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MAYFIELD 4 BERTH **INDEPENDENT** **ENVIRONMENTAL AUDIT**

MAYFIELD 4 BERTH INDEPENDENT ENVIRONMENTAL AUDIT

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GLOSSARY

Applicant	Port of Newcastle or any other person carrying out the development
Closure Area	Lot 33 in Deposited Plan (DP) 1116571
DA-293-08-00	Development Application number DA-293-08-00 issued for the project, as modified
EIS	Environmental Impact Statement titled <i>Development of a Multi-Purpose Terminal and Remediation of the Closure Area, BHP Newcastle Steelworks</i> dated 11 August 2000 and prepared by URS Corporation
IAPAR 2020	Department of Planning Industry and Environment <i>Independent Audit Post Approval Requirements</i> (June 2018) and <i>Independent Audit: Post Approval Requirements</i> (May 2020)
Mayfield 4 Berth	The multi-purpose common use berth for bulk shipping operations located at Selwyn Street, Mayfield, New South Wales comprising a concrete area, a hardstand covered with bituminous material used for temporary shipping container storage, a site office, security guard hut and amenities
Mayfield Concept Approval	The Mayfield Site Port Related Activities Concept Plan (Mayfield Concept Plan) approved by the NSW Department for Planning, Industry and Environment under section 75O of the <i>Environmental Planning and Assessment Act 1979</i>
Multi-purpose Terminal	Comprises a container terminal and a general cargo handling facility and associated road rail and wharf infrastructure as approved under DA-293-08-00
The Department	NSW Department of Planning, Industry and Environment
The facility	The Mayfield 4 Berth
The site	The Mayfield 4 Berth located at Selwyn Street, Mayfield, New South Wales

ACRONYMS AND ABRIEVIATIONS

AEMR	Annual Environmental Management Report
AS	Australian Standard
CCC	Community Consultative Committee
DA	Development Application
DP	Deposited Plan
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence
HCCDC	Hunter and Central Coast Development Corporation
HVAS	High Volume Air Sampler
IEA	Independent Environmental Audit
ISO	International Organisation for Standardisation
MPT	Multi-Purpose Terminal
NC	Non-compliance
NSW	New South Wales
OEMP	Operational Environmental Management Plan
POEO Act	<i>NSW Protection of the Environment Operations Act 1997</i>
PON	Port of Newcastle
Ramboll	Ramboll Australia Pty Ltd
RCA Australia	RCA Australia Pty Ltd
TSP	Total Suspended Particulate

EXECUTIVE SUMMARY

Ramboll Australia Ltd (Ramboll) has been engaged by Port of Newcastle (PON) to conduct an Independent Environmental Audit of the Mayfield 4 Berth (the 'facility') located at Selwyn Street, Mayfield, New South Wales (the 'site').

Mayfield 4 Berth is a multi-purpose common use berth for bulk shipping operations located at Selwyn Street, Mayfield, New South Wales. Development consent conditions were issued for the facility on 6 April 2001 by the Minister for Urban Affairs and Planning as Development Application (DA) number 293-08-00 (DA-293-08-00). DA-293-08-00 has since been subject to nine modifications, with the most recent modification being approved on 29 August 2013.

DA-293-08-00 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'*.

Mayfield 4 Berth (the *'general cargo handling facility'*) is the only component of the 'Multi-Purpose Terminal' that has been completed, with operations commencing in January 2010. The berth comprises a concrete area, a hardstand covered with bituminous material used for temporary shipping container storage, a site office, security guard hut and amenities.

The 'Closure Area' referred to in DA-293-08-00 is located on Lot 33 in Deposited Plan (DP) 1116571. Part of this area is owned by PON and the remainder by Hunter and Central Coast Development Corporation (HCCDC). The remediation and structure removal work for the facility have been undertaken and completed by HCCDC in 2012. The Closure Area has been remediated and is now managed under the 'Mayfield Concept Approval'.

The Audit is a statutory requirement by the Department under conditions 9.4 to 9.5 of DA-293-08-00. In accordance with condition 9.4, an Independent Environmental Audit is required to be undertaken *within 12 months of commissioning the Multi-Purpose Terminal and every three years thereafter*. The previous Independent Environmental Audit period ended on 27 August 2017. The audit period covered by this Audit is from 28 August 2017 to 4 November 2020.

The Auditors assessed the development to be generally compliant with the conditions of Development Consent DA-293-08-00. Five non-compliance issues were identified relating to five conditions, which are considered to be of an administrative nature:

- Condition 3.1 - Minor non-compliances with DA 293-08-00 were identified.
- Condition 7.4 - Prior to 2018, no dangerous goods register for the facility was used. This non-compliance includes from August 2017 which is part of the audit period. A dangerous goods register is included as Appendix H to the 2018 and 2019 Annual Environmental Management Reports (AEMRs). The dangerous goods register does not include:
 - details on the time of arrival/dispatch of all dangerous goods to the site
 - quantities of dangerous goods
 - packaging specifications and UN number.
- Condition 9.1 - A formal notification was not provided to the Department of the name and contact details of the current Environmental Officer following change of personnel. This non-compliance was rectified following review of the Draft Audit report by PON.
- Condition 9.2 - There is no evidence that the AEMRs have been submitted to the EPA for the audit period. This was completed following review of the Draft Audit report By PON.
- Condition 9.3 - An update on the previous Independent Environmental Audit is not provided in the 2019 AEMR.

1. INTRODUCTION

1.1 Background

Ramboll Australia Ltd (Ramboll) has been engaged by Port of Newcastle (PON) to conduct an Independent Environmental Audit of the Mayfield 4 Berth (the 'facility') located at Selwyn Street, Mayfield, New South Wales (NSW) (the 'site').

Mayfield 4 Berth is a multi-purpose common use berth for bulk shipping operations located at Selwyn Street, Mayfield, New South Wales. Development consent conditions were issued for the facility on 6 April 2001 by the Minister for Urban Affairs and Planning as Development Application (DA) number 293-08-00 (DA-293-08-00). DA-293-08-00 has since been subject to nine modifications, with the most recent modification being approved on 29 August 2013.

DA-293-08-00 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'*.

Mayfield 4 Berth (the *'general cargo handling facility'*) is the only component of the 'Multi-Purpose Terminal' that has been completed, with operations commencing in January 2010. The berth comprises a concrete area, a hardstand covered with bituminous material used for temporary shipping container storage, a site office, security guard hut and amenities. The berth and hardstand has been fully remediated in compliance with the Voluntary Remediation Agreement requirements and is now isolated from the remainder of the site in terms of stormwater and groundwater.

The berth generally operates Monday to Friday during standard business hours, however, can operate 24-hours a day, seven days a week during loading or unloading activities. During loading and unloading activities, mobile equipment such as cranes, forklifts and mobile conveyors were used. Potential cargos for the berth include project cargos (e.g. wind turbines, transformers, mining equipment and materials), break bulk (inert materials only), general containerized freight, bulk cargoes, ammonia nitrate in containers or bulker bags.

The 'Closure Area' referred to in DA-293-08-00 is located on Lot 33 in Deposited Plan (DP) 1116571. Part of this area is owned by PON and the remainder by Hunter and Central Coast Development Corporation (HCCDC). The Closure Area is now managed under the 'Mayfield Concept Approval'.

The Audit is a statutory requirement by the Department under conditions 9.4 to 9.5 of DA-293-08-00. In accordance with condition 9.4, an Independent Environmental Audit is required to be undertaken *within 12 months of commissioning the Multi-Purpose Terminal and every three years thereafter*. The previous Independent Environmental Audit period ended on 27 August 2017.

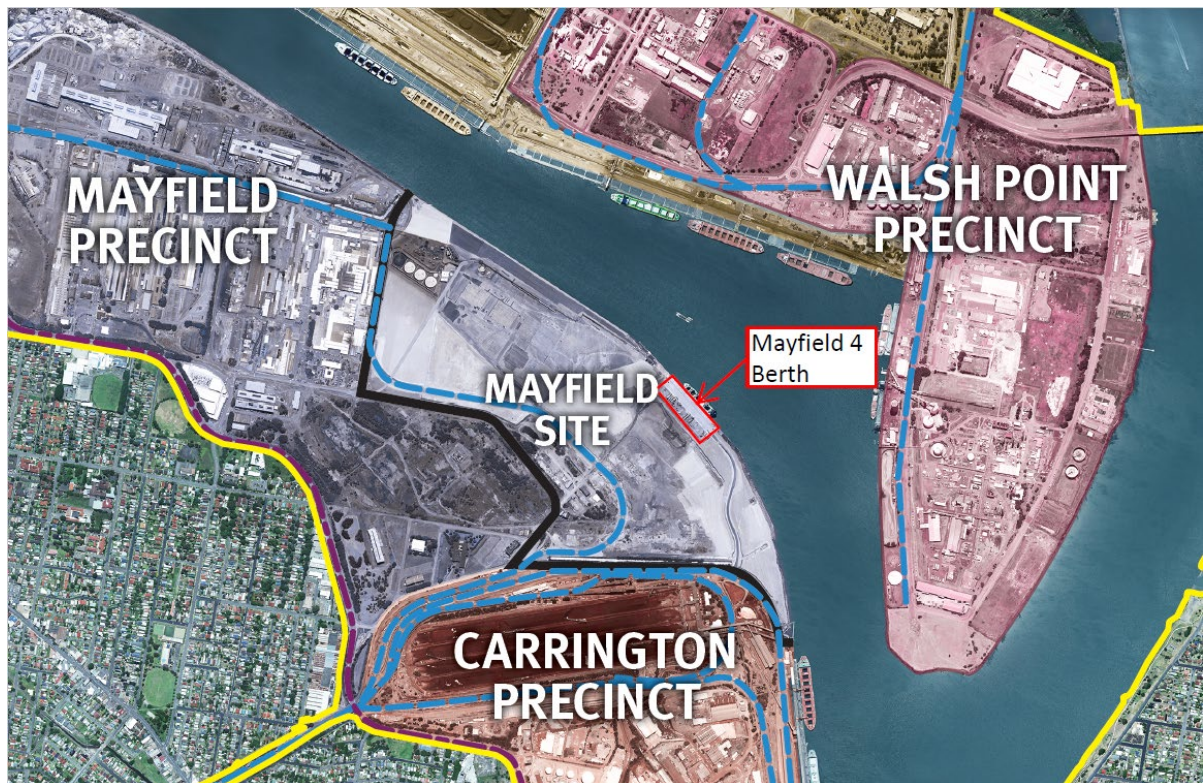


Figure 1: Site layout

Source: OEMP (PON, 2018)

1.2 Audit team

The Audit Team comprised Victoria Sedwick (Lead Auditor), Shaun Taylor (Auditor) and Taylor Jackson (Auditor) of Ramboll. The Audit Report was prepared by the Auditors and reviewed and authorised by the Lead Auditor.

1.3 Audit objectives

The objective of the audit was to independently assess the environmental performance and compliance status of the facility under DA-293-08-00 during the audit period.

1.4 Audit scope

To assess the environmental performance of the site as required under conditions 9.4 to 9.5 of DA-293-08-00, the Audit is required to verify and report as per the following:

"Independent Environmental Audit

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:

- (a) Be conducted by a suitably qualified, experienced, and independent person whose appointment has been endorsed by the Director-General;*
- (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;*
- (c) Assess the environmental performance of the development, and its effects on the surrounding environment;*

- (d) Assess whether the development is complying with the relevant standards, performance measures, and statutory requirements;*
 - (e) Review the adequacy of the Applicant's Environmental Management Plan, and Environmental Monitoring Program; and, if necessary,*
 - (f) Recommend measures or actions to improve the environmental performance of the plant, and/or the environmental management and monitoring systems.*
- 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."*

The focus of this audit is on the operations of the Mayfield 4 Berth as relevant to the audit period.

1.5 Audit period

The audit period covered by the previous Independent Environmental Audit ended on 27 August 2017. The audit period covered by this Audit is from 28 August 2017 to 4 November 2020. The site visit was conducted by Shaun Taylor and Taylor Jackson on 4 November 2020.

2. AUDIT METHODOLOGY

2.1 Overview

The Audit has been conducted at the site to review the facility's activities; management of impacts on the environment from these activities; and to confirm compliance against the relevant Development Consent conditions for the facility.

The Audit was conducted in accordance with *Australian Standard AS/NZS ISO 19011:2014 Australian/New Zealand Standards: Guidelines for quality and/or environmental management systems auditing* (which replaced ISO 14010) and the Department's revised *Independent Audit: Post Approval Requirements* (May 2020) (IAPAR 2020).

2.2 Selection and endorsement of the audit team

The Ramboll Auditors referred to in Section 1.2 have experience conducting environmental compliance audits and are independent from the facility. Victoria Sedwick is a certified Lead Auditor with Exemplar Global (Certificate No. 13180). The Department issued a letter of endorsement for the Audit Team on 22 October 2020 (refer to letter in Appendix 2).

2.3 Independent audit scope development

The scope for the Audit was developed to assess environmental performance in relation to DA-293-08-00 during the audit period, which included all post approval documents prepared to satisfy the conditions relevant to the audit period.

A comprehensive protocol (Audit Table) was developed for the development consent to facilitate onsite interviews and inspection for the assessment of compliance. The Audit Tables include:

- A unique identification number for each condition of consent (ID)
- The exact wording of the compliance requirement
- Evidence used to assess and determine whether each requirement has been complied with
- Commentary on findings and recommendations
- Recording the status of compliance
- A unique identification number for each non-compliance (NC).

The completed Audit Table is provided in Appendix 1.

PON also holds an Environmental Protection Licence (EPL) issued by the Environmental Protection Authority (EPA) under the NSW *Protection of the Environment Operations Act 1997* (POEO Act) for Mayfield 4 Berth (EPL No. 13181). Compliance with EPL 13181 does not form part of the Audit scope in accordance with IAPAR 2020.

2.4 Site inspection and interviews

A one-day site visit was undertaken on 4 November 2020 by the Auditor, Shaun Taylor. The Auditor was accompanied by PON representatives Brigid Kelly (Environmental Advisor) and Peter Ostrowski (Work Supervisor). During this site visit, the Auditor observed operations and activities at the facility, interviewed the two accompanying PON representatives and clarified any issues identified during the document review task.

2.5 Consultation

The Auditors consulted with the Department. Outcomes of consultation undertaken during the audit are included in Section 3.8.

2.6 Compliance status descriptors

All information gathered throughout the Audit process was reviewed, evaluated and collated into this Audit Report to assess compliance with DA-293-08-00.

This Audit Report has been prepared generally in accordance with IAPAR 2020. As such, the following compliance descriptors have been used:

Compliant	The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit.
Non-compliant	The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit.
Not triggered	A requirement has an activation or timing trigger that has not been met at the time when the Audit is undertaken, therefore an assessment of compliance is not relevant.

Observations have also been made that identify opportunities for improvement with recommendations given where relevant (refer to section 4).

3. AUDIT FINDINGS

3.1 Approval and document list

Approvals and documents provided by PON and/or available on the applicant's website, as well as the Department's Major Projects website, reviewed by the Auditors included:

- Development consent for DA-293-08-00
- Environmental assessment documents
- Management plans and other documentation as listed in Section 0
- Previous independent environmental audit
- Environmental monitoring reports (air quality, noise and water)
- Site registers including for complaints, incidents, vessel movements and dangerous goods
- Email/letter correspondence records.

Consent conditions relevant only to the audit period have been assessed in this audit.

3.2 Compliance performance

Compliance performance with the Project Approval was determined from a review of project documentation, audit observations and interviews with site representatives. Table 3-1 provides a summary of the compliance performance. Full details of the auditors' findings are documented within Appendix 1 of this report. Non-compliances are identified in Section 3.4.

Table 3-1: Summary of compliance performance

Number of compliance requirements (i.e. conditions audited)	120
Total number of not triggered conditions	83
Total number of compliant conditions	32
Total number of non-compliant conditions	5

3.3 Summary of agency notices, orders, penalty notices or prosecutions

The Auditors are not aware of any agency notices, orders, penalty notices or prosecutions made against the facility during the audit period.

3.4 Non-compliances

Key non-compliances with the conditions of DA-293-08-00 are noted in Table 3-2. Section 4.1 provides recommendations associated with each non-compliance below. Some of the non-compliances identified have been rectified by the project team following submission of the draft Audit Report as noted below.

Table 3-2: Summary of Non-compliances

NC#	Condition/s	Non-compliance
NC1	3.1	Minor non-compliances with DA 293-08-00 were identified as noted in this table.
NC2	7.4	<p>Prior to 2018, no dangerous goods register for the facility was used. This includes from August 2017 which is part of the audit period. A dangerous goods register is included as Appendix H to the 2018 and 2019 AEMRs. The dangerous goods register does not include:</p> <ul style="list-style-type: none"> • details on the time of arrival/dispatch of all dangerous goods to the site • quantities of dangerous goods • packaging specifications and UN number.

NC#	Condition/s	Non-compliance
NC3	9.1	A formal notification was not provided to the Department of the name and contact details of the current Environmental Officer following change of personnel. Note: this non-compliance was rectified following submission of the Draft Audit report.
NC4	9.2	There is no evidence that the AEMRs have been submitted to the EPA for the audit period. Note: Following submission of the draft Independent Audit Report, PON submitted the 2017, 2018 and 2019 AEMRs to the EPA.
NC5	9.3	An update on the previous Independent Environmental Audit is not provided in the 2019 AEMR.

3.5 Previous audit recommendations

An Independent Environmental Audit of DA-293-08-00 was conducted by SLR in 2017. An assessment of progress on the recommendations made in the previous audit was is presented in Table 3-3.

Table 3-3: Previous Independent Environmental Audit recommendations

Condition	Requirement	Non-compliance	PON Action/comment	Auditor comment
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.	PON has incorporated this requirement into the Corporate Calendar.	The General Cargo Handling Facility report was submitted on 28 February 2017.
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.	See other actions (1.1B; 8.1; 8.16 and 9.5).	Minor non-compliances with DA 293-08-00 were identified during this audit as detailed in Appendix 1.
8.1	The Applicant must prepare and implement a detailed Environmental Monitoring Program	PON has prepared a monitoring program, however has not implemented 100% of the program for the entire reporting period. Equipment malfunction resulted in water samples not being collected.	PON has engaged a contractor to undertake regular maintenance of the automated water samplers.	Evidence of implementation of the environmental monitoring program was provided to the Auditor including environmental monitoring reports for air quality, noise and water. No equipment malfunctions were noted by the Auditor to have occurred during the audit period.
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.	PON has engaged a contractor to undertake regular maintenance of the automated water samplers	RCA Australia has been contracted to the undertake regular maintenance of the automated water samplers. Monitoring reports were provided to the Auditor. No equipment malfunctions were noted by the Auditor to have occurred during the audit period.

Condition	Requirement	Non-compliance	PON Action/comment	Auditor comment
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.	This was for the 2014 audit. Because of the previous non-compliance the environmental audits are incorporated into the PON Corporate Calendar. 2017 Audit submitted on time.	The previous Independent Environmental Audit was submitted by the required due date.

3.6 EMP, sub-plans and compliance documents

The Operation Environmental Management Plan (OEMP) (PON, 2018) is the overarching management tool used on site. The OEMP includes the following sub-plans as appendices:

- Contaminated Site Management Plan (Appendix D)
- Heavy Vehicle Route Plan (Appendix E).

Works at the facility under the Contaminated Site Management Plan were completed prior to the audit period.

Compliance with these management plans was assessed during the Audit as relevant to the current project stage (refer to Appendix 1 and discussion in Section 3.7). The Auditors have reviewed these plans and provided recommendations for improvement, where relevant. Activities during the audit period were considered to be generally consistent with the OEMP.

3.7 Environmental performance

3.7.1 Stormwater

Management of surface water along Mayfield 4 Berth and hardstand is necessary to protect the Hunter River. Stormwater is collected in the power drain located between the wharf front and the cement apron. The drainage system includes three treatment chambers to remove any hydrocarbons and suspended solids.

The hardstand area at the rear of the berth drains into a stormwater swale outside the boundaries of the berth area. The swale has been designed to remove contaminants and other pollution that may be contained in the runoff. The swale connects to a stormwater drain for discharge to the Hunter River.

Discharge water monitoring is undertaken at the Mayfield No.4 Berth on the first discharge event following a loose bulk cargo operation from three stormwater pits (Pit 1, Pit 2 and Pit 3). Reporting on the discharge monitoring program is provided by RCA Australia Pty Ltd (RCA Australia) on a monthly basis. No loose bulk cargo was handled during the audit period requiring discharge monitoring.

An inspection of the stormwater management system was undertaken by a representative from the Department (Heidi Watters) on 20 September 2018 following submission of the previous Independent Environmental Audit. The Department representative stated *"...It was good to see the facility in operation, and that environmental controls were in place to reduce environmental impacts of any spillage of cargo being unloaded (noting that no spillage was observed during the inspection). Stormwater Pit 4 was observed to be not draining properly (photo attached). While this pit is no longer required to be monitored for discharge under the conditions of the EPL (regulated by the EPA), it is recommended that the pit be inspected and maintenance undertaken to allow it to drain properly."* PON responded to the recommendation by infilling the drain and reverting the drainage to feed into the swale to address the drainage issue. Monitoring is no longer undertaken at Pit 4.

3.7.2 Noise

Operational noise monitoring was undertaken on an annual basis during operations at nearby receivers with the results analysed to ensure that the site is operating in a manner consistent with the expectations of the local community and regulatory approvals. During the audit period, the annual noise monitoring reports prepared by AECOM reported no exceedances of the noise criteria

specified in Condition 5.11 of the development consent. No complaints had been received in relation to noise during the audit period. The Auditor is therefore of the opinion that noise impacts were adequately managed during operation of the facility.

3.7.3 Air quality and dust

Air emissions from the operation and maintenance of the site are expected to be minimal as the site is completely sealed. A PM₁₀ High Volume Air Sampler (HVAS) and Total Suspended Particulate (TSP) sampler are installed on the site. The HVAS and TSP were observed during the site inspection. It was noted during the site inspection that the test tag on the TSP noted that the next test in accordance with AS/3760 was due on 3 October 2019 (overdue).

Air quality monitoring is undertaken by RCA Australia. PON receives a monthly report from RCA Australia detailing results of the air quality program. Example reports were provided to the Auditors during the audit. Some exceedances of the air quality criteria are reported (refer to response to Condition 8.9 in Appendix 1 for details). However it is reported that the cargo being handled at the time of all recorded exceedances were contained and therefore did likely not occur as a result of the facility, and were likely caused by cumulative offsite sources.

3.8 Consultation outcomes

Table 3-4 provides a summary of the consultation outcomes undertaken with the Department as part of the audit and where each comment has been addressed. There are no specific consultation requirements specified in the Development Consent.

Table 3-4: Consultation outcomes

Agency	Comments	Where addressed
Department	The Department advised in an email dated 26 November 2020 that it has no comment.	N/A

3.9 Complaints

The complaints handling procedure is included in Section 4.5 of the OEMP. Complaints may be made via the website, phone, post, email or in person. Ramboll understands that no complaints were received in the audit period as no complaints are reported in the AEMRs or on the Complaints Register Maintained by PON.

It was noted that the Complaints Handling procedure described in Section 4.5 of the OEMP incorrectly references <http://www.portofnewcastle.com.au/Contact/Contact-Us.aspx> as the website for complaints. The correct web address is: <https://www.portofnewcastle.com.au/contact-us/>.

3.10 Incidents

The Auditors understand from the site interview and the Incident Register maintained by PON that no incidents requiring notification to the Department occurred during the audit period.

3.11 Actual versus predicted impacts

The Auditors have not identified significant inconsistencies between actual environmental impacts and the predicted environmental impacts. As the berth is the only operational component of the facility, the impacts are considered to be less than those predicted in the EIS.

3.12 Site inspection

Photos from the site inspection are in Appendix 4. In general, the facility site was observed to be well maintained and in a tidy condition. The berth comprised a concrete area, a hardstand covered with bituminous material used for temporary shipping container storage, a site office, security guard hut and amenities. Mobile equipment such as cranes, forklifts and mobile conveyors were located on site but were not being used at the time of the site inspection.

General environmental controls observed at the site included:

- Spill kits located near the site entrance
- Skip bin located near the site entrance. It was advised by site personnel that this is serviced on a fortnightly basis
- Lighting was directed downwards and away from surrounding sensitive receivers and land uses
- Site security measures including onsite security guard, fencing, locked entry/exit gate and surveillance cameras.

These controls are generally consistent with those described in the OEMP.

3.13 Site interviews

Interviews with PON representatives Brigid Kelly (Environmental Advisor) and Peter Ostrowski (Work Supervisor) were conducted on the day of the site visit. Information regarding the history of the site and the current operations was provided. Further information was later provided on request via email and has been incorporated into this Audit Report where relevant.

3.14 Previous annual review or compliance report recommendations

The previous AEMR identified no non-compliances with the standards, performance measures and statutory requirements for the development.

3.15 Key strengths

Management systems and environmental performance are considered by the Auditor to be of a high standard. Impacts to sensitive receivers were well managed during operations as evident by the absence of complaints, exceedances of environment monitoring criteria and incidents. Minimal non-compliances with the development consent were identified by the Auditor during the audit.

4. RECOMMENDATIONS AND CONCLUSION

4.1 Non-compliance recommendations

Table 4-1 provides a summary of the non-compliance recommendations identified as part of this Audit with specific details in Appendix 1.

Table 4-1: Non-compliance Recommendations

NC#	Condition/s	Recommendation
NC1	3.1	Review and respond as appropriate to the recommendations described in this audit to remedy and/or prevent future non-compliances with the conditions of the development consent.
NC2	7.4	The dangerous goods register should be updated to include all the requirements under Condition 7.4. It is noted by the Auditor that some of this information may be sensitive but should be included on an internal register if not published in the AEMRs.
NC3	9.1	No recommendations are required as the non-compliance has been addressed following submission of the draft Audit Report.
NC4	9.2	Ensure all future AEMRs are sent to the EPA.
NC5	9.3	Include an update on an actions from the most recent Independent Environmental Audit in all future AEMRs.

4.2 Opportunities for improvement

Table 4-2 provides a summary of the additional continual improvement recommendations identified as part of this Audit with specific details in Appendix 1.

Table 4-2: Continual Improvement Recommendations

Condition/s	Recommendation
4.4	The next update of the OEMP should include a review of references to ensure they are correct.
4.4	Update Section 4.5 of the OEMP with the correct web address for complaints handling (https://www.portofnewcastle.com.au/contact-us/).
8.9	Testing of the TSP should be completed at regular intervals in accordance with AS/3760. A schedule should be maintained on a site database to ensure future testing dates are met.
8.14	Include a discussion on the groundwater monitoring in the AEMRs.

4.3 Conclusion

The Auditors assessed the development to be generally compliant with the conditions of Development Consent DA-293-08-00. Five non-compliance issues were identified relating to five conditions, all of which are considered to be of an administrative nature. Some opportunities for improvement were also identified. Management systems and environmental performance of the development are considered to be generally adequate for the stage of development.

5. LIMITATIONS

Ramboll Australia Pty Ltd prepared this report in accordance with the scope of work as outlined in our proposal to Port of Newcastle dated 4 September 2020 and in accordance with our understanding and interpretation of current regulatory standards.

Site conditions may change over time. This report is based on conditions encountered at the site at the time of the report and Ramboll Australia Pty Ltd disclaims responsibility for any changes that may have occurred after this time.

The conclusions presented in this report represent Ramboll Australia Pty Ltd's professional judgment based on information made available during the course of this assignment and are true and correct to the best of Ramboll Australia Pty Ltd's knowledge as at the date of the assessment.

Ramboll Australia Pty Ltd did not independently verify all of the written or oral information provided to Ramboll Australia Pty Ltd during the course of this investigation. While Ramboll Australia Pty Ltd has no reason to doubt the accuracy of the information provided to it, the report is complete and accurate only to the extent that the information provided to Ramboll Australia Pty Ltd was itself complete and accurate.

This report does not purport to give legal advice. This advice can only be given by qualified legal advisors.

This report has been prepared exclusively for Port of Newcastle. It may not be relied upon by any other person or entity without Ramboll Australia Pty Ltd's express written permission.

APPENDIX 1

INDEPENDENT AUDIT TABLE

Table A-1: Compliance with Development Application DA 293-08-00

CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
1	STAGED DEVELOPMENT				
1.1	Under Section 80(4) of the Act, this consent applies to Stage 1 of the development, as described in Schedule 1, only.	<ul style="list-style-type: none"> DA 293-08-00 2019 AEMR Site visit observation 	<p>Stage 1 is defined in Schedule 1 as: <i>"being the remediation of the Closure Area, including the demolition and 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 and dredging of the South Arm of the Hunter River."</i></p> <p>Remediation of the Closure Area was completed in 2012. Mayfield 4 Berth is the only component of the 'Multi-Purpose Terminal' that has been completed, with operations commencing in January 2010. This audit therefore only considers activities associated with the operation of the Mayfield 4 Berth as relevant to the audit period.</p>	Compliant	
1.1A	The approval for the General Cargo Handling Facility granted under MOD-56-7-2008 shall operate for a maximum period of ten years from the date of this modification, or as otherwise agreed to by the Director-General.	<ul style="list-style-type: none"> DA 293-08-00 Letter from the Department subject: <i>Mayfield 4 General Cargo Handling Facility – Extension of Operations</i> dated 13/04/2018 	MOD-56-7-2008 was granted on 21 November 2008 and therefore was due to lapse on 21 November 2018. PON submitted a request on 5 May 2017 to the Department for the continued operation of the General Cargo Handling Facility indefinitely. A five-year extension was granted by the Department to 21 November 2023 on 13 April 2018.	Compliant	

Table A-1: Compliance with Development Application DA 293-08-00

CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
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.	<ul style="list-style-type: none"> <i>General Cargo Handling Facility Mayfield 4 Berth</i> (PON, 2018) Previous Independent Environmental Audit (SLR, 2018) 	<p>Operation of the General Cargo Handling Facility commenced in January 2010. The first five yearly report was submitted on 28 February 2017 (noted as non-compliant in the previous audit). The Department requested the five-yearly report be updated in response to the request to extend the operation of the General Cargo Handling Facility indefinitely (refer to response to Condition 1.1A).</p> <p>The Auditor viewed the updated report '<i>General Cargo Handling Facility Mayfield 4 Berth</i>' prepared by PON for the period January 2010 to December 2016. The report was first published in February 2017 and updated in October 2017 and January 2018 following comments from the Department. A table is included in Section 4 of the updated report summarising the updates made to the report in response to the Department's request including justification on the facilities continued operation.</p>	Compliant	
1.2	<p>Under Section 80(5) of the Act, the Applicant will require a further consent from the Minister for Stage 2 of the development.</p> <p><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</i></p>	<ul style="list-style-type: none"> DA 293-08-00 2019 AEMR Site visit observation 	The Auditor understands that no requests have been made for Stage 2 of the development. Stage 1 activities have not yet been completed (refer to response to Condition 1.1).	Not triggered	

Table A-1: Compliance with Development Application DA 293-08-00

CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	<i>authorities and consider any submissions before Stage 2 of the development is determined.</i>				
2	GENERAL				
	Obligation to Minimise Harm to the Environment				
2.1	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.	<ul style="list-style-type: none"> OEMP (PON, 2018) 2017 AEMR 2018 AEMR 2019 AEMR Incident Register Site visit observation 	Activities onsite were observed to be undertaken generally in accordance with the current OEMP. The OEMP provides the system to manage and control environmental aspects of the facility to prevent environmental harm. The Auditor noted no evidence that any incidents resulting in material harm to the environment have occurred during the audit period. General environmental management on site was observed to be of a high standard.	Compliant	
	Terms of Approval				
2.2	<p>The Applicant shall carry out the development generally in accordance with the:</p> <p>(a) Development application DA-293-08-00 submitted to the Department of Urban Affairs and Planning, accompanied and amended by:</p> <p>(i) the letter from the Applicant to the Director-General, dated 28 September 2000, specifically excluding Stage 2 and all works;</p> <p>(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;</p> <p>(iii) Additional information supplied to the Environment Protection Authority by URS Corporation including:</p>	<ul style="list-style-type: none"> DA 293-08-00 This table The EIS Site visit observation 	<p>The approvals relevant to the current stage of the development are (a), (h) and (j) as listed in the adjacent column.</p> <p>Activities observed on site were considered to be generally in accordance with the approvals as relevant to the current stage of operations and activities that were undertaken in the audit period with minor exceptions as outlined in this table.</p> <p>The wharf is comprised of a concrete area while the land-based hardstand has been sealed with bituminous material. Shipping containers were</p>	Compliant	

Table A-1: Compliance with Development Application DA 293-08-00

CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	<p>(iv) Development of a Multi-Purpose Terminal and Remediation of the Closure Area, BHP Newcastle Steelworks Environmental Impact Summary Document;</p> <p>(v) "Response to EPA Request for Additional Information – Air Quality Issues, BHP Newcastle Steelworks Development", prepared for BHP Newcastle, 11 November 2000;</p> <p>(vi) "Response to EPA Request for Additional Information – Noise Issues, BHP Newcastle Steelworks Development", prepared for BHP Newcastle, 14 November 2000.</p> <p>(vii) The document titled <i>Proposed Multi-Purpose Terminal Consequence Analysis for URS</i>, prepared by Quest Consulting Engineers Pty Ltd and dated February 2001;</p> <p>(b) Modification application DA-293-08-00-M1, approved on 29 June 2001, in relation to the timing of establishment of a Community Consultative Committee;</p> <p>(c) Modification application DA-293-08-00-M2, approved on 13 August 2001, in relation to excision of heritage areas from the development area;</p> <p>(d) Modification application DA-293-08-00-M3, approved on 15 February 2002, in relation to protection of fig trees and noise monitoring requirements;</p> <p>(e) Modification application MOD-77-7-2003-i, 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 <i>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</i>, prepared by</p>		temporarily stored on the bitumen hardstand area. A site office, security guard hut and amenities are located at the southern end of the site. During loading and unloading activities, mobile equipment such as cranes, forklifts and mobile conveyors are used. These were not being used during the site inspection.		

Table A-1: Compliance with Development Application DA 293-08-00

CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	<p>BHP Billiton and dated 23 April 2003, relating to the modifications to the consent;</p> <p>(ii) the letter, titled <i>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</i>, prepared by BHP Billiton Ltd and dated 8 June 2003, relating to the modifications to the consent;</p> <p>(iii) the report, titled <i>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</i>, prepared by BHP Billiton Ltd and dated 2 July 2003, relating to the modifications to the consent;</p> <p>(f) Modification application MOD-60-4-2005-i, 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 <i>Application to Vary Development Conditions for the Multi Purpose Terminal and Remediation of the Former BHP Site, Mayfield (2001)</i>, prepared by URS Australia Pty Ltd and dated 19 April 2005; and</p> <p>(g) Modification application MOD-64-7-2007-i, approved on 21 August 2007, in relation to alteration of the alignment of the railway lines and relocation of two major stormwater drainage lines on the site, accompanied and amended by:</p> <p>(i) <i>Application to Vary Development Conditions for the Multi Purpose Terminal and Remediation of the Former BHP Site, Mayfield (2000)</i>, prepared by the Regional Land Management Corporation Pty Ltd and dated 10 July 2007;</p> <p>(ii) the letter, titled <i>Remediation Civil Design Works – Main Works Site – Stormwater Analysis</i> prepared</p>				

Table A-1: Compliance with Development Application DA 293-08-00

CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	<p>by Patterson Britton & Partners and dated 12 July 2007, relating to the modification to consent;</p> <p>(iii) the report, titled Preliminary Design Stormwater Strategy Issue No 2 prepared by Patterson Britton & Partners and dated August 2006, , relating to the modification to consent;</p> <p>(iv) the plans, titled Selwyn Street Drain (Drawing Nos 6073-500, 501 & 502 Issue 1) prepared by Patterson Britton & Partners; and</p> <p>(h) Modification application MOD-56-7-2008 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> <p>(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;</p> <p>(ii) Plans titled Mayfield Berth Refurbishment Plans prepared by Patterson Britton & Partners Pty Ltd dated July 2008;</p> <p>(iii) Plans titled Selwyn Road Upgrade Plans prepared by Worley Parsons Pty Ltd and dated August 2008; and</p> <p>(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</p> <p>(i) Modification application MOD-06-02-2009 in relation to a minor change to the rail line layout, accompanied and amended by:</p> <p>(i) Section 96 Modification Application, Multi-purpose Terminal and Remediation of the Closure Area, BHP Newcastle Steelworks, submitted by Hunter</p>				

Table A-1: Compliance with Development Application DA 293-08-00					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	<p>Development Corporation and dated 12 February 2009; and</p> <p>(ii) <i>Application to Vary Development Conditions for the Multi Purpose Terminal and Remediation of the Former BHP Site, Mayfield (2000)</i>, 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>				
	Restriction 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>	<ul style="list-style-type: none"> • Screenshot of Tableau (recording system) • Email from PON representative Wayne Mabbott (Cargo Logistics Manager) dated 23/11/20 	<p>Annual container numbers at the berth have reportedly not exceeded more than 350,000 containers per annum as reported in the site recording system (Tableau) as follows:</p> <ul style="list-style-type: none"> • 2017 – 1,841 • 2018 – 1,551 • 2019 – 16 • 2020 – 22. <p>A representative from PON, Wayne Mabbott (Cargo Logistics Manager), stated in an email from 23 November 2020: <i>"The drop in the number of containers handled over M4 in recent years is directly related to the conclusion of the Swire PNG service which was a regular fortnightly caller up until 2019."</i></p>	Compliant	

Table A-1: Compliance with Development Application DA 293-08-00					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	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.		Construction work for the berth were completed prior to the audit period. No additional construction works occurred during the audit period.	Not triggered	
2.5	Before commissioning the development, the Applicant must obtain an occupation certificate for the development from the Principal Certifying Authority.		Commissioning of the berth was completed prior to the audit period.	Not triggered	
2.6	The applicant shall engage an EPA Accredited Site Auditor to provide to Director-General and the Department of Environment and Climate 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.		Construction of the berth hardstand area was completed prior to the audit period.	Not triggered	
3	COMPLIANCE AND COMPLIANCE REPORTS				
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.	<ul style="list-style-type: none"> DA 293-08-00 This table EPL 13181 Annual Return 2018 EPL 13181 Annual Return 2019 EPL 13181 Annual Return 2020 	<p>The relevant statutory approvals are DA 293-08-00 (as modified) and the EPL. Both were provided to the Auditor and were current for the operation.</p> <p>Minor non-compliances with DA 293-08-00 were identified as noted in this table.</p> <p>Recommendation: Review and respond as appropriate to the recommendations described in this audit to remedy and/or prevent future non-compliances with the conditions of the development consent.</p>	Non-compliant	NC1

Table A-1: Compliance with Development Application DA 293-08-00					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
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.).	<ul style="list-style-type: none"> WHS 0001 Access Induction.pptx WHS 0002 Work Induction.pptx Newcastle Stevedores inductions.pdf (2/11/2020) 	Induction records for Newcastle Stevedores Pty Ltd were viewed by the Auditor. Example induction materials were also provided to the Auditor and included environmental components. The Auditors were required to undertake the induction prior to the site inspection.	Compliant	
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.		Construction work for the berth and the commencement of operations were completed prior to the audit period.	Not triggered	
4	ENVIRONMENTAL MANAGEMENT PLANS				
	Contaminated Site Environmental Management Plan				
4.1	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: (a) procedures required to maintain the integrity of the capping system; (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		Remediation work within the Mayfield 4 Berth were completed in 2012 prior to the audit period.	Not triggered	

Table A-1: Compliance with Development Application DA 293-08-00

CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	system and meet the requirements of Conditions 5.17 and 5.18 are met; and (c) legal responsibilities under the Protection of the Environment Operations Act 1997.				
	Site Preparation Environmental Management Plan				
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> <p>(a) A description of the proposed site preparation works; (b) An outline the proposed site preparation work program; (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 <i>Protection of the Environment Operations Act 1997</i>; (d) Standards and performance measures for each of the relevant environmental matters associated with the site preparation works; (e) A Description of what actions and measures will be implemented to mitigate the potential impacts of the site preparation works, and to ensure that these works will comply with the relevant standards and performance measures; (f) A detailed description of what measures and procedures will be implemented to:</p> <ul style="list-style-type: none"> • Manage potential pollutants exposed to air, and surface and groundwater during demolition of structures; • Manage traffic; • Mitigate potential noise impacts; • Mitigate potential dust impacts; • Mitigate pollution of surface and groundwater; • Register and respond to complaints; 		Remediation and site preparation work within the Mayfield 4 Berth were completed prior to the audit period.	Not triggered	

Table A-1: Compliance with Development Application DA 293-08-00

CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	<ul style="list-style-type: none"> Ensure the occupational health and safety of workers; Respond to any emergencies; and Respond to the discovery of any archaeological relics or sites during site works. <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"> Contaminated Site Management Plan (Condition 4.1); Site Preparation and Construction Noise Management Plan (Condition 5.8); Soil and Water Management Plan (Condition 5.27); Heavy Vehicle Route Plan (Condition 5.46) Archaeological Management Plan (Condition 6.3). <p>The plan must be submitted and approved by the Director-General prior to site preparation works commencing.</p>				
	Construction Environmental Management Plan				
4.3	<p>The Applicant must prepare and implement a Construction Management Plan for the Multi-Purpose Terminal development. This plan must:</p> <p>(a) Describe the proposed construction works;</p> <p>(b) Outline the proposed construction work program;</p> <p>(c) Identify all the relevant statutory requirements and conditions of consent that apply to the construction phase of the development;</p> <p>(d) Set standards and performance measures for each of the relevant environmental matters associated with the construction work;</p>		Construction work for the berth were completed prior to the audit period.	Not triggered	

Table A-1: Compliance with Development Application DA 293-08-00

CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	<p>(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;</p> <p>(f) Describe in detail what measures and procedures will be implemented to:</p> <ul style="list-style-type: none"> • Manage construction traffic; • Mitigate any potential dust impacts; • Register and respond to complaints during the construction period; • Ensure the occupational health and safety of construction workers; • Respond to any emergencies; and • Respond to the discovery of any archaeological relics or sites during site works. <p>(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;</p> <p>(h) Describe the role, responsibility, authority, accountability, and reporting of key personnel involved in the construction of the development;</p> <p>(i) Include the following plans:</p> <ul style="list-style-type: none"> • Soil and Water Management Plan (Condition 5.27) • Site Preparation and Construction Noise Management Plan (Condition 5.8); • Heavy Vehicle Route Plan (Condition 5.46) • Landscape Management Plan (Condition 5.47) • Contaminated Site Management Plan (Condition 4.1) • Archaeological Management Plan (Condition 6.3) <p>No construction work on the Multi-Purpose Terminal may occur before this plan has been approved by the Director-General.</p>				

Table A-1: Compliance with Development Application DA 293-08-00

CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	Operation Environmental Management Plan				
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"> • Register and respond to complaints; • Ensure the operational health and safety of the workers; and • Respond to potential emergencies, such as plant failure; <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>(h) Include the following:</p> <ul style="list-style-type: none"> • Stormwater Management Plan (condition 5.30); • Capping Maintenance Plan (Condition 5.20); • Contaminated Site Environmental Management Plan (Condition 4.1); and, • Heavy Vehicle Route Plan (Condition 5.46). 	<ul style="list-style-type: none"> • OEMP (PON, 2018) • Site visit observations • Example site inspection records from 16/10/18, 24/10/19, and 11/11/20 	<p>The requirements under this condition are met in the OEMP as follows:</p> <p>(a) Section 1.4 – Mayfield No.4 Berth Description.</p> <p>(b) Section 3.0 – Statutory Requirements.</p> <p>(c) Section 2.2 – Environmental Policy Objectives and Section 7.0 – Operational Environmental Management Plan.</p> <p>(d) Section 7.0 – Operational Environmental Management Plan.</p> <p>(e) Section 4.5 – Complaints Handling. Section 10.0 – Occupational Health and Safety. Section 8.0 – Emergency Response and Contact Details.</p> <p>(f) Section 2.0 – Environmental Management Responsibilities.</p> <p>(g) Section 4.1 – Environmental Monitoring Program.</p> <p>(h) Section 7.2 – Stormwater. Section 7.4 – Capping Maintenance. Section 7.5 – Contaminated Site Management and Appendix D – Contaminated Site Management Plan. Section 7.6.1 – Heavy Vehicle Routes and Appendix E – Heavy Vehicle Route Plan.</p>	Compliant	

Table A-1: Compliance with Development Application DA 293-08-00

CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
			<p>Evidence of implementation of the OEMP was observed by the Auditor during the site inspection including:</p> <ul style="list-style-type: none"> • Chemical spill kits • Operation air quality monitors • Skip bins available for waste management • Site security measures (e.g. fencing, cameras, security hut). <p>Evidence of implementation of the environmental monitoring program is included in the response to Conditions 5.11 (noise), 8.5 (meteorological), 8.9 (air quality), 8.14 (groundwater) and 8.16 (surface water).</p> <p>Observation: Some of the section references in <i>Table 1: Operational Environmental Management Plan requirements</i> are incorrect e.g. for the Capping Maintenance Plan, Contaminated Site Management Plan and the Heavy Vehicle Route Plan.</p> <p>Recommendation: The next update of the OEMP should include a review of references to ensure they are correct.</p> <p>Observation: The Complaints Handling procedure described in Section 4.5 of the OEMP incorrectly references http://www.portofnewcastle.com.au/Contact/Contact-Us.aspx as the website for complaints. The correct web</p>		

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			address is: https://www.portofnewcastle.com.au/contact-us/ Recommendation: Update Section 4.5 of the OEMP with the correct web address for complaints handling (https://www.portofnewcastle.com.au/contact-us/).		
4.5	The Applicant must ensure that a copy of the OEMP is publicly available.	<ul style="list-style-type: none"> https://www.portofnewcastle.com.au/wp-content/uploads/2019/09/Operational-Environmental-Management-Plan-OEMP-Web-Version.pdf 	The OEMP is publicly available at the web address in the adjacent column.	Compliant	
4.6	The Applicant must review and update the OEMP regularly, or as directed by Director-General.	<ul style="list-style-type: none"> OEMP (PON, 2018) Letter to the Department Subject: <i>Multi-Purpose Terminal, Mayfield No. 4 Hardstand Berth (Da 293-08-00) –Revised Operational Environmental Management Plan</i> dated 3/10/2018 	The version control register in the OEMP notes that updates to the plan were made on 9 January 2015 and 28 September 2018. The revised plan was submitted to the Department on 3 October 2018.	Compliant	
4.7	The OEMP must be approved by the Director-General before operations at the MPT can commence.	<ul style="list-style-type: none"> OEMP (PON, 2018) 	Commencement of operations of the berth occurred in 2010 prior to the audit period. The document control register in the OEMP notes the plan was approved by the Department on 15 December 2015.	Not triggered	

Table A-1: Compliance with Development Application DA 293-08-00

CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
5	ENVIRONMENTAL STANDARDS AND CONDITIONS				
	Hours of Site Preparation and Construction				
5.1	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.		Construction and site preparation work within the Mayfield 4 Berth were completed prior to the audit 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.		Remediation work within the Mayfield 4 Berth were completed in 2012 prior to the audit period.	Not triggered	
	Blasting				
5.2	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 used to obtain further details of the proposed blast.	<ul style="list-style-type: none"> Site personnel interview 	Blasting has not been undertaken during the audit period.	Not triggered	
5.3	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).	<ul style="list-style-type: none"> Site personnel interview 	Blasting has not been undertaken during the audit period.	Not triggered	

Table A-1: Compliance with Development Application DA 293-08-00

CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#												
5.4	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).	<ul style="list-style-type: none">Site personnel interview	Blasting has not been undertaken during the audit period.	Not triggered													
5.5	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).	<ul style="list-style-type: none">Site personnel interview	Blasting has not been undertaken during the audit period.	Not triggered													
5.6	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.	<ul style="list-style-type: none">Site personnel interview	Blasting has not been undertaken during the audit period.	Not triggered													
	Noise – Site Preparation and Construction Phases																
5.7	<div>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:<table><tr><th>Location</th><th>Noise Limits (dBA)</th></tr><tr><td>1. 52 Arthur Street</td><td>55</td></tr><tr><td>2. Mayfield East Public School</td><td>47</td></tr><tr><td>3. 21 Crebert Street</td><td>56</td></tr><tr><td>4. Newcastle TAFE</td><td>49</td></tr><tr><td>5. 1 Arthur Street</td><td>51</td></tr></table><p><i>Note: The shaded area represents the applicable criteria to all construction related activity for the closure area.</i></p></div>	Location	Noise Limits (dBA)	1. 52 Arthur Street	55	2. Mayfield East Public School	47	3. 21 Crebert Street	56	4. Newcastle TAFE	49	5. 1 Arthur Street	51		Construction and site preparation work within the Mayfield 4 Berth were completed prior to the audit period.	Not triggered	
Location	Noise Limits (dBA)																
1. 52 Arthur Street	55																
2. Mayfield East Public School	47																
3. 21 Crebert Street	56																
4. Newcastle TAFE	49																
5. 1 Arthur Street	51																

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	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.				
5.8	<p>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"> (a) identification of all noise sources; (b) noise mitigation measures both in terms of engineering best practice and operational procedures; (c) proposed times for noise propagating site activities; (d) monitoring methods and programs; (e) contingency measures where monitoring indicates non compliance; and (f) complaints handling procedures. <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>		Construction and site preparation work within the Mayfield 4 Berth were completed prior to the audit period.	Not triggered	
5.9	<p>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"> (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 operations; 		Construction and site preparation work within the Mayfield 4 Berth were completed prior to the audit period.	Not triggered	

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#																				
	(b) a quantitative analysis of the extent to which the mitigation measures will achieve the noise limits specified in Condition 5.7; (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 (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.																								
5.10	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.		Construction and site preparation work within the Mayfield 4 Berth were completed prior to the audit period.	Not triggered																					
	Noise – Operation Phase																								
5.11	<div>The following noise limits apply to the operation of the Multi-Purpose Terminal at the locations shown are as follows:</div> <table><tr><th colspan="4">Noise Limits dB(A)</th></tr><tr><th>Location</th><th>Day</th><th>Evening</th><th>Night</th></tr><tr><td></td><td>7:00 am to 6:00 pm Mondays to Saturdays 8:00 am to 6:00 pm Sundays and public holidays</td><td>6:00 pm to 10:00 pm on any day</td><td>10:00 pm to 7:00 am Mondays to Saturdays 10:00 pm to 8:00 am Sundays and public holidays</td></tr><tr><td></td><td>L_{Aeq} (15 minute)</td><td>L_{Aeq} (15 minute)</td><td>L_{Aeq} (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	Evening	Night		7:00 am to 6:00 pm Mondays to Saturdays 8:00 am to 6:00 pm Sundays and public holidays	6:00 pm to 10:00 pm on any day	10:00 pm to 7:00 am Mondays to Saturdays 10:00 pm to 8:00 am Sundays and public holidays		L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	1. 52 Arthur Street	49	38	38	<ul style="list-style-type: none">Operational Noise Compliance Assessment for Mayfield No. 4 berth (AECOM, 2017)Operational Noise Compliance Assessment for Mayfield No. 4 berth (AECOM, 2018)Operational Noise Compliance Assessment for Mayfield No. 4 berth (AECOM, 2019)Letters to the Department subject: Multi-Purpose Terminal, Mayfield No.4 Hardstand Berth (Da	Operational Noise Compliance Assessments are undertaken on an annual basis by AECOM. The Operational Noise Compliance Assessments demonstrate that the facility is compliant with the site noise limits at the nominated noise sensitive receivers. Results of the noise monitoring are reported in the AEMRs. PON requested to discontinue operational noise compliance monitoring on the basis that there have been no changes to operations and that Mayfield 4 berth has not been subject to any noise complaints since operations commenced in a letter to	Compliant	
Noise Limits dB(A)																									
Location	Day	Evening	Night																						
	7:00 am to 6:00 pm Mondays to Saturdays 8:00 am to 6:00 pm Sundays and public holidays	6:00 pm to 10:00 pm on any day	10:00 pm to 7:00 am Mondays to Saturdays 10:00 pm to 8:00 am Sundays and public holidays																						
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)																						
1. 52 Arthur Street	49	38	38																						

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CON.	COMPLIANCE REQUIREMENT				EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	2. Mayfield East Public School	47	37	37	<p><i>293-08-00) – Noise Monitoring</i> dated 21/12/17 and 14/02/19</p> <ul style="list-style-type: none"> Letter from the Department subject: <i>Mayfield 4 Berth (DA 293-08-00) 2018 Operation Noise Compliance Assessment</i> dated 17/04/19 2019 AEMR 2018 AEMR 2017 AEMR 	<p>the Department dated 21 Decmeber 2017. Another letter of the same nature was send on 14 February 2019. The Department acknowledged the request in a letter dated 17 April 2019 and responded that “any alteration to the noise monitoring program would require a revision and Department approval of the OEMP.”. The OEMP has not been updated to remove the requirement for noise montioring.</p> <p>Observation: If PON intends to remove the requirement for annual noise monitoring on the basis that there have been no changes to operations since 2017 and that compliance with the noise criteria has been demonstrated in the assessments undertaken by AECOM since 2017 to 2019, the OEMP should be updated and sent to the Department for approval as requested.</p>		
	3. 21 Crebert Street	49	39	39				
	4. Newcastle TAFE	44	38	38				
	5. 1 Arthur Street	48	33	33				
	<p>The noise limits apply during all assessment periods under winds up to 3 metres per second (measured at 10 metres above ground level) and Pasquil stability classes from A to F.</p>							
5.12	<p>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:</p> <p>(a) full details of the measures proposed to mitigate noise impacts associated with the operation of the container terminal and the rail terminal;</p>				<ul style="list-style-type: none"> <i>Operational Noise Compliance Assessment for Mayfield No. 4 berth</i> (AECOM, 2017) <i>Operational Noise Compliance Assessment for Mayfield No. 4 berth</i> (AECOM, 2018) <i>Operational Noise Compliance Assessment for Mayfield No. 4 berth</i> (AECOM, 2019) 	<p>The noise levels specified in Condition 5.11 have been complied with as evident by the Operational Noise Compliance Assessments undertaken by AECOM.</p>	Not triggered	

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	(b) a quantitative analysis of the extent to which the mitigation measures will achieve the noise limits specified in Condition 5.11; (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 (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.				
	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.		The Multi-purpose Terminal has not been constructed and therefore this railway has not been constructed.	Not triggered	
	Odour				
5.14	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</i>	<ul style="list-style-type: none"> Complaints Register Site inspection observation 	No odour complaints have been received in the audit period in relation to odour. No offensive odours were noted during the site inspection.	Compliant	

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	<i>odour was emitted in accordance with the conditions of a licence directed at minimising odour.</i>				
	Dust				
5.15	Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises	<ul style="list-style-type: none"> Site inspection observation OEMP (PON, 2018) EPL 13181 Annual Return 2018 EPL 13181 Annual Return 2019 EPL 13181 Annual Return 2020 TSP, PM₁₀ and meteorological monitoring data spreadsheet titled: <i>HVAS – Master Spreadsheet – Mayfield Berth 4.xlsx</i> 	<p>The facility is completely sealed with concrete, bitumen and grassed areas which minimises the generation of dust.</p> <p>Condition O3.2 of the EPL requires that 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. No non-compliances with this condition are identified in the annual returns for the audit period.</p> <p>PON undertake regular meteorological and air quality monitoring to manage air emissions. Details on compliance with the meteorological and air quality monitoring programs are included in the response to Conditions 8.5, 8.9 and 8.10.</p>	Compliant	
5.16	All trafficable areas and vehicle 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.	<ul style="list-style-type: none"> Site inspection observation 	The facility is completely sealed with concrete, bitumen and grassed areas which minimises the generation of wind blown or traffic generated dust.	Compliant	
	Site Remediation – Site capping				
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:	<ul style="list-style-type: none"> Figure 1.3 of the EIS Site visit observations Email from PON representative Peter Ostrowski (Work 	Remediation work within the Mayfield 4 Berth were completed in 2012 prior to the audit period. Remediation of the Closure Area is managed under the Mayfield Concept Approval.	Not triggered	

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	<p>(a) have a seal bearing layer consisting of a properly designed and engineered layer of material. This layer must consist of a material at least 500mm thick and have a permeability less than $K = 10^{-7} \text{ms}^{-1}$; 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: 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; 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 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.</p> <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>	Supervisor) dated 18/11/20	Observation: It was noted during the site inspection that the hardstand areas had been repaired (sealed). Crack sealing was performed to prevent water ingress from affecting the life of the pavement.		

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
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 500mm thick and have a permeability less than $K = 10^{-9} \text{ms}^{-1}$.</p> <p>(a) M18 (b) M19 (c) M20 (d) M25 (e) M12 (f) M14 (g) M15</p> <p><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></p>		Remediation work within the Mayfield 4 Berth were completed in 2012 prior to the audit period. Remediation of the Closure Area is managed under the Mayfield Concept Approval.	Not triggered	
5.18 A	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.		Remediation work within the Mayfield 4 Berth were completed in 2012 prior to the audit period. Remediation of the Closure Area is managed under the Mayfield Concept Approval.	Not triggered	
5.19	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.		Remediation work within the Mayfield 4 Berth were completed in 2012 prior to the audit period. Remediation of the Closure Area is managed under the Mayfield Concept Approval.	Not triggered	

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
5.20	<p>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:</p> <p>(a) procedures for ensuring the integrity of the cap is maintained during any construction or any other activities on the closure area;</p> <p>(b) procedures for ensuring that disturbance of any part of the 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 5.17 and 5.18.</p>		Remediation work within the Mayfield 4 Berth were completed in 2012 prior to the audit period. Remediation of the Closure Area is managed under the Mayfield Concept Approval.	Not triggered	
5.21	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.		Construction of the Mayfield 4 Berth was completed prior to the audit period.	Not triggered	
	Remediation of Contamination - Soil				
5.22	<p>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.</p> <p><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></p>		Remediation work within the Mayfield 4 Berth were completed in 2012 prior to the audit period. Remediation of the Closure Area is managed under the Mayfield Concept Approval.	Not triggered	

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
5.23	<p>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:</p> <p>(a) Contained in areas proposed to be covered by hard stand pavement: or</p> <p>(b) Managed by an alternative method approved in writing by the EPA.</p>		<p>Remediation work within the Mayfield 4 Berth were completed in 2012 prior to the audit period. Remediation of the Closure Area is managed under the Mayfield Concept Approval.</p> <p>Construction of the Multi-Purpose Terminal has not commenced. Remediation of the Closure Area (outside of the Mayfield 4 Berth) is not a subject of this audit.</p>	Not triggered	
	Remediation of Contamination - Groundwater				
5.24	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.		Remediation work within the Mayfield 4 Berth were completed in 2012 prior to the audit period. Remediation of the Closure Area is managed under the Mayfield Concept Approval.	Not triggered	
5.25	<p>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 hardstand areas of the proposed Multi-Purpose Terminal and area M12 as identified by Figure 1.3 titled Layout of Steelworks Site Showing the Closure Area and MPT in the EIS;</p> <p>The report must include, but need not be limited to:</p> <p>(a) design details of the funnel and gate technology;</p> <p>(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 Australian Water Quality Guidelines for Fresh and Marine Waters (1992);</p>		Remediation work within the Mayfield 4 Berth were completed in 2012 prior to the audit period. Remediation of the Closure Area is managed under the Mayfield Concept Approval.	Not triggered	

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	<p>(c) 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 Australian Water Quality Guidelines for Fresh and Marine Waters (1992);</p> <p>(d) justification for any alternate technology identified by the Applicant;</p> <p>(e) details of a monitoring program to evaluate the effectiveness of the funnel and gate system or any alternative technology identified by the Applicant 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);</p> <p>(f) an estimate of costs to implement and maintain the funnel and gate system and any alternative technology identified by the Applicant; and</p> <p>(g) 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</i></p>				

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	<i>the provisions of the Contaminated Land Management Act 1997.</i>				
5.25 A	The Applicant shall construct groundwater management works, as a component of the site remediation activity, in accordance with EPA approval under the Contaminated Land Management Act 1997.		Remediation work within the Mayfield 4 Berth were completed in 2012 prior to the audit period. Remediation of the Closure Area is managed under the Mayfield Concept Approval.	Not triggered	
	Stormwater and Sediment Control – Site Preparation and Construction Phase				
5.26	Except as may be expressly provided in a licence issued by the EPA, the Applicant must comply with Section 120 of the Protection of the Environment Operations Act 1997 prohibiting the pollution of waters.		Construction and site preparation work at the Mayfield 4 Berth were completed prior to the audit period.	Not triggered	
5.27	A Soil and Water Management Plan (SWMP) must be prepared and 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 Managing Urban Stormwater: Soils and Construction (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 Environmental Safeguards in the EIS.		Construction and site preparation work at the Mayfield 4 Berth were completed prior to the audit period. Remediation of the Closure Area is managed under the Mayfield Concept Approval.	Not triggered	
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.		Construction and site preparation work at the Mayfield 4 Berth were completed prior to the audit period.	Not triggered	

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
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.		Construction and site preparation work at the Mayfield 4 Berth were completed prior to the audit period. Observation: Stormwater from the Mayfield 4 Berth is collected in the power drain located between the wharf front and the cement apron. The hardstand area at the rear of the berth drains into a stormwater swale outside the boundaries of the berth area. The swale has been designed to remove contaminants and other pollution that may be contained in the runoff. The swale connects to a stormwater drain for discharge to the Hunter River.	Not triggered	
5.29 A	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.		Construction and site preparation work within the Mayfield 4 Berth were completed prior to the audit period.	Not triggered	
5.29 B	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.		Construction and site preparation work within the Mayfield 4 Berth were completed prior to the audit period.	Not triggered	

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
5.29 C	Upon achieving practical completion of all construction and landscaping works associated with the Eastern Drain, an easement to drain water 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.		Construction and site preparation work within the Mayfield 4 Berth were completed prior to the audit period.	Not triggered	
	Stormwater and Sediment Control – Operation Phase				
5.30	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 Environmental Safeguards in the EIS. The Plan must address the provisions of Newcastle City Council's DCP No.50 – Stormwater Management for Development Sites.	<ul style="list-style-type: none"> OEMP (PON, 2018) Site visit observation	<p>The Stormwater Management Plan is included in Section 7.2 of the OEMP. Remediation of the Closure Area is managed under the Mayfield Concept Approval.</p> <p>The stormwater management system is shown on Figure F5 and was generally consistent with that observed during the site inspection. Stormwater is collected in the power drain which runs the length of the berth. Runoff is filtered prior to discharge to the river. The hardstand area at the rear of the berth drains into a stormwater swale outside the boundaries of the berth area.</p> <p>The plan identifies likely contaminants to include hydrocarbons and suspended solids (Section 7.2).</p> <p>Table 7 of the OEMP identifies how the Environmental Safeguards in Table 10.2 of the EIS have been incorporated.</p> <p>Table 8 in the OEMP identifies how provisions of the Newcastle City Council's <i>DCP No.50 – Stormwater</i></p>	Compliant	

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
			<p><i>Management for Development Sites</i> have been incorporated.</p> <p>Details on compliance with the surface water monitoring program are included in the response to Condition 8.16.</p>		
	Waste – Closure Area				
5.31	<p>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 Protection of the Environment Operations Act 1997.</p> <p>This condition only applies to the storage, treatment, processing, reprocessing, or disposal; or any waste generated at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.</p>	<ul style="list-style-type: none"> Site visit observation Site interview OEMP (PON, 2018) <i>EMS 007 Environmental Management Procedure – Waste Management</i> EPL Return 2017 EPL Return 2018 EPL Return 2019 EPL Return 2020 	<p>No wastes generated from outside the premises were observed on site. It was confirmed by site personnel that no waste was brought onto the site during the audit period. This is consistent with Section 7.10 of the OEMP and PON's <i>EMS 007 Environmental Management Procedure – Waste Management</i>. The EPL returns also note compliance with this condition.</p> <p>A skip bin was available near the site amenities building for general waste and is understood to be emptied on a fortnightly basis.</p>	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.		Commencement of operations of the berth occurred in 2010 prior to the audit period.	Not triggered	
5.33	<p>Prior to any material being stored in the emplacement area as identified in Figure 6.4 titled Proposed Final Landform and Surface water Drainage of the EIS, the following must be conducted:</p> <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 Environmental Guidelines: Solid Waste</p>	<ul style="list-style-type: none"> Previous Independent Environmental Audit (SLR, 2018) 	It is noted in the previous Independent Environmental Audit that 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 Government for placement of contaminated materials and this obligation remains in	Not triggered	

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	Landfills; and provide a comprehensive environmental management plan; and, (b) the emplacement area must have a leachate barrier system that meets the requirements of the EPA's document titled Environmental Guidelines: Solid Waste Landfills.		force until 31 May 2020. Site personnel advised that there has been no variation to the Remediation Deed.		
	Waste - Hazardous and Industrial				
5.34	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.		Remediation works were completed in 2012 prior to the audit period. Remediation of the Closure Area is managed under the Mayfield Concept Approval.	Not triggered	
	Dredging and Sediment Disposal				
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.	<ul style="list-style-type: none"> Email from PON Brigid Kelly (Environment Advisor) dated 3/11/20 	Advice from the PON representative Brigid Kelly (Environment Advisor) indicated that there had been no capital dredging works at the facility.	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.	<ul style="list-style-type: none"> Email from PON Brigid Kelly (Environment Advisor) dated 3/11/20 	Advice from the PON representative Brigid Kelly (Environment Advisor) indicated that there had been no capital dredging works at the facility.	Not triggered	

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
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.	<ul style="list-style-type: none"> Email from PON Brigid Kelly (Environment Advisor) dated 3/11/20 	Advice from the PON representative Brigid Kelly (Environment Advisor) indicated that there had been no capital dredging works at the facility.	Not triggered	
	Lighting				
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.	<ul style="list-style-type: none"> OEMP (PON, 2018) Site visit observation 	<p>Lighting provided on site includes wharf flood lighting, exterior lighting, bulk head lighting, fender lighting and edge lighting.</p> <p>The lighting observed during the site inspection was directed downwards and away from surrounding sensitive receivers and land uses.</p>	Compliant	
	Traffic				
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> <p>(a) localised widening along Selwyn Street to meet minimum travel lane (Austroads) requirements;</p> <p>(b) line marking and signage to control parking along the Selwyn Street approach to the Multi-Purpose Terminal; and intersection access from the eastern end of Selwyn Street into the Multi-Purposed Terminal.</p> <p>(c) 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 under the Roads Act 1993.</p>		The Multi-Purpose Terminal has not been constructed and therefore this condition has not been triggered.	Not triggered	

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
5.40	The design of all works is to be in accordance with Austroads and RTA Road Design Guide Standards and is subject to RTA review.		The Multi-Purpose Terminal has not been constructed and therefore the road works described in condition 5.39 have not been undertaken.	Not triggered	
5.41	The Applicant shall consult with the local community on the proposed roadworks prior their construction.		The Multi-Purpose Terminal has not been constructed and therefore the road works described in condition 5.39, and the associated consultation, have not been undertaken..	Not triggered	
5.42	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.		The Multi-Purpose Terminal has not been constructed and therefore works in the State Road reserve have not been undertaken.	Not triggered	
5.43	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.		The Multi-Purpose Terminal has not been constructed and therefore this condition has not been triggered.	Not triggered	
5.44	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 Multi-Purpose Terminal has not been constructed and therefore the road works described in condition 5.39 have not been undertaken As such these documents are not required.	Not triggered	

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	The Applicant shall consult with the RTA regarding the requirements of the above plans.				
5.45	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 Private Sector Development Work on the Road Network – Notes for Developers.		The Multi-Purpose Terminal has not been constructed and therefore the road works described in condition 5.39 have not been undertaken.	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.		Remediation works within the Mayfield 4 Berth were completed in 2012 prior to the audit period.	Not triggered	
	Landscape Management Plan				
5.47	The Applicant must prepare and implement a Landscape Management Plan for the development, in consultation with Council. This plan must: <ul style="list-style-type: none"> (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. 	<ul style="list-style-type: none"> • OEMP (PON, 2018) 	<p>The Landscape Management Plan relates to works completed prior to the audit period.</p> <p>No landscaping is planned for Mayfield No. 4 Berth. The area is covered entirely by hardstand and wharf area that provides no opportunity for landscaping.</p>	Not triggered	

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#				
5.48	The Landscape Management Plan must have been approved by the Director-General before construction certificate/s may be issued.		Construction work within the Mayfield 4 Berth were completed prior to the audit period.	Not triggered					
5.49	After reviewing the Landscape Management Plan, the Director-General may require the Applicant to address certain matters identified in the plan. The Applicant must comply with any reasonable requirements of the Director-General.		Construction work within the Mayfield 4 Berth were completed prior to the audit period.	Not triggered					
	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: Proposed Revised Rail Line, of the Section 96(1A) application prepared by Hunter Development Corporation dated January 2009.		The Multi-purpose Terminal has not been constructed and therefore this railway has not been constructed.	Not triggered					
6	CULTURAL HERITAGE								
6.1	<div>Prior to the demolition of any of the items listed in Figure 6.3 of the EIS: Heritage Structures to be Removed, 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 stabilised.</div> <table><tr><th>No.</th><th>Item</th></tr><tr><td>1</td><td>Remnant of No.1 Blast Furnace</td></tr></table>	No.	Item	1	Remnant of No.1 Blast Furnace	<ul style="list-style-type: none">OEMP (PON, 2018)Site interview	<div>The heritage items listed in the adjacent column are relevant to the Closure Area. Activities associated with the Closure Area are not relevant to the audit of operations at the Mayfield 4 Berth.</div> <div>No listed items of heritage significance are located on the Mayfield No. 4 Berth site.</div> <div>The Auditor understands from the site interview that demolition works have not been undertaken during the audit period.</div>	Not triggered	
No.	Item								
1	Remnant of No.1 Blast Furnace								

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CON.	COMPLIANCE REQUIREMENT		EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	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				
	19	Open Hearth Change House				
	20	Mould Conditioning Building				
	21	BOS Plant				
	23	No.4 Blast Furnace				
	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 Contaminated Land Management Act 1997. The Applicant will need to demonstrate, by way of a report, that all feasible alternatives to demolition have been investigated.					
6.2	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:			Activities associated with the Closure Area are not relevant to the audit.	Not triggered	

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	<p>(a) The establishment of a heritage precinct on the Western Portion of the Closure area, including: re-use of Delprats Quarters as an Iron and Steel Interpretive Centre; re-use of the ex-Tools Room as a State Industrial Archaeological Repository; conservation of the remnants of the original botanic gardens established.</p> <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>				
6.3	The Applicant shall prepare and submit an Archaeological Management Plan for the closure area prior to the commencement of site preparation works. The plan shall be prepared in consultation with the NSW Heritage Office and approved by the Director-General.		Activities associated with the Closure Area are not relevant to the audit.	Not triggered	
6.4	<p>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.</p> <p><i>Note: a relic is defined under the Heritage Act as any deposit, object or material evidence: (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.</i></p>		Construction and site preparation works were completed prior to the audit.	Not triggered	
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		Activities associated with the Closure Area are not relevant to the audit.	Not triggered	

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	associated with this item shall not commence until the Director-General has approved these measures.				
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.		Activities associated with the Closure Area are not relevant to the audit.	Not triggered	
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.		Activities associated with the Closure Area are not relevant to the audit.	Not triggered	
7	HAZARDS				
	Restrictions to Operation				
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.	<ul style="list-style-type: none"> • Site interview • Site visit observations • OEMP (PON, 2018) • 2019 AEMR • 2018 AEMR • 2017 AEMR • <i>Vessel Movements Berth 4 – Register.xls</i> 	It was confirmed during the site interview and site inspection that Class 7 Dangerous Goods are not being handled at the facility. This was documented in the OEMP, the AEMRs and on the Vessel Movements Register maintained by PON. The register includes details of: vessel name; material being handled; whether the vessel was loading or unloading; and arrival and departure date/times.	Compliant	
7.2	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: (a) the name, dangerous goods Class (including subclass), and quantity of the explosive material to be used and/or stored on the site;	<ul style="list-style-type: none"> • Site interview • Site visit observations • OEMP (PON, 2018) • 2019 AEMR • 2018 AEMR • 2017 AEMR • <i>Vessel Movements Berth 4 – Register.xls</i> 	It was confirmed during the site interview and inspection that Class 1 (explosives) are not being handled at the facility. This was confirmed in the OEMP, the AEMRs and on the Vessel Movements Register.	Compliant	

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	<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>				
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.	<ul style="list-style-type: none"> 2019 AEMR 2018 AEMR 2017 AEMR <i>Vessel Movements Berth 4 – Register.xls</i> 	This was confirmed in the AEMRs and on the Vessel Movements Register which include dates and times of the arrival and departure of vessels.	Compliant	
7.4	<p>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 the site are not exceeded. The Register shall include, but not necessarily be limited to:</p> <p>(a) the date and time of arrival of all dangerous goods to the site;</p>	<ul style="list-style-type: none"> Previous Independent Environmental Audit (SLR, 2018) 2019 AEMR 2018 AEMR 2017 AEMR Port Authority NSW Dangerous goods notification for vessel 'MINERVAGRACHT' 	<p>Prior to 2018, no Dangerous Goods Register for the facility was used. This includes from August 2017 which is part of the audit period.</p> <p>Instead information on dangerous goods is recorded:</p> <ul style="list-style-type: none"> By PON on the Bill of Lading Cargo Manifest for each shipment By the Port Authority NSW on the permit and in shipment auditing 	Non-compliant	NC2

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	<p>(b) the exact location of all quantities of dangerous goods on the site;</p> <p>(c) details of all dangerous goods classes on the site, packaging specifications and UN number; and</p> <p>(d) the date and time of dispatch of all dangerous goods from the site.</p> <p>The Register shall be made available for inspection by the Director-General at any time.</p>	<ul style="list-style-type: none"> Pre loading / unloading Checklist dated 15/08/2020 Monthly dangerous goods report for the period 1/08/2020 to 1/09/2020 	<ul style="list-style-type: none"> By the stevedore on the Daily Yard Plan. <p>A dangerous goods register is included as Appendix H to the 2018 and 2019 AEMRs. The dangerous goods register does not include:</p> <ul style="list-style-type: none"> details on the time of arrival/dispatch of all dangerous goods to the site quantities of dangerous goods packaging specifications and UN number. <p>The maximum in-transit time-limit allowed for dangerous goods on the site is up to 72 hours. It is reported in the AEMRs that all dangerous goods received at the site were dispatched from the site within 72 hours of receiving those goods.</p> <p>The maximum quantities of dangerous good allowed onsite include:</p> <ul style="list-style-type: none"> Ammonium nitrate – 6,500 tonnes on ship (export and import) and 30 tonnes on berth Explosives classes 1.1, 1.5 and 1.6 – 10,000 kg Explosives classes 1.2, 1.3 and 1.4 – 250,000 kg Diesel and biodiesel – 1,300 ML <p>The Auditor could not confirm if PON complied with the above limits for dangerous goods during the audit period as this information was not</p>		

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
			reported in the AEMRs. Recommendation: The dangerous goods register should be updated to include all the requirements under Condition 7.4. It is noted by the Auditor that some of this information may be sensitive but should be included on an internal register if not published in the AEMRs.		
	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 Hazardous Industry Planning Advisory Paper No. 7 - Construction Safety Study Guidelines.	<ul style="list-style-type: none"> Site interview 	Demolition works were not undertaken during the audit period.	Not triggered	
7.6	All demolition works undertaken on the site shall be conducted in strict accordance with the provisions of AS2601-1991 The Demolition of Structures, as in force at 1 July 1993.	<ul style="list-style-type: none"> Site interview 	Demolition works were not undertaken during the audit period.	Not triggered	
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.		Demolition works were not undertaken during the audit period.	Not triggered	
	Pre-Construction Hazards Studies				
7.8	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,		Construction work within the Mayfield 4 Berth were completed prior to the audit period.	Not triggered	

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	<p>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 Hazardous Industry Planning Advisory Paper No. 2 - Fire Safety Study Guidelines and the NSW Government's Best Practice Guidelines for Contaminated Water Retention and Treatment Systems. 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 Hazardous Industry Planning Advisory Paper No. 6 - Guidelines for Hazard Analysis. The Analysis shall include, but not necessarily be limited to:</p> <p>(i) maximum and likely average quantities of each class of dangerous good to be located on the site;</p> <p>(ii) a demonstration that the maximum quantities of dangerous goods to be located on the site at any time are consistent with the Proposed Multi Purpose Terminal Consequence Analysis for URS, prepared by Qest 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</p> <p>(iii) details of the location of dangerous goods storage on the site with specific reference to location relative to the site boundary, location relative to other dangerous goods, provision of bunding and fire safety measures.</p> <p>The Applicant shall not exceed the dangerous goods storage quantities, storage locations, frequency of receipt/ dispatch, or vary the dangerous goods handling procedures</p>				

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	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 Route Selection 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 Hazardous Industry Planning Advisory Paper No. 1 Industry Emergency planning Guidelines; 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>		Commencement of operations of Mayfield 4 Berth occurred in 2010 prior to the audit period.	Not triggered	

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	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 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.	<ul style="list-style-type: none"> Incident Register Site interview 2019 AEMR 2018 AEMR 2017 AEMR 	<p>No reportable incidents occurred during the audit period according to the incident register, site interview and AEMRs.</p> <p>Note: The air quality exceedances described in the response to Condition 8.9 are not considered by the Auditor to constitute an <i>"incident or potential incident with actual or potential significant off-site impacts on people or the biophysical environment"</i> as the exceedances were likely to be a result of cumulative offsite sources rather than as a result of the facility.</p>	Not triggered	
	Hazard Audit				
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 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 Hazardous Industry Planning Advisory paper No. 5 - Hazard Audit Guidelines.	<ul style="list-style-type: none"> <i>Mayfield No. 4 Berth Hazard Audit (2017)</i> (Arriscar, 2017) Email to the Department subject: <i>RE: MULTI-PURPOSE TERMINAL, MAYFIELD NO. 4 HARDSTAND BERTH (DA 293-08-00) CONDITION 7.11 HAZARD AUDIT</i> dated 7/12/2017 Previous Independent Environmental Audit (SLR, 2018) 	<p>A Hazard Audit was completed by Arriscar Pty Limited (Arriscar) dated 6 December 2017. Site visits were conducted on 11 and 12 October 2017. The audit was submitted to the Department on 7 December 2017.</p> <p>The previous hazard audit was completed on 17 December 2014.</p> <p>Section 1.2 of the audit notes compliance with the Department's <i>Hazardous Industry Planning Advisory paper No. 5 - Hazard Audit Guidelines</i>.</p>	Compliant	

Table A-1: Compliance with Development Application DA 293-08-00

CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
8	ENVIRONMENTAL MONITORING PROGRAM				
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> <p>(a) Identify what environmental issues will be monitored;</p> <p>(b) Set standards and performance measures for these environmental issues;</p> <p>(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;</p> <p>(d) Include the following:</p> <ul style="list-style-type: none"> • Meteorological monitoring (condition 8.5) • Air quality monitoring (conditions 8.6-8.10) • Noise and vibration monitoring (Conditions 8.11-8.13); Groundwater monitoring (condition 8.14-8.15); and, • Surface water monitoring (Condition 8.16); 	<ul style="list-style-type: none"> • OEMP (PON, 2018) 	<p>The environmental monitoring program is included in Section 4.1 of the OEMP. The monitoring program includes:</p> <ul style="list-style-type: none"> • Operational noise monitoring – Section 4.1.1 • Air quality (including meteorological monitoring) – Section 4.1.2 • Stormwater – Section 4.1.3. <p>Details on compliance with meteorological monitoring program are included in the response to Condition 8.5.</p> <p>Details on compliance with the air quality monitoring program are included in the response to Conditions 8.9-8.10.</p> <p>Details on compliance with the noise monitoring program are included in the response to Condition 5.11.</p> <p>Details on compliance with the surface water monitoring program are included in the response to Condition 8.16.</p>	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 relates to a previous audit period.	Not triggered	

Table A-1: Compliance with Development Application DA 293-08-00					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
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.		This condition relates to a previous audit period.	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.	<ul style="list-style-type: none"> • 2019 AEMR • 2018 AEMR • 2017 AEMR 	Details of the Environmental Monitoring Program are included in Section 5.0 of the AEMRs. Compliance regarding the submission of the AEMRs is included in the response to Condition 9.2.	Compliant	
	Meteorological Monitoring				
8.5	<p>Meteorological monitoring must be conducted for the site. The meteorological Station must be sited, operated and maintained in accordance with the Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales as follows:</p> <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>	<ul style="list-style-type: none"> • OEMP (PON, 2018) • 2019 AEMR • 2018 AEMR • 2017 AEMR • EPL 13181 Annual Return 2018 • EPL 13181 Annual Return 2019 • EPL 13181 Annual Return 2020 • TSP, PM₁₀ and meteorological monitoring data spreadsheet titled: <i>HVAS – Master Spreadsheet – Mayfield Berth 4.xlsx</i> • <i>Discharge Water and Air Quality Monitoring February 2020</i> (RCA Australia, 2020) • <i>Discharge Water and Air Quality Monitoring</i> 	<p>PON maintain an automated weather station onsite for meteorological monitoring.</p> <p>Meteorological monitoring is undertaken by RCA Australia. PON receives a monthly report from RCA Australia detailing results of the meteorological monitoring program. Example reports were provided to the Auditor as listed in the adjacent column. A master spreadsheet including meteorological data was also provided to the Auditors.</p> <p>Results of the meteorological monitoring are reported in the AEMRs and includes rainfall and wind speed and direction.</p> <p>Condition M4.1 of the EPL requires meteorological monitoring to be undertaken in accordance with the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New</i></p>	Compliant	

Table A-1: Compliance with Development Application DA 293-08-00

CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
		<p>March 2020 (RCA Australia, 2020)</p> <ul style="list-style-type: none"> Discharge Water and Air Quality Monitoring April 2020 (RCA Australia, 2020) Discharge Water and Air Quality Monitoring May 2020 (RCA Australia, 2020) Discharge Water and Air Quality Monitoring June 2020 (RCA Australia, 2020) Discharge Water and Air Quality Monitoring July 2020 (RCA Australia, 2020) 	<p>South Wales. No non-compliances with this condition are identified in the annual returns for the audit period.</p> <p>Loose bulk cargo operations must cease for a period of at least 15 minutes if the average wind speed exceeds seven metres per second (m/s) for a five-minute period, or if wind gusts exceeds 12m/s except for specified cargo loads with minimal potential for dust generation (e.g. cotton seed pellets, wet silica sands etc.).</p>		
	Air Quality Monitoring – Site Preparation Phase				
8.6	<p>The Applicant must conduct ambient air quality monitoring as follows:</p> <p>(a) Continuous real-time ambient air quality monitoring of TSP and PM10 concentrations at the site boundary;</p> <p>(b) Ambient air quality monitoring for TSP, PM10, heavy metals(Mn, Pb, As and Fe)16 USEPA priority PAHs, benzo (a) pyrene, benzene, ethyl benzene, toluene, xylene and phenols at points that are representative of the nearest sensitive receptors.</p>		<p>Site preparation works for the Mayfield 4 Berth were completed prior to the audit period.</p>	Not triggered	

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
8.7	<p>Sampling and analysis must be conducted in accordance with The Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales as follows:</p> <p>AM-1 Guide for the siting of sampling units</p> <p>AM-11 Lead – particulate collection by high volume sampler</p> <p>AM-15 Particulate matter – TSP high volume sampler method</p> <p>AM-16 Particulate matter – PM10 – high volume sampler with size select inlet</p> <p>AM-21 Volatile organic compounds; and</p> <p>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).</p>		Site preparation works for the Mayfield 4 Berth were completed prior to the audit period.	Not triggered	
8.8	<p>Prior to any cut and fill operations, commencing on the closure area, as identified in Figure 1.3 titled Layout of Steelworks Site Showing the Closure Area and MPT 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 for approval in writing prior to implementation.</p>		Site preparation works for the Mayfield 4 Berth were completed prior to the audit period.	Not triggered	
	Air Quality Monitoring – Operation				
8.9	<p>During the operation of the MPT, the Applicant must conduct ambient air quality monitoring for TSP and PM10.</p>	<ul style="list-style-type: none"> OEMP (PON, 2018) 2019 AEMR 2018 AEMR 2017 AEMR Site inspection observation 	A PM ₁₀ High Volume Air Sampler (HVAS) and Total Suspended Particulate (TSP) sampler are installed and operated on the site. The HVAS	Compliant	

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
		<ul style="list-style-type: none"> TSP, PM₁₀ and meteorological monitoring data spreadsheet titled: <i>HVAS – Master Spreadsheet – Mayfield Berth 4.xlsx</i> <i>Discharge Water and Air Quality Monitoring February 2020</i> (RCA Australia, 2020) <i>Discharge Water and Air Quality Monitoring March 2020</i> (RCA Australia, 2020) <i>Discharge Water and Air Quality Monitoring April 2020</i> (RCA Australia, 2020) <i>Discharge Water and Air Quality Monitoring May 2020</i> (RCA Australia, 2020) <i>Discharge Water and Air Quality Monitoring June 2020</i> (RCA Australia, 2020) <i>Discharge Water and Air Quality Monitoring July 2020</i> (RCA Australia, 2020) 	<p>and TSP were observed during the site inspection.</p> <p>Air quality monitoring is undertaken by RCA Australia. PON receives a monthly report from RCA Australia detailing results of the air quality program. Example reports were provided to the Auditor as listed in the adjacent column. A master spreadsheet including TSP, PM₁₀ and meteorological data was also provided to the Auditors.</p> <p>Results of the air quality monitoring is reported in the AEMRs. The following exceedances are reported as relevant to the audit period when the berth was operational:</p> <ul style="list-style-type: none"> Three exceedances of the PM₁₀ 24-hour criteria of 50 µg/m³ in the 2017 AEMR reporting period on 14 December 2017, 20 December 2017 and 13 January 2018. Five exceedances of the PM₁₀ 24-hour criteria of 50 µg/m³ in the 2018 AEMR reporting period on 20 March 2018, 13 April 2018, 24 July 2018, 3 December 2018 and 2 January 2019. Three exceedances of the PM₁₀ 24-hour criteria of 50 µg/m³ in the 2019 AEMR reporting period on 5 September 2019, 		

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
			<p>22 November 2019 and 28 November 2019.</p> <p>It is reported that the cargo being handled at the time of all recorded exceedances were contained and therefore did likely not occur as a result of the facility. It is noted that cumulative offsite sources are likely the cause of the exceedances.</p> <p>Note: In October 2016, the EPA removed the condition in the EPL to monitor air quality at the site. The removal of this condition was based on the low risk nature of the site and PON's contribution to the establishment and ongoing running costs of the EPA's Lower Hunter Air Quality monitoring network.</p> <p>Observation: It was noted during the site inspection that the test tag on the TSP noted that the next test in accordance with AS/3760 was due on 3 October 2019 (overdue).</p> <p>Recommendation: Testing of the TSP should be completed at regular intervals in accordance with AS/3760. A schedule should be maintained on a site database to ensure future testing dates are met.</p>		
8.10	<p>Sampling and analysis must be conducted in accordance with the Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales as follows:</p> <p>AM-1 Guide for the siting of sampling units</p>	<ul style="list-style-type: none"> <i>Discharge Water and Air Quality Monitoring February 2020</i> (RCA Australia, 2020) 	The Discharge Water and Air Quality Monitoring reports prepared by RCA Australia note that sampling and analysis was undertaken in accordance	Compliant	

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	AM-15 Particulate matter – TSP high volume sampler method AM-18 Particulate matter – PM10 – high volume sampler with size select inlet.	<ul style="list-style-type: none"> Discharge Water and Air Quality Monitoring March 2020 (RCA Australia, 2020) Discharge Water and Air Quality Monitoring April 2020 (RCA Australia, 2020) Discharge Water and Air Quality Monitoring May 2020 (RCA Australia, 2020) Discharge Water and Air Quality Monitoring June 2020 (RCA Australia, 2020) Discharge Water and Air Quality Monitoring July 2020 (RCA Australia, 2020) 	with the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .		
	Noise and Vibration Monitoring – Site Preparation and Construction				
8.11	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.		Site preparation and construction works for the Mayfield 4 Berth were completed prior to the audit period.	Not triggered	
8.12	Monitoring of noise and vibration caused by blasting operations must be conducted in accordance with the ANZECC document titled Technical Basis for Guidelines to Minimise Annoyance Due to Blasting Overpressure and Ground Vibration.		Site preparation and construction works for the Mayfield 4 Berth were completed prior to the audit period.	Not triggered	

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	Noise Monitoring – MPT Construction and Operation				
8.13	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.	<ul style="list-style-type: none"> OEMP (PON, 2018) <i>Operational Noise Compliance Assessment for Mayfield No. 4 berth</i> (AECOM, 2017) <i>Operational Noise Compliance Assessment for Mayfield No. 4 berth</i> (AECOM, 2018) <i>Operational Noise Compliance Assessment for Mayfield No. 4 berth</i> (AECOM, 2019) 	<p>The noise monitoring program is described in Section 4.1.1 of the OEMP.</p> <p>Details on compliance with the noise monitoring program are included in the response to Condition 5.11.</p> <p>Approval of the noise monitoring program occurred prior to the audit period.</p>	Compliant	
	Groundwater Monitoring				
8.14	<p>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>	<ul style="list-style-type: none"> OEMP (PON, 2018) EPL 13181 <i>Groundwater Level Monitoring January 2020</i> (RCA Australia) 	<p>The OEMP states: "<i>The Mayfield No.4 Berth and hardstand has been remediated in accordance with the VRA. There is no longer a requirement to monitor groundwater for the Mayfield No. 4 Berth and hardstand area.</i>". Groundwater monitoring is not a requirement of the EPL.</p> <p>Six-monthly monitoring of groundwater levels at the Closure Area was undertaken by RCA Australia. An example report was provided to the Auditor as listed in the adjacent column.</p> <p>Results of the monitoring indicated that the water level within the three wells is generally stable and no immediate substantial change in groundwater</p>	Compliant	

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#																								
			level response to rainfall events is observed. A slight increase/decrease in water level has been observed during periods of sustained decreased rainfall or sustained increased rainfall. Observation: Results of the groundwater monitoring is not reported in the AEMRs. Recommendation: Include a discussion on the groundwater monitoring in the AEMRs.																										
8.15	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. <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>	<ul style="list-style-type: none">EPL 13181Site visit observation	Cut and fill operations were not undertaken within the Mayfield 4 Berth during the audit period.	Compliant																									
	Surface Water Monitoring																												
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: <table><tr><th>Pollutant</th><th>Unit of Measure</th><th>Frequency</th><th>Sampling Method</th></tr><tr><td>Total Suspended Solids</td><td>mg/L</td><td>Monthly</td><td>Grab Sample</td></tr><tr><td>pH</td><td>pH units</td><td>Monthly</td><td>Grab Sample</td></tr><tr><td>Iron</td><td>ug/L</td><td>Monthly</td><td>Grab Sample</td></tr><tr><td>Zinc</td><td>ug/L</td><td>Monthly</td><td>Grab Sample</td></tr><tr><td>Copper</td><td>ug/L</td><td>Monthly</td><td>Grab Sample</td></tr></table>	Pollutant	Unit of Measure	Frequency	Sampling Method	Total Suspended Solids	mg/L	Monthly	Grab Sample	pH	pH units	Monthly	Grab Sample	Iron	ug/L	Monthly	Grab Sample	Zinc	ug/L	Monthly	Grab Sample	Copper	ug/L	Monthly	Grab Sample	<ul style="list-style-type: none">OEMP (PON, 2018)2019 AEMR2018 AEMR2017 AEMRSite inspection observationDischarge Water and Air Quality Monitoring February 2020 (RCA Australia, 2020)Discharge Water and Air Quality Monitoring March 2020 (RCA Australia, 2020)	Discharge monitoring is undertaken at the Mayfield No.4 Berth on the first discharge event following a loose bulk cargo operation from three stormwater pits (Pit 1, Pit 2 and Pit 3). Reporting on the discharge monitoring program is provided on a monthly basis. Conditions L1 and M2 of the EPL outlines the monitoring requirements for water discharge. The monitoring requirements specified in the EPL include nitrogen (total), oil and grease, pH, phosphate and total suspended solids only. No loose bulk cargo was handled during the audit period	Compliant	
Pollutant	Unit of Measure	Frequency	Sampling Method																										
Total Suspended Solids	mg/L	Monthly	Grab Sample																										
pH	pH units	Monthly	Grab Sample																										
Iron	ug/L	Monthly	Grab Sample																										
Zinc	ug/L	Monthly	Grab Sample																										
Copper	ug/L	Monthly	Grab Sample																										

Table A-1: Compliance with Development Application DA 293-08-00

CON.	COMPLIANCE REQUIREMENT				EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	Lead	ug/L	Monthly	Grab Sample	<ul style="list-style-type: none"> <i>Discharge Water and Air Quality Monitoring April 2020</i> (RCA Australia, 2020) <i>Discharge Water and Air Quality Monitoring May 2020</i> (RCA Australia, 2020) <i>Discharge Water and Air Quality Monitoring June 2020</i> (RCA Australia, 2020) <i>Discharge Water and Air Quality Monitoring July 2020</i> (RCA Australia, 2020) EPL 13181 Annual Return 2018 EPL 13181 Annual Return 2019 EPL 13181 Annual Return 2020 Email from the Department subject: <i>RE: PON Response to DoPE Comments – IEA DA 293-08-00</i> dated 20/09/2018 Email to the Department subject: <i>RE: PON Response to DoPE Comments – IEA DA 293-08-00</i> dated 21/09/2018 	<p>requiring discharge monitoring. No non-compliances against Conditions L1 and M2 were reported in the EPL returns for the audit period.</p> <p>An inspection of the stormwater management system was undertaken by a representative from the Department (Heidi Watters) on 20 September 2018 following submission of the previous Independent Environmental Audit. The Department representative stated “...It was good to see the facility in operation, and that environmental controls were in place to reduce environmental impacts of any spillage of cargo being unloaded (noting that no spillage was observed during the inspection). Stormwater Pit 4 was observed to be not draining properly (photo attached). While this pit is no longer required to be monitored for discharge under the conditions of the EPL (regulated by the EPA), it is recommended that the pit be inspected and maintenance undertaken to allow it to drain properly.”. PON responded to the recommendation by infilling the drain and reverting the drainage to feed into the swale to address the drainage issue. Monitoring is no longer undertaken at Pit 4.</p>		
	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				
	<p>A note must be recorded in accordance with the above table where:</p> <p>(a) a sample is taken from the stormwater in the stormwater detention basin(s) but there is no discharge occurring;</p> <p>(b) the stormwater basin(s) are empty of stormwater.</p>							

Table A-1: Compliance with Development Application DA 293-08-00					
CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
9	ENVIRONMENTAL MANAGEMENT AND REPORTING				
	Environmental Officer				
9.1	<p>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:</p> <p>(a) be responsible for the preparation of the environmental management plans (refer Conditions 4.1 – 4.4);</p> <p>(b) be responsible for considering and advising on matters specified in the conditions of this consent and advising on 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>	<ul style="list-style-type: none"> Site interview OEMP (PON, 2018) Complaints Register Incident Register WHS 0001 Access Induction.pptx WHS 0002 Work Induction.pptx Newcastle Stevedores inductions.pdf (2/11/2020) Email from PON to the Department dated 21/10/20 Email from PON to the Department dated 19/11/20 	<p>The current Environmental Officer is Jennifer Anderson (Senior Manager Property, Environment and Planning). Brigid Kelly was the primary contact during the audit and attended the site inspection.</p> <p>The previous Environmental Officer was Jackie Spiteri (now ESG Manager) up until 19 October 2020. Whilst the Department was notified that Jackie Spiteri had entered a new role, a formal notification was not provided to the Department of the name and contact details of the current Environmental Officer.</p> <p>Following submission of the draft Independent Audit Report, PON representative Brigid Kelly (Environmental Officer) advised that <i>"As the transition period was quite rapid, and close to the end of the audit period, the lack of formal notification was an administrative oversight"</i> and a formal notification was submitted to the Department on 19 November 2020.</p> <p>The Auditor was provided with the OEMP, Complaints Register, Incident Register and training and induction materials during the audit.</p> <p>Recommendation: No recommendations are required as the</p>	Non-compliant	NC3

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
			non-compliance has been addressed following submission of the draft Audit Report.		
	Annual Environmental Management Report				
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>(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.</p>	<ul style="list-style-type: none"> 2019 AEMR 2018 AEMR 2017 AEMR Letter from the Department subject: <i>Mayfield Berth (DA-293-08-00) 2017 Annual Environmental Management Report</i> dated 3/09/18 Letter to the Department subject: <i>DA 293-08-00 MAYFIELD 4 ANNUAL ENVIRONMENTAL MANAGEMENT REPORT</i> dated 24/05/19 Letter to the Department subject: <i>DA 293-08-00 MAYFIELD 4 ANNUAL ENVIRONMENTAL MANAGEMENT REPORT</i> dated 27/03/20 Email to the EPA subject: <i>Port of Newcastle AEMR DA 293-08-00 2017</i> dated 18/11/20 	<p>The AEMRs for the audit period were provided to the auditor. The requirements under this condition are met as follows:</p> <p>(a) Section 3.0 – Regulatory Framework.</p> <p>(b) Section 5.0 – Environmental Performance.</p> <p>(c) Section 6.0 – Summary of Compliance.</p> <p>(d) Section 8.0 – Summary of Complaints.</p> <p>(e) Section 5.1 – Stormwater. Section 5.2 – Air quality (including meteorological monitoring). Section 5.3 – Annual Noise Monitoring.</p> <p>(f) Section 7.0 – Summary of Actions Taken.</p> <p>The AEMRs were submitted to the Department and the EPA on the following dates:</p> <ul style="list-style-type: none"> 2017 AEMR – submitted to the Department on 8 June 2018. 2018 AEMR – submitted to the Department on 24 May 2019. 2019 AEMR – submitted to the Department on 27 March 2020. 	Non-compliant	NC4

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CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
			<p>There was no evidence that the AEMRs have been submitted to the EPA for the audit period.</p> <p>Following submission of the draft Independent Audit Report, PON submitted the 2017, 2018 and 2019 AEMRs to the EPA.</p> <p>Recommendation: Ensure all future AEMRs are sent to the EPA.</p>		
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.	<ul style="list-style-type: none"> Letter from the Department subject: <i>Mayfield Berth (DA-293-08-00) 2017 Annual Environmental Management Report</i> dated 3/9/18 2019 AEMR 2018 AEMR 2017 AEMR OEMP (PON, 2018) Letter to the Department Subject: <i>Multi-Purpose Terminal, Mayfield No. 4 Hardstand Berth (Da 293-08-00) -Revised Operational Environmental Management Plan</i> dated 3/10/2018 	<p>The Department requested the following in response to the submission of the 2017 AEMR:</p> <ul style="list-style-type: none"> Inclusion of a map which illustrates the site context in future AEMRs Inclusion of a dangerous goods register in future AEMRs Inclusion of a status update on the previous Independent Environmental Audit recommendations That the OEMP be updated to reflect changes to the sampling frequencies required under the EPL. <p>The Department requests have been addressed as follows:</p> <ul style="list-style-type: none"> A map of the site is included as Appendix A to the 2018 AEMR and 2019 AEMR. The dangerous goods register is included as Appendix H to the 2018 AEMR and 2019 AEMR. 	Non-compliant	NC5

Table A-1: Compliance with Development Application DA 293-08-00

CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
			<ul style="list-style-type: none"> A status update on the previous Independent Environmental Audit is provided in Appendix I to the 2018 AEMR. An update on the previous Independent Environmental Audit is not provided in the 2019 AEMR. The OEMP was updated to reflect the amended monitoring frequency in September 2018. <p>Recommendation: Include an update on an actions from the most recent Independent Environmental Audit in all future AEMRs.</p>		
	Independent Environmental Audit				
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> <p>(a) Be conducted by a suitably qualified, experienced, and independent person whose appointment has been endorsed by the Director-General;</p> <p>(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;</p> <p>(c) Assess the environmental performance of the development, and its effects on the surrounding environment;</p> <p>(d) Assess whether the development is complying with the relevant standards, performance measures, and statutory requirements;</p>	<ul style="list-style-type: none"> This audit Previous Independent Environmental Audit (SLR, 2018) Letter from the Department subject: <i>Mayfield 4 Berth (DA-293-08-00) Independent Environmental Audit and Hazard Audit 2020 - Auditor Endorsement Request</i> dated 22/10/2020 	<p>The previous Independent Environmental Audit was undertaken by SLR for the period 3 November 2014 to 27 August 2017 (date of site inspection). The requirements under this condition are met as follows in this audit:</p> <p>(a) Endorsement of the auditors was issued by the Department on 21 October 2020 (refer to Appendix 3 to the Audit Report).</p> <p>(b) The Audit has been conducted in accordance with <i>Australian Standard AS/NZS ISO 19011:2014 Australian/New Zealand Standards: Guidelines for quality and/or environmental management systems auditing</i> (which replaced ISO 14010), the Department's</p>	Compliant	

Table A-1: Compliance with Development Application DA 293-08-00

CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	<p>(e) Review the adequacy of the Applicant's Environmental Management Plan, and Environmental Monitoring Program; and, if necessary,</p> <p>(f) Recommend measures or actions to improve the environmental performance of the plant, and/or the environmental management and monitoring systems.</p>		<p>revised <i>Independent Audit: Post Approval Requirements</i> (May 2020) (IAPAR 2020).</p> <p>(c) This table and Section 3 of the Audit Report.</p> <p>(d) This table and Section 3 of the Audit Report.</p> <p>(e) Section 3.6 and 3.7 of the Audit Report.</p> <p>(f) This table and Section 4 of the Audit Report.</p>		
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.	<ul style="list-style-type: none"> Previous Independent Environmental Audit (SLR, 2018) Letter from the Department subject: <i>Mayfield 4 Berth (DA-293-08-00) Independent Environmental Audit Additional Information</i> dated 1/12/2017 Email to the Department subject: <i>PON Response to DoPE Comments – IEA DA 293-08-00</i> dated 19 January 2018 Letter from the Department subject: <i>Mayfield 4 Berth (DA-293-08-00) Independent Environmental Audit</i> 	<p>The Previous Independent Environmental Audit (SLR, 2018) was commissioned on 27 July 2017 and requested the audit to be submitted within 2 months of completion of the audit. The audit was submitted to the Department on 13 October 2017.</p> <p>The Department reviewed the audit and requested amendments to the report and re-submission by 22 January 2018. The revised report was submitted on 19 January 2018 including a response to the Department's comments. The revised report was accepted by the Department on 30 January 2018.</p> <p>Note: Submission of this audit is required by 30 November 2020 as per the Department's request.</p>	Compliant	

Table A-1: Compliance with Development Application DA 293-08-00

CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
		<p><i>and Hazard Audit 2020 - Auditor Endorsement Request dated 22/10/2020</i></p> <ul style="list-style-type: none"> Letter from the Department subject: <i>Mayfield 4 Berth (DA-293-08-00) Independent Environmental Audit Additional Information dated 30/01/2018</i> 			
	Community Consultative Committee				
9.6	<p>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:</p> <ul style="list-style-type: none"> An independent chairperson nominated by the Councils and approved by the Director-General; At least four community representatives residing within two (2) kilometres of the site boundary; Not more than two representatives appointed by the Applicant, one of which must be the Environmental Officer appointed under Condition 9.1; and at least one representative from the Council. 	<ul style="list-style-type: none"> Previous Independent Environmental Audit (SLR, 2018) Letter from the Department subject: <i>Mayfield 4 Berth (DA-293-08-00) Independent Environmental Audit Additional Information dated 1/12/2017</i> Email to the Department subject: <i>PON Response to DoPE Comments – IEA DA 293-08-00 dated 19 January 2018</i> Letter from the Department subject: <i>Mayfield 4 Berth (DA-293-08-00)</i> 	<p>A CCC was established by the Hunter Development Corporation (HDC) for the remediation works (prior to the audit period). As the site is not currently operating as a multi-purpose terminal, a CCC has not been established for operation of the Mayfield No.4 Berth.</p> <p>This condition was considered by the Department to be non-compliant in a response to the previous Independent Environmental Audit (version 1). PON responded to the Department as follows: "...This condition was closed out and accepted by the Department in previous IEA reports dating back to 2012 with no direction to form or attend a CCC for the operation Mayfield 4. Should the MPT be constructed and become fully operational PON will establish a project specific CCC that</p>	Not triggered	

Table A-1: Compliance with Development Application DA 293-08-00

CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
		<p><i>Independent Environmental Audit Additional Information</i> dated 30/01/2018</p> <ul style="list-style-type: none"> https://www.portofnewcastle.com.au/sustainable-port/community/ 	<p><i>meets the requirements of the consent.</i>". It was suggested by PON that this condition be therefore assessed as 'not triggered'. The Department accepted this approach on 30 January 2018.</p> <p>The Auditors therefore consider this condition to be 'not triggered' in accordance with the previous audit and correspondence with the Department.</p> <p>It is also noted that PON has established and operate their own CCC, which meets bimonthly to discuss the entire Port of Newcastle operations. Meeting minutes are available on the PON website (link in adjacent column).</p>		
9.7	<p>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 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</p>		<p>Refer to the response to Condition 9.6. This condition relates to the remediation works undertaken prior to the audit period and the construction and operation of the MPT which has not been undertaken to date.</p>	Not triggered	

Table A-1: Compliance with Development Application DA 293-08-00

CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	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.				
9.8	<p>The Applicant shall, at its own expense:</p> <ul style="list-style-type: none"> (a) nominate two (2) representatives to attend all meetings of the Committee; (b) provide to the Committee regular information on the progress of work and monitoring results; (c) 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; (d) provide access for site inspections by the Committee upon arrangement; (e) 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 (f) meet all reasonable administrative costs associated with operating the CCC up to a value of \$2000 per annum indexed according to the Consumer Price Index (CPI) at the time of payment. 		Refer to the response to Condition 9.6. This condition relates to the remediation works undertaken prior to the audit period and the construction and operation of the multi-purpose terminal which has not been undertaken to date.	Not triggered	
	Complaints Procedure				
9.9	<p>Prior to the commencement of site remediation activities the Applicant shall arrange:</p> <ul style="list-style-type: none"> (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 (b) a postal address where written complaints can be lodged. 	<ul style="list-style-type: none"> • https://www.portofnewcastle.com.au/contact-us/ 	<p>Remediation of the Closure Area was completed in 2012 prior to the audit period.</p> <p>Observation: PON maintain a public website with access to information on how to lodge a complaint which is available on the website. Complaints can be made in person, via phone, email or website.</p>	Not triggered	

Table A-1: Compliance with Development Application DA 293-08-00

CON.	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	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.		Phone: +61 2 4908 8200 Via post or in-person: Port of Newcastle Level 4, 251 Wharf Road Newcastle NSW 2300 Attention: Senior Manager Corporate Communications Email: info@portofnewcastle.com.au or via the online form above.		
10	DISPUTE RESOLUTION				
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.	<ul style="list-style-type: none"> Site interview 	The Auditor understands that there have been no disputes between the Applicant and any other parties in relation to the facility.	Not triggered	

APPENDIX 2

INDEPENDENT AUDIT DECLARATION FORM

INDEPENDENT AUDIT DECLARATION FORM

Project Name:	Mayfield 4 Berth
Consent Number:	DA-293-08-00
Description of Project:	Operation of a multi-purpose common use berth for bulk shipping operations
Project Address:	Selwyn Street, Mayfield, New South Wales
Proponent:	Port of Newcastle
Title of Audit:	Mayfield 4 Berth Independent Environmental Audit
Date:	27 November 2020

I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:

- the Audit has been undertaken in accordance with relevant condition(s) of consent and generally in accordance with the *Independent Audit Post Approval Requirements (Department 2018)*;
- the findings of the Audit are reported truthfully, accurately and completely;
- I have exercised due diligence and professional judgement in conducting the Audit;
- I have acted professionally, objectively and in an unbiased manner;
- I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the Audit, or by relationship as spouse, partner, sibling, parent, or child;
- I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- neither I nor my employer have provided consultancy services for the audited project that were subject to this Audit except as otherwise declared to the Department prior to the Audit; and
- I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

- a) Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- b) The *Crimes Act 1900* contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both).

Name of Auditor: Victoria Sedwick
Signature: 

Qualification: Exemplar Global Lead Auditor Accreditation No.13180
Company: Ramboll Australia Pty Ltd
Company Address: PO Box 560, North Sydney NSW 2060

APPENDIX 3

AUDITOR ENDORSEMENT

Brigid Kelly
Environmental Advisor
Port of Newcastle
Level 4, 251 Wharf Road
Newcastle, NSW, 2300

By Email ONLY: Brigid.Kelly@portofnewcastle.com.au

22/10/2020

Dear Ms Kelly

Mayfield 4 Berth (DA-293-08-00)

Independent Environmental Audit and Hazard Audit 2020 - Auditor Endorsement Request

Reference is made to your request (DA-293-08-00-PA2) for the Planning Secretary's approval of suitably qualified persons to conduct the 2020 Independent Environmental Audit (IEA) for the Mayfield 4 Berth development, in accordance with Schedule 2, Conditions 9.4 and 9.5 of DA-293-08-00 as modified (the consent) and submitted to the Department of Planning, Industry and Environment (the Department) on 20 October 2020. Reference is also made to your email requesting the Planning Secretary's approval of a duly qualified and independent person to carry out the 2020 Hazard Audit for the Mayfield 4 Berth development, in accordance with Schedule 2, Condition 7.11 of the consent and submitted to the Department on 14 October 2020.

Independent Environmental Audit

In accordance with Schedule 2, Condition 9.4 of the consent, the Planning Secretary has agreed to the following audit team for the IEA 2020:

- Shaun Taylor (auditor);
- Taylor Jackson (auditor); and
- Victoria Sedwick (peer review).

Please note that this approval is only applicable for the 2020 IEA and further approvals must be sought for future IEAs required under the consent.

The IEA must be prepared, undertaken and finalised in accordance with *ISO 14010 – Guidelines and General Principles for Environmental Auditing*, and *ISO 14011 – Procedures for Environmental Auditing* or updated versions of these guidelines/materials. Failure to meet these requirements will require revision and resubmission.

The Department also requests that the auditors consider the recently released *Independent Audit – Post Approval Requirements* (PAR) (May 2020), available on the Department's website, including the use of compliance descriptors "compliant", "non-compliant" or "not triggered" only, and the provision of a Response to Auditor Recommendations document (<https://www.planning.nsw.gov.au/-/media/Files/DPE/Other/Assess-and-regulate/About-Compliance/independent-audit-post-approval-requirements-2020-05-19.pdf>)

The 2020 IEA period shall be from the date of the previous IEA site inspection (i.e. 27 August 2017) to the date of the 2020 IEA site inspection, which is to be undertaken .

As per Schedule 2, condition 9.5 of the consent, the 2020 IEA report and a response to audit recommendations are to be submitted to via the Department's Major Projects Website within two (2) months of the 2020 IEA site inspection.

Please ensure this correspondence is appended to the IEA Report.

Hazard Audit

In accordance with Schedule 2, Condition 7.11 of the consent, the Planning Secretary has agreed to the nominated Hazard Auditor, Philip Skinner of Arriscar Pty Ltd, to conduct the 2020 Hazard Audit.

Please note that this approval is only applicable for the 2020 Hazard Audit and further approvals must be sought for future Hazard Audits required under the consents.

The Hazard Audit must be carried out in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 5 – Hazard Audit Guidelines*.

The 2020 Hazard Audit period shall be from the date of the previous Hazard Audit site inspection (i.e. 10 October 2017) to the date of the site inspection for the 2020 Hazard Audit.

As per Schedule 2, Condition 7.11 of the consent, the Hazard Audit report and a response to audit recommendations are to be submitted to via the Department's Major Projects Website within one (1) month of the 2020 Hazard Audit site inspection.

Please ensure this correspondence is appended to the Hazard Audit report.

If you wish to discuss the matter further, please contact Joel Curran, Senior Compliance Officer on (02) 4904 2702 or compliance@planning.nsw.gov.au

Yours sincerely



Heidi Watters
Team Leader Northern
Compliance

As nominee of the Planning Secretary

APPENDIX 4 SITE PHOTOS



Photo 1: Site entrance/exit and security hut



Photo 2: Security hut located at the site entrance



Photo 3: Mayfield 4 Berth facing north west



Photo 4: Site facing south east



Photo 5: Spill kit located near the site facilities



Photo 6: Skip bin located near the site facilities



Photo 7: TSP monitor



Photo 8: PM₁₀ monitoring station



Photo 9: Industrial lift truck area



Photo 10: Pallet storage



Photo 11: Stevedore storage containers



Photo 12: Lighting and surveillance camera