

Intended for
Port of Newcastle

Document type
Independent Environmental Audit

Date
January, 2024

Mayfield Concept Plan

Independent Environmental Audit



Mayfield Concept Plan Independent Environmental Audit

Project name **Mayfield Concept Plan Independent Environmental Audit**
Project no. **318001841**
Recipient **Port of Newcastle**
Document type **Independent Environmental Audit**
Version **V2.0**
Date **19/01/2024**
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Description **Ramboll were engaged by Port of Newcastle to undertake an Independent Environmental Audit of the Mayfield Concept Plan approved under Development Application number DA 09_0096.**

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Revision	Date	Prepared by	Checked by	Approved by	Description
V1.0	20/12/2023	C.L. / T.H.	S.T. / V.S.	V.S.	Draft 1 Issued to Client
V2.0	19/01/2024	C.L. / T.H.	S.T. / V.S.	V.S.	Final issued to Client

Executive Summary

Ramboll Australia Pty Ltd was engaged by Port of Newcastle to conduct an independent environmental audit of the Mayfield Concept Plan and associated activities approved under development consent DA 09_0096 (the project). The project is located on 90 hectares of port-side land at Selwyn Street, Mayfield, New South Wales (NSW) (the 'site').

The Mayfield Concept Plan was first approved by the NSW Department of Planning and Environment on 16 July 2012 under development consent DA 09_0096. The Mayfield Concept Plan establishes the broad regulatory and environmental framework for the assessment and development of future projects within five key precincts within the site. The Mayfield Concept Plan also includes supporting road and rail infrastructure to service the precincts. Under the Mayfield Concept Plan approval individual projects are subject to separate planning approval from the Department under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

There are currently two facilities operating under the Mayfield Concept Plan approval:

- Stolthaven Bulk Fuel Terminal approved under development application SSD_7065
- Mayfield Cargo Storage Facility approved under development application DA 8137.

The operation of the two facilities are not included within the audit scope as they are subject to separate development approvals (SSD 7065 and DA 8137 respectively).

The independent environmental audit is a statutory requirement by the NSW Department of Planning under Condition 4.1 of the development consent. In accordance with Condition 4.1, a program for independent environmental auditing is required to be implemented in accordance with *ISO 19011:2003 – Guidelines for Quality and/or Environmental Management Systems Auditing*. The objective of the audit was to independently assess the environmental performance and compliance status of the site under DA 09_0096 requirements during the audit period.

The audit period covered by the audit is from 6 November 2018 to 10 November 2023. The site visit was conducted on 10 November 2023.

The Auditors assessed the development to be generally compliant with the conditions of Development Consent DA 09_0096. Nine non-compliance issues were identified relating to seven conditions, the majority of which are considered to be of an administrative nature. Some opportunities for improvement were also identified.

Environmental performance was 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.

The management systems appear generally adequate, however opportunities for improvement have been identified to improve document currency and usability.

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Independent Audit Table

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Independent Audit Declaration Form

Glossary and Acronyms

Applicant	Port of Newcastle or any other person carrying out the development
AS	Australian Standard
CLG	Community Liaison Group
CLM Act	<i>Contaminated Land Management Act 1997</i>
CSMP	Contaminated Site Management Plan
DA	Development Application
DA 09_0096	Development Application number DA 09_0096 issued for the project, as modified
DP	Deposited Plan
DPE	NSW Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence
HVAS	High Volume Air Sampler
IAPAR 2020	Department of Planning Industry and Environment <i>Independent Audit: Post Approval Requirements</i> (May 2020) (now the Department of Planning and Environment)
IEA	Independent Environmental Audit
ISO	International Organisation for Standardisation
Mayfield Concept Plan	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 Environmental Planning and Assessment Act 1979
NC	Non-compliance
NSW	New South Wales
POEO Act	NSW Protection of the Environment Operations Act 1997
PON	Port of Newcastle
Ramboll	Ramboll Australia Pty Ltd
SEE	Statement of Environmental Effects
SSD	State Significant Development
The Department	NSW Department of Planning and the Environment
The site	The 90 hectare parcel of land located at Selwyn Street, Mayfield, New South Wales
VRA	Voluntary Remediation Agreement

1. Introduction

1.1 Background

Ramboll Australia Pty Ltd (Ramboll) has been engaged by Port of Newcastle (PON) to conduct an independent environmental audit of the Mayfield Concept Plan and associated activities approved under development consent DA 09_0096 (the project). The project is located at Selwyn Street, Mayfield, New South Wales (NSW) (the 'site').

The site is a 90 hectare parcel of port-side land located within the 'Mayfield Precinct' of the Port of Newcastle (refer to Figure 1). The site is located within an industrial area and sits adjacent to the South Arm of the Hunter River. The site forms part of the former BHP Steelworks site which has been the subject of extensive remediation works since its closure in 1999. Remediation works for the site were completed in 2012.

The main road access to the site is from Selwyn Street via Industrial Drive whilst shipping access is maintained via the shipping channel in the South Arm of the Hunter River. The Mayfield 4 Berth is located adjacent to the 90 hectare Concept Plan site (refer to Figure 1) and is subject to a separate development approval.

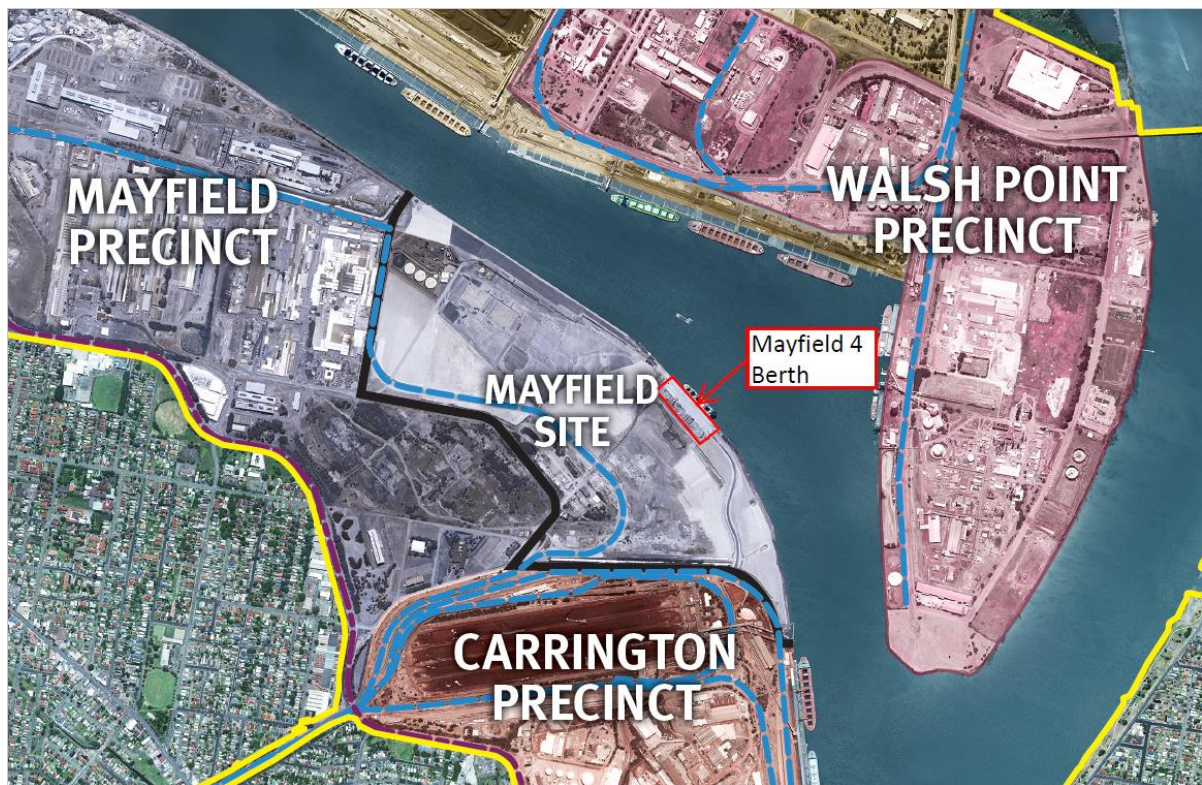


Figure 1: Site Layout (Port of Newcastle, 2021)

The Mayfield Concept Plan was first approved by the NSW Department of Planning and Environment (the 'Department' or 'DPE') on 16 July 2012 under development consent DA 09_0096. DA 09_0096 applies to *"the redevelopment of 90 hectares of port-side land in Mayfield, with five key precincts generally as follows:*

- ***NPC Operational Precinct:*** for managing operations by NPC within the Port of Newcastle;
- ***Bulk and General Precinct:*** for handling and storing bulk cargoes;
- ***General Purpose Precinct:*** for handling and storing cargo containers, heavy machinery, break-bulk and Roll On Roll Off cargoes;
- ***Container Terminal Precinct:*** for the storage and transfer of containers; and
- ***Bulk Liquid Precinct:*** for the receipt, storage, blending and distribution of fuels and biofuels.

The Concept Plan also includes supporting road and rail infrastructure to service the above precincts."

The Mayfield Concept Plan establishes the broad regulatory and environmental framework for the assessment and development of future projects within the site. Under the Mayfield Concept Plan approval individual projects are subject to separate planning approval from the Department under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

There are currently two facilities operating under the Mayfield Concept Plan approval:

- Stolthaven Bulk Fuel Terminal approved under development application SSD_7065
- Mayfield Cargo Storage Facility approved under development application DA 8137.

The independent environmental audit is a statutory requirement by the Department under Condition 4.1 of the development consent. In accordance with Condition 4.1, a program for independent environmental auditing is required to be implemented in accordance with *ISO 19011:2003 – Guidelines for Quality and/or Environmental Management Systems Auditing*.

1.2 Audit team

The audit team comprised Victoria Sedwick (Lead Auditor), Shaun Taylor (Auditor) and Charyssa Lawrence (Auditor Assistant) of Ramboll. Additional support was provided by Taylor Hancock (Auditor Assistants). The audit report was prepared by the Auditor Assistants, checked by the Auditor 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 site under DA 09_0096 requirements during the audit period.

1.4 Audit scope

To assess the environmental performance of the site as required under Schedule 3, Condition 4.1 of the DA 09_0096, the audit is required to verify and report compliance with the requirements of approval in alignment with the PON compliance tracking program as follows:

"Compliance Tracking Program

4.1 The Proponent shall develop and implement a Compliance Tracking Program to track compliance with the requirements of this approval. The Program shall include, but not necessarily be limited to:

- a) provisions for periodic review of the compliance status of the Concept Plan and associated projects against the requirements of this approval;*

- b) *provisions for the notification of the Director-General following the determination of, prior to the commencement of construction, and prior to the commencement of operation of projects associated with this Concept Plan approval;*
- c) *provisions for period reporting of environmental monitoring and compliance status to the Director-General;*
- d) *a program for independent environmental auditing in accordance with ISO 19011:2003 – Guidelines for Quality and/or Environmental Management Systems Auditing.*
- e) *Procedures for rectifying any non-compliance identified during environmental auditing or review of compliance.”*

The requirement for independent environmental auditing is specified under Condition 4.1(d) of the Mayfield Concept Plan approval as detailed above. Whilst the program for independent environmental auditing is not specified within the approval, the Department has specified in recent correspondence regarding the endorsement of the current audit team (refer to Section 2.3) that:

“Future IEAs prepared in accordance with Schedule 3, Condition 4.1 of the concept approval shall be submitted every three (3) years, unless otherwise agreed by the Planning Secretary.”

The focus of this audit is on the management of the Mayfield Concept Plan site in accordance with DA 09_0096. The following items were considered to fall outside of the audit scope:

- the operation of the two facilities, the Stolthaven Bulk Fuel Terminal and the Mayfield Cargo Storage Facility, are not included within the audit scope as they are subject to separate development approvals (SSD 7065 and DA 8137 respectively)
- the operation of the Mayfield 4 Berth is not included within the scope of this audit as operations are subject to a separate development approval (DA 293-08-00).

As such, no site visit or interviews with employees of these facilities was required.

1.5 Audit period

The audit period covered by the previous independent environmental audit ended on 5 November 2018 (the 'previous audit'). The previous audit was documented in the report by SLR Pty Ltd titled *Independent Environmental Audit: Mayfield Concept Plan* (SLR, 2018).

The audit period covered by this audit is from 6 November 2018 to 10 November 2023. The site visit was conducted by Shaun Taylor and Charyssa Lawrence on 10 November 2023.

2. Audit Methodology

2.1 Overview

The audit has been conducted at the site to review the site's management of environmental impacts and to confirm compliance against the relevant development consent conditions.

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) and in accordance with the *Independent Audit Post Approval Requirements* (Department of Planning, Industry and Environment, 2020) (IAPAR).

2.2 Independent audit scope development

The scope of the audit was developed with consideration to the following:

- the compliance requirements and environmental performance requirements under DA 09_0096 including all post approval documents prepared to satisfy the conditions relevant to the audit period
- the recommendations made within the previous audit
- the requirements contained within the IAPAR
- consultation with the Department of Planning and Environment, the Environmental Protection authority (EPA), and PON's Community Liaison Group (CLG) (refer to Section 3.8).

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 includes:

- 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.

2.3 Selection and endorsement of the audit team

The Auditors referred to in Section 1.2 are independent from the facility and have demonstrated experience conducting environmental compliance audits or environmental impact assessments. 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 17 October 2023 which is provided in Appendix 2.

2.4 Site inspection and interviews

A one-day site visit was undertaken on 10 November 2023 by the Auditor, Shaun Taylor, and the Auditor Assistant, Charyssa Lawrence. The Auditor and Auditor Assistant was accompanied by PON representatives Brigid Kelly (Environmental Advisor) and Phillip Carroll (Planning Advisor). 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.

A closing meeting was undertaken on 10 January 2024 by the Auditor, Shaun Taylor and PON representatives Brigid Kelly (Environmental Advisor) and Phillip Carroll (Planning Advisor). Preliminary audit findings and recommendations for post-audit actions were discussed.

2.5 Consultation

The Auditors consulted with the Department, the EPA and the CLG in accordance with IAPAR requirements. 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 09_0096.

This audit report has been prepared in accordance with the IAPAR including adoption of compliance status descriptors outlined in the IAPAR and reproduced in the following Table 2-1. These compliance status descriptors have been used to assess compliance requirements in the audit table presented as Appendix 1.

Table 2-1: Compliance status descriptors

Status	Description
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 09_0096
- Environmental assessment documents
- Management plans and other documentation as listed in Section 3.1
- Previous independent environmental audit (SLR, 2018)
- Environmental monitoring reports (traffic, air quality, noise and water)
- Email/letter correspondence records
- Registers such as the Compliance Tracking and Recording Register and incident register.

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

Total number of compliance requirements	47
Total number of ‘compliant’ conditions	33
Total number of ‘non-compliant’ conditions	7
Total number of ‘not triggered’ conditions	7

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 09_0096 are noted in Table 3-2.

Recommendations associated with each non-compliance detailed below are summarised in Section 4.1.

Table 3-2: Summary of non-compliances

NC#	Condition(s)	Non-compliance
NC1	1.1	Nine non-compliances with the terms of the approval were identified during this audit.
NC2	1.4	Most recommendations from the previous independent environmental audit have not been actioned.

NC#	Condition(s)	Non-compliance
NC3	2.10	The Auditor did not site evidence that the bi-monthly traffic data has been reported to the relevant authorities. It is noted these are publicly available on the PON website.
NC4	2.10	The following traffic monitoring reviews were required during the audit period: <ul style="list-style-type: none"> • Stolthaven Bulk Fuel Terminal (SSD 7065) – in 2019 and 2022 • Mayfield Cargo Storage Facility (DA 8137) - by 1 July 2022. The Auditor did not sight evidence that these reviews had been undertaken.
NC5	2.12	The Auditor did not site evidence that the Site Air Quality Model has been maintained.
NC6	2.21	During the October 2022 retrieval round, RCA noted that the loggers in MW05Fa and MW05Sa were missing and monitoring data was not collected since May 2022.
NC7	3.2	The Auditor noted the following information was not available on the website as required under the condition: <ul style="list-style-type: none"> • A copy of the development consent for DA 09_0096 • The previous independent environmental audit completed against DA 09_0096.
NC8	4.1	The version control register notes the last update of the Compliance and Monitoring Tracking Program Register occurred on 17 March 2015.
NC9	4.1	Commissioning of this independent environmental audit did not occur until November 2023 (approximately two years overdue).

3.5 Previous audit recommendations

The most recent independent environmental audit of DA 09_0096 was conducted by SLR in 2018 as described in Section 1.5. An assessment of progress on the recommendations made in the previous audit is presented in Table 3-3.

Table 3-3: Previous Independent Environmental Audit recommendations

Aspect / Location	Previous audit comments, recommendations and opportunities	Status	Auditor comment
<p>Mayfield Site Development Applications and Approvals summaries located on website under Overview of Compliance and status are not current.</p>	<p>The Mayfield Concept Approval – Compliance Requirements and Mayfield Concept Approval – Compliance Requirements – November 2017 was not current it is missing the date of the Stolthaven Stage 3 approval. Table has “not yet determined” instead of approval date.</p> <p>Recommend reviewing and updating summary and also consider adding document control features to the summaries to allow traceability.</p>	<p>Not complete</p>	<p>The Mayfield Concept Approval – Compliance Requirements is outdated.</p>
<p>All Mayfield Concept Plans (MCPs), programs and strategies</p>	<p>SLR recommends undertaking a comprehensive review of all the plans, procedures and strategies prepared under the approval. The auditor found current documents extremely difficult to read from an implementation point of view. The documents appear to be written purely from gaining approval from the Department’s perspective.</p>	<p>Not complete</p>	<p>A review of all the plans, procedures and strategies has not occurred.</p>
<p>All Mayfield Concept Plans (MCPs), programs and strategies</p>	<p>As part of the comprehensive review, ensure that the Plans, programs etc reflect current practice not what was proposed originally and not actually being carried out. For example refer to the comments below about the Compliance Tracking Program Report.</p>	<p>Not complete</p>	<p>A review of all the plans, procedures and strategies has not occurred.</p>
<p>Mayfield Concept Approval Compliance Tracking Program Report</p>	<p>Review and update this report to reflect what is actually happening in terms of reporting. For example, Section 2.1 states in the last sentence of paragraph one.</p>	<p>Not complete</p>	<p>The Mayfield Concept Approval Compliance Tracking Program Report has not been updated.</p>

Aspect / Location	Previous audit comments, recommendations and opportunities	Status	Auditor comment
	<p><i>"As part of these individual project approvals tenants would be required to provide PON with review of compliance of their respective operations as follows...</i></p> <ul style="list-style-type: none"> - <i>An annual compliance report to PON following each year of operation".</i> <p>As discussed during the audit, this is not undertaken by the tenants.</p> <p>Also Section 2.3 refers to Compliance Tracking Report being prepared annually. Again this has not occurred.</p>		
Compliance Tracking Register	<p>SLR recommends the entire condition is included in the Compliance Tracking Register. On several occasions, only part of a Condition was documented in the Register which has resulted in critical aspects being missed in terms of tracking compliance. For example</p> <ul style="list-style-type: none"> - 2.10 – Condition is documented up to the end of point j), all the requirements of the condition after this point have been excluded of which auditable/compliance related elements are not being tracked. For example the last paragraph in the condition states: <i>The results of the monitoring and review shall be submitted to Transport for NSW, the RMS, Council and the Director General within six months of the monitoring period. The monitoring and reporting program shall be integrated into the Compliance Tracking Program.</i> <p>Recommend cross referencing to where compliance is achieved within documents for each element. Appendix A in this report can be used as a starting point.</p>	Not complete	The Compliance Tracking Program Register has not been updated to include the entirety of the conditions in the project approval.

Aspect / Location	Previous audit comments, recommendations and opportunities	Status	Auditor comment
	<p>In relation to Condition 2.10, the Register currently does not specify when specific traffic monitoring and reviews are due for each operator. Recommend adding specific monitoring requirements to the Register. For example: Cargo facility:</p> <ul style="list-style-type: none"> • Initial (due prior to July 2017) • One year (due 1 July 2018) • Five years (due 1 July 2022) 	Not complete	The Compliance Tracking Program Register has not been updated to include the specific monitoring requirements.
	<p>Condition 2.28 requires an initial hazard audit after commencement and then 3 yearly. Recommend including more details in the Tracking Compliance Register which would assist in tracking when reports/plans are due to the Director General and other stakeholders.</p>	Not complete	The Compliance Tracking Program Register has not been updated.
	<p>Recommended that the dates of when plans were submitted to the DPE are reviewed in the Register. For example</p> <ul style="list-style-type: none"> • Item 127 – Traffic Management Plan it states under the Comment column that this plan was submitted to DEP [sic] – see correspondence dated 21/7/2015, however SLR sighted an email dated 27 November 2015 submitting the Traffic Management Plan as a draft to the DPE. 	Not complete	The Compliance Tracking Program Register has not been updated to reflect the correct submission date.
Assessments required under Condition 2.1e) to m)	Ensure that all future consultant(s) preparing the individual assessment for PON MCP development include a “table of compliance” relating to the specific condition. The table can be broken down into each	Not complete	The Statement of Environmental Effects prepared for Modification 1 to the Development Consent for the Mayfield Cargo Storage Facility (Aeurcon 2019) does not include a

Aspect / Location	Previous audit comments, recommendations and opportunities	Status	Auditor comment
	<p>element and a column cross referencing to where that element has been addressed in the report.</p> <p>The entire condition is required, for example some of the current plans didn't cover suitably qualified persons, consultation etc.</p> <p>For these two elements, auditor would recommend:</p> <ul style="list-style-type: none"> • Suitably qualified persons – added CVs as an appendix; and • Consultation – incorporate a separate section in the report on consultation and include a table summarising when, when and how each stakeholder was consulted and the outcomes of the consultation. 		<p>table identifying where each assessment requirement listed under condition 2.1e) to m) of the project approval have been addressed.</p>
Noise Verification Monitoring Program	<p>This document needs to be reviewed as outlined in Section 1.1 of the Mayfield Concept Plan - Annual Noise Verification Review Report (2017), Port of Newcastle Operations Pty Ltd, prepared by AECOM, 20 December 2017, the NSW Industrial Noise Policy (EPA 2000) was withdrawn in November 2017 and replaced by the Noise Policy for Industry (2017).</p>	Not complete	<p>The Noise Verification Monitoring Plan has not been updated.</p>
Traffic Monitoring and Review	<p>Section 3.0 was confusing, it is recommended to include a table which summarises what noise surveys are required, frequency of those surveys.</p>	Not complete	<p>The Traffic Monitoring and Review Plan has not been updated.</p>
	<p>Review and update the plan as Table 1-1 has:</p> <ul style="list-style-type: none"> • Incorrect reference to Section 5.0 for e) when it should be Section 4.0 • References to Section 6.0 and the report ceases at Section 5.0. 	Not complete	<p>The Traffic Monitoring and Review Plan has not been updated.</p>

Aspect / Location	Previous audit comments, recommendations and opportunities	Status	Auditor comment
	Seek clarification on the traffic data to be captured and reported, at present PON is only receiving certain data and does not believe possible to capture data being required under Condition 2.10.	Not complete	The Traffic Monitoring and Review Plan has not been updated.
Air Quality Monitoring Program	Request that Stolthaven include in their bi-monthly report, percentage of time the met station was operational for the month for each parameter.	Not complete	The Stolthaven bi-monthly reports reviewed did not include data from the meteorological station. It is noted Stolthaven use data from the Mayfield No 4 Berth site and there are no specific air quality monitoring requirements placed on the operation.
User Guide – Mayfield Concept Plan Air Dispersion Site Model	<p>Section 1.6, Table 2 lists Site Model Versions Completed. However it only lists 2015 – Stolthaven Stage 2 modification. It is missing the Stolthaven Stage 3 and the Cargo Storage Facility (no assessment required).</p> <p>It is noted that the paragraph under Table 2 states “Table 2 and Appendix B should be updated at the completion of each use of the Site Model to keep a record of the modelling undertaken.</p> <p>It is recommended the word should in this sentence be changed to “must” or “shall” as should means it is not mandatory and possible for Site Model not to be current.</p>	Not complete	The Mayfield Concept Plan Air Dispersion Site Model has not been updated.
Concept Stormwater Management Strategy, Mayfield Concept Plan, Port of	Updating Section 7.3 Site-Wide Monitoring Program of the Strategy to include a figure showing the actual	Not complete	The Concept Stormwater Management Strategy has not been updated.

Aspect / Location	Previous audit comments, recommendations and opportunities	Status	Auditor comment
Newcastle, 9 July 2015, prepared by AECOM	water quality monitoring locations that PON are responsible for.		
Concept Stormwater Management Strategy, Mayfield Concept Plan, Port of Newcastle, 9 July 2015, prepared by AECOM	Review cross reference to Section 6.1 in the second sentence in Section 7.5, auditor believes this reference should be Section 7.2.	Not complete	The Concept Stormwater Management Strategy has not been updated.
	Suggest rewording Section 8.4 as it is not clear if Strategy is being reviewed by PON as required by Condition 2.21.	Not complete	The Concept Stormwater Management Strategy has not been updated.
	SLR recommend incorporating this Stormwater Strategy review as a separate tracking element in the Compliance Tracking Register. That way it can be recorded when a development has been approved under the Approval and when the Strategy was reviewed but didn't need amending/updating.	Not complete	The Compliance Tracking Program Register has not been updated to incorporate the stormwater strategy review.
Community Communication Strategy	SLR recommend the Community Communication Strategy be reviewed as not reviewed nor updated since July 2015. Section 7.1 Provision of electronic information table is out of date.	Not complete	The Community Communication Strategy has not been updated.
Mayfield Concept Plan Cumulative Noise Modelling, User Guide	Review and update, it was written prior to the Site Noise Model being developed as it is written in the context of this will happen. For example, "AECOM will issue PON with" etc.	Not complete	The Cumulative Noise Modelling User Guide has not been updated.
Utilities Infrastructure Plan, Mayfield Concept Plan, Port of Newcastle, 9 July 2015, prepared by AECOM.	Review and update the Plan based on approvals granted to date and infrastructure plan and timetable.	Not complete	The Utilities Infrastructure Plan has not been updated.

Aspect / Location	Previous audit comments, recommendations and opportunities	Status	Auditor comment
<p>Issuing dates for management plans</p>	<p>The issued date with some of the plans are confusing as the following were submitted to the DPE on 27 November 2015 as DRAFT plans seeking feedback:</p> <ul style="list-style-type: none"> • Traffic Management Plan, Revision E, 16 November 2015, Draft for Consultation, however the Plan reviewed by SLR was Revision E, 16 November 2015 Final. • Traffic Monitoring and Review, Mayfield Concept Plan, Revision D, 16 November 2015, Draft for Consultation, however the Plan reviewed by SLR was Revision D, 16 November 2015 Final. • Air Quality Monitoring Plan, Revision D, 15 October 2015, Revised Draft, however the Plan reviewed by SLR was Revision D, 15 October 2015 Final 	<p>Not complete</p>	<p>The management plans have not been updated.</p>

3.6 Environmental management plans, sub-plans and compliance documents

Environmental management plans associated with the Mayfield Concept Plan includes:

- *Traffic Management Plan* (AECOM 2015)
- *Traffic Monitoring and Review, Mayfield Concept Plan, Port of Newcastle* (AECOM 2015)
- *Air Quality Monitoring Plan, Mayfield Concept Plan* (AECOM 2015)
- *User Guide, Mayfield Concept Plan Air Dispersion Site Model* (AECOM 2015)
- *Noise Verification Monitoring Plan* (AECOM 2015)
- Noise verification reports
- *Stormwater Management Strategy* (AECOM 2015)
- Quarterly Stormwater Quality Reports
- *Contaminated Site Management Plan, Port Lands, Former BHP Steelworks, Mayfield, Newcastle* (HDC 2016)
- *Utilities Infrastructure Plan* (AECOM 2015)
- *Shore Side Power Feasibility Report* (AECOM 2015)
- *Mayfield Site Precinct Emergency Management Plan* (PON 2023)
- *Port of Newcastle Corporate WHS Management System* (PON 2022)
- *Mayfield Concept Plan Community Communication Strategy* (PON 2015)
- Mayfield Concept Approval Compliance Tracking Program Register (PON 2015)
- Stolthaven bi-monthly reports.

Compliance with the management plans was assessed during the audit as relevant to the current project stage (refer to Appendix 1). The Auditors have reviewed these plans and provided recommendations for improvement, where relevant.

3.7 Environmental performance

3.7.1 Traffic

Traffic Monitoring data is provided by individual tenants operating under the Mayfield Concept Plan Approval to Port of Newcastle on a bi-monthly basis. PON publishes Traffic Management Reports on the project website. Reported traffic movements are well within the limits defined under condition 2.3 of the project approval. The Auditor noted some opportunities for improvements to the Traffic Management Plan and Compliance Tracking Program Register to clarify the requirements around traffic noise monitoring.

3.7.2 Air quality and dust

Management of air quality and dust within the Mayfield site is necessary to minimise incidence of particulate matter, offensive odour, vapours or emissions. Current impacts generally relate to the Stolthaven Bulk Fuel Facility. The Mayfield Cargo Storage Facility is a largely sealed site and therefore generates minimal dust emissions.

Ambient air quality and wind data is currently monitored via the NSW EPA Lower Hunter Air Quality Monitoring Network in accordance with the Air Quality Monitoring Plan. The Auditor did not see evidence that the results of this monitoring is being proactively managed by PON.

The Auditor noted the Site Air Model and Air Quality Monitoring Plan requires updating to include Stage 3 of the Stolthaven Bulk Fuel Facility. Other improvements to the plan were recommended to reflect current operations and guidelines.

3.7.3 Noise

Management of operational noise within the Mayfield site is necessary to reduce potential disturbances to the amenity experienced by nearby residents and other land users. AECOM maintains the site noise model and is commissioned on an annual basis to undertake noise verification monitoring against the criteria defined in condition 2.17 of the project approval. Compliance was found at all receiver locations, during all assessment periods under all prevailing meteorological conditions during the audit period. Additionally, there were no noise complaints made over the audit period as reported by AECOM in the annual compliance reports. Based on this, the Auditor considers that cumulative noise impacts within the Mayfield Concept Area are being adequately managed by PON. Minor recommendations were made to update the Noise Verification Monitoring Plan to reflect current guidelines.

3.7.4 Contamination

A Voluntary Remediation Agreement (VRA) issued in September 2005 (VRA No. 26025) applies to the former BHP Steel Works referred to as the 'Closure Area'. The Mayfield Concept Area is remediated portion of the Closure Area. Under the VRA, the remediation works were implemented in two stages. The principal features of the Stage 1 works, which were completed between 2004 and 2008. An addendum to the VRA was issued by NSW EPA on 20 March 2012, which divided the Stage 2 remediation works into Stage 2(a) and Stage 2(b). Stage 2(a) was subsequently divided into a number of subareas (Areas 2A to 2H and new railway line) for remediation contracting and site development purposes. Stage 2(a) works were completed in 2013. Remedial works on the portion of Stage 2(b) comprising 'Area 2(b) Port of Newcastle Intermodal' were completed in 2016. The Declaration of Remediation Site was revoked for the Stage 1 and Stage 2(a) area in January 2014.

The remediation works are the subject of a Maintenance of Remediation Notice (Notice No. 20142802) issued by NSW Environment Protection Authority (EPA) under Section 28 of the *Contaminated Land Management Act 1997* (CLM Act). Maintenance of the site is achieved via implementation of a Contaminated Site Management Plan (CSMP). The Maintenance of Remediation Notice requires an annual review of compliance with the CSMP undertaken by a person who is accredited as a NSW Site Auditor.

Annual reviews have been undertaken by Fiona Robinson (EPA-accredited Site Auditor No. 1506) during the audit period. The most recent annual review (2022) did not identify any significant non-compliances relating to implementation of the CSMP.

3.7.5 Hydrology

Management of surface water within the Mayfield site is necessary to protect water quality within the Hunter River. PON's Stormwater Management Strategy requires monitoring of stormwater at six locations when more than 25 millimeters of rainfall is received in a 24-hour period. Quarterly reports are prepared and posted on PON's website. The Auditor has made recommendations in relation to the stormwater quality reports to demonstrate whether water quality data collected is compliant or not compliant with the water quality values and to provide commentary on any trends in the data.

Groundwater levels are monitored at the site on an hourly basis using permanent level loggers. RCA are contracted to retrieve and download the loggers on a quarterly basis. RCA reports that long term trends indicate the water level within the wells are generally stable. An incident occurred during the October 2022 retrieval round, RCA noted that the loggers in MW05Fa and MW05Sa were missing and monitoring data was not collected. Neither RCA nor relevant PON personnel are aware of the reason for the loggers being removed from the wells. Loggers were

reinstated into the MW05 wells on 13 March 2023 following a site wide audit of all groundwater monitoring wells at the site.

3.8 Consultation outcomes

A summary of consultation undertaken between government agencies and the Auditor(s) during the audit period is provided in **Table 3-4**. There are no specific consultation requirements specified in the development consent.

Table 3-4: Consultation outcomes

Agency	Comments	Where addressed
DPE	None received.	n/a
EPA	None received.	n/a
CLG	None received.	n/a

3.9 Complaints

Complaints are recorded in the 'Incidents Register'. The Auditor noted the Compliance and Tracking Program Register also has a tab for 'Complaints', however this has not been updated since 2015. Ramboll understands that no complaints were received in relation to the Mayfield Concept Plan in the audit period as reported in the Incidents Register.

3.10 Incidents

Complaints are recorded in the 'Incidents Register'. The Auditor noted the Compliance and Tracking Program Register also has a tab for 'Incidents', however this has not been updated since 2015. The Auditor understands from the register that no reportable incidents occurred during the audit period.

The Auditor recommends the Incident Register is updated to include a ranking on the severity of the incident and note on whether or not a follow up is required.

3.11 Actual versus predicted impacts

The Auditors have not identified significant inconsistencies between actual environmental impacts and the predicted environmental impacts (refer to discussion in Section 3.7).

3.12 Site inspection

The focus of the audit is on the management of the Mayfield Concept Plan with management of the Stolthaven Bulk Fuel Facility and Mayfield Cargo Storage Area operations undertaken in accordance with the respective approvals. As such no site inspection of these areas was undertaken.

The Mayfield Concept Plan area was generally observed on 10 November 2023. In general, the facility site was observed to be well maintained and in a tidy condition. The majority of the site inspected for the audit was observed to be maintained as a vegetated and remediated landform.

3.13 Site interviews

Interviews with PON representatives Brigid Kelly (Environmental Advisor) and Phillip Carroll (Planning Advisor) 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

Annual reviews and compliance reports are not required under the project approval.

3.15 Key strengths

Environmental performance was 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

A summary of non-compliance recommendations identify as part of this Audit is provided in Table 4-1 with further details provided in the Independent Audit Table presented as Appendix 1.

Table 4-1: Non-compliance recommendations

NC#	Condition(s)	Recommendation
NC1	1.1	Review and respond to the recommendations made in this audit to prevent future non-compliances against the project approval.
NC2	1.4	Prepare a response to the recommendations identified as part of this independent environmental audit in accordance with the IAPAR and implement these as agreed with the Department.
NC3	2.10	Report the bi-monthly traffic monitoring data to the relevant authorities within six months of the monitoring period.
NC4	2.10	As recommended in the previous independent environmental audit, The Traffic Monitoring and Review Plan should be updated to include table summarising the timing of traffic noise surveys to help clarify the required frequency of surveys required. This should also be included in the Compliance Tracking Program register.
NC5	2.12	It is recommended the Mayfield Concept Plan Air Dispersion Site Model is updated to include the completed site model versions, including Stage 3 of the Stolthaven Bulk Fuel Facility as required under Section 1.6 of the plan.
NC6	2.21	Undertake regular inspections of monitoring wells to ensure loggers are in place.
NC7	3.2	Update the project website to include the information as listed above. This independent environmental audit should also be made available once complete.
NC8	4.1	The Compliance and Monitoring Tracking Program Register should be reviewed an updated to address the recommendations in this independent environmental audit. Annual reviews of the register should be undertaken and documented in the version control register.
NC9	4.1	Subsequent independent environmental audits should be undertaken on a three-year basis as required.

4.2 Opportunities for improvement

A summary of the additional continuous improvement recommendations identified as part of this Audit is provided in Table 4-2 with further details provided in the Independent Audit Table presented as Appendix 1.

Table 4-2: Continual improvement recommendations

Condition(s)	Recommendation
2.5, 2.13, 2.20, 2.21	Sections of the management plans are outdated. It is recommended a review of the plans is undertaken to ensure the plans are up to date with current guidelines, data and practices.
2.13	It is recommended the PON website and Air Quality Monitoring Plan are updated to reflect what is actually happening in terms of air quality monitoring.
2.13	Review and update Section 3 of the Air Quality Monitoring Plan to describe the meteorological monitoring process being undertaken, including the location of the monitor and a description of the monitoring method.
2.21	It is recommended the stormwater quality reports are updated to show whether water quality data collected is compliant or not compliant with the water quality values.
2.21	It is recommended the stormwater quality reports are updated to include historical data and comment on any trends.
n/a	The Auditor recommends the Incident Register is updated to include a ranking on the severity of the incident and note on whether or not a follow up is required.

4.3 Conclusion

The Auditors assessed the development to be generally compliant with the conditions of Development Consent DA 09_0096. Nine non-compliance issues were identified relating to seven conditions, the majority of which are considered to be of an administrative nature. Some opportunities for improvement were also identified.

Environmental performance of the development is considered to be generally adequate for the stage of development and appears consistent with the project approval as reviewed in this audit.

The management systems appear generally adequate, however opportunities for improvement have been identified to improve document currency and usability.

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 11 August 2023 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.

5.1 User reliance

This report has been prepared exclusively for Port of Newcastle for the purposes of an independent environmental audit of the Mayfield Concept Plan. It may not be relied upon by any other person or entity without Ramboll Australia Pty Ltd's express written permission.

Whilst reasonable attempts have been made to ensure that the contents of this report are accurate and complete at the time of writing, Ramboll Australia Pty Ltd disclaims any responsibility for loss or damage that may be occasioned directly or indirectly through the use of, or reliance on, the contents of this report.

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Appendix 1 Independent Audit Table

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
	SCHEDULE 2				
	1. TERMS OF CONCEPT PLAN APPROVAL				
1.1	<p>The Proponent shall carry out the project generally in accordance with:</p> <ul style="list-style-type: none"> a) Major Project Application 09_0096; b) the <i>Mayfield Site Port-Related Activities Concept Plan Environmental Assessment</i>, Volumes 1 to 6, prepared by AECOM Australia Pty Ltd and dated July 2010; c) the <i>Mayfield Site Port-Related Activities Concept Plan Submissions Report</i>, prepared by AECOM Australia Pty Ltd and dated December 2010; d) the Addendum to the Submissions Report, prepared by AECOM Australia Pty Ltd and dated 4 March 2011; e) the Newcastle Port Corporation - Modification of Concept Plan, prepared by Newcastle Port Corporation and dated 6 December 2013; and f) the terms of this approval 	<ul style="list-style-type: none"> • Development consent for DA 09_0096 • <i>Mayfield Site Port-Related Activities Concept Plan Environmental Assessment</i> (AECOM 2010) • <i>Mayfield Site Port-Related Activities Concept Plan Submissions Report</i> (AECOM 2010) • <i>Addendum to the Submissions Report</i> (AECOM 2011) • <i>Newcastle Port Corporation - Modification of Concept Plan</i> (Newcastle Port Corporation 2013) 	<p>The Auditor considers that the Port of Newcastle is operating generally in accordance with the project approval and supporting documents as reviewed during the audit. Nine non-compliances with the terms of the approval (condition 1.1f) were identified during this audit.</p> <p>Recommendation: Review and respond to the recommendations made in this audit to prevent future non-compliances against the project approval.</p>	Non-compliant	NC1
1.2	<p>In the event of an inconsistency between:</p> <ul style="list-style-type: none"> a) the terms of this approval and any document listed from term 1.1a) and 1.1d) inclusive, the terms of this approval shall prevail to the extent of the inconsistency; and b) any document listed from terms 1.1a) and 1.1e) inclusive, and any other document listed from terms 1.1a) and 1.1e) inclusive, the most recent document shall prevail to the extent of the inconsistency. 	<ul style="list-style-type: none"> • Development consent for DA 09_0096 • <i>Mayfield Site Port-Related Activities Concept Plan Environmental Assessment</i> (AECOM 2010) • <i>Mayfield Site Port-Related Activities Concept Plan Submissions Report</i> (AECOM 2010) 	<p>No inconsistencies between the terms of the approval and the documents listed in condition 1.1a) to 1.1f) were noted by the Auditor.</p>	Compliant	

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
		<ul style="list-style-type: none"> • <i>Addendum to the Submissions Report</i> (AECOM 2011) • <i>Newcastle Port Corporation - Modification of Concept Plan</i> (Newcastle Port Corporation 2013) 			
1.3	<p>If there is any inconsistency between this concept plan approval and any related approvals (being those approvals subject to the requirements of this Concept Plan), this Concept Plan approval shall prevail to the extent of the inconsistency.</p>	<ul style="list-style-type: none"> • Development consent for DA 09_0096 • Development consent for SSD 7065 • Development consent for DA 8137 • EPL No. 20193 	<p>There are currently two facilities operating under the Mayfield Concept approval:</p> <ul style="list-style-type: none"> • Stolthaven Bulk Fuel Terminal (SSD 7065) • Mayfield Cargo Storage Facility (DA 8137). <p>The Stolthaven Bulk Fuel Terminal is also subject to Environmental Protection Licence (EPL) No. 20193. Additionally, development consent SSD 6664 applied to the site within the audit period however was surrendered on 23 April 2020. No inconsistencies between the concept plan approval and the approvals for the Stolthaven Bulk Fuel Terminal and the Mayfield Cargo Storage Facility were noted by the Auditor.</p>	Compliant	
1.4	<p>The Proponent shall comply with any reasonable requirement(s) of the Director-General arising from the Department's assessment of:</p> <ol style="list-style-type: none"> any reports, plans or correspondence that are submitted in accordance with this Concept Plan approval or any related approvals; and the implementation of any actions or measures contained in these reports, plans or correspondence. 	<ul style="list-style-type: none"> • <i>Port of Newcastle Independent Environmental Audit Mayfield Concept Plan</i> (SLR 2018) • Comment from PON representative on 15/12/2023 	<p>PON advised there have been no requests from the Director-General relating to the implementation of any actions or measures.</p> <p>A review of the implementation status against the previous independent environmental audit is included in Section 3.5 of the audit report. Most recommendations from the previous</p>	Non-compliant	NC2

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
			<p>independent environmental audit have not been actioned.</p> <p>Recommendation: Prepare a response to the recommendations identified as part of this independent environmental audit in accordance with the IAPAR and implement these as agreed with the Department.</p>		
1.5	<p>With the approval of the Director-General, the Proponent may prepare and submit any management plan, strategy or monitoring program required by this approval on a progressive basis. Where a management plan, strategy and monitoring program is required before carrying out any development or stage of development, the document may be prepared and submitted in relation to either discrete components of the project or for a specified time period.</p>	<ul style="list-style-type: none"> • <i>Air Quality Monitoring Plan, Mayfield Concept Plan</i> (AECOM 2015) • <i>Traffic Management Plan</i> (AECOM 2015) • <i>Noise Verification Monitoring Plan</i> (AECOM 2015) • <i>Stormwater Management Strategy</i> (AECOM 2015) • <i>Utilities Infrastructure Plan</i> (AECOM 2015) • <i>Mayfield Site Precinct Emergency Management Plan</i> (PON 2023) • <i>Mayfield Concept Plan Community Communication Strategy</i> (PON 2015) 	<p>No management plans, strategies or monitoring programs were submitted on a progressive basis during the audit period.</p>	Not triggered	
	Limits of Approval				
1.6	<p>This Concept Plan approval does not apply to berths, berthing or harbour operations. It also does not apply to activities approved or legally operating at the site in accordance with other project approvals at the date of this Concept Plan approval.</p>	<ul style="list-style-type: none"> • Development consent for SSD 7065 • Development consent for DA 8137 	<p>Berth and harbouring operations within the Mayfield Concept Plan Area are subject to separate development consents (SSD 7065 and DA 8137).</p>	Compliant	

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
1.7	To avoid any doubt, this Concept Plan approval does not permit the construction or operation of any project, which will be subject to separate approval(s) under the Act.	<ul style="list-style-type: none"> Development consent for SSD 7065 Development consent for DA 8137 	Activities pertaining to the Stolthaven Bulk Fuel Terminal are undertaken in accordance with SSD 7065 and activities pertaining to the Mayfield Cargo Storage Facility are undertaken in accordance with DA 8137.	Compliant	
1.8	The provisions of requirements 2.5, 2.6, 2.7, 2.8, 2.10, 2.11, 2.12, 2.13, 2.14, 2.15, 2.19, 2.20, 2.20 and 2.29 do not apply to utilities infrastructure if developed independently from other port uses.	<ul style="list-style-type: none"> 2018-08-24 Mayfield Concept Approval Compliance Tracking Program Register_version 5.xlsx 	PON's response to this condition is as follows: " <i>Services works undertaken to date are [sic] considered Exempt development, therefore the provisions of the Mayfield Concept Plan approval do not apply.</i> "	Compliant	
Contamination					
1.9	This Concept Plan approval does not limit or affect the requirements the Voluntary Remediation Agreement issued to the RLMC pursuant to section 26 of the <i>Contaminated Land Management Act, 1997</i> , dated 14 September 2005.	<ul style="list-style-type: none"> Voluntary Remediation Agreement (VRA) (No. 26025) (EPA 2005) <i>Contaminated Site Management Plan, Port Lands, Former BHP Steelworks, Mayfield, Newcastle</i> (HDC 2016) <i>Section 28 Review 2018, Mayfield Site, NSW</i> (Ramboll 2018) <i>Section 28 Review 2019, Mayfield Site, NSW</i> (Ramboll 2019) <i>Section 28 Review 2020, Mayfield Site, NSW</i> (Ramboll 2020) <i>Section 28 Review 2021, Mayfield Site, NSW</i> (Ramboll 2021) 	<p>The Voluntary Remediation Agreement (VRA) issued in September 2005 (VRA No. 26025) applies to the former BHP Steel Works referred to as the 'Closure Area'. Remediation of the Closure Area was completed in 2016.</p> <p>The remediation works are the subject of a Maintenance of Remediation Notice (Notice No. 20142802) issued by NSW Environment Protection Authority (EPA) under Section 28 of the <i>Contaminated Land Management Act 1997</i> (CLM Act). Maintenance of the site is achieved via implementation of a Contaminated Site Management Plan (CSMP). The Maintenance of Remediation Notice requires an annual review of compliance with the CSMP undertaken by a person who is accredited as a NSW Site Auditor.</p>	Compliant	

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
		<ul style="list-style-type: none"> Section 28 Review 2022, Mayfield Site, NSW DRAFT (Ramboll 2022) 	<p>Annual reviews have been undertaken by Fiona Robinson (EPA-accredited Site Auditor No. 1506) during the audit period.</p> <p>The most recent annual review (2022) (DRAFT) did not identify any significant non-compliances relating to implementation of the CSMP noting the report has not yet been finalised and was reviewed in its draft form.</p>		
1.10	The requirements of development consent DA 293-08-00 approved by the Minister for Planning on 6 April 2001 (and as subsequently modified), as they relate to remediation works, including the maintenance and monitoring of remediation works and the Concept Plan site in general (including groundwater and surface water monitoring), and as they relate to development constructed and operated under the development consent, remain in force, until they are superseded by future project approvals or as otherwise agreed by the Director-General, in consultation with the EPA.	<ul style="list-style-type: none"> Development consent for DA 293-08-00 DA 293-08-00 Annual Environmental Management Report 2022 	<p>DA-293-08-00 (as modified) remains in force and applies to the Closure Area.</p> <p>The development of the Multi-Purpose Terminal component approved under DA-293-08-00 constructed to date comprises the General Cargo Handling Facility, referred to as Mayfield 4 Berth, the associated hardstand area and road infrastructure. The Mayfield 4 Berth was remediated in accordance with the VRA (refer to condition 1.9) and is now isolated from the remainder of the site in terms of stormwater and groundwater. Remediation of the Closure Area is managed under the Concept Approval (DA 09_0096) to which this audit applies.</p>	Compliant	
	Heritage				
1.11	This Concept Plan approval does not limit or affect the requirements the Excavation Permit requirements issued to the RLMC (and transferred to HDC) pursuant to section 140 of the Heritage Act, 1977, dated 21 September 2005.	<ul style="list-style-type: none"> 2018-08-24 Mayfield Concept Approval Compliance Tracking Program Register_version 5.xlsx 	This is noted by PON in the Compliance Tracking Program Register with a link provided to the permit.	Compliant	

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
1.12	The requirements of development consent DA 293-08-00 approved by the Minister for Planning on 6 April 2001 (and as subsequently modified), as they relate to cultural heritage, remain in force, until they are superseded by future project approvals or as otherwise agreed by the Director-General, in consultation with the OEH.	<ul style="list-style-type: none"> Development consent for DA 293-08-00 DA 293-08-00 Annual Environmental Management Report 2022 	DA-293-08-00 (as modified) remains in force.	Compliant	
Statutory Requirements					
1.13	This Concept Plan approval does not remove any obligation to obtain, renew, or comply with licences, permits or approvals as required by law associated with any project subject to this Concept Plan approval.	<ul style="list-style-type: none"> Development consent for SSD 7065 Development consent for DA 8137 EPL No. 20193 	The Stolthaven Bulk Fuel Terminal operates in accordance with SSD 7065 and EPL No. 20193. The Mayfield Cargo Storage Facility operates in accordance with DA 8137. Compliance with these approvals is not within the scope of the audit.	Compliant	
Existing and Approved Development					
1.14	Construction and operational environmental impacts associated with existing and approved development not subject to this shall be considered in the assessment of projects associated with this Concept Plan and shall be incorporated into any management plan, strategy, monitoring program and review (and the like) required under this Concept Plan approval.	<ul style="list-style-type: none"> <i>Stolthaven Bulk Fuel Storage Facility – Stage 3 Environmental Impact Statement</i> (AECOM 2016) <i>Statement of Environmental Effects Cargo Storage Facility, Mayfield</i> (AECOM 2016) <i>Statement of Environmental Effects Development Consent Modification Mayfield Cargo Storage Facility</i> (Aurecon 2019) 	The Auditor understands that the environmental assessments and management plans and strategies for the Stolthaven Bulk Fuel Terminal, Mayfield Cargo Storage Facility and the Mayfield Concept Plan have considered all operations.	Compliant	
SCHEDULE 3					
2. MODIFICATIONS TO THE CONCEPT PLAN - ENVIRONMENTAL ASSESSMENT REQUIREMENTS					
Project Stages Subject to Other Provisions of The Act					

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
2.1	Under the section 75P(2)(C) of the Act, the following environmental requirements apply with respect to future development that is subject to part 4 (other than complying development) or Part 5 of the Act.	<ul style="list-style-type: none"> • <i>Statement of Environmental Effects Development Consent Modification Mayfield Cargo Storage Facility</i> (Aurecon 2019) • <i>Statement of Environmental Effects Modification to Expand Wharf Area (DA 8137)</i> (GHD 2023) • PON comment on 15/12/2023 • DPE's Planning Portal 	<p>Modification 1 to DA 8137 for the Mayfield Cargo Facility was approved on 23 June 2020 to amend the original development consent by expanding the site boundary to the northwest and northeast, increasing the area of the site from approximately 12 hectares to 18.6 hectares.</p> <p>A second modification to DA 8137 is currently being sought by PON to remove the remediation requirement under modification 1 by isolating the area before using the expansion area.</p> <p>Note: Modification 1 to DA 8137 has not yet commenced given conditions of consent requiring remediation in some un-remediated areas.</p>	Compliant	
2.1	<p><u>General Requirements</u></p> <ol style="list-style-type: none"> Demonstration that the project is generally consistent with the requirements of this approval and with the scope and intent of the Concept Plan outlined in the documents under requirement 1.1 of this approval; Detailed project description, including construction, operation, maintenance, and staging; and the design and location of ancillary infrastructure (including consideration of the Utilities Infrastructure Plan prepared as a requirement of this approval); Details of the consultation process and outcomes with relevant stakeholders, including with (but not limited to): <ol style="list-style-type: none"> Government authorities, such as DP&I, OEH, EPA, DPI, Transport for NSW, HOC and Council; Service and infrastructure providers, such as ARTC, RMS, RailCorp, AusGrid, Hunter Water Corporation and Jemena; 	<ul style="list-style-type: none"> • <i>Statement of Environmental Effects Development Consent Modification Mayfield Cargo Storage Facility</i> (Aurecon 2019) 	<p><u>Modification 1 to DA 8137</u></p> <p>The requirements under this condition are met as follows:</p> <ol style="list-style-type: none"> Included in Section 6.2 of the Statement of Environmental Effects (SEE) supporting the modification application. Included in Section 5 of the SEE supporting the modification application. Included in Section 4 of the SEE supporting the modification application. Included in Section 7.4 of the SEE supporting the modification application. 	Compliant	

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
	<p>iii. Special interest groups and the public, including adjoining and affected landowners; and</p> <p>d) An updated environmental assessment of relevant statutory matters and Issue-Specific Requirements for construction and operation (including cumulative impacts of existing and approved development on the site and on adjoining sites) and the identification of relevant avoidance, mitigation and management measures to address associated impacts.</p>		<p><u>Modification 2 to DA 8137</u></p> <p>The requirements under this condition are met as follows:</p> <p>a) Included in Section 4.6 of the SEE supporting the modification application.</p> <p>b) Included in Section 3 of the SEE supporting the modification application.</p> <p>c) Included in Section 5 of the SEE supporting the modification application.</p> <p>d) Included in Section 7 of the SEE supporting the modification application.</p>		
2.1	<p><u>Issue-Specific Requirements</u></p> <p>e) a Transport Assessment that assesses the transport, access and traffic impacts from projects associated with this Concept Plan. The assessment shall:</p> <p>i. consider the transport limits and objectives of the concept Plan, including the objective of not exceeding the total truck movement limits identified in requirement 2.3 (Table 3):</p> <p>ii. consider freight volume forecasts and transport demand;</p> <p>iii. consider the Transport Infrastructure Strategy (if required) and identified infrastructure, service improvements or management measures (if identified);</p> <p>iv. consider the traffic performance and functionality of the local, regional and State road network and site access, including the consideration of development within the vicinity of the Concept Plan site (including connecting road</p>	<ul style="list-style-type: none"> • <i>Statement of Environmental Effects Development Consent Modification Mayfield Cargo Storage Facility</i> (Aurecon 2019) • <i>Memorandum: Mayfield Cargo Storage Facility – DA Modification – Traffic Impact Assessment Update</i> (Aurecon 2020) 	<p><u>Modification 1 to DA 8137</u></p> <p>A traffic assessment is included in Section 7.4.1 of the SEE supporting the modification application and a review of the Mayfield Concept Plan approval and requirements under this condition is included in Appendix A to the SEE supporting the modification application. Reference is made to the original SEE for the project where relevant. Traffic impacts were further assessed in a memorandum prepared by Aurecon (2020) supporting the modification application. The assessment concluded the modification would result in “a negligible traffic impact” with an increase from 14 to 22 additional heavy vehicle trips during the AM and PM peaks. Light vehicle movements are</p>	Compliant	

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
	<p>networks) and the cumulative impacts from adjoining development;</p> <p>v. consider rail impacts associated with the project, including: network capacity and the availability of rail access and paths, rail operations on the Port Waratah and Bullock Island loops, and rail access and interface agreements;</p> <p>vi. consider the Transport Monitoring and Review results undertaken as a requirement of this approval;</p> <p>vii. identify rail and road infrastructure requirements, including those specified in this approval and the corresponding exceptions;</p> <p>viii. identify traffic management measures consistent with the requirements of the Traffic Management Pion required under this approval;</p> <p>ix. identify rail service and infrastructure changes and upgrades, and initiatives to facilitate an increased rail share of freight movements;</p> <p>x. consider construction traffic routes and associated traffic impacts, including capacity constraints, changes to access and safety impacts; and</p> <p>xi. include consideration of relevant road and rail design standards including but not limited to Austroads Guide to Road include consideration of relevant road and rail design standards including but not limited to Austroads Guide to Road Design 2009 /with RTA supplements), Australian Standards, and Newcastle Development Control Plan2005 - Element 4.11 (Subdivision).</p>		<p>expected to remain unchanged from the original traffic impact assessment.</p> <p><u>Modification 2 to DA 8137</u></p> <p>A traffic assessment is included in Section 7.1 and Appendix A of the SEE supporting the modification application. The modification is consistent with the limits and objectives of the Mayfield Concept Plan.</p>		
2.1	<p>f) An Air Quality and Greenhouse Gas Assessment that assesses emissions and air quality impacts on local and regional receivers and at a broader level. The assessment shall:</p>	<ul style="list-style-type: none"> <i>Statement of Environmental Effects Development Consent Modification Mayfield Cargo</i> 	<p><u>Modification 1 to DA 8137</u></p> <p>An air quality assessment relevant to the scope of the modification is included in Section 7.4.5 of the SEE supporting the modification application. The assessment</p>	Compliant	

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
	<ul style="list-style-type: none"> i. identify emissions and pollutants of concern (including from associated shipping and transport activities) and identify surrounding sensitive receptors that may be impacted by potential pollutants; ii. consider the site pollutant performance criteria identified in this approval; iii. include a refined assessment of pollutants on receptors, including PM₁₀ concentrations, taking into account the Site Air Quality Model Meteorological Monitoring and Air Quality Monitoring Program required under this approval, and cumulative air quality impacts, as relevant; iv. identify mitigation and management measures that would be implemented to prevent adverse impact to local and regional air quality and sensitive receptors BE, including designs that allow provision of 'cold ironing' and the demonstration of best practice air quality management, with the objective of not increasing emission concentrations beyond the boundary of the site above existing background levels; v. a scope 1 Greenhouse Gas Assessment and the identification of management measures and sustainability initiatives to reduce greenhouse gas emissions; and vi. include consideration of the Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in NSW (EPA, 2001). 	<p><i>Storage Facility (Aurecon 2019)</i></p>	<p>concluded that the proposed modification is considered "<i>likely to have negligible changes to the existing environmental impacts associated with the existing Mayfield Cargo Storage Facility</i>".</p> <p>Greenhouse gas emissions are not relevant to the modification.</p> <p><u>Modification 2 to DA 8137</u></p> <p>An air quality assessment relevant to the scope of the modification is included in Section 7.4 of the SEE supporting the modification application. No air quality impacts, above what is currently observed, are anticipated.</p> <p>Greenhouse gas emissions are not relevant to the modification.</p>		
2.1	<ul style="list-style-type: none"> g) A Noise and Vibration Assessment that assesses noise and vibration impacts. The assessment shall: <ul style="list-style-type: none"> i. consider noise goals defined in this approval; ii. consider the Concept Plan Noise Model and Noise Verification Monitoring Program, required under this Concept Plan approval and identify project specific noise and vibration criteria; 	<ul style="list-style-type: none"> • <i>Statement of Environmental Effects Development Consent Modification Mayfield Cargo Storage Facility (Aurecon 2019)</i> 	<p><u>Modification 1 to DA 8137</u></p> <p>A noise and vibration assessment is included in Section 7.4.2 of the SEE supporting the modification application and a review of the Mayfield Concept Plan approval and requirements under this condition is included in Appendix B to the SEE supporting the modification</p>	Compliant	

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
	<ul style="list-style-type: none"> iii. identify baseline and future conditions and the levels and character of noise and vibration sources; iv. identify sensitive receivers, modelling assumptions and noise and vibration impacts, including on and off-site road and rail noise impacts on receivers within the vicinity of the site, such as road traffic noise impacts on residential areas adjacent to Industrial Drive; v. include details of noise and vibration attenuation measures and how these would be implemented and managed (including costs to property owners, where relevant), should the predicted levels exceed the Concept Plan and project specific criteria, along with a schedule for implementing such works; and vi. include consideration of the following guidelines or any documents that supersede them: NSW Industrial Noise Policy (EPA, 2000) for operational noise; Interim Construction Noise Guideline (DECC, 2009) for site establishment and construction; Environmental Noise Management-Assessing Vibration: A Technical Guideline (DECCW, 2011) for off-site traffic noise and the Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects (DECC and DoP, 2007) for off-site rail noise. 		<p>application. The assessment concluded that as the modification proposes no changes to the existing activities and operational methods originally assessed for the project, the same noise emission predictions would apply.</p> <p><u>Modification 2 to DA 8137</u></p> <p>A noise and vibration assessment is included in Section 7.2 and Appendix B of the SEE supporting the modification application. The assessment recommends that new noise quotas derived using the Mayfield Concept Plan Cumulative Environmental Noise Management Tool should be assigned the expanded Cargo Storage Area.</p>		
2.1	<ul style="list-style-type: none"> h) A Hydrological Assessment that assesses the potential on and off site hydrological impacts of the project and the projects interaction with the sites hydrological objectives. The assessment shall: <ul style="list-style-type: none"> i. Consider flooding coastal risk impacts on the project and adjoining land uses within, adjoining and within the locality of the site, including the consideration of climate change risks, and the NSW sea level rise planning benchmarks; 	<ul style="list-style-type: none"> • <i>Statement of Environmental Effects Development Consent Modification Mayfield Cargo Storage Facility (Aurecon 2019)</i> 	<p><u>Modification 1 to DA 8137</u></p> <p>A hydrological assessment relevant to the scope of the modification is included in Section 7.4.4 of the SEE supporting the modification application. The assessment concluded "the proposed modification would not alter existing runoff qualities or peak storm loading that would require a review of the existing stormwater management system."</p>	Compliant	

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
	<ul style="list-style-type: none"> ii. Consider surface and storm water impacts, including interactions with remediation works and the sites drainage regime, spills and leaks and impacts to coastal processes; iii. Consider impacts to groundwater, including the need to isolate stormwater from land contamination and the local groundwater table; iv. Detail flooding, surface and storm water, groundwater, and water quality management and monitoring measures, including the maintenance of measures, the application of first flush collection systems and Water Sensitive Urban Design measures; and v. Consideration of the Stormwater Management Strategy required under this approval; and vi. Relevant document including the Floodplain Development Manual (DIPNR, 2005), Flood Risk Management Guide (DECCW, 2010), and Newcastle Development Control Pion 2005. 		<p><u>Modification 2 to DA 8137</u></p> <p>A hydrological assessment relevant to the scope of the modification is included in Section 7.3 of the SEE supporting the modification application.</p>		
2.1	<ul style="list-style-type: none"> i) A Hazards and Risks Assessment for potentially hazardous projects (including projects that are associated with the transport, handling or storage of hazardous or dangerous materials) that details a hazards assessment and the identification of risk reduction measures to ensure that risk levels for the projects are maintained within acceptable levels at a project, precinct and site level. The assessment shall: <ul style="list-style-type: none"> i. Consider appropriate separation distances, hazard safeguards, Port Emergency Response Plan, Safety Management System, and Hazard Audits as required by this approval; ii. Consider climate change and associated coastal risks and hazards, 	<ul style="list-style-type: none"> • <i>Statement of Environmental Effects Development Consent Modification Mayfield Cargo Storage Facility (Aurecon 2019)</i> 	<p><u>Modification 1 to DA 8137</u></p> <p>The modification is not a potentially hazardous project and does not require an assessment of hazards and risks.</p> <p><u>Modification 2 to DA 8137</u></p> <p>The modification is not a potentially hazardous project and does not require an assessment of hazards and risks.</p>	Not triggered	

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
	<p>iii. Consider State Environmental Planning Policy No. 33 - hazardous and Offensive Development and associated guidelines and include (as relevant):</p> <p>a. A hazard analysis taking into account Hazard Analysis, Department of Planning, January 2011, and the identification of impact distances and buffer zones for fire, explosion and gas release (as relevant) to prevent impacts on adjoining land uses both within and external to the site;</p> <p>b. A hazardous materials transport study detailing routes to be used for the movement of vehicles (road and rail) carrying hazardous or dangerous materials to or from the site, and shall take into account Hazardous Industry Planning Advisory Paper No 11 - Route Selection, Department of Planning, January 2011; and</p> <p>c. A fire safety study taking into account relevant aspects of</p>				
2.1	<p>j) A Contamination Assessment that assesses the potential environmental and human health risks of site contaminants on the project and impacts on site remediation outcomes, including remediation works and the maintenance and monitoring of those works. The assessment shall:</p> <p>i. Consider contamination risks, potential acid sulfate soils, site suitability and that the project will not increase risks on adjoining sites, waterways and/or projects;</p> <p>ii. demonstrate compatibility with and will not have a detrimental impact on site remediation works (completed, current and future, as applicable) and the maintenance and monitoring of remediation works, including consideration of:</p> <p>a. soil, ground water, surface water, and odour works, including contaminants left in-situ or encapsulated,</p>	<ul style="list-style-type: none"> <i>Statement of Environmental Effects Development Consent Modification Mayfield Cargo Storage Facility (Aurecon 2019)</i> 	<p><u>Modification 1 to DA 8137</u></p> <p>The boundary extension sought by the modification application includes a small portion of uncapped land subject to the VRA referenced in condition 1.9 of the Mayfield Concept Plan development consent and development consent 293-08-00. A contamination assessment is included in Section 7.4.3 of the SEE supporting the modification application. The assessment includes consideration of the Mayfield Concept Plan approval including conditions 1.9 and 1.10.</p> <p>The VRA and the requirements of development consent 293-08-00 remain in</p>	Compliant	

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
	<ul style="list-style-type: none"> b. the maintenance of remediation works, including cap integrity and permeability, site grading, levels and storm and waste water drainage systems, and VOC management measures, c. the structural integrity of drainage works and the barrier wall, including the risk of surface and subsurface displacement resulting from future vertical and lateral loadings, easements, differential settlement, capping beam intrusions and foundation restrictions, and d. access to and protection of existing and future groundwater monitoring wells; iii. demonstrate that the design has assessed VOC risks and that it incorporates controls and protections to protect human health; and iv. include consideration of the following documents: <ul style="list-style-type: none"> a. Contaminated Land Management Act, 1997, State Environmental Planning Policy No.55- Remediation of Land and related guidelines, b. DA 293-08-00 approved by the Minister for Planning on 6 April 2001, as subsequently modified and related management plans, including the Contaminated Site Management Plan, dated 2009 prepared by Hunter Development Corporation, and c. Voluntary Remediation Agreement pursuant to section 26 of the Contaminated land Management Act, 1997, dated 14 September 2005 and related documents including the Voluntary Remediation Proposal prepared by the RLMC, dated 30 August 2005 and the Remediation Action Plan dated September 2004 and prepared by Sinclair Knight Mertz for the RLMC. 		<p>force to address remediation requirements pertaining to the modification subject site.</p> <p><u>Modification 2 to DA 8137</u></p> <p>The modification seeks to permit operation to occur on the already remediated portions of the site following Site Auditor approval. The VRA has been included as part of the modification application.</p>		
2.1	k) An Archaeological Assessment that assesses the potential archaeological resources of the site (historical archaeological relics) and the project impacts on the	<ul style="list-style-type: none"> • <i>Statement of Environmental Effects Development Consent</i> 	<p><u>Modification 1 to DA 8137</u></p> <p>As all disturbance associated with the modification is on previously disturbed</p>	Not triggered	

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
	<p>heritage significance of these resources. The assessment shall:</p> <ul style="list-style-type: none"> i. consider Excavation Permit (2005/5140/041) and the associated Research Design and Methodology; ii. consider previous archaeological studies completed for the site, including the Assessment of the Historical Archaeology and Research Design: Newcastle Steelworks Closure Area (Umwelt, May 2005); and iii. consider relevant documents including the NSW Heritage manual (NSW Heritage Council) and associated guidelines. 	<p><i>Modification Mayfield Cargo Storage Facility (Aurecon 2019)</i></p>	<p>land, an archaeological assessment is not included in the SEE supporting the modification application.</p> <p><u>Modification 2 to DA 8137</u></p> <p>As all disturbance associated with the modification is on previously disturbed land, an archaeological assessment is not included in the SEE supporting the modification application.</p>		
2.1	<ul style="list-style-type: none"> l) An assessment at an appropriate level of detail, of other environmental issues but not limited to: social and economic, waste management, visual, landscaping and lighting impacts. The assessment shall identify the measures for managing and mitigating any impacts, consistent with industry accepted environmental practice. 	<ul style="list-style-type: none"> • <i>Statement of Environmental Effects Development Consent Modification Mayfield Cargo Storage Facility (Aurecon 2019)</i> 	<p><u>Modification 1 to DA 8137</u></p> <p>The environmental issues considered in the SEE supporting the modification application are considered by the Auditor to be appropriate for the proposed modification.</p> <p><u>Modification 2 to DA 8137</u></p> <p>The environmental issues considered in the SEE supporting the modification application are considered by the Auditor to be appropriate for the proposed modification.</p>	Compliant	
2.1	<p><u>Berths</u></p> <ul style="list-style-type: none"> m) An assessment of the cumulative impacts of any berthing, water front structure or the like associated with any future project, including consideration of the Issue-Specific Requirements noted above, as relevant. 	<ul style="list-style-type: none"> • Site visit • Email from PON representative subject: 'Re: Audit questions' dated 14/12/2023 	<p>The Auditor understands no berthing or waterfront structures were developed in the audit period.</p>	Not triggered	
	Transport				
2.2	<p>Projects associated with this Concept Plan shall be operated with the objective of not exceeding the capacity of the transport network, including the local, regional and State road network, and</p>	<ul style="list-style-type: none"> • <i>Stolthaven Bulk Fuel Storage Facility – Stage 3</i> 	<p><u>Stolthaven Bulk Fuel Terminal (SSD 7065)</u></p> <p>Section 6.5 of the Stolthaven Bulk Fuel Terminal EIS includes consideration of</p>	Compliant	

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.						
	<p>the total truck movement limits identified in Table 1, subject to the identified exceptions, which will be considered in future project assessments.</p> <p>Note: Table 1 should be interpreted with reasonable flexibility to recognise the long-term variance in assumed background traffic conditions, which can be influenced by broader transport enhancements and development not related to this concept plan approval.</p>	<p><i>Environmental Impact Statement</i> (AECOM 2016)</p> <ul style="list-style-type: none"> <i>Statement of Environmental Effects Cargo Storage Facility, Mayfield</i> (AECOM 2016) <i>Statement of Environmental Effects Development Consent Modification Mayfield Cargo Storage Facility</i> (Aurecon 2019) Memorandum: <i>Mayfield Cargo Storage Facility – DA Modification – Traffic Impact Assessment Update</i> (Aurecon 2020) 	<p>traffic movements against the limits in the Mayfield Concept Plan approval. Traffic and ship movements were predicted to be well within the limits set by the approval. Consideration of the actual operational movements associated with the project is included in the response to the following conditions.</p> <p><u>Mayfield Cargo Storage Facility (DA 8137)</u></p> <p>Section 7.1 of original SEE and Section 7.4.1 of the modification 1 SEE for the Mayfield Cargo Storage Facility include consideration of traffic movements against the limits in the Mayfield Concept Plan approval. Traffic movements were predicted to be well within the limits set by the approval. Consideration of the actual operational movements associated with the project is included in the response to the following conditions.</p>								
2.3	<p>Projects associated with this Concept Plan shall not exceed the total truck movement limits presented in Table 1, except as identified.</p> <p>Table 1 – Initial Staging and Total Truck Movement Limits</p> <table border="1"> <thead> <tr> <th>Total Truck Movements per annum</th> <th>Total Truck Movements per day</th> <th>Total Hourly Truck Movements in peak periods</th> </tr> </thead> <tbody> <tr> <td>462,104</td> <td>1,268</td> <td>95</td> </tr> </tbody> </table> <p>a) Truck movements by road may exceed the identified limits in Table 1 up to the limits identified in Table 2, subject to:</p>	Total Truck Movements per annum	Total Truck Movements per day	Total Hourly Truck Movements in peak periods	462,104	1,268	95	<ul style="list-style-type: none"> https://www.portofnewcastle.com.au/landside/major-projects/mayfield-concept-plan/#:~:text=The%20Mayfield%20development%20site%20is,the%20eastern%20seaboard%20of%20Australia 2019-12 Traffic Management Report 2020-12 Traffic Management Report 	<p>Traffic Monitoring data is provided by individual tenants operating under the Concept Plan Approval to PON on a bi-monthly basis in accordance with the TMP. Traffic Management Reports are published on PON's website.</p> <p>The reported truck movements are well below the limits in Table 1 and Table 2. The Ultimate Staging (Table 3) does not yet apply.</p>	Compliant	
Total Truck Movements per annum	Total Truck Movements per day	Total Hourly Truck Movements in peak periods									
462,104	1,268	95									

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.												
	<p>i. Traffic monitoring identifying that Concept Plan related traffic movements are not having a detrimental impact on the local, regional and State road network and/or predicted background traffic growth is lower than the long term per annum growth rate of 1.0%; or</p> <p>ii. Deleted</p> <p>iii. The consideration of land use planning and development changes within the locality of the Concept Plan site, including approved uses on the adjoining Intertrade Industrial Park site, which may result in less traffic generation than considered under this Concept Plan.</p> <p>Table 2 – Intermediate Staging and Total Truck Movement Limits</p> <table border="1" data-bbox="197 754 927 914"> <thead> <tr> <th>Total Truck Movements per annum</th> <th>Total Truck Movements per day</th> <th>Total Hourly Truck Movements in peak periods</th> </tr> </thead> <tbody> <tr> <td>773,438</td> <td>2,120</td> <td>159</td> </tr> </tbody> </table> <p>b) Truck movements by road may exceed the identified limits in Table 2 up to the limits identified in Table 3, subject to:</p> <p>i. the consideration of the matters listed in requirement 2.3a), as relevant; and</p> <p>ii. the implementation of a Transport Infrastructure Strategy as per requirement 2.4, which has been endorsed by Transport for NSW and RMS.</p> <p>Table 3 – Ultimate Staging and Total Truck Movement Limits</p> <table border="1" data-bbox="197 1246 927 1406"> <thead> <tr> <th>Total Truck Movements per annum</th> <th>Total Truck Movements per day</th> <th>Total Hourly Truck Movements in peak periods</th> </tr> </thead> <tbody> <tr> <td>1,017,882</td> <td>2,790</td> <td>209</td> </tr> </tbody> </table>	Total Truck Movements per annum	Total Truck Movements per day	Total Hourly Truck Movements in peak periods	773,438	2,120	159	Total Truck Movements per annum	Total Truck Movements per day	Total Hourly Truck Movements in peak periods	1,017,882	2,790	209	<ul style="list-style-type: none"> 2021-11 Traffic Management Report 2022-11 Traffic Management Report 2023-09 Traffic Management Report <i>Stolthaven Bimonthly Report – January and February 2019</i> (Stolthaven 2019) <i>Stolthaven Bimonthly Report – March and April 2020</i> (Stolthaven 2020) <i>Stolthaven Bimonthly Report – May and June 2021</i> (Stolthaven 2021) <i>Stolthaven Bimonthly Report – September and October 2023</i> (Stolthaven 2023) Email from Darren Forster subject: “Re: Mayfield traffic” dated 21/11/2023 DA 8137 – Traffic Monitoring Rex J Andrews.xlsx 			
Total Truck Movements per annum	Total Truck Movements per day	Total Hourly Truck Movements in peak periods															
773,438	2,120	159															
Total Truck Movements per annum	Total Truck Movements per day	Total Hourly Truck Movements in peak periods															
1,017,882	2,790	209															

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
	<p>Notwithstanding, projects associated with this Concept Plan shall be operated with the objective of not exceeding the total truck movement limits identified in Table 3.</p> <p><i>Note: The above requirements do not permit an immediate increase to the identified limits in Table 1. Any exceedances of the limits identified in Table 1, consistent with the above requirements, shall only be permitted, following consideration of the exceedances in future project assessments.</i></p>				
	<p>Transport Infrastructure Strategy</p>				
2.4	<p>Truck movements by road, which exceed the limits in requirement 2.3 (Table 2), may be undertaken following the preparation, endorsement and implementation of a Transport Infrastructure Strategy.</p> <p>The Strategy shall provide a framework for the development and implementation of local, regional and State road and rail infrastructure improvements or traffic management measures necessary for an increase in truck movements beyond the limits identified in requirement 2.3 (Table 2). The Strategy shall be developed in consultation with the Department, Transport for NSW, RMS, HDC, Council, adjoining land owners and the local community. The Strategy shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> a) the objectives and scope of the Strategy; b) identification of stakeholders associated with the development of the Strategy, consultation undertaken with Stakeholders and how matters raised were considered; c) freight volume demand forecasts for road and rail freight movement, including a demand and supply analysis and description of the supply chain for the Concept Plan (for all freight movement); 	<ul style="list-style-type: none"> • 2019-12 Traffic Management Report • 2020-12 Traffic Management Report • 2021-11 Traffic Management Report • 2022-11 Traffic Management Report • 2023-09 Traffic Management Report 	<p>The truck movement limits in condition 2.3 were complied with throughout the audit period (refer to the response to condition 2.3) and the requirement for a Transport Infrastructure Strategy has not been triggered.</p>	Not triggered	

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
	<p>d) identification and alignment of road and rail movements with required road and rail infrastructure and service improvements or management measures required to meet forecast road and rail freight demand;</p> <p>e) the feasibility of port freight movements utilising existing and identified infrastructure and service provisions measures for the proposal; and</p> <p>f) identification of how and when the required infrastructure and service improvements or management measures will be delivered, including parties responsible for the funding and implementation of the works.</p> <p>The Strategy shall be made available to the Director-General and Council following its endorsement by Transport for NSW and the RMS.</p>				
	Traffic Management Plan				
2.5	<p>The Proponent shall prepare and implement a Traffic Management Plan for the Concept Plan site in consultation with RMS, HDC, Council, adjoining land owners and the local community to provide a framework for the coordinated management of traffic to, from, and within the Concept Plan site.</p> <p>The Plan shall include traffic management devices and measures to facilitate the orderly movement of port related traffic movement to/from the road network, and shall include but not necessarily be limited to:</p> <p>a) measures to ensure heavy vehicle access to and from the site will be primarily along the routes shown in Attachment A to this approval;</p> <p>b) measures to minimise port freight movement inside am and pm peak traffic periods;</p> <p>c) measures to encourage the equal distribution of truck movements between the Industrial Drive/George Street and Industrial Drive/Ingalls Street intersections;</p>	<ul style="list-style-type: none"> Traffic Management Plan (AECOM 2015) Port of Newcastle Independent Environmental Audit Mayfield Concept Plan (SLR 2018) 	<p>The requirements under this condition were assessed during the previous independent environmental audit and determined to be compliant. The Traffic Management Plan has not been updated in the audit period.</p> <p>Implementation of the Traffic Management Plan as it relates to the Stolthaven Bulk Fuel Facility and the Mayfield Cargo Storage Facility is not within the scope of the audit.</p> <p>Observation: Sections of the Traffic Management Plan appear outdated. For example, Table 2.1 'Current (2010) hourly midblock counts along haulage route' presents data that is outdated.</p>	Compliant	

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
	<p>d) measures to prevent heavy vehicles accessing residential streets and areas within the vicinity of the site and to maintain the residential amenity of the local community; and</p> <p>e) measures to encourage staff access to the site by means other than private vehicles.</p> <p>The Plan shall be prepared and implemented prior to the operation of any projects associated with this Concept Plan approval and shall be updated prior to the commencement of any subsequent project approvals associated with this Concept Plan approval.</p>		<p>Recommendation: Undertake a review of the Traffic Management Plan to ensure the plan is up to date with current data and practices.</p> <p>Recommendation: Review and update the Traffic Management Plan prior to commencing any activities associated with modification 1 to DA 8137.</p>		
	Transport Infrastructure Upgrades				
	<i>Link Road</i>				
2.6	<p>A link road between Ingall Street and Selwyn Street of suitable standard shall be provided prior to the operation of projects associated with this Concept Plan to minimise traffic impacts on Industrial Drive intersections and to maintain access for emergency vehicles to and between the different precincts of the site.</p> <p>The timing of provision of the link road may be varied, subject to consideration of the matters outlined in requirement 2.9.</p>	<ul style="list-style-type: none"> • <i>Statement of Environmental Effects Cargo Storage Facility, Mayfield (AECOM 2016)</i> 	<p>The original traffic impact assessment undertaken for the Mayfield Cargo Storage Facility concluded that this link road was not required at this point in time as permitted under condition 2.9. No further projects have been developed under the Mayfield Concept Plan triggering the need for this.</p>	Not triggered	
	<i>Road Intersections</i>				
2.7	<p>The following road intersections shall be upgraded prior to the operation of any projects associated with this Concept Plan with the objective of improving or maintaining the performance of the intersections:</p> <p>a) Industrial Drive/ Ingall Street b) Industrial Drive/ George Street; and c) George Street/ Selwyn Street.</p> <p>The upgrades shall be generally consistent with those outlined in Attachment Band shall be designed in accordance with the Guide to Road Design 2009 (Austroads) (with RTA supplements), and Traffic</p>	<ul style="list-style-type: none"> • <i>Stolthaven Bulk Fuel Storage Facility – Stage 3 Environmental Impact Statement (AECOM 2016)</i> • <i>Statement of Environmental Effects Cargo Storage Facility, Mayfield (AECOM 2016)</i> • <i>Statement of Environmental Effects Development Consent</i> 	<p>Upgrades are not required at this stage as permitted under condition 2.9. Further justification of this conclusion for each intersection is provided below.</p> <p><u>Industrial Drive/ Ingall Street</u></p> <p>An intersection analysis for Industrial Drive/ Ingall Street was undertaken as part of the Stolthaven Stage 3 EIS. The assessment concluded that the facility can operate without triggering intersection</p>	Not triggered	

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
	<p>Signal Design 2008 (RTA) (or as subsequently updated) and shall be informed by appropriate intersection analysis.</p> <p>The timing, staging, scope and design of the upgrades may be varied, subject to consideration of the matters outlined in requirement 2.9.</p>	<p><i>Modification Mayfield Cargo Storage Facility</i> (Aurecon 2019)</p> <ul style="list-style-type: none"> Memorandum: <i>Mayfield Cargo Storage Facility – DA Modification – Traffic Impact Assessment Update</i> (Aurecon 2020) 	<p>upgrades for the Industrial Drive/Ingall Street intersection.</p> <p><u>Industrial Drive/ George Street</u></p> <p>The original traffic impact assessment undertaken for the Mayfield Cargo Storage Facility (2016) concluded that the proposed future operation of the site was likely to have a negligible impact on the operation of the intersection of Industrial Drive / George Street and upgrades were not required. The subsequent traffic impact assessment undertaken as part of modification 1 to the project concluded that the performance of the intersection continues to operate at a satisfactory level.</p> <p><u>George Street/ Selwyn Street</u></p> <p>The original traffic impact assessment undertaken for the Mayfield Cargo Storage Facility (2016) concluded the performance of the George Street/ Selwyn Street does not warrant upgrades.</p>		
	<p><i>Rail Access</i></p>				
2.8	<p>Rail access to and within the Concept Plan site shall be configured and operated to facilitate increased rail mode share to and from the site, to accommodate train operations to minimise physical and operational impacts on other rail operations within the vicinity of the site, and shall be generally consistent with the following listed infrastructure and operational scenarios:</p> <p>a) a new rail line extended between the One Steel line and the Bullock Island loop to provide direct access to the site</p>	<ul style="list-style-type: none"> <i>Stolthaven Bulk Fuel Storage Facility – Stage 3 Environmental Impact Statement</i> (AECOM 2016) <i>Statement of Environmental Effects Cargo Storage Facility, Mayfield</i> (AECOM 2016) 	<p>Rail infrastructure has not been proposed as part of the Mayfield Cargo Storage Facility or Stolthaven Bulk Fuel Terminal. No further projects have been developed under the Mayfield Concept Plan triggering the need for this.</p> <p>Truck movements are currently well within the limits defined under condition 2.3 and the use of rail to transport cargo has not</p>	Not triggered	

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
	<p>for Port trains and the provision of at least two x 650 m length rail sidings to service 1,300 m length trains; and</p> <p>b) the use of an extended shunt neck on the Bullock Island loop approximately 700 m beyond the new rail entry to the Port to provide for trains to entering and exiting the site; and</p> <p>c) provision for the reconfiguration of the Morandoo Yard (road numbers 1 to 5) to provide a total of four x 650 m length rail sidings to hold two Port trains while a third train is within the rail sidings within the Concept Plan site.</p> <p>Rail access consistent with this configuration shall be operational prior to total annual truck movements exceeding the limits identified in requirement 2.3 (Table 1) and total rail freight movements exceeding an average of 3 trains per day (ie 3 trains in and 3 trains out) in any given 12-month period.</p> <p>The timing, staging, scope and design of the rail infrastructure may be varied, subject to consideration of the matters outlined in requirement 2.9.</p>	<ul style="list-style-type: none"> • <i>Statement of Environmental Effects Development Consent Modification Mayfield Cargo Storage Facility</i> (Aurecon 2019) • Memorandum: <i>Mayfield Cargo Storage Facility – DA Modification – Traffic Impact Assessment Update</i> (Aurecon 2020) • 2019-12 Traffic Management Report • 2020-12 Traffic Management Report • 2021-11 Traffic Management Report • 2022-11 Traffic Management Report • 2023-09 Traffic Management Report 	<p>been required as permitted under condition 2.9.</p>		
2.9	<p>The final timing, staging, scope and design of the Transport Infrastructure Upgrades identified in requirements 2.6, 2.7 and 2.8 may be revised by subsequent project approvals, where the following matters, where relevant, have been considered:</p> <p>a) In relation to road infrastructure:</p> <p>i. the level of traffic generated by the operation of the project and the consideration of existing and approved development both on and adjoining the site (including the timing of approved development and access to these sites, where relevant);</p> <p>ii. satisfactory performance of the intersections, including Level of Service, Degree of Saturation, and queue lengths;</p>	<ul style="list-style-type: none"> • <i>Stolthaven Bulk Fuel Storage Facility – Stage 3 Environmental Impact Statement</i> (AECOM 2016) • <i>Statement of Environmental Effects Cargo Storage Facility, Mayfield</i> (AECOM 2016) • <i>Statement of Environmental Effects Development Consent Modification Mayfield Cargo</i> 	<p>As described in the responses to conditions 2.6 to 2.8, the defined transport infrastructure upgrades have not been required as supported by the relevant environmental assessments which consider items a(i) to a(iv).</p> <p>Consultation with agencies was undertaken as part of the approvals process (refer to section 5 of the Mayfield Cargo Storage Facility SEE and section 9.2 of the Stolthaven Bulk Fuel Storage</p>	Compliant	

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
	<ul style="list-style-type: none"> iii. traffic management measures designed to reduce vehicle movement of distribute movements between the intersections; iv. safe access between and to precincts both from within and outside the site, including the consideration of the Port Emergency Response Plan; and v. consultation with Transport for NSW, the RMS, HOC, Council and adjoining land owners. <p>b) In relation to rail infrastructure:</p> <ul style="list-style-type: none"> i. The objective of increasing freight movement by rail to and from the Concept Plan site and the optimisation of rail operations; ii. Minimising the physical and operational impacts on other rail operations within the vicinity of the site; iii. Availability of additional freight train paths and capacity; and iv. Consultation with Transport for NBSW, ARTC, rail operators within the vicinity of the site and adjoining land owners. 	<p><i>Storage Facility (Aurecon 2019)</i></p>	<p>Facility Stage 3 EIS which satisfies the requirements of condition a(v).</p> <p>Rail infrastructure has not been triggered in the audit period (condition b).</p>		
	<p><i>Transport Monitoring and Review</i></p>				
2.10	<p>The Proponent shall undertake transport monitoring and review to assess compliance with this Concept Plan approval, subsequent project approvals and to inform transport planning, and the timing of the transport infrastructure delivery, service provision and management measures associated with this Concept Plan.</p> <p>The monitoring and review shall:</p> <ul style="list-style-type: none"> a) report on freight volumes, types and movements (road and rail) resulting from projects associated with this Concept Plan, including origin and destination surveys; b) assess the performance of the road network, including performance of the Industrial Drive/ Ingall Street and Industrial Drive/ George Street intersections and the mid- 	<ul style="list-style-type: none"> • <i>Traffic Monitoring and Review, Mayfield Concept Plan, Port of Newcastle (AECOM 2015)</i> • <i>Port of Newcastle Independent Environmental Audit Mayfield Concept Plan (SLR 2018)</i> • <i>Stolthaven Bimonthly Report – January and</i> 	<p>A transport monitoring and review was undertaken by AECOM in 2015 (within the previous audit period). The previous independent environmental audit noted the following non-compliances and recommendations against this condition:</p> <ol style="list-style-type: none"> 1. The bi-monthly monitoring traffic data was not reported to the relevant authorities within six months of the monitoring period (however, was on the PON website). 	Non-compliant	<p>NC3 NC4</p>

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
	<p>block capacity of nominated heavy vehicle routes at a local and regional level;</p> <p>c) assess the effectiveness of distributing heavy vehicle movements outside of peak traffic periods and the effectiveness of management measures to minimise heavy vehicles accessing residential areas;</p> <p>d) assess the effectiveness of measures to improve non-vehicular employee access to the site and links to external networks;</p> <p>e) assess the performance of utilised rail networks, and the use of available train paths; and</p> <p>f) inform the timing of necessary road and rail infrastructure upgrades, service provision and management measures.</p> <p>Should the monitoring and review identify a substantial non-compliance with this Concept Plan Approval, and/ or subsequent project approvals, the Proponent shall identify measures to be implemented to address the non-compliance.</p> <p>The monitoring shall be prepared in consultation with Transport for NSW, the RMS and Council and shall be undertaken prior to and one and five years following the commencement of any project (or the commencement of a modification to a project that results in increased transport movements) associated with this Concept Plan, or as otherwise directed or agreed by the Director-General.</p> <p>The results of this monitoring and review shall be submitted to Transport for NSW, the RMS, Council and the Director-General within six months of the monitoring period. The monitoring and reporting program shall be integrated with the Compliance Tracking Program.</p>	<p>February 2019 (Stolthaven 2019)</p> <ul style="list-style-type: none"> Stolthaven Bimonthly Report – March and April 2020 (Stolthaven 2020) Stolthaven Bimonthly Report – May and June 2021 (Stolthaven 2021) Stolthaven Bimonthly Report – September and October 2023 (Stolthaven 2023) Stolthaven Bulk Fuel Storage Facility – Stage 3 Environmental Impact Statement (AECOM 2016) Statement of Environmental Effects Development Consent Modification Mayfield Cargo Storage Facility (Aurecon 2019) Memorandum: Mayfield Cargo Storage Facility – DA Modification – Traffic Impact Assessment Update (Aurecon 2020) 2018-08-24 Mayfield Concept Approval Compliance Tracking Program Register_version 5.xlsx 	<p>2. The monitoring and reporting program was not included in the Compliance Tracking Program.</p> <p>3. The Stolthaven Bi-Monthly Reports were not capturing all the monitoring data required under this condition, hence it was recommended consulting with Stolthaven to ensure correct data captured and reported.</p> <p>PON has addressed the recommendations as follows:</p> <ol style="list-style-type: none"> The Auditor did not sight evidence that the bi-monthly traffic data has been reported to the relevant authorities. It is noted, however, these are publicly available on the PON website. Recommendation: Report the bi-monthly monitoring traffic data to the relevant authorities within six months of the monitoring period. The compliance tracking program has not been updated to include the Traffic Monitoring and Review. Recommendation: Update the Compliance Tracking Program register to include the Traffic Monitoring and Review. The Stolthaven Bi-Monthly Reports have been updated to include the rolling cumulative total truck movements over a 12-month period. <p><u>Monitoring Reviews</u></p>		

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
			<p>In accordance with the Traffic Monitoring and Review Plan, it is the responsibility of the individual operators/tenants to undertake monitoring prior to and one and five years following the commencement of any project, with copies of the monitoring results to be provided to PON. The following monitoring reviews were required during the audit period:</p> <ul style="list-style-type: none"> Stolthaven Bulk Fuel Terminal (SSD 7065) – in 2019 and 2022 Mayfield Cargo Storage Facility (DA 8137) - by 1 July 2022. <p>The Auditor did not sight evidence that these reviews had been undertaken.</p> <p>Note: Modification 1 to DA 8137 has not commenced and the requirement to undertake a traffic monitoring review has not been triggered.</p> <p>Recommendation: As recommended in the previous independent environmental audit, The Traffic Monitoring and Review Plan should be updated to include table summarising the timing of traffic noise surveys to help clarify the required frequency of surveys required. This should also be included in the Compliance Tracking Program register.</p>		
	Air Quality				
2.11	Projects associated with this Concept Plan approval shall be design, constructed and operated with the objective of meeting the overall	<ul style="list-style-type: none"> <i>Stolthaven Bulk Fuel Storage Facility – Stage 3</i> 	The approval documents for the Stolthaven Bulk Fuel Storage Facility and	Compliant	

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
	<p>site pollutant performance criteria described in Table 11-6 (or as may be updated in the source documents), of the document referred to in requirement 1.1b), including the utilisation of industry accepted air quality management measures for the transport, handling and storage of pollutant sources.</p>	<p><i>Environmental Impact Statement</i> (AECOM 2016)</p> <ul style="list-style-type: none"> <i>Statement of Environmental Effects Cargo Storage Facility, Mayfield</i> (AECOM 2016) <i>Statement of Environmental Effects Development Consent Modification Mayfield Cargo Storage Facility</i> (Aurecon 2019) 	<p>the Mayfield Cargo Storage Facility demonstrate compliance with the air quality criteria in Table 11-6.</p> <p>Operational compliance of the two facilities against the air quality criteria is considered out of the scope of this audit and would be considered under the respective approvals.</p>		
	<i>Site Air Quality Model</i>				
2.12	<p>The Proponent shall, prior to the lodgement of consideration of any project associated with this Concept Plan approval, unless otherwise agreed by the Director-General, develop and maintain a Site Air Quality Model to facilitate the assessment of air quality impacts of projects and to report on compliance with the site pollutant performance criteria outlined in requirements 2.11.</p> <p>The Model shall take into consideration pre-project background air quality and pollutant levels at receptors and shall be maintained until such time as the site is fully developed. Air quality monitoring data collected as part of the Air Quality Monitoring Program shall be incorporated into the Model to allow air quality emissions to be managed for the site as a whole and on a cumulative and progressive basis.</p> <p>The Model shall be updated with details from subsequent project approvals and used to assess performance against the air quality performance criteria during the Concept Plan sites development.</p>	<ul style="list-style-type: none"> <i>Port of Newcastle Independent Environmental Audit Mayfield Concept Plan</i> (SLR 2018) <i>Statement of Environmental Effects Development Consent Modification Mayfield Cargo Storage Facility</i> (Aurecon 2019) <i>User Guide, Mayfield Concept Plan Air Dispersion Site Model</i> (AECOM 2015) <i>Air Quality Monitoring Plan, Mayfield Concept Plan</i> (AECOM 2015) 	<p>Development of the Site Air Quality Model was confirmed during the previous independent environmental audit.</p> <p>The Auditor did not sight evidence that the Site Air Quality Model has been maintained. As per the observation in the previous environmental audit, Section 1.6, Table 2 of the Mayfield Concept Plan Air Dispersion Site Model lists the site model versions completed, which only includes Stage 2 of the Stolthaven Bulk Fuel Facility. This does not account for Stage 3 of the Stolthaven Bulk Fuel Facility which commenced in 2018.</p> <p>Recommendation: It is recommended the Mayfield Concept Plan Air Dispersion Site Model is updated to include the completed site model versions, including Stage 3 of the Stolthaven Bulk Fuel Facility as required under Section 1.6 of</p>	Non-compliant	NC5

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
			the plan which states: "The Site Model versions Table 2 and Appendix B should be updated at the completion of each use of the Site Model (expected to be undertaken for development applications etc.) to keep a record of the modelling undertaken.".		
	<i>Air Quality Monitoring Program</i>				
2.13	<p>The Proponent shall develop and implement an Air Quality Monitoring Program, to outline how the air quality impacts, and in particular particulate matter impacts, of the projects associated with this Concept Plan approval will be monitored and proactively managed.</p> <p>The Program shall be prepared by an appropriately qualified person(s) and shall include, but not necessarily be limited to:</p> <ol style="list-style-type: none"> identification of an air quality monitoring network and meteorological monitoring that can facilitate the monitoring of air pollutants at a project, precinct and Concept Plan site level, locations, frequencies and methods for monitoring air pollutants, including total suspended particles, PM10 and deposited particulate matter; the use of appropriate sampling or monitoring methods to measure air quality and pollutant parameters and a meteorological station consistent with requirement 2.14; the utilisation of real-time monitoring data to inform environmental management decisions associated with the project; a framework for identifying actual and potential air quality impacts, and for applying pro-active and reactive mitigation and management measures to address those impacts; 	<ul style="list-style-type: none"> Air Quality Monitoring Plan, Mayfield Concept Plan (AECOM 2015) Port of Newcastle Independent Environmental Audit Mayfield Concept Plan (SLR 2018) EPL 20193 https://www.portofnewcastle.com.au/landside/major-projects/mayfield-concept-plan/#cargo-handling-facility Stolthaven Bimonthly Report – January and February 2019 (Stolthaven 2019) Stolthaven Bimonthly Report – March and April 2020 (Stolthaven 2020) Stolthaven Bimonthly Report – May and June 2021 (Stolthaven 2021) Stolthaven Bimonthly Report – September and 	<p>The requirements under this condition were assessed during the previous independent environmental audit and determined to be compliant. The Air Quality Monitoring Plan has not been updated in the audit period.</p> <p>The PON website states: "Ambient air quality and wind data is currently monitored via the NSW EPA Lower Hunter Air Quality Monitoring Network." which is in accordance with the Air Quality Monitoring Plan. However, the PON representative advised air quality data is monitored via the High Volume Air Sampler (HVAS) located at Mayfield No. 4 Berth, with only high results investigated and compared to the EPA monitoring stations.</p> <p>Recommendation: It is recommended the PON website and Air Quality Monitoring Plan are updated to reflect what is actually happening in terms of air quality monitoring.</p> <p><u>Stolthaven Bulk Fuel Terminal (SSD 7065)</u></p>	Compliant	

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
	<p>f) active engagement with the local community to address air quality issues;</p> <p>g) provisions for reporting monitoring results to the Department and EPA (if requested) and for independent review and auditing of the Program (to be incorporated into the Compliance Tracking Program); and</p> <p>h) mechanisms for updating the Program as may be required from time to time.</p> <p>The Program shall be prepared in consultation with the EPA and submitted to the Director-General prior to the commencement of operations of any project associated with this Concept Plan approval, unless otherwise agreed by the Director-General.</p>	<p>October 2023 (Stolthaven 2023)</p> <ul style="list-style-type: none"> Statement of Environmental Effects Cargo Storage Facility, Mayfield (AECOM 2016) Statement of Environmental Effects Development Consent Modification Mayfield Cargo Storage Facility (Aurecon 2019) Email from PON representative subject: FW Conditions 2.12 and 2.13 received 15/12/2023 TSP, PM₁₀ and meteorological monitoring data spreadsheet titled: <i>HVAS – Master Spreadsheet – Mayfield Berth 4.xlsx</i> 	<p>Air emissions monitoring for the Stolthaven Bulk Fuel Terminal is undertaken in accordance with the site’s EPL. Air quality is reported to PON within the Stolthaven bi-monthly reports.</p> <p><u>Mayfield Cargo Storage Facility (DA 8137)</u></p> <p>As the site is a sealed hardstand area and does not result significant emissions, monitoring of air quality is not required as per the project approval.</p> <p><u>Modification 1 to DA 8137</u></p> <p>The air quality assessment undertaken for Modification 1 to DA 8137 concluded that the proposed modification would “likely to have negligible changes to the existing environmental impacts associated with the existing Mayfield Cargo Storage Facility”. It is therefore considered by the Auditor that an update to the Air Quality Monitoring Plan was not required following approval of the modification.</p> <p><u>Air Quality Monitoring Plan</u></p> <p>Observation: The Air Quality Monitoring Plan appears outdated. For example, section 3 of the plan references the 2005 version of the NSW EPA’s Approved methods for the modelling and assessment of air pollutants, which has been superseded by the 2022 version.</p> <p>Recommendation: Undertake a review of the Air Quality Monitoring Plan to ensure</p>		

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
			<p>references are up to date and reflect current guidance and applicable criteria.</p> <p>Observation: Section 3 of the Air Quality Monitoring Plan relates to meteorology. This section only outlines the parameters measures and the applicable standards. There is no information given on the meteorological program being implemented or monitoring requirements.</p> <p>Recommendation: Review and update Section 3 of the Air Quality Monitoring Plan to describe the meteorological monitoring process being undertaken, including the location of the monitor and a description of the monitoring method.</p>		
	<i>Meteorological Monitoring</i>				
2.14	<p>The Proponent shall install, operate and maintain a meteorological monitoring station to monitor weather conditions representative of those on the site, in accordance with:</p> <ul style="list-style-type: none"> a) AM-1 Guide to Siting of Sampling Units (AS 2922-1987) b) AM-2 Guide for Horizontal Measurement of Wind for Air Quality Applications (AS 2923-1987); and c) AM-4 On-Site Meteorological Monitoring Program Guidance for Regulatory Modelling Applications. <p>The meteorological monitoring station shall be installed within or near the site and the Proponent shall use the meteorological monitoring station to facilitate the air quality monitoring required under this approval. This requirement does not preclude the Proponent from reaching agreement with any other relevant party for the installation, operation and maintenance of a shared monitoring station, or shared use of an existing monitoring station</p>	<ul style="list-style-type: none"> • <i>Air Quality Monitoring Plan, Mayfield Concept Plan (AECOM 2015)</i> • 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 (RCA Australia, 2020)</i> • <i>Discharge Water and Air Quality Monitoring March</i> 	<p>PON maintain an automated weather station onsite for meteorological monitoring at the Mayfield No. 4 Berth site. Meteorological monitoring is undertaken by RCA Australia and provides monthly reports to PON 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 Auditor.</p>	Compliant	

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.																				
	representative of the site, provided the outcomes of this requirement are achieved.	<p>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) 																							
2.15	<p>From the commencement of construction any project associated with this Concept Plan approval, the Proponent shall continuously monitor, utilising the meteorological monitoring station required under this approval, for each of the parameters listed in Table 3.</p> <p>Table 3 – Meteorological Monitoring</p> <table border="1"> <thead> <tr> <th>Parameter</th> <th>Units</th> <th>Frequency</th> <th>Averaging Period</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Rainfall</td> <td>mm</td> <td>Continuous</td> <td>1 hour</td> <td>AM-4</td> </tr> <tr> <td>Temperature at two metres</td> <td>°C</td> <td>Continuous</td> <td>15 minute</td> <td>AM-4</td> </tr> <tr> <td>Temperature at ten metres</td> <td>°C</td> <td>Continuous</td> <td>15 minute</td> <td>AM-4</td> </tr> </tbody> </table>	Parameter	Units	Frequency	Averaging Period	Sampling Method	Rainfall	mm	Continuous	1 hour	AM-4	Temperature at two metres	°C	Continuous	15 minute	AM-4	Temperature at ten metres	°C	Continuous	15 minute	AM-4	<ul style="list-style-type: none"> TSP, PM₁₀ and meteorological monitoring data spreadsheet titled: <i>HVAS – Master Spreadsheet – Mayfield Berth 4.xlsx</i> Discharge Water and Air Quality Monitoring February 2020 (RCA Australia, 2020) Discharge Water and Air Quality Monitoring March 2020 (RCA Australia, 2020) 	<p>The meteorological station at the Mayfield No. 4 Berth site is operated in accordance with EPL No. 13181. The station monitors the following weather parameters in five minute intervals:</p> <ul style="list-style-type: none"> rainfall temperature (at 2 and 10 metres) wind speed (at 10 metres) wind direction (at 10 metres) global radiation sigma theta. 	Compliant	
Parameter	Units	Frequency	Averaging Period	Sampling Method																					
Rainfall	mm	Continuous	1 hour	AM-4																					
Temperature at two metres	°C	Continuous	15 minute	AM-4																					
Temperature at ten metres	°C	Continuous	15 minute	AM-4																					

Con.	Compliance Requirement (DA 09_0096)					Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
	Wind speed at ten metres	m/s	Continuous	15 minute	AM-2 and AM-4	<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) EPL No. 13181 (Mayfield No. 4 Berth) 			
	Wind direction at ten metres		Continuous	15 minute	AM-2 and AM-4				
	Sigma theta at ten metres		Continuous	15 minute	AM-2 and AM-4				
	Solar radiation	W/m ²	Continuous	15 minute	AM-4				
	Operational Noise								
2.16	The Proponent shall, within six months of the date of this approval, but prior to the lodgement or consideration of any project associated with this Concept Plan approval, unless otherwise agreed by the Director-General, develop a Site Noise Model for the Concept Plan as described in requirement 2.19. The Site Noise Model shall be developed for the day, evening and night time periods to ensure that the amenity noise goals identified in Table 5 below are met. The Site Noise Model shall be developed having regard to the noise assessment undertaken for the Concept Plan Environmental Assessment.					<ul style="list-style-type: none"> Port of Newcastle Independent Environmental Audit Mayfield Concept Plan (SLR 2018) 	Compliance with this condition was confirmed in the previous independent environmental audit.	Compliant	
2.17	Projects associated with the Concept Plan must comply with the amenity noise goals at sensitive residential receivers as detailed in Table 5 below.					<ul style="list-style-type: none"> 2018 – Noise-Verification-Report (AECOM 2018) 2019 – Noise-Verification-Report (AECOM 2019) 	AECOM has been commissioned to undertake noise verification monitoring against the criteria listed in Table 4 during the audit period. Compliance was found at	Compliant	

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.																							
	<p>Table 4 - Noise Goals at Nearby Residences</p> <table border="1"> <thead> <tr> <th rowspan="2">Location</th> <th colspan="3">Project specific Noise Goals (dBA)_{L_{Aeq}} period (dBA)</th> </tr> <tr> <th>Day (7.00am to 6.00pm)</th> <th>Evening (6.00pm to 10.00pm)</th> <th>Night (10.00pm to 7.00am)</th> </tr> </thead> <tbody> <tr> <td>A – 1 Arthur Street, Mayfield (Urban)</td> <td>60</td> <td>49</td> <td>43</td> </tr> <tr> <td>B – 2 Crebert Street, Mayfield (Urban)</td> <td>60</td> <td>50</td> <td>43</td> </tr> <tr> <td>C – 32 Elizabeth Street, Carrington (Urban)</td> <td>57</td> <td>44</td> <td>45</td> </tr> <tr> <td>D – Stockton (Suburban)</td> <td>55</td> <td>37</td> <td>37</td> </tr> </tbody> </table> <p>The above noise goals apply under winds of up to three metres per second (measured at 10 metres above ground level) and Pasquill stability class from A to F.</p> <p>Note: To allow for cumulative noise generated by multiple projects under the Concept Plan, individual projects under the Concept Plan should not utilise all of the noise envelope specified by the criteria outline in Table 4.</p>	Location	Project specific Noise Goals (dBA) _{L_{Aeq}} period (dBA)			Day (7.00am to 6.00pm)	Evening (6.00pm to 10.00pm)	Night (10.00pm to 7.00am)	A – 1 Arthur Street, Mayfield (Urban)	60	49	43	B – 2 Crebert Street, Mayfield (Urban)	60	50	43	C – 32 Elizabeth Street, Carrington (Urban)	57	44	45	D – Stockton (Suburban)	55	37	37	<ul style="list-style-type: none"> 2020 – Noise Verification Report (AECOM 2020) 2021 – Noise Verification Report (AECOM 2021) 2022 – Noise Verification Report (AECOM 2022) 	all receiver locations, during all assessment periods under all prevailing meteorological conditions during the audit period. Additionally, there were no noise complaints made over the audit period as reported by AECOM in the annual compliance reports.		
Location	Project specific Noise Goals (dBA) _{L_{Aeq}} period (dBA)																											
	Day (7.00am to 6.00pm)	Evening (6.00pm to 10.00pm)	Night (10.00pm to 7.00am)																									
A – 1 Arthur Street, Mayfield (Urban)	60	49	43																									
B – 2 Crebert Street, Mayfield (Urban)	60	50	43																									
C – 32 Elizabeth Street, Carrington (Urban)	57	44	45																									
D – Stockton (Suburban)	55	37	37																									
2.18	The Proponent shall, in relation to any project associated with the Concept Plan in the Container Terminal Precinct, assess and implement feasible and reasonable noise mitigation measures to	<ul style="list-style-type: none"> <i>Stolthaven Bulk Fuel Storage Facility – Stage 3</i> 	As described in the response to condition 2.17, noise verification monitoring undertaken by AECOM notes compliance with	Compliant																								

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
	<p>reduce traffic noise impacts associated with the total Concept Plan (including total truck movement limits identified in Table 3) on sensitive receivers where exceedances of traffic noise criteria have been predicted. The application of mitigation measures shall be consistent with the requirements of the NS14 NSW Road Noise Policy (DECCW, 2011).</p>	<p><i>Environmental Impact Statement</i> (AECOM 2016)</p> <ul style="list-style-type: none"> • <i>Statement of Environmental Effects Cargo Storage Facility, Mayfield</i> (AECOM 2016) • <i>Statement of Environmental Effects Development Consent Modification Mayfield Cargo Storage Facility</i> (Aurecon 2019) • 2018 – Noise-Verification-Report (AECOM 2018) • 2019 – Noise-Verification-Report (AECOM 2019) • 2020 – Noise Verification Report (AECOM 2020) • 2021 – Noise Verification Report (AECOM 2021) • 2022 – Noise Verification Report (AECOM 2022) 	<p>the noise criteria. Traffic noise criteria are predicted to be complied with as assessed in the project approval documents.</p> <p>Operational compliance with noise mitigation measures of the two facilities is considered out of the scope of this audit and would be considered under the respective approvals.</p>		
	<i>Concept Plan Site Noise Model</i>				
2.19	<p>The Proponent shall, prior to the lodgement of consideration of any project application associated with this Concept Plan, unless otherwise agreed by the Director-General, develop a Concept Plan Site Noise Model to facilitate the assessment of noise impacts and to report on compliance with project, precinct and concept Plan noise criteria. The Noise Model shall take into consideration pre-project background noise levels at affected sensitive receivers and shall be maintained for the Concept Plan site until such time as the site is fully developed.</p>	<ul style="list-style-type: none"> • 2018 – Noise-Verification-Report (AECOM 2018) • 2019 – Noise-Verification-Report (AECOM 2019) • 2020 – Noise Verification Report (AECOM 2020) • 2021 – Noise Verification Report (AECOM 2021) • 2022 – Noise Verification Report (AECOM 2022) 	<p>The Mayfield Concept Plan Noise Model is maintained by AECOM. As per the requirements of the Mayfield Concept Plan Noise and Vibration Management Plan, individual projects undertake annual noise verification assessments (through the use of the SoundPLAN Verification Model) and provide these to PON to undertake the annual noise verification review of the Mayfield Concept Plan. Reports are</p>	Compliant	

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
	<p>The Proponent shall ensure that any noise monitoring data collected as part of the Noise Verification Monitoring Program be incorporated into the Noise Model. The Noise Model shall be updated with details from each individual project and used to assess performance against the Concept Plan noise goals.</p>	<ul style="list-style-type: none"> • https://www.portofnewcastle.com.au/landside/major-projects/mayfield-concept-plan/#:~:text=The%20Mayfield%20development%20site%20is,the%20eastern%20seaboard%20of%20Australia • <i>Stolthaven Bimonthly Report – January and February 2019</i> (Stolthaven 2019) • <i>Stolthaven Bimonthly Report – March and April 2020</i> (Stolthaven 2020) • <i>Stolthaven Bimonthly Report – May and June 2021</i> (Stolthaven 2021) • <i>Stolthaven Bimonthly Report – September and October 2023</i> (Stolthaven 2023) • <i>2020 MCSF Annual Noise Report</i> (AECOM 2020) • <i>2021 MCSF Annual Noise Report</i> (AECOM 2021) • <i>2022 MCSF Annual Noise Report</i> (AECOM 2022) 	<p>prepared by AECOM on an annual basis and made available on the project website.</p> <p><u>Stolthaven Bulk Fuel Terminal (SSD 7065)</u></p> <p>Noise monitoring at the Stolthaven Bulk Fuel Terminal is undertaken in accordance with the noise verification monitoring program and EPL 20193. Results of the monitoring is provided to PON as part of the bi-monthly reports.</p> <p><u>Mayfield Cargo Storage Facility (DA 8137)</u></p> <p>The Mayfield Cargo Storage Facility operates in accordance with the noise quotas prescribed in the project approval, consistent with the Mayfield Concept Plan.</p>		
	<i>Noise Verification Monitoring Plan</i>				
2.20	<p>The Proponent shall develop a Noise Verification Monitoring Program, to outline how the noise impacts of the projects associated with this Concept Plan approval will be monitored and</p>	<ul style="list-style-type: none"> • <i>Noise Verification Monitoring Plan</i> (AECOM 2015) 	<p>Compliance with this condition was confirmed in the previous independent environmental audit. The Noise</p>	Compliant	

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
	<p>proactively managed. The Program shall include, but not necessarily be limited to:</p> <ol style="list-style-type: none"> a) identification of a noise monitoring network, consistent with the guidelines provided in the Industrial Noise Policy (EPA, 2000); b) locations, timing and methods for monitoring noise impacts as operations commence for each project associated with the Concept Plan to assess compliance with precinct sound power levels, project specific noise criteria and Concept Plan noise goals, including identification of monitoring sites at which pre-project and post-project noise levels can be ascertained; c) a framework for identifying actual and potential noise impacts, and for applying pre-active and reactive mitigation and management measures to add those impacts; d) provisions for reporting monitoring results and complaints and enquiries received to the EPA and the Department and for independent review and auditing of the Program (to be incorporated into the Compliance Tracking program); and e) mechanisms for updating the Program as may be required from time to time, including a system that allows for the periodic assessment of industry accepted Management Practices and Available Technology Economically Achievable to satisfy the Concept Plan noise goals and the project specific noise criteria. <p>The Program shall be prepared by an appropriately qualified person(s) and shall be submitted to the Director-General prior to the commencement of operations for any project associated with this Concept Plan approval.</p>	<ul style="list-style-type: none"> • <i>Port of Newcastle Independent Environmental Audit Mayfield Concept Plan</i> (SLR 2018) • <i>Statement of Environmental Effects Development Consent Modification Mayfield Cargo Storage Facility</i> (Aurecon 2019) • <i>Stolthaven Bimonthly Report – January and February 2019</i> (Stolthaven 2019) • <i>Stolthaven Bimonthly Report – March and April 2020</i> (Stolthaven 2020) • <i>Stolthaven Bimonthly Report – May and June 2021</i> (Stolthaven 2021) • <i>Stolthaven Bimonthly Report – September and October 2023</i> (Stolthaven 2023) 	<p>Verification Monitoring Plan has not been updated within the audit period.</p> <p><u>Modification 1 to DA 8137</u></p> <p>The noise assessment undertaken for Modification 1 to DA 8137 concluded that as the modification proposes no changes to the existing activities and operational methods originally assessed for the project, the same noise emission predictions would apply. It is therefore considered by the Auditor that an update to the Noise Verification Monitoring Plan was not required following approval of the modification.</p> <p><u>Noise Verification Monitoring Plan</u></p> <p>Observation: The Noise Verification Monitoring Plan refers to the outdated NSW Industrial Noise Policy (2000) which has been superseded by the NSW Noise Policy for Industry (2017). It is noted part a) of this condition also refers to the outdated policy.</p> <p>Section 2 of the plan also states “PON is in the process of developing and implementing a tool to manage the cumulative noise emissions from all projects located within the MCP...”. This statement is outdated as the tool has been developed and implemented.</p> <p>Recommendation: It is recommended a review of the Noise Verification Monitoring</p>		

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
			Plan is undertaken to reflect current practices and guidance.		
	Hydrology				
	<i>Stormwater Management Strategy</i>				
2.21	<p>The Proponent shall prepare a Stormwater Management Strategy for the Concept Plan site to provide a framework for the coordinated management of storm water and flood risks across the site and within precincts and to facilitate the continual improvement in the quality of stormwater discharge to the South Arm of the Hunter River and a reduction in flooding impacts to land uses within and surrounding the site. The Strategy shall include:</p> <ol style="list-style-type: none"> a) the identification of water management risks, including flood risk, water quality and stormwater impacts, the isolation of stormwater from contaminated land and the local groundwater table, and the consideration of climate change and coastal risks; b) design principles, objectives and environmental performance criteria for flooding, ground water, and storm water management, including the consideration of the following matters: <ol style="list-style-type: none"> i. the design and adoption of stormwater management measures that reflect site constraints, land use and catchment conditions; ii. the minimisation of runoff and the reduction of peak flows; iii. minimising coastal risks and flooding impacts for land uses within, adjoining and in proximity of the site, including the establishment of site design criteria for site levels and drainage capacity, and consideration of NSW seal level rise planning benchmarks; iv. integrating stormwater capture, treatment and reuse into the operating environment; 	<ul style="list-style-type: none"> • Stormwater Management Strategy (AECOM 2015) • <i>Port of Newcastle Independent Environmental Audit Mayfield Concept Plan</i> (SLR 2018) • https://www.portofnewcastle.com.au/landside/major-projects/mayfield-concept-plan/#:~:text=The%20Mayfield%20development%20site%20is,the%20eastern%20seaboard%20of%20Australia • 2019 September – November Stormwater Quality Report • 2020 June – August Stormwater Quality Report • 2020 September – November Stormwater Quality Report • 2020 December – February Stormwater Quality Report • 2021 March – May Stormwater Quality Report • 2021 June – August Stormwater Quality Report 	<p>Compliance with this condition was confirmed in the previous independent environmental audit. The Stormwater Management Strategy has not been updated within the audit period.</p> <p><u>Stormwater Strategy</u></p> <p>Observation: As noted in the previous independent environmental audit, the strategy includes some incorrect cross-references.</p> <p>Observation: The Auditor noted some of the guidance documents referenced are outdated, for example the section 3.3 of the strategy references a 2014 version of the CSMP (superseded by the 2016 version) and section 3.2.2 references <i>Stormwater and Water Efficiency for Development – Technical Manual</i> (The City of Newcastle, 2012) has been superseded by a 2019 version.</p> <p>Recommendation: It is recommended the Stormwater Strategy is reviewed and updated to reflect current practices and guidance documents.</p> <p><u>Stormwater Quality Monitoring</u></p> <p>PON's Stormwater Management Strategy requires monitoring of stormwater at six</p>	Non-compliant	NC6

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
	<p>v. improving surface and groundwater quality within the site and at discharge points.</p> <p>c) conceptual site based flooding, stormwater, surface water and water quality management measures, including standards for the protection and maintenance of these measure;</p> <p>d) a monitoring program for surface and ground water which identifies parameters to be monitored, sampling locations, monitoring methods and sampling methodology, including frequency and duration of monitoring and sampling, responsibilities and reporting;</p> <p>e) corrective action and contingency measures in the event of exceedances of the relevant environment performance criteria;</p> <p>f) process for regularly reviewing and updating the Strategy to identify continual improvement to procedures and to reflect ongoing the development of the site;</p> <p>g) reporting procedures and protocols for evaluating performance; and</p> <p>h) taking into account the NSW Coastal Planning Guideline: Adapting to Sea Level Rise (DoP, 2010), the Preliminary Stormwater Strategy (contained in Appendix H of the Environment Assessment), Managing Urban Stormwater: Soils and Construction Landcom, 2004), Council design criteria and the existing Hunter Development Corporation groundwater monitoring program.</p> <p>The Strategy shall be prepared in consultation with Council, HDC, EPA and shall be submitted to the Director-General prior to the lodgement or consideration of any project application associated with this Concept Plan approval, or as otherwise agreed by the Director-General. The Proponent shall update the Strategy, as required, following subsequent project approvals with this Concept Plan Approval.</p>	<ul style="list-style-type: none"> • 2021 September – November Stormwater Quality Report • 2021 December – 2022 February Stormwater Quality Report • 2022 March – May Stormwater Quality Report • 2022 September – November Stormwater Quality Report • 2022 December – 2023 February Stormwater Quality Report • 2023 March – May Stormwater Quality Report • 2023 June – August Stormwater Quality Report • <i>Stolthaven Bimonthly Report – January and February 2019</i> (Stolthaven 2019) • <i>Stolthaven Bimonthly Report – March and April 2020</i> (Stolthaven 2020) • <i>Stolthaven Bimonthly Report – May and June 2021</i> (Stolthaven 2021) • <i>Stolthaven Bimonthly Report – September and October 2023</i> (Stolthaven 2023) • <i>Statement of Environmental Effects</i> 	<p>locations when more than 25 millimeters of rainfall is received in a 24-hour period. Quarterly reports are prepared and posted on PON's website.</p> <p>Observation: The stormwater quality reports do not provide comparison to or commentary on compliance with water quality values.</p> <p>Recommendation: It is recommended the stormwater quality reports are updated to show whether water quality data collected is compliant or not compliant with the water quality values.</p> <p>Observation: The quarterly stormwater reports only provide data for the reporting period and there is no comparison to previous reporting periods to identify any trends in stormwater quality.</p> <p>Recommendation: It is recommended the reports are updated to include historical data and comment on any trends.</p> <p><u>Groundwater Quality Monitoring</u></p> <p>Groundwater levels are monitored at the site on an hourly basis. Groundwater level loggers are permanently installed in the specified wells. RCA are contracted to retrieve and download the loggers on a quarterly basis.</p> <p>During the October 2022 retrieval round, RCA noted that the loggers in MW05Fa and MW05Sa were missing</p>		

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
		<p><i>Development Consent Modification Mayfield Cargo Storage Facility (Aurecon 2019)</i></p>	<p>and monitoring data was not collected since May 2022. Neither RCA nor relevant PON personnel are aware of the reason for the loggers being removed from the wells. Loggers were reinstated into the MW05 wells on 13 March 2023 following a site wide audit of all groundwater monitoring wells at the site.</p> <p>Recommendation: Undertake regular inspections of monitoring wells to ensure loggers are in place.</p> <p><u>Stolthaven Bulk Fuel Terminal</u></p> <p>Monitoring of groundwater at the Stolthaven Bulk Fuel Terminal is undertaken in accordance with a groundwater monitoring program and EPL 20193. Results of the monitoring is provided to PON as part of the bi-monthly reports.</p> <p><u>Modification 1 to DA 8137</u></p> <p>The surface water assessment undertaken for Modification 1 to DA 8137 concluded the proposed modification would not alter existing runoff qualities or peak storm loading that would require a review of the existing stormwater management system. It is therefore considered by the Auditor that an update to the Stormwater Management Strategy was not required following approval of the modification.</p>		
	Site Infrastructure				

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
	<i>Utilities Infrastructure Plan</i>				
2.22	<p>The Proponent shall prepare a Utilities Infrastructure Plan for the Concept Plan site to identify the services and utility infrastructure (ie non transport related infrastructure) that will be required for the site and each precinct, and to provide for the coordinated provision of this infrastructure. The Plan shall include, but not be limited to the following:</p> <ul style="list-style-type: none"> a) the expected site services/ utility demand levels and infrastructure requirements, including reasonable contingencies, at a site and precinct level; b) the identification of service corridors to and within the site, including at a precinct level, to facilitate the rationalisation of infrastructure provision and to minimise conflict with existing and future site operations, including the prioritisation of connecting services to trunk infrastructure facilities to be provided in the adjoining Intertrade Industrial Park and the provision of shore to ship power to berthed vessels (subject to the findings of the Shore Side Power Feasibility Report): and c) the identification of when the required infrastructure d) will be required and the inclusion of an implementation schedule to indicate when infrastructure will be delivered and associated installation protocols. <p>The Plan shall be prepared in consultation with infrastructure and public utility authorities as well as adjacent landowners, including but not limited to HOC, AusGrid, Hunter Water Corporation, Jemena, RailCorp, RMS, Council, and telecommunication providers (as relevant).</p> <p>The Plan shall be prepared and submitted to the Director- General prior to the lodgement of or consideration of any project application associated with this Concept Plan approval, or as otherwise agreed by the Director-General. The Proponent shall be responsible for overseeing the implementation of the Plan and shall</p>	<ul style="list-style-type: none"> • <i>Utilities Infrastructure Plan (AECOM 2015)</i> • <i>Port of Newcastle Independent Environmental Audit Mayfield Concept Plan (SLR 2018)</i> 	Compliance with this condition was confirmed in the previous independent environmental audit.	Compliant	

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
	update it as required, following any subsequent project approvals associated with this Concept Plan approval.				
	<i>Shore Side Power (cold ironing) Feasibility Report</i>				
2.23	<p>The Proponent shall prepare a Shore Side Power (cold ironing) Feasibility Report, in consultation with the EPA, for shore side power on the landside areas adjacent to berths. The Feasibility Report shall be prepared by a suitably qualified person and shall include, but not be limited to:</p> <ol style="list-style-type: none"> a discussion of industry accepted environmental practice for Shore Side Power, including relevant international experience and standards; consideration of feasible and reasonable measures that could be adopted at the berths, including the consideration and quantification of air quality and noise benefits; and potential options and future recommendations, including the provision of service corridors for future infrastructure. <p>The Plan shall be prepared and submitted to the Director- General prior to the lodgement of or consideration of any project application associated with this Concept Plan approval, or as otherwise agreed by the Director-General.</p>	<ul style="list-style-type: none"> Shore Side Power Feasibility Report (AECOM 2015) <i>Port of Newcastle Independent Environmental Audit Mayfield Concept Plan</i> (SLR 2018) 	Compliance with this condition was assessed in the previous independent environmental audit with one administrative non-compliance identified relating to consultation with the EPA. The matter was resolved within the previous audit.	Compliant	
	Hazards, Dangerous Goods and Chemical Storage				
2.24	Potentially hazardous facilities of a project associated with this Concept Plan Approval shall be designed and sited with appropriate separation distances such that they do not cumulatively impact adjacent surrounding land uses at a precinct and Concept Plan site level in a manner exceeding permissible impact levels published in Hazardous Industry Planning Advisory Paper No. 4 - Risk Criteria for Land Use Safety Planning, Department of Planning, January 2011.	<ul style="list-style-type: none"> <i>Preliminary Hazard Analysis</i> (Cockshott Consulting Engineers Pty Ltd 2016) <i>HAZOP Report and Risk Assessment</i> (Cockshott Consulting Engineers Pty Ltd 2016) <i>Stolthaven Bulk Fuel Storage Facility – Stage 3</i> 	A hazards assessment was completed as part of the Stolthaven Bulk Fuel Terminal Stage 3 EIS. No other potentially hazardous facilities have been constructed under the Mayfield Concept Plan within the audit period.	Compliant	

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
		<i>Environmental Impact Statement (AECOM 2016)</i>			
2.25	The hazard safeguards (as applicable) listed in the Hazard Identification Table A.1, in Appendix A, of the report titled Preliminary Hazardous Analysis, Mayfield Site Port-Related Activities Concept Plan, dated 19 July 2010 and prepared by AECOM, shall be implemented.	<ul style="list-style-type: none"> • <i>Mayfield Site Port-Related Activities Concept Plan – Appendix G Preliminary Hazards Analysis (AECOM 2010)</i> • <i>Mayfield Site Precinct Emergency Management Plan (PON 2023)</i> 	<p>PON manages hazards through the implementation of the Mayfield Site Precinct Emergency Plan.</p> <p>Implementation of hazard safeguards are the responsibility of the individual tenants and were not considered within the scope of the audit.</p>	Compliant	
	<i>Port Emergency Response Plan</i>				
2.26	<p>The Proponent shall prepare a Port Emergency Plan for the Concept Plan site, precinct and project(s) prior to the commissioning of any projects associated with this Concept Plan approval that involves the transport, handling or storage of hazardous or dangerous materials. The Plan shall:</p> <ol style="list-style-type: none"> include detailed procedures for the safety of people on and off site who may be at risk from the project; include provision for safe and fully accessible emergency service vehicle access to portside facilities; consider any Safety Management System prepared for the project; be updated prior the commissioning of any subsequent projects associated with this Concept Plan approval; and be consistent with the Hazardous Industry Planning Advisory Paper No. 1 - Emergency Planning, Department of Planning, January 2011. <p>The Proponent shall submit the Plan or any update of the Plan to the Director-General no later than two months prior to the commencement of any project associated with this Concept Plan approval, or as otherwise agreed by the Director-General. The</p>	<ul style="list-style-type: none"> • <i>Mayfield Site Precinct Emergency Management Plan (PON 2023)</i> • <i>Port of Newcastle Independent Environmental Audit Mayfield Concept Plan (SLR 2018)</i> 	<p>Compliance with this condition was confirmed in the previous independent environmental audit. The Port Emergency Plan was updated in 2023. The requirements of this condition are met as follows:</p> <ol style="list-style-type: none"> Included in Section 6. Included in Section 6.2. Section 2.1 outlines the related plans. The current Emergency Management Plan is version D dated 4 April 2023. The document control register indicates updates were made in November 2017 (version B) and August 2021 (version C). The Port Emergency Plan appeared generally consistent with <i>Hazardous Industry Planning Advisory Paper No. 1 - Emergency Planning, Department of Planning, January 2011</i>, however the Auditor notes a detailed reviewed 	Compliant	

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
	Proponent may elect to use an existing Plan should that Plan address the requirements of this Concept Plan approval		has not been completed as part of the audit scope.		
	<i>Safety Management System</i>				
2.27	<p>A Safety Management System shall be prepared prior to the commissioning of any project associated with this Concept Plan approval that involves the transport, handling or storage of hazardous or dangerous materials, The System shall cover on-site operations and associated transport activities involving the transport, handling or storage of hazardous and dangerous materials. The document shall:</p> <ol style="list-style-type: none"> specify safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures; and be consistent with the Hazardous Industry Planning Advisory Paper No. 9 -Safety Management, Department of Planning, January 2011. <p>The Proponent of future project applications under this Concept Plan approval shall submit the System to the Director- General no later than two months prior to the commencement of any project associated with this Concept Plan approval, or as otherwise agreed by the Director-General. Records shall be kept on site and shall be available for inspection by the Director-General upon request.</p>	<ul style="list-style-type: none"> <i>Port of Newcastle Corporate WHS Management System (PON 2022)</i> <i>Emergency Plan (Stolthaven 2021)</i> <i>Stolthaven Bulk Fuel Storage Facility Independent Environmental Audit 2022 (Ramboll 2022)</i> 	<p>The Safety Management System is outlined in the <i>Port of Newcastle Corporate WHS Management System</i> document.</p> <p><u>Stolthaven Bulk Fuel Terminal</u></p> <p>The Stolthaven Bulk Fuel Terminal Safety Management System is comprised of the operational environmental management plans that have been developed in consultation with PON.</p>	Compliant	
	<i>Hazard Audit</i>				
2.28	<p>A Hazard Audit of each project associated with this Concept Plan approval that involves the transport, handling or storage of hazardous or dangerous materials shall be undertaken twelve months after the commencement of operations and every three years thereafter, or at such intervals as the Director-General may agree.</p> <p>The audits shall be carried out by a qualified person or team, independent of the project, and shall be consistent with the</p>	<ul style="list-style-type: none"> Development consent for SSD 7065 	<p>The requirement to undertake three-yearly hazard audits for the Stolthaven Bulk Fuel Facility is included as Condition C8 of the development consent for SSD 7065. Completion of the hazard audit is outside of the scope of this audit.</p>	Compliant	

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
	<p>Department of Planning's Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit Guidelines'.</p> <p>The Proponent of future project applications under this Concept Plan approval shall submit each audit to the Director- General within one month of the audit being undertaken. The three yearly site Hazard Audits for each project associated with this Concept Plan approval shall be consolidated.</p>				
	Social and Economic				
2.29	Projects associated with this Concept Plan Approval, shall be subject to Section 94A development contribution levies consistent with rates identified in the <i>Section 94A Development Contributions Plan 2009</i> , The City of Newcastle, March 2011 (or as subsequently updated), or as otherwise agreed with Council.	<ul style="list-style-type: none"> Comment from PON representative on 14/12/2023 	The Auditor understands from the PON representative that developer contributions have not been triggered in the audit period.	Not triggered	
	3. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT				
3.1	Subject to confidentiality, the Proponent shall make all documents required under this approval available for public inspection on request.	<ul style="list-style-type: none"> Comment from PON representative on 14/12/2023 	No requests have been made to make any documents required under the approval available for inspection.	Not triggered	
	Provision of Electronic Information				
3.2	<p>The Proponent shall establish and maintain a dedicated website or maintain dedicated pages within its existing website for the provision of electronic information associated with this Concept Plan approval subject to confidentiality requirements. The Proponent shall publish and maintain up- to-date information on this website or dedicated pages including, but not necessarily limited to:</p> <ol style="list-style-type: none"> information on the statutory context of the Concept Plan approval and the current implementation status of the project; a copy of this approval, any related project approvals and any future modification to this approval; 	<ul style="list-style-type: none"> https://www.portofnewcastle.com.au/landside/major-projects/mayfield-concept-plan/#:~:text=The%20Mayfield%20development%20site%20is,the%20eastern%20seaboard%20of%20Australia 	<p>PON maintains a project website at the adjacent address. The auditor visited the website on numerous occasions throughout November and December 2023. The Auditor noted the following information was not available as required under the condition:</p> <ul style="list-style-type: none"> A copy of the development consent for DA 09_0096 (condition b) The previous independent environmental audit completed against DA 09_0096 (condition f). 	Non-compliant	NC7

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
	d) a copy of each relevant environmental approval, licence or permit required and obtained in relation to the project; and e) details of the outcomes of compliance reviews and f) audits of the project.		Recommendation: Update the project website to include the information as listed above. This independent environmental audit should also be made available once complete.		
	Community Communication Strategy				
3.3	<p>The Proponent shall prepare and implement a Community Communication Strategy for the project. This Strategy shall be designed to provide mechanisms to facilitate communication between the Proponent, Council and local community (broader and local stakeholders) on the progress and the related environmental management of the project. The Strategy shall include, but not necessarily limited to:</p> <ul style="list-style-type: none"> a) identification of stakeholders to be consulted as part of the Strategy, including affected and adjoining landowners; b) procedures and mechanisms for the regular distribution of information to stakeholders on the progress of the project; c) procedures and mechanisms through which stakeholders can discuss or provide feedback to the Proponent on the progress of the project; d) procedures and mechanisms through which the Proponent can respond to any enquires or feedback from stakeholders in the progress of the project; and e) procedures and mechanisms that would be implemented to resolve any issues/ disputes that may arise between parties on the matters relating to the progress of the project. This may include the use of an appropriately qualified and experienced independent mediator. <p>Key issues that should be address in the Community Communication Strategy should include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> i. transport and traffic monitoring and management; 	<ul style="list-style-type: none"> • Mayfield Concept Plan Community Communication Strategy (PON 2015) • Letter titled: <i>Mayfield Concept Plan Approval Application No: 09_0096 – Schedule 3 Conditions 3.1, 3.2 & 3.3</i> (Newcastle Port Corporation 2014) • <i>Port of Newcastle Independent Environmental Audit Mayfield Concept Plan</i> (SLR 2018) • https://www.portofnewcastle.com.au/community-and-news/community-liaison-group/ 	<p>Compliance with this condition was confirmed in the previous independent environmental audit. The Community Communication Strategy has not been updated within the audit period.</p> <p>PON has established the Port of Newcastle Community Liaison Group and holds meetings on a quarterly basis to seek community and stakeholder feedback.</p>	Compliant	

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
	<ul style="list-style-type: none"> ii. noise and vibration monitoring and management; iii. air quality monitoring and management; and iv. cumulative impacts. <p>The Proponent shall maintain and implement the Strategy throughout the development of the Project. The Strategy shall be submitted to the Director-General prior to the lodgement of any project application or commencement of works associated with this Concept Plan approval, unless otherwise agreed by the Director-General.</p>				
	4. COMPLIANCE MONITORING AND TRACKING				
	Compliance Tracking Program				
4.1	<p>The Proponent shall develop and implement a Compliance Tracking Program to track compliance with the requirements of this approval. The Program shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> a) provisions for periodic review of the compliance status of the Concept Plan and associated projects against the requirements of this approval; b) provisions for the notification of the Director-General following the determination of, prior to the commencement of construction and prior to the commencement of operation of projects associated with this Concept Plan approval; c) provisions for periodic reporting of environmental monitoring and compliance status to the Director-General; d) a program for independent environmental auditing in accordance with /50 19011:2003 - Guidelines for Quality and I or Environmental Management Systems Auditing; and e) procedures for rectifying any non-compliance identified during environmental auditing or review of compliance. 	<ul style="list-style-type: none"> • <i>Mayfield Concept Approval Compliance Tracking Program Report</i> (AECOM 2015) • 2018-08-24 Mayfield Concept Approval Compliance Tracking Program Register_version 5.xlsx • <i>Port of Newcastle Independent Environmental Audit Mayfield Concept Plan</i> (SLR 2018) • Email from PON subject: RE: Site remediation BHP steelworks site – Proposed audit team 2023 IEA dated 8/11/2023 	<p>The previous independent environmental audit noted the Compliance Tracking Program did not include elements of this condition (refer to discussion in section 3.5 of the audit report on previous audit recommendations).</p> <p>The requirements under this condition are met as follows:</p> <ul style="list-style-type: none"> a) The 'Review and Improvement' tab in the Compliance and Monitoring Tracking Program makes provision for periodic review of the Concept Plan against the approval. The Compliance and Monitoring Tracking Program Register is required to be reviewed on an annual basis as per the register. <p>The version control register notes the last update of the Compliance and Monitoring Tracking Program Register occurred on 17 March 2015.</p>	Non-compliant	NC8 NC9

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
	<p>The Program shall be submitted to the Director-General for approval prior to the lodgement of approval for any project associated with this Concept Plan approval, unless otherwise agreed by the Director-General.</p>		<p>Recommendation: The Compliance and Monitoring Tracking Program Register should be reviewed and updated to address the recommendations in this independent environmental audit. Annual reviews of the register should be undertaken and documented in the version control register.</p> <p>b) Not triggered within the audit period.</p> <p>c) Included in the 'Review and Improvement' tab of the Compliance and Monitoring Tracking Program Register.</p> <p>d) In accordance with the independent environmental auditing program, an audit is required every three years. The previous independent environmental audit was completed on 5 November 2018. The subsequent independent environmental audit was therefore due by 5 November 2021.</p> <p>Commissioning of this independent environmental audit did not occur until 8 November (approximately two years overdue).</p> <p>Recommendation: Subsequent independent environmental audits should be undertaken on a three-year basis as required.</p> <p>e) The non-compliance procedure is described in the 'Review and Improvement' tab of the Compliance</p>		

Con.	Compliance Requirement (DA 09_0096)	Evidence Collected	Audit Findings and Recommendations	Compliance Status	ID No.
			and Monitoring Tracking Program Register.		

Appendix 2 Auditor Endorsement

Our ref: DA8137-PA-1

Brigid Kelly
Environment Manager
The Trustee for the Port of Newcastle Unit Trust

17/11/2023

Sent via the Major Projects Portal only

Subject: Mayfield Concept Plan (MP 09_0096) - Proposed audit team 2023 IEA

Dear Ms Kelly

Reference is made to your email to NSW Department of Planning and Environment (NSW Planning) on 7 November 2023, requesting the Planning Secretary's approval of a team of suitably qualified, experienced, and independent person/s to conduct an Independent Environmental Audit (IEA), as required by Schedule 3, Condition 4.1 of Concept Approval MP 09_0096, as modified (the concept approval), of the Mayfield Concept Plan for 90 hectares of port-side land in Mayfield (site).

NSW Planning notes that The Trustee for the Port of Newcastle Unit Trust (PoN) has advised that the auditor, Sandy Lonergan, previously approved by NSW Planning in a letter dated 25 November 2022, subject to post approval matter DA8137-PA-1, will not be undertaking the IEA, and PoN is requesting a different IEA team be approved to undertake the IEA of the site in accordance with Schedule 3, Condition 4.1 of the concept approval.

In accordance with Schedule 3, Condition 4.1 of the consent and NSW Planning, *Independent Audit Post Approval Requirements (2020)*, as nominee of the Planning Secretary, I endorse the following independent audit team from Ramboll Australia Pty Ltd:

- Ms Victoria Sedwick – Lead Auditor
- Mr Shaun Taylor - Auditor
- Ms Charissa Lawrence – Auditor Assistant

PoN has requested to combine IEA reports for the upcoming audits for the concept approval and Mayfield 4 Berth (DA 293-08-00). However, NSW Planning requires the IEA report for the concept approval be prepared and submitted as a separate and standalone report to the IEA report that is required to be prepared as required by Schedule 2, Condition 9.4 of DA 293-08-00.

Under the provisions of Schedule 2, Condition 1.4 of the concept approval, the Planning Secretary requests:

- The IEA period for the concept approval shall be from the last audit period to the IEA audit inspection date, which shall coincide with the end of the audit period, and be completed on or around 30 November 2023, unless otherwise agreed by the Planning Secretary.
- The IEA report, together with responses to any recommendations (RAR) contained in the IEA report, and proposed completion dates (DD/MM/YYYY) for actions to be implemented, should be submitted to the NSW Government's Major Project Website (under project DA 293-08-00) within 2 months of commencing the audit.
- The Independent Audit must be prepared, undertaken, and finalised in accordance with the conditions of consent and the *Independent Audit Post Approval Requirements (2020)*.
- Future IEAs prepared in accordance with Schedule 3, Condition 4.1 of the concept approval shall be submitted every three (3) years, unless otherwise agreed by the Planning Secretary.

Failure to meet these requirements will require revision and resubmission.

Please ensure this correspondence is appended to the IEA Report.

Should you wish to discuss the matter further, please contact Ann Hagerthy, (Senior Compliance Officer) on 02 6575 3407 or email compliance@planning.nsw.gov.au

Yours sincerely



Heidi Watters
Team Leader Northern
Compliance

As nominee of the Planning Secretary

Appendix 3 Independent Audit Declaration Form

Independent Audit Declaration Form

Project Name: Mayfield Concept Plan
Consent Number: DA 09_0096
Description of Project: Redevelopment of 90 hectares of port-side land in Mayfield, with five key precincts
Project Address: Selwyn Street, Mayfield, New South Wales
Proponent: Port of Newcastle
Title of Audit: Mayfield Concept Plan Independent Environmental Audit
Date: 19 January 2024

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 the *Independent Audit Post Approval Requirements (Department 2020)*;
- 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) 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

Independent Audit Declaration Form


Project Name: Mayfield Concept Plan
Consent Number: DA 09_0096
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- 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.

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- 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: Shaun Taylor
Signature: 
Qualification: B App Sc (Env Asst & Mgt) (Hons)
Company: Ramboll Australia Pty Ltd
Company Address: The Arc, 45a Watt St, Newcastle, NSW 2300

Independent Audit Declaration Form


Project Name: Mayfield Concept Plan
Consent Number: DA 09_0096
Description of Project: Redevelopment of 90 hectares of port-side land in Mayfield, with five key precincts
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- d) 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: Charyssa Lawrence
Signature: 
Qualification: Bachelor of Environmental Science and Management (Honours)
Company: Ramboll Australia Pty Ltd
Company Address: The Arc, 45a Watt St, Newcastle, NSW 2300

Independent Audit Declaration Form

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Consent Number: DA 09_0096
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- 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: Taylor Hancock

Signature:



Qualification: Bachelor of Environmental Science and Management (Sustainability)

Company: Ramboll Australia Pty Ltd

Company Address: The Arc, 45a Watt St, Newcastle, NSW 2300