Port of Newcastle for dredging works within the Port area



Approval	Status	Commencement Date	Expiry Date	Comments
<b>Maintenance Dredging</b>				
Commonwealth Sea Dumping Permit – SD2022-4029	Current	27 February 2014	31 July 2032	Renewal of the 10-year Sea Dumping Permit has approved in September 2022, and previous approval SD 2014/2642 revoked. <b>Please refer to Section 9.3 for further detail.</b>
Variation No. 1 to Sea Dumping Permit - SD 2014/2642	Revoked	1 March 2022	30 September 2022	Extension to Sea Dumping Permit as Permit Variation during approvals process; now revoked as SD2022-4029 in force (above). <b>Please refer to Section 9.3 for further detail.</b>
Office of Environment and Heritage Notice of Concurrence – Ocean disposal of dredged spoil from Areas A, B, C, D, F & G	Expired	11 April 2014	30 June 2022	It was planned that renewal would occur in line with Sea Dumping Permit renewal.  During 2021 it was advised that the legislation under which the Concurrences was repealed. <b>Please refer to Section 9.3 for further detail.</b>
Office of Environment and Heritage Notice of Concurrence – Dredging of Area E and disposal offshore of Stockton	Expired	30 June 2017	30 June 2022	<b>As above; Please refer to Section 9.3 for further detail.</b>
Crown Lands Lease – Lot 1 DP 1191208 – Maintenance Dredging	Current	1 January 2014	30 June 2112	Dredging footprint within Area E.
Crown Lands Lease - Lot 1 DP 1191208 – Offshore disposal of dredge spoil	Current	1 January 2014	30 June 2112	Site designated for maintenance dredge spoil only.
NSW EPA Environment Protection Licence (EPL) 21815	Draft	TBC – 2023	Anniversary date TBC	Applies to maintenance dredging operations as 'extractive activities' in Schedule 1 of the POEO Act 2022 update. At time of writing the EPL 21815 is in draft form and expected to be instated.
<b>Capital Dredging</b>				
State Significant Infrastructure Approval Strategic Capital Dredging SSI 10_0203	Current	24 December 2013	Works must commence by 23 December 2023	Stolthaven, acting as a sub-proponent have completed dredging for Mayfield 7 Berth.

## 9.2 Compliance with approval conditions

PON has maintained compliance with all its approvals associated with dredging activities for the reporting period, noting the additional information provided in Sections 9.1 and 9.3.

Maintenance dredge areas sediment sampling and analysis (SAP) is performed every five (5) years. The previous sampling was performed in 2017. The Maintenance dredge area sampling was performed in May 2022 in accordance with the schedule in line with the LTMMP and DCCEEW guidelines, with the inclusion of additional analytes.

## 9.3 10-year Sea Dumping Permit Renewal for 2022-2032 – Summary of actions

PON held a ten (10) year Maintenance Dredging Sea Dumping Permit (SD2014/2642), issued by then-Department of Agriculture, Water and the Environment (DAWE) for the period from March 2012 until March 2022. PON therefore began the renewal process for the permit in early 2021 with then-renamed DCCEEW. At the time the proposed approach to the renewal application was a refreshed roll-over of the current approval, that is, a 10-year maintenance dredging renewal, supported by DCCEEW.

Evidence of consultation was a significant part of the renewal process. A number of local, state and federal agencies and associated stakeholder groups were involved in the process, including but not excluded to:

- DCCEEW (previously DAWE)
- NSW Environment, Energy and Science
- City of Newcastle (CoN, previously Newcastle City Council)
- NSW Environment Protection Authority (EPA)
- Hunter & Central Coast Development Corporation (HCCDC)
- Department of Planning and Environment (DPE)
- Transport for NSW (TfNSW)
- Stockton Community Liaison Group

The renewal application included an Application Form, supporting documentation, and Long Term Monitoring and Maintenance Plan (LTMMP) prepared with the assistance of contractor Royal Haskoning and submitted in October 2021. The Sampling and Analysis Plans (SAPs) were updated and submitted with the renewal application. Following submission, agencies and stakeholders were invited to provide submissions in response to the Permit and a number were received. Further engagement was performed with the relevant stakeholders listed above as needed.

Due to a number of factors including time for review of submissions by DAWE, an extension to the Permit was required and granted 1 March 2022 as *Variation No. 1 to Sea Dumping Permit No. D2014/2642* in order for PON to remain permitted to dredge to 30 September 2022. As directed by DAWE the Permit Application was re-submitted in May 2022. The renewed Permit SD2022-4029 was granted in September 2022.

As part of the Permit consultation process, PON has agreed to enter into a Research and Monitoring Program (RMP) in accordance with a Deed agreement between the Commonwealth and PON under S(19) of the Sea Dumping Act. The Deed was signed by PON and commenced on 8 July 2022. PON has engaged a suitable subcontractor and the RMP is currently in progress. The RMP is intended to supplement purposes of coastal management and research in the dredging area.

PON raised that the two (2) DPE (then OEH) Concurrences were due to expire 30 June 2022. The Concurrences indicated support for PON to place suitable dredged material on Stockton Beach as a 'beneficial reuse' activity. The legislation for the Concurrences was since repealed. PON will rely on a new environmental approval by City of Newcastle, expected later in 2023, year to continue to conduct beach renourishment activities through placement of suitable dredged material on Stockton Beach. At time of writing the approval (through a Review of Environmental Factors [REF] process) is being completed by City of Newcastle.

As mentioned previously, an EPL for dredging operations is currently in draft form and expected to be implemented.

#### 9.4 Any new assessments of environmental impact

No new assessment of environmental impact has been undertaken within the current Sea Dumping Permit, David Allan Dredge and maintenance dredging operations during the reporting period with the exception of the approvals process for the Sea Dumping Permit. As aforementioned, the sediment SAP was performed in 2022.

PON has leased sweeper vessels for use when necessary. In 2021, PON purchased the sweeper vessel Lydia as an addition to its maintenance operations to enhance the capability and efficiency of its dredging operations, as described previously in Section 2.2. The sweeper vessel was commissioned in 2022 and is in regular use.

#### 9.5 Any impacts on marine fauna

PON work within the framework of the *Long-Term Monitoring Management Plan (LTMMP)* within the current sea dumping permit. The LTMMP requires PON to manage sighted marine animals and mammals appropriately.

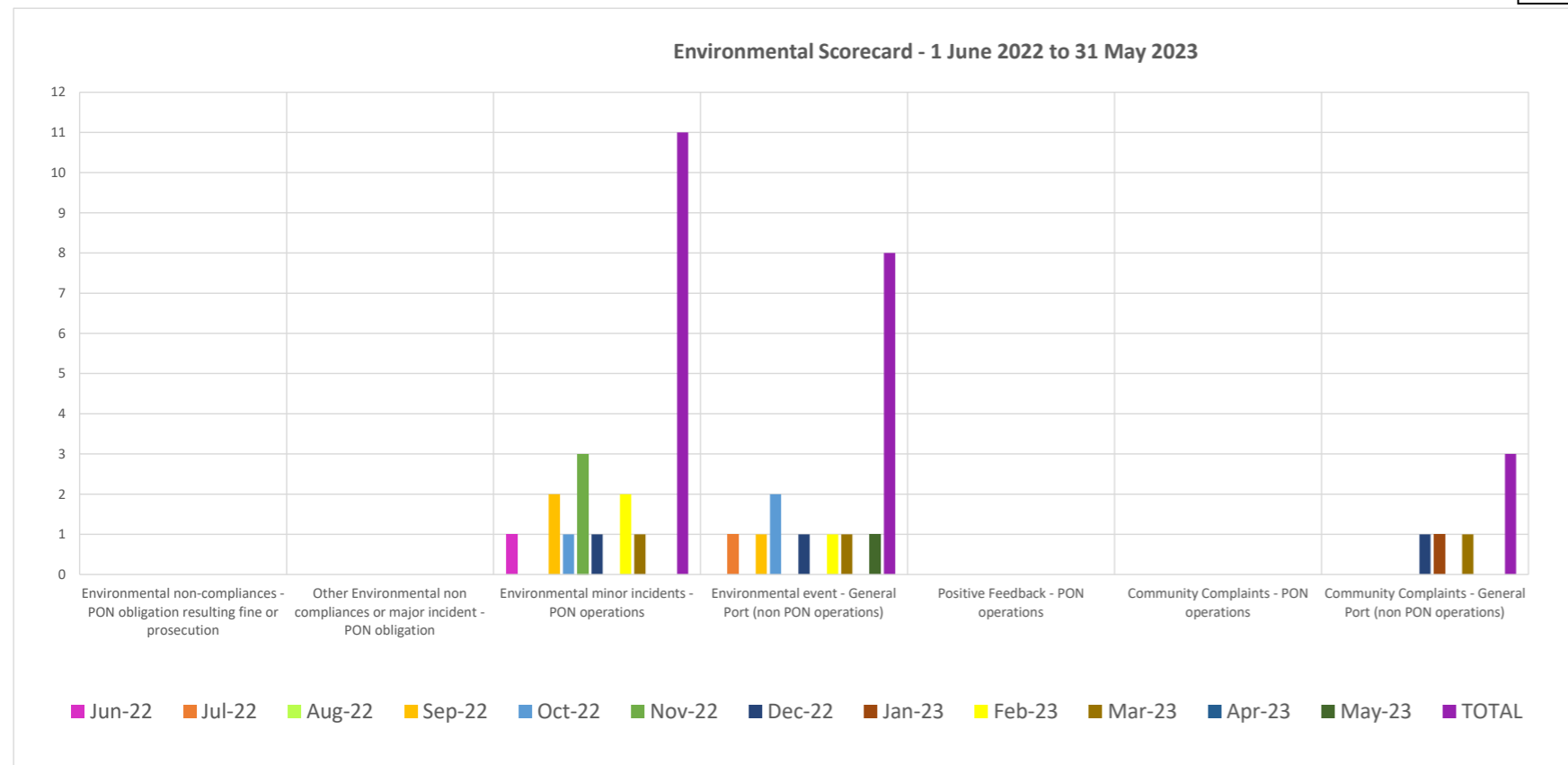
There have been no reported impacts on marine fauna during the reporting period.

## 10. OTHER MATTERS TO REPORT

There are no further matters to report on for the reporting period.

APPENDIX A – PON ENVIRONMENTAL EVENT REGISTER  
FOR THE REPORTING PERIOD

Monthly Actual	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	TOTAL
Environmental non-compliances - PON obligation resulting fine or prosecution	0	0	0	0	0	0	0	0	0	0	0	0	0
Other Environmental non compliances or major incident - PON obligation	0	0	0	0	0	0	0	0	0	0	0	0	0
Environmental minor incidents - PON operations	1	0	0	2	1	3	1	0	2	1	0	0	11
Environmental event - General Port (non PON operations)	0	1	0	1	2	0	1	0	1	1	0	1	8
Positive Feedback - PON operations	0	0	0	0	0	0	0	0	0	0	0	0	0
Community Complaints - PON operations	0	0	0	0	0	0	0	0	0	0	0	0	0
Community Complaints - General Port (non PON operations)	0	0	0	0	0	0	1	1	0	1	0	0	3
Unknown source											1		1
													<b>23</b>



Incidents				
Doc Number	Site	Date Occurred	Brief Description	PON Control
74	Mayfield	07/06/2022	Small oil leak (~300ml) from the backhoe	Y
47	Wharf Road	28/07/2022	Oil staining and spill area where LINX park and undertake maintenance on their forklifts.	N
59	Tenants	03/09/2022	Fire at Graincorp	N
66	Mayfield	16/09/2022	Hydraulic Oil Leak on Dozer	Y
87	Carrington	06/10/2022	Fire at Graincorp (on Graincorp property)	N
72	Mayfield	06/10/2022	Oil spill on posi-track attachment	Y
80	Roads	22/10/2022	Burnout activity	N
90	David Allan	18/11/2022	Minor Hydraulic Oil leak contained. (Dredge Starboard Main Deck)	Y
96	Wharves	01/12/2022	Missing groundwater loggers	Y
98	David Allan	06/12/2022	Hydraulic leak	Y
102	Carrington	08/12/2022	Dusty conditions at East Basin (Report Only from Newcastle Stevedores)	N
124	Mayfield	30/01/2023	Water used for site irrigation at Mayfield with water quality parameters outside of limits	Y
132	Mayfield	31/01/2023	Environmental - Hydrolic oil leak	Y
125	Wharf Road	28/02/2023	Aurizon Port Services NSW notifying Port of Newcastle of a breach of its obligations under Clause 3, Schedule 2 of its Lease	N
134	Kooragang	14/03/2023	Excavator oil leak	Y
139	Vessels	16/03/2023	Report of one of Svitzer fleet emitting excessive smoke	N
140	Mayfield	23/03/2023	Elevated concentrations of certain pollutants of concern in stormwater	tba
153	Roads	18/05/2023	Spill of white clay type product on the road	N

Near Miss				
Doc Number	Site	Date Occurred	Brief Description	PON Control
67	David Allan	24/09/2022	Coolant leak on Dredge main engine temperature control valve	Y
93	Wharf Road	10/11/2022	Occurrence of swarm of bees	Y

Complaints				
Doc Number	Site	Date Occurred	Brief Description	PON Control
119	Wharves	25/12/2022	Complaint of brown water in harbour	N
116	Wharves	31/01/2023	Noise complaint	N
138	Wharves	16/03/2023	Community complaint regarding visible/excessive dust during grain loading	N

APPENDIX B – ORGANISATION CHART

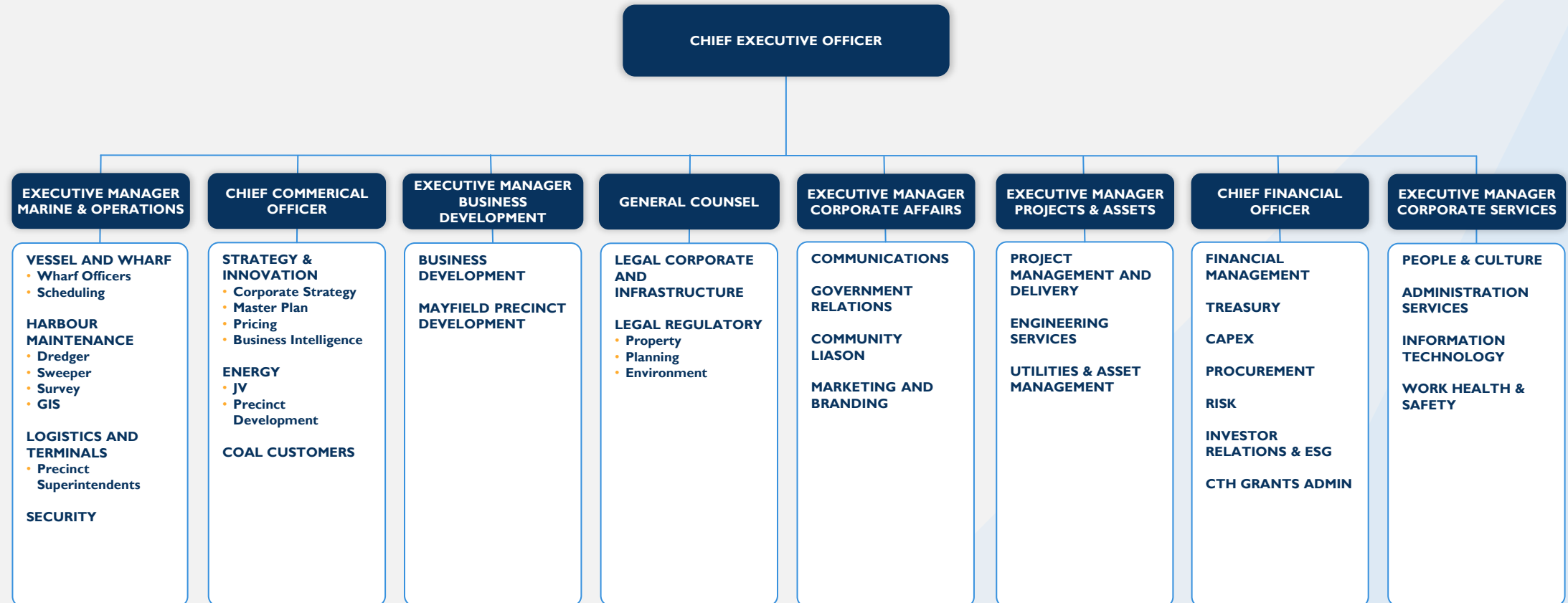
**PORT OF  
NEWCASTLE**

**JULY  
2023**

# ORGANISATION CHART



# EXECUTIVE LEADERSHIP TEAM



# MARINE & OPERATIONS



**EXECUTIVE MANAGER MARINE & OPERATIONS**  
Glen Hayward

**DREDGING MANAGER**  
Calvin Grills

**HYDROGRAPHIC SURVEY MANAGER**  
Robert Kelly

**SENIOR MANAGER TERMINALS & LOGISTICS**  
Wayne Mabbott

**SENIOR MANAGER OPERATIONS**  
Philipp Bourquin

**SWEEP VESSEL OPERATORS**  
Daniel Burgess  
Ryan Hone

**DREDGE MASTERS**  
Tim Hooper  
Lance Knight

**SPATIAL INFORMATION SPECIALIST**  
James O'Kane

**BULK TERMINAL SUPERINTENDENT**  
Tim Gordon

**SECURITY MANAGER**  
Brett Pennell

**VESSEL SCHEDULERS**  
Phillip McKenzie  
Glenn Smith  
Teneall Chapman  
Blair Whitlock  
Kailee Moss  
Nerrilie Squires

**WHARF OFFICERS**  
Robert Collison  
Grant Innes  
Matthew Parrish  
Jason Peattie  
Robert Thornton  
Drewe Waller  
Brett McPherson  
Matthew Nichols  
Daniel Marks

**DREDGE MATES**  
Trent Hollis 0.5  
Luke Henkel 0.5  
Greg Chaffey

**HYDROGRAPHIC SURVEYORS**  
Darren Stocker  
Justin Ryba

**MAYFIELD SUPERINTENDENT**  
Chelsea Neely

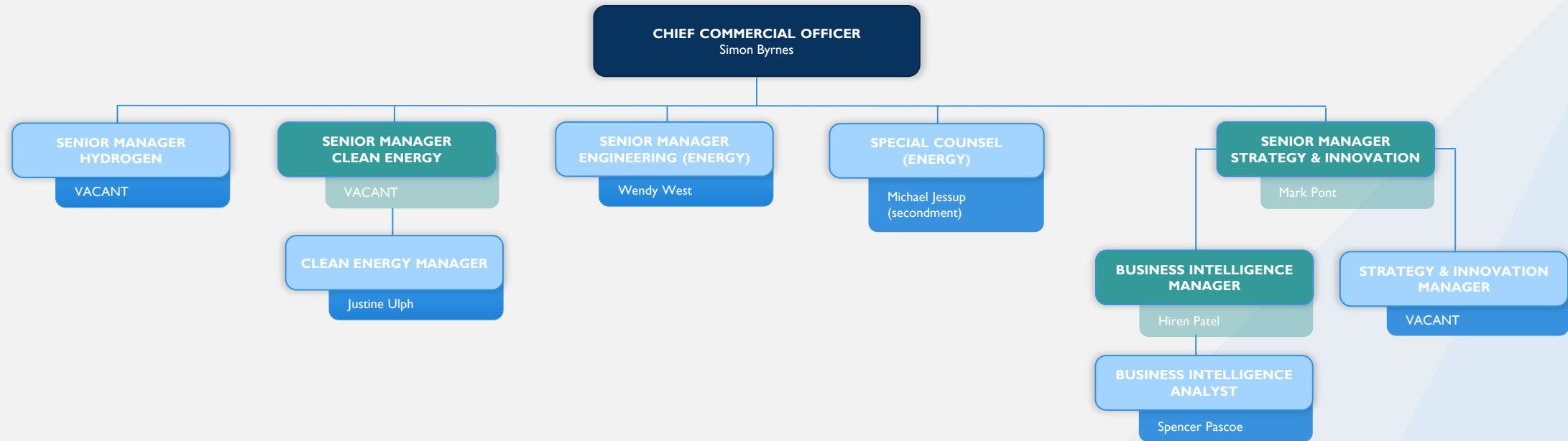
**INDUCTIONS & SECURITY COORDINATOR**  
Angela Hillcoat

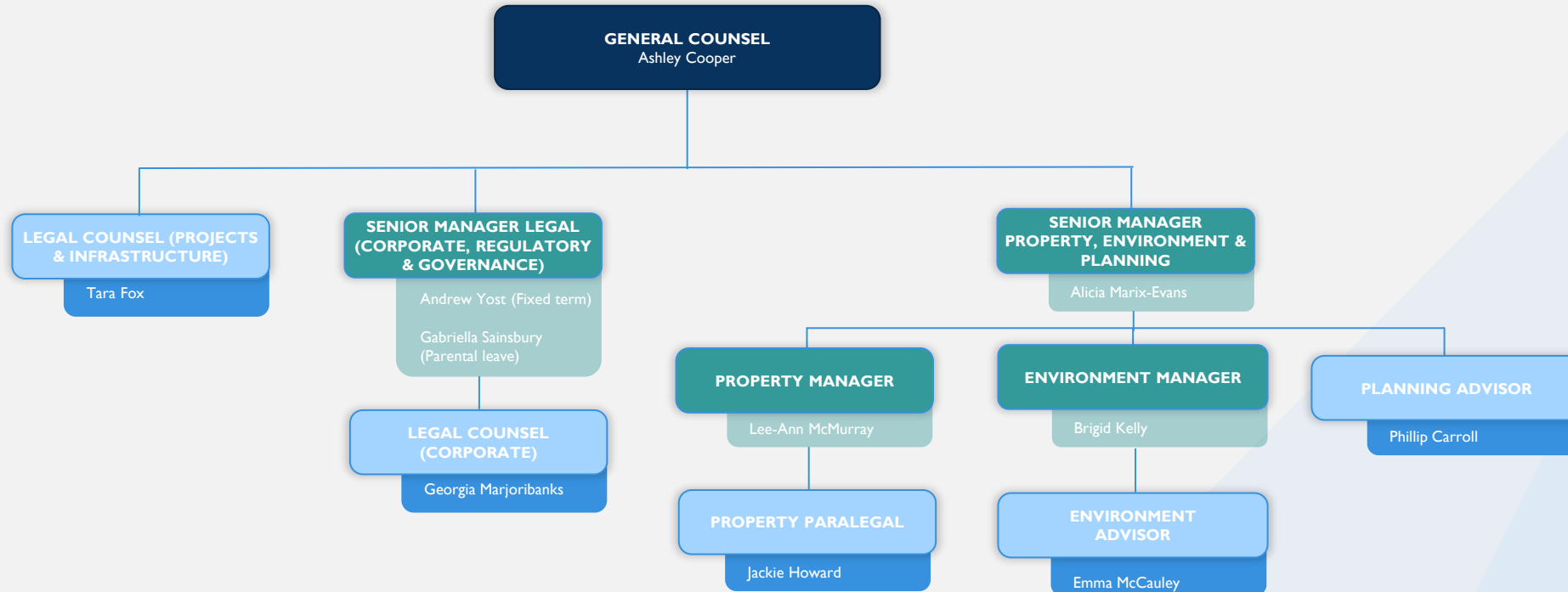
**DREDGE ENGINEERS**  
Dana Crampton  
Rinaldo De Vitis

**DREDGE CREW MEMBERS**  
Pemberton Gerner  
Tim Cotman  
Ben Gibson  
Peter May  
Peter Pearce  
Luke Edwards  
Andrew Browne  
Asha Wyles 0.53  
Bradley Curtis 0.53

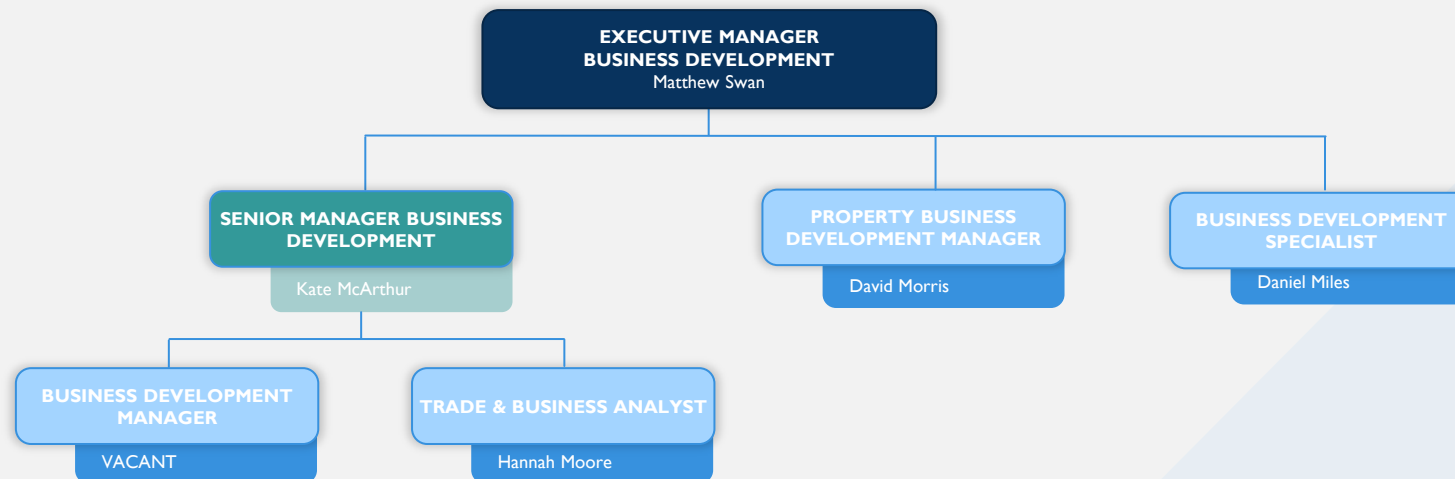


# COMMERCIAL

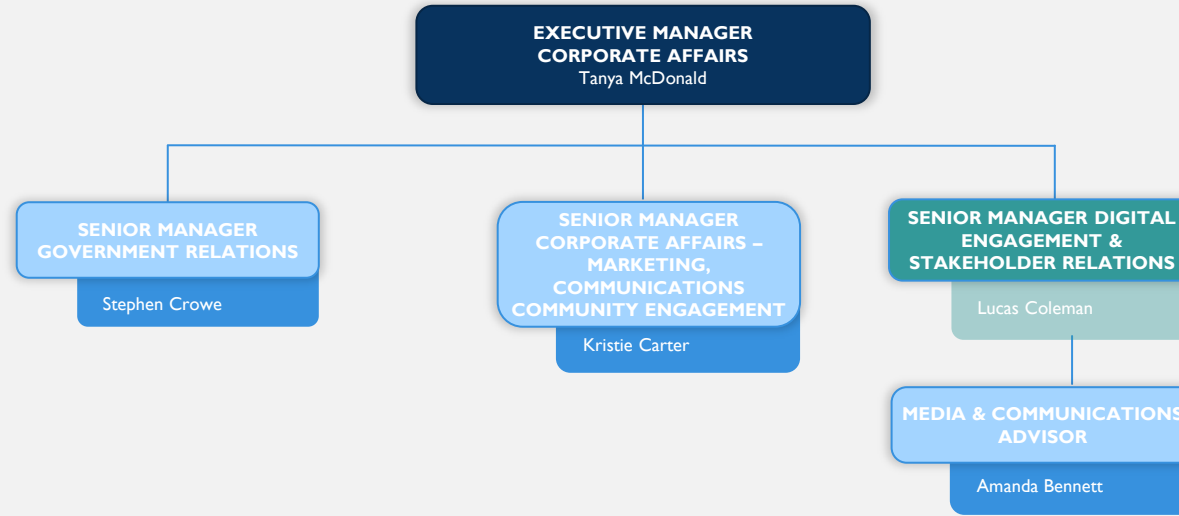




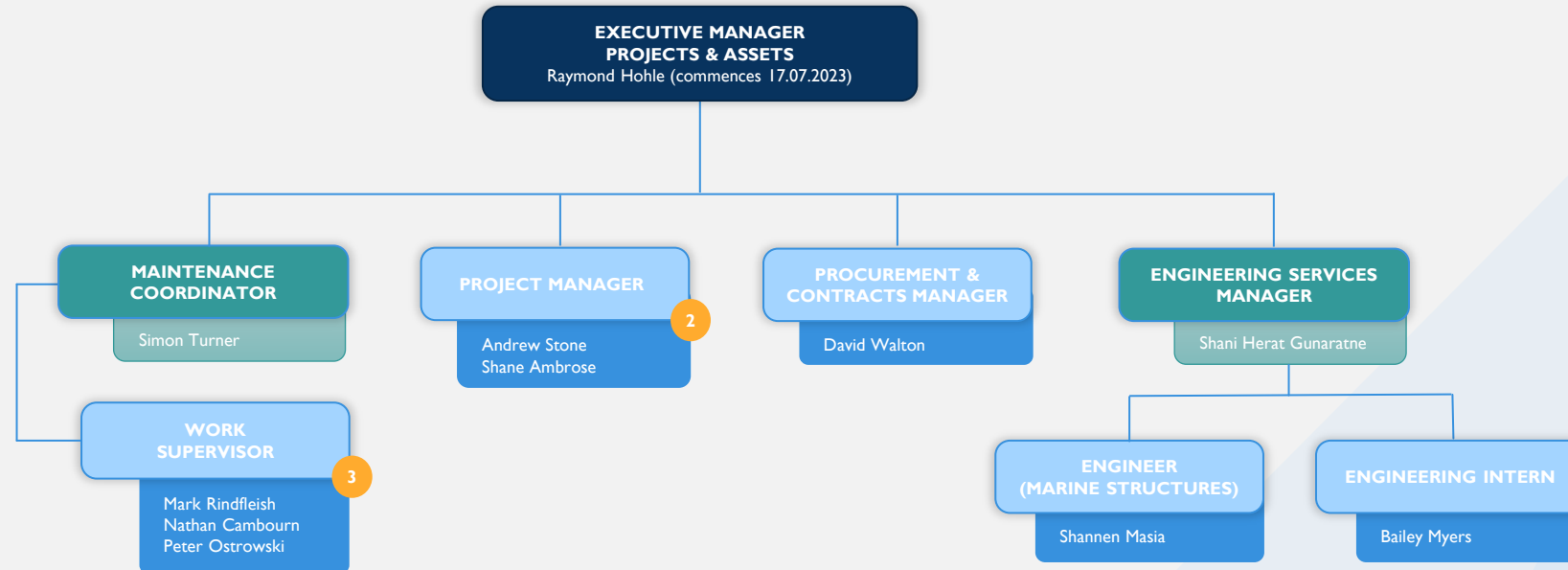
# BUSINESS DEVELOPMENT



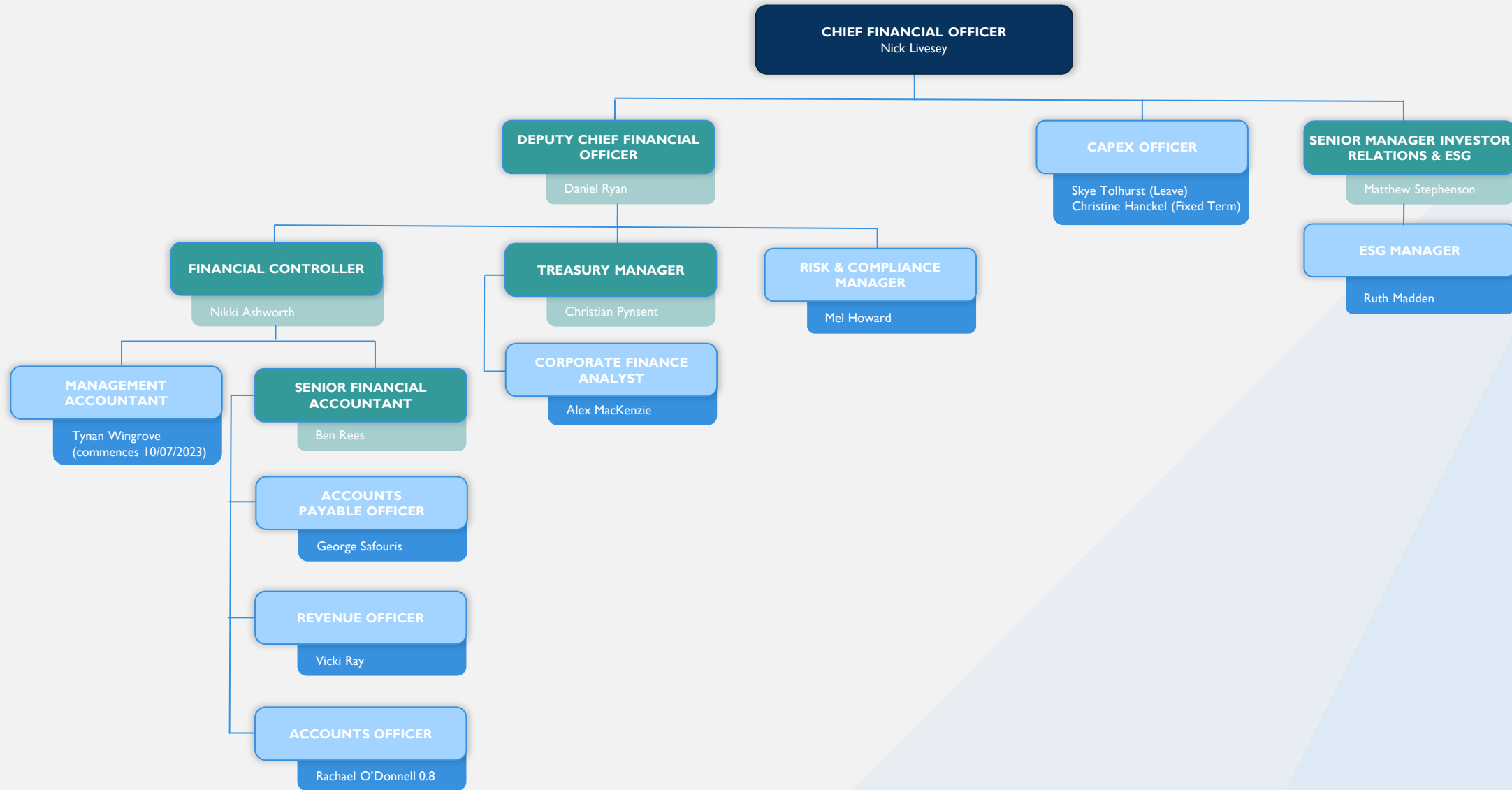
# CORPORATE AFFAIRS



# PROJECTS & ASSETS



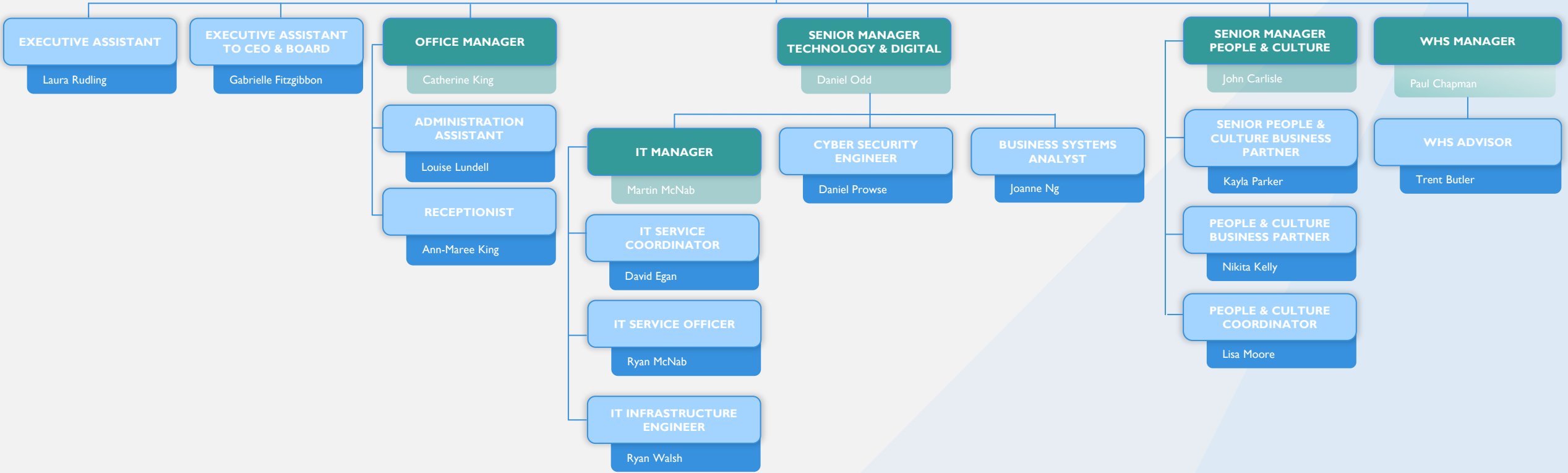
# FINANCE



# CORPORATE SERVICES



**EXECUTIVE MANAGER  
CORPORATE SERVICES**  
Marie Omark



APPENDIX C – ECOPORTS CERTIFICATION



# CERTIFICATE OF VERIFICATION



**THIS IS TO CERTIFY THAT  
THE DOCUMENTATION OF THE PORT ENVIRONMENTAL REVIEW SYSTEM OF:**

Port of Newcastle, Australia

**HAS BEEN REVIEWED BY LLOYD'S REGISTER TO THE FOLLOWING  
ENVIRONMENTAL MANAGEMENT STANDARD:**

Port Environmental Review  
System (PERS) version 5

**THE SYSTEM IS APPLICABLE TO THE:**

Activities, products and services  
of the port authority

Certificate no:	178
Verification date:	13 December 2021
Expiry date:	12 December 2023

**ON BEHALF OF ECO SLC**

**ON BEHALF OF  
LLOYD'S REGISTER ROTTERDAM**

**ECO SLC**

Sustainable Logistic Chain

**LRQA**

A PERS certificate is the confirmation that the PERS requirements have been evaluated and met. However, because the review is based on third hand information, a PERS certificate is not a value judgement of the port environmental management system and its performance, since these have only been evaluated on the basis of documents supplied by the port.