

12 September 2023

Planning Secretary
Department of Planning and Environment
4 Parramatta Square,
12 Darcy Street
Parramatta NSW 2150

Submitted via email: Sheelagh.Laguna@planning.nsw.gov.au

**Request to Vary Frequency of Independent Environmental Audits at
Clyde Transfer Terminal (DA 205-08-01)**

Veolia Environmental Services (Australia) Pty Ltd ('Veolia') seeks to vary the frequency of the Independent Environmental Audits ('IEA's) required to be conducted at Veolia's Clyde Transfer Terminal ('The Terminal') under DA 205-08-01.

As instructed by Chris Ritchie in correspondence sent in May 2023, Veolia was advised that our proposed amendment to Condition 60 would be separately requested by writing to the Department of Planning and Environment ('the Department') to seek the Planning Secretary's agreement to vary the frequency of independent audits.

Currently Condition 60 of the site's development consent (DA 205-08-01) requires an IEA to be undertaken every year.

"60. Every year following the date of this consent, or at periods otherwise agreed to by the Director-General, and until such time as agreed to by the Director-General, the Applicant shall arrange for an independent audit of the environmental performance of the development. The audits shall:

- (a) be conducted pursuant to ISO 14010 – Guidelines and General Principles for Environmental Auditing, ISO 14011 – Procedures for Environmental Monitoring and any specifications of the Director-General;*
- (b) be conducted by a suitably qualified independent person approved by the Director-General;*
- (c) assess compliance with the requirements of this consent;*
- (d) assess the implementation of the EMP (Construction) and EMP (Operation) and review the effectiveness of the environmental management of the development; and*
- (e) be carried out at the Applicants' expense.*

The audits shall be submitted to the Director-General.

The Applicant shall comply with all reasonable requirements of the Director-General in respect of any measures arising from or recommended by the audits and within such time as agreed to by the Director-General."

Veolia requests that the IEA frequency is changed to every three years.

Justification

The purpose of the IEA is to address the requirements of Condition 60 of the development consent (DA 205-08-01) and assess overall compliance and environmental performance of the site.

Due to the unchanging nature of site operations, the environmental performance of the site over the last several years based on previous audit findings, other reporting requirements to the Department and other regulators, there is no benefit to an annual IEA frequency compared to a 3-yearly frequency. Amending the condition to a three-yearly IEA frequency also makes it consistent with the IEA frequency of Veolia's other State Significant Development sites with similar consent conditions.

Over the last five years, annual IEA's have confirmed no non-compliances for EPL conditions and management plans, and no complaints received by the site over these years; annual IEAs have consistently found the site to have 100% compliance with management plans and the Environmental protection licence. There has also only been one environmental incident during this time. IEA reports have all found the site to have high environmental performance, and no more than three non-compliances have been identified with the consent conditions in the past 5 years. These non-compliances are also noted to be fairly consistent, regarding issues of low environmental risk.

As previous audit findings have demonstrated over the years, the site's operations have undergone minimal change since initial operation. This unchanging nature of the site's operations means that environmental performance of the site is very unlikely to vary within the three year audit period. Non-compliances identified in previous audits have been generally very consistent,, with no new findings reported. Therefore, an annual audit frequency is largely inefficient and ineffective for this site and its current environmental performance. No significant or dynamic environmental risks have been identified at the site which would require monitoring of environmental compliance at such a high frequency. There is little to no benefit of annual audits compared to an audit frequency of 3 years, as the findings are continuously consistent with little variation. In addition, all management plans and associated sub-plans are published publicly on the site's website, and when updated are submitted to the department for endorsement, ensuring the Department remains up-to-date with operations and management measures at the Terminal.

Current regulatory reporting requirements imposed on site allow for annual updates to the Department (and other regulators such as the EPA) of the general environmental performance and compliance of the site on an annual basis. This also includes notification requirements of any environmental incidents or instances of significant environmental non-compliance.

As required by Consent Condition 59, an Annual Environmental Management Report (AEMR) is submitted to the Department each year which details environmental monitoring, environmental performance and compliance (including any changes or corrective actions to be implemented) of the site for each year. This annual AEMR report details much of the same information covered by the audit

report. Similarly, non-compliances with the Environmental Protection Licence for the site (EPL.11763) are reported annually to the EPA as part of Annual Return reporting, making much of the annual IEA redundant.

For any potential instance in which Veolia fails to include a non-compliance in either of these reporting requirements, it would be identified in a three-yearly IEA which would cover the entire interval period between audits.

Please note, the next IEA is upcoming over the next couple of months, so a speedy resolution to this request would be much appreciated, in order to confirm whether we are required to engage an independent auditor and prepare for an audit this year.

Should the Department or Secretary have further queries related to this matter, please contact the Nicole Boukarim on 0476 569 790 or nicole.boukarin@veolia.com.

Yours sincerely,



Veolia Australia and New Zealand

Kelly Gee

NSW/ACT Environmental Manager