



global environmental solutions

Independent Environmental Audit  
Port of Newcastle, Newcastle  
DA-293-08-00 MOD9

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Port of Newcastle  
6 Newcomen Street  
Newcastle NSW 2300

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# Independent Environmental Audit

## Port of Newcastle, Newcastle

### DA-293-08-00 MOD9

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#### DOCUMENT CONTROL

Reference	Version No.	Date	Prepared	Checked	Authorised
630.12059.00000	v2.0	18 January 2018	Sandy Lonergan	Brad Radloff	Sandy Lonergan
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## Executive Summary

SLR Consulting Australia Pty Ltd (SLR) was commissioned on 14 August 2017 by the Port of Newcastle (PON) to undertake an Independent Environmental Audit (IEA) for Mayfield 4 Berth, located off Selwyn St, Mayfield, New South Wales (the Site).

The IEA was performed in accordance with Condition 9.4 of Development Approval (DA) 293-08-00 MOD 9, first approved on 6 April 2001.

It should be noted that whilst the DA applies to the remediation of the Closure Area, removal of structures and the development of a Multi-Purpose Terminal comprising a container terminal and a general cargo handling facility, and associated road rail and wharf infrastructure, the focus of this audit was for the Mayfield 4 wharf facility only.

The remediation and structural removal works were undertaken and completed by Hunter Development Corporation (HDC), and the only component of the Multi-Purpose Terminal completed to date was Mayfield 4 berth.

The Conditions of Consent consisted of 119 conditions in total. SLR was engaged to conduct the IEA in accordance with Condition 9.4, with the scope of the audit limited to the three (3) year period since the last IEA was completed (4 November 2014).

It should be noted that whilst the DA applies to the remediation of the Closure Area, removal of structures and the development of a Multi-Purpose Terminal comprising a container terminal and a general cargo handling facility, and associated road rail and wharf infrastructure, the focus of this audit was for the Mayfield 4 wharf facility only.

The audit was carried out between August and September 2017, with SLR being supplied information as requested.

Of the 119 Conditions, 33 (28%) were considered closed as they were audited in the previous IEA periods, another 31 (26%) were not triggered, an additional 19 (16%) were not applicable to PON Mayfield 4 Berth site, and one (1) was a note for information and did not require auditing, hence 35 conditions were audited.

Of the 35 auditable conditions, compliance was achieved for 30 (86%), non-compliance recorded for five conditions (14%). Of the five non-compliances, two (50%) were classified as administrative non-compliances.

It is noteworthy that two of the non-compliances were triggered because other non-compliances were identified. For example, non-compliance for Condition 5.4, meant non-compliances for Condition 5.3 and 1.1 and non-compliance for Condition 8.16, meant non-compliance for Condition 8.1.

All non-compliances were assessed to be of a low risk.

During the audit process it was evident that PON and the stevedores operate with a commitment to minimising the impact on the environment. The use of daily and weekly environmental inspections is commended.

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# 1 INTRODUCTION

## 1.1 Background

SLR Consulting Australia Pty Ltd (SLR) was commissioned on 14 August 2017 by the Port of Newcastle (PON) to undertake an Independent Environmental Audit (IEA) for Mayfield 4 Berth, located off Selwyn St, Mayfield, New South Wales (the Site).

The IEA was performed in accordance with Condition 9.4 of Development Approval (DA) 293-08-00 MOD 9, first approved on 6 April 2001.

It should be noted that whilst the DA applies to the remediation of the Closure Area, removal of structures and the development of a Multi-Purpose Terminal comprising a container terminal and a general cargo handling facility, and associated road rail and wharf infrastructure, the focus of this audit was for the Mayfield 4 wharf facility only.

The remediation and structural removal works were undertaken and completed by Hunter Development Corporation (HDC), and the only component of the Multi-Purpose Terminal completed to date was Mayfield 4 berth.

## 1.2 Site Location, Infrastructure and Surrounding Land Uses Description

The Mayfield 4 Berth was located on the South Arm of the Lower Hunter River, approximately 2.5 kilometres (km) north of the city of Newcastle. The site is identified as a portion of Lot 35 DP 1191723 and labelled as Mayfield No.4 Berth.

The Mayfield 4 Berth incorporated the berth and adjacent hardstand and was approximately 1.5 hectares (ha) in area. The Berth was located within the 155 ha Closure Area of the former BHP Steel Works site and constitutes approximately 1% of this area. The berth and hardstand area has been fully remediated in compliance with the Voluntary Remediation Agreement requirements and was isolated from the remainder of the site in terms of stormwater and groundwater.

The remainder of the Closure Area was remediated and managed under the Mayfield Concept Approval.

The main road access to the site was from Selwyn Street via Industrial Drive whilst shipping access was via the shipping channel in the South Arm of the Hunter River.

The berth comprised a concrete area while the hardstand was covered with bituminous material used for temporary shipping container storage. A site office, security guard hut and amenities are located on the southern end of the site. During loading and unloading activities, mobile equipment such as cranes, forklifts and mobile conveyors were used.

The site was located within an industrial precinct with surrounding uses predominantly related to port operations. Development on surrounding properties included large storage buildings, railways yards and tracks, coal loading gantry cranes and stockpiles etc. The port operations of Kooragang Island were located directly across the Hunter River. In this regard, the landscape was predominantly industrial in nature, highly visually modified and intensively disturbed.

## 1.3 Audit Scope

This IEA and subsequent report has been prepared pursuant to Condition 9.4 of DA-293-08-00 MOD9.

**Table 1** lists the requirements of this condition and indicates where each has been addressed in this IEA report.

**Table 1 Audit Condition and Where Each Requirement is Addressed in this Report**

Condition	Description of Condition	Where Addressed in this Report
9.4	Within 12 months of commissioning the Multi-Purpose Terminal and every three years thereafter, unless the Director-General directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit. The Independent Environmental Audit must:	This Audit Report
	(a) Be conducted by a suitably qualified, experienced and independent person whose appointment has been endorsed by the Director-General	Appendix E
	(b) Be consistent with ISO14010 – <i>Guidelines and General Principles for Environmental Auditing</i> and ISO 14011 – <i>Procedures for Environmental Auditing</i> or updated versions of these guidelines/manuals.	This audit report
	(c) Assess the environmental performance of the development and its effects on the surrounding environment.	Sections 3 and 4 and Appendices A and B
	(d) Assess whether the development is complying with the relevant standards, performance measures and statutory requirements.	Sections 3 and 4
	(e) Review the adequacy of the Applicant's Environmental Management Plan and Environmental Monitoring Program and if necessary	Section 4
	(f) Recommend measures or actions to improve the environmental performance of the plant, and/or the environmental management and monitoring systems.	Section 4

## 1.4 Report Structure

This report was structured as follows:

- Section 1 provided an introduction, background, description, scope of the audit, limitations and provides a guide to the structure of the report;
- Section 2 outlined the audit team, audit methodology and assessment criteria used in the IEA;
- Section 3 provided;
  - List of personnel interviewed;
  - Summary of the 2014 IEA recommendations and status of the implementation of those recommendations;
  - Summary of 2017 audit findings in relation to the Development Consent conditions; and
  - Summary of all Development Consent non-compliances identified in table format.
- Section 4 included an assessment of compliance against the site's Environmental Protection Licence (EPL), summarised the environment performance of the facility, its effects on the surrounding environment and reviews the adequacy of the PON's Environmental Management Plan and Environmental Monitoring Program. This section also reviews the effectiveness of the existing environmental management system, which incorporates the environmental procedures, plans etc. and makes recommendations for improvements to the system.
- Section 5 was the conclusion;
- Appendix A contained the complete list of all the conditions in the DA and details the audit findings;
- Appendix B contained the complete list of the all the EPL conditions and details of the audit findings;
- Appendix C contained a selection of photographs from the site visit;

- Appendix D contained the completed Independent Audit Certification form; and
- Appendix E contained the auditor CV and associated approval letter from the Department of Planning and Environment (DoPE).

## **1.5 Limitations**

This report was prepared for PON to fulfil the requirements of the IEA as specified in the DA.

The scope of the audit, and subsequent report was limited and should not be used for any purpose other than that described above.

The following should be taken into account when reading and using this report:

- 1 One site visit was undertaken during this audit to familiarise the auditor with the site layout, site conditions and natural environment. Whilst the auditor requested to be shown all features of the sites impacted (environmentally) by the operations, the auditor has relied on information provided by PON representatives during the site visit, including the selection of the areas of the site for the site inspection.
- 2 PON provided (at their sole discretion) all of the documentation that has been accessible to the auditor. The auditor relied on the information and documentation provided and PON to provide all relevant and pertinent information. It should be noted that the range of documentation provided may not have included all of the relevant environmental records held.



## 2 AUDITOR AND METHODOLOGY

### 2.1 Auditor

SLR auditor was Sandy Lonergan (Lead Auditor, certified by SAI Global). Ms Lonergan has over 20 years auditing experience, has been a third party certification auditor for NCSI, has conducted numerous independent compliance audits for the Commonwealth Government, Planning Departments, and Environment Protection Authorities or equivalent in New South Wales and Queensland. Refer to Appendix E for the auditor's CV and letter of approval for the auditor from the DoPE.

### 2.2 Methodology

The audit included:

- A desktop review of documentation requested: and
- One site visit.

The site visit was undertaken by Ms Lonergan, on 23 August 2017 and involved walk-around of the site, attendance at the site induction and interviews with key staff.

The SLR auditor used the following methodologies to gather evidence during the audit:

- Review of documents (letters, plans, reports, emails);
- Interviews with key personnel; and
- Site inspection of the facility.

### 2.3 Assessment Criteria

SLR adopted the compliance assessment criteria outlined in Section 4.1 and reproduced below in **Table 2**, in the NSW Government, *Independent Audit Guideline for Post-approval requirements for State Significant Developments*, October 2015.

SLR notes that the Guideline includes "should" in a number of key areas, for example, "*The compliance status of each requirement or commitment **should** be assessed in accordance with the criteria in Table 1.*" From an auditing perspective, should does not mean it must be completed, it is optional.

**Table 2 Compliance Assessment Criteria**

Assessment	Criteria
Compliant	Where the auditor has collected sufficient verifiable evidence to demonstrate that the intent and <b>all</b> elements of the requirement of the regulatory approval has been complied with within the scope of the audit.
Not verified	Where the auditor has not been able to collect sufficient verifiable evidence to demonstrate that the intent and all elements of the requirement of the regulatory approval have been complied with within the scope of the audit.  In the absence of sufficient verification the auditor may in some instances be able to verify by other means (visual inspections, personal communication, etc) that a requirement has been met. In such a situation, the requirement should still be assessed as not verified. However the auditor could note in the report that they have no reasons to believe that the operation is non-compliant with that requirement.
Non-compliant	Where the auditor has collected sufficient verifiable evidence to demonstrate that the intent of one or more specific elements of the regulatory approval have not been complied with within the scope of the audit.
Administrative non-compliance	A technical non-compliance with a regulatory approval that would not impact on performance and that is considered minor in nature (e.g. report submitted but not on the due date, failed monitoring or late monitoring session). This would not apply to performance related aspects (e.g. exceedance of a noise limit) or where a requirement had not been met all (e.g. noise management plan not prepared and submitted for approval).
Not triggered	A regulatory approval requirement has an activation or timing trigger that had not been met at the time of the audit inspection, therefore a determination of compliance could not be made.
Observation	Observations recorded where the audit identified issues of concern which do not strictly relate to the scope of the audit or assessment of compliance. Further observations are considered to be indicators of potential non-compliance or areas where performance may be improved.
Note	A statement or fact, where no assessment of compliance is required.

Another two assessment criteria were added:

1. "Not applicable" - The remediation and structure removal works were undertaken and completed by Hunter Development Corporation (HDC) and therefore conditions pertaining to these activities were not applicable to this audit as works completed by HDC.
2. "Closed", was added to this IEA, as this is the third IEA and hence the Department advised during telephone conversation on 19 May 2017 that conditions only relevant to the current audit period are to be audited. For example, if all construction was completed and the facility in operational phase, all construction conditions are to be treated as closed.

### 3 AUDIT FINDINGS

#### 3.1 Personnel Interviewed

**Table 3** lists the personnel interviewed during the site visit component of the audit.

**Table 3 Personnel Interviewed During the Audit**

Name	Title
Jackie Spiteri	Environmental Officer – Port Operations
Karen Tripp	Senior Environmental Scientist Robert Carr Associates – PON consultant for Environmental Monitoring
Julie Fisher	Management Systems Manager/Environmental Chemist Robert Carr Associates – PON consultant for Environmental Monitoring

#### 3.2 Interviews

Information obtained and statements recorded during the interviews conducted whilst on site at the facility were directly recorded as evidence (see **Appendices A and B**). The auditor also used the interviews as an opportunity to gain an appreciation of the extent to which the systems in place to manage environmental impacts from site operations were understood and being implemented.

The interviews conducted allowed the auditor to form the opinion that the approach to environmental management (and operations more broadly) is well understood by the Environmental Officer.

#### 3.3 Summary of 2014 IEA Audit Findings

##### 3.3.1 2014 IEA Recommendations – Status

**Table 4** summarises the recommendations recorded in the 2014 IEA undertaken by Golder Associates, Report Number 147623063, dated 8 January 2015. That IEA Audit addressed the period from 7 September 2011 to 2 November 2014.

As part of this IEA, SLR audited PON performance in terms of implementing the recommendations.

**Table 4 2014 IEA Recommendations**

Reference	Recommendations	2017 IEA Finding
Development Consent		
Condition 3.2	It is recommended that PON follow up with the stevedoring companies to confirm that their inductions (i.e those of the stevedoring companies) have been undertaken and that PONs environmental commitments have therefore been communicated to inductees.	Completed
Condition 8.1	The Environmental Monitoring Program references the requirements of the EPL. For purposes of clarity it should also reference the requirements of the Development Consent, especially Part 8 – Environmental Monitoring Program.	Completed

### 3.4 Summary of 2017 Audit Findings

**Table 5** shows a summary of the findings of this audit in relation to the Development Consent Conditions.

**Table 5 Summary Table of Compliance with Development Consent**

Section	Total No. of Conditions	Conditions Audited	Compliance	Not verified	Non-Compliance	Admin Non-Compliance	Not Triggered	Closed	Not Applicable	Note
1	4	3	2	0	0	1	0	0	1	0
2	6	3	3	0	0	0	0	3	0	0
3	3	2	1	0	1	0	1	0	0	0
4	7	3	3	0	0	0	2	0	2	0
5	55	8	8	0	0	0	20	14	13	0
6	7	0	0	0	0	0	0	7	0	0
7	11	4	4	0	0	0	4	0	3	0
8	16	7	5	0	2	0	2	7	0	0
9	9	5	4	0	0	1	2	2	0	0
10	1	0	0	0	0	0	0	0	0	1
Total	119	35	30	0	3	2	31	33	19	1

**Table 6** summarised the non-compliances identified, with relevant comments. Note in some instances the entire condition was not documented in the table and is included at the end of these conditions. Refer to **Appendix A** for the condition in its entirety.

**Table 6 Summary of Non-Compliances (including Administrative)**

Section	Condition	Requirement (Summary)	Comment
1	1.1B	At five yearly intervals following commencement of operation of the General Cargo Handling Facility, the applicant shall submit a report to the Director- General on the need or otherwise for the General Cargo Handling Facility to be retained on site and to remain operational. The report must include supporting justification.	Administrative non-compliance – report submitted late to the DoPE. Further information still to be submitted to the DoPE.
3	3.1	Throughout the life of the development, the Applicant must secure, renew, maintain, and comply with all the relevant statutory approvals applying to the development.	Non-compliance was recorded as 100% compliance with all conditions of the DA and EPL were not achieved for the entire IEA period. DA non-compliance conditions were 1.1B, 8.16 and 9.5. EPL non-compliances were Conditions L2.1, M2.1, L2.3, L2.5, O2.1, M4.1 and R1.5. Non-compliances for L2.1, L2.3, L2.5, O2.1 and M2.1 were dealt with directly with the Regulator.
8	8.1	The Applicant must prepare and implement a detailed Environmental Monitoring Program	PON has prepared the monitoring program, however has not implemented 100% of the program for the entire reporting period. Non-compliance was sighted for the monitoring station not being operational for 100% of the time and stormwater monitoring equipment malfunction resulted in water samples not being collected.
8	8.16	Stormwater from the discharge point of the stormwater detention basin(s) or from stormwater collected in the basin(s) where no discharge is occurring, must be monitored in accordance with the following table unless otherwise directed or approved by the EPA:	There were several months during 2015 and 2016 where samples were not collected due to equipment malfunction. This also relates to Conditions M2.1 and O2.1 in the EPL. This was dealt with directly with the Regulator.
9	9.5	Within 2 months of commissioning the audit, the Applicant must submit a copy of the audit report to the Director-General. After reviewing the report, the Director- General may require the Applicant to address certain matters identified in the report. The Applicant must comply with any reasonable requirements of the Director-General.	Administrative non-compliance - late submission of Independent Environmental Audit report. Golder Associates was engaged on 16 September 2014, hence the audit report was to be completed and submitted to the Director-General on 16 November 2014. The report is dated 8 January 2015 and with no version number nor document control details then the auditor has assessed to be an administrative non-compliance.

## **4 ASSESSMENT AND REVIEW OF STATUTORY REQUIREMENTS, ENVIRONMENT PERFORMANCE AND ENVIRONMENTAL MANAGEMENT**

### **4.1 Introduction**

This section of the audit report:

- Assessed compliance with other statutory requirements, namely the site Environment Protection Licence (EPL No 13181) that apply to PON;
- Assessed the environmental performance of the development and its effects on the surrounding environment; and
- Reviewed the adequacy of the OEMP and Environmental Monitoring Program and if necessary recommended measures or actions to improve environmental performance of the plant and/or the environmental management and monitoring systems.

### **4.2 EPL 13181**

The Site operates under EPL No. 13181 (the EPL) which has an anniversary date of 28 January each year. Note that the anniversary date has changed during this IEA period. For 2014 and 2015 the anniversary date was 4 November, whereas in 2016 it changed to 28 January.

The EPL was varied twice during this reporting period as well, on the 18 February 2015 and again on 3 November 2016. The first variation related to the removal of "Wood Preservation" as a schedule activity on the license, whilst the second variation involved the removal of Points 1 and 9 and an amendment to the frequency of monitoring in respect to Points 4 to 6 inclusive due to the infrequent nature of loose bulk cargoes handled at the premises.

SLR reviewed the EPA website and confirmed:

- The EPA Annual Returns for 2013-2014, 2014-2015 and 2016-2017 were all submitted on time, that is, within the 60 day reporting period.
- The "interim" Annual Return which covered the transition period of changing EPL anniversary date from 3 November each year to 28 January was submitted three days late. This was the period for 4 November 2015 to 27 January 2016.
- No environmental incidents were recorded and no penalty notices issued during this reporting period.
- No complaints were recorded.
- Non-compliances were identified internally by PON and recorded in the Annual Return documentation.

The non-compliances recorded in the NSW EPA system and available on the NSW EPA website are summarised below in **Table 7**.

**Table 7 NSW EPA EPL Non-compliance Summary for PON during this IEA Reporting Period**

Reporting Period	EPL Condition	Type of Non-Compliance	EPA Actions	No of Occurrences
4/11/2014 – 3/11/2015	L2.1 (L2.3)*	Various exceedances of licensed concentration limits for pH, total nitrogen and total suspended solids.	S.58 notice being negotiated to change licence conditions(s).	4
	M2.1 (M2.3)*	Maintenance issues meant samples were not collected for all DP's. Samplers are reset each month post discharge events. PON identified an alternative maintenance re issues & can be addressed as they occur.	Administrative non-compliance - licensee advised of required action.	8
4/11/2015 – 27/1/2016	M2.1	Not all samples collected due to equipment malfunction. Alternative equipment and maintenance contractor to be sourced.	Administrative non-compliance - licensee advised of required action.	2
	L2.1	Exceedance of oil and grease, and total suspended solids concentration limits on two occasions.	S.58 notice being negotiated to change licence conditions(s).	2
28/1/2016 - 27/1/2017	M2.1 (L2)*	Monitoring not carried out at the required frequency due to insufficient discharge to trigger the monitoring device/flow sensor malfunction.	Appropriate action taken by licensee.	3
	L2.1 (L2.5)*	Pre EPL variation 03 Nov 16 - exceedance at Pit 4 for Total Suspended Solids. Limit on licence 50 mg/L, sample reading 62 mg/L.	S.58 notice issued to change/amend licence conditions(s) and Licence Amended.	1

Note: \* these were the EPL conditions that PON recorded in Annual Returns that the non-compliance related to. Hence EPA changed the non-compliance Conditions when reviewing the Annual Returns and presenting findings on their website.

SLR also audited the EPL conditions, where applicable, and the detailed findings of audit are presented in Appendix B. Overall compliance was achieved with the majority of the EPL conditions and facility is performing well. It is noted that whilst the EPA/PON identified the non-compliant conditions, from the audit perspective “secondary”, or related, non-compliances were also triggered as a result of the original non-compliance. For example non-compliance against L2.1 automatically triggers non-compliance for Condition L2.5.

### 4.3 Environmental Performance

The auditor assessed the overall environmental performance of the operation and its effect on the surrounding environment by reviewing and considering:

- Annual Environmental Management Reports (AEMR's - produced every year and includes a section titled “Environmental Performance” and another “Summary of Compliance”;
- EPL Annual Returns ending 3 November 2015 and 27 January 2017 including number of complaints, environmental incidents and non-compliances and type of non-compliances;
- Observations made during site visit; and
- Knowledge and discussions with the Environmental Officer.

The auditor assessment concluded:

- The operation did not appear to be having an adverse, or negative, impact on the receiving environment as no reportable environmental incidents have occurred;
- The operation did not appear to be having an adverse or negative impact on the nearest sensitive receptors as no complaints were received during this reporting period;

- PON had a significant number of procedures and guidelines to compliment the Operational Environmental Management Plan for the site which appears to contribute to the overall positive environmental performance of the operation;
- Where non-compliances occurred in relation to dust limits, these appear to be related to a high background dust level in the industrial area as opposed to the dust being generated by the operations at the Mayfield 4 Berth;
- Other non-compliances in relation to low pH in stormwater appeared as a result of pH of the rain water being lower during significant rainfall events. This appears to be the contributing factor to the results as opposed to being generated by operations at the Mayfield 4 Berth;
- Corrective action was taken as required by the PON when contractors have not performed to the standard of the PON. This is commended; and
- The facility appeared well maintained as viewed during the site visit.

#### 4.4 Adequacy of the OEMP and Environmental Monitoring Program

The OEMP was reviewed and assessed as part of the Development Consent condition component of this audit (Section 3). The Environmental Monitoring Program was reviewed and assessed under Condition 8.1 of the Development Consent Conditions. PON recorded compliance with both these elements. Hence overall the auditor believes the OEMP and Environmental Monitoring Program are adequate.

PON demonstrated a high level of effectiveness in terms of environmental management practices, including monitoring employed at the site. As outlined in Section 4.3, no environmental complaints or environmental incidents have occurred on-site during this reporting period.

PON has implemented numerous mitigation measures to minimise the impact on the environment, which are also outlined in the site's Operational Environmental Management Plan (OEMP) and associated Environmental Management Work Instructions.

#### 4.5 Review of the Environmental Management System documentation and Recommendations for Improvement

During the audit, the auditor sighted and reviewed OEMP, environmental monitoring procedures and results, AEMR's and other relevant procedures/work instructions in the PON environmental management system. **Table 8** recommends measure, or actions, to be considered by PON to improve the environmental performance of the site, and/or the environmental management and monitoring systems developed from the review of these documents.

**Table 8 Recommendations for Improvement of Plans, Procedures and Environmental Practices**

Recommendation	Justification
PON update environmental procedures and work instructions to include review component.	Ensure they are reviewed regularly and updated as required.
Document control aspects are added to AEMR reports. 2015 and 2016 AEMR did not have: <ul style="list-style-type: none"> <li>- Date of issue;</li> <li>- Version No;</li> <li>- Prepared By; and</li> <li>- Reviewed By.</li> </ul>	To allow adequate document tracking to occur. By having document control table or similar, it would also ensure that the report is reviewed prior to being issued to the DOPE and hence minimise the potential discrepancies being raised such as those raised in 2016.
Consider application to the DoPE to remove the HVAS monitoring at the site.	The following reasons have been noted by the auditor to support an application to the DoPE: <ol style="list-style-type: none"> <li>1. Monitoring results have shown that the Mayfield Industrial area has had consistent particulate levels for extended period of time.</li> <li>2. The EPL does not require dust monitoring to occur at</li> </ol>



Recommendation	Justification
	<p>the site. EPL states several measures to be implemented to minimise dust emissions (L5 and O3).</p> <p>3. No dust complaints have been received by the PON or EPA since it commenced operations.</p> <p>4. The site is fully sealed.</p> <p>5. Environmental practices and measures are in place to minimise potential for dust / particulate emission during unloading/loading of loose bulk cargo. .</p>
Review and update cross referencing to the relevant Australian Standards in OEMP.	Many of the Australia Standards (AS) references in Section 4.1.2 are now obsolete and need to be updated with current versions. PON to ensure consultants are operating to and referencing latest version of the relevant AS. For example AS2992-1987 was superseded with AS3580.1.1:2007.
Update OEMP to include the Australian Standard that the HVAS with TSP selective inlet must be calibrated and operated in accordance with.	Section 4.1.2 only references the PM <sub>10</sub> HVAS Australian Standard and is missing AS 3580.9.3:2015 which relates to the TSP HVAS.
Update Table 6 of the OEMP to include update monitoring frequency.	EPL was varied on 3 November 2016 and frequency changed from monthly during discharge to during first discharge event following a loose bulk cargo operation.
Update OEMP to include requirements for Condition 7.1.	Does not mention Class 7 Dangerous Goods – Opportunity for improvement to update the OEMP to include this requirement.
Update OEMP to include requirements for Condition 7.2.	Does not mention the Class 1 storage requirements on-site.
Update OEMP to include references to EMS011 Environmental Monitoring procedure and EMS018 Environmental Monitoring and Reporting – Common Berth Users.	Both these procedures relate to environmental monitoring requirements for Mayfield No.4 Berth, however neither have been referenced nor discussed in the OEMP, Environmental Monitoring Program (Section 4.1).
Update Section 7.9 of OEMP to incorporate as management measure the EPL Condition 5.1 relates to operations ceasing during high winds. Option is to update and include reference to EMSWI-106- Bulk and General Cargo Operations (this includes requirements of EPL Condition 5.1).	The environmental action and management measures for air quality controls in the OEMP does not include the monitoring of wind speeds and activation of alarm and flashing lights when speed above 7 m/s during loose cargo operations.
Update OEMP to include either cross reference to environmental management procedure which outlines the Environmental Monitoring requirements that include met station or update OEMP to include the requirements.	Meteorological monitoring requirements are not specified in the OEMP.
OEMP be updated to remove reference to the PSOL and PANSW obligations under Sections 8.3 and 8.4.	These sit outside the footprint of the DA and PONs control.
Confirm Mayfield Pollution Incident Response Management Plan Test and Drill/Exercise Report reports have been completed in full.	For example the 2015 and 2016 Action Plan reports provided and the Drill/Exercise Report were not complete.

Note: these are only recommendations and PON is not required to implement/complete.

## 5 CONCLUSIONS

The Conditions of Consent consisted of 119 conditions in total. SLR was engaged to conduct the IEA in accordance with Condition 9.4, with the scope of the audit limited to the three (3) year period since the last IEA was completed (4 November 2014).

It should be noted that whilst the DA applies to the remediation of the Closure Area, removal of structures and the development of a Multi-Purpose Terminal comprising a container terminal and a general cargo handling facility, and associated road rail and wharf infrastructure, the focus of this audit was for the Mayfield 4 wharf facility only.

The remediation and structural removal works were undertaken and completed by Hunter Development Corporation (HDC), and the only component of the Multi-Purpose Terminal completed to date was Mayfield 4 berth.

The audit was carried out between August and September 2017, with SLR being supplied information as requested.

Of the 119 Conditions, 33 (28%) were considered closed as they were audited in the previous IEA periods, another 31 (26%) were not triggered, an additional 19 (16%) were not applicable to PON Mayfield 4 Berth site, and one (1) was a note for information and did not require auditing, hence 35 conditions were audited.

Of the 35 auditable conditions, compliance was achieved for 30 (86%), non-compliance recorded for five conditions (14%). Of the five non-compliances, two (50%) were classified as administrative non-compliances.


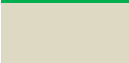





It is noteworthy that two of the non-compliances were triggered because other non-compliances were identified. For example, non-compliance for Condition 5.4, meant non-compliances for Condition 5.3 and 1.1 and non-compliance for Condition 8.16, meant non-compliance for Condition 8.1.

All non-compliances were assessed to be of a low risk.

During the audit process it was evident that PON and the stevedores operate with a commitment to minimising the impact on the environment. The use of daily and weekly environmental inspections is commended.

## APPENDIX A – DETAILED AUDIT FINDINGS

**Key:**

	Compliant
	Not triggered
	Not verified
	Administrative non-compliance (as per Independent Audit Guideline)
	Non-compliant – with low risk level (as per Independent Audit Guideline)
	Closed was applicable for 2009-2014 IEA
	Not applicable to Mayfield No.4 Berth – relates to other activities relating to the Closure Area

Note

**Table 9 Detailed Audit Findings – Conditions of Consent**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
<b>1. Stage Development</b>				
1.1	Under Section 80(4) of the Act, this consent applies to Stage 1 of the development, as described in Schedule 1, only.			Compliant
1.1A	The approval for the General Cargo Handling Facility granted under <b>MOD-56-7- 2008</b> shall operate for a maximum period of ten years from the date of this modification, or as otherwise agreed to by the Director-General.	Site visit: Auditor sighted the facility and it is within the 10 years maximum operational period.	Documents viewed: <ul style="list-style-type: none"> <li>Letter dated 28 February 2017 from PON to DoPE – Condition 1.1.B. The facility commenced operations in January 2010.</li> <li>Port of Newcastle General Cargo Handling Facility, Mayfield 4 Berth, February 2017.</li> <li>Email correspondence between PON and DOPE regarding the report, PON still requiring further info.</li> </ul>	Compliant
1.1B	At five yearly intervals following commencement of operation of the General Cargo Handling Facility, the applicant shall submit a report to the Director General on the need or otherwise for the General Cargo Handling Facility to be retained on site and to remain operational. The report must include supporting justification.	Environmental Officer: Advised that this report was prepared but was submitted late to the Department. It was an oversight and now is a reporting requirement in internal business/actions management system to alert when report is due.	Documents viewed: <ul style="list-style-type: none"> <li>Letter dated 28 February 2017 from PON to DoPE – Condition 1.1.B. The facility commenced operations in January 2010.</li> <li>Port of Newcastle General Cargo Handling Facility, Mayfield 4 Berth, February 2017.</li> <li>Email correspondence between PON and DOPE regarding the report, PON still requiring further info.</li> </ul>	Administrative non-compliance
1.2	Under Section 80(5) of the Act, the Applicant will require a further consent from the Minister for Stage 2 of the development. <i>Note: A consent granted in accordance with Condition 1.2 does not require a further development application under section 78A of the Act. However the Applicant shall submit further detailed information, as required by the Director- General and the Integrated Approval Bodies at that time. The Director-General shall consult with any relevant authorities and consider any submissions before Stage 2 of the</i>	Environmental Officer: Hunter Development Corporation (HDC) is responsible for the remediation works, Mike Bardsley from HDC has advised that the remediation works that are underway for the Intertrade Site are part of the site preparation phase (Stage 1) and do not constitute Stage 2 development. Therefore Stage 2		Not applicable

CONDITIONS OF CONSENT

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	<i>development is determined.</i>	development works are yet to occur.		
2. General				
Obligations to Minimise Harm to the Environment				
2.1	<sup>1</sup> The Applicant must implement all practicable measures to prevent or minimise any harm to the environment that may result from the construction, operation, and where relevant, the decommissioning of the development.	<p>Site visit: The auditor observed implementation of measures to minimise the potential for harm from the operation of the Berth. Measures included but not limited to:</p> <ul style="list-style-type: none"> <li>Stormwater controls (socks/filters); and</li> <li>Chemical spill kit.</li> </ul> <p>Environmental Officer: Advised that no reportable environmental incidents were recorded in this IEA period.</p>	<p>Documents viewed:</p> <ul style="list-style-type: none"> <li>Port of Newcastle, Operational Environmental Management Plan Mayfield No. 4 Berth, 9 January 2015.</li> <li>2014 Annual Environmental Management Report – Mayfield 4 Berth, J Spiteri, Port of Newcastle, 9 January 2015.</li> <li>2015 Annual Environmental Management Report – Mayfield 4 Berth, J Spiteri, Port of Newcastle.</li> <li>2016 Annual Environmental Management Report – Mayfield 4 Berth, J Spiteri, Port of Newcastle.</li> <li>EPA Annual Return 2015.</li> <li>EPA Annual Return 2016.</li> <li>EPA Annual Return 2017.</li> <li>EPA website.</li> <li>HVAS Master Spreadsheet – Mayfield Berth 4.xlsx.</li> <li>Incident Report Summary Nov 2014-August 2017.</li> </ul> <p>No environmental incidents occurred during this reporting period that resulted in environmental harm.</p>	Compliant

<sup>1</sup> EPA GTA No. 1.1

CONDITIONS OF CONSENT

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
Terms of Approval				
2.2	<p>The Applicant shall carry out the development generally in accordance with the:</p> <p>(a) <b>Development application DA-293-08-00</b> submitted to the Department of Urban Affairs and Planning, accompanied and amended by:</p> <ul style="list-style-type: none"> <li>(i) the letter from the Applicant to the Director-General, dated 28 September 2000, specifically excluding Stage 2 and all works;</li> <li>(ii) Environmental Impact Statement, titled "Development of a Multi- Purpose Terminal and Remediation of the Closure Area, BHP Newcastle Steelworks" dated 11 August 2000, and prepared by URS Corporation Volumes 1 – 3;</li> <li>(iii) Additional information supplied to the Environment Protection Authority by URS Corporation including: <ul style="list-style-type: none"> <li>• Development of a Multi-Purpose Terminal and Remediation of the Closure Area, BHP Newcastle Steelworks Environmental Impact Summary Document;</li> <li>• "Response to EPA Request for Additional Information – Air Quality Issues, BHP Newcastle Steelworks Development", prepared for BHP Newcastle, 11 November 2000;</li> <li>• "Response to EPA Request for Additional Information – Noise Issues, BHP Newcastle Steelworks Development", prepared for BHP Newcastle, 14 November 2000.</li> </ul> </li> <li>(iv) The document titled Proposed Multi-Purpose Terminal Consequence Analysis for URS, prepared by Quest Consulting Engineers Pty Ltd and dated February 2001;</li> </ul> <p>(b) <b>Modification application DA-293-08-00-M1</b>, approved on 29 June 2001, in relation to the timing of establishment of a Community Consultative Committee;</p> <p>(c) <b>Modification application DA-293-08-00-M2</b>, approved on 13</p>		<ul style="list-style-type: none"> <li>(a) Compliance.</li> <li>(b) Closed.</li> <li>(c) Not applicable.</li> <li>(d) Not applicable.</li> <li>(e) Not applicable.</li> <li>(f) Not applicable.</li> <li>(g) Closed.</li> <li>(h) Compliance – there has been no significant changes to the Berth during the audit period.</li> <li>(i) Not applicable.</li> <li>(j) Note.</li> </ul>	Compliance (part h)

CONDITIONS OF CONSENT

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	<p>August 2001, in relation to excision of heritage areas from the development area;</p> <p>(d) <b>Modification application DA-293-08-00-M3</b>, approved on 15 February 2002, in relation to protection of fig trees and noise monitoring requirements;</p> <p>(e) <b>Modification application MOD-77-7-2003-i</b>, approved on 16 September 2003, in relation to the burial of Blast Furnace No.1 slag stump, accompanied and amended by:</p> <p>(i) the letter, titled BHP Newcastle Development of a Multi-Purpose Terminal and Closure Area Remediation – Development Application DA 293-08-00. Your File S99/00601 – Condition 6.1 – Item 1, Remnants of No.1 Blast Furnace, prepared by BHP Billiton and dated 23 April 2003, relating to the modifications to the consent;</p> <p>(ii) the letter, titled BHP Steelworks Newcastle, Burial of Heritage Structure (No. 1 Blast Furnace Stump) – Development Consent Condition 6.1 DA 293-08-00. Your Ref S99/00601, prepared by BHP Billiton Ltd and dated 8 June 2003, relating to the modifications to the consent;</p> <p>(iii) the report, titled BHP Steelworks Newcastle, Burial of Heritage Structure (No. 1 Blast Furnace Stump) – Development Consent Condition 6.1 DA 293-08-00. Your Ref S99/00601, prepared by BHP Billiton Ltd and dated 2 July 2003, relating to the modifications to the consent;</p> <p>(f) <b>Modification application MOD-60-4-2005-i</b>, approved on 15 September 2005, in relation to land description, soil capping, hours of operation, groundwater management, stormwater, capping exemptions and transport infrastructure, accompanied by Application to Vary Development Conditions for the Multi Purpose Terminal and Remediation of the Former BHP Site, Mayfield (2001), prepared by URS Australia Pty Ltd and dated 19 April 2005; and</p> <p>(g) <b>Modification application MOD-64-7-2007-i</b>, approved on 21 August 2007, in relation to alteration of the alignment of the railway lines and relocation of two major stormwater drainage</p>			

CONDITIONS OF CONSENT

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	<p>lines on the site, accompanied and amended by:</p> <ul style="list-style-type: none"> <li>(i) Application to Vary Development Conditions for the Multi Purpose Terminal and Remediation of the Former BHP Site, Mayfield (2000), prepared by the Regional Land Management Corporation Pty Ltd and dated 10 July 2007;</li> <li>(ii) the letter, titled Remediation Civil Design Works – Main Works Site – Stormwater Analysis prepared by Patterson Britton &amp; Partners and dated 12 July 2007, relating to the modification to consent;</li> <li>(iii) the report, titled Preliminary Design Stormwater Strategy Issue No 2 prepared by Patterson Britton &amp; Partners and dated August 2006, , relating to the modification to consent;</li> <li>(iv) the plans, titled Selwyn Street Drain (Drawing Nos 6073-500, 501 &amp; 502 Issue 1) prepared by Patterson Britton &amp; Partners; and</li> </ul> <p>(h) <b>Modification application MOD-56-7-2008</b> in relation to the alterations to, and temporary relocation of, the general cargo handling facility, refurbishment of the existing wharf and a change in site access from Crebert Street to Selwyn Street, accompanied and amended by:</p> <ul style="list-style-type: none"> <li>(i) Section 96 Modification Application, Multi-purpose Terminal and Remediation of former BHP Site, Mayfield, prepared by Connell Wagner Pty Ltd and dated 15 August 2008;</li> <li>(ii) Plans titled Mayfield Berth Refurbishment Plans prepared by Patterson Britton &amp; Partners Pty Ltd dated July 2008;</li> <li>(iii) Plans titled Selwyn Road Upgrade Plans prepared by Worley Parsons Pty Ltd and dated August 2008; and</li> <li>(iv) The report titled Traffic Impact Statement, Proposed Interim Port Side Industrial Development, Selwyn Street, Mayfield, NSW prepared by Better Transport Futures and dated October 2008; and</li> </ul> <p>(i) <b>Modification application MOD-06-02-2009</b> in relation to a minor change to the rail line layout, accompanied and</p>			



CONDITIONS OF CONSENT

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	<p>amended by:</p> <p>(i) Section 96 Modification Application, Multi-purpose Terminal and Remediation of the Closure Area, BHP Newcastle Steelworks, submitted by Hunter Development Corporation and dated 12 February 2009; and</p> <p>(ii) Application to Vary Development Conditions for the Multi Purpose Terminal and Remediation of the Former BHP Site, Mayfield (2000), prepared by Hunter Development Corporation dated January 2009; and</p> <p>(j) the conditions of this consent.</p> <p>If there is any inconsistency between the above, these conditions shall prevail.</p>			
Restrictions on Operations				
2.3	<p>The Container Terminal must not handle more than 350,000 containers per annum.</p> <p><i>Note: Any increase above 350,000 containers a year will require further assessment under the Act</i></p>		<p>Documents viewed:</p> <ul style="list-style-type: none"> <li>Port of Newcastle General Cargo Handling Facility, Mayfield 4 Berth, February 2017. Figure 4 – Number of Containers 2010-2016 – below 5,000 for 2015 and 2016.</li> <li>Email from Environmental Officer – container numbers were as follows: <ul style="list-style-type: none"> <li>2015 – 4,639.</li> <li>2016 – 4,761.</li> <li>2017 – 5,045 (to 8<sup>th</sup> August).</li> </ul> </li> </ul>	Compliant
Structural Adequacy				
2.4	Before any construction work starts, the Applicant must obtain a construction certificate for the proposed development from the Principal Certifying Authority.		This condition was applicable to a previous IEA period.	Closed
2.5	Before commissioning the development, the Applicant must obtain an occupation certificate for the development from the Principal Certifying Authority.		This condition was applicable to a previous IEA period.	Closed
2.6	The applicant shall engage an EPA Accredited Site Auditor to provide to Director- General and the Department of Environment and Climate		This condition was applicable to a previous IEA period.	Closed

**CONDITIONS OF CONSENT**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	Change prior to construction of the hardstand area: (a) a statement detailing whether the design of the hardstand area complies with the requirements of the relevant consent conditions; and (b) provide a written confirmation that the hardstand area is suitable for its final intended use.			
<b>3. Compliance and Compliance Reports</b>				
3.1	Throughout the life of the development, the Applicant must secure, renew, maintain, and comply with all the relevant statutory approvals applying to the development.		Documents viewed: <ul style="list-style-type: none"> <li>EPL 13181</li> <li>DA-293-08-00</li> <li>Port of Newcastle, Operational Environmental Management Plan Mayfield No. 4 Berth, 9 January 2015.</li> </ul> Both the EPL and DA remain current and the OEMP has the current versions of both statutory approvals. Non-compliance was recorded as 100% compliance with all conditions of the DA and EPL were not achieved for the entire IEA period.	Non-compliant
3.2	The Applicant must ensure that all contractors and sub-contractors are aware of, and comply with, the conditions of this consent and the approved environmental management plans required under the consent (Conditions 4.1 to 4.4).	Environmental Officer: Confirmed PON has licensed agreements with Stohlhaven Australia, Newcastle Stevedores, Qube Ports and Patrick Stevedores. Officer also confirmed that PON requires contractors engaged directly by PON undergo a Level 2 induction. Officer advised that the last "set" of PON procedures were sent to stevedore companies to include/update their Level 1 inductions occurred on 21 December 2015 when new stevedore license issued.	Documents viewed: <ul style="list-style-type: none"> <li>Extract from Stevedores Licence Agreements.</li> <li>PON EMS-021 Environmental Management System –Mayfield No.4 Operations on the Berth. Revision A, 18 March 2014.</li> <li>PON Level 1 Induction – WHO 001 Revision K – 4 May 2017 – Slides 58 to 61 relate to environmental requirements.</li> <li>Records of Level 1 inductions being completed for Newcastle Stevedores - 10 people. Date inductions expiry ranged from 13 March 2019 to 9 August 2019. Inductions last two years.</li> </ul>	Compliant

**CONDITIONS OF CONSENT**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
			<ul style="list-style-type: none"> <li>PON Level 2 Induction – WHO 002 Work Induction Revision 2 – 27 October 2016. Slide 11 covers Hazardous Substances &amp; Dangerous Goods, Slide 12- Asbestos Management, Slide 20 – Environment (requirement to submit EMP or environmental risk assessment). Competency based.</li> <li>Records sighted for Inductions Level 2 – Contractors – Daracon. Expiry date ranged from 2 February 2019 to 16 June 2019.</li> <li>Daracon Group Environmental Management Plan, Port of Newcastle – Mayfield Site Infrastructure, Revision 2, 9/12/15.</li> <li>Port of Newcastle, Operational Environmental Management Plan Mayfield No. 4 Berth, 9 January 2015.</li> </ul>	
3.3	At least two weeks before: (a) Site preparation works commence (including demolition and or remediation); (b) construction works commence; and (c) Operations commence, the Applicant must certify in writing to the Director-General that it has obtained all the necessary statutory approvals for, and complied with all the relevant conditions of this consent and/or any other statutory requirements related to each respective component of the development.		This condition was applicable to a previous IEA period in relation to the construction and operation of Mayfield 4 berth.  No construction, or operation, of other elements of the MPT occurred during this reporting period.	Not triggered

**4. Environmental Management Plans**
**Contaminated Site Environmental Management Plan**

**CONDITIONS OF CONSENT**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
4.1	<p><sup>2</sup>Prior to commencing site remediation works the Applicant must prepare an environmental management plan. The management plan must include, but need not be limited to, providing information for employees, contractors, and subcontractors working on the closure area site remediation, Multi-Purpose Terminal, or any other activities on the site of:</p> <ul style="list-style-type: none"> <li>(a) procedures required to maintain the integrity of the capping system;</li> <li>(b) procedures for ensuring that disturbance of any part of the during construction, or any other activities on the site, is rectified to maintain the integrity of the capping system and meet the requirements of Conditions 5.17 and 5.18 are met; and</li> <li>(c) legal responsibilities under the Protection of the Environment Operations Act 1997.</li> </ul>	Environmental Officer: HDC are responsible for site remediation works, not PON.	This condition is not applicable to PON.	Not applicable
<b>Site Preparation Environmental Management Plan</b>				
4.2	<p>The Applicant must prepare and implement a Site Preparation Environmental Management Plan addressing all demolition and site remediation activities. The management plan must include, but need not be limited to:</p> <ul style="list-style-type: none"> <li>(a) A description of the proposed site preparation works;</li> <li>(b) An outline the proposed site preparation work program;</li> <li>(c) Identification of all the relevant statutory requirements and conditions of consent that apply to the site preparation phase of the development including legal responsibilities under the Protection of the Environment Operations Act 1997;</li> <li>(d) Standards and performance measures for each of the relevant environmental matters associated with the site preparation works;</li> <li>(e) A Description of what actions and measures will be implemented to mitigate the potential impacts of the site</li> </ul>	Environmental Officer: HDC are responsible for site remediation works, not PON.	This condition is not applicable to PON.	Not applicable

<sup>2</sup> EPA GTA No. 6.10

**CONDITIONS OF CONSENT**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	<p>preparation works, and to ensure that these works will comply with the relevant standards and performance measures;</p> <p>(f) A detailed description of what measures and procedures will be implemented to:</p> <ul style="list-style-type: none"> <li>• Manage potential pollutants exposed to air, and surface and groundwater during demolition of structures;</li> <li>• Manage traffic;</li> <li>• Mitigate potential noise impacts; Mitigate potential dust impacts;</li> <li>• Mitigate pollution of surface and groundwater; Register and respond to complaints;</li> <li>• Ensure the occupational health and safety of workers; Respond to any emergencies; and</li> <li>• Respond to the discovery of any archaeological relics or sites during site works.</li> </ul> <p>(g) An explanation as to how the environmental performance of the site preparation works will be monitored, and what actions will be taken if any non-compliance is detected;</p> <p>(h) A description of the role, responsibility, authority, accountability, and reporting of key personnel involved in the site preparation phase of the development;</p> <p>(i) The following plans:</p> <ul style="list-style-type: none"> <li>• Contaminated Site Management Plan (Condition 4.1);</li> <li>• Site Preparation and Construction Noise Management Plan (Condition 5.8);</li> <li>• Soil and Water Management Plan (Condition 5.27); Heavy Vehicle Route Plan (Condition 5.46) Archaeological Management Plan (Condition 6.3).</li> </ul> <p>The plan must be submitted and approved by the Director-General prior to site preparation works commencing.</p>			
<b>Construction Environmental Management Plan</b>				
4.3	The Applicant must prepare and implement a Construction		This condition was applicable to a previous IEA	Not triggered

**CONDITIONS OF CONSENT**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	<p>Management Plan for the Multi-Purpose Terminal development. This plan must:</p> <ul style="list-style-type: none"> <li>(a) Describe the proposed construction works;</li> <li>(b) Outline the proposed construction work program;</li> <li>(c) Identify all the relevant statutory requirements and conditions of consent that apply to the construction phase of the development;</li> <li>(d) Set standards and performance measures for each of the relevant environmental matters associated with the construction work;</li> <li>(e) Describe what actions and measures will be implemented to mitigate the potential impacts of the construction works, and to ensure that these works will comply with the relevant standards and performance measures;</li> <li>(f) Describe in detail what measures and procedures will be implemented to: <ul style="list-style-type: none"> <li>• Manage construction traffic;</li> <li>• Mitigate any potential dust impacts;</li> <li>• Register and respond to complaints during the construction period;</li> <li>• Ensure the occupational health and safety of construction workers;</li> <li>• Respond to any emergencies; and</li> <li>• Respond to the discovery of any archaeological relics or sites during site works.</li> </ul> </li> <li>(g) Explain how the environmental performance of the construction works will be monitored, and what actions will be taken if any non-compliance is detected;</li> <li>(h) Describe the role, responsibility, authority, accountability, and reporting of key personnel involved in the construction of the development;</li> <li>(i) Include the following plans: <ul style="list-style-type: none"> <li>• Soil and Water Management Plan (Condition 5.27)</li> </ul> </li> </ul>		<p>period in relation to the construction of Mayfield 4 berth and closed.</p> <p>No construction of other elements of the MPT occurred during this reporting period.</p>	

**CONDITIONS OF CONSENT**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	<ul style="list-style-type: none"> <li>Site Preparation and Construction Noise Management Plan (Condition 5.8);</li> <li>Heavy Vehicle Route Plan (Condition 5.46)</li> <li>Landscape management Plan (Condition 5.47)</li> <li>Contaminated Site Management Plan (Condition 4.1)</li> <li>Archaeological Management Plan (Condition 6.3)</li> </ul> <p>No construction work on the Multi-Purpose Terminal may occur before this plan has been approved by the Director-General.</p>			
<b>Operation Environmental Management Plan</b>				
4.4	<p>The Applicant must prepare and implement an Operation Environmental Management Plan (OEMP) for all future operations of the Multi-Purpose Terminal. This plan must:</p> <p>(a) Describe the proposed operations;</p> <p>(b) Identify all the relevant statutory requirements that apply to the operation of the development;</p> <p>(c) Set standards and performance measures for each of the relevant environmental issues;</p> <p>(d) Describe what actions and measures will be implemented to mitigate the potential impacts of the development, and to ensure that the development meets these standards and performance measures;</p> <p>(e) Describe what measures and procedures will be implemented to:</p> <ul style="list-style-type: none"> <li>Register and respond to complaints;</li> <li>Ensure the operational health and safety of the workers; and</li> <li>Respond to potential emergencies, such as plant failure;</li> </ul> <p>(f) Describe the role, responsibility, authority, and accountability of all the key personnel involved in the operation of the development;</p> <p>(g) Incorporate the detailed Environmental Monitoring Program (see Condition 8.1); and</p>	<p>Site visit: The auditor observed implementation of measures to minimise the potential for harm from the operation of the Berth. Measures included but not limited to:</p> <ul style="list-style-type: none"> <li>Stormwater controls (socks/filters)</li> <li>Emergency shut off valves on the stormwater system.</li> <li>Chemical spill kit</li> <li>Vehicle movements to taking place on fully sealed surfaces.</li> <li>Skips were available to manage waste on-site.</li> <li>Use of sediment control structures (swale).</li> <li>Containers being stored as per OEMP.</li> <li>Operational air quality monitoring instruments (HVASs).</li> <li>Perimeter fencing being well maintained.</li> <li>Security measures in place.</li> </ul> <p>Auditor sighted the air quality monitoring stations on site as per the OEMP.</p>	<p>Documents viewed:</p> <ul style="list-style-type: none"> <li>Port of Newcastle, Operational Environmental Management Plan Mayfield No. 4 Berth, 9 January 2015. <ul style="list-style-type: none"> <li>a) Compliance – Section 1.4</li> <li>b) Compliance – Section 3.0</li> <li>c) Compliance – Sections 3, 4 and 7</li> <li>d) Compliance – Section 7</li> <li>e) Compliance – Sections 4.5, 7, 8 and 10</li> <li>f) Compliance – Section 2</li> <li>g) Compliance – Sections 4.1 and 7</li> <li>h) Compliance – Section 7</li> </ul> </li> <li>2014 Annual Environmental Management Report – Mayfield 4 Berth, J Spiteri, Port of Newcastle, 9 January 2015.</li> <li>2015 Annual Environmental Management Report – Mayfield 4 Berth, J Spiteri, Port of Newcastle. Missing date of the document and who prepared it.</li> <li>2016 Annual Environmental Management Report – Mayfield 4 Berth, J Spiteri, Port of</li> </ul>	Compliant

**CONDITIONS OF CONSENT**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	<p>(h) Include the following:</p> <ul style="list-style-type: none"> <li>Stormwater Management Plan (condition 5.30);</li> <li>Capping Maintenance Plan (Condition 5.20);</li> <li>Contaminated Site Environmental Management Plan (Condition 4.1); and,</li> <li>Heavy Vehicle Route Plan (Condition 5.46).</li> </ul>		<p>Newcastle.</p> <p>Other documents reviewed that showed implementation of the OEMP is occurring included: (Note full titles not provided)</p> <ul style="list-style-type: none"> <li>Weekly Inspection records which covered stormwater pits and other environmental aspects of the operation were sighted – 13 in total were reviewed from 2015 to 2017. As per Section 4.2 and 7.</li> <li>Daily security guard inspections – sighted over 20 records of these inspections. Includes traffic arrangements, spill kit inspection, fence inspections, incidents.</li> <li>Training and induction records were sighted as per Section 6 of the OEMP.</li> <li>Hazard audits occurring as per Section 5.2.</li> <li>Stevedore agreement.</li> <li>Annual noise monitoring reports as per Section 4.1.1.</li> <li>Dust and water quality monitoring reports as per Sections 4.1.2 and 4.1.3.</li> <li>Annual reports prepared as per Section 4.1.4.</li> <li>Annual drill/testing of the Pollution Incident Response Management Plan.</li> </ul>	
4.5	The Applicant must ensure that a copy of the OEMP is publicly available.		Auditor sighted the OEMP on Port of Newcastle website. Portofnewcastle.com.au/shipping and Operations / Environment and Planning	Compliant
4.6	The Applicant must review and update the OEMP regularly, or as directed by Director-General.		<p>Document viewed:</p> <ul style="list-style-type: none"> <li>Port of Newcastle, Operational Environmental Management Plan Mayfield No. 4 Berth, 9 January 2015. Section 5.1 states that the OEMP is reviewed after the</li> </ul>	Compliant



CONDITIONS OF CONSENT

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
			first 12 months of the site's operation and then following each IEA.	
4.7	The OEMP must be approved by the Director-General before operations at the MPT can commence.		This condition was applicable to a previous IEA period in relation to Mayfield 4 Berth and closed. No other elements of the MPT have been constructed during this reporting period.	Not triggered
<b>5. Environmental Standards and Conditions</b>				
<b>Hours of Site Preparation and Construction</b>				
5.1	<sup>3</sup> All site preparation and construction activities in relation to the MPT must only be conducted between the hours specified below unless otherwise agreed by the Director-General in consultation with the appropriate regulatory authority: (a) Monday to Friday 7am to 6pm; (b) Saturday, 8am to 1pm if audible at residential receivers, otherwise 7am to 1pm; and (c) No construction work to take place on Sundays or Public Holidays.		This condition was applicable to a previous IEA period in relation to Mayfield 4 Berth and closed. No other elements of the MPT have been constructed during this reporting period.	Not triggered
5.1A	Notwithstanding Condition 5.1 of this consent, activities associated with remediation of the site may be undertaken at any time, subject to compliance with the noise limits specified under Condition 5.7.		This condition was applicable to a previous IEA period.	Closed
<b>Blasting</b>				
5.2	<sup>4</sup> The applicant must notify the community with the postcodes 2304 and 2297 by way of a community service announcement in a widely distributed print media and local broadcast media of the proposed date and time of any blasting to be done on the site. The notification must provide a timely warning of the intended blast and provide a contact name and phone number that the public may use to obtain further details of the proposed blast.	Environmental Officer: advised that no blasting has occurred during this audit period at the site.		Not triggered

<sup>3</sup> EPA GTA No. 5.11

<sup>4</sup> EPA GTA No. 5.1

**CONDITIONS OF CONSENT**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status										
5.3	<sup>5</sup> Noise caused by blasting operations must not exceed an over-pressure level of 115dB (linear peak) for more than 5% of the total number of blasts when measured at any noise sensitive locations (such as residential premises, schools or hospitals).	Environmental Officer: advised that no blasting has occurred during this audit period at the site.		Not triggered										
5.4	<sup>6</sup> Noise caused by blasting operations must not exceed an over-pressure level 120dB (linear peak) at any time when measured at any noise sensitive locations (such as residential premises, schools or hospitals).	Environmental Officer: advised that no blasting has occurred during this audit period at the site.		Not triggered										
5.5	<sup>7</sup> Ground vibration caused by blasting operations must not exceed a peak particle velocity of 5 millimetres for more than 5% of the total number of blasts carried out over any 12 month period, when measured at any point within one metre of any residential boundary or in or on any noise sensitive areas (such as residential premises, schools or hospitals).	Environmental Officer: advised that no blasting has occurred during this audit period at the site.		Not triggered										
5.6	<sup>8</sup> Ground vibration caused by blasting operations on the site must not exceed a peak particle velocity of 10 millimetres per second (peak particle velocity) when measured at any point within one metre of the boundary of any premises not owned or leased by the applicant	Environmental Officer: advised that no blasting has occurred during this audit period at the site.		Not triggered										
Noise – Site Preparation and Construction Phases														
5.7	<div><div><sup>9</sup>Noise emissions arising from demolition and site remediation of the closure area and construction of the MPT, and associated activities must not exceed the following noise levels.</div><table><tr><th>Location</th><th>Noise Limits (dBA)</th></tr><tr><td>6. 52 Arthur Street</td><td>55</td></tr><tr><td>7. Mayfield East Public School</td><td>47</td></tr><tr><td>8. 21 Crebert Street</td><td>56</td></tr><tr><td>9. Newcastle TAFE</td><td>49</td></tr></table></div>	Location	Noise Limits (dBA)	6. 52 Arthur Street	55	7. Mayfield East Public School	47	8. 21 Crebert Street	56	9. Newcastle TAFE	49		This condition was applicable to a previous IEA period in relation to Mayfield 4 Berth and closed. No other elements of the MPT have been constructed during this reporting period.	Not triggered
Location	Noise Limits (dBA)													
6. 52 Arthur Street	55													
7. Mayfield East Public School	47													
8. 21 Crebert Street	56													
9. Newcastle TAFE	49													

<sup>5</sup> EPA GTA No .5.2

<sup>6</sup> EPA GTA No .5.3

<sup>7</sup> EPA GTA No .5.4

<sup>8</sup> EPA GTA No. 5.5

<sup>9</sup> EPA GTA No. 5.7

CONDITIONS OF CONSENT

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	<div>10. 1 Arthur Street 51</div> <p><i>Note: the shaded area represents the applicable criteria to all construction related activity for the closure area.</i></p> <p>The Noise limits apply during the day or night-time under winds up to 3 metres per second (measured at 10 metres above ground level) and Pasquill stability class from A to F.</p>			
5.8	<p><sup>10</sup>To achieve the levels specified in Condition 5.7, the Applicant must develop and implement an appropriate Site Preparation and Construction Noise Management Plan. The plan must include, but need not be limited to:</p> <ul style="list-style-type: none"> <li>(a) identification of all noise sources;</li> <li>(b) noise mitigation measures both in terms of engineering best practice and operational procedures;</li> <li>(c) proposed times for noise propagating site activities;</li> <li>(d) monitoring methods and programs;</li> <li>(e) contingency measures where monitoring indicates noncompliance; and</li> <li>(f) complaints handling procedures.</li> </ul> <p>The plan will form part of the Site Preparation EMP (Condition 4.2) and the Construction EMP (Condition 4.3) and be approved by the Director-General prior to works commencing.</p>		<p>This condition was applicable to a previous IEA period in relation to Mayfield 4 Berth and closed. No other elements of the MPT have been constructed during this reporting period.</p>	Not triggered
5.9	<p><sup>11</sup>In the event that the Applicant is unable to achieve the noise levels specified in Condition 5.7, the Director-General, in consultation with the EPA may agree to a request by the applicant to negotiate noise limits above the limits specified in Condition 5.7, provided the Director-General is satisfied that the applicant has demonstrated that all feasible and reasonable means to mitigate noise impacts have been considered. The application should include but need not be limited to:</p> <ul style="list-style-type: none"> <li>(a) full details of the measures proposed to mitigate noise impacts associated with the construction related activity for the Closure Area, with particular reference to piling</li> </ul>		<p>This condition was applicable to a previous IEA period in relation to Mayfield 4 Berth and closed. No other elements of the MPT have been constructed during this reporting period.</p>	Not triggered

<sup>10</sup> EPA GTA No 5.8

<sup>11</sup> EPA GTA No. 5.9

CONDITIONS OF CONSENT

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status																
	<p>operations;</p> <p>(b) a quantitative analysis of the extent to which the mitigation measures will achieve the noise limits specified in Condition 5.7;</p> <p>(c) identify all residential properties and sensitive receivers likely to be affected when all feasible and reasonable on-site mitigation strategies have been taken into account; and</p> <p>(d) details of the outcome of a community consultation process to be implemented by the Applicant to identify alternative on-site or off-site mitigation strategies that may be acceptable to the community.</p>																			
5.10	<p>Piling operations must be conducted using best available technology. The appropriate regulatory authority may require acoustic shrouding of the hammer to limit impact noise if the appropriate regulatory authority receives justifiable complaints.</p>		<p>This condition was applicable to a previous IEA period in relation to Mayfield 4 Berth and closed. No other elements of the MPT have been constructed during this reporting period.</p>	Not triggered																
Noise – Operation Phase																				
5.11	<p>The following noise limits apply to the operation of the Multi-Purpose Terminal at the locations shown are as follows:</p> <table><tr><th colspan="4">Noise Limits dB(A)</th></tr><tr><th>Location</th><th>Day 7:00 am to 6:00 pm Mondays to Saturdays 8:00 am to 6:00 pm Sundays and public holidays</th><th>Evening 8:00 pm to 10:00 pm on any day</th><th>Day 10:00 pm to 7:00 am Mondays to Saturdays 10:00 pm to 8:00 am Sundays and public holidays</th></tr><tr><td></td><td>L<sub>Aeq</sub> (15 minute)</td><td>L<sub>Aeq</sub> (15 minute)</td><td>L<sub>Aeq</sub> (15 minute)</td></tr><tr><td>1. 52 Arthur Street</td><td>49</td><td>38</td><td>38</td></tr></table>	Noise Limits dB(A)				Location	Day 7:00 am to 6:00 pm Mondays to Saturdays 8:00 am to 6:00 pm Sundays and public holidays	Evening 8:00 pm to 10:00 pm on any day	Day 10:00 pm to 7:00 am Mondays to Saturdays 10:00 pm to 8:00 am Sundays and public holidays		L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	1. 52 Arthur Street	49	38	38		<p>Documents viewed:</p> <ul style="list-style-type: none"><li>2014 Annual Environmental Management Report – Mayfield 4 Berth, J Spiteri, Port of Newcastle, 9 January 2015.</li><li>2015 Annual Environmental Management Report – Mayfield 4 Berth, J Spiteri, Port of Newcastle. Missing date of the document and who prepared it. Section 5.3.3.</li><li>2016 Annual Environmental Management Report – Mayfield 4 Berth, J Spiteri, Port of Newcastle. Section 5.3.3.</li><li>AECOM, Mayfield No.4 Berth, Operational Noise Compliance Assessment, 24 November 2014, Doc No. 60333368-RPNV-01_C.</li><li>AECOM, Mayfield No.4 Berth, Operational Noise Compliance Assessment, 11</li></ul>	Compliant
Noise Limits dB(A)																				
Location	Day 7:00 am to 6:00 pm Mondays to Saturdays 8:00 am to 6:00 pm Sundays and public holidays	Evening 8:00 pm to 10:00 pm on any day	Day 10:00 pm to 7:00 am Mondays to Saturdays 10:00 pm to 8:00 am Sundays and public holidays																	
	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)																	
1. 52 Arthur Street	49	38	38																	

**CONDITIONS OF CONSENT**

Condition	Requirement				Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	2. Mayfield East Public School	47	37	37		November 2015, Doc No. 60333368-RPNV-02_B. • AECOM, Mayfield No.4 Berth, Operational Noise Compliance Assessment, 5 December 2016, Doc No. 60518192-RPNV-02_B.	
	3. 21 Crebert Street	49	39	39			
	4. Newcastle TAFE	44	38	38			
	5. 1 Arthur Street	48	33	33			
	The noise limits apply during all assessment periods under winds up to 3 metres per second (measured at 10 metres above ground level) and Pasquill stability classes from A to F.						
5.12	In the event that the Applicant is unable to achieve the noise levels specified in Condition 5.11, the Director-General, in consultation with the EPA may agree to a request by the applicant to negotiate noise limits up to 5 dB(A) above the limits specified in Condition 5.11, provided the Director-General is satisfied that the applicant has demonstrated that all feasible and reasonable means to mitigate noise impacts have been considered. The application should include but need not be limited to: <ul style="list-style-type: none"> <li>(a) full details of the measures proposed to mitigate noise impacts associated with the operation of the container terminal and the rail terminal;</li> <li>(b) a quantitative analysis of the extent to which the mitigation measures will achieve the noise limits specified in Condition 5.11;</li> <li>(c) identify all residential properties and sensitive receivers likely to be affected when all feasible and reasonable on-site mitigation strategies have been taken into account; and</li> <li>(d) details of the outcome of a community consultation process to be implemented by the Applicant to identify alternative on-site or off-site mitigation strategies that may be acceptable to the community.</li> </ul>				Environmental Officer: Confirmed that this condition has not been triggered to date.	Documents viewed: <ul style="list-style-type: none"> <li>• 2014 Annual Environmental Management Report – Mayfield 4 Berth, J Spiteri, Port of Newcastle, 9 January 2015.</li> <li>• 2015 Annual Environmental Management Report – Mayfield 4 Berth, J Spiteri, Port of Newcastle. Missing date of the document and who prepared it. Section 5.3.3.</li> <li>• 2016 Annual Environmental Management Report – Mayfield 4 Berth, J Spiteri, Port of Newcastle. Section 5.3.3.</li> <li>• AECOM, Mayfield No.4 Berth, Operational Noise Compliance Assessment, 24 November 2014, Doc No. 60333368-RPNV-01_C.</li> <li>• AECOM, Mayfield No.4 Berth, Operational Noise Compliance Assessment, 11 November 2015, Doc No. 60333368-RPNV-02_B.</li> <li>• AECOM, Mayfield No.4 Berth, Operational Noise Compliance Assessment, 5 December 2016, Doc No. 60518192-RPNV-</li> </ul>	Not triggered

## CONDITIONS OF CONSENT

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
			02. B. Compliance achieved with noise level limits, hence this condition not triggered.	
Vibration				
5.13	Prior to construction of the railway linking the MPT to the Morandoo sidings inroad, the Applicant shall prepare a vibration assessment report identifying the predicted impacts of rail related vibration as a result of the development. The assessment report shall be prepared in consultation with the Rail Infrastructure Corporation and be submitted for the approval of the Director-General. The Report shall include measurements of predicted vibration associated with the new rail line connecting the MPT and identify mitigation measures to be incorporated into the detailed design of the rail line.	Environmental Officer: PON was not responsible for the construction of the railway. Construction has been completed.		Closed
Odour				
5.14	<sup>12</sup> No offensive odour, as defined under Section 129 of the Protection of the Environment Operations Act 1997, may be emitted from the premises. <i>Note: The Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant protection licence as a potentially offensive odour and the odour is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.</i>	Environmental Officer: Advised no odour complaints were received during this reporting period.	Documents viewed: <ul style="list-style-type: none"> <li>2014 Annual Environmental Management Report – Mayfield 4 Berth, J Spiteri, Port of Newcastle, 9 January 2015. Section 8.0 and Appendix C.</li> <li>2015 Annual Environmental Management Report – Mayfield 4 Berth, J Spiteri, Port of Newcastle. Missing date of the document and who prepared it. Section 8.0 and Appendix C.</li> <li>2016 Annual Environmental Management Report – Mayfield 4 Berth, J Spiteri, Port of Newcastle. Section 8.0 and Appendix C.</li> </ul>	Complaint
Dust				
5.15	<sup>13</sup> Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.	Environmental Officer: Advised no dust complaints were received during this	Documents viewed: <ul style="list-style-type: none"> <li>2014 Annual Environmental Management</li> </ul>	Complaint

<sup>12</sup> EPA GTA No. 2.1<sup>13</sup> EPA GTA No. 2.2

**CONDITIONS OF CONSENT**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
		reporting period.	<p>Report – Mayfield 4 Berth, J Spiteri, Port of Newcastle, 9 January 2015. Section 8.0 and Appendix C.</p> <ul style="list-style-type: none"> <li>• 2015 Annual Environmental Management Report – Mayfield 4 Berth, J Spiteri, Port of Newcastle. Missing date of the document and who prepared it. Section 8.0 and Appendix C.</li> <li>• 2016 Annual Environmental Management Report – Mayfield 4 Berth, J Spiteri, Port of Newcastle. Section 8.0 and Appendix C.</li> <li>• HVAS Master Spreadsheet – Mayfield Berth 4.xlsx.</li> <li>• Document received on 15<sup>th</sup> September 2017, advising five loose bulk cargo operations occurred during this IEA period: <ul style="list-style-type: none"> <li>• 15/12/2014 – Coal – Brown</li> <li>• 11/2/2016 – Coal – Brown</li> <li>• 26/6/2016 – Coal – Brown</li> <li>• 26/6/2016 – Silica Sand</li> <li>• 29/8/2016 – Silica Sand</li> </ul> </li> </ul>	
5.16	<sup>14</sup> All trafficable areas and vehicles manoeuvring areas in or on the premises must be maintained at all times, in a condition that will minimise the generation or emission from the premises of wind-blown or traffic generated dust.	Site visit: The auditor observed that the facility was in a condition that minimised the generation or emission from the premises of wind-blown or traffic generated dust.		Complaint
<b>Site Remediation – Site capping</b>				
5.17	The Closure Area as identified in Figure 1.3 of the EIS: Layout of the Steelworks Site Showing the Closure Area and MPT, other than the proposed hard stand paved areas, and pre-construction surfaces must: <p>(a) have a seal bearing layer consisting of a properly designed and engineered layer of material. This layer must consist of a</p>	Environmental Officer: Confirm that PON was not responsible for site remediation works (Hunter Development Corporation) was.		Not applicable

<sup>14</sup> EPA GTA No. 2.3

CONDITIONS OF CONSENT

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	<p>material at least 500mm thick and have a permeability less than <math>K = 10^{-7} \text{ms}^{-1}</math>; and</p> <p>(b) be constructed and maintained to permit free drainage and to avoid surface water ponding; or</p> <p>(c) an alternative seal bearing layer that meets the objectives of (a) and (b) above and demonstrates a high level of engineering reliability may be approved in writing by the EPA.</p> <p>For the purposes of this condition, the following areas are exempted for the requirements above:</p> <ul style="list-style-type: none"> <li>the areas delineated to be landscaped in areas M11 and M23 on Figure 1 'Plan of Closure Area M11 (Heritage Precinct)' dated 8 May 2001, and Figure 2 'Plan of Closure Area M23' dated 8 May 2001, submitted to the Department on 6 August 2001;</li> <li>the area marked as 'Fig Tree Preservation Area' in the plan titled 'Newcastle Steelworks Main Site Redevelopment - Figtree Canopy along Industrial Drive - General Arrangement', dated 24 October 2001, and submitted to the Department on 15 October 2001; and</li> <li>the western portion of area M17, which is an established landscaped area located behind the fig trees along Industrial Drive between Crebert Street and Selwyn Street. The area extends for approximately 80 metres to the east, to the proposed location of the railway line.</li> </ul> <p>However, should any of the areas listed above be re-developed then this exemption no longer applies.</p> <p><i>Note: "hard stand" is for the purpose of this condition, concrete or asphalt.</i></p>			
5.18	<p>Unless otherwise approved by the EPA in accordance with condition 5 18A of this consent, the areas listed below and identified in Figure 1.3 of the EIS must be capped with hard stand or incorporate a seal bearing layer consisting of a material at least 500 mm thick and have a permeability less than <math>K = 10^{-9} \text{ms}^{-1}</math>.</p> <p>(a) M18</p>	Environmental Officer: Confirm that PON was not responsible for site remediation works.		Not applicable



**CONDITIONS OF CONSENT**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	(b) M19 (c) M20 (d) M25 (e) M12 (f) M14 (g) M15  <i>Note: An alternative seal bearing layer including existing hard stand areas that meets the objectives of the above and demonstrates a high level of engineering reliability may be approved in writing by the EPA.</i>			
5.18A	The Applicant may seek the approval of the EPA to alter the permeability requirements specified under condition 5.18 of this consent, following completion of installation of the barrier wall and associated capping works. In considering any application to vary permeability requirements, the EPA may require the Applicant to provide an independent assessment of whether the barrier wall and associated capping works have achieved the remediation outcomes for the site.	Environmental Officer: Confirm that PON was not responsible for site remediation works.		Not applicable
5.19	<sup>15</sup> A qualified Geo-technical Engineer must be engaged to provide certification of the permeability of the seal bearing layer as detailed in Conditions 5.17 and 5.18 above. The certification must be retained by the Applicant for a minimum period of 5 years	Environmental Officer: Confirm that PON was not responsible for site remediation works.		Not applicable
5.20	<sup>16</sup> A capping maintenance plan must be developed for the closure area as identified by Figure 1.3 titled Layout of Steelworks Site Showing the Closure Area and MPT in the EIS. This plan must include, but need not be limited to the following: (a) procedures for ensuring the integrity of the cap is maintained during any construction or any other activities on the closure area; (b) procedures for ensuring that disturbance of any part of the	Environmental Officer: Advised that an annual check of the site capping occurs by a qualified engineer. No issues have been raised to date.	Documents viewed: <ul style="list-style-type: none"> <li>Port of Newcastle, Operational Environmental Management Plan Mayfield No. 4 Berth, 9 January 2015. Section 7.4 Capping Maintenance.</li> <li>Ramboll Environ Australia, Section 28 Review, Mayfield Site, NSW, July 2015.</li> <li>Ramboll Environ Australia, Section 28</li> </ul>	Compliant

<sup>15</sup> EPA GTA No. 6.3

<sup>16</sup> EPA GTA No. 6.4

## CONDITIONS OF CONSENT

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	cap during construction or any other activities on the site, is rectified to maintain the integrity of the capping system and meet the requirements of Conditions.		Review, Mayfield Site, NSW, May 2016.	
5.21	<sup>17</sup> All sub-surface pipes associated with stormwater collection and drainage systems installed on the premises must be flexible jointed pipes designed and installed in accordance with Australian Standard AS/NZS 2566.1:1998.		This relates to a previous IEA reporting period.	Closed
Remediation of Contamination - Soil				
5.22	<sup>18</sup> The EPA must be notified, in writing, of any free phase contamination and any other type of contamination not identified in the EIS that is encountered during any activities on the closure area. Notification must be submitted as soon as practicable after the material is identified. <i>Note: The EPA may require any free phase contamination or any other type of contamination not identified in the EIS that is encountered during any activities on the closure area to be contained or treated on site or removed off site for disposal or treatment.</i>		PON was not responsible for the site remediation works. Note that this work was undertaken in a previous IEA reporting period.	Not applicable
5.23	<sup>19</sup> Prior to commencing construction of the Multi-Purpose Terminal or remediation of the closure area as identified in Figure 1.3 of the EIS, any stockpiled soil from the area surrounding the decommissioned Coke Ovens 1, 2, and 3 located adjacent to the western side of Blast Furnace Road must be removed from this location and either: (a) Contained in areas proposed to be covered by hard stand pavement; or (b) Managed by an alternative method approved in writing by the EPA.		PON was not responsible for the site remediation works. Note that this work was undertaken in a previous IEA reporting period.	Not applicable

<sup>17</sup> EPA GTA No. 6.5<sup>18</sup> EPA GTA No. 6.6<sup>19</sup> EPA GTA No. 6.7

CONDITIONS OF CONSENT

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
Remediation of Contamination - Groundwater				
5.24	<sup>20</sup> For the purposes of investigating the options for interception and treatment of contamination migrating in groundwater to the Hunter River, the Applicant must submit a report to the EPA's Regional Manager Hunter.	Environmental Officer: Confirmed that PON was not responsible for remediation of contaminated groundwater.	PON was not responsible for the site remediation works. Note that this work was undertaken in a previous IEA reporting period.	Not applicable
5.25	<sup>21</sup> The report must include, but need not be limited to, a detailed investigation of funnel and gate technology, or of an alternative technology identified by the Applicant, to intercept and treat groundwater flowing in the direction of the hard stand areas of the proposed Multi-Purpose Terminal and area M12 as identified by Figure 1.3 titled <i>Layout of Steelworks Site showing the Closure Area and MPT</i> in the EIS; The report must include, but need not be limited to: <ul style="list-style-type: none"> <li>(a) design details of the funnel and gate technology;</li> <li>(b) options for the reactive media to be placed within the "gates" to treat the contaminants in the groundwater to be consistent with the relevant guidelines specified by the Australian and New Zealand Environment and Conservation Council (ANZECC) in the document titled <i>Australian Water Quality Guidelines for Fresh and Marine Waters (1992)</i>;</li> <li>(a) if an alternate technology is identified by the Applicant, the design details of the alternate technology and an assessment of the ability of the alternate technology to treat the contaminants in the groundwater to be consistent with the relevant guidelines specified by ANZECC in the document titled <i>Australian Water Quality Guidelines for Fresh and Marine Waters (1992)</i>;</li> <li>(b) justification for any alternate technology identified by the Applicant;</li> <li>(c) details of a monitoring program to evaluate the effectiveness of the funnel and gate system or any alternative technology</li> </ul>	Environmental Officer: Confirmed that PON was not responsible for remediation of contaminated groundwater.	PON was not responsible for the site remediation works. Note that this work was undertaken in a previous IEA reporting period.	Not applicable

<sup>20</sup> EPA GTA No. 6.8

<sup>21</sup> EPA GTA No. 6.7

CONDITIONS OF CONSENT

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	<p>identified by the Applicant to be consistent with the relevant guidelines specified by the ANZECC in the document titled <i>Australian Water Quality Guidelines for Fresh and Marine Waters (1992)</i>;</p> <p>(d) an estimate of costs to implement and maintain the funnel and gate system and any alternative technology identified by the Applicant; and</p> <p>(e) a timetable and detailed schedule of works to implement the funnel and gate system and any alternative technology identified by the Applicant.</p> <p>The report must be submitted to the EPA prior to construction of any hard stand areas of the Multi-Purpose Terminal. "hard stand" is, for the purpose of this condition, concrete or asphalt.</p> <p><i>Note: The EPA intends to require implementation of a system which the EPA determines as appropriate in order to ensure that the Applicant manages and treats groundwater contamination to be consistent with the relevant guidelines specified by the ANZECC in the document titled Australian Water Quality Guidelines for Fresh and Marine Waters (1992). The preferred system will be implemented either through the conditions of the Environment Protection Licence for the premises or through the provisions of the Contaminated Land Management Act 1997.</i></p>			
5.25A	The applicant shall construct groundwater management works, as a component of the site remediation activity, in accordance with EPA approval under the <i>Contaminated land Management Act 1997</i> .		PON was not responsible for the site remediation works. Note that this work was undertaken in a previous IEA reporting period.	Not applicable
Stormwater and Sediment Control – Site Preparation and Construction Phase				
5.26	<sup>22</sup> Except as may be expressly provided in a licence issued by the EPA, the Applicant must comply with Section 120 of the <i>Protection of the Environment Operations Act 1997</i> prohibiting the pollution of waters.		This condition was applicable to a previous IEA period in relation to Mayfield 4 Berth and closed. No other elements of the MPT have been constructed during this reporting period.	Not triggered
5.27	<sup>23</sup> A Soil and Water Management Plan (SWMP) must be prepared and		This condition was applicable to a previous IEA	Not triggered

<sup>22</sup> EPA GTA No. 3.1

## Appendix A

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### CONDITIONS OF CONSENT

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	implemented. The SWMP must describe the measures that will be implemented to minimise soil erosion and the discharge of sediment and other pollutants to waters during site remediation of the closure area and construction of the MPT. The SWMP should be prepared in accordance with the relevant specifications and standards contained in the document titled <i>Managing Urban Stormwater: Soils and Construction</i> (Department of Housing 1998) and any other relevant agency requirements. The SWMP should include, but not necessarily be limited to, those measures outlined in Table 10.2 <i>Environmental Safeguards in the EIS</i> .		period in relation to Mayfield 4 Berth and closed. No other elements of the MPT have been constructed during this reporting period.	
5.28	The proposed system for erosion and sediment control must be installed and stabilised before commencement of site works. This does not include the construction of the appropriate controls.		This condition was applicable to a previous IEA period in relation to Mayfield 4 Berth and closed. No other elements of the MPT have been constructed during this reporting period.	Not triggered
5.29	The stormwater drainage system for the site may only discharge to the Hunter River or the stormwater system via an appropriately engineered stormwater detention basin(s). Prior to construction, the design capacity of the stormwater detention basin(s) must be approved in writing by the EPA.		This condition relates to previous IEA reporting period.	Closed
5.29A	The Eastern and Western drains are to be designed to satisfactorily accommodate stormwater runoff from the entire respective contributing catchments. The contributing catchment to the Eastern Drain shall include the catchment that drains to the existing open drain within Selwyn Street, such as to permit possible future upgrading/widening of Selwyn Street.		This condition relates to previous IEA reporting period.	Closed
5.29B	The Applicant is to fund and construct, in consultation with the Council, stormwater drainage pipe connections from the Eastern Drain to the boundary of Selwyn Street in sufficient number, location and size such to adequately service the existing Selwyn Street drain without the need to undertake construction activity within the constructed drain.		This condition relates to previous IEA reporting period.	Closed
5.29C	Upon achieving practical completion of all construction and landscaping works associated with the Eastern Drain, an easement to drain water		This condition relates to previous IEA reporting period.	Closed

<sup>23</sup> EPA GTA No. 3.2, WWA GA No. 3

**CONDITIONS OF CONSENT**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	shall be created over the Eastern Drain and associated structures. The terms of such an easement shall be established by the Proponent in consultation with the Council.			
<b>Stormwater and Sediment Control – Operation Phase</b>				
5.30	<sup>24</sup> A Stormwater Management Plan must be developed and implemented to mitigate the impacts of stormwater runoff from the site following the completion of the site remediation activities. The plan must identify contaminant likely to be present in stormwater from the closure area as identified in Figure 1.3 of the EIS and the measures proposed to prevent or control their discharge to waters such as the Hunter River. The measures should include, but not necessarily be limited to those outlined in Table 10.2 <i>Environmental Safeguards</i> in the EIS. The Plan must address the provisions of Newcastle City Council's DCP No.50 – <i>Stormwater Management for Development Sites</i> .	<p>Site visit: The auditor sighted the implementation of the stormwater management practices as outlined in Section 7.1 and 7.2 including:</p> <ul style="list-style-type: none"> <li>Sediment control structures including filters/socks within the stormwater system</li> <li>No fuels or chemicals storage outside appropriate storage containers.</li> <li>Containers stored on the hardstand area only.</li> </ul>	<p>Document reviewed:</p> <ul style="list-style-type: none"> <li>Port of Newcastle, Operational Environmental Management Plan Mayfield No. 4 Berth, 9 January 2015. Sections 4.1.3 stormwater monitoring and 7.2 Stormwater management.</li> <li>Weekly inspection records with commencement dates of: <ul style="list-style-type: none"> <li>8/10/2015</li> <li>15/10/2015</li> <li>19/11/2015</li> <li>10/12/2015</li> <li>31/12/2015</li> <li>28/1/2016</li> <li>3/3/2016</li> <li>23/6/2016</li> <li>22/9/2016</li> <li>2/3/2017</li> <li>13/4/2017</li> <li>8/6/2017</li> <li>6/7/2017</li> </ul> </li> <li>EPA Annual Returns for 2015 and 2016</li> </ul>	Compliant
<b>Waste – Closure Area</b>				

<sup>24</sup> Incorporates EPA GTA No. 3.5

**CONDITIONS OF CONSENT**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
5.31	<sup>25</sup> The Applicant must not cause, permit, or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing, or disposal; or any waste generated at the premises to be disposed at the premises, except as expressly permitted by a licence under the <i>Protection of the Environment Operations Act 1997</i> .	Site visit: No waste generated from outside the premises was seen on site.	Documents viewed: <ul style="list-style-type: none"> <li>Port of Newcastle, Operational Environmental Management Plan Mayfield No. 4 Berth, 9 January 2015. Section 7.10 states that garbage from vessel may be collected on some occasions. In these instances the vessel is required to contact the vessel agent who will arrange for a Department of Agriculture licensed waste contractor to collect the garbage. There is a process to be followed.</li> <li>PON Environmental Management Procedure, EMS 007, Waste Handling and Disposal, Revision C, 11 April 2017.</li> <li>EPL Annual Return submitted on 27 March 2017</li> <li>EPL Annual Return submitted on 30 March 2016</li> <li>EPL Annual Return submitted on 9 December 2015.</li> </ul>	Compliant
5.32	Prior to the commencement of operations, the Applicant must demonstrate to the satisfaction of the Australian Quarantine Inspection Service and the Director-General that appropriate arrangements have been put in place for the disposal of quarantine wastes.		This condition relates to previous IEA reporting period.	Closed
5.33	<sup>26</sup> Prior to any material being stored in the emplacement area as identified in Figure 6.4 titled <i>Proposed Final Landform and Surface Water Drainage</i> of the EIS, the following must be conducted: <p>(a) the Applicant must provide the EPA with details of how the environmental goals will be met through the relevant benchmark techniques specified in the EPA's document titled <i>Environmental Guidelines: Solid Waste Landfills</i>; and provide</p>	Environmental Officer: Confirmed that any obligation under this Condition is the responsibility of the NSW Government and not PON. There is a Remediation Deed which is part of the Port Lease Transaction which states that PON must make the emplacement area available to the NSW	Documents viewed: <ul style="list-style-type: none"> <li>Golder Associates – Independent Environmental Audit, 8 January 2015.</li> </ul>	Not applicable

<sup>25</sup> EPA GTA No. 4.1

<sup>26</sup> EPA GTA No. 4.2

CONDITIONS OF CONSENT

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	a comprehensive environmental management plan; and, (b) the emplacement area must have a leachate barrier system that meets the requirements of the EPA document titled <i>Environmental Guidelines: Solid Waste Landfills</i> .	Government for placement of contaminated materials and this obligation remains in force until 31 May 2020.		
<b>Waste – Hazardous and Industrial</b>				
5.34	<sup>27</sup> Hazardous or industrial waste proposed to be removed from the Closure Area must be stored and disposed of in a manner to minimise its impact on the environment including appropriate segregation for storage and separate disposal by a waste transporter licensed by the EPA.	Environmental Officer: Confirmed that the management of remediation works in the Closure Area is not the responsibility of PON.	Documents viewed: • Golder Associates – Independent Environmental Audit, 8 January 2015.	Not applicable
<b>Dredging and Sediment Disposal</b>				
5.35	Prior to commencement of any dredging work, a Dredging Management Plan shall be prepared in consultation with the Newcastle Port Corporation and once completed provided to the Waterways Authority. The plan shall address, but is not limited to, the following issues: (i) installation and effective operation of an appropriately designed silt curtain to control turbidity around the dredge site; (ii) details of the dredging footprint, weekly dredging rate, equipment and pipeline for the transfer of sediment (size and location); (iii) range of river and weather conditions necessitating the temporary cessation of dredging operations; and (iv) provide details on contingency plans to deal with potential adverse impacts resulting from dredging operations.	Site visit: The auditor did not observe any dredging works during the visit. Environmental Officer: Confirmed no capital dredging works undertaken during this audit period. The Officer advised this Condition only relates to capital dredging and not apply to maintenance dredging and associated approvals.		Not triggered
5.36	Following the conclusion of Stage 1 dredging works, a hydrographic survey is to be carried out and is to be submitted to the Waterways Authority.	Environmental Officer: Confirmed that Stage 1 dredging works were not the responsibility of the PON.		Not applicable
5.37	Should the dredging works require the use of explosives in water, then a permit shall be obtained from NSW Fisheries prior to the commencement of dredging operations.	Environmental Officer: Confirmed no capital dredging works undertaken during this audit period.		Not triggered

<sup>27</sup> EPA GTA No. 4.3



**CONDITIONS OF CONSENT**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
<b>Lighting</b>				
5.38	The Applicant must ensure that any external lighting associated with the development is mounted, screened, and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting must be the minimum level of illumination necessary.	Site visit: The auditor observed that external lighting associated with No.4 Berth was directed in a manner not to create a nuisance.	<p>Documents viewed:</p> <ul style="list-style-type: none"> <li>Port of Newcastle, Operational Environmental Management Plan Mayfield No. 4 Berth, 9 January 2015. Section 7.12 Landscaping and Lighting outlines the measures implemented to minimise the impact of lighting from the wharf operations.</li> <li>2014 Annual Environmental Management Report – Mayfield 4 Berth, J Spiteri, Port of Newcastle, 9 January 2015. Section 8.0 and Appendix C.</li> <li>2015 Annual Environmental Management Report – Mayfield 4 Berth, J Spiteri, Port of Newcastle. Missing date of the document and who prepared it. Section 8.0 and Appendix C.</li> <li>2016 Annual Environmental Management Report – Mayfield 4 Berth, J Spiteri, Port of Newcastle. Section 8.0 and Appendix C.</li> </ul>	Complaint
<b>Traffic</b>				
5.39	<p>The applicant is to fund and construct the following road works to the satisfaction of the Newcastle City Council and/or Roads and Traffic Authority prior to commencement of operations at the Multi-Purpose Terminal:</p> <ul style="list-style-type: none"> <li>(a) localised widening along Selwyn Street to meet minimum travel lane (Austroads) requirements;</li> <li>(b) line marking and signage to control parking along the Selwyn Street approach to the Multi-Purpose Terminal; and</li> <li>(c) intersection access from the eastern end of Selwyn Street into the Multi- Purposed Terminal.</li> </ul> <p>Prior to the above road and traffic control works being undertaken, the applicant must obtain the approval of the Newcastle City Council and the concurrence of the Roads and Traffic Authority for these works</p>		This condition related to a previous IEA period.	Closed

**CONDITIONS OF CONSENT**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	under the <i>Roads Act 1993</i> .			
5.40	<sup>28</sup> The design of all works is to be in accordance with Austroads and RTA Road Design Guide Standards and is subject to RTA review.		This condition was applicable to a prior IEA period.	Closed
5.41	The Applicant shall consult with the local community on the proposed roadworks prior their construction.		This condition was applicable to a prior IEA period.	Closed
5.42	<sup>29</sup> The applicant shall not commence physical work in the State Road reserve until: (a) all approvals or acceptances have been given by the RTA, (b) all administration and management fees and the performance bond have been received by the RTA, and (c) the applicant has entered a Deed of Agreement with the RTA.	Environmental Officer: Confirmed that no works have been undertaken within the State Road reserve associated with the development during this reporting period.		Not triggered
5.43	<sup>30</sup> All provision for traffic is to be in accordance with the requirements of the RTA publication "Traffic Control at Work Sites" and Australian Standards AS 1742.3.	Environmental Officer: Confirmed that no works have been undertaken within the State Road reserve associated with the development during this reporting period.		Not triggered
5.44	<sup>31</sup> The Applicant is to prepare the following documentation to the satisfaction of the RTA in respect of the proposed road works: (a) Full Engineering Plans detailing the scope of the proposed works; (b) Review of Environmental Factors (REF); (c) Geotechnical Investigation Report and Pavement Design; (d) Environmental Management Plan; (e) Occupational Health and Safety Plan; (f) Traffic Control Plan (TCP); (g) Traffic Management Plan (TMP); and, (h) Road Safety Audit. The Applicant shall consult with the RTA regarding the requirements	Environmental Officer: Confirmed that no works have been undertaken within the State Road reserve associated with the development during this reporting period.		Not triggered

<sup>28</sup> RTA GTA No. 1

<sup>29</sup> RTA GTA No. 2

<sup>30</sup> RTA GTA No. 3

<sup>31</sup> RTA GTA No. 4

**CONDITIONS OF CONSENT**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	of the above plans.			
5.45	<sup>32</sup> Works are to be undertaken in accordance with the Roads and Traffic Authority's procedures and the undertaking of privately funded works within a State Road reserve by private developers as outlined in the RTA publication <i>Private Sector Development Work on the Road Network – Notes for Developers</i> .	Environmental Officer: Confirmed that no works have been undertaken within the State Road reserve associated with the development during this reporting period.		Not triggered
5.46	Prior to site remediation works commencing, the Applicant submit to the Director- General for approval, a Heavy Vehicle Route Plan that identifies the shows the proposed routes for heavy vehicle movements to and from the site during all phases of the Stage 1 development. The plan shall be prepared in consultation with the Council and the RTA and demonstrate that proposed routes avoid the use of local streets in the Mayfield and Mayfield East localities. The plan shall also outline what measures will be undertaken to ensure that all drivers of heavy vehicles servicing the site are made aware of the approved routes.	Environmental Officer: Confirmed that the PON was not responsible for the site remediation works. Remediation works on the Mayfield Berth No.4 site completed in previous IEA period.		Closed
<b>Landscape Management Plan</b>				
5.47	The Applicant must prepare and implement a Landscape Management Plan for the development, in consultation with Council. This plan must: (a) Be consistent with Newcastle City Council DCP No.33 – Landscape Design Principles and Guidelines; (b) Describe in detail the proposed future landform of the site; (c) Describe in detail how the site will be landscaped, including the location and species of all planting; and (d) Explain how this landscaping will be managed and maintained over time.		This condition was applicable to a prior IEA period.	Closed
5.48	The Landscape Management Plan must have been approved by the Director- General before construction certificate/s may be issued.		This condition was applicable to a prior IEA period.	Closed
5.49	After reviewing the Landscape Management Plan, the Director-General may require the Applicant to address certain matters		This condition was applicable to a prior IEA period.	Closed

<sup>32</sup> RTA GTA No. 5

CONDITIONS OF CONSENT

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status																						
	identified in the plan. The Applicant must comply with any reasonable requirements of the Director-General.																									
Rail Crossing on Selwyn Street																										
5.50	The applicant shall obtain the approval of the Australian Rail Track Corporation (ARTC) prior to the construction of a rail connection at Selwyn Street to the ARTC rail network at the location marked "A1-grade crossing 2 (unchanged) on Figure 2: <i>Proposed Revised Rail Line</i> , of the Section 96(1A) application prepared by Hunter Development Corporation dated January 2009.		This condition was applicable to a prior IEA period.	Closed																						
6. Cultural Heritage																										
6.1	<p>Prior to the demolition of any of the items listed in Figure 6.3 of the EIS: <i>Heritage Structures to be Removed</i>, and listed in the table below, the Applicant shall submit documentation, to the satisfaction of the Minister, confirming that the proposed Multi-Purpose Terminal is to proceed or that the item to be demolished represents a safety hazard. The required documentation shall be in the form of a copy of a contract(s) or agreement(s) between the Applicant and another party or parties, in respect of the construction and operation of the MPT, or a report from a suitably qualified person(s) on the safety or integrity of the heritage item and demonstrating that the item could not feasibly be repaired or stabilized.</p> <table><tr><th>No.</th><th>Item</th></tr><tr><td>1</td><td>Remnant of No. 1 Blast furnace</td></tr><tr><td>2</td><td>No. 1 Blower House</td></tr><tr><td>3</td><td>Open Hearth Building</td></tr><tr><td>4</td><td>No. 1 Bloom Mill and Rail Mill</td></tr><tr><td>6</td><td>Steel Foundry</td></tr><tr><td>10</td><td>DC Substation</td></tr><tr><td>11</td><td>Wharves (in part)</td></tr><tr><td>14</td><td>No. 3 Blast Furnace</td></tr><tr><td>15</td><td>AC Pump House</td></tr><tr><td>16</td><td>Power House</td></tr></table>	No.	Item	1	Remnant of No. 1 Blast furnace	2	No. 1 Blower House	3	Open Hearth Building	4	No. 1 Bloom Mill and Rail Mill	6	Steel Foundry	10	DC Substation	11	Wharves (in part)	14	No. 3 Blast Furnace	15	AC Pump House	16	Power House		This condition was applicable to a prior IEA period.	Closed
No.	Item																									
1	Remnant of No. 1 Blast furnace																									
2	No. 1 Blower House																									
3	Open Hearth Building																									
4	No. 1 Bloom Mill and Rail Mill																									
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CONDITIONS OF CONSENT

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status								
	<table><tr><td>19</td><td>Open hearth Change House</td></tr><tr><td>20</td><td>Mould Conditioning Building</td></tr><tr><td>21</td><td>BOS Plant</td></tr><tr><td>23</td><td>No. 4 Blast Furnace</td></tr></table> <p>Notwithstanding the above, structures may be demolished, with the approval of the Minister, where required to enable soil or groundwater remediation to take place in accordance with EPA requirements under an Environment Protection Licence or the <i>Contaminated Land Management Act 1997</i>. The Applicant will need to demonstrate, by way of a report, that all feasible alternatives to demolition have been investigated.</p>	19	Open hearth Change House	20	Mould Conditioning Building	21	BOS Plant	23	No. 4 Blast Furnace			
19	Open hearth Change House											
20	Mould Conditioning Building											
21	BOS Plant											
23	No. 4 Blast Furnace											
6.2	<p>The Applicant shall prepare and submit to the Director-General strategy for the interpretation of the industrial heritage of the Closure Area. The strategy must be prepared in consultation with the NSW Heritage Office and Newcastle City Council and approved by the Director-General prior to the demolition of any structures listed in the table in Condition 6.1. The strategy shall examine and put forward proposals for the following:</p> <p>(a) The establishment of a heritage precinct on the Western Portion of the Closure area, including:</p> <ul style="list-style-type: none"><li>re-use of Delprats Quarters as an Iron and Steel Interpretive Centre;</li><li>re-use of the ex-Tools Room as a State Industrial Archaeological Repository;</li><li>conservation of the remnants of the original botanic gardens established.</li></ul> <p>(b) an assessment of industrial artefacts able to be retained and made available for interpretation within the Closure Area, either in situ or, if in situ preservation is not possible, relocated.</p> <p>(c) Funding, ownership and on-going management arrangements.</p>	Environmental Officer: Confirmed these works were managed by HDC.	This condition was applicable to a prior IEA period.	Closed								
6.3	The Applicant shall prepare and submit an Archaeological Management Plan for the closure area prior to the commencement of	Environmental Officer: Confirmed that PON was not responsible for the site preparation	This condition was applicable to a prior IEA period.	Closed								

**CONDITIONS OF CONSENT**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	site preparation works. The plan shall be prepared in consultation with the NSW Heritage Office and approved by the Director-General	works for the Closure Area.		
6.4	If, during the site preparation and/or construction phases of the development, an unexpected archaeological relic is uncovered, excavation shall cease and an excavation permit under the Heritage Act 1977 shall be obtained from the NSW Heritage Office. <i>Note: a relic is defined under the Heritage Act as any deposit, object or material evidence:</i> (a) which relates to the settlement of the area that comprises NSW, not being Aboriginal settlement, and (b) which are more than 50 years old.	Environmental Officer: Confirmed that PON was not responsible for the site preparation works for the Closure Area.	This condition was applicable to a prior IEA period.	Closed
6.5	Prior to the commencement of any works associated with the burial of the remnants of the No.1 Blast Furnace, the Applicant shall submit details to the Director-General on the disposal location of excavated soil on-site and the interim management procedures for this material. Activities associated with this item shall not commence until the Director-General has approved these measures.	Environmental Officer: These works would have been completed as part of the remediation works undertaken by HDC.	This condition was applicable to a prior IEA period.	Closed
6.6	The final location of the remnants of the No.1 Blast Furnace shall be to the satisfaction of the Regional Land Management Corporation, with respect to the provision of sufficient clearance for future development or services.	Environmental Officer: These works would have been completed as part of the remediation works undertaken by HDC.	This condition was applicable to a prior IEA period.	Closed
6.7	Following the completion of works associated with the burial of the remnants of the No.1 Blast Furnace, the Applicant shall provide the Regional Land Management Corporation with detailed plans of the final position of the item, including its dimensions and depth.	Environmental Officer: These works would have been completed as part of the remediation works undertaken by HDC.	This condition was applicable to a prior IEA period.	Closed
<b>7. Hazards</b>				
<b>Restrictions to Operation</b>				
7.1	The Container Terminal and General Cargo Handling Facility shall neither receive as cargo nor dispatch as cargo any material classified as a "Class 7 dangerous good" (radioactive material) under the Australian Dangerous Goods Code.	Environmental Officer: Confirmed that Class 7 Dangerous Goods have not been received nor dispatch as cargo during the audit period.	Documents viewed: <ul style="list-style-type: none"> <li>Manifests for the following dates: <ul style="list-style-type: none"> <li>10-02-2015 – No. 342929 – Melanesian Chief – M4.</li> <li>21-05-2015 – No. 343677 – Nord Optimiser - M4</li> </ul> </li> </ul>	Compliant

**CONDITIONS OF CONSENT**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
			<ul style="list-style-type: none"> <li>28-9-2015 – No. 344764 – Island Chief – M4</li> <li>10-12-2015 – No. 345290 – Nave Aquila – M4</li> <li>13-03-2016 – No. 346116 – Highland Chief – M4</li> <li>10-06-2016 – No. 346792 – Glenda Meryl – D1_M4</li> <li>13-08-2016 – No. 347368 – Olso Bulk 1 – M4</li> <li>15-11-2016 – No. 348100 – BW Tiger – M4</li> <li>7-1-2017 – No. 348627 – Pro Emerald – M4</li> <li>2-4-2017 – No. 349284 – Olso Bulk 5 – M4</li> <li>5-7-2017 – No. 350115 – Astral Express – M4</li> <li>19-10-2017 – No. 350996 – Highland Chief – M4</li> <li>Port of Newcastle, Operational Environmental Management Plan Mayfield No. 4 Berth, 9 January 2015. Does not mention Class 7 Dangerous Goods – Opportunity for improvement to update the OEMP to include this requirement.</li> </ul>	
7.2	<p>The Applicant shall not use or store, temporarily or otherwise, any dangerous good of Class 1 (explosives) on the site without the prior written approval of the Director-General. In seeking the Director-General's approval, the Applicant shall provide the following information:</p> <p>(a) the name, dangerous goods Class (including subclass), and</p>	Environmental Officer: Confirmed that no Class 1 explosive were store on site during the audit period.	<ul style="list-style-type: none"> <li>Manifests for the following dates: <ul style="list-style-type: none"> <li>10-02-2015 – No. 342929 – Melanesian Chief – M4.</li> <li>21-05-2015 – No. 343677 – Nord Optimiser - M4</li> <li>28-9-2015 – No. 344764 – Island Chief</li> </ul> </li> </ul>	Compliant

**CONDITIONS OF CONSENT**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	<p>quantity of the explosive material to be used and/or stored on the site;</p> <p>(b) the purpose for using and/ or storing the explosive material on the site, and the maximum duration of that use and/ or storage;</p> <p>(c) the location of the use and/ or storage of the explosive material on the site, including consideration of the storage requirements of the material in accordance with relevant legislation and Australian Standards;</p> <p>(d) the mode of transport and route for bringing the explosive material to the site, and if relevant, for removing the explosive material from the site;</p> <p>(e) identification and assessment of the hazards associated with the use and/ or storage of the explosive material on the site and the risk impacts of the use and/ or storage on surrounding land uses.</p>		<p>– M4</p> <ul style="list-style-type: none"> <li>10-12-2015 – No. 345290 – Nave Aquila – M4</li> <li>13-03-2016 – No. 346116 – Highland Chief – M4</li> <li>10-06-2016 – No. 346792 – Glenda Meryl – D1_M4</li> <li>13-08-2016 – No. 347368 – Olso Bulk 1 – M4</li> <li>15-11-2016 – No. 348100 – BW Tiger – M4</li> <li>7-1-2017 – No. 348627 – Pro Emerald – M4</li> <li>2-4-2017 – No. 349284 – Olso Bulk 5 – M4</li> <li>5-7-2017 – No. 350115 – Astral Express – M4</li> <li>19-10-2017 – No. 350996 – Highland Chief – M4</li> </ul>	
7.3	All dangerous goods received as cargo at either the Container Terminal or the General Cargo Handling Facility shall be dispatched from the site within 72 hours of receiving those goods. In the event that the Newcastle Port Corporation, or any relevant body having a statutory role in the control and/ or handling of dangerous goods at the site, requires dangerous goods to be dispatched from the site in less than 72 hours, then the requirement of the Newcastle Port Corporation or relevant body shall prevail over this condition		<p>Documents viewed:</p> <ul style="list-style-type: none"> <li>Newcastle Stevedores records for UN Code 1005, Class 2.3 and UN Code 8, Class 8, 11/4/2017 and departed on 13/04/2017</li> <li>ISO9001 Internal Audit Schedule and Management Review 2015-2016 – Q908 Dangerous Goods Handling &amp; Transport in port Areas (11.03.16)</li> </ul>	Compliant
7.4	The Applicant shall initiate and maintain a Dangerous Goods Register with an aim to ensure that the maximum quantity of dangerous goods on the site, as specified in a Final Hazard Analysis approved by the Director-General, and the in-transit time-limit for dangerous goods on	Environmental Officer: Confirmed that PON don't maintain a specific Dangerous Goods Register, instead a number of documents received / available to PON contains all the	<p>Documents viewed:</p> <ul style="list-style-type: none"> <li>Golder Associates – Independent Environmental Audit, 8 January 2015.</li> </ul>	Compliant



## CONDITIONS OF CONSENT

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	<p>the site are not exceeded. The Register shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> <li>(a) the date and time of arrival of all dangerous goods to the site;</li> <li>(b) the exact location of all quantities of dangerous goods on the site;</li> <li>(c) details of all dangerous goods classes on the site, packaging specifications and UN number; and</li> <li>(d) the date and time of dispatch of all dangerous goods from the site.</li> </ul> <p>The Register shall be made available for inspection by the Director-General at any time.</p>	<p>information required to be recorded for this condition. Information contained in Bill of Lading Cargo Manifest for every shipment to the Berth No.4 – information contained on the Manifest includes name of dangerous good, class, UN number and Packaging Group number. Also a permit is required to be obtained from Port Authority NSW. Then each shipment is audited by Port Authority NSW representative. Furthermore the stevedoring company records details on the Daily Yard Plan. PON uses all this information to cross check and manage dangerous goods.</p>		
Demolition				
7.5	At least one month prior to the commencement of any demolition activity, or within such period otherwise agreed by the Director-General, the Applicant shall prepare and submit for the approval of the Director-General a Demolition Safety Study, prepared in accordance with the relevant sections of the Department's publication <i>Hazardous Industry Planning Advisory Paper No. 7 - Construction Safety Study Guidelines</i> .	Environmental Officer: Confirmed that PON is not responsible for any demolition works required under the Development Consent and therefore not applicable. No demolition works were undertaken during this reporting period.		Not applicable
7.6	All demolition works undertaken on the site shall be conducted in strict accordance with the provisions of AS2601-1991 <i>The Demolition of Structures</i> , as in force at 1 July 1993.	Environmental Officer: Confirmed that PON is not responsible for any demolition works required under the Development Consent and therefore not applicable. No demolition works were undertaken during this reporting period.		Not applicable
7.7	The Applicant shall meet the requirements of WorkCover NSW with respect to all demolition activities associated with the handling of asbestos or asbestos- containing materials.	Environmental Officer: Confirmed that PON is not responsible for any demolition works required under the Development Consent and therefore not applicable. No demolition works were undertaken during this reporting period.		Not applicable
Pre-Construction Hazards Studies				

CONDITIONS OF CONSENT

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
7.8	<p>At least one month prior to the commencement of construction, or within such period otherwise agreed by the Director-General, the Applicant shall prepare and submit for the approval of the Director-General the studies set out under a) and b) below. Construction shall not commence until approval has been given by the Director-General and, with respect to the Fire Safety Study, approval has also been given by the Commissioner of the NSW Fire Brigades</p> <p>(a) A Fire Safety Study. The Study shall cover all aspects detailed in the Department's <i>Hazardous Industry Planning Advisory Paper No. 2 - Fire Safety Study Guidelines</i> and the NSW Government's <i>Best Practice Guidelines for Contaminated Water Retention and Treatment Systems</i>. The Study shall also be submitted to the NSW Fire Brigades for approval; and</p> <p>(b) A Final Hazard Analysis. The Analysis shall be prepared in accordance with the Department's <i>Hazardous Industry Planning Advisory Paper No. 6 - Guidelines for Hazard Analysis</i>. The Analysis shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> <li>(i) maximum and likely average quantities of each class of dangerous good to be located on the site;</li> <li>(ii) a demonstration that the maximum quantities of dangerous goods to be located on the site at any time are consistent with the Proposed <i>Multi-Purpose Terminal Consequence Analysis for URS</i>, prepared by Quest Consulting Engineers Pty Ltd (dated 28 February 2000), accepted Australian and international best practice, and any current guideline published by the Department or other body having a statutory role in the control and/ or handling of dangerous goods; and</li> <li>(iii) details of the location of dangerous goods storage on the site with specific reference to location relative to the site boundary, location</li> </ul> <p>The Applicant shall not exceed the dangerous goods storage quantities, storage locations, frequency of receipt/ dispatch, or vary</p>		<p>This condition was applicable to a previous IEA period in relation to Mayfield 4 Berth and closed.</p> <p>No other elements of the MPT have been constructed during this reporting period.</p>	Not triggered

## CONDITIONS OF CONSENT

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	the dangerous goods handling procedures specified in any Final Hazard Analysis approved by the Director- General.			
Pre-Operation Hazards Studies				
7.9	<p>No later than two months prior to the commencement of operation, or within such period otherwise agreed by the Director-General, the Applicant shall prepare and submit for the approval of the Director-General the studies set out under a) to c) below. Operation shall not commence until approval has been given by the Director-General.</p> <p>(a) A Transport of Hazardous Materials Study detailing arrangements covering the transport of hazardous materials including details of routes to be used for the movement of vehicles carrying hazardous materials to or from the site. The Study shall be carried out in accordance with the Department's draft <i>Route Selection</i> guidelines. Suitable routes identified in the Study shall be used except where departures are necessary for local deliveries or emergencies;</p> <p>(b) A comprehensive Emergency Plan and detailed emergency procedures. The Plan shall include detailed procedures for the safety of all people outside the development who may be at risk from the development. The Plan shall be prepared in accordance with the Department's <i>Hazardous Industry Planning Advisory Paper No. 1 Industry Emergency planning Guidelines</i>; and</p> <p>(c) A comprehensive Safety Management System, covering all operations on- site and associated transport activities involving hazardous materials. The System shall clearly specify all safety-related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to procedures. Records shall be kept on-site and shall be used except where departures are necessary for local deliveries or emergencies</p>		<p>This condition was applicable to a previous IEA period in relation to Mayfield 4 Berth and closed.</p> <p>No other elements of the MPT have been constructed during this reporting period.</p>	Not triggered
Incident Reporting				
7.10	Within 24 hours of any incident or potential incident with actual or potential significant off-site impacts on people or the biophysical environment, a report shall be supplied to the Department outlining	Environmental Officer: Advised that no incidents that would trigger this condition	<p>Documents viewed:</p> <ul style="list-style-type: none"> <li>Port of Newcastle, Operational</li> </ul>	Not triggered

**CONDITIONS OF CONSENT**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	the basic facts. A further detailed report shall be prepared and submitted following investigations of the causes and identification of necessary additional preventative measures. The report shall be submitted to the Director-General no later than 14 days after the incident or potential incident. The Applicant shall maintain a register of accidents, incidents and potential incidents. The register shall be made available, at any time, for inspection by the Director-General. The Applicant shall comply with any reasonable requirement of the Director-General in response to an incident report or register entry	were recorded in this reporting period. All reportable and non-reportable incidents are recorded in the PON incident database known as ISystain.	Environmental Management Plan Mayfield No. 4 Berth, 9 January 2015. Section 8. <ul style="list-style-type: none"> <li>• ISystain</li> <li>• EPL Annual Return submitted on 27 March 2017</li> <li>• EPL Annual Return submitted on 30 March 2016</li> <li>• EPL Annual Return submitted on 9 December 2015.</li> <li>• Port of Newcastle, Annual Environmental Management Report 2014</li> <li>• Port of Newcastle, Annual Environmental Management Report 2015</li> <li>• Port of Newcastle, Annual Environmental Management Report 2016</li> </ul> Note: the auditor reviewed all the non-compliances in relation to surface water quality exceedances and none were deemed to be actual or had the potential to cause off site impacts on people or the biophysical environment. This view was formed through a review of EPA penalty notices and correspondence in which no potential or actual incidents were noted from the exceedances.	
<b>Hazard Audit</b>				
7.11	Twelve months after the receipt of the first dangerous goods cargo at either the Container Terminal or the General Cargo Handling Facility, or with such period otherwise agreed by the Director-General, the Applicant shall carry out a comprehensive Hazard Audit of the development, and submit a report to the Director-General on the Audit within one month of completion of the Audit. The Audit shall be carried out at the Applicant's expense by a duly qualified independent person or team approved by the Director-General prior to the commencement of the Audit. Further Audits shall be carried out every three years, or	Environmental Officer: Confirmed that the last Hazard Audit was undertaken 9 and 10 October 2014 by Philip Skinner of Arriscar report was completed on 17 December 2014.  Arriscar has been engaged to conduct the next audit which is to be undertaken by 10 October 2017.	Documents viewed: <ul style="list-style-type: none"> <li>• Mayfield No.4 Berth Hazard Audit (2014) for Port of Newcastle Operations Pty Ltd, 17 December 2014. Doc. No.: J-000095-PON-HA, Revision A, Arriscar Pty Limited.</li> </ul> Assessed to be compliant as at the time of the time IEA the Arriscar audit report was still current.	Compliant

**CONDITIONS OF CONSENT**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	as determined by the Director-General and a report of each Audit shall be submitted to the Director-General within one month of the Audit. Hazard Audits shall be carried out in accordance with the Department's <i>Hazardous Industry Planning Advisory paper No. 5 - Hazard Audit Guidelines</i> .			
<b>8. Environmental Monitoring Program</b>				
8.1	<p>The Applicant must prepare and implement a detailed Environmental Monitoring Program for the development in consultation with the EPA, and Newcastle City Council. The program must:</p> <ul style="list-style-type: none"> <li>(a) Identify what environmental issues will be monitored;</li> <li>(b) Set standards and performance measures for these environmental issues;</li> <li>(c) Describe in detail how these issues will be monitored, who will conduct the monitoring, how often the monitoring will be conducted, and how the results of this monitoring will be recorded and reported to the Director-General and other relevant authorities;</li> <li>(d) Include the following: <ul style="list-style-type: none"> <li>• Meteorological monitoring (Condition 8.5)</li> <li>• Air quality monitoring (Conditions 8.6-8.10)</li> <li>• Noise and vibration monitoring (Conditions 8.11-8.13);</li> <li>• Groundwater monitoring (Condition 8.14-8.15); and,</li> <li>• Surface water monitoring (Condition 8.16).</li> </ul> </li> </ul>	<p>Environmental Officer: Advised that external consultants undertake majority of environmental monitoring activities:</p> <ul style="list-style-type: none"> <li>- RCA Australia – undertaken the air quality monitoring requirements</li> <li>- AECOM undertake the annual noise monitoring</li> <li>- RCA Australia undertake the stormwater monitoring</li> <li>- RCA Australia manage the meteorological monitoring conditions.</li> </ul> <p>All consultants are required to report to PON as per the DA and EPL conditions. The data contained in their reports are summarised in the Annual Environmental Management Report.</p> <p>Environmental Officer: Advised that there were interruptions to the operation of the weather station since the last audit. Maintenance contractor caused damage to the data logger on 23/2/2015 and a replacement was purchased and installed on 9/4/2015.</p>	<p>Documents viewed:</p> <ul style="list-style-type: none"> <li>• Port of Newcastle, Operational Environmental Management Plan Mayfield No. 4 Berth, 9 January 2015. Section 4.1;</li> <li>• I-Systain;</li> <li>• EPL Annual Return submitted on 27 March 2017 – monitoring not carried out on four occasions due to equipment malfunction.</li> <li>• EPL Annual Return submitted on 30 March 2016 – monitoring not carried out on two occasions due to equipment malfunction.</li> <li>• EPL Annual Return submitted on 9 December 2015;</li> <li>• Port of Newcastle, Annual Environmental Management Report 2014;</li> <li>• Port of Newcastle, Annual Environmental Management Report 2015;</li> <li>• Port of Newcastle, Annual Environmental Management Report 2016; and</li> <li>• PON Environmental Management System procedure – EMS 011 and EMS 018.</li> </ul>	Non-compliant
8.2	The Environmental Monitoring Program must be submitted for the approval of the Director-General as part of the Environmental Management Plans required in Conditions 4.2, 4.3 and 4.4.		This condition related to a previous IEA period and has been closed.	Closed

**CONDITIONS OF CONSENT**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
8.3	After reviewing the Environmental Monitoring Program, the Director-General may require the Applicant to address certain matters identified in the program. The Applicant must comply with any reasonable requirements of the Director-General.	Environmental Officer: Advised (and confirmed in writing) that no requests were received from the Director General in relation to the Environmental Monitoring Program during this IEA.		Not triggered
8.4	The Applicant must include the detailed results from the Environmental Monitoring Program in the Annual Environmental Management Report to the Director-General.		Documents viewed: <ul style="list-style-type: none"> <li>Port of Newcastle, Annual Environmental Management Report 2014</li> <li>Port of Newcastle, Annual Environmental Management Report 2015</li> <li>Port of Newcastle, Annual Environmental Management Report 2016</li> </ul>	Compliant
<b>Meteorological Monitoring</b>				
8.5	<sup>33</sup> Meteorological monitoring must be conducted for the site. The meteorological Station must be sited, operated and maintained in accordance with <i>The Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> , as follows: <p>AM-1 Guide for the siting of sampling units;</p> <p>AM-2 Guide for measurement of horizontal wind for air quality applications; and</p> <p>AM-4 On-site meteorological monitoring program guidance for regulatory modelling applications.</p>	Site visit: The auditor sighted the met station on-site.	Documents viewed: <ul style="list-style-type: none"> <li>Port of Newcastle, Operational Environmental Management Plan Mayfield No. 4 Berth, 9 January 2015. Section 8.</li> <li>EPL Annual Return submitted on 27 March 2017</li> <li>EPL Annual Return submitted on 30 March 2016</li> <li>EPL Annual Return submitted on 9 December 2015.</li> <li>Port of Newcastle, Annual Environmental Management Report 2014</li> <li>Port of Newcastle, Annual Environmental Management Report 2015</li> <li>Port of Newcastle, Annual Environmental Management Report 2016</li> </ul>	Compliant
<b>Air Quality Monitoring – Site Preparation Phase</b>				

<sup>33</sup> EPA GTA No. 2.7

CONDITIONS OF CONSENT

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
8.6	<sup>34</sup> The Applicant must conduct ambient air quality monitoring as follows: (a) Continuous real-time ambient air quality monitoring of TSP and PM10 concentrations at the site boundary; (b) Ambient air quality monitoring for TSP, PM10, heavy metals (Mn, Pb, As and Fe) <sup>16</sup> USEPA priority PAHs, benzo (a) pyrene, benzene, ethyl benzene, toluene, xylene and phenols at points that are representative of the nearest sensitive receptors.		This condition related to a previous IEA period and is closed. It is noted that the PON was not responsible for site preparation phase.	Closed
8.7	<sup>35</sup> Sampling and analysis must be conducted in accordance with <i>The Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> as follows: AM-1 Guide for the siting of sampling units; AM-11 Lead – particulate collection by high volume sampler AM-15 Particulate matter – TSP high volume sampler method AM-16 Particulate matter – PM <sub>10</sub> - high volume sampler with size select inlet AM-21 Volatile organic compounds; and A method approved in writing by the EPA for 16 USEPA priority PAHs, benzo (a) pyrene, benzene, ethyl benzene, toluene, xylene and phenols and heavy metals (Mn, As and Fe).		This condition related to a previous IEA period and is closed. It is noted that the PON was not responsible for site preparation phase.	Closed
8.8	<sup>36</sup> Prior to any cut and fill operations, commencing on the closure area, as identified in Figure 1.3 titled <i>Layout of Steelworks Site Showing the Closure Area and MPT</i> in the Environmental Impact Statement, the Applicant must design an ambient air monitoring sampling network to measure the parameters specified in Condition 8.6. Details of the air monitoring network, and the frequency of ambient air quality monitoring referred to in Condition 8.6, must be submitted to the EPA		This condition related to a previous IEA period and is closed. It is noted that the PON was not responsible for site preparation phase.	Closed

<sup>34</sup> EPA GTA No. 2.4

<sup>35</sup> EPA GTA No. 2.5

<sup>36</sup> EPA GTA No. 2.6

**CONDITIONS OF CONSENT**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	for approval in writing prior to implementation.			
<b>Air Quality Monitoring - Operation</b>				
8.9	During the operation of the MPT, the Applicant must conduct ambient air quality monitoring for TSP and PM10.	Site visit: The auditor observed PM <sub>10</sub> and TSP HVAS samplers operating on-site.	Documents viewed: <ul style="list-style-type: none"> <li>Port of Newcastle, Annual Environmental Management Report 2014</li> <li>Port of Newcastle, Annual Environmental Management Report 2015</li> <li>Port of Newcastle, Annual Environmental Management Report 2016</li> <li></li> </ul>	Compliant
8.10	Sampling and analysis must be conducted in accordance with <i>The Approved Methods for the Sampling and analysis of Air Pollutants in New South Wales</i> as follows: <p>AM-1 Guide for the siting of sampling units;</p> <p>AM-15 Particulate matter – TSP high volume sampler method</p> <p>AM-18 Particulate matter – PM<sub>10</sub> – high volume sampler with size select inlet</p>	Environmental Officer: Confirmed that RCA Australia is responsible for the maintenance and operation of the HVASs at the site.	Documents viewed: <ul style="list-style-type: none"> <li>Port of Newcastle, Operational Environmental Management Plan Mayfield No. 4 Berth, 9 January 2015. Section 8.</li> <li>EPL Annual Return submitted on 27 March 2017</li> <li>EPL Annual Return submitted on 30 March 2016</li> <li>EPL Annual Return submitted on 9 December 2015.</li> <li>Port of Newcastle, Annual Environmental Management Report 2014</li> <li>Port of Newcastle, Annual Environmental Management Report 2015</li> <li>Port of Newcastle, Annual Environmental Management Report 2016</li> <li>Discharge Water and Air Quality Monitoring, Prepared for the Port of Newcastle Operations Pty Ltd, Prepared by RCA Australia, RCA ref 9508-762/0, January 2017</li> <li>Discharge Water and Air Quality Monitoring,</li> </ul>	Compliant



**CONDITIONS OF CONSENT**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
			<p>Prepared for the Port of Newcastle Operations Pty Ltd, Prepared by RCA Australia, RCA ref 9508-768/0, July 2017</p> <ul style="list-style-type: none"> <li>Discharge Water and Air Quality Monitoring, Prepared for the Port of Newcastle Operations Pty Ltd, Prepared by RCA Australia, RCA ref 9508-755/0, October 2016</li> <li>Prepared for the Port of Newcastle Operations Pty Ltd, Prepared by RCA Australia, RCA ref 9508-747/0, April 2016</li> <li>Prepared for the Port of Newcastle Operations Pty Ltd, Prepared by RCA Australia, RCA ref 9508-742/0, November 2015</li> <li>Prepared for the Port of Newcastle Operations Pty Ltd, Prepared by RCA Australia, RCA ref 9508-734/0, March 2015</li> <li>Prepared for the Port of Newcastle Operations Pty Ltd, Prepared by RCA Australia, RCA ref 9508-730/0, December 2014</li> <li>Email confirmation from RCA that TSP and PM<sub>10</sub> analysis based on AS3580.9.3 and AS3580.9.6.</li> </ul>	
<b>Noise and Vibration Monitoring – Site Preparation and Construction</b>				
8.11	<sup>37</sup> The Applicant must develop a program to effectively monitor noise emissions at the locations identified in Condition 5.7, and to determine compliance with the noise limits specified in those conditions. Details of the noise monitoring program must be submitted to DUAP and the EPA for approval before demolition or site remediation work commences on the site.		<p>This condition related to a previous IEA period and is closed.</p> <p>It is noted that the PON was not responsible for site preparation phase.</p>	Closed

<sup>37</sup> EPA GTA No. 5.10

**CONDITIONS OF CONSENT**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
8.12	<sup>38</sup> Monitoring of noise and vibration caused by blasting operations must be conducted in accordance with the ANZECC document titled <i>Technical Basis for Guidelines to Minimise Annoyance Due to Blasting Overpressure and Ground Vibration</i> .		This condition related to a previous IEA period and is closed.  It is noted that the PON was not responsible for site preparation phase.	Closed
<b>Noise Monitoring – MPT Construction and Operation</b>				
8.13	<sup>39</sup> The Applicant must develop a program to effectively monitor noise emissions at the locations identified in Conditions 5.7 and 5.11, and to determine compliance with the noise limits specified in those conditions. Details of the noise monitoring program must be submitted to DUAP and the appropriate regulatory authority for approval before demolition or site remediation work commences on the site		Documents viewed: <ul style="list-style-type: none"> <li>• 2014 Annual Environmental Management Report – Mayfield 4 Berth, J Spiteri, Port of Newcastle, 9 January 2015.</li> <li>• 2015 Annual Environmental Management Report – Mayfield 4 Berth, J Spiteri, Port of Newcastle. Missing date of the document and who prepared it. Section 5.3.3.</li> <li>• 2016 Annual Environmental Management Report – Mayfield 4 Berth, J Spiteri, Port of Newcastle. Section 5.3.3.</li> <li>• AECOM, Mayfield No.4 Berth, Operational Noise Compliance Assessment, 24 November 2014, Doc No. 60333368-RPNV-01_C.</li> <li>• AECOM, Mayfield No.4 Berth, Operational Noise Compliance Assessment, 11 November 2015, Doc No. 60333368-RPNV-02_B.</li> <li>• AECOM, Mayfield No.4 Berth, Operational Noise Compliance Assessment, 5 December 2016, Doc No. 60518192-RPNV-02_B.</li> </ul>	Compliant
<b>Groundwater Monitoring</b>				

<sup>38</sup> EPA GTA No. 5.6

<sup>39</sup> EPA GTA No. 5.10

## CONDITIONS OF CONSENT

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status								
8.14	<p><sup>40</sup>A number of Groundwater bores from the existing network must be retained and maintained on the site. The Applicant must ensure that the following requirements are met in determining the number and location of bores to be retained:</p> <p>(a) groundwater flow paths and changing groundwater gradients can be measured over the life of the project or until such time as agreed with the EPA;</p> <p>(b) groundwater contamination levels across the site can be measured; and</p> <p>(c) the level of contaminants in groundwater migrating off the site can be measured.</p>	Environmental Officer: Confirmed that there are no groundwater monitoring bores are located within the area of Mayfield No.4 Berth.	Document viewed: <ul style="list-style-type: none"><li>Golder Associates, Independent Environmental Audit, Report No. 147623063, 8 January 2015.</li><li>Letter dated 7 March 2014 to Development Manager Newcastle Port Corporation, titled Ongoing Groundwater Monitoring Requirements – Former Steelworks Site, Mayfield NSW.</li><li>EPA letter dated 20 March 2014 - Maintenance of notice.</li></ul>	Closed.								
8.15	<p><sup>41</sup>The Applicant must submit a list of proposed parameters to monitor groundwater contaminants to the EPA for approval prior to any cut and fill operations commencing on the site.</p> <p><i>Note: In order to meet the above requirements the Applicant may need to establish new bores or re-establish existing bores across the site.</i></p>	Environmental Officer: Confirmed that there are no groundwater monitoring bores are located within the area of Mayfield No.4 Berth.  Officer confirmed that there were no cut and fill operations during this IEA period.	Document viewed: <ul style="list-style-type: none"><li>Golder Associates, Independent Environmental Audit, Report No. 147623063, 8 January 2015.</li><li>Letter dated 7 March 2014 to Development Manager Newcastle Port Corporation, titled Ongoing Groundwater Monitoring Requirements – Former Steelworks Site, Mayfield, NSW.</li><li>EPA letter dated 20 March 2014 - Maintenance of notice.</li></ul>	Closed								
Surface Water Monitoring												
8.16	<p><sup>42</sup>Stormwater from the discharge point of the stormwater detention basin(s) or from stormwater collected in the basin(s) where no discharge is occurring, must be monitored in accordance with the following table unless otherwise directed or approved by the EPA:</p> <table><tr><th>Pollutant</th><th>Unit of Measure</th><th>Frequency</th><th>Sampling Method</th></tr><tr><td></td><td></td><td></td><td></td></tr></table>	Pollutant	Unit of Measure	Frequency	Sampling Method						Documents viewed: <ul style="list-style-type: none"><li>Port of Newcastle, Operational Environmental Management Plan Mayfield No. 4 Berth, 9 January 2015. Section 8.</li><li>EPL Annual Return submitted on 27 March 2017 – monitoring not carried out on four</li></ul>	Non-compliant
Pollutant	Unit of Measure	Frequency	Sampling Method									

<sup>40</sup> EPA GTA No. 6.11<sup>41</sup> EPA GTA No. 6.11<sup>42</sup> EPA GTA No. 3.4

**CONDITIONS OF CONSENT**

Condition	Requirement				Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	Total Suspended solids	Mg/L	Monthly	Grab Sample		occasions due to equipment malfunction. <ul style="list-style-type: none"><li>EPL Annual Return submitted on 30 March 2016 – monitoring not carried out on two occasions due to equipment malfunction.</li><li>EPL Annual Return submitted on 9 December 2015.</li><li>Port of Newcastle, Annual Environmental Management Report 2014</li><li>Port of Newcastle, Annual Environmental Management Report 2015</li><li>Port of Newcastle, Annual Environmental Management Report 2016</li></ul>	
	pH	pH units	Monthly	Grab Sample			
	Iron	ug/L	Monthly	Grab Sample			
	Zinc	ug/L	Monthly	Grab Sample			
	Copper	ug/L	Monthly	Grab Sample			
	Lead	ug/L	Monthly	Grab Sample			
	Manganese	ug/L	Monthly	Grab Sample			
	Cyanide	ug/L	Monthly	Grab Sample			
	Mercury	ug/L	Monthly	Grab Sample			
	Phenols	ug/L	Monthly	Grab Sample			
	Total PAH	ug/L	Monthly	Grab Sample			
	Arsenic	ug/L	Monthly	Grab Sample			
	C6-C36	ug/L	Monthly	Grab Sample			
	BTEX	ug/L	Monthly	Grab Sample			
A note must be recorded in accordance with the above table where: (a) a sample is taken from the stormwater in the stormwater detention basin(s) but there is no discharge occurring; (b) the stormwater basin(s) are empty of stormwater.							
9. Environmental Management and Reporting							
Environmental Officer							
9.1	The Applicant shall employ a suitably qualified and experienced Environmental Officer(s) throughout the life of the project, whose appointment is acceptable to the Director-General. The Officer(s) will: (a) be responsible for the preparation of the environmental management plans (refer Conditions 4.1 – 4.4); (b) be responsible for considering and advising on matters specified in the conditions of this consent and advising on				Environmental Officer: Confirmed that they have been the only Environmental Officer in this reporting period.		Compliant

**CONDITIONS OF CONSENT**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	<p>compliance with such matters;</p> <p>(c) be responsible for receiving and responding to complaints in accordance with Condition 9.9);</p> <p>(d) facilitate an induction and training program for all persons involved with site preparation and construction activities; and</p> <p>(e) advise the Site Manager to require reasonable steps to be taken to avoid or minimise unintended or adverse environmental impacts and failing the effectiveness of such steps, to stop work immediately if an adverse impact on the environment is likely to occur.</p> <p>The Applicant shall notify the Director-General of the name and contact details of the Environmental Officer(s) upon appointment and any changes to that appointment.</p>			
<b>Annual Environment Management Report</b>				
9.2	<p>Twelve months after commencement of operations at the MPT, and annually thereafter for the duration of the development, the Applicant must submit an Annual Environmental Management Report to the Director-General and EPA. This report must:</p> <p>(a) Identify all the standards, performance measures, and statutory requirements the development is required to comply with;</p> <p>(b) Review the environmental performance of the development to determine whether it is complying with these standards, performance measures, and statutory requirements.</p> <p>(c) Identify all the occasions during the previous year when these standards, performance measures, and statutory requirements have not been complied with;</p> <p>(d) Include a summary of any complaints made about the development, and indicate what actions were taken (or are being taken) to address these complaints;</p> <p>(e) Include the detailed reporting from the Environmental Monitoring Program (see Condition 8.1), and identify any trends in the monitoring over the life of the project; and</p>		<p>Documents viewed:</p> <ul style="list-style-type: none"> <li>2014 Annual Environmental Management Report – Mayfield 4 Berth, J Spiteri, Port of Newcastle, 9 January 2015.</li> <li>Letter from PON to DOPE dated 15 January 2015 Re: AEMR and revised OEMP.</li> <li>2015 Annual Environmental Management Report – Mayfield 4 Berth, Port of Newcastle. Missing date of the document and who prepared it.</li> <li>Letter from PON to DOPE dated 29 January 2016 Re: 2015 AEMR.</li> <li>Letter from DOPE to PON, dated 16 February 2016 RE: 2015 AEMR and requesting amendments are made to AEMR and resubmission required.</li> <li>Letter from PON to DOPE dated 22 February 2016 Re: Resubmitting Revised Version of AEMR.</li> </ul>	Compliant

**CONDITIONS OF CONSENT**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	(f) Where non-compliance is occurring, describe what actions will be taken to ensure compliance, who will be responsible for carrying out these actions, and when these actions will be implemented.		<ul style="list-style-type: none"> <li>Letter from DOPE to PON, dated 4 March 2016 RE: Revised AEMR</li> <li>2016 Annual Environmental Management Report – Mayfield 4 Berth, Port of Newcastle.</li> <li>Letter from PON to DOPE dated 7 April 2017 Re: 2016 AEMR (28 January 2016 to 28 January 2017).</li> <li>Letter from PON to DOPE dated 3 May 2017 Re: Amended 2016 AEMR.</li> <li>Letter from DOPE to PON dated 17 July 2017 accepting the AEMR.</li> </ul>	
9.3	After reviewing the Annual Environmental Management Report, the Director- General may require the Applicant to address certain matters identified in the report. The Applicant must comply with any reasonable requirements of the Director-General.		<p>Documents viewed:</p> <ul style="list-style-type: none"> <li>2014 Annual Environmental Management Report – Mayfield 4 Berth, J Spiteri, Port of Newcastle, 9 January 2015.</li> <li>Letter from PON to DOPE dated 15 January 2015 Re: AEMR and revised OEMP.</li> <li>2015 Annual Environmental Management Report – Mayfield 4 Berth, J Spiteri, Port of Newcastle. Missing date of the document and who prepared it.</li> <li>Letter from PON to DOPE dated 29 January 2016 Re: 2015 AEMR.</li> <li>Letter from DOPE to PON, dated 16 February 2016 RE: 2015 AEMR and requesting amendments are made to AEMR and resubmission required.</li> <li>Letter from PON to DOPE dated 22 February 2016 Re: Resubmitting Revised Version of AEMR.</li> <li>Letter from DOPE to PON, dated 4 March 2016 RE: Revised AEMR</li> </ul>	Compliant

**CONDITIONS OF CONSENT**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
			<ul style="list-style-type: none"> <li>2016 Annual Environmental Management Report – Mayfield 4 Berth, J Spiteri, Port of Newcastle.</li> <li>Letter from PON to DOPE dated 7 April 2017 Re: 2016 AEMR (28 January 2016 to 28 January 2017).</li> <li>Letter from PON to DOPE dated 3 May 2017 Re: Amended 2016 AEMR.</li> <li>Letter from DOPE to PON dated 17 July 2017 accepting the AEMR.</li> </ul>	
<b>Independent Environmental Audit</b>				
9.4	<p>Within 12 months of commissioning the Multi-Purpose Terminal and every three years thereafter, unless the Director-General directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit. The Independent Environmental Audit must:</p> <ul style="list-style-type: none"> <li>(a) Be conducted by a suitably qualified, experienced, and independent person whose appointment has been endorsed by the Director-General;</li> <li>(b) Be consistent with ISO 14010 – Guidelines and General Principles for Environmental Auditing, and ISO 14011 – Procedures for Environmental Auditing, or updated versions of these guidelines/manuals;</li> <li>(c) Assess the environmental performance of the development, and its effects on the surrounding environment;</li> <li>(d) Assess whether the development is complying with the relevant standards, performance measures, and statutory requirements;</li> <li>(e) Review the adequacy of the Applicant's Environmental Management Plan, and Environmental Monitoring Program; and, if necessary,</li> <li>(f) Recommend measures or actions to improve the environmental performance of the plant, and/or the environmental management and monitoring systems.</li> </ul>		<p>Documents viewed:</p> <ul style="list-style-type: none"> <li>Golder Associates, Independent Environmental Audit, Report No. 147623063, 8 January 2015.</li> <li>Purchase Order No. xxxx for this audit.</li> </ul>	Compliant

**CONDITIONS OF CONSENT**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
9.5	Within 2 months of commissioning the audit, the Applicant must submit a copy of the audit report to the Director-General. After reviewing the report, the Director-General may require the Applicant to address certain matters identified in the report. The Applicant must comply with any reasonable requirements of the Director-General.		Documents viewed: <ul style="list-style-type: none"> <li>Golder Associates, Independent Environmental Audit, Report No. 147623063, 8 January 2015. Section 1 states that Golder Associates was engaged on 16 September 2014. Hence the audit report was to be completed and submitted to the Director-General on 16 November 2014. The report is dated 8 January 2015 and with no version number nor document control details then the auditor has assessed to be an administrative non-compliance.</li> </ul>	Administrative non-compliance
<b>Community Consultative Committee</b>				
9.6	The Applicant shall establish a Community Consultative Committee (CCC) and ensure that the first meeting is held prior to the commencement of any construction work on site, or as otherwise agreed to by the Director-General. The members of the CCC shall include: <ul style="list-style-type: none"> <li>An independent chairperson nominated by the Councils and approved by the Director-General;</li> <li>At least four community representatives residing within two (2) kilometres of the site boundary;</li> <li>Not more than two representatives appointed by the Applicant, one of which must be the Environmental Officer appointed under Condition 9.1; and</li> <li>At least one representative from the Council.</li> </ul>		This condition related to a previous IEA period and is closed.	Closed
9.7	The Applicant shall advertise for expressions of interest for membership with respect to the community representative positions. Advertising shall be in an appropriate local newspaper on at least one occasion. Based on the expressions of interest received, the Applicant shall nominate appropriate representatives and submit		This condition relates to the site remediation and construction and operation of the MPT. The site remediation is the responsibility of the HDC.	Not triggered



**CONDITIONS OF CONSENT**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	<p>details of the nominated representatives for the approval of the Director- General.</p> <p>Meetings shall be held at regular intervals from the date of this consent as determined by the chairperson.</p> <p>Representatives from relevant government agencies or other individuals may be invited to attend meetings as required by the Chairperson. The CCC shall act as the interface between the Applicant and its operation, and the broader community. A charter for the CCC is to be approved by the Director-General in consultation with the Council and shall provide for the provision of information and procedures for bringing to the Applicant's attention, issues associated with the environmental performance of the site remediation, and construction and operation of the MPT, and implementation of conditions of consent.</p>		<p>The construction and operation of the MPT is the responsibility of PON.</p> <p>The MPT has not been constructed and hence is not in operational phase.</p> <p>The HDC initially set up the CCC relating to the development consent. The PON was part of the CCC.</p> <p>As the MPT is not operational, in the interim the PON has established and operate their own CCC, which meets bi-monthly to discuss the entire Port of Newcastle operations. Meeting minutes were sighted for the past three years on the Port of Newcastle website and their Terms of Reference for the CCC reviewed. This CCC is not meant to replace the CCC set up by the HDC.</p> <p>If the MPT is constructed in its entirety, PON plan to establish a CCC which meets this condition.</p>	
9.8	<p>The Applicant shall, at its own expense:</p> <p>nominate two (2) representatives to attend all meetings of the Committee;</p> <p>(a) provide to the Committee regular information on the progress of work and monitoring results;</p> <p>(b) promptly provide to the Committee such other relevant information as the Chair of the Committee may reasonably request concerning the environmental performance of the development;</p> <p>(c) provide access for site inspections by the Committee upon arrangement;</p> <p>(d) provide meeting facilities for the Committee, and take minutes of Committee meetings. These minutes shall be available for public inspection at the Councils within 14 days of the meeting; and</p> <p>(e) meet all reasonable administrative costs associated with</p>		<p>The construction and operation of the MPT is the responsibility of PON.</p> <p>The MPT has not been constructed and hence is not in operational phase.</p> <p>The HDC initially set up the CCC relating to the development consent. The PON was part of the CCC.</p> <p>As the MPT is not operational, in the interim the PON has established and operate their own CCC, which meets bi-monthly to discuss the entire Port of Newcastle operations. Meeting minutes were sighted for the past three years on the Port of Newcastle website and their Terms of Reference for the CCC reviewed. This CCC is not meant to replace the CCC set up by the HDC.</p>	Not triggered








CONDITIONS OF CONSENT

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	operating the CCC up to a value of \$2000 per annum indexed according to the Consumer Price Index (CPI) at the time of payment.		If the MPT is constructed in its entirety, PON plan to establish a CCC which meets this condition.	
<b>Complaints Procedure</b>				
9.9	<p><sup>43</sup>Prior to the commencement of site remediation activities the Applicant shall arrange:</p> <p>(a) a toll free number for the purpose of receiving any complaints from members of the public in relation to activities conducted at the site, unless otherwise specified in an environment protection licence issued by the EPA; and</p> <p>(b) a postal address where written complaints can be lodged.</p> <p>The Applicant must notify the public of the telephone number and postal address via an advertisement in the appropriate local newspaper prior to commencement of site preparation works. The telephone number and postal address shall be displayed near the entrance to the site, in a position visible from the nearest public road.</p>	Environmental Officer: Advised Hunter Development Corporation is responsible for all remediation works.		Not applicable
<b>10. Dispute Resolution</b>				
10.1	If the Applicant, Newcastle City Council, and/or any NSW Government agency, other than the Department of Urban Affairs and Planning, cannot agree on any aspect of this consent, other than a General Term of Approval, the matter may be referred by any of these parties to the Director-General or, if necessary, the Minister, whose determination on the dispute shall be binding on all parties.			Note

<sup>43</sup> EPA GTA Nos. 7.3 & 7.4

## APPENDIX B – DETAILED AUDIT FINDINGS - ENVIRONMENT PROTECTION LICENCE

**Key:**

	Compliant
	Not triggered
	Not verified
	Administrative non-compliance (as per Independent Audit Guideline)
	Non-compliant – with low risk level (as per Independent Audit Guideline)
	Closed
	Not applicable to Port of Newcastle

Note

## ENVIRONMENT PROTECTION LICENCE

Table 10 Detailed Audit Findings - Environment Protection Licence 13181

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status						
1 Administrative Conditions										
A1 What the Licence Authorises and Regulates										
A1.1	<p>This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.</p> <p>Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.</p> <table><tr><th>Scheduled Activity</th><th>Fee Based Activity</th><th>Scale</th></tr><tr><td>Shipping in bulk</td><td>Shipping in bulk</td><td>&gt; 100000 – 500000 T of annual capacity to load and unload</td></tr></table>	Scheduled Activity	Fee Based Activity	Scale	Shipping in bulk	Shipping in bulk	> 100000 – 500000 T of annual capacity to load and unload	Not applicable	<p>Documents viewed:</p> <ul style="list-style-type: none"><li>EPA Annual Return – Reporting Period 4 November 2014 to 3 November 2015</li><li>EPA Annual Return – Reporting Period 4 November 2015 to 3 November 2016.</li><li>2014 Annual Environmental Management Report – Mayfield 4 Berth, J Spiteri, Port of Newcastle, 9 January 2015.</li><li>2015 Annual Environmental Management Report – Mayfield 4 Berth, Port of Newcastle.</li><li>2016 Annual Environmental Management Report – Mayfield 4 Berth, Port of Newcastle.</li><li>M4 Environmental Reporting extract: Annual Report M4 Tonnes – 2016 – 995,392 tonnes.</li></ul>	Compliant
Scheduled Activity	Fee Based Activity	Scale								
Shipping in bulk	Shipping in bulk	> 100000 – 500000 T of annual capacity to load and unload								

## ENVIRONMENT PROTECTION LICENCE

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status						
A2 Premises or Plant to which this Licence Applies										
A2.1	<div>The licence applies to the following premises:</div> <table><tr><td>Premises Details</td></tr><tr><td>MAYFIELD NO. 4 BERTH</td></tr><tr><td>OFF SELWYN STREET</td></tr><tr><td>MAYFIELD NORTH</td></tr><tr><td>NSW 2304</td></tr><tr><td>PREMISES SHOWN ON THE PLAN TITLED "EPA LICENSE AREA, MAYFIELD NO. 4 WITHIN LOT 4 DP, 1177466", PREPARED BY ADW JOHNSON, VERSION B DATED 5/8/2013, EXCLUDING THE AREA MARKED AND SHOWN AS "STOLTHAVEN PIPELINE (UNDER WHARF)" (EPA REF DOC14/204196).</td></tr></table>	Premises Details	MAYFIELD NO. 4 BERTH	OFF SELWYN STREET	MAYFIELD NORTH	NSW 2304	PREMISES SHOWN ON THE PLAN TITLED "EPA LICENSE AREA, MAYFIELD NO. 4 WITHIN LOT 4 DP, 1177466", PREPARED BY ADW JOHNSON, VERSION B DATED 5/8/2013, EXCLUDING THE AREA MARKED AND SHOWN AS "STOLTHAVEN PIPELINE (UNDER WHARF)" (EPA REF DOC14/204196).	Site visit: The auditor confirmed operations occurring at this address.		Compliant
Premises Details										
MAYFIELD NO. 4 BERTH										
OFF SELWYN STREET										
MAYFIELD NORTH										
NSW 2304										
PREMISES SHOWN ON THE PLAN TITLED "EPA LICENSE AREA, MAYFIELD NO. 4 WITHIN LOT 4 DP, 1177466", PREPARED BY ADW JOHNSON, VERSION B DATED 5/8/2013, EXCLUDING THE AREA MARKED AND SHOWN AS "STOLTHAVEN PIPELINE (UNDER WHARF)" (EPA REF DOC14/204196).										
A3 Information Supplied to the EPA										
A3.1	<div>Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.</div> <div>In this condition the reference to "the licence application" includes a reference to:</div> <div><div>a)</div><div>the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and</div></div> <div><div>b)</div><div>the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.</div></div>			Note						

## ENVIRONMENT PROTECTION LICENCE

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status								
2 Discharges to Air and Water and Applications to Land												
P1 Location of Monitoring/Discharge Points and Areas												
P1.1	<p>The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.</p> <p style="text-align: center;"><b>Air</b></p> <table><tr><th>EPA identification no.</th><th>Type of Monitoring Point</th><th>Type of Discharge Point</th><th>Location Description</th></tr><tr><td>3</td><td>Weather monitoring</td><td></td><td>Automatic weather station marked and shown as "AWS" on the plan titled "EPA License Area, Mayfield No. 4 within Lot 4 DP. 1177466", prepared by ADW Johnson, Version B dated 5/8/2013 (EPA ref.DOC14/204196).</td></tr></table>	EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	3	Weather monitoring		Automatic weather station marked and shown as "AWS" on the plan titled "EPA License Area, Mayfield No. 4 within Lot 4 DP. 1177466", prepared by ADW Johnson, Version B dated 5/8/2013 (EPA ref.DOC14/204196).			Note
EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description									
3	Weather monitoring		Automatic weather station marked and shown as "AWS" on the plan titled "EPA License Area, Mayfield No. 4 within Lot 4 DP. 1177466", prepared by ADW Johnson, Version B dated 5/8/2013 (EPA ref.DOC14/204196).									
P1.2	<p>The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.</p>		Not applicable to this site.	Note								
P1.3	<p>The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.</p> <p style="text-align: center;"><b>Water and land</b></p> <table><tr><th>EPA identification no.</th><th>Type of Monitoring Point</th><th>Type of Discharge Point</th><th>Location Description</th></tr><tr><td>4</td><td>Discharge to</td><td>Discharge</td><td>Discharge from the</td></tr></table>	EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	4	Discharge to	Discharge	Discharge from the			Note
EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description									
4	Discharge to	Discharge	Discharge from the									

ENVIRONMENT PROTECTION LICENCE

Condition	Requirement				Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
		waters. Discharge quality monitoring.	to waters Discharge quality monitoring	northern Humeceptor to the Hunter River marked and shown as "Drainage Pit No. 1" on the plan titled "EPA License Area, Mayfield No. 4 within Lot 4 DP. 1177466", prepared by ADW Johnson, Version B dated 5/8/2013 (EPA ref. DOC14/204196).			
	5	Discharge to waters. Discharge quality monitoring.	Discharge to waters. Discharge quality monitoring.	Discharge from the central Humeceptor to the Hunter River marked and shown as "Drainage Pit No. 2" on the plan titled "EPA License Area, Mayfield No. 4 within Lot 4 DP. 1177466", prepared by ADW Johnson, Version B dated 5/8/2013 (EPA ref. DOC14/204196).			
	6	Discharge to waters. Discharge quality monitoring.	Discharge to waters. Discharge quality monitoring.	Discharge from the southern Humeceptor to the hunter River marked and shown as "Drainage Pit No. 3" on the plan titled "EPA License Area, Mayfield No. 4 within Lot 4 DP.			

## ENVIRONMENT PROTECTION LICENCE

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	<div> <div></div> <div></div> <div></div> <div>1177466", prepared by ADW Johnson, Version B dated 5/8/2013 (EPA ref. DOC14/204196).</div> </div>			
<b>3 Limit Conditions</b>				
<b>L1 Pollution of Waters</b>				
L1.1	Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.		Documents viewed: <ul style="list-style-type: none"> <li>EPA Annual Return – Reporting Period 4 November 2014 to 3 November 2015</li> <li>EPA Annual Return – Reporting Period 4 November 2015 to 3 November 2016.</li> <li>2014 Annual Environmental Management Report – Mayfield 4 Berth, J Spiteri, Port of Newcastle, 9 January 2015.</li> <li>2015 Annual Environmental Management Report – Mayfield 4 Berth, Port of Newcastle.</li> <li>2016 Annual Environmental Management Report – Mayfield 4 Berth, Port of Newcastle.</li> <li>Isystain EHS Management Report - no reportable incidents recorded during IEA period.</li> </ul>	Compliant
<b>L2 Concentration Limits</b>				
L2.1	The following concentration limit conditions only apply during for the first discharge event following a loose bulk cargo operation. At all other times condition L1.1 applies.			Note
L2.2	For each monitoring/discharge point or utilisation area specified in the tablels below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the		Documents viewed: <ul style="list-style-type: none"> <li>EPA Annual Return – Reporting Period 4 November 2014 to 3 November</li> </ul>	Non-compliant



ENVIRONMENT PROTECTION LICENCE

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	concentration limits specified for that pollutant in the table.		<p>2015.</p> <ul style="list-style-type: none"> <li>EPA Annual Return – Reporting Period 4 November 2015 to 3 November 2016.</li> <li>2015 Annual Environmental Management Report – Mayfield 4 Berth, Port of Newcastle. 2 exceedences of limits set out in L2.4 for suspended solids on 11 July 2015 and 9 December 2015</li> <li>2016 Annual Environmental Management Report – Mayfield 4 Berth, Port of Newcastle. 1 exceedence of suspended solids on 2 August 2016.</li> </ul>	
L2.3	Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.		<p>Documents viewed:</p> <ul style="list-style-type: none"> <li>EPA Annual Return – Reporting Period 4 November 2014 to 3 November 2015.</li> <li>EPA Annual Return – Reporting Period 4 November 2015 to 3 November 2016.</li> <li>2015 Annual Environmental Management Report – Mayfield 4 Berth, Port of Newcastle. 6 occasions the site lower limit was not met.</li> <li>2016 Annual Environmental Management Report – Mayfield 4 Berth, Port of Newcastle. 1 occasion where the site lower limit was not met.</li> </ul>	Non-compliance
L2.4	To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table's.			Note

ENVIRONMENT PROTECTION LICENCE

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status																														
L2.5	<div>Water and/or Land Concentration Limits</div> <div>Point 4, 5, 6</div> <table><thead><tr><th>Pollutant</th><th>Units of Measure</th><th>50 percentile concentration limit</th><th>90 percentile concentration limit</th><th>3DGM concentration limit</th><th>100 percentile concentration limit</th></tr></thead><tbody><tr><td>Nitrogen (total)</td><td>Milligrams per Litre</td><td></td><td></td><td></td><td>10</td></tr><tr><td>Oil and Grease</td><td>Milligrams per Litre</td><td></td><td></td><td></td><td>10</td></tr><tr><td>pH</td><td>pH</td><td></td><td></td><td></td><td>6.5-8.5</td></tr><tr><td>Total suspended solids</td><td>Milligrams per Litre</td><td></td><td></td><td></td><td>50</td></tr></tbody></table>	Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit	Nitrogen (total)	Milligrams per Litre				10	Oil and Grease	Milligrams per Litre				10	pH	pH				6.5-8.5	Total suspended solids	Milligrams per Litre				50		<div>Documents viewed:</div> <ul style="list-style-type: none"><li>EPA Annual Return – Reporting Period 4 November 2014 to 3 November 2015.</li><li>EPA Annual Return – Reporting Period 4 November 2015 to 3 November 2016.</li><li>2015 Annual Environmental Management Report – Mayfield 4 Berth, Port of Newcastle.</li><li>2016 Annual Environmental Management Report – Mayfield 4 Berth, Port of Newcastle.</li></ul> <div>See previous responses to Conditions L2.2 and L2.3.</div>	Non-compliance
Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit																													
Nitrogen (total)	Milligrams per Litre				10																													
Oil and Grease	Milligrams per Litre				10																													
pH	pH				6.5-8.5																													
Total suspended solids	Milligrams per Litre				50																													
L3 Waste																																		
L3.1	The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.	<div>Site visit: No waste generated from outside the premises was observed on-site.</div> <div>Environmental Officer: Confirmed that no waste is received at the premises.</div>		Compliant																														
L3.2	This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if those activities require an environment protection licence.			Note																														
L4 Potentially Offensive Odour																																		
L4.1	No condition of this licence identifies a potentially offensive odour for the purposes of Section 129 of the Protection of the environment Operations Act 1997.			Note																														

**ENVIRONMENT PROTECTION LICENCE**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
L4.2	The licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises.	Site visit: No offensive odour was detected by the auditor. Environmental Officer: Confirmed no odour complaints have been received by the PON during this IEA reporting period.	Documents viewed: <ul style="list-style-type: none"> <li>2015 Annual Environmental Management Report – Mayfield 4 Berth, Port of Newcastle.</li> <li>2016 Annual Environmental Management Report – Mayfield 4 Berth, Port of Newcastle.</li> </ul>	Compliant
Note:	Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.			Note
<b>L5 Other Limit Conditions</b>				
	<b>Wind Speed Limits for Loose Bulk Cargo Operations</b>			
L5.1	Loose bulk cargo operations must cease for a period of at least 15 minutes: a) if the average wind speed exceeds 7 metres per second for a 5 minute period, or b) if a wind gust exceeds 12 metres per second. After loose bulk cargo operations have ceased, they must not recommence until the above wind speed limits are not exceeded in the preceding 15-minute time period.	Environmental Officer: Advised that PON has a wind speed sensor installed on the met station and when wind speeds exceed 7 m/s an alarm and flashing light are triggered. Loading and uploading operations then cease as per the EPL.	Documents viewed: <ul style="list-style-type: none"> <li>EMSWI106 – Environmental Management Guideline – Bulk &amp; General Cargo Operations – Common User Berths. Section 5.6.</li> <li>2015 Annual Environmental Management Report – Mayfield 4 Berth, Port of Newcastle. Section 4.4.2 Wind Speed and Direction.</li> <li>2016 Annual Environmental Management Report – Mayfield 4 Berth, Port of Newcastle. Section 4.2.2.</li> </ul> Both AEMR state zero occasions where loose bulk cargo was handling at the site during which time the stevedores were required to comply	Compliant

## ENVIRONMENT PROTECTION LICENCE

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
			with EPL restrictions.	
L5.2	The wind speed and direction limits specified in Condition L5.1 do not apply when the following loose cargoes are loaded or unloaded from the premises: <ul style="list-style-type: none"> <li>a) Cottonseed pellets;</li> <li>b) Ferro-alloys;</li> <li>c) Magnetite;</li> <li>d) Mineral sands;</li> <li>e) Nut coal;</li> <li>f) Urea granules</li> <li>g) Wet silica, and</li> <li>h) Whole soya beans</li> </ul>			Note
	<b>Metals Concentrates</b>			
L5.3	The licensee must not receive, store, load or unload Copper, Lead, or Zinc concentrates at the premises.		Documents viewed: <ul style="list-style-type: none"> <li>• 2016 Annual Environmental Management Report – Mayfield 4 Berth, Port of Newcastle. Section 4.2.2.</li> </ul>	Compliant
<b>4 Operating Conditions</b>				
<b>01 Activities must be Carried Out in a Competent Manner</b>				
O1.1	Licensed activities must be carried out in a competent manner. This includes: <ul style="list-style-type: none"> <li>a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and</li> <li>b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.</li> </ul>	Environmental Officer: Confirmed that PON has licensed agreements with <ul style="list-style-type: none"> <li>• Stolhaven Australia</li> <li>• Newcastle Stevedores</li> <li>• Qube Ports</li> <li>• Patrick Stevedores</li> </ul>	Documents viewed: <ul style="list-style-type: none"> <li>• Extract from stevedores license.</li> <li>• EMSW106 – Environmental Management Guideline – Bulk &amp; General Cargo Operations – Common User Berths. Section 5.6.</li> </ul>	Compliant

## ENVIRONMENT PROTECTION LICENCE

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
<b>O2 Maintenance of Plant and Equipment</b>				
O2.1	All plant and equipment installed at the premises or used in connection with the licensed activity: a) must be maintained in a proper and efficient condition; and b) must be operated in a proper and efficient manner.	Environmental Officer: Advised that the maintenance contractor caused damage to the data logger on 23/2/2015. A replacement logger was purchased and installed on 9/4/2015.	Documents viewed: <ul style="list-style-type: none"> <li>EPA Annual Return – Reporting Period 4 November 2014 to 3 November 2015. Issues with water samplers not collecting samples as required and subsequent issues with consultant performance and reliability to perform works.</li> <li>EPA Annual Return – Reporting Period 4 November 2015 to 3 November 2016. Sampling devices failed to collect due to ISCO flow sensor malfunction.</li> <li>2015 Annual Environmental Management Report – Mayfield 4 Berth, Port of Newcastle. Section 5.1.3.</li> <li>2016 Annual Environmental Management Report – Mayfield 4 Berth, Port of Newcastle. Section 5.1.3.</li> <li>HVAS calibration maintenance records available for 2015, 2016 and 2017.</li> </ul>	Non-compliance
<b>O3 Dust</b>				
O3.1	The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.	Site visit: The auditor observed the premises being maintained in a condition that minimized dust emissions from the site. Environmental Officer: Confirmed no dust complaints have been received during this IEA reporting period.	Documents viewed: <ul style="list-style-type: none"> <li>2015 Annual Environmental Management Report – Mayfield 4 Berth, Port of Newcastle. Section 5.2.4.</li> <li>2016 Annual Environmental Management Report – Mayfield 4 Berth, Port of Newcastle. Section</li> </ul>	Compliant

ENVIRONMENT PROTECTION LICENCE

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
			<p>5.2.4.</p> <ul style="list-style-type: none"> <li>EPA Annual Return – Reporting Period 4 November 2014 to 3 November 2015.</li> <li>EPA Annual Return – Reporting Period 4 November 2015 to 3 November 2016.</li> </ul> <p>Auditor reviewed AEMR and even though odd exceedance was recorded for dust levels, these likely from off-site sources and not Mayfield No4 Berth operations.</p> <p>EPA has not issued any show cause notices regarding dust levels.</p>	
O3.2	All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.	<p>Site visit: The auditor observed the premises being maintained in a condition that minimized dust emissions from the site.</p> <p>Environmental Officer: Confirmed no dust complaints have been received during this IEA reporting period.</p>	<p>Documents viewed:</p> <ul style="list-style-type: none"> <li>EMSW1106 – Environmental Management Guideline – Bulk &amp; General Cargo Operations – Common User Berths. Section 5.6.</li> <li>2015 Annual Environmental Management Report – Mayfield 4 Berth, Port of Newcastle. Section 5.2.4.</li> <li>2016 Annual Environmental Management Report – Mayfield 4 Berth, Port of Newcastle. Section 5.2.4.</li> </ul> <p>Auditor reviewed AEMR and even though odd exceedance was recorded for dust levels, these likely from off-site sources and not Mayfield No4 Berth operations.</p> <p>EPA has not issued any show cause notices regarding dust levels.</p>	Compliant

**ENVIRONMENT PROTECTION LICENCE**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
O3.3	Trucks entering and leaving the premises that are carrying loads of dust generating materials must have their loads covered at all times, except during loading and unloading.		Documents viewed: <ul style="list-style-type: none"> <li>EMSWI106 – Environmental Management Guideline – Bulk &amp; General Cargo Operations – Common User Berths. Section 5.6.</li> </ul>	Compliant
<b>O4 Emergency Response</b>				
O4.1	The licensee must maintain, and implement as necessary, a current emergency response plan for the premises. The licensee must keep the emergency response plan on the premises at all times. The emergency response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. If a current emergency response plan does not exist at the date on which this condition is attached to the licence, the licensee must develop an emergency response plan within three months of that date.		Documents viewed: <ul style="list-style-type: none"> <li>Port of Newcastle, Pollution Incident Response Management Plan. Mayfield 4 Port of Newcastle. Revision A, 4 June 2014</li> <li>Port Wide Security Form – Drill/Exercise Report, PSC_FM_002 – Date 28 June 2017</li> <li>Mayfield 4 Pollution Incident Response Management Plan Test – Desktop Simulation, 7 June 2016.</li> <li>Mayfield 4 Pollution Incident Response Management Plan Test – Desktop Simulation, 16 June 2015.</li> </ul>	Compliant
<b>O5 Waste Management</b>				
O5.1	The licensee must ensure that any liquid and/or non liquid waste generated and/or stored at the premises is assessed and classified in accordance with the EPA's Waste Classification Guidelines as in force from time to time.		Documents viewed: <ul style="list-style-type: none"> <li>Port of Newcastle, Operational Environmental Management Plan, Mayfield No. 4 Berth, 09 January 2015. Sections 2.2 and 7.10.</li> </ul>	Compliant
O5.2	The licensee must ensure that waste identified for recycling is stored separately from other waste.		Documents viewed: <ul style="list-style-type: none"> <li>Port of Newcastle, Operational Environmental Management Plan, Mayfield No. 4 Berth, 09 January 2015. Sections 2.2 and 7.10.</li> </ul>	Compliant
O5.3	All wastewater generated from the on-site treatment of sewage must be removed from the premises by a licensed waste transporter and taken to	Site visit: The auditor observed the on-site sewage treatment system.		Compliant

ENVIRONMENT PROTECTION LICENCE

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	a facility that is able to lawfully receive it and reuse or dispose of it.	Environmental Officer: Advised Advanced Environmental Solutions are engaged to empty the tank when it reaches three quarters full. AES advised effluent taken to one of Hunter Water licensed facilities for disposal.  Officer also advised that visual check of the tank occurs each Monday.		
O5.4	The licensee must not dispose sewage at the premises	Site visit: The auditor observed the on-site sewage treatment system.		Compliant
<b>O6 Other Operating Conditions</b>				
O6.1	Loose bulk cargo to be unloaded onto or loaded from the wharf deck must be fully contained to prevent dust emissions and pollution of waters.		Documents viewed: <ul style="list-style-type: none"> <li>• EMSWI106 – Environmental Management Guideline – Bulk &amp; General Cargo Operations – Common User Berths. Section 5.6.</li> <li>• EPA Annual Return – Reporting Period 4 November 2014 to 3 November 2015. No non-compliances relating to this condition.</li> <li>• EPA Annual Return – Reporting Period 4 November 2015 to 3 November 2016. No non-compliances relating to this condition.</li> </ul>	Compliant
O6.2	Loose bulk cargo must not be stockpiled on the wharf deck for a period exceeding 24 hours prior to the commencement of loose bulk cargo loading operations or for a period exceeding 24 hours after the completion of loose bulk cargo unloading operations.		Documents viewed: <ul style="list-style-type: none"> <li>• EMSWI106 – Environmental Management Guideline – Bulk &amp; General Cargo Operations – Common User Berths. Section 5.2.2.</li> <li>• EPA Annual Return – Reporting Period 4 November 2014 to 3 November 2015. No non-compliances relating to this condition.</li> <li>• EPA Annual Return – Reporting Period</li> </ul>	Compliant



## ENVIRONMENT PROTECTION LICENCE

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
			4 November 2015 to 3 November 2016. No non-compliances relating to this condition.	
	<b>Tracking of Materials</b>			
O6.3	<p>The licensee must ensure that activities are conducted in an environmentally satisfactory manner. So as to minimise and prevent the pollution of air and water the licensee must:</p> <p>a) Ensure that vehicles or containers prior to leaving the premises are clean and sealed in a manner that will not cause materials or wastes used in conducting the activities at the premises to be tracked, thrown from, blown, fall, or cast from any vehicle or container onto a public road.</p> <p>b) The licensee must have in place and implement procedures to ensure that vehicles and containers exiting the premises are in a condition to ensure that materials are not tracked, thrown, blown, fall or cast onto a public road.</p>		<p>Documents viewed:</p> <ul style="list-style-type: none"> <li>• EMSW1106 – Environmental Management Guideline – Bulk &amp; General Cargo Operations – Common User Berths. Section 5.8.</li> <li>• EPA Annual Return – Reporting Period 4 November 2014 to 3 November 2015. No non-compliances relating to this condition.</li> <li>• EPA Annual Return – Reporting Period 4 November 2015 to 3 November 2016. No non-compliances relating to this condition.</li> </ul>	Compliant
<b>5 Monitoring and Recording Conditions</b>				
<b>M1 Monitoring Records</b>				
M1.1	The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.		<p>Documents viewed:</p> <ul style="list-style-type: none"> <li>• Port of Newcastle, Annual Environmental Management Report 2014</li> <li>• Port of Newcastle, Annual Environmental Management Report 2015</li> <li>• Port of Newcastle, Annual Environmental Management Report 2016</li> </ul>	Compliant
M1.2	All records required to be kept by this licence must be:		Documents viewed:	Compliant

ENVIRONMENT PROTECTION LICENCE

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	<p>a) in a legible form, or in a form that can readily be reduced to a legible form;</p> <p>b) kept for at least 4 years after the monitoring or event to which they relate took place; and</p> <p>c) produced in a legible form to any authorised officer of the EPA who asks to see them.</p>		<ul style="list-style-type: none"> <li>Port of Newcastle, Annual Environmental Management Report 2014</li> <li>Port of Newcastle, Annual Environmental Management Report 2015</li> <li>Port of Newcastle, Annual Environmental Management Report 2016</li> <li>Discharge Water and Air Quality Monitoring, Prepared for the Port of Newcastle Operations Pty Ltd, Prepared by RCA Australia, RCA ref 9508-762/0, January 2017</li> <li>Discharge Water and Air Quality Monitoring, Prepared for the Port of Newcastle Operations Pty Ltd, Prepared by RCA Australia, RCA ref 9508-768/0, July 2017</li> <li>Discharge Water and Air Quality Monitoring, Prepared for the Port of Newcastle Operations Pty Ltd, Prepared by RCA Australia, RCA ref 9508-755/0, October 2016</li> <li>Prepared for the Port of Newcastle Operations Pty Ltd, Prepared by RCA Australia, RCA ref 9508-747/0, April 2016</li> <li>Prepared for the Port of Newcastle Operations Pty Ltd, Prepared by RCA Australia, RCA ref 9508-742/0, November 2015</li> <li>Prepared for the Port of Newcastle Operations Pty Ltd, Prepared by RCA Australia, RCA ref 9508-734/0, March</li> </ul>	

ENVIRONMENT PROTECTION LICENCE

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
			2015 <ul style="list-style-type: none"> <li>Prepared for the Port of Newcastle Operations Pty Ltd, Prepared by RCA Australia, RCA ref 9508-730/0, December 2014</li> </ul>	
M1.3	The following records must be kept in respect of any samples required to be collected for the purposes of this licence: <ol style="list-style-type: none"> <li>the date(s) on which the sample was taken;</li> <li>the time(s) at which the sample was collected;</li> <li>the point at which the sample was taken; and</li> <li>the name of the person who collected the sample.</li> </ol>		Documents viewed: <ul style="list-style-type: none"> <li>Port of Newcastle, Annual Environmental Management Report 2014</li> <li>Port of Newcastle, Annual Environmental Management Report 2015</li> <li>Port of Newcastle, Annual Environmental Management Report 2016</li> <li>Discharge Water and Air Quality Monitoring, Prepared for the Port of Newcastle Operations Pty Ltd, Prepared by RCA Australia, RCA ref 9508-762/0, January 2017</li> <li>Discharge Water and Air Quality Monitoring, Prepared for the Port of Newcastle Operations Pty Ltd, Prepared by RCA Australia, RCA ref 9508-768/0, July 2017</li> <li>Discharge Water and Air Quality Monitoring, Prepared for the Port of Newcastle Operations Pty Ltd, Prepared by RCA Australia, RCA ref 9508-755/0, October 2016</li> <li>Prepared for the Port of Newcastle Operations Pty Ltd, Prepared by RCA Australia, RCA ref 9508-747/0, April 2016</li> <li>Prepared for the Port of Newcastle</li> </ul>	Compliant

## ENVIRONMENT PROTECTION LICENCE

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
			<p>Operations Pty Ltd, Prepared by RCA Australia, RCA ref 9508-742/0, November 2015</p> <ul style="list-style-type: none"> <li>Prepared for the Port of Newcastle Operations Pty Ltd, Prepared by RCA Australia, RCA ref 9508-734/0, March 2015</li> <li>Prepared for the Port of Newcastle Operations Pty Ltd, Prepared by RCA Australia, RCA ref 9508-730/0, December 2014</li> </ul>	
<b>M2 Requirements to Monitor Concentration of Pollutants Discharge</b>				
M2.1	For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:		<p>Documents viewed:</p> <ul style="list-style-type: none"> <li>Port of Newcastle, Annual Environmental Management Report 2015</li> <li>Port of Newcastle, Annual Environmental Management Report 2016</li> </ul> <p>Non-compliance relates up until 3 November 2016. Prior to 3 November 2016, the frequency of monitoring was monthly. This was changed in notice of variation issued by the EPA on 3 November to current state.</p> <p>From February 2016 to October 2016 9 samples were not collected as per previous EPL condition because the ISCO devices not collecting samples correctly.</p>	Non-compliance for period up to November 2016
M2.2	Water and/or Land Monitoring Requirements			

## ENVIRONMENT PROTECTION LICENCE

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status																								
	<div>POINT 4,5,6</div> <table><thead><tr><th>Pollutant</th><th>Units of Measure</th><th>Frequency</th><th>Sampling Method</th></tr></thead><tbody><tr><td>Nitrogen (total)</td><td>Milligrams per litre</td><td>Special Frequency 1</td><td>Grab sample</td></tr><tr><td>Oil and Grease</td><td>Milligrams per litre</td><td>Special Frequency 1</td><td>Grab sample</td></tr><tr><td>pH</td><td>pH</td><td>Special Frequency 1</td><td>Grab sample</td></tr><tr><td>Phosphate</td><td>Milligrams per litre</td><td>Special Frequency 1</td><td>Grab sample</td></tr><tr><td>Total suspended solids</td><td>Milligrams per litre</td><td>Special Frequency 1</td><td>Grab sample</td></tr></tbody></table>	Pollutant	Units of Measure	Frequency	Sampling Method	Nitrogen (total)	Milligrams per litre	Special Frequency 1	Grab sample	Oil and Grease	Milligrams per litre	Special Frequency 1	Grab sample	pH	pH	Special Frequency 1	Grab sample	Phosphate	Milligrams per litre	Special Frequency 1	Grab sample	Total suspended solids	Milligrams per litre	Special Frequency 1	Grab sample		<div>Documents viewed:</div> <ul style="list-style-type: none"><li>Port of Newcastle, Annual Environmental Management Report 2015</li><li>Port of Newcastle, Annual Environmental Management Report 2016</li></ul> <div>Non-compliance relates up until 3 November 2016. Prior to 3 November 2016, the frequency of monitoring was monthly during discharge. This was changed in notice of variation issued by the EPA on 3 November to current state.</div> <div>From February 2016 to October 2016 9 samples were not collected as per previous EPL condition.</div>	Non-compliance for period up to November 2016.
Pollutant	Units of Measure	Frequency	Sampling Method																									
Nitrogen (total)	Milligrams per litre	Special Frequency 1	Grab sample																									
Oil and Grease	Milligrams per litre	Special Frequency 1	Grab sample																									
pH	pH	Special Frequency 1	Grab sample																									
Phosphate	Milligrams per litre	Special Frequency 1	Grab sample																									
Total suspended solids	Milligrams per litre	Special Frequency 1	Grab sample																									
M2.3	For the purpose of the table(s) above, Special Frequency 1 means the collection of samples during the first discharge event following a loose bulk cargo operation. Only one discharge event is required to be sampled each calendar month.			Note																								
M3 Testing Methods – Concentration Limits																												
M3.1	Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.		<div>Documents viewed:</div> <ul style="list-style-type: none"><li>Discharge Water and Air Quality Monitoring, Prepared for the Port of Newcastle Operations Pty Ltd, Prepared by RCA Australia, RCA ref 9508-762/0, January 2017</li><li>Discharge Water and Air Quality Monitoring, Prepared for the Port of Newcastle Operations Pty Ltd, Prepared by RCA Australia, RCA ref 9508-768/0, July 2017</li><li>Discharge Water and Air Quality</li></ul>	Compliant																								

## ENVIRONMENT PROTECTION LICENCE

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status												
			<p>Monitoring, Prepared for the Port of Newcastle Operations Pty Ltd, Prepared by RCA Australia, RCA ref 9508-755/0, October 2016</p> <ul style="list-style-type: none"><li>Prepared for the Port of Newcastle Operations Pty Ltd, Prepared by RCA Australia, RCA ref 9508-747/0, April 2016</li><li>Prepared for the Port of Newcastle Operations Pty Ltd, Prepared by RCA Australia, RCA ref 9508-742/0, November 2015</li><li>Prepared for the Port of Newcastle Operations Pty Ltd, Prepared by RCA Australia, RCA ref 9508-734/0, March 2015</li><li>Prepared for the Port of Newcastle Operations Pty Ltd, Prepared by RCA Australia, RCA ref 9508-730/0, December 2014</li></ul>													
M4 Weather Monitoring																
M4.1	<p>For the monitoring point specified below, the licensee must monitor (by sampling and obtaining results by analysis) each weather parameter specified in Column 1. The licensee must use the sampling method, units or measure and sample the frequency, specified opposite in the other columns.</p> <p>Meteorological monitoring is to be measured at the height of 10 metres.</p> <table><tr><th>Parameter</th><th>Unit of Measure</th><th>Frequency</th><th>Sampling Method</th></tr><tr><td>Sigma theta</td><td>Degrees</td><td>Continuous</td><td>AM-2 &amp; AM-4</td></tr><tr><td>Wing speed or run</td><td>Metres per second</td><td>Continuous</td><td>AM-2 &amp; AM-4</td></tr></table>	Parameter	Unit of Measure	Frequency	Sampling Method	Sigma theta	Degrees	Continuous	AM-2 & AM-4	Wing speed or run	Metres per second	Continuous	AM-2 & AM-4	<p>Environmental Officer: Advised that there were interruptions to the operation of the weather station since the last audit. Maintenance contractor caused damage to the data logger on 23/2/2015 and a replacement was purchased and installed on 9/4/2015.</p>	<p>Documents viewed:</p> <ul style="list-style-type: none"><li>Port of Newcastle, Annual Environmental Management Report 2015</li><li>Port of Newcastle, Annual Environmental Management Report 2016</li></ul>	Non-compliance
Parameter	Unit of Measure	Frequency	Sampling Method													
Sigma theta	Degrees	Continuous	AM-2 & AM-4													
Wing speed or run	Metres per second	Continuous	AM-2 & AM-4													

## ENVIRONMENT PROTECTION LICENCE

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	Wind direction   Degrees   Continuous   AM-2 & AM-4			
Note:	All methods are specified in the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> and all monitoring must be conducted strictly in accordance with the requirements outlined in this document.			Note
<b>M5 Recording of Pollution Complaints</b>				
M5.1	The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.		Documents viewed: <ul style="list-style-type: none"> <li>• 2015 Annual Environmental Management Report – Mayfield 4 Berth, Port of Newcastle. Section 8.</li> <li>• 2016 Annual Environmental Management Report – Mayfield 4 Berth, Port of Newcastle. Section 8.</li> <li>• EPA Annual Return – Reporting Period 4 November 2014 to 3 November 2015.</li> <li>• EPA Annual Return – Reporting Period 4 November 2015 to 3 November 2016.</li> </ul>	Not triggered
M5.2	The record must include details of the following: <ol style="list-style-type: none"> <li>the date and time of the complaint;</li> <li>the method by which the complaint was made;</li> <li>any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;</li> <li>the nature of the complaint;</li> <li>the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and</li> <li>if no action was taken by the licensee, the reasons why no action was taken.</li> </ol>		Documents viewed: <ul style="list-style-type: none"> <li>• 2015 Annual Environmental Management Report – Mayfield 4 Berth, Port of Newcastle. Section 8.</li> <li>• 2016 Annual Environmental Management Report – Mayfield 4 Berth, Port of Newcastle. Section 8.</li> <li>• EPA Annual Return – Reporting Period 4 November 2014 to 3 November 2015.</li> <li>• EPA Annual Return – Reporting Period 4 November 2015 to 3 November 2016.</li> </ul>	Not triggered

**ENVIRONMENT PROTECTION LICENCE**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
			2016.	
M5.3	The record of a complaint must be kept for at least 4 years after the complaint was made.		Documents viewed: <ul style="list-style-type: none"> <li>Port of Newcastle, Operational Environmental Management Plan, Mayfield No.4 Berth, 9 January 2017 Section 9 Records Management.</li> </ul>	Not triggered
M5.4	The record must be produced to any authorised officer of the EPA who asks to see them.		Not applicable.	Not triggered
<b>M6 Telephone complaints Line</b>				
M6.1	The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.		Documents viewed: <ul style="list-style-type: none"> <li>Port of Newcastle, Operational Environmental Management Plan, Mayfield No.4 Berth, 9 January 2017 Section 4.5 Complaint Handling.</li> <li><a href="http://www.portofnewcastle.com.au/Contact/Contact-Us.aspx">http://www.portofnewcastle.com.au/Contact/Contact-Us.aspx</a></li> </ul>	Compliant
M6.2	The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.		<ul style="list-style-type: none"> <li>Relates to a previous reporting period.</li> </ul>	Closed
M6.3	The preceding two conditions do not apply until 3 months after the date of the issue of this licence.		<ul style="list-style-type: none"> <li>Relates to a previous reporting period.</li> </ul>	Closed
M6.4	The licensee must nominate to the EPA a single telephone number for the purpose of the EPA contacting the licensee to provide immediate assistance or response during emergencies or any other incidents at the premises. The telephone number must be current at all times. The nomination must be provided to the EPA's Regional Manager-Hunter at PO Box 488G, Newcastle NSW 2300. Note: This condition does not apply until two (2) weeks after the date of		<ul style="list-style-type: none"> <li>Relates to a previous reporting period.</li> </ul>	Closed



## ENVIRONMENT PROTECTION LICENCE

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	issue of the Notice adding this condition to the licence.			
<b>M7 Other Monitoring and Recording Conditions</b>				
	<b>Requirement to Record the Transfer of the Occupation of the Berth</b>			
M7.1	The licensee must record details of when (i.e. time and date) the occupation of berth is transferred to another person. The licensee must record details of the name and telephone contact of the person that the berth is transferred to.			Not triggered
	<b>Requirement to Record Shipping and Cargo Information</b>			
M7.2	For the loading and discharge of cargo from ships carried out under the licence, the licensee must record the following information. a) The time and date that the ship was berthed. b) The name of the ship. c) A description of the cargo and tonnage loaded/discharged. d) The owner and agent of the cargo. e) An assessment of the capacity of the cargo to generate dust during loading/discharge activities. f) Dust control measures for the loading/discharge of the cargo.	Environmental Officer: Cargo owner details are maintained in the ships manifests. The ship agent records are kept within the Master Data file spreadsheet.	<ul style="list-style-type: none"> <li>2015 Annual Environmental Management Report – Mayfield 4 Berth, Port of Newcastle. Appendix D – Vessel Movement Register. Which includes <ul style="list-style-type: none"> <li>Vessel name</li> <li>Material</li> <li>Load/Unload</li> <li>Arrival date time</li> <li>Departure date time</li> </ul> </li> <li>2016 Annual Environmental Management Report – Mayfield 4 Berth, Port of Newcastle. Appendix E</li> <li>EMSWI-106 – Environmental Management Guidelines – Bulk &amp; General Cargo Operations - Common User Berths. .</li> <li>Clark Shipping (Australia) Pty Ltd Cargo Manifest – Sailed 2 September 2016.</li> <li>Wilhelmsen Ships Service Manifest, Yoyage No. 4100012530.</li> <li>Extract from Master Data File excel spreadsheet, column AP is Agent.</li> </ul>	Compliant

**ENVIRONMENT PROTECTION LICENCE**

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
<b>6 Reporting Conditions</b>				
<b>R1 Annual return documents</b>				
R1.1	<p>The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:</p> <ul style="list-style-type: none"> <li>a) a Statement of Compliance,</li> <li>b) a Monitoring and Complaints Summary,</li> <li>c) a Statement of Compliance - Licence Conditions,</li> <li>d) a Statement of Compliance - Load based Fee,</li> <li>e) a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,</li> <li>f) a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and</li> <li>g) a Statement of Compliance - Environmental Management Systems and Practices.</li> </ul> <p>At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.</p>			Compliant
R1.2	An Annual Return must be prepared in respect of each reporting period, except as provided below.			Compliant
R1.3	<p>Where this licence is transferred from the licensee to a new licensee:</p> <ul style="list-style-type: none"> <li>a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and</li> <li>b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period</li> </ul>			Not triggered
R1.4	<p>Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:</p> <ul style="list-style-type: none"> <li>a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or</li> </ul>			Not triggered

## ENVIRONMENT PROTECTION LICENCE

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.			
R1.5	The Annual Return for the reporting period must be supplied to the EPA via eConnect EPA or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').		Documents viewed: <ul style="list-style-type: none"> <li>EPA Annual Returns for 2013-2014, 2014-2015 and 2016-2017 were all submitted on time, that is, within the 60 day reporting period. The Return for 2015-2016 was submitted three days late.</li> </ul>	Non-compliance
R1.6	The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.			Compliant
R1.7	Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by: <ul style="list-style-type: none"> <li>a) the licence holder; or</li> <li>b) by a person approved in writing by the EPA to sign on behalf of the licence holder.</li> </ul>			Compliant
Note:	The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.			Note
Note:	An application to transfer a licence must be made in the approved form for this purpose.			Note
<b>R2 Notification of Environmental Harm</b>				
R2.1	Notification must be made by telephoning the Environment Line service on 131 555.		<ul style="list-style-type: none"> <li>2015 Annual Environmental Management Report – Mayfield 4 Berth, Port of Newcastle. Section 6.</li> <li>2016 Annual Environmental Management Report – Mayfield 4 Berth, Port of Newcastle. Section 6.</li> <li>EPA Annual Return – Reporting Period 4 November 2014 to 3 November</li> </ul>	Not triggered

ENVIRONMENT PROTECTION LICENCE

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
			2015. • EPA Annual Return – Reporting Period 4 November 2015 to 3 November 2016.	
R2.2	The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.		Not applicable	Not triggered
Note:	The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.			Note
<b>R3 Written Report</b>				
R3.1	Where an authorised officer of the EPA suspects on reasonable grounds that: a) where this licence applies to premises, an event has occurred at the premises; or b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.			Not triggered
R3.2	The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.			Not triggered
R3.3	The request may require a report which includes any or all of the following information: a) the cause, time and duration of the event; b) the type, volume and concentration of every pollutant discharged as a result of the event; c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;			Nor triggered

## ENVIRONMENT PROTECTION LICENCE

Condition	Requirement	Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status									
	d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort; e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants; f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and g) any other relevant matters.												
R3.4	The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.			Not triggered									
7 General Conditions													
G1 Copy of Licence Kept at the Premises or Plant													
G1.1	A copy of this licence must be kept at the premises to which the licence applies.			Compliant									
G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.			Not triggered									
G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.			Compliant									
G2 Other General Conditions													
G2.1	<div>Completed Programs</div> <table><tr><th>Program</th><th>Description</th><th>Completed Date</th></tr><tr><td>PRP 1 – Stormwater Management Systems Upgrade</td><td>The licensee must design, install and commission upgrades to the stormwater management system.</td><td>16 December 2011</td></tr><tr><td>PRP 2 – Investigation of</td><td>The licensee must investigate and</td><td>22 February 2013</td></tr></table>	Program	Description	Completed Date	PRP 1 – Stormwater Management Systems Upgrade	The licensee must design, install and commission upgrades to the stormwater management system.	16 December 2011	PRP 2 – Investigation of	The licensee must investigate and	22 February 2013			Closed
Program	Description	Completed Date											
PRP 1 – Stormwater Management Systems Upgrade	The licensee must design, install and commission upgrades to the stormwater management system.	16 December 2011											
PRP 2 – Investigation of	The licensee must investigate and	22 February 2013											

**Appendix B**

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## ENVIRONMENT PROTECTION LICENCE

Condition	Requirement			Interviews and Inspections	Documentation Viewed / Assessment Status	Compliance Status
	Copper Sources	identify potential sources of copper, report and develop a copper management strategy.				

## APPENDIX C – PHOTOGRAPHS FROM SITE VISIT

**Photo 1** General Photo of the Site Looking across to Kooragang Island



**Photo 2** General Photo of Berth Area



**Photo 3     Berth Area Maintained in a Clean and Tidy State**



**Photo 4     Operation Being Maintained in Clean and Tidy State**





**PHOTOGRAPHS**

**Photo 5     Air Quality Monitoring Station - HVAS – TSP**



**Photo 6     Air Quality Monitoring Station – HVAS – PM<sub>10</sub>**



**Photo 7 Swale and Stormwater Pit**



**Photo 8 Sewage Storage**

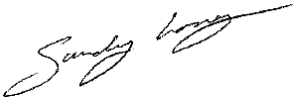


CERTIFICATION FORM

## APPENDIX D – INDEPENDENT AUDIT CERTIFICATION FORM

Independent Audit Certification Form	
Development Name	Mayfield 4 Berth
Development Consent No.	DA-293-08-00
Description of Development	<p>Mayfield 4 is a multi-purpose common user berth operating under Environmental Protection Licence (EPL) 13181 for Shipping in Bulk. The EPL for shipping in bulk applies to loose bulk cargo only, this does not include bulk material handled in bulka bags or containers.</p> <p>It is noted that whilst the DA applies to: <i>the remediation of the closure area, removal of structures and the development of a Multi-Purpose Terminal comprising a container terminal and a general cargo handling facility and associated road rail and wharf infrastructure</i>, the focus of this audit was for the Mayfield 4 wharf facility only.</p> <p>The remediation and structure removal works were undertaken and completed by Hunter Development Corporation (HDC) and the only component of the Multi-Purpose Terminal to have been completed to date is Mayfield 4 Berth.</p>
Development Address	Off Selwyn Street Mayfield North
Operator	Port of Newcastle
Operator Address	PO Box 790 Newcastle NSW 2305
Independent Audit	
Title of Audit	Independent Environmental Audit Port of Newcastle DA-293-08-00 MOD9
<p>I certify that I have undertaken the independent audit and prepared the contents of the attached independent audit report and to the best of my knowledge:</p> <ul style="list-style-type: none"> <li>• The audit has been undertaken in accordance with the relevant approval condition(s) and in accordance with the auditing standard AS/NSZ ISO 19001:2014 and Post Approval Guidelines – Independent Audits;</li> <li>• The findings of the audit are reported truthfully, accurately and completely;</li> <li>• I have exercised due diligence and professional judgement in conducting the audit;</li> <li>• I have acted professionally, in an unbiased manner and did not allow undue influence to limit or over-ride objectivity in conducting the audit;</li> <li>• I am not related to any owner or operator of the development, including where there is a reasonable likelihood or expectation of financial gain or loss to me or to a person to whom I am closely related (i.e. immediately family);</li> <li>• Neither I nor my employer have provided consultancy services for the audited development that were subject to this audit except as otherwise declared to the lead regulator prior to the audit; and</li> <li>• I have not accepted, not intend to accept any inducement, commission, gift or any other benefit (apart from fair payment) from any owner or operator of the development, their employees or any interested parties. I have not knowingly allowed, not intend to allow my colleagues to do so.</li> </ul> <p>Note:</p> <ul style="list-style-type: none"> <li>a) The Independent Audit is an environmental audit for the purposes of section 122B(2) of the Environmental Planning and Assessment Act 1979. Section 122E provides that a person must not include false or misleading information (or provide information for inclusion in) an audit report produced to the Minister in connection with an environmental authority if the person knows that the information is false or misleading in a material respect. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000.</li> <li>b) The Crimes Act 1900 contains other offences relating to false and misleading information; section 192G (Intention to defraud by false or misleading statement – maximum penalty 5 years imprisonment); sections 307A, 307B and 307C (False or misleading applications/information/document – maximum penalty 2 years imprisonment or \$22,000, or both).</li> </ul>	

CERTIFICATION FORM

Signature	
Name of Lead / Principal Auditor	Sandy Loneragan
Address	2 Lincoln Street, Lane Cove, NSW 2066
Email Address	<a href="mailto:sloneragan@slrconsulting.com">sloneragan@slrconsulting.com</a>
Date	18 January 2018

AUDITOR CV AND APPROVAL LETTER

**APPENDIX E – AUDITOR CV & APPROVAL LETTER**



## QUALIFICATIONS

BAppSc (Environmental Assessment and Management) (University of Newcastle, 1993)

Qualified Lead Auditor for Management Systems Team Audits

Qualified Lead Auditor for quality audits

Qualified Lead Auditor of occupational health and safety management systems

Certificate of Wastewater Treatment, Meadowbank TAFE 1994

## BACKGROUND

Sandy has worked as an environmental consultant since graduating from the University of Newcastle.

Her experience provides her with the flexibility to analyse non-technical and technical issues in a logical and systematic manner, to distinguish key issues, identify options and put forward appropriate solutions.

Sandy has experience in working in many industries including but not limited to the coal seam gas, coal, petroleum (refineries), meat industry (red and white meat processing facilities, hatcheries, feed mills, poultry farms), food manufacturers, waste management centres, glass manufacturing.

Sandy is a qualified environmental auditor of Environmental Management System to ISO/IEC 14001 and has been previously engaged by NCSI to conduct EMS certification audits on their behalf.

Sandy has developed and implemented numerous EMS in accordance with ISO/IEC14001.

Sandy has over 20 years experience in conducting environmental audits ranging from compliance to due diligence.

Between 2006 and 2011 she was the Operational and Environmental Manager of an emissions testing company. Her responsibilities included quoting, scheduling and project management. Sandy also developed, implemented and maintained the company's NATA accreditation to ISO/IEC17025 for the company's emission testing and analysis activities. She conducted regular internal audits as well as being part of the external audits.

Since joining SLR she has developed and integrated the Air Quality technical discipline into the company's quality management system, which included obtaining NATA accreditation to ISO/IEC17025.

Due to her expertise in management systems and auditing skills she also manages, as well as conducts the company's internal and external audits in relation to ISO9001 & ISO/IEC17025 and is SLR APAC Systems Manager.

## SPECIAL EXPERTISE

- Environmental compliance audits
- Development and auditing of environmental management systems to ISO/IEC14001
- Quality, health and safety and ISO/IEC17025 auditing
- System development and management to ISO/IEC 17025, ISO/IEC9001 and ISO18001.
- Due diligence audits
- Environmental Management Plans (Construction and Operational)
- Environmental monitoring programs
- Project management.

## SELECTED PROJECT EXPERIENCE

### Environmental Audits

- Independent Environmental Audit of Development Consent of Allied Mills for NSW Department of Planning and Environment
- Independent Environmental Audit of Development Approval of Elf Farm Supplies for NSW Department of Planning and Environment
- Third Party Compliance Environmental Audit of Fairview and Arcadia Valley Project Areas of coal seam gas project for Santos
- Environment Protection and Biodiversity Conservation Act (EPBC) Audit of coal seam gas project development for Santos for Commonwealth government
- Third Party Compliance Environmental Audit of the Fairview Project Area for Santos
- Third Party Compliance Environmental Audit of the Fairview and Arcadia Project Areas for Santos
- Environmental Compliance Audits for Shoalhaven Starches for Department of Planning
- Due diligence environmental audits for Smallgoods Processing Facilities in Qld, NSW and SA
- Due Diligence Audit for Abattoir, Cannon Hill, Qld
- Environmental compliance audit for Sydney Water
- Environmental audits of breeder and broiler farms, hatcheries, feed mills and processing plants in WA, Qld and Vic

### HSE Audits

- Internal HSE gap audit against client specifications for a LNG development project in PNG for ERIAS



Contact: Michael Frankcombe  
Phone: 02 65753413  
Email: [michael.frankcombe@planning.nsw.gov.au](mailto:michael.frankcombe@planning.nsw.gov.au)  
[compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)  
Our ref: DA 293-08-00, as modified

Jackie Spiteri  
Environmental Officer  
Port of Newcastle  
PO Box 790  
Newcastle NSW 2300



**Mayfield 4 Berth DA 293-08-00  
Auditor Approval**

Dear Jackie,

Thank you for your letter to the Secretary 19 July 2017 requesting approval for Sandy Lonergan from SLR Consultants to undertake the Independent Environmental Audit of the Mayfield No. 4 Hardstand Berth in accordance with Schedule 2, Condition 9.4 of DA 293-08-00.

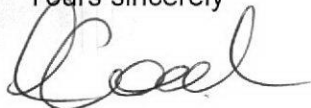
The Department has considered the qualifications and experience of the proposed auditor and approves this request.

The Department requests that the audit be conducted in accordance with the Department's *Independent Audit Guideline – Post-approval requirements for State significant developments, October 2015*.

Please submit the audit report together with responses to any recommendations contained in the report within two months of completing the audit via email to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) in accordance with Schedule 2, Condition 9.5 of DA 293-08-00.

Should you need to discuss the above, please contact Michael Frankcombe as per the details provided above.

Yours sincerely

 27/7/17

Leah Cook  
**Team Leader - Compliance**  
As Nominee of the Secretary