

BARNETT & MAY

Port Waratah Coal Services

2024 Independent Environmental Audit

Prepared for

Port Waratah Coal Services Pty Ltd.

Client representative

Ben Lowder

Date

1 October 2024

Rev 0



Contents

1.	Introduction.....	1
1.1	Port Waratah Coal Services	1
1.2	Audit Objectives	2
1.3	Audit Scope	2
1.4	Audit Period	3
1.5	Limitations of this Report	3
2.	Definitions.....	4
3.	Auditor Certification	5
3.1	Audit Details	6
4.	Audit process.....	7
4.1	Audit Guidelines	7
4.2	Overview	10
4.3	Preliminary activities	10
4.3.1	Approval of audit teams	10
4.3.2	Consultation with Agencies	10
4.4	Information Review and Compliance Register	11
4.5	Site audit	11
4.5.1	Opening Meeting	11
4.5.2	Site Inspections	11
4.5.3	Site Interviews	12
4.5.4	Closing Meeting	12
4.5.5	Document review	12
4.6	Reporting	13
5.	Stakeholder Consultation.....	15
6.	Statutory Compliance and Recommendations	17
6.1	Summary of Compliance Status	17
6.2	Non-Compliances and recommendations	18
6.3	Continuous Improvement Recommendations	19
7.	Independent Audit Post Approval Requirements	20
7.1	Summary of Environmental Incidents	20
7.1.1	Incident Response Assessment	22
7.2	Summary of Complaints	22
7.2.1	Compliant Management System Assessment	26
7.3	Summary of Notices	27
7.4	Project Environmental Management System	27
7.5	Implementation of the Operational Environmental Management Plan and Sub-plans	28
7.6	Status of Previous IEA Findings	29
7.7	Specialist Auditor Reports	31
7.8	Operational Environmental Impacts	31
7.8.1	Extent of Project Operations	32
7.9	Other Matters	32
7.9.1	Planning Approval DA 35/96	32

List of tables

Table 1 - Audit Details	6
Table 2 - Post Approval Audit Guidelines	7
Table 3 - Compliance Assessment Matrix.....	13
Table 4 - Risk Assessment Matrix	14
Table 5 - Summary of Stakeholder Inputs.....	15
Table 6 - Summary of Statutory Compliance	17
Table 7 - Statutory Non-Compliances	18
Table 8 - Summary of Incidents.....	20
Table 9 - Summary of Reportable Incidents.....	21
Table 10 - Summary of community enquiries.....	22
Table 11 - Complaints Summary	22
Table 12 - Management Plan Compliance Summary.....	28
Table 13 - Status of 2021 Audit Findings	29
Table 14 - Predicted vs Actual Impacts.....	31

Appendices

Appendix A — Audit Table

Appendix B – Audit Photographs

Appendix C – Auditor Approval Letter

Appendix D – Stakeholder Consultation

Appendix – Lead Auditor Qualifications and Experience

Prepared by — K. Holmes		Date 1 October 2024
-------------------------	---	---------------------

Revision History

Rev No.	Description	Prepared by	Reviewed by	Authorised by	Date
a	Draft for client Review	K. Holmes	R Peterson	K. Holmes	1/9/2024
0	Final Report	K. Holmes	K Holmes	K. Holmes	1/10/2024

© 2024 Barnett & May

This document is and shall remain the property of Barnett & May. The document may only be used for the purposes for which it was commissioned and in accordance with the Terms of Engagement for the commission. Unauthorised use of this document in any form is prohibited.

1. Introduction

Barnett & May was engaged by Port Waratah, to conduct the 2024 Independent Environmental Audit (IEA) of Port Waratah Coal Services Ltd (Port Waratah) Kooragang Coal Terminal (KCT) located in Newcastle, New South Wales (NSW). The IEA was required under Schedule 2, condition 5.1c of the Project Approval 06_0189 and Schedule 2, conditions 32, 33, 34, 35 and 36 of the Development Application No. 35/96 (Stage 3 Expansion). Port Waratah had previously obtained approval from the (former) Department of Planning and Environment (DPE) to combine the two annual audits into a single annual report to streamline the auditing process.

The audit was undertaken in accordance with the Barnett and May's proposal (dated 12 April 2024) and the requirements of the New South Wales Department of Planning, Industry and Environment (DPIE) Independent Audit Post Approval Guidelines May 2020. The Audit was commissioned in May 2024 following approval of the Auditor by Department of Planning, Housing & Infrastructure (DPHI). The audit was undertaken by Ken Holmes (Accredited Lead Auditor) of Barnett & May on 5 August 2024.

1.1 Port Waratah Coal Services

Port Waratah operates Kooragang Coal terminal (KCT), a coal export terminal located on Kooragang Island with a licenced capacity of 120 million tonnes per annum. All the coal received at Kooragang Coal Terminal is delivered by rail into four rail receipt facilities located on the northern edge of the terminal.

The Development Consent 06_0189 and the Development Application No. 35/96 (Stage 3 Expansion) contain detailed environmental conditions.

In addition to conditions in the Approvals, the project is also subject to the terms of its Environment Protection Licence (EPL 1552). Note that the EPL was not audited as part of this IEA.

Several Conditions of Consent associated with the Development Application DA No. 35/96 have effectively been superseded by Conditions attached to Project Approval 06_0189 MOD 3 which have been triggered by the initiation of the operational phase of the project. Moreover, with the completion of construction activities, there are a number of conditions within the Project Approval 06_0189 MOD 3 which were no longer considered relevant as they relate solely to the construction activities.

1.2 Audit Objectives

The objectives of this Independent Environmental Audit were to:

1. Assess compliance against the conditions of the Project Approvals (06_0189 and DA 35/96 (Stage 3 Expansion))
2. Review all relevant post approval documentation required by the Project Approval(s) including an assessment of the implementation of Environmental Management Plans and Sub-plans.
3. Review compliance against other environmental licences and approvals excluding any Environmental Protection Licence issued under the Protection of the Environment Operations Act 1997.
4. Review the environmental performance of the development including:
 - a. A high-level comparison of actual impacts against predicted impacts as documented in the environmental impact assessment.
 - b. The physical extent of the development in comparison with the approved project boundaries.
 - c. Review of environmental incidents, non-compliances and complaints relevant to the audit period.
 - d. Performance against any applicable environmental policy or environmental issue identified through consultation with the relevant Regulatory Authorities.
 - e. Feedback received from DPIH, other Agencies or Stakeholders including the community Consultative Committee (or equivalent body) relating to environmental performance of the development.
5. Review of the status of non-compliances and recommendations made in the preceding Independent Environmental Audit.
6. A high-level assessment of the adequacy of the Environmental Management Plans and Sub-plans required by the Approval.
7. Review performance of the development against any other matters considered relevant by the auditor or the Department, taking into account relevant regulatory requirements and legislation, knowledge of the development's past performance and comparison to industry best practices.

1.3 Audit Scope

The audit was undertaken as per the brief outlined in the Barnett and May proposal (dated 12 April 2024) and provides an assessment of the compliance of the project with the conditions of the following approvals:

- Project Approval 06_0189 (consolidated approval)
- DA No. 35/96

The scope of this audit was developed to meet the requirements of the Independent Audit Post Approval Guidelines May 2020 and was developed with consideration of:

- Requirements of the Project Approval(s)
- Relevant correspondence from DPIH (provided by the Auditee);
- Inputs provided by the Stakeholders consulted as part of this IEA;
- Review of the findings of the previous IEA; and
- The Auditor's experience in relation to relevant industry practices.

1.4 Audit Period

The audit covered the period from 1 August 2021 to 5 August 2024 (the Audit Period).

1.5 Limitations of this Report

In preparing this Independent Environmental Audit Report, Barnett and May has assessed the activities appropriate and necessary to evaluate the compliance status against the conditions contained in the Auditee's Project Approval. Barnett and May has addressed the general technical matters which might reasonably be considered to be relevant to such an assessment.

The findings of this Independent Environmental Audit are based on observations of the site, interviews with personnel nominated by the Auditee and review of the documentation provided by the Auditee. Barnett and May has relied on the accuracy and completeness of the documentation and other information provided by the Auditee.

Barnett and May can only advise based on the information provided to them and therefore cannot dismiss the possibility that compliance or environmental performance issues, other than those presented in the report existed at the time of this Audit.

The audit findings presented in this report are professional opinions based solely upon Barnett and May's visual observations of the site, and upon Barnett and May's interpretation of the documentation reviewed, interviews and conversations with personnel nominated by the Auditee, as referenced in this report. These conclusions are intended exclusively for the purposes stated herein, at the site listed, and for the project indicated. Opinions presented in this report apply to the site's conditions and features as they existed at the time of the audit, and those reasonably foreseeable. They necessarily cannot apply to conditions and features which Barnett and May is unaware of and has not had the opportunity to evaluate. This report does not, and does not purport to, give legal advice on the actual or potential environmental liabilities of any individual or organisation.

2. Definitions

Acronyms	Description
DDG	Dust Depositional Gauge
DECC	Department of Environment and Climate Change
DMP	Dust Management Plan
DoI	Department of Industries
DPE	Department of Planning and Environment (formerly DPI)
DPHI	Department of Planning, Housing & Infrastructure (Formerly DPE)
DPI	Department of Planning and Infrastructure
DRE	Department of Resources and Energy
EA	Environmental Assessment
EIS	Environmental Impact Statement
EMP	Environmental Management Plan
EP&A	Environmental Planning and Assessment Act 1979
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence
ER	Environmental Management Representative
HVAS	hi-volume air samplers
HVCCC	Hunter Valley Coal Chain Coordinator
I&I	NSW Industry & Investment NSW
IEA	Independent Environmental Audit
KCT	Kooragang Coal Terminal
NMP	Noise Management Plan
NOW	NSW Office of Water
OEH	NSW Office of Environment and Heritage
OEMP	Operational Environmental Management Plan
Port Waratah	Port Waratah Coal Services Ltd
RTDM	Real Time Dust Monitor
SCMP	Spontaneous Combustion Management Protocol
SoC	Statement of Commitments
TSS	Total Suspended Solids
Water NSW	(formerly SCA and State Water Corporation) NSW State-owned Corporation acting as bulk water supplier and operator of rivers, dams and pipelines
WMP	Water Management Plan

3. Auditor Certification

Independent Audit Certification Form	
Development Name	Kooragang Island Coal Terminal
Application Number	06_0189
Description of Development	Coal Loader
Development Address	Curlew Street, NSW
Proponent	Port Waratah Coal Services Pty Ltd
Operator Address	Curlew Street, NSW
Title of Audit	Port Waratah Coal Services 2024 Independent Environmental Audit
<i>I certify that I have undertaken the independent audit and prepared the contents of the attached independent audit report and to the best of my knowledge:</i> <i>The audit has been undertaken in accordance with relevant approval condition(s) and in general accordance with the auditing standard AS/NZS ISO 19011:2011 and in general conformance with the DPE's Independent Audit Post Approval Requirements (June 2018).</i> <i>The findings of the audit are reported truthfully, accurately and completely;</i> <i>I have exercised due diligence and professional judgement in conducting the audit;</i> <i>I have acted professionally, in an unbiased manner and did not allow undue influence to limit or over-ride objectivity in conducting the audit;</i> <i>I am not related to any owner or operator of the development as an employer, business partner, employee, sharing a common employer, having a contractual arrangement outside the audit, spouse, partner, sibling, parent, or child;</i> <i>I do not have any pecuniary interest in the audited development, including where there is a reasonable likelihood or expectation of financial gain or loss to me or to a person to whom I am closely related (i.e. immediate family);</i> <i>Neither I nor my employer have provided consultancy services for the audited development that were subject to this audit except as otherwise declared to the lead regulator prior to the audit; and</i> <i>I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from fair payment) from any owner or operator of the development, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.</i> <i>Note.</i> <i>a) The Independent Audit is an 'environmental audit' for the purposes of section 122B (2) of the Environmental Planning and Assessment Act 1979. Section 122E provides that a person must not include false or misleading information (or provide information for inclusion in) an audit report produced to the Minister in connection with an environmental audit if the person knows that the information is false or misleading in a material respect. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000.</i> <i>b) The Crimes Act 1900 contains other offences relating to false and misleading information: section 192G (Intention to defraud by false or misleading statement—maximum penalty 5 years imprisonment); sections 307A, 307B and 307C (False or misleading applications/information/documents—maximum penalty 2 years imprisonment or \$22,000, or both).</i>	
Signature	
Name of Lead/Principal Auditor	Ken Holmes
Address	4 Baeckea Place, Frenchs Forest, NSW
Email Address	ken@baeckea.com.au
Auditor Certification (if relevant)	Exemplar Global 14065
Date	1 October 2024

3.1 Audit Details

Table 1 - Audit Details

Audit Title:	Port Waratah Coal Services 2024 Independent Environmental Audit
Site:	Kooragang Island Coal Terminal
Client Contact:	Ben Lowder
Position:	Senior Environment Business Partner
Client:	Port Waratah Coal Services Pty Ltd
Client Address:	Curlew Street, Kooragang Island
Client Phone Number	02 4907 3469
Client Email:	Ben.lowder@pwcs.com.au
Audit Team:	Ken Holmes (Certified Lead Auditor)
Auditor's Telephone:	0438 046 261
Auditor's Email:	ken@baeckea.com.au
Date of Audit Commencement	5 August 2024

4. Audit process

4.1 Audit Guidelines

This audit report has been prepared in accordance with the 'Independent Audit Guideline, May 2020 (Audit Guidelines) (DP&E, 2020). [Table 2](#) lists key requirements from the Audit Guidelines, the relevant Section of the Guidelines which references the requirement and indicates where each is addressed in this report.

Table 2 - Post Approval Audit Guidelines

Section	Independent Audit Report Requirements	Addressed
4.1	Version Control 1) the application number of the project; 2) each version or revision number of the report; 3) the date on which the report was prepared and issued to the Department; and 4) the title and name of the person who certified the Independent Audit Report.	Section 3 Page iii Page iii Section 3.1
4.2	Contents	
4.2.1	Introduction – a brief overview of the audit including: 1) background of the project; 2) the audit team (including qualifications and experience); 3) the objectives of the audit; 4) the audit scope; and 5) the temporal period covered by the audit.	Section 1.2 Section 3.1 Section 1.2 Section 1.3 Section 1.4
4.2.2	Audit Methodology 1) documentation from the Planning Secretary agreeing to the auditor and any technical specialist(s); 2) how the audit scope was developed; 3) a summary of the audit process adopted to determine the compliance status and assess if documents are adequate; 4) site personnel interviewed including their name and position title (and including if access was not granted or possible with any required personnel and why); 5) details of site inspections undertaken (including any areas where access was not granted or possible and why); 6) a summary of the consultation undertaken; and 7) meanings of compliance status descriptors used, as set out in this document.	Appendix C Table 1 Section 4 Section 4.5.3 Section 4.5.2 Section 5 Section 4.6
4.2.3	Audit Findings 1) a list of the approvals and documents audited; 2) a summary of the assessment of compliance i.e. comparison between the total number of compliance requirements and any non-compliances identified during the reporting period. Graphics can be used to summarise project performance in relation to compliance requirements; 3) a summary of any notices, orders, penalty notices or prosecutions issued in relation to the consent during the audit period;	Appendix A Section 6.1 Section 7.3

Section	Independent Audit Report Requirements	Addressed
	4) exception reporting of all non-compliances identified during the audit period. Details must include the relevant consent condition, the condition reference number, a unique non-compliance identification number, details of the non-compliance and the auditor's recommended actions that are proposed to be taken or have been taken to address the non-compliance;	Section 6.2
	5) a brief discussion or table of the status of actions arising from previous audits and the progress or outcomes of each action. Details must include the source of the action, reference (condition number), action proposed, proposed completion date, the status (date completed, if relevant) and the action complete.	Section 7.6
	6) a brief discussion of whether the Environmental Management Plans, Sub-plans and compliance documents are adequate, implemented and whether there are any opportunities for improvement;	Section 7.5
	7) a discussion of other matters considered relevant by the auditor or the Department taking into account relevant regulatory requirements and legislation and knowledge of the development's past performance;	Section 7.9
	8) documentation of any feedback received as a result of consultation undertaken with the Department, and other agencies or stakeholders including the community and Community Consultative Committee for the audit and the outcomes of this consultation;	Section 5
	9) a summary of complaints, and the adequacy of the response to, and management of complaints;	Section 7.2
	10) details of any incidents (including any enforcement action by any agency) and the adequacy of the response to, and management of such incidents;	Section 7.1
	11) an assessment of the compliance between actual and predicted impacts documented in environmental impact assessment, including an assessment of the physical extent of the development in comparison with the approved boundary and any potential off-site impacts of the development required under the Environmental Planning and Assessment Act 1979;	Section 7.8
	12) evidence collected through site inspections undertaken during the audit;	Appendix A
	13) evidence to support compliance assessment provided by the personnel interviewed during the audit;	Appendix A
	14) a brief discussion of any continual environmental management improvement opportunities identified as part of the audit; and	Section 6.2
	15) key strengths of the development's environmental management and performance identified by the auditor.	Section 7.4
4.2.4	Recommendations and opportunities for Improvement	Section 6.3
4.2.5	Appendices 1) a completed Independent Audit Table with all relevant conditions of consent, identifying each requirement, compliance status	Appendix A

Section	Independent Audit Report Requirements	Addressed
	assessed, documenting verified evidence and providing recommendations for any non-compliance that is identified;	
	2) a copy of documentation from the Planning Secretary agreeing to the auditor and any technical specialist(s);	Appendix C
	3) documentation detailing consultation with the Department, and other agencies or stakeholders including the community and Community Consultative Committee;	Appendix D
	4) completed and signed Independent Audit Declaration Form(s);	Section 3
	5) any reports prepared by the agreed technical specialist(s), as required; and	Not required
	6) site inspection photographs.	Appendix B

4.2 Overview

The audit process and methodology are summarised in this section, and comprised the following key undertakings:

- Preliminary planning activities
- Review of information and preparation of a compliance register (audit protocol / checklist)
- Site inspection and interviews:
 - Opening meeting
 - Site inspection
- Review of relevant records
- Review of additional information provided after the site inspection
- Preparation of this audit report.

4.3 Preliminary activities

Off-site planning for the site audit comprised:

- Initial discussions with client representative, to organise the site inspection and access to audit documentation
- Prepare the audit compliance checklist.
- Completion of a project specific Risk Assessment
- Review of online information
- Submission of a preliminary document / record request
- Consultation with relevant agencies.

4.3.1 Approval of audit teams

Port Waratah Coal Services sought the Secretary's endorsement for the audit team to undertake this Independent Environmental Audit. The Secretary approved the appointment of the Auditor (Ken Holmes) on 18 June 2024 (Appendix C). The Lead Auditor's qualifications and experience are summarised in Appendix E.

4.3.2 Consultation with Agencies

The Auditor consulted with the following agencies during the audit planning stage:

- Department of Planning, Housing & Industry (DPHI);
- NSW Environment Protection Authority (EPA);
- Newcastle City Council (NCC)

Emails were initially sent (via Email) to each of the above agencies advising them of the audit and the scope of the audit and inviting them to provide comments/requirements or specific environmental issues they required the audit to target. Where required (where no response was provided by the nominated stakeholder organisation, a follow up email was sent to repeat the invitation to provide input into the audit. Details of the responses from each group / organisation is provided in Section 5.

4.4 Information Review and Compliance Register

Prior to the site inspection the Auditor prepared a detailed audit checklist (spreadsheet) that was used to assess and track compliance. This spreadsheet formed the basis of the compliance register presented in Appendix A of this report.

4.5 Site audit

The site inspection component of the audit was undertaken on 5 August 2024.

4.5.1 Opening Meeting

The opening meeting was held on-site and was attended by the following personnel:

- Trudie Larnach (Manager Sustainability)
- Ben Lowder (Senior Environment Business Partner)
- Chris Carroll (Maintenance Services Manager)
- Emma Constable (Environmental Graduate)
- Ken Holmes (Lead Auditor) – Barnett and May.

Introductions were made, and the purpose and scope of the audit was outlined. An explanation of the audit process was communicated. That is, a site inspection, site interviews and detailed review of records in order to identify compliance with the approval conditions relevant to the current operations at the site.

4.5.2 Site Inspections

The site inspection included observation of:

- Site access and security;
- Coal Stockpiles and conveyer system;
- Coal loading and unloading facilities;
- Waste storage areas;
- Dangerous goods storage areas;
- Equipment Laydown areas;
- Landscaped areas;
- Weather Station;
- Process Water Dam;
- Dust control infrastructure; and
- Surface water management infrastructure.

4.5.3 Site Interviews

Audit interviews comprised of a series of meetings with:

- Trudie Larnach (Manager Sustainability)
- Ben Lowder (Senior Environment Business Partner)
- Chris Carroll (Maintenance Services Manager)
- Emma Constable (Environmental Graduate)
- Ken Holmes (Lead Auditor) – Barnett and May.

4.5.4 Closing Meeting

The closing meeting was attended by the following personnel:

- Trudie Larnach (Manager Sustainability)
- Ben Lowder (Senior Environment Business Partner)
- Chris Carroll (Maintenance Services Manager)
- Emma Constable (Environmental Graduate)
- Ken Holmes (Lead Auditor) – Barnett and May.

Preliminary audit findings were presented and tasks and timeline for completion of the audit agreed.

4.5.5 Document review

Compliance related documents that were not available prior to were requested to be provided following the audit. The Auditee's personnel assisted with the provision of documentation following the audit, through secure file transfer mechanisms. The key documents reviewed during this audit are listed in the Compliance Registers against specific conditions.

4.6 Reporting

The compliance register was completed using notes and observations recorded during the site inspection / interviews and review of appropriate documentation. The completed compliance register is presented in **Appendix B**. A summary of the non-compliances identified during this audit are provided in Table 6. The audit criteria used to determine compliance for this audit is defined in Table 3.

Table 3 - Compliance Assessment Matrix

Assessment	Criteria
Complies	Compliance The site complies with the requirements of applicable pre-operational Consent Conditions. A judgment made by an auditor that the activities undertaken, and the results achieved fulfil the specified requirements of the audit criteria. While further improvements may still be possible, the minimum requirements are being met.
Non-Compliance	Non-Compliance Clear evidence has been collected to demonstrate the requirement has not been complied with and is within the scope of the audit. Site displays little or no evidence of compliance with the requirements of the regulatory documentation. Note: Where the auditor has not been able to collect enough verifiable evidence to demonstrate that the intent and all elements of the requirement of the regulatory approval have been complied with within the scope of the audit. In the absence of enough verification, the auditor may in some instances be able to verify by other means (visual inspection, personal communication, etc.) that a requirement has been met. In such a situation, the requirement should still be assessed as not verified. As the condition cannot be verified it is treated as a non-compliance.
Not Triggered	Not Applicable / Not Triggered The respective condition / requirement was not activated within the scope of the audit.
Noted	A statement or fact, where no assessment of compliance is required.

Risk levels for each non-compliance identified have been assessed in accordance with Table 4.

Table 4 - Risk Assessment Matrix

Risk Level	Description
High	Non-compliance with potential for significant environmental consequences, regardless of the likelihood of occurrence.
Medium	Non-compliance with: • potential for serious environmental consequences, but is unlikely to occur; or • potential for moderate environmental consequences but is likely to occur.
Low	Non-compliance with: • potential for moderate environmental consequences, but is unlikely to occur; or • potential for low environmental consequences but is likely to occur.
Administrative non-compliance	Only to be applied where the non-compliance does not result in any risk of environmental harm (e.g. submitting a report to government later than required under approval conditions).

5. Stakeholder Consultation

Table 5 provides a summary of the Stakeholder Consultation undertaken by the Auditor.

Table 5 - Summary of Stakeholder Inputs

Department	Contact	Stakeholder Comments	Auditor Response
NSW Department of Planning, Housing and Industry	Ann Hagerty Senior Compliance Officer	In addition to a routine audit, can you please review the following items: • Review compliance with incident reporting • Review compliance with surface water management and maintenance of surface water structures	The additional issues have been addressed in this audit.
NSW EPA	Nicolas Woodward	The EPA regulates the Kooragang and Carrington premises under Environment Protection Licence's 1552 and 601, both issued to Port Waratah. The EPA encourages the preparation of audits as useful tools for industry to determine how to meet statutory obligations and identify potential or actual risks towards achieving these obligations. As a regulatory authority, the EPA administers and regulates statutes for environmental management and protection. As such the EPA is not directly involved in the carrying out of audits to achieve those objectives and does not review or comment on such documents. As a result, the EPA has no comment to provide for this request but directs you to the	Noted

Department	Contact	Stakeholder Comments	Auditor Response
		EPA's public register at https://apps.epa.nsw.gov.au/prpoeoapp/ to view the Licences associated notices. If you have any further questions about this issue, please contact Nicholas Woodard on 4908 6879 or at info@epa.nsw.gov.au.	
Newcastle City Council	Paul McMurray Environmental Health Section Manager	I am not aware of any specific environmental concerns in relation to this operation during this period, however I also note that issues arising of this nature would normally be addressed to NSW EPA.	Noted
Community Consultative Committee	Port Waratah is not required to convene a CCC.	-	-

6. Statutory Compliance and Recommendations

Compliance with the Conditions of Consent and the Environment Protection Licence has been reviewed by assessing compliance against the various documentation related to project approval, as listed in section 2.2 of this report. The Compliance Register presented in Appendix A provides a detailed review of the compliance status of the site, including recommendations to address non-conformances.

6.1 Summary of Compliance Status

A summary of compliance with pre-operations statutory requirements is provided in Table 6 - Summary of Statutory Compliance. The number of conditions include sub-clauses within each approval document.

Table 6 - Summary of Statutory Compliance

Approval/ Licence	No. of Conditions	Compliant	Non- Compliant	Noted	Not Triggered
PA 06_0189	118	96	3	1	18
DA 35/96	44	40	0	1	3
Totals	162	136	3	2	21

6.2 Non-Compliances and recommendations

Non-compliances identified during the site inspection, interviews and document reviews are recorded in detail in the Compliance Registers in **Appendix A** and are summarised in Table 7. Recommendations have been made to address all identified Non-Compliances and Observations. Recommendations have been made to address all identified Non-Compliances and Observations. Recommendations for continuous improvement are presented in Section

Table 7 - Statutory Non-Compliances

No.	Condition	Observation	Recommendation	Risk Level
Project Approval 06_0189				
1.8	The Proponent shall ensure that all plant and equipment installed at the premises or used in conjunction with the project must be: - maintained in a proper and efficient condition; and - operated in a proper and efficient manner.	All maintenance is scheduled through Maximo, both scheduled (routine) and breakdown maintenance. The maintenance management system was considered by the Auditor to be appropriate. In May 2022 coal fines spilt from the 708 shiploader launder system into the Hunter River and onto three (3) land ties. The cause of the spillage was a restriction in the 708 shiploader launder system. Port Waratah reported to the EPA that the “primary contributing factor and leading root cause resulting in the restriction of the launder system was that the Shiploader launder inspections were inadequately conducted on the previous two washdowns”. Subsequently the EPA issued a Penalty Notice in relation to this incident. Therefore, the equipment was not maintained in a proper and efficient condition.	Review the inspection schedule for all critical elements of the coal loaders to ensure that routine inspections are adequate to identify blockages, malfunctions etc. Ensure that all critical plant inspections are undertaken in accordance with inspections plans.	Medium

No.	Condition	Observation	Recommendation	Risk Level
2.12	Soil and Water Quality Impacts Except as may be expressly provided under the provisions of an Environment Protection Licence for the project, the Proponent shall comply with section 120 of the Protection of the Environment Operations Act 1997 which prohibits the pollution of waters.	Eight pollution of waters incidents were reported during the audit period. Two show cause notices, two official cautions and one penalty notice were issued by the EPA in relation to those incidents. In addition, Port Waratah volunteered a Pollution Reduction Programs relating to the ship loaders. 7.08 Bridge Infill was completed in 2023, 7.10 is scheduled for November 2024 and 7.09 is scheduled for 2025. In response to the incidents Port Waratah investigations determined that the root causes were (generally) maintenance or training related and undertook a detailed study of each incident and associated maintenance program and activities. A range of issues were identified, and preventative actions taken. A review of the incident register by the Auditor found that in addition to the seven reportable water related incidents associated with the wharf / ship loader, over thirty minor incidents (generally minor oil leaks / coal spillage) occurred during the audit period.	Continue the implementation of improvements in controls associated with the coal loader operations. Prioritise the installation of the 7.09 and 7.10 infill programs.	Medium
6.4	The Proponent shall publish and maintain up-to-date information on this website or dedicated pages including, but not necessarily limited to: b) a copy of this approval and each relevant environmental approval, licence or permit required and obtained in relation to the project;	At the time of the site inspection the following approval / licence documents were loaded onto the website: - PA 06_0189 - EPL 1552 DA 35/96 (Stage 3 Expansion) was, however not available on the website.	DA 35/96 was uploaded to the website during the site inspection. No further actions are required.	Administrative non-compliance

6.3 Continuous Improvement Recommendations

During this IEA the Auditor observed that Port Waratah has achieved a high level of compliance against the Conditions of Approval. No opportunities for improvement related to the Environmental Management System were identified.

7. Independent Audit Post Approval Requirements

This audit focused on the compliance requirements established by the Conditions of Approval. While the scope of the audit, as specified in the Conditions of Consent do not refer specifically to the DPIE Independent Audit Post Approval Requirements (DPIE, May 2020), for completeness the Audit has, where possible, assessed the environmental performance of the project. This section of the report covers the specific requirements contained in the DPIE Guidelines.

7.1 Summary of Environmental Incidents

Port Waratah operates a digital risk management system, Risk Management and Safety System (RMSS). All incidents are recorded and actioned through that system. Incident management procedures are described in Section 3.1.2 of the KCT Operational Environmental Management Plan. Reportable Incidents are reported in accordance with Condition 6, Schedule 7 of the Project Approval, and Section 3 of the Pollution Incident Response and Management Plan and are reported annually in section 13 of the Annual Review and were relevant to the EPA in the Annual Return required under the Environment Protection Licence.

A digital copy of the recorded incidents, near hits and hazards register was provided to the Auditor. Two hundred and seventy incidents were recorded during the audit period and included:

- 55 near hits – i.e. incidents that resulted in no environmental impact for example placing incorrect waste into recycling bin;
- 123 Hazards – i.e. conditions that had the potential to result in an incident if not remedied;
- 83 minor incidents, for example minor spills or leaks that were contained and cleaned up within the site;
- 9 reportable incidents

Table 8 provides an overview of the incident classification and Table 9 provides a summary of the reportable incidents and related non-compliances for the audit period.

Table 8 - Summary of Incidents

Incident Category	No. of Incidents
Air Quality Management	26
Noise Management	11
Water Management	123
Environmental Footprint	110
Total	270

Table 9 - Summary of Reportable Incidents

Date	Description	Category	Reported
21 Jan 22	Process water leak due to a pipe failure at K7 Wharf, discharged to the Harbour. Water quality testing did not identify any significant impacts. No actions were taken by the either DPIE or the EPA as a result of this incident.	Water	DPIE / EPA and incident report submitted
13 May 22	Coal fines and water spillage on wharf (K4 land ties) and into harbour. A subsequent investigation by the EPA resulted in the issue of a Penalty Notice because of an alleged breach of Section 64(1) of the POEO Act (contravention of licence – failure to maintain Ship Loader 708) and an office caution relating to an alleged breach of Section 120 of the POEO Act (pollution of waters).	Water	DPIE / EPA and incident report submitted
5 Nov 22	Coal overflowed from Loader 708 into harbour during ship loading. The EPA acknowledged Port Waratah's response to the incident including actions to mitigate the recurrence of similar incidents. In particular, the proposed bridge floor infill on 7.08 Shiploader Port Waratah offered to feature as a PRP on the licence. The EPA issued an official caution notice in relation to the incident and formalised the volunteered PRP onto EPL 1552.	Water	DPIE / EPA and incident report submitted
28 Dec 22	Minor Oil leak from the 709-coal loader hoist brake onto wharf and potentially into the harbour. The leak was the result of a hydraulic seal failure. No actions were taken by the either DPIE or the EPA as a result of this incident.	Water	DPIE / EPA and incident report submitted
9 Mar 23	K4 process water supply line dislodged from valve resulting in the discharge of an estimated 225 kilolitres of water into the harbour. Water quality testing did not identify any significant impacts. EPA advised via email that no further action is being requested from the EPA.	Water	EPA and incident report submitted
3 Jul 23	Front End Loader leaked coal slurry/water onto public roads.	Environmental Footprint	Reported in 2023/24 EPL1552 annual return
19 Dec 23	Water containing coal fines overflowed and was wind blown from the coal conveyer on Loader 708. Port Waratah estimated that less than 900 grams of coal was deposited onto the wharf and potentially into the harbour. The cause of the water accumulation on the conveyer was determined to be a light rainfall on the exposed conveyer during a period when the conveyer was idle during loading. A subsequent investigation by the EPA resulted in the issue of a Formal Warning relating to an alleged breach of Section 120 of the POEO Act (pollution of waters).	Water	DPIE / EPA and incident report submitted
17 Mar 24	During loading from Coal Loader 7.09 a crack in the underpan launder on the loader resulted in the discharge of water containing coal fines into the Harbour. The leak was found following the observation of discolouration of water in the harbour during loading. Water quality testing undertaken by Port Waratah detected minimal impact due to the small quantity of coal fines discharged. No actions were taken by the either DPIE or the EPA as a result of this incident.	Water	DPIE / EPA and incident report submitted
30 Apr 24	During a routine inspection a failure (sink hole) was identified in Det Pond D (surface water detention basin) wall resulted in the discharge of water from the site into a perimeter drain that connects to the Hunter River. The cause of the failure was still under investigation at the time of this IEA however the EPA advised that based on the information presently before the EPA, no regulatory action was proposed in response to this incident.	Water	DPIE / EPA and incident report submitted

7.1.1 Incident Response Assessment

During this IEA the Auditor accessed the incident management system and reviewed the Incident Register. The system implemented by Port Waratah is documented in the Operation Environmental Management Plan and includes:

- Incident reporting;
- Implementation of immediate response actions;
- Incident investigation;
- Development of corrective and preventative actions;
- Reporting (internal and external);
- Incident record management.

The Auditor sighted evidence that the incident management system is generally well understood and implemented. It is noted that the incident that occurred on 13 May 2022 was not investigated and reported to (the then) DPIE or the EPA until 18 May 2022.

7.2 Summary of Complaints

A Community enquiries & complaints register is maintained that contains details of community contacts (including complaints) received. This register contains personal details and is not available on the company website however details are provided in annual return submissions in accordance with EPL1552. Table 10 provides a summary of enquiries/ complaints received over the Audit Period. Table 11 provides a summary of enquiries/complaints that were received during the audit period.

Table 10 - Summary of community enquiries

Nature of Community Enquiry	No. of Enquiries	Accountable
Dust	7	0
Noise (Operations)	0	-
Trains (Dust)	0	-
Trains (Noise)	2	0
Other	3	1

Table 11 - Complaints Summary

	Date Received	Method of Receive	Nature Enquiry	Port Waratah Accountable?	Actions Taken, Outcomes and Follow Up Contact
	20-Sep-21	Email	Dust	No	Resident advised of black dust in their pool they believed to have originated from Kooragang Island during the gusty NW winds experienced that day. Environmental Engineer investigated dust management controls employed that day, which included water cart, additional inspections and continued IDMS operation. No issues identified with dust levels reported as very good considering conditions. Followed up with Operations which reflected similar response to dust. Environmental Engineer contacted resident to pass on feedback, which they appeared satisfied with Port Waratah's response. EPA contacted Specialist Env late afternoon on 20/9, advising receipt of complaint from same resident.

	Date Received	Method of Receipt	Nature Enquiry	Port Waratah Accountable?	Actions Taken, Outcomes and Follow Up Contact
	30-Dec-21	Social Media Comment	Other	Yes	Community Member made a social media comment regarding a near miss between his vehicle travelling east along Cormorant Road (adjacent to Shell service station) and a Port Waratah Ute at approximately 8:30pm on 28 Dec 2021 in wet conditions. The vehicle was unable to be identified by the Community Member. Records and CCTV footage identified a potential vehicle that may have been involved in the incident. The driver of the suspected Port Waratah vehicle immediately confirmed they were the driver and recalled their version of events, which largely corroborates the Community Member's version. The KCT OD Superintendent and Acting OD Manager left voicemail messages with the Community Member regarding investigation outcomes, with the Community Relations Advisor providing written feedback via social media.
	9-May-22	Community Enquiry Line	Dust	No	A member of Stockton Bowling club called with concerns of particulate matter build up on the bowling greens. This material has long been observed to deposit on the greens, with some club members suggesting that it was 'fallout from the coal loaders'. Complainant advised following recent cleaning of the greens, a large deposit of the material in concern had been collected. Sustainability & Community Relations Advisor & Environmental Engineer attended the bowling club on 9/5/22 and a sample was collected. The sample was sent for analysis at CSIRO, with the initial report indicating 0% coal content. A re-test of the sample was requested by Port Waratah due to this result. The CSIRO reviewed their report, and re-confirmed the result of 0% coal content, and added further detail into the report to specify the actual content - 81% stone dust/sand, and 19% organic matter (vegetation). Port Waratah representatives attended the bowling club on 15/09/22 to provide the report and discuss the findings.
	10-May-22	Community Enquiry Line	Trains (Noise)	No	Resident living near the Cardiff train station called the Community Enquiry Line complaining of idling coal train present between the hours of 9pm to 1am on 10/5/22. Resident was concerned with the level of noise & vibration over an 'unusually long' timeframe. Environmental Engineer contacted the resident at 12:10pm 11/05/22 to confirm the enquiry details and discuss the matter. Environmental Engineer advised that ARTC have jurisdiction over the rail network and are the most appropriate contact to discuss the matter further. ARTC contact details including web address, enquiry line phone number and email address were provided.
	3-Jul-22	Online Community Enquiry	Trains (Noise)	No	A community member raised concerns about 'speed and noise', believed to be from trains. The enquirer advised 'they' were coming through too fast and "pulling there hitches out" and "brakes and horns are forever getting used". The enquiry was passed onto the Environmental Team on 5/7. The Environmental Engineer responded via email (preferred method of contact) advising that if their concerns related to train movements, to contact ARTC on the enquiry line details provided. Port Waratah provided the Community Member an option to respond back to Port Waratah if it related to a non-train matter.

	Date Received	Method of Receipt	Nature Enquiry	Port Waratah Accountable?	Actions Taken, Outcomes and Follow Up Contact
	24-Aug-22	Email from EPA	Dust	No	The EPA notified Port Waratah of a report they had received alleging that dust had been deposited on a Stockton Property at approx. 15:00 on 22 August. The EPA advised the Stockton Air Quality Monitor recorded higher levels of PM10 between 13:00 and 15:00 and requested Port Waratah provide relevant information on dust management actions and site dust monitoring data between 11:00 and 17:00 on 22 August for both CCT and KCT. A response was collated and sent to the EPA on 31 August as requested. The investigation did not identify any evidence to indicate either CCT or KCT contributed to the elevated dust readings. Video footage identified significant plumes of dust being generated at an offsite non Port Waratah property, east of the KCT Wharf. Based on the wind conditions at the time, the size of the dust plume generated and the location of the Stockton EPA Dust Monitor, this may have been a contributing dust source.
	20-Sep-22	Phone call to BL	Dust	No	A Fullerton Cove resident contacted an Environment Team member expressing an interest in Port Waratah taking a sample of dust from their home. The resident advised they had lived in the area for five years without concern, however their partner has experienced several serious asthma attacks of late. They were advised by their medical specialist that coal dust may be a contributing factor based on their location. Port Waratah visited the resident at their home on 29/9 at 10am and provided an overview of Port Waratah operations & dust management practices, the EPA/DPIE monitoring network & Port Waratah dust monitoring data. A dust sample was collected from an outdoor table setting and sent to CSIRO for analysis. A follow up email was sent to the resident providing additional information and links to the Port Waratah and EPA websites. A SMS was sent to the resident on 18/10 to confirm the dust sample had been received at CSIRO and was awaiting analysis. The dust analysis report was received by Port Waratah on 7/12, indicating a total coal particle concentration of 4%. A meeting was arranged with resident on the 15/12 to go through the report and results together. The resident was thankful for the thorough investigation and feedback but also expressed some interest in taking another sample when conditions were dustier or resulting in breathing issues for his wife. Port Waratah invited the resident to get in contact again should the scenario arise. Resident was pleased with the approach and satisfied with the investigation.

	Date Received	Method of Receipt	Nature Enquiry	Port Waratah Accountable?	Actions Taken, Outcomes and Follow Up Contact
	25-Feb-23	Contact Us Email	Other	No	A Community Member contacted Port Waratah alleging mis-information contained in the Q1 2023 Community Newsletter. The Community Member was alleging Port Waratah was misleading/lying regarding the stated greenhouse gas emission totals in the Climate Action Plan overview. The Community Member is of the belief that Port Waratah is responsible for the emissions associated with the combustion of the coal exported through our terminals, as well as the emissions from vessels. On 28 Feb, a response was provided to the Community Member advising: - The development of our Climate Action Plan was of significant interest identified via ongoing community engagement - Advising our intent is to never mislead or be dishonest in our communications - Acknowledged our Climate Action target does not include the coal being combusted by end users. Our Target clearly defines our focus on 'Scope 1' and Scope 2' emissions, with the combustion of coal to be considered within the Scope 3 emissions boundary of the wider coal chain. - Inviting the Community Member to meet and discuss the Climate Action Plan further and partake in a site tour. - Inviting the Community Member to express their views in the Local Voices Community Survey opening in March. The Community Member responded on 1 March thanking Port Waratah for the respectful response, however they did not express interest in further discussing Climate Action or participating in a Site Tour.
	21-Jul-23	Email from EPA	Dust	No	On 21 July, the EPA emailed the Specialist Environment requesting "air monitoring data for both your site at Kooragang and site at Carrington for Friday 7 July and Saturday 8 July 2023 and also any information in relation to the mitigation spray usage for those dates". Port Waratah collated the requested data and emailed a written response to the EPA on 28/7/23.
	11-Oct-23	Community Enquiry Line	Dust	No	A New Lambton resident contacted Port Waratah on 11 October 2023 to request a dust sample from dust settling on their outdoor furniture. Specialist Environment contacted the resident and advised that dust samples are not typically offered to residents without a dust concern relating to dust potentially from Port Waratah Operations. On 17 October 2023, the resident advised that dust could be from our operations. A meeting was organised to discuss the concern with the resident at their premises. Following this meeting, agreement that no further action was required and matter considered closed.

	Date Received	Method of Receive	Nature Enquiry	Port Waratah Accountable?	Actions Taken, Outcomes and Follow Up Contact
448	2-Feb-24	Community Enquiry Line	Other	No	Port Waratah received a call from a motorist who had just sustained a damaged windscreen whilst driving along Cormorant Rd. The motorist had claimed a rock or other object had flicked up from/fallen from a Port Waratah vehicle. The motorist was uninjured, however sounded shaken from the event over the phone. They described what had occurred and that both vehicles had pulled over after the event. They did not obtain the name of the driver of the Port Waratah vehicle, however recorded the registration number and taken relevant photos. Follow up investigation identified the vehicle was being returned to site from a service provider and was not being driven by a Port Waratah employee at the time. Although very unlikely the object that struck the windshield had fallen from the Port Waratah vehicle, further enquiries are being made to confirm this is the case. No evidence was found that any materials or items were left in the tray of the truck, however there were some stones in the wheel tread, indicating debris on the road was the likely item that damaged the windscreen. A follow up call to the resident was made to the resident on 7/2 to discuss investigation outcomes, the resident became angry when advised Port Waratah would not be replacing their windscreen, or upon the offer of a fuel voucher as a gesture of good will. The Manager S&CA followed up with the motorist later in the day and discussed the matter further. The motorist collected the fuel voucher on 8/2, and the matter is considered closed, with no accountability on Port Waratah. Ref: 52920
449	29-Feb-24	Email from EPA	Dust	No	EPA received a complaint via their Environment Line at 15:21 on 28/2. EPA then contacted Port Waratah via email at 11:00 on 29/2. The resident raised concern regarding the increasing accumulation of "coal dust" across the area, impacting solar panel output, staining surfaces, and potential health impacts. It was not an acute event, however an issue that has worsened in recent years. The EPA did not require a specific response or provision of information, aside from a request to log the complaint as per Condition M4 of the KCT EPA Licence. A review of DDG and HVAS results over the past 24 months indicate ambient dust levels have remained generally low in the North Stockton (DDG-K1) and Fern Bay (DDG-K8, HVAS-K2 (TSP), HVAS-K3 (PM10)). Any variation has mirrored what has occurred regionally across all HVAS locations. IDMS performance on 28 Feb was good. Ref: 53250

7.2.1 Compliant Management System Assessment

During this IEA the Auditor accessed the complaints management system and reviewed the Incident Register. The system implemented by Port Waratah is documented in the Operation Environmental Management Plan and includes:

- Complaint reporting;
- Communication protocol (initial and on-going contact with complainants);
- Compliant investigation;
- Development of corrective and preventative actions (where appropriate);
- Reporting (internal and external):
- Complaint record management.

The Auditor sighted evidence that the complaint management system is well understood and fully implemented.

7.3 Summary of Notices

The following notices, orders, penalty notices or prosecutions were issued to Port Waratah during the audit period:

- 7 July 2022, Notice to Provide Information (Notice Number 3503085) issued by the EPA relating to the coal spillage incident of 17 May 2022 (sic, it was later determined that the incident commenced on 13 May 2022).
- 4 August 2022, Show Cause Notice (Notice Number 3503350) issued by the EPA relating to the coal spillage incident of 13 May 2022.
- 30 September 2022, Official Caution (Notice Number 3503787) issued by the EPA relating to the coal spillage incident of 13 May 2022. The notice related to the alleged breach of Section 120 of the POEO Act (pollution of waters).
- 30 September 2022 Penalty Notice (Notice Number 3173540298) issued by the EPA relating to the coal spillage incident of 13 May 2022. The notice related to the alleged breach of Section 64(1) of the POEO Act (contravention of licence – failure to maintain Ship Loader 708).
- 6 February 2023 Show Cause Notice (Notice Number 3504645) issued by the EPA relating to the coal spillage incident of 5 November 2022.
- 31 May 2023 – Pollution Reduction Program – issues by the EPA requiring the design and installation of a bridge floor infill to capture coal spillages from the 7.09 Ship Loader.
- 24 January 2024, Official Warning (Notice Number 3507971) issued by the EPA relating to the coal fines spillage incident of 19 December 2023. The notice related to the alleged breach of Section 120 of the POEO Act (pollution of waters).

7.4 Project Environmental Management System

Port Waratah operates in accordance with the Environmental Management Strategy. The Operations Environmental Management Plan that was prepared as a requirement of the Planning Approval describes the environmental management approach implemented. The EMS, as documented, generally satisfies the intent of ISO 14001.

The Auditor has concluded that the high degree of compliance identified in this audit indicates the Environmental Management System is effective and is being implemented.

7.5 Implementation of the Operational Environmental Management Plan and Sub-plans

The Conditions of Approval required the preparation and implementation of the management plans and program listed in Table 12. During the document review phase of the project the contents of each of the plans were reviewed. Table 12 summarises the findings of that review. The Plans and Programs adequately identified the relevant project risks and proposed appropriate risk management controls.

Table 12 - Management Plan Compliance Summary

	Operation Environmental Management Plan	Noise Management Plan	Air Quality Management Plan	Water Management Plan	Spontaneous Combustion Management Plan
Plan Prepared	✓	✓	✓	✓	✓
Approved by DPIE / DPHI	✓	✓	✓	✓	✓
Evidence that plan has been implemented	✓	✓	✓	✓	✓

7.6 Status of Previous IEA Findings

The previous audit was completed in September 2018. Table 13 lists the status of implementation of the audit recommendations associated with the Approval, relevant licenses and permits identified during the 2018 Audit.

Table 13 - Status of 2021 Audit Findings

Condition	Detail	2021 Audit Assessment / Recommendation	2024 Assessment	Status
Project Approval 06_0189				
1.7	The Proponent shall ensure that all practicable measures shall be taken to prevent and minimise harm to the environment as a result of the construction, operation, and where relevant, decommissioning of the development.	The project is currently in the operations stage. Environmental Management Plans and the site environmental protection and monitoring systems including the water management system and dust management system were sighted during the site inspection. Six pollution of waters incidents were reported covering the period of late 2018 to mid-2019. Two show cause notices, one official caution and one penalty notice were issued by the EPA in relation to those incidents. In response to the incidents Port Waratah investigations determined that the root causes were (generally) maintenance related and undertook a detailed study of each incident and associated maintenance program and activities. A range of issues were identified, and changes made to maintenance, inspections, and parts management. No further water / maintenance incidents have been recorded since mid-2019. While two dust related complaints attributable to Port Waratah were received during the audit period, the Proponent's dust control systems are comprehensive and effective. Recommendation: Following the review of the environmental incidents, appropriate measures to prevent or minimise environmental incidents were implemented. No additional measures have been identified in this audit.	All reportable incidents recorded have been investigated and remedial actions taken.	Closed

Condition	Detail	2021 Audit Assessment / Recommendation	2024 Assessment	Status
2.8	Operational Noise The Proponent shall design, construct, operate and maintain the project to ensure that the noise contributions from the expanded coal terminal do not exceed the maximum allowable noise contributions specified in Table 1 below, at those locations and during those periods indicated.	SLR undertake quarterly noise monitoring for the project, reports covering the audit period were reviewed. One exceedance of the noise criteria by 3dBA (7 May 2019) was recorded. Recommendation: Following the review of the environmental incidents, appropriate measures to prevent or minimise noise impacts.	No noise complaints were recorded during the audit period. Two noise (non-reportable / minor) incidents were recorded, and appropriate actions taken.	Closed
2.12	Soil and Water Quality Impacts Except as may be expressly provided under the provisions of an Environment Protection Licence for the project, the Proponent shall comply with section 120 of the Protection of the Environment Operations Act 1997 which prohibits the pollution of waters.	Six pollution of waters incidents were reported covering the period of late 2018 to mid-2019. Two show cause notices, one official caution and one penalty notice were issued by the EPA in relation to those incidents. In response to the incidents Port Waratah investigations determined that the root causes were (generally) maintenance related and undertook a detailed study of each incident and associated maintenance program and activities. A range of issues were identified, and changes made to maintenance, inspections, and parts management. No further water / maintenance incidents have been recorded since mid-2019. Recommendation: Following the review of the environmental incidents, appropriate measures to prevent or minimise environmental incidents were implemented. No additional measures have been identified in this audit.	All reportable incidents recorded have been investigated and remedial actions taken.	Closed

7.7 Specialist Auditor Reports

No specialist auditor reports were required as part of this audit.

7.8 Operational Environmental Impacts

The assessment of actual impacts against those predicted in the EAs for each of the Modifications (as provided on the DPIE website) and are summarised in Table 14.

The original Environmental Assessment and modifications described the proposed project boundaries. A review of current aerial imagery (Google Maps) and review of current site plans (Port Waratah Coal Services Locality Plan of Kooragang and Carrington Coal Terminals – Reference Number 12/0181, dated 12/09/2018) confirmed that the current operations are contained within the approved facility footprint. This assessment was supported by the Auditor's observations during the site inspection.

Table 14 - Predicted vs Actual Impacts

Category	Predicted Impact	Actual Impacts to Date
Noise	Daytime and evening noise levels will be below the relevant assessment criteria	During the reporting period, all daytime and evening noise monitoring undertaken demonstrated compliance with the noise emission limits established by the Approval.
Noise	Nighttime intrusive and amenity noise levels will be: - Below the relevant criteria at Warabrook / Mayfield West and Carrington/Maryville. - At or marginally above the relevant criteria at Fern Bay (North) 1 to 5 dBA above the relevant criteria at Fern Bay (east and west) and Stockton (east and west)	No nighttime noise exceedances were detected over that period.
Road Noise Impacts	Negligible impact was predicted from road traffic associated with the operation	No on-going traffic impacts related to the Port Waratah operations have been identified.
Air Quality	The increase in capacity will not adversely affect the current compliance with air quality goals. Compliance with the 2mg/m ² /month (incremental) and 4mg/m ² /month (total) air quality criteria was predicted.	Monitoring results for Deposition dust indicate compliance with Air quality monitoring requirements.
Water Quality	No significant impacts on water quality were predicted (i.e. no measurable impact in receiving water quality).	Eight water related incidents were reported during the audit period. No material impacts were however detected as a result of those incidents.
Traffic	No additional impacts on local traffic volumes	No on-going traffic impacts related to the Port Waratah operations have been identified.
Energy and Greenhouse	Estimated annual greenhouse gas emissions would be 119,957 TCO ₂ e.	Greenhouse gas emissions were not verified during this audit.
Ecology	No reduction in habitat (endangered species), therefore no direct impacts were predicted.	No impacts on native habitats were identified.
Cultural Heritage	No unapproved impacts to cultural heritage	No impacts on cultural heritage have been identified.
Visual impacts	No significant changes in visual impact (visual aspects will be consistent with the nature of the industrial area).	No changes in visual amenity during the audit period have been identified.

7.8.1 Extent of Project Operations

The original Environmental Assessment and modifications defined the proposed project boundaries. A review of current aerial imagery (Google Maps) and the Auditor's observations during the site inspection found that the development is confined within the approved site boundaries.

7.9 Other Matters

7.9.1 Planning Approval DA 35/96

DA 35/96 relates to the construction and operation of the Stage 3 works. The Stage 3 construction works were completed in 2013. All of the conditions contained within DA35/96 are adequately addressed in PA06_0189 or the Environment Protection Licence or were closed out in previous audits, and the compliance status of those conditions will not change in the future. Specifically:

- Conditions 1, 4, 5, 6, 9, 10, 13, 19, 26, 30, 31, 32, 33, 34, 35, 36, 37, 38, 41, 42, 43 are fully covered by the Conditions in PA06_0189;
- Condition 3 applies specifically to the now complete, Stage 3 construction phase works;
- Conditions 2, 7, 8, 11, 12, 14, 15, 17, 18, 22, 23, 24, 25, 27, 28, 29, 40 have been fully closed out in previous audits, and the compliance status of those conditions will not change in the future;
- Condition 39 is covered by EPL 1552; and
- Conditions 16, 20, 21 address minor issues associated with on-site parking and landscape maintenance only.

This IEA included review of compliance with conditions listed under DA 35/96 and confirmed that Port Waratah continues to maintain compliance for all conditions in DA 35/96 in conjunction with 06_0189.

It is the Auditor's view that Approval 06_0189 appropriately covers the operations of the entire project and that future independent audits of the project against DA 35/96 are not necessary to provide a robust assessment of compliance.

It is therefore recommended that Port Waratah seek DPHI approval to discontinue three-yearly auditing against the conditions of DA 35/96 and focus solely on auditing and reporting on compliance against PA 06_0189.

Compliance Table

Appendix A

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
1.1	Terms of Project Approval	The Proponent shall carry out the project generally in accordance with the Major Project Application 06_0189; Environmental Assessment - Kooragang Coal Terminal - Proposed increase to throughput Capacity, dated November 2006, and prepared by Umwelt Environmental Consultants; Kooragang Coal Terminal - Proposed increase to Throughput Capacity - Response of Submissions Part A, dated January 2007, and Kooragang Coal Terminal - Proposed increase to Throughput Capacity - Response to Submissions Part B, dated January 2007, both prepared by Umwelt Environmental Consultants; Kooragang Coal Terminal Stage 4 Project Fourth Dump Station & Fourth Ship loader, dated November 2009, and prepared by Umwelt Environmental Consultants; Kooragang Coal Terminal Stage 4 Project Fourth Dump Station & Fourth Ship loader -Response to Submissions, dated February 2010, and prepared by Umwelt Environmental Consultants; f) Kooragang Coal Terminal Proposed Fourth Rail Loop Alignment, dated June 2011, and prepared by Umwelt Environmental Consultants; and Letter authored by Port Waratah and titled Section 75W Modification to Kooragang Coal Terminal 120 Tap Project (DA 06-189) - Update to Schedule of Lands, dated 2 July 2012; and letter authored by Umwelt Environmental Consultants and titled Kooragang Coal Terminal- DA 06_189 MOD 3, dated 31 October 2012; and the conditions of this approval.				The documents as outlined in a) to g) of this condition are publicly available on the Port Waratah website. The management plans for the project have been written to align with these commitments. Management plans have been reviewed in detail as part of this audit.	Complies	
1.2	Terms of Project Approval	In the event of an inconsistency between: - the conditions of this approval and any document listed from condition 1.1a) to 1.g) inclusive, the conditions of this approval shall prevail of the extent inconsistency; and - Any document listed from condition 1.1a) to 1.1g) inclusive, and any other document listed from condition 1.1a) to 1.1g) inclusive, the most recent document shall prevail to the extent of the inconsistency.				Clarification clause only.	Noted	
1.3	Terms of Project Approval	The Proponent shall comply with any reasonable requirement(s) of the Director-General arising from the Department's assessment of: - any reports, plans or correspondence that are submitted in accordance with this approval; and - the implementation of any actions or measures contained in these reports, plans or correspondence.		Senior Environment Business Partner – No directions were issued to Port Waratah by DPHI / DPIE during this audit period.		Port Waratah OEMP and Management Plans and reports are revised and submitted to DPHI for review and endorsement during the audit period. Plans and reports are modified, and actions and measures are implemented in accordance with DPHI consultation. Correspondence emails and approval letters from DPE were sighted including the approval of the OEMP as well as evidence of submission of the Annual Noise Investigation Reports.	Not Triggered	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
1.4	Limits of Approval	This approval shall lapse five years after the date on which it is granted, unless the works the subject of this approval are physically and substantially commenced on or before that time.				Progress of project is evident through reports and plans as prepared to comply with the modified project consent requirements. The operations of the project are underway as identified during the site inspection.	Complies	
1.5	Limits of Approval	The maximum export capacity from the upgraded coal terminal shall be limited to 120 million tonnes of coal per annum.	August 2024 Port Waratah Operating Statistics.pdf. December 2023 Port Waratah Operating Statistics.pdf. December 2022 Port Waratah Operating Statistics.pdf. December 2021 Port Waratah Operating Statistics.pdf.	Senior Environment Business Partner – Port Waratah has not exceeded the coal export limit at anytime during this audit period.		Review of annual production reports demonstrated that annual export limits have not been exceeded. 2021 – total coal exported 93,036,954 tonnes 2022 - total coal exported 91,895,410 tonnes 2023– total coal exported 95,526,800 tonnes 2024– total coal exported 50,950,793 tonnes (year to 7 August)	Complies	
1.6	Statutory Requirements	The Proponent shall ensure that all licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the development. No condition of this approval removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals. The Proponent shall ensure that a copy of this approval and all relevant environmental approvals are available on the Site at all times during the project.	Environment Protection Licence No. 1552			The Environment Protection Licence required for this operation is in place.	Complies	
1.7	Statutory Requirements	The Proponent shall ensure that all practicable measures shall be taken to prevent and minimise harm to the environment as a result of the construction, operation, and where relevant, decommissioning of the development.	Incident Register	Maintenance Superintendent - In response to the incidents Port Waratah investigations determined that the root causes were (generally) maintenance related and undertook a detailed study of each incident and associated maintenance program and activities. A range of issues were identified, and changes made to maintenance, inspections, and parts management.	Dust control infrastructure Surface Water Management Infrastructure	Environmental Management Plans and the site environmental protection and monitoring systems including the water management system and dust management system were sighted during the site inspection. Eight pollution of waters incidents were reported during the audit period. Two show cause notices, two official cautions and one penalty notice were issued by the EPA in relation to those incidents. In addition, a Pollution Reduction Program relating to one of the ship loaders has been applied to KCT EPL 1552. In response to the incidents Port Waratah investigations determined that the root causes were (generally) maintenance or training related and undertook a detailed study of each incident and associated maintenance program and activities. A range of issues were identified, and preventative actions taken. A review of the incident register by the Auditor found that in addition to the eight reportable water related incidents associated with the wharf / ship loader, over thirty minor incidents (generally minor oil leaks / coal spillage) occurred during the audit period. No dust related were recorded during the audit period, the Proponent's dust control systems are comprehensive and effective.	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
1.8	Maintenance	The Proponent shall ensure that all plant and equipment installed at the premises or used in conjunction with the project must be: - maintained in a proper and efficient condition; and - operated in a proper and efficient manner.	Maximo Maintenance Work Order System.	Maintenance Superintendent – The Maximo (maintenance management system) that was in operation since 2014. The system has been upgraded during the audit period including improvements in maintenance scheduling of equipment associated with the 2018/19 water incidents. Additional HSE and management of change modules have been added to Maximo. The latter to ensure that future changes to any operations include reviews of relevant maintenance requirements.	During the Auditor's site inspection examples of all operations (coal receipt, stacking, reclaiming and ship loading) were observed. No visible dust was being generated by these processes at the time of the inspection. All plant, including environmental controls were observed to be operational. During the site inspection, the plant and equipment was observed to be operated in a proper and efficient manner. Based on the observation of plant and equipment being used on site at the time of the audit, this condition is assessed as compliant.	All maintenance is scheduled through Maximo, both scheduled (routine) and breakdown maintenance. The maintenance management system was considered by the Auditor to be appropriate. In May 2022 coal fines spilt from the 708 shiploader launder system into the Hunter River and onto three (3) land ties. The cause of the spillage was a restriction in the 708 shiploader launder system. Port Waratah reported to the EPA that the “primary contributing factor and leading root cause resulting in the restriction of the launder system was that the Shiploader launder inspections were inadequately conducted on the previous two washdowns”. Therefore, the equipment was not maintained in a proper and efficient condition.	Non-Compliance	Review the inspection schedule for all critical elements of the coal loaders to ensure that routine inspections are adequate to identify blockages, malfunctions etc. Ensure that all critical plant inspections are undertaken in accordance with inspections plans
2.1	Odour	The Proponent shall not permit any offensive odour, as defined under section 129 of the Protection of the Environment Operations Act 1997, to be emitted beyond the boundary of the Site.	Complaints Register Compliance Tracking Register Annual Kooragang Coal Terminal Compliance Report 1 January to 31 December 2021 Annual Kooragang Coal Terminal Compliance Report 1 January to 31 December 2022 Annual Kooragang Coal Terminal Compliance Report 1 January to 31 December 2023			There have been no complaints in response to odour generated from site activities. No odour related incidents were recorded during the audit period.	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
2.2	Dust Emissions	The Proponent shall design, construct, commission, operate and maintain the project in a manner that minimises or prevents the emission of dust from the Site including windblown and traffic generated dust.	Complaints Register Annual Kooragang Coal Terminal Compliance Report 1 January to 31 December 2021 Annual Kooragang Coal Terminal Compliance Report 1 January to 31 December 2022 Annual Kooragang Coal Terminal Compliance Report 1 January to 31 December 2023 Maximo maintenance system KCT Operation Air Quality Management Plan, Revision 3.4, dated December 2023.		During the Auditor's site inspection examples of all operations (coal receipt, stacking, reclaiming and ship loading) were observed. No visible dust was being generated by these processes at the time of the inspection. All plant, including environmental controls, were observed to be fully operational. Based on the observations during the site inspection, and the comprehensive dust control systems in place, this condition is assessed as compliant.	Port Waratah has prepared and implemented an air quality management plan that details the dust control measures to be implemented. During the audit period seven dust complaints were received, however a review of each complaint indicates that the Port Waratah operation was not the source of the nuisance dust on those occasions. Twenty dust related incidents were recorded. All of the incidents were from internal reports related to equipment operations and none involved off-site dust emissions. Port Waratah manages air quality through the implementation of a series of proactive, automated and reactive controls such as automated stockpile sprays; sealing of traffic areas; landscaping of open areas; utilisation of a water cart on site and design features such as covered conveyor belts. These controls were observed during the site inspection. The dust management system implemented is a pro-active risk based system that takes into account: - prevailing and forecast weather conditions; - coal characteristics (e.g. moisture); and - plant operator observations.	Complies	
2.3	Dust Emissions	The Proponent shall take all practicable measures to ensure that all vehicles entering or leaving the Site, carrying a load that may generate dust, are covered at all times, except during loading and unloading. Any such vehicles shall be covered or enclosed in a manner that will prevent emissions of dust from the vehicle at all times, to the extent practicable.	KCT Operation Air Quality Management Plan, Revision 3.4, dated December 2023.		All vehicles observed during the site inspection were appropriately covered. In addition, the wheel wash operation was witnessed. No dust tracking was observed	No uncovered vehicles were observed. The wheel wash was operational. No dust tracking was observed by the Auditor.	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
2.4	Dust Emissions	All activities on the Site shall be undertaken with the objective of preventing visible emissions of dust beyond the boundary of the Site. Should such visible dust emissions occur at any time, the Proponent shall identify and implement all practicable dust mitigation measures, including cessation of relevant works, as appropriate.	KCT Operation Air Quality Management Plan, Revision 3.4, dated December 2023 Complaints Register Incident Register		No dust emissions were observed during the site inspection. Dust suppression equipment was sighted and operational.	Port Waratah has prepared and implemented an air quality management plan that details the dust control measures to be implemented. During the audit period seven dust enquires/complaints were received, however a review of each case indicates that the Port Waratah operation was not the source of the nuisance dust on those occasions. Twenty dust related incidents were recorded. All of the incidents were from internal reports related to equipment operations and none involved off-site dust emissions. Port Waratah manages air quality through the implementation of a series of proactive, automated and reactive controls such as automated stockpile sprays; sealing of traffic areas; landscaping of open areas; utilisation of a water cart on site and design features such as covered conveyer belts. These controls were observed during the site inspection. The dust management system implemented is a pro-active risk based system that takes into account: - prevailing and forecast weather conditions; - coal characteristics (e.g. moisture); and - plant operator observations.	Complies	
2.5	Dust Emissions	The Proponent shall control dust emissions on all internal roads, trafficable areas and manoeuvring areas to minimise the potential for dust generation by sealing, or otherwise treating surfaces in a manner acceptable to the Director-General.	KCT Operation Air Quality Management Plan, Revision 3.4, dated December 2023		Site Inspection – internal roads / water cart – all road surfaces were clear of coal and no visible dust was generated by vehicles.	During the site inspection it was noted that the main internal access roads are sealed, a water cart and wheel wash is used on site, and automated and manual water sprays are used to control dust on conveyers, stackers and the coal loaders.	Complies	
2.6	Noise Impacts	The Proponent shall minimise noise emissions from plant and equipment operated on the Site in relation to the project according to the principles outlined in the NSW Government's Industrial Noise Policy.	Complaints Register KCT Operation Noise Management Plan, Revision 4.1, dated May 2023. Annual Kooragang Coal Terminal Compliance Report 1 January to 31 December 2021 Annual Kooragang Coal Terminal Compliance Report 1 January to 31 December 2022 Annual Kooragang Coal Terminal Compliance Report 1 January to 31 December 2023 KCT Operation Air Quality Management Plan, Revision 3.4, dated December 2024.		Noise Monitoring Stations	Port Waratah has prepared and implemented a noise management plan which is consistent with the Industrial Noise Policy as noted in Section 2.1.3 of the Noise Management Plan. Section 3.1 of the plan describes the noise mitigation strategies and Section 4 the noise monitoring program. No noise exceedances were recorded during the audit period. Two noise incidents were recorded, neither of these were considered to have resulted in a non-compliance. No noise complaints relating to the operation were recorded during the audit period. Note that two rail related noise enquires/complaints were received. Neither of these related to the Port Waratah operation. A review of the plan by the Auditor, along with the high level of compliance with noise emission criteria has concluded that Port Waratah is effectively minimising noise emissions.	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation																													
2.7	Construction Noise	The Proponent shall only undertake construction activities associated with the project that would generate an audible noise at any residential premises between 7:00 am and 6:00 pm, seven days a week. Audible noise is defined as "noise that can be heard at the receiver". This condition does not apply in the event of a direction from police 'or other relevant authority for safety or emergency reasons. Note: 'safety or emergency reasons 'refers to emergency works which may need to be undertaken to avoid loss of life, property loss and/or to prevent environmental harm.		Senior Environment Business Partner – no construction works have been undertaken during the audit period.	No evidence of recent construction works was sighted during the site inspection.	No construction has occurred during the audit period	Not Triggered																														
2.8	Operational Noise	The Proponent shall design, construct, operate and maintain the project to ensure that the noise contributions from the expanded coal terminal do not exceed the maximum allowable noise contributions specified in Table 1 below, at those locations and during those periods indicated. The maximum allowable noise contributions apply under: - meteorological conditions of: wind speeds up to 3 ms-1 at 10 metres above ground level; or - temperature inversion conditions up to 3oC per 100 metres and wind speeds up to 2ms-1 at 10 metres above the ground. Table 1 - Maximum Allowable Noise Contributions (dB(A)) <table><tr><th rowspan="2">Location</th><th>Day, Evening, Night At all times</th><th>Night 10:00pm to 7:00am Mon 10:00pm to 6:00am on Sundays</th></tr><tr><th>L_{max}(1 minute)</th><th>L_{max}(5min)</th></tr><tr><td>Fern Bay North</td><td>46</td><td>43</td></tr><tr><td>Fern Bay West</td><td>50</td><td>47</td></tr><tr><td>Fern Bay East</td><td>49</td><td>46</td></tr><tr><td>Stockton West</td><td>50</td><td>47</td></tr><tr><td>Stockton East</td><td>49</td><td>46</td></tr><tr><td>Mayfield West</td><td>41</td><td>37</td></tr><tr><td>Mayfield</td><td>44</td><td>38</td></tr><tr><td>Carrington</td><td>42</td><td>38</td></tr></table>	Location	Day, Evening, Night At all times	Night 10:00pm to 7:00am Mon 10:00pm to 6:00am on Sundays	L _{max} (1 minute)	L _{max} (5min)	Fern Bay North	46	43	Fern Bay West	50	47	Fern Bay East	49	46	Stockton West	50	47	Stockton East	49	46	Mayfield West	41	37	Mayfield	44	38	Carrington	42	38	Kooragang Coal Terminal Offsite and Onsite Sound Power Level Monitoring Reports for each quarter during the audit period, prepared by SLR Consultants.	Senior Environment Business Partner – no noise exceedances were recorded during this audit period.		SLR undertake quarterly noise monitoring for the project, reports covering the audit period were reviewed. No noise exceedances of the noise criteria were recorded during the audit period.	Complies	
Location	Day, Evening, Night At all times	Night 10:00pm to 7:00am Mon 10:00pm to 6:00am on Sundays																																			
	L _{max} (1 minute)	L _{max} (5min)																																			
Fern Bay North	46	43																																			
Fern Bay West	50	47																																			
Fern Bay East	49	46																																			
Stockton West	50	47																																			
Stockton East	49	46																																			
Mayfield West	41	37																																			
Mayfield	44	38																																			
Carrington	42	38																																			
2.9 (a)	Operation Noise	For the purpose of assessment of noise contributions specified under condition 2.8 of this consent, noise from the project shall be: a) measured at the most affected point on or within the Site boundary at the most sensitive receiver to determine compliance with L_{neq}(15 minute) night noise limits;	Kooragang Coal Terminal Offsite and Onsite Sound Power Level Monitoring Reports for each quarter during the audit period, prepared by SLR Consultants.	Senior Environment Business Partner – no noise exceedances were recorded during this audit period.		Compliance with this condition is reported within the Noise Monitoring reports provided by SLR.	Complies																														
2.9 (b)	Operation Noise	For the purpose of assessment of noise contributions specified under condition 2.8 of this consent, noise from the project shall be: b) measured at one metre from the dwelling façade to determine compliance with LA1(1 minute) noise limits; and	Kooragang Coal Terminal Offsite and Onsite Sound Power Level Monitoring Reports for each quarter during the audit period, prepared by SLR Consultants.	Senior Environment Business Partner – no noise exceedances were recorded during this audit period.		Compliance with this condition is reported within the Noise Monitoring reports provided by SLR.	Complies																														
2.9 (c)	Operation Noise	For the purpose of assessment of noise contributions specified under condition 2.8 of this consent, noise from the project shall be: c) subject to the modification factors provided in Section 4 of the New South Wales industrial Noise Policy (EPA, 2000), where applicable.	Kooragang Coal Terminal Offsite and Onsite Sound Power Level Monitoring Reports for each quarter during the audit period, prepared by SLR Consultants.	Senior Environment Business Partner – no noise exceedances were recorded during this audit period.		Compliance with this condition is reported within the Noise Monitoring reports provided by SLR.	Complies																														

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
2.9	Operation Noise	Notwithstanding, should direct measurement of noise from the development be impractical, the Proponent may employ an alternative noise assessment method deemed acceptable by the EPA (refer to Section 11 of the New South Wales industrial Noise Policy (EPA, 2000)). Details of such an alternative noise assessment method accepted by the EPA shall be submitted to the Director- General prior to the implementation of the assessment method.	Kooragang Coal Terminal Offsite and Onsite Sound Power Level Monitoring Reports for each quarter during the audit period, prepared by SLR Consultants.			An alternative noise assessment method is not used.	Not Triggered	
2.10	Operation Noise	The Proponent shall investigate all feasible and reasonable mitigation measures, as defined in the New South Wales industrial Noise Policy (EPA, 2000), to reduce noise impacts from the upgraded coal terminal at Fern Bay and Stockton to achieve noise contributions of no greater than 43 dB(A) (L_{neq},night), and 45 dB(A) (L_{neq},15 minutes) under adverse meteorological conditions specified under condition 2.8 of this approval. A report on investigations shall be submitted to EPA and the Director-General within 12 months of commencement of works the subject of this approval and annually thereafter, unless otherwise agreed by EPA and the Director-General, until levels specified above are achieved. A program for ongoing investigation and implementation of feasible and reasonable mitigation measures to reduce noise contributions at Fern Bay and Stockton shall be implemented. The program shall commence no later than six months following the EPA's agreement to a noise reduction program, unless otherwise agreed by the EPA and the Director-General.	Email from DPIE (Major Projects) to Port Waratah (B Lowder), titled “ Kooragang Coal Loader - Expansion - Monitoring report - 2023 Annual Noise Report”, dated 2 May 2024. Letter from Port Waratah (T Larnach) to DPE (H Watters) to titled “Kooragang Coal Terminal - Annual Noise Investigation Report”, dated 28 April 2023. Letter from DPE (H Watters) to Port Waratah (T Larnach), titled “Kooragang Coal Terminal PA 06_0189 2021-2022 Annual Noise Investigation Report”, dated 19 July 2022.			The KCT prepared the required Annual Noise Investigation Reports for each reporting period during this audit period and submitted those reports to DPE/DPHI.	Complies	
2.11	Train Noise Performance	The Proponent shall take all necessary actions to ensure that trains operated on the Site meet the noise performance criteria established under condition 2.8.	KCT Operation Noise Management Plan, Revision 4.1, dated May 2023. Kooragang Coal Terminal Offsite and Onsite Sound Power Level Monitoring Reports for each quarter during the audit period, prepared by SLR Consultants.			Noise monitoring undertaken by SLR captures output of noise from the site. No exceedances of noise criteria related to the train operations was recorded. “Coal trains operating on the KCT rail loop including locomotives and wagons (while not directly within the control of Port Waratah) are assessed simultaneously with the KCT’s operations”.	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
2.12	Soil and Water Quality Impacts	Except as may be expressly provided under the provisions of an Environment Protection Licence for the project, the Proponent shall comply with section 120 of the Protection of the Environment Operations Act 1997 which prohibits the pollution of waters.			Surface Water Management Infrastructure	Eight pollution of waters incidents were reported during the audit period. Two show cause notices, two official cautions and one penalty notice were issued by the EPA in relation to those incidents. In addition, Port Waratah volunteered a the EPA has required a Pollution Reduction Programs relating to one of the ship loaders. 7.08 Bridge Infill was completed in 2023, 7.10 is scheduled for November 2024 and 7.09 is scheduled for 2025. to be implemented. In response to the incidents Port Waratah investigations determined that the root causes were (generally) maintenance or training related and undertook a detailed study of each incident and associated maintenance program and activities. A range of issues were identified, and preventative actions taken. A review of the incident register by the Auditor found that in addition to the seven reportable water related incidents associated with the wharf / ship loader, over thirty minor incidents (generally minor oil leaks / coal spillage) that had the potential to result in a impact on water quality occurred during the audit period.	Non-Compliance	Continue the implementation of improvements in controls associated with the coal loader operations. Prioritise the installation of the 7.09 and 7.10 infill programs.
2.13	Soil and Water Quality Impacts	The Proponent shall not permit the discharge of any water from the Site to the Hunter River unless expressly provided under the provisions of an Environment Protection Licence, or when a storm event exceeds a 1 in 100 year ARI event or after prolonged wet weather 'equivalent' to this event.	Environment Protection Licence 1552 Incident Register Annual Kooragang Coal Terminal EPL Monitoring Data (downloaded from Port Waratah website). Annual Kooragang Coal Terminal Compliance Report 1 January to 31 December 2021 Annual Kooragang Coal Terminal Compliance Report 1 January to 31 December 2022 Annual Kooragang Coal Terminal Compliance Report 1 January to 31 December 2023			A review of rainfall data and water discharge records found that no water discharges from points (EPA Numbers) 16, 17 or 18 occurred during audit period. Six of the eight water related incidents occurred during the audit period. Five of these incidents occurred on the wharf (addressed in 2.12 above) and one was the result of failure (sink hole) of a water retention dam. No discharges from the retention dams to the Hunter River occurred during this audit period.	Complies	
2.13A	Soil and Water Quality Impacts	The construction of the rail loop augmentation, forming part of the Stage 4 Project, as modified in accordance with condition l.1f), shall be integrated with existing surface water management measures to ensure compliance with condition 2.12, or the requirement of any applicable Environment Protection Licence.		Senior Environment Business Partner – no construction activities were undertaken during the audit period.		No construction activities were undertaken during the audit period. e construction of the rail loop augmentation is outside the period of this audit. The site is currently operational.	Not Triggered	
2.14	Construction Soil and Water Management	The Proponent shall take all reasonable measures to prevent soil erosion and the discharge of sediments and pollutants from the Site during construction of the project.		Senior Environment Business Partner – no construction activities were undertaken during the audit period.		No construction activities were undertaken during the audit period. e construction of the rail loop augmentation is outside the period of this audit. The site is currently operational.	Not Triggered	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
2.14A	Construction soil and Water Management	The Proponent shall ensure that groundwater interactions that may occur from construction of the fourth dump station and associated conveyor infrastructure are minimised. Water quality monitoring shall be conducted during these works and where the monitoring indicates potential impact on the groundwater system, treatment options for dewatering shall be investigated and implemented in consultation with the NOW and in accordance with any relevant approval from NOW.		Senior Environment Business Partner – no construction activities were undertaken during the audit period.		No construction activities were undertaken during the audit period. e construction of the rail loop augmentation is outside the period of this audit. The site is currently operational.	Not Triggered	
2.15	Construction Soil and Water Management	The Proponent shall install stormwater drains, stormwater ponds, settlement ponds and/or storage ponds and other erosion, sediment and pollution controls as may be appropriate to manage stormwater on the Site. The Proponent shall maintain all erosion, sediment and pollution control infrastructure at or above design capacity for the duration of construction of the project and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.		Senior Environment Business Partner – no construction activities were undertaken during the audit period.		No construction activities were undertaken during the audit period. e construction of the rail loop augmentation is outside the period of this audit. The site is currently operational.	Not Triggered	
2.16	Operation Soil and Water Management	The Proponent shall maximise the capture and re-use of stormwater on-Site for beneficial purposes such as dust control on coal stockpiles.	KCT Operation Water Management Plan, Revision 4.1, Dated May 2023. Port Waratah Coal Services 2023 Sustainability Report. Port Waratah Coal Services 2022 Development Sustainability Report. Port Waratah Coal Services 2021 Development Sustainability Report.		Surface Water Management System – surface water across the site is collected and stored in a series of retention ponds that both reduce sediment containing water from entering the Hunter River and provide storage for usable water. Water that is used for dust suppression is collected, retained and reused.	During 2021, recycled water made up 84% of total water used on site. In 2022 85% of water used was recycled water and in 2023, 81% of water used came from recycled water collected from the site. Total Water consumption was 577,757 Kl in 2021, 479,030,265kL in 2022 and 1,129,926 kl in 2023.	Complies	
2.17	Operation Soil and Water Management	In the event that stormwater runoff collection cannot meet the water demand of the Site, treated wastewater, if available from the relevant water authority, shall be used preferentially over potable water for the purposes of dust control, unless otherwise agreed by the Director-General.	KCT Operation Water Management Plan, Revision 4.1, Dated May 2023. Email from Conexa (J Byrne) to Port Waratah (T Larnach) titled “Port Waratah Recycled Water Connection”, dated 23 February 2024.	Senior Environment Business Partner – Port Waratah developed a project in 2020 to investigate the use of recycled water from local produces. Effluent Reuse with Hunter Water – Conexa (private company) now own the former Hunter Water infrastructure. The current situation is that it is not economical to connect to the pipeline.		During 2020 Port Waratah explored sourcing recycled water from Hunter Water. Technical issues have been raised and further investigation was required. Port Waratah have continued to pursue this option with Conexa (owner of the former Hunter Water infrastructure). The cost of connection to the recycled water supply has been deemed uneconomical. Port Waratah continue to liaise with CONEXA to investigate future opportunities for connection to an off site generated recycled water source.	Complies	
2.18	Waste Generation and Management	All waste materials removed from the Site shall only be directed to a waste management facility lawfully permitted to accept the materials.	Monthly Waste Report (from 2017 to 24 August 2024), prepared by JR Richards.	Senior Environment Business Partner – All trackable waste movements are entered into the EPA’s online waste tracking system Waste certificates are provided to Port Waratah to verify that the waste materials have been picked up and transported by an appropriately licenced waste transporter to an appropriately licenced receiving facility for storage and/or treatment. Waste treatment verified via JR monthly reports. These are provided on a monthly basis recording the transport certification no & waste code for all trackable waste streams. Information reviewed and transferred to the Trackable waste register.		Waste is tracked via a waste register which is updated by the environment team. Port Waratah waste contractor is JR Richards who are contracted to manage waste on behalf of Port Waratah. Records confirm that all waste exported from site was directed to licenced facilities.	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
2.19	Waste Generation and Management	Except as expressly permitted in an Environment Protection Licence applicable to the project, waste shall not be received at the Site for storage, treatment, processing, reprocessing or disposal on the Site.	Waste management plan JR Richards waste tracking data.		Waste Storage areas were inspected. No evidence of waste generated off site were observed.	Waste Management requirements for the operation are covered under the waste management plan. Waste management is also covered in the site induction training. The site waste register was reviewed which has not reported the receipt of any waste at the site during the audit period. Inspection of the site and associated site interviews confirmed that there is currently no waste being received on site. Based on current site observations, this condition is assessed as compliant.	Complies	
2.20	Visual Impacts	The Proponent shall ensure that all new external lighting associated with the project is mounted, screened, and directed in such a manner so as not to create a nuisance to surrounding land and water uses. The lighting shall be the minimum level of illumination necessary and be in general accordance with the latest version of AS 4282- 1997 Control of the Obtrusive Effects of Outdoor Lighting.		Senior Environment Business Partner – no construction works have been undertaken during the audit period.	No evidence of recent construction works were sighted during the site inspection.	No construction has occurred during the audit period	Not Triggered	
2.21	Conveyer Bridge	The Stage 4 Project conveyor bridge and its approaches over Teal Street shall be designed and constructed to achieve a minimum of 6.5m vertical height clearance from the top of the Teal Street pavement to the underside of the bridge structure. Maintenance activities required for the bridge structure shall be carried out from within/on the structure and impacts of such activities minimised within the road reserve. The Proponent shall provide details of the maintenance policy for the proposed conveyor to the RMS and obtain its agreement regarding the on-going maintenance of the bridge structure.		Senior Environment Business Partner – no construction activities were undertaken during the audit period.		No construction activities were undertaken during the audit period. The construction of the rail loop augmentation is outside the period of this audit. The site is currently operational.	Not Triggered	
2.22	Construction Parking	Parking for all construction related vehicles associated with Stage 4, as modified in accordance with condition 1.1f), must be provided within the Kooragang Coal Terminal site or on land subject to an agreement between Port Waratah and the landholder for the purpose.		Senior Environment Business Partner – no construction works have been undertaken during the audit period.	No evidence of recent construction works were sighted during the site inspection.	No construction has occurred during the audit period	Not Triggered	
2.23	Property	The Proponent shall design and construct the project in a manner that mitigates to the extent that is reasonably practicable, direct physical impacts to adjoining property, property infrastructure and its operation, including conveyors, adjoining buildings and the like. The Proponent shall consult with directly affected property owner(s) on this matter and ensure that any damage or operational impacts caused by the project is rectified at the Proponent's expense to a standard comparable to that in existence prior to the damage.		Senior Environment Business Partner – no construction works have been undertaken during the audit period.	No evidence of recent construction works were sighted during the site inspection.	No construction has occurred during the audit period	Not Triggered	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
2.24	Windmill Road Crossing	A fully controlled level crossing across Windmill Road shall be provided for the outbound departure track. The crossing shall be designed, constructed and operated in accordance with relevant standards, in consultation with ARTC and Pacific National, and shall take into account the operational requirements of these users.	Memorandum of understanding between Port Waratah and Pacific National (PN) dated 8/05/2012 PN landowners consent letter dated 8/05/2012 Minute of Meeting subject: Discussion regarding the construction of the arrival and departure rail network associated with Dump station 4 (dated 25/07/2011)			Compliance with this condition was verified during the 2018 IEA: <i>Meeting minutes for the discussion of the construction of the arrival and departure rail network associated with Dump station 4 was sighted which included attendees from both Port Waratah and ARTC. A memorandum of understanding between Port Waratah and Pacific National (PN) dated 8/05/2012 was also sighted. A letter from Pacific National providing land owners consent to develop on land owned by PN was also sighted.</i>	Complies	
2.25	Port Waratah North Road	Vehicular access to and from North Road shall be maintained during construction and operation of Stage 4, as modified in accordance with condition 1.1f). The relocated road shall be designed, constructed and operated in accordance with relevant standards, in consultation with affected users, and shall take into account the users' operational requirements.	Aerial Imagery		Level Crossing was sighted.	Compliance with this condition was verified during the 2018 IEA: <i>A level crossing has been constructed so that crossing is guaranteed as seen on aerial imagery. At the time of the inspection this access way was in place.</i>	Complies	
3.1 (a)	Ambient Dust Monitoring	Prior to the Commencement of Operations, the Proponent shall develop and submit for the approval of the Director-General and the EPA, an Ambient Dust Monitoring Program, to outline how the ambient dust impacts of the project will be monitored. The Program shall include, but not necessarily be limited to: a) identification of an integrated air quality monitoring network, developed in consultation with the owner/ operator of the NCIG Coal Export Terminal;	KCT Air Quality Management Plan, Revision 3.4, dated December 2021			An Air Quality and Dust Monitoring Program is included within the Dust Management Plan (Appendix A of the OEMP). That plan includes an integrated air quality monitoring program with NCIG (Section 4.1.4 of the AQMP). A copy of DPHI's approval of the OAQMP is provided in Appendix C of the Plan. The NSW EPA (letter dated 19/06/2012) has notified Port Waratah that they have chosen not to comment on management plans, this was verified by the Auditor during the 2021 IEA.	Complies	
		b) locations, frequencies and methods for monitoring total suspended particles, PM10 and deposited particulate matter;	KCT Air Quality Management Plan, Revision 3.4, dated December 2021.			Monitoring locations are set out in Section 4.1.5 'Monitoring Locations' of the AQMP. Frequencies and methods are set out in Section 4.1.3 'Monitoring Program Overview' of the AQMP.	Complies	
		c) provision for the use of at least four hi-volume air samplers (HVAS), four dust depositional gauges and a meteorological station capable of monitoring wind direction and speed in accordance with AM-1 Guide to Siting of Sampling Units (AS 2922-1987); AM-2 Guide for Horizontal Measurement of Wind for Air Quality Applications (AS 2923-1987); and AM-4 On-Site Meteorological Monitoring Program Guidance for Regulatory Modelling Applications;	KCT Air Quality Management Plan, Revision 3.4, dated December 2021. Annual Kooragang Coal Terminal EPL Monitoring Data (downloaded from Port Waratah website).		Hi-volume dust monitoring stations were sighted during the audit.	Section 4.1.5 (Table 5) of the AQMP specifies that found hi-volume samplers are installed. These units and examples of dust deposition gauges were sighted during the audit Monitoring results for each of the hi volume samplers are published on the Port Waratah website	Complies	
		d) investigation of the use of Tapered Element Oscillating Microbalance Samplers (TEOMS) as part of the integrated air quality monitoring network. Should the Proponent consider TEOMS not to be required, the Proponent may seek approval from both the Director-General and the EPA to exclude this requirement. In seeking such an exclusion, the Proponent's reasons for the exclusion shall be provided and be fully justified;	<i>Letter from DPE deferring decision to not use TEOMS (dated 12/04/2011) Letter from DPE approving Port Waratah to not use TEOMS (dated 23/12/2011)</i>			The condition was verified by the Auditor during the 2018 IEA. <i>Port Waratah has investigated the use of TEOM samplers and has determined that TEOMS not to use that technology and notified the Department accordingly. Correspondence was sighted from DPE on 23/12/2011 stating that "the Department does not require Port Waratah to install further air quality monitoring equipment at this time".</i>	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
3.1 (a)	Ambient Dust Monitoring	e) provided that the use of TEOMS is proven to be justified (as outlined in d) above), the Proponent shall utilise real-time monitoring data to inform environmental management decisions associated with the project;	KCT Air Quality Management Plan, Revision 3.4, dated December 2021.			Although TEOMs have not been installed. Port Waratah has installed Real time continuous dust monitoring units (AQMP Section 4.1.1).	Not Triggered	
		f) a framework for identifying actual and potential dust impacts, and for applying proactive and reactive mitigation and management measures to address those impacts;	KCT Air Quality Management Plan, Revision 3.4, dated December 2021.			Section 2.3 of the AQMP sets out potential air quality impacts and Section 2.1.1 describes the Intelligent Dust Management System, with Section 3.1.2 describing the air quality controls to be implemented. The Port Waratah Operations Environmental Management Plan also outlines the operational controls used to suppress dust and minimise emissions. Port Waratah actively manages air quality through the implementation of a series of proactive, automated and reactive controls such as automated stockpile sprays; sealing of traffic areas; landscaping of open areas; utilisation of a water cart on site and design features such as covered conveyer belts. These controls were observed during the site inspection.	Complies	
		g) provision for independent review and auditing of the Program; and	KCT Air Quality Management Plan, Revision 3.4, dated December 2021.			Review and updating of the plan is covered in Section 5 'Review and Improvement' of the AQMP. This independent environmental compliance audit has reviewed the dust monitoring program against the conditions within the development consent.	Complies	
		h) mechanisms for updating the Program as may be required from time to time.	KCT Air Quality Management Plan, Revision 3.4, dated December 2021.			Review and updating of the plan is covered in Section 5 'Review and Improvement' of the AQMP. The most recent version of the plan was sighted which is Rev 3.1 (July 2019) showing that the plan has been reviewed and revised.	Complies	
3.2	Ambient Dust Monitoring	Following one full year of data collection in accordance with an approved Ambient Dust Monitoring Program (refer to condition 3.1), the Proponent shall undertake a model validation study to review TSP, PM10 and dust deposition levels to assess compliance with the dust impact predictions made in the documents referred to under condition 1.1 and with applicable ambient air quality goals. The model validation study shall be undertaken in accordance with Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in New South Wales (EPA, 2001), and any specific requirements of the EPA.	DPE Letter re: Air Quality Dispersion Model Validation Study			Compliance with this Condition was verified during the 2018 IEA. <i>A letter from the DPE dated 31/03/2015 was sighted which acknowledged that the Department has reviewed the submitted Air Quality Dispersion Model Validation Study and provided the following notes:</i> <i>"Recorded air quality parameters measured were consistent with predicted levels and therefore no additional measures are considered necessary; and</i> <i>That the Environment Protection Authority was provided with a copy of the report and did not make any comments".</i>	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
3.3	Ambient Dust Monitoring	Within 28 days of conducting the dust validation study referred to under condition 3.2 of this approval, the Proponent shall provide the Director-General and the EPA with a copy of the report. If the dust validation study identifies significant deviance from the predictions made in the documents referred to under condition 1.1 or any exceedance with ambient air quality goals, the Proponent shall detail what additional measures would be implemented to further mitigate dust impacts. The Proponent shall clearly indicate who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be assessed and reported to the Director-General.	DPE Letter re: Air Quality Dispersion Model Validation Study			Compliance with this Condition was verified during the 2018 IEA. A letter from the DPE dated 31/03/2015 was sighted which acknowledged that the Department has reviewed the submitted Air Quality Dispersion Model Validation Study and provided the following notes: "Recorded air quality parameters measured were consistent with predicted levels and therefore no additional measures are considered necessary; and That the Environment Protection Authority was provided with a copy of the report and did not make any comments".	Complies	
3.4	Noise Auditing	Noise Auditing Within 90 days of the Commencement of Operations, and following the commissioning of the Stage4 Project, as modified in accordance with condition 1.1f), or as otherwise agreed by the Director-General, and during a <u>period</u> in which the project is operating under normal operating conditions, the Proponent shall undertake a program to confirm the noise performance of the project. The noise program shall include, but not necessarily be limited to: a) noise monitoring, consistent with the guidelines provided in the New South Wales industrial Noise Policy (EPA, 2000), to assess compliance with condition 2.8 of this consent.	Noise Audit Report (dated 23/07/2012)			Compliance with this Condition was verified during the 2018 IEA. SLR prepared a Noise Audit Report dated 23/07/2012 following the commencement of KCT 120 Mtpa operations in accordance with this condition. Noise monitoring is included in section 3 and 5 of the report.	Complies	
3.4	Noise Auditing	The noise program shall include, but not necessarily be limited to: b) methodologies, locations and frequencies for noise monitoring;	Noise Audit Report (dated 23/07/2012)			Compliance with this Condition was verified during the 2018 IEA. Noise monitoring methodologies, locations and frequencies are set out in sections 3 and 4 of the SLR Noise Audit Report dated 23/07/2012.	Complies	
		The noise program shall include, but not necessarily be limited to: c) identification of monitoring sites at which pre- and post-project noise levels can be ascertained;	Noise Audit Report (dated 23/07/2012)			Compliance with this Condition was verified during the 2018 IEA. This is set out in section 2 of the SLR Noise Audit Report dated 23/07/2012.	Complies	
3.4	Noise Auditing	The noise program shall include, but not necessarily be limited to: d) details of any complaints and enquiries received in relation to noise generated by the project within the first 90 days of operation;	Noise Audit Report (dated 23/07/2012) Complaints register			Compliance with this Condition was verified during the 2018 IEA. This is set out in section 8 of the SLR Noise Audit Report dated 23/07/2012 which concluded that "No noise complaints or enquiries were received during the first 90 days of operation".	Complies	
		The noise program shall include, but not necessarily be limited to: e) an assessment of night-time use of audible alarm systems;	Noise Audit Report (dated 23/07/2012)			Compliance with this Condition was verified during the 2018 IEA. This is set out in section 7 of the SLR Noise Audit Report dated 23/07/2012.	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		The noise program shall include, but not necessarily be limited to: f) a statement of whether the Site is in compliance with noise limits in condition 2.8; and	<i>Noise Audit Report (dated 23/07/2012)</i>			Compliance with this Condition was verified during the 2018 IEA. <i>The Noise Audit Report prepared by SLR concluded that noise emissions from the Project comply in full with all noise related conditions set out in the KCT 120 Mtpa Modified Project Approval including the noise limits in condition 2.8.</i>	Complies	
		The noise program shall include, but not necessarily be limited to: g) any additional noise mitigation measures and timetables for implementation.	<i>Noise Audit Report (dated 23/07/2012)</i>			Compliance with this Condition was verified during the 2018 IEA. <i>This is set out in section 9 of the SLR Noise Audit Report dated 23/07/2012.</i>	Complies	
3.5	Noise Auditing	Noise Auditing Within 28 days of conducting the noise monitoring referred to under condition 3.4 of this approval, or as otherwise agreed by the Director-General, the Proponent shall provide the Director-General and the EPA with a copy of the report. If the noise monitoring report identifies any non-compliance with the noise limits imposed under this approval (refer condition 2.8), the Proponent shall detail what additional measures would be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Director-General.	<i>Noise Audit Report (dated 23/07/2012)</i> <i>Postal receipt to DPI and EPA dated 29/11/2013</i>			Compliance with this Condition was verified during the 2018 IEA. <i>Submission letters confirming the noise audit report was submitted to the EPA and DPI was sighted (dated 3/08/2012), which is within the 28 days as stipulated in this condition.</i>	Complies	
4.1	Coordinated Environmental Monitoring and Management Protocol	Prior to the commencement of construction, or as otherwise agreed by the Director-General, the Proponent shall develop, in consultation with owner/ operator of the NCIG Coal Export Terminal, a Coordinated Environmental Monitoring and Management Protocol to provide a framework for the coordinated and cooperative monitoring and management of environmental impacts from the developments. The Protocol shall include, but not necessarily be limited to: a) procedures for access to, and provision of, monitoring data from each development, particularly in relation to dust and noise emissions;	Coordinated Environmental Monitoring and Management Protocol Revision 9, dated December 2022. Email from DPE to Port Waratah (G Cook), titled “Kooragang Coal Loader – Expansion – CEMMP – December 2022”, dated 26 September 2023. Newcastle Coal Terminal Environmental Coordination Meeting Minutes Agenda Quarter 1 2021.	Senior Environment Business Partner – Coordination meetings are held every quarter.		The sharing and coordination of monitoring information is described in the Coordinated Environmental Monitoring and Management procedure which states that relevant monitoring data will share via the Coal terminal Environmental Coordination meetings. The current version of the plan has been provided to (the former) DPE. The Department acknowledged receipt of the plan on 26 September 2023. The Newcastle Coal Terminal Environmental Coordination meeting minutes agenda includes items "Integrated Air Quality Monitoring Network" and "Integrated Noise Monitoring Program".	Complies	
4.1	Coordinated Environmental Monitoring and Management Protocol	b) the respective remediation and redevelopment works;	Coordinated Environmental Monitoring and Management Protocol Revision 9, dated December 2022.			The protocol states that "remediation and redevelopment works associated with the Coal Terminals shall be coordinated and be complementary where reasonably practical to do so. At the time these works are proposed, consultation shall be conducted between the parties". It is noted that remediation works have not yet commenced for the project.	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		c) arrangements for coordinated and cooperative monitoring of ambient environmental impacts, including agreements relating to sharing of monitoring networks/ infrastructure, coordinated interpretation of monitoring results and coordination dissemination of monitoring results to relevant parties;	Coordinated Environmental Monitoring and Management Protocol Revision 9, dated December 2022.			The coordination of impact monitoring is set out page 2 of the Coordinated Environmental Monitoring and Management procedure.	Complies	
		d) measures to ensure a coordinated and cooperative approach to the management of common or cumulative environmental impacts from the developments;	Coordinated Environmental Monitoring and Management Protocol Revision 9, dated December 2022.			Measures to ensure a coordinated and cooperative approach to the management of common or cumulative environmental impacts from the developments is covered on page 2 of the procedure.	Complies	
		e) arrangements for communication between the parties, including designated contact persons and contact details;	Coordinated Environmental Monitoring and Management Protocol Revision 9, dated December 2022.			Communication arrangements are described on page 2 and 3 of the procedure.	Complies	
		f) notification procedures in the event of an incident at either development that may impact on the other development, or generate a significant common or cumulative impact;	Coordinated Environmental Monitoring and Management Protocol Revision 9, dated December 2022.			Notification procedures are described on page 3 of the procedure.	Complies	
		g) any agreement for participation in the development of any of the management plans or monitoring programs required under this approval;	Coordinated Environmental Monitoring and Management Protocol Revision 9, dated December 2022.			Development and implementation of coordinated/integrated management plans and monitoring programs are reviewed at Coal terminal environmental coordination meetings. The Newcastle Coal Terminal Environmental Coordination meeting minutes agenda includes items "Integrated Air Quality Monitoring Network" and "Integrated Noise Monitoring Program".	Complies	
		h) mechanism for review of the Protocol from time to time; and	Coordinated Environmental Monitoring and Management Protocol Revision 9, dated December 2022.			Formal review of this protocol and associated procedures is to occur every two years and is set out page 3 of the procedure. Document history is also provided showing changes made to the protocol and procedure over the years.	Complies	
		i) such other matters as the parties may agree. The Applicant shall provide a copy of the Protocol to the Director-General and the EPA as soon as practicable after agreement on the terms of the Protocol.	Coordinated Environmental Monitoring and Management Protocol Revision 9, dated December 2022.			Other matters are discussed at Coal Terminal Environmental Coordination Meetings. The Newcastle Coal Terminal Environmental Coordination meeting minutes agenda includes item "Other Matters Relevant for Discussion".	Complies	
5.1 (a)	Compliance Tracking Program	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 project against the requirements of this approval;	Kooragang Coal Terminal Project Approval Compliance Register – 120 Mtpa Modified (06_0189 MOD3)	Senior Environment Business Partner - The compliance tracking program in place has not been changed during this audit period. Copies of annual compliance reports and 3yrly compliance audit reports are available on the public website. Annual reports provide a summary of the compliance status of KCT & assessment of the environmental performance in accordance with all relevant approvals and associated licences. Also features an		The Approvals & Consents Compliance Register was sighted by the auditor. Regular review of compliance registers is undertaken to identify condition obligations, necessary actions & track progress. A three yearly Independent Compliance audit report is also undertaken (this audit) to verify status of compliance by a third party.	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
5.1 (b)	Compliance Tracking Program	The Program shall include, but not necessarily be limited to: b) provisions for periodic reporting of compliance status to the Director General;	Kooragang Coal Terminal Project Approval Compliance Register – 120 Mtpa Modified (06_0189 MOD3)	Environmental Incident Register (in accordance with Condition 8.2 of PA 06_0189) Audit reports provide a detailed third-party review of compliance		This audit satisfies this condition.	Complies	
5.1 (c)	Compliance Tracking Program	The Program shall include, but not necessarily be limited to: c) a program for independent environmental auditing at least annually, or as otherwise agreed by the Director-General, in accordance with ISO 19011:2002 - Guidelines for Quality and/or Environmental Management Systems Auditing; and	Kooragang Coal Terminal Project Approval Compliance Register – 120 Mtpa Modified (06_0189 MOD3)	These are the primary reporting mechanisms to provide update on the compliance tracking system in accordance with Condition 5.1 of PA 06_0189 Complete copies of all approvals & licences are also available on the web site.		This audit satisfies this condition.	Complies	
5.1 (d)	Compliance Tracking Program	The Program shall include, but not necessarily be limited to: d) mechanisms for rectifying any non-compliance identified during environmental auditing or review of compliance.	Kooragang Coal Terminal Project Approval Compliance Register – 120 Mtpa Modified (06_0189 MOD3)			Port Waratah use the 'External Audit Action Plan' to capture and track the completion of audit actions. This register was sighted by the auditors and includes audit finding, compliance rating as identified in the audit, actions required to comply with the condition, accountability, due date and completion status.	Complies	
6.1	Community Information	Subject to commercial confidentiality, the Proponent shall make all documents required under this approval available for public inspection on request.	Port Waratah Website: https://pwcs.com.au/environment/compliance			The Port Waratah website was reviewed and includes monitoring data and management plans as well as other reports such as the annual sustainable development reports.	Complies	
6.2	Complaints and Enquiries Procedure	Prior to the commencement of construction of the project, the Proponent shall ensure that the following are available for community complaints and enquiries for the life of the project (including construction and operation): - a telephone number on which complaints and enquiries about construction and operational activities at the Site may be registered; - a postal address to which written complaints and enquiries 'may be sent; and - an email address to which electronic complaints and enquiries may be transmitted. The telephone number, the postal address and the email address shall be displayed on a sign near the entrance to the Site, in a position that is clearly visible to the public, and which clearly indicates the purposes of the sign. This information is also to be provided on the Proponent's website.	Port Waratah Website: https://pwcs.com.au/environment/compliance Community Enquiries / Complaints Register			The 24-hour community enquiry line is provided under the Contact"" tab on the Port Waratah website. The postal address and email address are also provided on the website. This information was also signposted at the entrance of the site as observed during the site inspection. A copy of the community complaints register was also sighted.	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
6.3	Complaints and Enquiries Procedure	Complaints and Enquiries Procedure The Proponent shall record details of all complaints and enquiries received through the means listed under condition 6.2 of this. Approval in an up-to-date Complaints and Enquiries Register. The Register shall record, but not necessarily be limited to: • the date and time, where relevant, of the complaint and enquiry; • the means by which the complaint and enquiry was made (telephone, mail or email); • any personal details of the complainant and/or enquirer that were provided, or if no details were provided, a note to that effect; • the nature of the complaint and enquiry; • record of operational and meteorological condition contributing to complaint; • any action(s) taken by the Proponent in relation to the complaint and enquiry, including any follow- up contact with the complainant and/or enquirer; and • if no action was taken by the Proponent in relation to the complaint and enquiry, the reason(s) why no action was taken. The Complaints and Enquiries Register shall be made available for inspection by the Director-General upon request.	Community enquiries database			The community enquiries database was sighted and included all details required by this Condition.	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
6.4	Provision of Electronic Information	The Proponent shall establish and maintain a new website, or dedicated pages within its existing website for the provision of electronic information associated with the project. The Proponent shall publish and maintain up-to-date information on this website or dedicated pages including, but not necessarily limited to: a) a copy of the documents referred to under condition 1.1 of this approval, and any documentation supporting modifications to this approval that may be granted from time to time;	Port Waratah Website: https://pwcs.com.au/environment/compliance			The following documents were uploaded to the website: Major Project Application 06_0189; - Environmental Assessment - Kooragang Coal Terminal - Proposed increase to throughput Capacity, dated November 2006, Umwelt Environmental Consultants; - Kooragang Coal Terminal - Proposed increase to Throughput Capacity - Response of Submissions Part A, dated January 2007, and Kooragang Coal Terminal - Proposed increase to Throughput Capacity - Response to Submissions Part B, dated January 2007, prepared by Umwelt Environmental Consultants; - Kooragang Coal Terminal Stage 4 Project Fourth Dump Station & Fourth Ship loader, dated November 2009, and Umwelt Environmental Consultants; - Kooragang Coal Terminal Stage 4 Project Fourth Dump Station & Fourth Ship loader -Response to Submissions, dated February 2010, Umwelt Environmental Consultants; - Kooragang Coal Terminal Proposed Fourth Rail Loop Alignment, dated June 2011, Umwelt Environmental Consultants; - Letter authored by Port Waratah and titled Section 75W Modification to Kooragang Coal Terminal 120 Tap Project (DA 06-189) - Update to Schedule of Lands, dated 2 July 2012; and - Letter authored by Umwelt Environmental Consultants and titled Kooragang Coal Terminal- DA 06_189 MOD 3, dated 31 October 2012;	Complies	
		b) a copy of this approval and each relevant environmental approval, licence or permit required and obtained in relation to the project;	Port Waratah Website: https://pwcs.com.au/environment/compliance			At the time of the site inspection the following approval / licence documents were loaded onto the website: - PA 06_0189 - EPL 1552 DA 35/96 (Stage 3 Expansion) was, however not available on the website.	Non-Compliance	DA 35/96 was uploaded to the website during the site inspection. No further actions are required.

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
6.4	Provision of Electronic Information	c) a copy of each strategy, plan and program required under this approval; and	Port Waratah Website: https://pwcs.com.au/environment/compliance			The following plans were uploaded to the website: - Ambient Dust Monitoring Program – Contained in the Air Quality Management Plan. - Operation Environmental Management Plan - Dust Management Plan - Contained in the Air Quality Management Plan. - Noise Management Plan - Water Management Plan - Spontaneous Combustion Management Plan Note that the requirements of the Compliance Monitoring program are described in the Operation Environmental Management Plan.	Complies	
6.4	Provision of Electronic Information	d) the outcomes of compliance tracking in accordance with condition 5.1 of this approval.	Port Waratah Website: https://pwcs.com.au/environment/compliance			A copy of the Independent Compliance Audits are provided on the Port Waratah website. A copy of the annual sustainable development reports are also included online which provide a summary of compliance with environmental conditions relating to air quality, noise, water and social impacts.	Complies	
7.1	Environmental Representative	Prior to the commencement of construction of the project, or otherwise agreed by the Director- General, the Proponent shall nominate a suitably qualified and experienced Environmental Representative(s) for the approval of the Director-General. The Proponent shall employ the Environmental Representative(s) on a full-time basis, or as otherwise agreed by the Director-General, during the construction and operation of the project. The Environmental Representative(s) shall be: a) the principal contact point in relation to the environmental performance of the project;	Letter from Port Waratah (T Larnach) to DPHI (H Watters) titled “Appointment of Environmental Representative”, dated 16 April 2024. KCT Operation Environmental Management Plan, Revision 4.1, dated May 2023.			Ben Lowder (Senior Environment Business Partner) is the nominated Environmental Management Representative (ER) for the site and who is employed full time by Port Waratah. A letter from DPHI approving the nomination of Mr Lowder was sighted. The role of the ER is described in the OEMP.	Complies	
7.1	Environmental Representative	The Environmental Representative(s) shall be: b) responsible for all management plans and monitoring programs required under this approval;	KCT Operation Environmental Management Plan, Revision 4.1, dated May 2023.			Section 8 'Accountabilities' of the OEMP refers to the responsibilities of the 'Specialist Advisor Environment', including review and update of the OEMP, management plans and monitoring programs.	Complies	
		The Environmental Representative(s) shall be: c) responsible for considering and advising on matters specified in the conditions of this approval, and all other licences and approvals related to the environmental performance and impacts of the project;	KCT Operation Environmental Management Plan, Revision 4.1, dated May 2023.			This is set out in Section 8 'Accountabilities' of the OEMP and is supported by the incumbent’s position description.	Complies	
		The Environmental Representative(s) shall be: d) responsible for receiving and responding to complaints and enquiries in accordance with condition 6.2 and 6.3 of this approval; and	KCT Operation Environmental Management Plan, Revision 4.1, dated May 2023.			This is set out in Section 8 'Accountabilities' of the OEMP and is supported by the incumbent’s position description.	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
		The Environmental Representative(s) shall be: e) given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions be ceased immediately should an adverse impact on the environment be likely to occur.	KCT Operation Environmental Management Plan, Revision 4.1, dated May 2023.			This is set out in Section 8 'Accountabilities' of the OEMP and is supported by the incumbent's position description.	Complies	
7.2	Construction Environment Plan	Prior to the commencement of construction of the project, the Proponent shall prepare and implement a Construction Environmental Management Plan to outline environmental management practices and procedures to be followed during construction of the project. The Plan shall be prepared in accordance with Guideline for the Preparation of Environmental Management Plans (DIPNR 2004) and shall include, but not necessarily be limited to: a) a description of all activities to be undertaken on the Site during construction including an indication of stages of construction, where relevant; statutory and other obligations that the Proponent is required to fulfil during construction including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies; details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan: measures to monitor and manage dust emissions; measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/ or waters during construction activities; and measures to monitor and control noise emissions during construction works. a description of the roles and responsibilities for all relevant employees involved in the construction of the project; the additional studies listed under condition 7.3 of this approval; and f) complaints and enquiries handling procedures during construction.		Environmental Engineer – no construction activities were undertaken during the audit period.		No construction activities were undertaken during the audit period. e construction of the rail loop augmentation is outside the period of this audit. The site is currently operational.	Not Triggered	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
7.2	Construction Environment Plan	Prior to the commencement of construction of the Stage 4 Project, the Proponent shall revise the Construction Environment Management Plan and associated plans and protocol referred to in conditions 7.2 and 7.3 to incorporate this stage of the project. The Plan (and revisions to the Plan) shall be submitted for the approval of the Director-General no later than one month prior to the commencement of any construction works associated with the project (including the Stage 4 Project), or within such period otherwise agreed by the Director-General. Construction works shall not commence until written approval has been received from the Director-General.		Environmental Engineer – no construction activities were undertaken during the audit period.		No construction activities were undertaken during the audit period. e construction of the rail loop augmentation is outside the period of this audit. The site is currently operational.	Not Triggered	
7.3	Construction Environment Plan	As part of the Construction Environmental Management Plan for the project required under condition 7.2 of this approval, the Proponent shall prepare and implement the following: a) a Construction Surface Water Management Plan to detail how surface water and stormwater will be managed on the Site during construction. The Plan shall include use of appropriately-sized stormwater controls, in accordance with Managing Urban Stormwater So/s and Construction (Landform, 2004). The Plan shall include specific measures to avoid sediment-laden stormwater from entering wetland areas or the Hunter River, and a monitoring program for stormwater leaving the Site;		Environmental Engineer – no construction activities were undertaken during the audit period.		No construction activities were undertaken during the audit period. e construction of the rail loop augmentation is outside the period of this audit. The site is currently operational.	Not Triggered	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
7.3	Construction Environment Plan	b) a Construction Noise and Vibration 'Management Plan to detail how construction noise and vibration impacts would be minimised and managed, including, but not necessarily limited to: details of construction activities and a schedule for construction works; identification of construction activities that have the potential to generate noise and/ or vibration and adjacent industrial development (specifically the Kooragang Bulk Facilities); impacts on surrounding land uses, particularly residential areas a detailed description of what actions and measures would be implemented to ensure that these works would comply with the relevant noise and vibration criteria/ guidelines; procedures for notifying residents of construction activities that are likely to effect their noise and vibration amenity, as well as procedures for dealing with and responding to noise complaints and enquiries; and a description of how the effectiveness of these actions and measures would be monitored during the proposed works, clearly indicating how often this monitoring would be conducted, how the results of this monitoring would be recorded; and, if any non-compliance is detected.		Environmental Engineer – no construction activities were undertaken during the audit period.		No construction activities were undertaken during the audit period. The construction of the rail loop augmentation is outside the period of this audit. The site is currently operational.	Not Triggered	
7.3	Construction Environment Plan	c) a Construction Traffic Management Protocol to detail how heavy vehicle movements associated with the project will be managed during construction, including Site preparation and fill/ preloading activities. The Protocol shall specifically address the movement of oversize loads to and from the Site, the management of construction traffic, restrictions to the hours of heavy vehicle movements to avoid road use conflicts, and the transport of construction waste materials. The Construction Traffic Management Protocol (and revisions to the Protocol) shall be submitted for the approval of the RMS and Council, prior to its submission to the Director-General for approval. For Stage 4 Project works, a revised protocol shall take into account the completion of the Tourle Street Bridge and the improved regional connectivity provided by the new bridge to industrial Drive and Pacific Highway.		Environmental Engineer – no construction activities were undertaken during the audit period.		No construction activities were undertaken during the audit period. e construction of the rail loop augmentation is outside the period of this audit. The site is currently operational.	Not Triggered	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
7.4	Operation Environmental Management Plan	Prior to the Commencement of Operations, the Proponent shall prepare and submit for the approval of the Director-General an Operation Environmental Management Plan (OEMP) to detail an environmental management framework, practices and procedures to be followed during the operation of the project. The Plan shall be consistent with the Department's' Guideline for the Preparation of Environmental Management Plans (DIPNR 2004), shall include, but not necessarily be limited to: a) a description of all activities to be undertaken on the Site during operation including an indication of stages of operation, where relevant;	KCT Operation Environmental Management Plan, Revision 4.1, dated May 2023.			The 2018 IEA verified that the original Operation Environmental Management Plan had been approved by the Director General. In 2019 Port Waratah revised the OEMP. The revised plan was provided to (the former) DPE for review and approval A letter from the DPE dated 8 May 2023 is reproduced in Appendix E of the OEMP. Operational activities are set out in Section 4.1 of the OEMP.	Complies	
		b) statutory and other obligations that the Proponent is required to fulfil during operation including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;	KCT Operation Environmental Management Plan, Revision 4.1, dated May 2023.			Statutory and other obligations are describe in Section 3.2 of the OEMP.	Complies	
		c) details of how the environmental performance of the operations will be monitored, and what actions will be taken to address identified adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan: measures to monitor and manage dust emissions; measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/ or waters during operation; and measures to monitor and control noise emissions during operation.	KCT Operation Environmental Management Plan, Revision 4.1, dated May 2023.			Performance monitoring is described in Section 5 of the OEMP as well as within the associated management plans. Measures to monitor and manage dust emissions are included in the AQMP. Measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/ or waters during operation are included in WMP. Measures to monitor and control noise emissions during operation are included in NMP.	Complies	
		d) a description of the roles and responsibilities for all relevant employees involved in the operation of the project;	KCT Operation Environmental Management Plan, Revision 4.1, dated May 2023.			Responsibilities and accountabilities are set out in Section 8 of the OEMP as well as within each associated management plan.	Complies	
		e) the additional plans/protocol listed under condition 7.5 of this approval; and	KCT Operation Environmental Management Plan, Revision 4.1, dated May 2023.			All management plans required by this condition have been prepared and reviewed by DPE / DPHI (see conditions below).	Complies	
		f) complaints and enquiries handling procedures during operation.	KCT Operation Environmental Management Plan, Revision 4.1, dated May 2023.			The complaints (referred to as "Community Enquiries") management procedure is provided in Section 4.3 of the OEMP.	Complies	
7.4	Operation Environmental Management Plan	The Operation Environmental Management Plan shall be made available for inspection by the public upon request following its approval by the Director-General.	Port Waratah Website: https://pwcs.com.au/environment/compliance			A copy of the OEMP and each of the associated plans are available on the web site.	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
7.5 (a)	Operation Dust Management Plan	As part of the Operation Environmental Management Plan for the project required under condition 7.4 of this approval, the Proponent shall prepare and implement the following: a) a Dust Management Plan to outline measures to minimise and manage any impacts from the operation of the project on local air quality. The Plan shall include, but not necessarily be limited to: i) identification of all major sources of dust emissions that may occur as result of the operation of the project;	KCT Operation Air Quality Management Plan, Revision 3.4, dated December 2021. Email from DPIE (S O'Donoghue) to Port Waratah (G Cook), titled "Kooragang Coal Loader (MP09_0189) Air Quality Management Plan", dated 1 November 2021			An Air Quality Management Plan that includes dust management has been prepared. The plan was revised in 2021 and was provided to DPIE for review and approved by (the former) DPIE. Section 2.1.2 of the AQMP identifies the dust emission sources.	Complies	
		ii) description of the procedures to manage the dust emissions from the sources identified;	KCT Operation Air Quality Management Plan, Revision 3.4, dated December 2021.			Dust management procedures are described in Section 3 of the AQMP.	Complies	
		iii) identification of the locations where monitoring of dust emissions is to be undertaken;	KCT Operation Air Quality Management Plan, Revision 3.4, dated December 2021.			Dust monitoring locations are set out in Section 4.1.5 of the AQMP.	Complies	
		iv) procedures for monitoring dust emissions from the project, in accordance with the requirements of this approval and the Environment Protection Licence for the project;	KCT Operation Air Quality Management Plan, Revision 3.4, dated December 2021.			Dust monitoring procedures are described in Section 4.1 of the AQMP.	Complies	
		v) protocols for regular maintenance of plant and equipment, to minimise the potential for fugitive dust emissions; and	KCT Operation Air Quality Management Plan, Revision 3.4, dated December 2021.			Protocols for regular maintenance of plant and equipment, to minimise the potential for fugitive dust emissions are outlined in Table 1, Section 3.1.2 of the AQMP.	Complies	
		vi) description of procedures to be undertaken if any non-compliance is detected.	KCT Operation Air Quality Management Plan, Revision 3.4, dated December 2021.			A description of the procedure for managing non-compliances is provided in Section 4.2 of the AQMP.	Complies	
7.5 (b)	Noise Management Plan	b) a Noise Management Plan to outline monitoring, management procedures and measures to minimise total operational noise emissions from the project. The Plan shall also include, but not necessarily be limited to: i) identification of all relevant receivers and the applicable criteria at those receivers commensurate with the noise limits specified under this approval;	KCT Operation Noise Management Plan, Revision 4.1, dated May 2023. Email from DPE (S O'Donoghue) to Port Waratah (G Cook), titled "Kooragang Operation Environmental Management Plan", dated 8 May 2023.			A Noise Management Plan has been prepared. The plan was revised in 2032 and was provided to DPIE for review and approval. Section 3.1.2 of the NMP identifies the noise sources and sensitive receivers.	Complies	
		ii) identification of activities that will be carried out in relation to the project and the associated noise sources;	KCT Operation Noise Management Plan, Revision 4.1, dated May 2023.			Section 4.1 of the NMP describes the site operations and Section 3.1.2 identifies the potential noise receivers.	Complies	
		iii) assessment of project noise impacts at the relevant receivers against the noise limits specified under this approval;	KCT Operation Noise Management Plan, Revision 4.1, dated May 2023.			An assessment of noise impacts is provided in Section 3.1.3 of the NMP.	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
7.5 (b)	Noise Management Plan	iv) details of all management methods and procedures that will be implemented to control individual and overall noise emissions from the Site during the project;	KCT Operation Noise Management Plan, Revision 4.1, dated May 2023.			Section 4.1 of the NMP describes the noise reduction measures to be implemented.	Complies	
		v) details regarding the procurement process to guarantee that equipment levels meet the noise levels as provided in the documents listed in condition 1.1;	KCT Operation Noise Management Plan, Revision 4.1, dated May 2023.			Noise procurement objectives are described in Table 8, Section 4.1 of the NMP.	Complies	
		vi) development of reactive and pro-active strategies for dealing promptly with any noise complaints and enquiries;	KCT Operation Noise Management Plan, Revision 4.1, dated May 2023.			Proactive and reactive communication strategies are described in Sections 4.2.1 and 4.2.2 respectively.	Complies	
		vii) noise monitoring and reporting procedures; and	KCT Operation Noise Management Plan, Revision 4.1, dated May 2023.			Noise monitoring and reporting requirements are described in Section 5 of the NMP.	Complies	
		viii) regular internal audits of compliance of all plant and equipment with acceptable design noise.	KCT Operation Noise Management Plan, Revision 4.1, dated May 2023.			Noise auditing requirements are described in Section 6.2 of the NMP.	Complies	
7.5 (c)	Water Management Plan	a Water Management Plan to outline the water management system for the Site. The Plan shall include, but not necessarily be limited to: i) predicted Site water balance including the water supply system;	KCT Operation Water Management Plan, Revision 4.1, dated May 2023. Email from DPE (S O'Donoghue) to Port Waratah (G Cook), titled "Kooragang Operation Environmental Management Plan", dated 8 May 2023.			A Water Management Plan has been prepared. The plan was revised in 2023 and was provided to DPIE for review and approval. Section 4.1.3 of the WMP describes the water balance and includes details of the water supply for the operation.	Complies	
		ii) details regarding water management structures such as settling ponds and water tanks;	KCT Operation Water Management Plan, Revision 3.1, dated July 2019.			Details of the water management infrastructure in place at KCT is detailed in Table 1 of Section 4 of the WMP.	Complies	
		iii) locations and design specifications for all water diversions from undisturbed runoff areas including channel design and stabilisation, sediment retention storages and other structures;	KCT Operation Water Management Plan, Revision 4.1, dated May 2023.			Details of the water management infrastructure in place at KCT is detailed in a table set out in section 4 of the WMP including locations and design specifications. Appendix B of the WMP illustrate schematics and flow diagrams of the water management infrastructure used on site.	Complies	
		iv) details on the internal drainage system including bunding, drainage channels, dewatering sumps and any pipelines;	KCT Operation Water Management Plan, Revision 3.1, dated July 2019.			Appendix B of the WMP illustrate schematics and flow diagrams of the water management infrastructure used on site.	Complies	
		v) procedures for the management of groundwater encountered on Site and any temporary dewatering facilities; and	KCT Operation Water Management Plan, Revision 3.1, dated July 2019.			Groundwater management is described in section 4.1.4 of the WMP.	Complies	
		vi) procedures to be implemented to minimise potential surface water impacts.	KCT Operation Water Management Plan, Revision 3.1, dated July 2019.			Section 4 of the WMP describes the procedures for minimising surface water impacts.	Complies	

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
7.5 (d)	Spontaneous Combustion Management Protocol	d) a Spontaneous Combustion Management Protocol to outline measures to minimise and manage the spontaneous combustion of the coal stockpiles. The Protocol shall include, but not necessarily be limited to: i) coal stockpile management measures;	KCT Spontaneous Combustion Management Protocol, Revision 3.1, dated May 2023. Email from DPE (S O'Donoghue) to Port Waratah (G Cook), titled " Kooragang Operation Environmental Management Plan", dated 8 May 2023.			A Spontaneous Combustion Management Protocol has been prepared. The plan was revised in 2023 and was provided to DPIE for review and approval. Coal Stockpile Management Measures is included in section 2.2 of the protocol.	Complies	
		ii) monitoring of potential causes of spontaneous combustion events; and	KCT Spontaneous Combustion Management Protocol, Revision 2.1, dated July 2019.			This is set out in section 2.5 of the SCMP.	Complies	
		iii) corrective action in the event of spontaneous combustion.	KCT Spontaneous Combustion Management Protocol, Revision 2.1, dated July 2019.			This is set out in section 3.1 of the SCMP.	Complies	
8.1	Incident Reporting	The Proponent shall notify the Director-General of any incident with actual or potential significant off-Site impacts on people or the biophysical environment as soon as practicable after the occurrence of the incident. The Proponent shall provide written details of the incident to the Director-General within seven days of the date on which the incident occurred.	Incident Register Annual Kooragang Coal Terminal Compliance Report 1 January to 31 December 2023 Annual Kooragang Coal Terminal Compliance Report 1 January to 31 December 2022 Annual Kooragang Coal Terminal Compliance Report 1 January to 31 December 2021			Nine reportable environmental incidents were recorded over the audit period. For details please refer to Section 7.1.	Complies	
8.2	Incident Reporting	The Proponent shall maintain a register of accidents, incidents and potential incidents with actual or potential significant off-Site impacts on people or the biophysical environment. The register shall be made available for inspection at any time by the independent qualified person or team conducting the Environmental Audit and/or the Director-General.	Incident Register			The 'Register of Environmental Incidents' was sighted by the auditors. Copies of individual incident reports are maintained in Port Waratah servers and available via Maximo.	Complies	
8.3	Incident Reporting	The Proponent shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this consent, reported in accordance with condition 8.1 of this consent, within such period as the Director-General may agree.	Incident Register Annual Kooragang Coal Terminal Compliance Report 1 January to 31 December 2023 Annual Kooragang Coal Terminal Compliance Report 1 January to 31 December 2022 Annual Kooragang Coal Terminal Compliance Report 1 January to 31 December 2021	Environmental Engineer – no requests from DPHI have been received relating to any environmental incidents.			Not Triggered	

PLANNING APPROVAL DA 35/96 (Stage 3 Expansion)								
Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
1	General	The Applicant shall carry out the development generally in accordance with the environmental impact statement (EIS) dated September 1996, the Application Form and as further modified by the following conditions. Any alteration, variation or extension of the development shall require the further consent of the Minister for Urban Affairs and Planning.	<i>KCT Stage 4 Expansion sign off letter dated 26/08/14</i> <i>KCT Stage 3 Expansion MPC sign off letter dated 23/12/13</i>			These conditions were relevant for the Stage 3 expansion stage, which have been completed. Compliance with this condition was verified during previous IEAs. <i>A sign off letter of completion of construction provided to the Department of Planning and Infrastructure was sighted.</i> <i>The 2017 IEA noted certain opportunities for improvement against a few requirements including clause 1. This was to undertake a review of the significance of remaining conditions to investigate if there is a possibility for DPE to close this approval.</i> <i>Stage 3 construction works have been completed prior to audit period. Management plans were reviewed as part of this audit and have been written to align with the operation of the site in the EIS.</i> <i>Since then, stage 4 construction works have also been completed (prior to audit period). Sign off letter for completion of construction provided to the Department of Planning and Infrastructure for stage 4 was also sighted.</i>	Complies	Refer to Section 7.9.2 above.
2	General	Upon commissioning of the development encompassed by DA No. 35/96 - and as modified by this instrument of consent, the Applicant shall certify in writing to the Director-General that it has complied with this consent and other statutory requirements.	KCT Stage 3 Expansion MPC sign off letter dated 23/12/13			Stage 3 construction works were completed in 2013. A sign off letter of completion of construction was provided to the Department of Planning and Infrastructure was sighted.	Complies	Refer to Section 7.9.2 above.
3	Noise	During the construction phase of the proposal the Applicant shall ensure that the following noise criteria are met at residential boundaries under neutral weather conditions: For those components of the development where the construction period is less than 4 weeks - L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A); For those components of the development where the construction period is greater than 4 weeks but less than 26 weeks - L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10dB(A); For those components of the development where the construction period is greater than 26 weeks - L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 5dB(A).	KCT Stage 3 Expansion MPC sign off letter dated 23/12/13	Environment Representative – no further construction works were undertaken during the audit period.		The project is currently in operation. The construction works covered by this Approval were completed in 2013. The Auditor considers that this Condition is redundant. A sign off letter from Port Waratah management outlining completion of construction provided to the Department of Planning and Infrastructure was sighted.	Not Triggered	Refer to Section 7.9.2 above.

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
4	Noise	During operation of the Stage 3 Expansion, the Applicant shall ensure that the following noise criteria are met: The LA10,15min noise emitted from the proposed Stage 3 expansion should not exceed 40dB(A) when computed at the boundary of any residential premises under neutral atmospheric conditions; The LA10,15min noise emitted from Stages 1,2, and 3 in operation must not exceed 43 dB(A) when measured at the boundary of any residential premises under neutral atmospheric conditions; The LA10,15min noise emitted from the proposed Stages 1,2, and 3 in operation must not exceed 65dB(A) when measured at the boundary of any industrial premises under neutral atmospheric conditions. This level may be exceeded by 5dB(A) in circumstances where other noise attenuating structures adequately protect the receptors; The noise emission from the operation of the Kooragang Coal Terminal must be substantially free of tonal, impulsive or intermittent characteristics; and The LA10 15min noise emitted from Stage 1,2 and 3 operations under acoustically neutral atmospheric conditions should not exceed 70dBA, and preferably be not greater than 65dB(A) when measured or computed at the boundary of any other industrial premises. This 70dB(A) level may be exceed in circumstances where the best technology that is economically available has been employed to minimise noise emissions.	KCT Operation Noise Management Plan, Revision 4.1, dated May 2023.			This condition has been superseded by conditions 2.8 to 2.11 in the Development Consent 06_0189	Complies	Refer to Section 7.9.2 above.
5	Air Quality	The Applicant shall implement the air pollution control procedures specified in the EIS.	KCT Air Quality Management Plan, Revision 3.4, dated December 2021.			This condition has been superseded by conditions 2.1 to 2.5 in the Development Consent 06_0189.	Complies	Refer to Section 7.9.2 above.
6	Air Quality	The Applicant shall develop and implement a dust control management plan to the satisfaction of EPA which has the objective of enabling construction and operation of Stage 3 to achieve the following air quality goals: <u>Dust Deposition</u> less than 4.0 grams per square metre per month <u>Total Suspended solids</u> 90 micrograms per cubic meter (12 months averaging time) and 260 micrograms per cubic meter as a 24 hour average and <u>PM 10</u> 50 micrograms per cubic meter as an annual average. a)	KCT Air Quality Management Plan, Revision 3.4, dated December 2021.			An Air Quality and Dust Monitoring Program is included within the Dust Management Plan (Appendix A of the OEMP). That plan includes an integrated air quality monitoring program with NCIG. A copy of DPIE's approval of the OEMP and subplans is provided in Appendix E of the OEMP. The NSW EPA has notified Port Waratah that they have chosen not to comment on management plans.	Complies	Refer to Section 7.9.2 above.

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
Note	Environmental Management Strategies and Plans	The Applicant shall undertake the following studies and prepare the following strategies and plans (conditions 7-12) within twelve months of the date of this consent, or such later time as the Director-General shall approve (conditions 9-20).				The date of this Development Application was 25/11/1996.	Noted	
7	Environmental Management Strategies and Plans	The Applicant shall undertake a comprehensive Noise Study of the existing and Stage 3 Development in consultation with the EPA and to the satisfaction of the Director-General and the EPA. The study shall include, but not be limited to: - On-going monitoring at the boundary of the property; and - Incorporation of rail noise near the terminal into noise modelling.				This condition was relevant for the Stage 3 expansion phase of the project and Stage 3 construction works have been completed prior to the scope of this audit. A sign off letter from Port Waratah management outlining completion of construction for Stage 3 expansion and provided to the Department of Planning and Infrastructure was sighted. This condition was assessed as compliant and closed in previous Independent Environmental Audits.	Complies	Refer to Section 7.9.2 above.
8	Environmental Management Strategies and Plans	In the event that the Noise Study demonstrates that noise levels exceed those specified in Condition Nos. 3 and 4, a Noise Reduction Strategy prepared in consultation with the EPA and Council and to the satisfaction of the Director General.				This condition was relevant for the Stage 3 expansion phase of the project and Stage 3 construction works have been completed prior to the scope of this audit. A sign off letter from Port Waratah management outlining completion of construction for Stage 3 expansion and provided to the Department of Planning and Infrastructure was sighted. This condition was assessed as compliant and closed in previous Independent Environmental Audits.	Not Triggered	Refer to Section 7.9.2 above.

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
9	Environmental Management Strategies and Plans	The Applicant shall undertake a comprehensive Dust Control Study in consultation with the EPA and Council and to the satisfaction of the Director-General. The Study shall include, but not be limited to: A monitoring program including the establishment of high volume samplers and dust deposition gauges at Stockton and Fern Bay, dust deposition gauges at intermediate positions between these gauges and the Kooragang Coal Terminal site and at the site boundary at locations determined by the EPA; A feasibility of a real time monitoring program at sites determined by the EPA to identify the impacts of episodic events; Revised air dispersion modelling to predict dust deposition and TSP levels in the community; A study of the effects on the health of the Stockton and Fern Bay community of TSP concentrations associated with the Stage 3 development; Definition of the respective contributions of the Kooragang Coal Terminal and other industries in the Kooragang area to TSP concentrations in the Stockton and Fern Bay area. In the event that the Dust Control Study demonstrates that dust deposition and TSP levels exceed those specified in Condition 6, a Dust Reduction Strategy, prepared in consultation with the EPA and Council and to the satisfaction of the Director General.	KCT Operation Noise Management Plan, Revision 4.1, dated May 2023.			This condition was relevant for the Stage 3 expansion phase of the project and Stage 3 construction works have been completed prior to the scope of this audit. A sign off letter from Port Waratah management outlining completion of construction for Stage 3 expansion and provided to the Department of Planning and Infrastructure was sighted. This condition was assessed as compliant and closed in previous Independent Environmental Audits.	Complies	Refer to Section 7.9.2 above.
10	Environmental Management Strategies and Plans	The Applicant shall undertake a comprehensive Water Management Plan in consultation with the EPA, DLWC, and NPWS and to the satisfaction of the Director General.	KCT Operation Water Management Plan, Revision 3.1, dated July 2019.			This condition was relevant for the Stage 3 expansion phase of the project and Stage 3 construction works have been completed prior to the scope of this audit. A sign off letter from Port Waratah management outlining completion of construction for Stage 3 expansion and provided to the Department of Planning and Infrastructure was sighted. This condition was assessed as compliant and closed in previous Independent Environmental Audits.	Complies	Refer to Section 7.9.2 above.
11		The Applicant shall undertake an Acid Sulphate Testing Programme in consultation with DLWC and to the satisfaction of the Director General. The programme shall include but not be limited to testing for potential acid sulphate soil material in representative samples of fines and sands from all proposed dredging sites and the existing site ponds. Testing shall include the use of the Potential Acidity Test. In the event that testing confirms the presence of acid sulphate soil material, an Acid Sulphate Control Plan be developed in conjunction with DLWC to the satisfaction of the Director General.				This condition was relevant for the Stage 3 expansion phase of the project and Stage 3 construction works have been completed prior to the scope of this audit. A sign off letter from Port Waratah management outlining completion of construction for Stage 3 expansion and provided to the Department of Planning and Infrastructure was sighted. This condition was assessed as compliant and closed in previous Independent Environmental Audits.	Complies	Refer to Section 7.9.2 above.

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
12	Environmental Management Strategies and Plans	An applicant shall submit for the approval of the Director General of Urban Affairs and Planning a research and wetlands regeneration program for wetlands in close proximity to the coal loader site.				This condition was relevant for the Stage 3 expansion phase of the project and Stage 3 construction works have been completed prior to the scope of this audit. A sign off letter from Port Waratah management outlining completion of construction for Stage 3 expansion and provided to the Department of Planning and Infrastructure was sighted. This condition was assessed as compliant and closed in previous Independent Environmental Audits.	Complies	Refer to Section 7.9.2 above.
13		The Applicant shall prepare Environmental Management Plans for the construction phase and the operation phase of the Stage 3 development and submit these to Council for approval prior to the commencement of each phase of the Stage 3 operations.	KCT Operation Environmental Management Plan, Revision 4.1, dated May 2023.			An OEMP and subplans have been prepared and approved by DPIE / DPHI (current versions of those plans were revised and approved and approved during this audit period.	Complies	Refer to Section 7.9.2 above.
14	Landscaping	The Applicant shall undertake supplementary site landscaping works in accordance with a landscape design plan and specification which is to be submitted to Council prior to the commencement of each phase of the site works. The plan and specification shall be prepared by a qualified landscape designer in accordance with Council's Development Control Plan No. 33 and shall include but not be limited to: • Cross sections through the site; • Contours and spot levels; • Botanical names, quantities and container sizes of all trees, shrubs and ground covers; • Details of soil preparation, mulching and staking; • Treatment of external surfaces and retaining walls; • Drainage and location of taps; and - Maintenance personnel and details.				This condition was relevant for the Stage 3 expansion phase of the project and Stage 3 construction works have been completed prior to the scope of this audit. A sign off letter from Port Waratah management outlining completion of construction for Stage 3 expansion and provided to the Department of Planning and Infrastructure was sighted. This condition was assessed as compliant and closed in previous Independent Environmental Audits.	Complies	Refer to Section 7.9.2 above.
15	Landscaping	The Applicant shall prepare and submit to the Council a Landscape Practical Completion Report prior to commencing each phase of Stage 3 operations.				This condition was relevant for the Stage 3 expansion phase of the project and Stage 3 construction works have been completed prior to the scope of this audit. A sign off letter from Port Waratah management outlining completion of construction for Stage 3 expansion and provided to the Department of Planning and Infrastructure was sighted. This condition was assessed as compliant and closed in previous Independent Environmental Audits.	Complies	Refer to Section 7.9.2 above.

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
16	Landscaping	The Applicant shall ensure that the landscape areas are kept free of parked vehicles, stored goods, garbage or waste materials and are permanently maintained to the satisfaction of Council.			Landscaped areas sighted during the audit were clear of vehicles, permanently stored goods and waste materials.	Landscaped areas sighted during the audit were clear of vehicles, permanently stored goods and waste materials.	Complies	Refer to Section 7.9.2 above.
17	Landscaping	The Applicant shall prepare and submit to Council a Landscape Established Report following completion of a twelve-week maintenance period for each phase of Stage 3.				This condition was relevant for the Stage 3 expansion phase of the project and Stage 3 construction works have been completed prior to the scope of this audit. A sign off letter from Port Waratah management outlining completion of construction for Stage 3 expansion and provided to the Department of Planning and Infrastructure was sighted. This condition was assessed as compliant and closed in previous Independent Environmental Audits.	Complies	Refer to Section 7.9.2 above.
18	Surface Drainage	The Applicant shall ensure that any alteration to existing surface levels of the site is undertaken in such a manner as to ensure that no surface water is drained onto or impounded in adjoining properties, full details in this regard to be indicated on plans submitted with the required BA.			No evidence of ponding on neighbouring properties from water leaving the site were observed.	This condition was relevant for the Stage 3 expansion phase of the project and Stage 3 construction works have been completed prior to the scope of this audit. A sign off letter from Port Waratah management outlining completion of construction for Stage 3 expansion and provided to the Department of Planning and Infrastructure was sighted. This condition was assessed as compliant and closed in previous Independent Environmental Audits.	Complies	Refer to Section 7.9.2 above.
19	Surface Drainage	The Applicant shall ensure that all stormwater runoff from the proposed development is collected and disposed of by an appropriate means into the existing site drainage system to the satisfaction of Council before commencing site works.				This condition was relevant for the Stage 3 expansion phase of the project and Stage 3 construction works have been completed prior to the scope of this audit. A sign off letter from Port Waratah management outlining completion of construction for Stage 3 expansion and provided to the Department of Planning and Infrastructure was sighted. This condition was assessed as compliant and closed in previous Independent Environmental Audits.	Complies	Refer to Section 7.9.2 above.
20	Parking	The Applicant shall ensure that all parking bays within the existing on-site parking areas are permanently marked out on the pavement surface to the satisfaction of Council.			All parking bays sighted during the audit were appropriately marked and signposted.	All parking bays sighted during the audit were appropriately marked and signposted.	Complies	Refer to Section 7.9.2 above.

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
21	Parking	The Applicant shall ensure that all existing on-site car parking areas, truck loading/ unloading areas, driveways and turning areas are maintained clear of obstruction and are used exclusively for purposes of car parking, loading and unloading and vehicle access respectively and under no circumstances are such areas to be used for the storage of goods or waste materials.			All parking areas, loading and unloading areas sighted during the audit were clear and free of stored materials.	During the site inspection, the site was maintained in a tidy state and general housekeeping of the site was at a high standard.	Complies	Refer to Section 7.9.2 above.
22	Transportation	The Applicant shall in consultation with Freight Rail develop and implement a procedure to monitor and report on the performance of the Kooragang Coal Terminal's rail unloading operations on delays to trains along the delivery route.	Examples of the HVCCC Daily performance report reviewed during audit between 2021-23.			The management of trains in the network and specifically for the unloading activities are now managed by the Hunter Valley Coal Chain Coordinator (HVCCC) of which Port Waratah is a party to. Loading data and "on time train statistics" are included in the reports. Information is reviewed by the Service Assurance team and the necessary actions are discussed with the relevant Rail Haulage Provider.	Complies	Refer to Section 7.9.2 above.
23	Transportation	The Applicant shall in consultation with Freight Rail establish targets and procedures for improvements resulting in reduction in delays to the satisfaction of the Director General.	<i>Department of Urban Affairs and Planning letter correspondence dated 3/06/1998</i>			Compliance against this condition was verified during the 2018 IEA. <i>A letter was sighted from the Department of Urban Affairs and Planning dated 3/06/1998 which states that the specific terms of condition 23 have been fulfilled.</i>	Complies	Refer to Section 7.9.2 above.
24	Transportation	The Applicant shall in consultation with the RTA review the operation of the road coal facility following its relocation and establish targets and procedures for improvements resulting in reduced waiting times and queuing to the satisfaction of the Director-General.				This condition was relevant for the Stage 3 expansion phase of the project and Stage 3 construction works have been completed prior to the scope of this audit. A sign off letter from Port Waratah management outlining completion of construction for Stage 3 expansion and provided to the Department of Planning and Infrastructure was sighted. This condition was assessed as compliant and closed in previous Independent Environmental Audits.	Complies	Refer to Section 7.9.2 above.
25	Transportation	The Applicant shall carry out the proposed realignment of Cormorant Road and any associated improvement to the Egret Street/ Cormorant Road intersection in accordance with the requirements of the Roads and Traffic Authority and the Council and such being properly managed so as to ensure public safety and minimise disruption to traffic.				This condition was relevant for the Stage 3 expansion phase of the project and Stage 3 construction works have been completed prior to the scope of this audit. A sign off letter from Port Waratah management outlining completion of construction for Stage 3 expansion and provided to the Department of Planning and Infrastructure was sighted. This condition was assessed as compliant and closed in previous Independent Environmental Audits.	Complies	Refer to Section 7.9.2 above.
26	Lighting	The Applicant shall ensure than any proposed floodlighting of the facility is so positioned, directed and shielded as to not interfere with traffic safety or detract from the amenity of adjacent premises, full details in this regard to be submitted for Council's consideration prior to construction.				No lighting related complaints have been received during this, or any previous audit period.	Complies	Refer to Section 7.9.2 above.

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
27	Monitoring	The Applicant shall within three months of the date of this consent, commence TSP and dust deposition monitoring as required by Condition 9 in consultation with the EPA to the satisfaction of the Director-General.				This condition was relevant for the Stage 3 expansion phase of the project and Stage 3 construction works have been completed prior to the scope of this audit. Refer to condition 3.1 of the Development Consent 06_0189. This condition was assessed as compliant and closed in previous Independent Environmental Audits.	Complies	Refer to Section 7.9.2 above.
28	Monitoring	The Applicant shall prior to commencement of construction implement a noise monitoring programme in consultation with the EPA to the satisfaction of the Director-General to confirm compliance with Condition Nos. 3 and 4.				This condition was relevant for the Stage 3 expansion phase of the project and Stage 3 construction works have been completed prior to the scope of this audit. Refer to condition 2.8 of the Development Consent 06_0189. This condition was assessed as compliant and closed in previous Independent Environmental Audits.	Complies	Refer to Section 7.9.2 above.
29	Monitoring	The Applicant shall prior to the commencement of dredging implement a water quality monitoring programme in the South Arm of the Hunter River upstream and downstream of the dredge sites in consultation with the EPA to the satisfaction of the Director-General.				Dredging was part of construction only, and both construction and dredging have not been undertaken in the last 2 years. This condition was assessed as compliant and closed in previous Independent Environmental Audits.	Complies	Refer to Section 7.9.2 above.
30	Quarterly Monitoring Report	All monitoring results arising from these conditions of consent shall be included in Quarterly Reports and submitted to the EPA, NPWS and DLWC.	Port Waratah Website: https://pwcs.com.au/environment/compliance			Port Waratah 'make available' all monitoring results arising from these conditions via the Web site. Records are updated routinely throughout the year as results become available. Records currently span from Jan 2017 to most current available, Aug 2024.	Complies	Refer to Section 7.9.2 above.
31	Quarterly Monitoring Report	On an annual basis or upon request the Applicant shall make available to the Director General and the Council all monitoring results arising from these conditions of consent.		Environment Business Partner – DPHI has not requested any additional monitoring reports during the audit period.		Port Waratah 'make available' all monitoring results arising from these conditions via the Web site. Records are updated routinely throughout the year as results become available. Records currently span from Jan 2017 to most current available, Aug 2024.	Complies	Refer to Section 7.9.2 above.
32	Independent Environmental Audit	The Applicant shall make arrangements for an independent environmental audit to be carried out one year after the granting of this consent and then on an annual basis after the development commences operation, or any other time that the Director General may direct.	2021 Independent Environmental Audit Letter from DPIE (B Harrison) to Port Waratah (T Larnach), titled "Kooragang Coal Terminal (DA 35/96 and PA 06_0189) Request to alter frequency of independent Annual Compliance Audit", dated 8 February 2019			In 2019 DPIE approved Port Waratah's request to alter the audit frequency to three-yearly. This IEA and the 2021 IEA addresses the requirements within this condition. Previous Annual Compliance Reports were also reviewed and found to be conducted annually.	Complies	Refer to Section 7.9.2 above.
33	Independent Environmental Audit	The audit is to be made available to the Director General, the Council, the EPA, NPWS, DLWC and any other interested parties.	Port Waratah Website: https://pwcs.com.au/environment/compliance	Environment Business Partner – Copies of the 2018 IEA report were sent to DPHI, Newcastle Council and EPA as per condition 35. Reports are available on request to other government departments such as DLWC & NPWS as per this condition. Port Waratah reported that no such requests have been made to date.		Copies of the 2021 IEA report were sent to DPHI, Newcastle Council and EPA as per condition 35. Reports are available on request to other government departments such as DLWC & NPWS as per this condition. Port Waratah reported that no such requests have been made to date. It is also noted that the IEAs are made publicly available on the Port Waratah website.	Complies	Refer to Section 7.9.2 above.

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
34	Independent Environmental Audit	The audit shall be carried out at the Applicant's expense and be conducted by a duly qualified independent person, or a team approved by the Director General.	Letter from DPIE (H Watters) to Port Waratah (B Lowder) titled "Subject: Kooragang Coal Loader - Expansion - Proposed Audit Team 2024", dated 18 June 2024.			The current audit addresses the requirements within this condition. Letter from the DPIE approving the 2024 Independent Auditor was sighted.	Complies	Refer to Section 7.9.2 above.
35	Independent Environmental Audit	The audit shall be undertaken annually. The audit shall generate an Annual Environmental Audit report for submission to the Director-General, the EPA, and the Council. The report shall be provided within 30 days of the expiration of each twelve-month period. The first twelve month reporting period shall commence immediately upon the granting of this consent.	Email from Port Waratah (S Barry) to Newcastle City Council (J Bath), titled Port Waratah Coal Services Kooragang Coal Terminal Annual Compliance Audit", dated 30 August 2018. Email from Port Waratah (S Barry) to DPIE (C McNally), titled Port Waratah Coal Services Kooragang Coal Terminal Annual Compliance Audit", dated 30 August 2018. Email from Port Waratah (S Barry) to EPA (K Marler), titled Port Waratah Coal Services Kooragang Coal Terminal Annual Compliance Audit", dated 30 August 2018.	Environment Business Partner – Copies of the 2018 IEA report were sent to DPHI, Newcastle Council and EPA as per condition 35. Reports are available on request to other government departments such as DLWC & NPWS as per this condition. Port Waratah reported that no such requests have been made to date.		Copies of the 2021 IEA report were sent to DP&E, Newcastle Council and EPA as per condition 35. Reports are available on request to other government departments such as DLWC & NPWS as per this condition. Port Waratah reported that no such requests have been made to date. It is also noted that the IEAs are made publicly available on the Port Waratah website.	Complies	Refer to Section 7.9.2 above.
36	Independent Environmental Audit	The following information shall be included in the Annual Environmental Audit Report: An aggregation of Quarterly Monitoring Reports to provide annual monitoring results; and A review of the coal terminal's performance against conditions of consent and conditions associated with licences and with information on measures taken by the Applicant to address any such departures. The Director-General may, after considering the report and any submissions on the report made by the Council, the EPA, NPWS, DLWC or other interested party, notify the Applicant of requirements with regard to any recommendations in the report. The Applicant shall comply with those requirements within such time as the Director General may require.	Port Waratah Coal Services 2021 Independent Environmental Audit Report			The 2021 IEA report as meets the requirements of the Approval.	Complies	Refer to Section 7.9.2 above.
37	Community Consultation	The Applicant shall implement a 24 hour telephone service that allows members of the public to directly to report incidents of pollution or to seek information regarding environmental aspects of the Applicant's operations.	Community enquiries database Port Waratah Website Port Waratah website.			This condition has been superseded by the Development Consent 06_0189. Refer to condition 6.2. A 24-hour community enquiries line has been established.	Complies	Refer to Section 7.9.2 above.
38	Community Consultation	The Applicant shall maintain complaints register which shall be used to record details of all complaints received from members of the public and actions taken by the Applicant in response to such complaints. A summary of the complaints and actions recorded in the register shall be included in the annual audit referred to in Condition No 32.	Community enquiries database 2021 Annual Environmental Audit.			A community enquires database has been established and maintained. The 2018 IEA report and this IEA report include a summary of community enquires and complaints.	Complies	Refer to Section 7.9.2 above.
39	Community Consultation	The Applicant shall provide the EPA with a copy of the complaints register in a format acceptable to the EPA.	n/a			This condition has been superseded by the EPL 1552. Refer to condition M4.4 of the EPL.	Complies	Refer to Section 7.9.2 above.

Cond.	Short Title	Condition	Documents Reviewed	Interviews / Conversations	Inspections / Observations	Assessment	Compliance Finding	Recommendation
40	Community Consultation	The Applicant shall consult with the relevant local Aboriginal Land Council as advised by the NPWS to confirm that the area has no significance to the Aboriginal Community.	<i>Letter correspondence between the National Parks and Wildlife Service and Port Waratah dated 12/12/1996</i> <i>Letter correspondence Ron Gordon (Coordinator for the Awabakal Local Land Council) dated 16/12/1997</i>			Compliance with this condition was verified during the 2018 IEA. <i>Letter correspondence between the National Parks and Wildlife Service and Port Waratah dated 12/12/1996 regarding consultation in reference to this condition was sighted. A letter from Ron Gordon (Coordinator for the Awabakal Local Land Council) dated 16/12/1997 was sighted which stated that the Awabakal Local Land Council had no objection regarding work commencing on stage 3 expansion.</i>	Complies	Refer to Section 7.9.2 above.
41	Construction	The Applicant shall carry out or implement all building and site works, as well as the written undertakings or obligations indicated in the Environmental Impact Statement or otherwise required under the terms of this consent or to the satisfaction of the Director General and Council prior to commencement of Stage 3 operations.		Environmental Representative – no construction works were undertaken during the audit period.		No construction works were undertaken during the audit period.	Not Triggered	
42	Community Consultation	The Applicant shall continue discussions with Hunter Water Corporation or other appropriate bodies regarding the possible use of treated wastewater for dust suppression or other purposes on the site.				Refer to condition 2.17 of the Development Consent 06_0189.	Complies	Refer to Section 7.9.2 above.
43	Community Consultation	Any dispute arising between any of the parties in respect of these conditions shall be referred to the Minister for Urban Affairs and Planning for determination.	Community Enquiries database Incident register	Environmental Representative – no disputes regarding compliance with these conditions occurred during the audit period.		Port Waratah reported that no disputes have occurred to date.	Complies	Refer to Section 7.9.2 above.

Audit Photos

Appendix B



Photograph 1 - Coal Loader and Wharf



Photograph 2 - Coal Stacker



Photograph 4 - Typical Sealed area under coal conveyers



Photograph 3 - Surface Water Detention Basins



Photograph 5 - Sink Hole on Detention Basin D

DPIE Auditor Approval

Appendix C

NSW Planning ref: MP06_0189-PA-39

Ben Lowder

Senior Environment Business Partner

PORT WARATAH COAL SERVICES LTD

18/06/2024

Sent via the Major Projects Portal only

Subject: Kooragang Coal Loader - Expansion - Proposed Audit Team 2024

Dear Mr Lowder

I refer to your request for the Planning Secretary's approval of suitably qualified, experienced, and independent person/s to conduct an Independent Audit of the Kooragang Coal Loader - Expansion Project, submitted as required by Schedule 2, Condition 5.1 of MP06_0189, as modified, and Schedule 2 Condition 32 to 36 of DA 35/96, as modified (the consents) to NSW Department of Planning, Housing and Infrastructure (NSW Planning) on 13 June 2024.

In accordance with Schedule 2, Condition 34 of the DA 35/96 and the NSW Planning, *Independent Audit Post Approval Requirements* (2020), as nominee of the Planning Secretary, I endorse the following independent audit team from Barnett and May:

- Mr Ken Holmes – Lead Auditor

Please ensure this correspondence is appended to the Independent Audit Report.

The Independent Audit must be prepared, undertaken, and finalised in accordance with the conditions of consent and the *Independent Audit Post Approval Requirements* (2020). Failure to meet these requirements will require revision and resubmission.

NSW Planning notes that Mr Holmes has also prepared the two previous Independent Audits (2018 and 2021), and requests a different auditor(s) to undertake the next Independent Audit (2027).

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
Compliance

As nominee of the Planning Secretary

Stakeholder Consultation

Appendix D



DOC24/528288-1

Mr Ken Holmes
Principal Environmental Consultant Director
Barnett & May

By email: ken@baeckea.com.au

Attention: Mr Holmes

12 July 2024

I refer to your email, dated 4 July 2024, to the Environment Protection Authority (EPA) requesting consultation as part of an Independent Environmental Audit for Port Waratah Coal Services Ltd (PWCS) in accordance with Condition 5.1(c) of Project Approval 06_0189.

The EPA regulates the Kooragang and Carrington premises under Environment Protection Licence's 1552 and 601, both issued to PWCS.

The EPA encourages the preparation of audits as useful tools for industry to determine how to meet statutory obligations and identify potential or actual risks towards achieving these obligations.

As a regulatory authority, the EPA administers and regulates statutes for environmental management and protection. As such the EPA is not directly involved in the carrying out of audits to achieve those objectives and does not review or comment on such documents.

As a result, the EPA has no comment to provide for this request but directs you to the EPA's public register at <https://apps.epa.nsw.gov.au/prpoeoapp/> to view the Licences associated notices.

If you have any further questions about this issue, please contact Nicholas Woodard on 4908 6879 or at info@epa.nsw.gov.au.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Michael Howat'.

Michael Howat
A/Unit Head - Operations
Environment Protection Authority

From: [Paul McMurray](#)
To: [Ken Holmes](#)
Subject: RE: Port Waratah Coal Services - 2024 Independent Environmental Audit - Consultation Request City of Newcastle
Date: Wednesday, 7 August 2024 2:43:40 PM
Attachments: [image002.png](#)

Hi Ken,

I am assuming this relates to the Kooragang Island operation of PWCS.

I am not aware of any specific environmental concerns in relation to this operation during this period, however I also note that issues arising of this nature would normally be addressed to NSW EPA.

Kind regards

Paul McMurray | Environmental Health Section Manager

City of Newcastle | Planning & Environment

Planning, Transport & Regulation | Regulatory Section

E: pmcmurray@ncc.nsw.gov.au | T: [+61249742533](tel:+61249742533)



City of Newcastle acknowledges the Traditional Custodians of the land of the Newcastle LGA, the Awabakal and Worimi peoples.

From: Ken Holmes <Ken@baeckea.com.au>
Sent: Thursday, July 4, 2024 10:46 AM
To: Development <development@ncc.nsw.gov.au>
Subject: Port Waratah Coal Services - 2024 Independent Environmental Audit - Consultation Request City of Newcastle

You don't often get email from ken@baeckea.com.au. [Learn why this is important](#)

Attention: Paul McMurray,

Paul,

I have been commissioned to undertake the 2041 Independent Environmental Audit (**IEA**) of Port Waratah Coal Services operations. The audit will commence in the first week of August 2024. The IEA will be undertaken accordance with Project Approval 06_0189, that requires:

*Condition 5.1(c) **Compliance Tracking Programs:***

The Program shall include, but not necessarily be limited to a program for independent environmental auditing at least annually, or as otherwise agreed by the Director-General, in accordance with ISO 19011:2002 - Guidelines for Quality and/ or Environmental Management Systems Auditing.

The audit will be undertaken in accordance with DPHI's Independent Audit Post Approval Guidelines (May 2020) that requires that the Auditor consults with relevant agencies.

The Proponent has provided me with your contact details as relevant stakeholder representative. I would therefore appreciate if you could provide me with any information, comments or concerns Council may have regarding the environmental performance of the operation (over the past three years – the audit period) and details of any specific issues you suggest that the Auditor addresses during the audit.

Please do not hesitate to contact me if you require any additional information.

Thanks and Regards,

Ken Holmes
Lead Auditor

Principal Environmental Consultant
Director

Barnett & May

P +61 (0)438 046 261

E ken@baeckea.com.au

A PO Box 365 Belrose NSW 2085

From: [Ann Hagerthy](#)
To: [Ken Holmes](#)
Subject: RE: Port Waratah Coal Services - 2024 Independent Environmental Audit - Consultation Request DPHI
Date: Thursday, 4 July 2024 12:56:05 PM
Attachments: [image001.png](#)
[image002.png](#)

Hi Ken,

In addition to a routine audit, can you please review the following items:

- Review compliance with incident reporting
- Review compliance with surface water management and maintenance of surface water structures

Thanks,

Ann Hagerthy

Senior Compliance Officer
Compliance | Development Assessment and Infrastructure
Department of Planning, Housing and Infrastructure

T (02) 6575 3407 E ann.hagerthy@planning.nsw.gov.au

dpie.nsw.gov.au



From: Ken Holmes <Ken@baeckea.com.au>
Sent: Thursday, 4 July 2024 10:41 AM
To: Heidi Watters <Heidi.Watters@Planning.nsw.gov.au>
Subject: Port Waratah Coal Services - 2024 Independent Environmental Audit - Consultation Request DPHI

Good Morning Heidi,

I have been commissioned to undertake the 2041 Independent Environmental Audit (**IEA**) of Port Waratah Coal Services operations. The audit will commence in the first week of August 2024. The IEA will be undertaken accordance with Project Approval 06_0189, that requires:

*Condition 5.1(c) **Compliance Tracking Programs:***

The Program shall include, but not necessarily be limited to a program for independent environmental auditing at least annually, or as otherwise agreed by the Director-General, in accordance with ISO 19011:2002 - Guidelines for Quality and/ or Environmental Management Systems Auditing.

The audit will be undertaken in accordance with the Department's Independent Audit Post

Approval Guidelines (May 2020) that requires that the Auditor consults with relevant agencies.

The Proponent has provided me with your contact details as relevant stakeholder representative. I would therefore appreciate if you could provide me with any information, comments or concerns the DPHI may have regarding the environmental performance of the operation (over the past three years – the audit period) and details of any specific issues you suggest that the Auditor addresses during the audit.

Please do not hesitate to contact me if you require any additional information.

Thanks and Regards,

Ken Holmes
Lead Auditor

Principal Environmental Consultant
Director

Barnett & May

P +61 (0)438 046 261

E ken@baeckea.com.au

A PO Box 365 Belrose NSW 2085

Lead Auditor CV

Appendix E

KEN HOLMES

Senior Principal Environmental Consultant



Contact

Email ken@baeckea.com.au

Mobile +61 0438 046 261

Qualifications & professional affiliations

- Bachelor of Science (Industrial Chemistry)
- Master of Applied Science (Waste Management)
- Master of Business Administration (MBA)
- Accredited Lead Environmental Auditor (Exemplar Global #: 14065)

Ken Holmes is an acknowledged industry leader in environmental management, impact assessment and project approvals. His career spans over 30 years and includes experience across Australia, Africa, Europe and South-east Asia.

Ken's extensive Environmental Audit, Infrastructure Planning and Approvals experience includes that preparation of environmental impact statements for major projects, pre-construction approvals, and operations environmental management experience.

He has led large scale projects on major road, rail, renewable energy, mining and water infrastructure projects across Australia. The projects presented below are a sample of the range and complexity of projects that Ken has delivered.

Project experience

Environmental Auditing (Audits completed in the recent years)

Project Energy Connect (2024 – 2025). Ken is currently undertaking the independent environmental audits of construction phase of this major (900km) electricity infrastructure project that consists of high voltage power line and associated infrastructure construction between Wagga Wagga and South Australia.

Hunter Power Project (Construction Phase IEA 2022 - 2025)- Ken has been commissioned to undertake the construction phase independent environmental audits on the Hunter Power Project. The Hunter Power Project is the construction of a new gas fired power station located in the Hunter Valley in NSW. The conditions of approval for the mine requires a three-yearly independent environmental audit of compliance against:

- DP&E Conditions of Approval / Development Approvals;
- Commonwealth Approvals;
- Environment Protection Licence;

The independent environmental audit are being undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines.

As auditor, Ken's role covers all technical areas including construction management, waste, greenhouse gas, surface water management, air quality and noise management.

Kurri Kurri Lateral Pipeline Project (Construction Phase IEA 2023 - 2025)- Ken has been commissioned to undertake the construction phase independent environmental audits on this gas pipeline construction project. The Kurri Kurri pipeline Project is the construction of a new underground gas pipeline that will run from Beresford to the Hunter Power Project located in the Hunter Valley in NSW. The conditions of approval for the mine requires a three-yearly independent environmental audit of compliance against:

- DP&E Conditions of Approval / Development Approvals;
- Commonwealth Approvals;
- Environment Protection Licence;

The independent environmental audits are being undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines.

As auditor, Ken's role covers all technical areas including construction management, waste, greenhouse gas, surface water management, air quality and noise management.

Dargues Gold Mine IEA (2023)- Ken led the independent environmental audit of environmental compliance audit of the this gold mining project located near Braidwood in southern NSW. The conditions of approval for the mine requires a two-yearly independent environmental audit of compliance against:

- o **DP&E Conditions of Approval / Development Approvals;**
- o **Water Licences;**
- o **Environment Protection Licences;**
- o **Mining Leases;**

The independent environmental audit was undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning audit guidelines.

In addition to his role as lead auditor managing a multidisciplinary team, Ken covered the role as technical expert in air quality and noise management.

Mt Thorley / Warkworth Mine IEA (2023)- Ken led the independent environmental audit of environmental compliance audit of the this large mining complex located in the Hunter Valley, NSW. The conditions of approval for the mine requires a three-yearly independent environmental audit of compliance against:

- o DP&E Conditions of Approval / Development Approvals;
- o Commonwealth Approvals;
- o Water Licences;
- o Environment Protection Licences;
- o Mining Leases;

The independent environmental audit was undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines.

In addition to his role as lead auditor managing a multidisciplinary team, Ken covered the role as technical expert in air quality and noise management.

Hera Gold Mine (2019 and 2023)- Ken led the independent environmental audits for the environmental compliance audit of the Hera Gold Mine in western NSW. The conditions of approval for the mine requires a three-yearly independent environmental audit of compliance against:

- o DP&E Conditions of Approval / Development Approvals;
- o Commonwealth Approvals;
- o Water Licences;
- o Environment Protection Licences;
- o Mining Leases; and the
- o EIS (Statement of Commitments).

The independent environmental audit was undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines.

In addition to his role as lead auditor managing a multidisciplinary team, Ken covered the role as technical expert in surface water management, air quality and noise

management.

Bingo Industries Eastern Creek Resource Recovery Facility and Landfill (2022) - Ken led the environmental compliance audit of Bingo's Resource Recovery Facility and Landfill located in western Sydney. The conditions of project's Planning Approval requires a three-yearly independent environmental audit of compliance against:

- o DP&E (NSW) Conditions of Approval / Development Approvals;
- o Environment Protection Licence.

The Audit also included an odour audit and surface water audits undertaken by specialists within the audit team.

The independent environmental audit was undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines and the EPBC element of the audit against the DAWE Audit Guidelines.

In addition to his role as lead auditor managing a multidisciplinary team, Ken covered the role as technical expert in air quality and noise management.

McArthur River Mine (Northern Territory) (2022) - Ken is currently leading the environmental compliance audit of McArthur River Mine in the Cape of Carpentaria, NT. EPBC Approval requires an annual independent environmental audit of compliance against that Approval.

The independent environmental audit is being undertaken in accordance with AS/NZS ISO 19011:2014 and the DAWE Audit Guidelines.

Moolarben Coal Mine (2022) - Ken led the environmental compliance audit of Moolarben Coal Mine located near Mudgee in Western NSW. The conditions of project's Planning Approval requires a three-yearly independent environmental audit of compliance against:

- o EPBC Approval
- o DP&E (NSW) Conditions of Approval / Development Approvals;
- o Water Licences;
- o Environment Protection Licence; and all
- o Mining Leases.

The independent environmental audit was undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines and the EPBC element of the audit against the DAWE Audit Guidelines.

In addition to his role as lead auditor managing a multidisciplinary team, Ken covered the role as technical expert in surface water management, air quality and noise management.

Bingo Industries Mortdale Resource Recovery Facility (2022) - Ken undertook the environmental compliance audit of waste recycling plant and transfer station located in Mortdale, NSW. The conditions of project's Planning Approval requires a three-yearly independent environmental audit of compliance against:

- o DP&E (NSW) Conditions of Approval / Development Approvals;
- o Environment Protection Licence.

The independent environmental audit was undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines and the EPBC element of the audit against the DAWE Audit Guidelines.

Victoria Cross Station Over Station Development (2023 – ongoing series of annual independent audits to 2025) - Ken is currently undertaking the environmental compliance audits of this landmark construction project in the North Sydney CBD. The conditions of project's Planning Approval requires six monthly independent environmental audits of compliance against the DP&E (NSW) Conditions of Approval. The project is part of the development of Sydney's commuter rail network expansion.

Martin Place Over Station Development (2020 – 2023) - Ken undertook the environmental compliance audits of this landmark construction project in the Sydney CBD. The conditions of project's Planning Approval required annual independent environmental audit of compliance against the DP&E (NSW) Conditions of Approval. The project is part of the development of Sydney's commuter rail network expansion.

Client: Port Waratah Coal Loader (2018 and 2021)- Ken was the lead auditor for the last two independent environmental compliance audits of the Port Waratah Coal Loader located on Kooragang Island near Newcastle. The conditions of approval for the facility requires a three-yearly independent environmental audit of compliance against:

- DP&E Conditions of Approval / Development Approvals;
- Water Licences;
- Environment Protection Licence; and the
- EIS (Statement of Commitments).

These independent environmental audits were undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines.

In addition to his role as lead auditor managing a multidisciplinary team, Ken covered the role as technical expert in surface water, air quality and noise management.

North Parkes Mine (2021)- Ken was the lead auditor for the environmental compliance audit of the North Parkes Mine in western NSW. The conditions of approval for the mine requires a three-yearly independent environmental audit of compliance against:

- DP&E Conditions of Approval / Development Approvals;
- Water Licences;
- Environment Protection Licence;
- Mining Leases; and the
- EIS (Statement of Commitments).

The independent environmental audit was undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines.

Metropolitan Coal Mine (2018, 2021 and 2024)

Ken was the independent environmental auditor for the last three independent environmental compliance audits of the Metropolitan Coal Mine south of Sydney, NSW. These conditions of approval for the mine requires a three-yearly independent environmental audit of compliance against:

- DP&E Conditions of Approval / Development Approvals;
- Commonwealth Approvals;
- Water Licences;
- Environment Protection Licences;
- Mining Leases; and the
- EIS (Statement of Commitments).

The independent environmental audit was undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines

In addition to his role as lead auditor managing a multidisciplinary team, Ken covered the role as technical expert in surface water management (covering the mine infrastructure areas), air quality and noise management.

Stratford and Duralie Coal Mines – (2020) Ken was the lead auditor for the environmental compliance audit of Ashton Coal Mine in the Hunter Valley. The conditions of approval for the mine requires a three-yearly independent environmental audit of compliance against:

- DP&E Conditions of Approval / Development Approvals;
- Water Licences;
- Environment Protection Licence;
- Mining Leases and the
- EIS (Statement of Commitments).

The independent environmental audit was undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines.

Ashton Coal Mine (2020) - Ken was the lead auditor for the environmental compliance audit of Ashton Coal Mine in the Hunter Valley. The conditions of approval for the mine requires a three-yearly independent environmental audit of compliance against:

- DP&E Conditions of Approval / Development Approvals;
- EPBC Approvals;
- Water Licences;
- Environment Protection Licence;
- Mining Leases; and the
- EIS (Statement of Commitments).

The independent environmental audit was undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines.

Newcastle Coal Infrastructure Group (2019 and 2022) - Ken was the lead auditor for the environmental compliance audits of the NCIG Coal Loader located on Kooragang Island near Newcastle. The conditions of approval for the mine requires a three-yearly independent environmental audit of compliance against:

- DP&E Conditions of Approval / Development Approvals;
- EPBC Approvals;
- Water Licences;
- Environment Protection Licence; and the
- EIS (Statement of Commitments).

The independent environmental audit was undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines.

Kables Sand Quarry EPBC Audit (2019) – Ken was the auditor for the EPBC audit of Hansons Kables Sand Quarry

located in the Blue Mountains in NSW. The audit was a requirement of the project EPBC approval and was undertaken in accordance with the DAWE Audit Guidelines.

Benedicts Recycling Mayfield (2019)- Ken was the lead auditor for the environmental compliance audit of the Benedicts waste facility in Newcastle. The conditions of approval for the mine requires a three-yearly independent environmental audit of compliance against:

- DP&E Conditions of Approval / Development Approvals;
- Environment Protection Licence; and the
- EIS (Statement of Commitments).

The independent environmental audit was undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines.

Triton Copper Mine (2018) - Ken was the lead auditor for the environmental compliance audit of the Triton Gold Mine in western NSW. The conditions of approval for the mine requires a three-yearly independent environmental audit of compliance against:

- DP&E Conditions of Approval / Development Approvals;
- Water Licences;
- Environment Protection Licence;
- Mining Leases; and the
- EIS (Statement of Commitments).

The independent environmental audit was undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines.

Oberon Quarries (2019) - Ken was the lead auditor for the environmental compliance audit of this Gravel Quarry located in near Oberon in western NSW. The conditions of approval for the quarry requires a three-yearly independent environmental audit of compliance against:

- DP&E Conditions of Approval / Development Approvals;
- Environment Protection Licence; and the
- EIS (Statement of Commitments).

The independent environmental audit was undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines.

Sibelco Dunes Sand Mine (2018 / 2019) – Ken was the auditor for the environmental compliance audit of the Sibelco Sand located near Nelson Bay in NSW. The conditions of approval for the mine required an independent environmental audit of against:

- DP&E Conditions of Approval / Development Approvals;
- EIS predication against actual impacts.

The Approval required that the audit be conducted within 12 months of completion of mining and focussed on mine site rehabilitation.

The independent environmental audit was undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines

Ardglen Quarry (Daracon) (2018) - Ken was the lead

auditor for the environmental compliance audit of the Ardglen Gravel Quarry located in the upper Hunter Valley. The conditions of approval for the quarry requires a three-yearly independent environmental audit of compliance against:

- DP&E Conditions of Approval / Development Approvals;
- Environment Protection Licence; and the
- EIS (Statement of Commitments).

The independent environmental audit was undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines.

Holcim Hume Quarry (2017/8) - Ken was auditor for the environmental compliance audit of Holcim' hard rock quarry located near Queanbeyan in NSW. Ken undertook the compliance audits of the quarry's Conditions of Approval. The conditions of approval required a detailed assessment of compliance against:

- DP&E Conditions of Approval / Development Approvals
- Water Licences
- Environment Protection Licences.

The independent environmental audit was undertaken in accordance with AS/NZS ISO 19011:2014 and the Department of Planning and NSW EPA audit guidelines.

PGH Bricks (2017/8) - Ken was the lead auditor for the environmental compliance audits of PGH's NSW, QLD, Vic and SA quarries. Ken undertook the compliance audits of the quarries as required by the Conditions of Approval for each site. The conditions of approval required a detailed assessment of compliance against:

- DP&E Conditions of Approval / Development Approvals (for non-NSW sites)
- Mining (and Exploration) Leases
- Environment Protection Licences (or equivalent)

Enviroking (2017/8) - Ken was the lead auditor for an independent environmental audit undertaken in accordance with AS/NZS ISO 19011:2014 "Guidelines for auditing management systems" for the liquid waste facility. The audit reviewed Enviroking's compliance with conditions of approval, made recommendations to address non-compliances and identified opportunities for improvement in the project's environmental management and performance.

Ken has also undertaken compliance audits for a wide range of industries and projects including:

- Cowal Gold Mine
- Manildra Limited / Castlereagh Coal
- Bougainville Copper Limited (Bougainville, PNG)
- News Limited
- Fairfax News Papers
- Norske Skog
- Alcoa
- Ok Tedi Mining (PNG)
- Albright & Wilson
- Seafood Specialities
- Rio Tinto
- Hunter Water
- Department of Foreign Affairs and Trade

- Sydney Water
- Transport for NSW
- Mount Isa Mines
- Scott Transport
- Roads and Traffic Authority (now Roads and Maritime Services)
- AbiGroup (now LendLease)
- Leighton Contractors (now CPB Contractors)
- John Holland Group
- Queensland Transport
- PMP (Printing)
- Straits Resources
- Mount Isa Mines
- Philips (electronics)
- Bonlac Foods
- BHP

Ken has also led a wide range of Acquisition / Due Diligence audits for private sector clients in Australia, PNG, Africa, South Pacific, New Zealand, China, Singapore, Indonesia, Thailand.

Project Approvals

Central Station Re-development – Transport for NSW -

Ken led the team responsible for gaining the environmental approvals (preparation of EMPs /construction licences etc.) for the Sydney Central Station project. In this role, Ken was responsible for the interpretation of the Approval requirements (Minister's Conditions of Approval) and the provision of strategic advice on the approvals, licencing, construction environmental management and stakeholder management.

Sydney Metro – Transport for NSW - Transport for NSW (TfNSW) commissioned two demolition contractors to demolish a number of multistorey buildings within the Sydney CBD in preparation for the construction of the Sydney Metro project. Ken led the team responsible for the preparation of environmental management plans for these works (TfNSW was not comfortable that the demolition contractors had the appropriate skills to prepare the required plans and gain the required approvals for the works). Ken worked with the demolition contractors to streamline their internal management processes and to add the requisite environmental management functions within both their corporate and project management systems.

M2 Widening Project Approvals (Roads and Maritime Services) – Ken (Project Manager) led the environmental approvals team for the preparation of the Environmental Impact Assessment and construction approvals (preparation of EMPs /construction licence etc.) for the M2 widening project.

The management and minimisation of vegetation clearing on this project (along with the minimisation of impacts on residents a high priority. Ken oversaw all the specialist studies that supported the preparation of the Environmental Impact Assessment and subsequent Environmental Management Plans, including:

- Ecological survey;
- Tree reports;
- Noise and vibration impact assessments;
- Contamination assessments;
- Traffic impact assessments; and
- Ground and surface water impact assessments.

Sydney Light Rail – Acciona / Transport for NSW - Ken

led the team responsible for leading the construction approvals program and setting up the environmental management system for this significant brown fields infrastructure construction project. His responsibilities included:

- Establishing the project Environmental Management System;
- Interpreting the Conditions of Approval and the Project Deed and advising the Acciona management team on all aspects of compliance with those key approval and contractual documents;
- Gaining the construction environmental approvals (preparation of EMPs /construction licences etc.) for the Sydney Light Rail project. In this role, Ken provided strategic advice on the approvals, licencing, construction environmental management and stakeholder management. He was also responsible for all internal (Acciona / KMH) document quality control.
- Selecting, commissioning and supervising the wide range of specialist environment service providers including ecological survey, tree reports, and pre-construction vegetation clearance reports.
- Advising the design and construction teams on tree clearing and management and integration of construction requirements into the flora and fauna management plans.

Ken also led the consultation with the NSW Government regulators and supported and mentored the Acciona Construction Environmental Manager. In addition, Ken personally led the community and business reference group consultation process on behalf of the design and construction joint venture, successfully gaining signoff from these consultation bodies on the environmental plans and strategies.

Environmental Management Representative (ER) - The role of Independent Environmental Representative on major infrastructure projects in NSW was established in 1998 and continues to be a requirement of the Conditions of Approval for all major infrastructure projects in NSW. The appointees are nominated by the project proponent or construction consortium but are approved by and report to the Director General of the Department of Planning and Environment (DPE).

- The scope of the ER's role is broad range and includes:
 - Interpreting and advising on requirements of the Project Approval.
 - Reviewing and assessing the performance of the project against the Conditions of Approval, Project Deed and other relevant project related approvals. In that role, the ER reviews and approves all environmental related plans (EMPs), audits the implementation of environmental management plans and strategies, verifies (through audit and surveillance) compliance with the relevant project approval and project deed requirements, monitors and reports on regulatory compliance and provides reports to the Department and the project proponent on these matters.

- Reports on compliance related issues to the public and investigates environmental and compliance issues, complaints and incidents.
- Review and approval of vegetation clearing and other high (environmentally) impact activities.

Ken has fulfilled the role of Independent Representative on seven major infrastructure projects:

- Hunter Expressway (Motorway construction, Hunter Valley) - (2011 – 2013)
- Integral Energy 9JA Project (Transmission Line Construction Western Sydney) - (2006-2007)
- Westlink M7 (40km Motorway project, Western Sydney) - (2003-2005)
- Towra Beach Nourishment Project (Wet land protection, dredging project, Botany Bay) - (2004)
- Warragamba Dam Auxiliary Spillway Project– (1998 – 2013)
- Cronulla Sewage Treatment Plant Upgrade – (1998 – 2000)
- Liverpool Sewage Treatment Plant Upgrade – (2000)

Upper Hunter Valley Alliance (UHVA) – Leighton Contractors /ARTC - Ken led the team responsible for the provision of the environmental approvals (preparation of EMPs /construction licences etc.) on this major ARTC rail infrastructure program in the Hunter Valley of New South Wales. Ken's team on this project provided the entire environment and community and stakeholder team as a Sub-Alliance partner. In this role, Ken provides strategic advice on the approvals, licencing, construction environmental management and stakeholder management. His responsibilities included:

- Establishing the project Environmental Management System;
- Interpreting the Conditions of Approval and the Project Deed and advising the Leighton management team on all aspects of compliance with those key approval and contractual documents;
- Gaining the construction environmental approvals (preparation of EMPs /construction licences etc.) for range of projects delivered by the Alliance. In this role, Ken provided strategic advice on the approvals, licencing, construction environmental management and stakeholder management. He was also responsible for all internal document quality control.
- Selecting, commissioning and supervising the wide range of specialist environment service providers including ecological survey, tree reports, and pre-construction vegetation clearance reports.
- Advising the design and construction teams on tree clearing and management and integration of construction requirements into the flora and fauna management plans.

Other relevant Infrastructure Projects led by Ken include:

- Joint Defence Headquarter Construction Project (ACT) – Environment Approvals Manager
- Melbourne Desalination Plant Project – EMP preparation
- Ballina Bypass (Pacific Highway construction project) - Environment Approvals Manager
- Northern Hume Allience (Hume Highway Duplication) -

- Environment Approvals and Community Manager
- Anvil Hill Coal Mine (Hunter Valley) - Environment Approvals Manager
- Shannon Creek Dam Construction Project - Environment Approvals and Community Manager
- Liverpool to Ashfield Pipeline Project (Sydney Water) - Environmental Approvals Manager
- Networks Alliance (Sydney Water –water and sewage mains renewals project) – KMH Management Representative
- Technical Reviewer and Economic Impact Analyst – DEC Construction Noise Management Guidelines (2006)
- Northwest Transit Way - Environment Approvals Manager
- Lane Cove Tunnel - Environment Advisor to Approvals and Construction Team
- North Connex – Environmental Management Plan preparation, consistency assessments and preparation of Environmental Impact Assessments to support variations to the project approvals
- Sydney Desal Plant -Internal QA Reviewer
- Keepit Dam Safety Upgrade – Project Director
- Cordeaux Water Treatment Plant – Lead Consultant and Project Manager

Investigative / Expert Roles

Minter Ellison – Expert Opinion / Report (2018/9) - Ken was commissioned by Minter Ellison on behalf of their client (a consortium of major construction contractors) to provide an expert opinion regarding the interpretation of impact of changes to the Conditions of Approval for a major Sydney linear infrastructure project on environmental investigation and reporting obligations and project cost impacts. This expert opinion was commissioned to support the resolution of a contractual dispute between the consortium and their client.

Environment Protection Authority — Investigation of Illegal Land Clearing and Waste Disposal Activities (April 2015 – July 2017) - Ken was the lead auditor for the investigations undertaken by the KMH team commissioned by the NSW Environment Protection Authority (EPA) to investigate an alleged illegal vegetation clearing and waste disposal operations located in the Hunter Valley, Hawkesbury River Basin and Arcadia (north western Sydney). Ken developed and supervised the implementation site investigation strategies that included a series of investigative processes designed to identify the location and extent of vegetation clearing, and to determine the depth and volumes of buried construction and demolition wastes.

Environment Protection Authority — Expert Reports Illegal Land Clearing and Waste Disposal Activities (2018) - Ken was commissioned by the NSW Environment Protection Authority (EPA) to provide expert opinion regarding the alleged illegal vegetation clearing and waste disposal at a site in the Hawkesbury River Basin and Arcadia (north western

Sydney).

Ken was subsequently briefed to provide expert opinion in the legal actions taken by the EPA in these matters.

Qenos Mandatory Environmental Audit - Ken was commissioned as the Expert Independent Environmental Auditor (Lead Auditor) for the Qenos Mandatory Audit. As a result of a series of environmental incidents, Qenos were required by the NSW EPA to commission an independent auditor to determine if the plant is capable of being operated and maintained and if the plant is being competently operated and maintained, in order to minimise the risk of environmental incidents and better protect the environment.

In doing this, the audit Assessed the:

- adequacy of Risk Assessment procedures and practices
- adequacy of maintenance and operational Systems
- physical condition and reliability of the Plant
- adequacy and suitability of environmental risk management
- adequacy and suitability of performance monitoring equipment
- processes and procedures for identifying and rectifying plant and equipment issues.

Incidents and assessed of the adequacy the investigations and responses to those incidents.

Orica Port Botany Ground Water Remediation Project – Expert Auditor - Ken was the lead auditor for the independent compliance audit of the Orica groundwater remediation project. These annual audits were a condition of licence established by the (then) Department of Environment and Climate Change and the Department of Planning.

Other

Kelian Equatorial Mining (Kalimantan, Indonesia) - Ken led a specialist environmental and social impact audit team that was established by Rio Tinto (and approved by the Government) to investigate and report on the environmental and social impacts associated with alluvial mining operations (downstream) from the Rio Tinto (major owner) operated gold mine located in the remote, mountainous region of Kalimantan. The audit team included Government representatives and was undertaken to address the concerns

of local village communities that were being impacted socially and economically.

Bougainville Copper Limited (Bougainville, PNG) - Ken led two specialist projects for Bougainville Copper Limited. Including Investigation of the Loloho Port Facility on Bougainville Island. Ken lead the investigation team commissioned to identify and plan for the clean-up of hazardous chemicals left after BCL evacuated Bougainville at the commencement of the civil war in 1990. The investigation covered gases, PCBs, and minerals processing chemicals. The second project was clean up and destruction of chlorine and other compressed gases located at the Loloho Port facility on Bougainville Island.

Ken subsequently lead a team dispatched to Bougainville to chemically destroy 1 tonne of chlorine and other toxic gases. The team built a treatment plant on site and successfully removed the toxic gas threat.

Waste Management

Review of Energy to Waste Technologies – Client Confidential (Australian Based Waste Management Company)

Ken participated (as technical reviewer) in the preparation of a technical review of energy to waste technologies for a major waste management group operating in Australia. The purpose of the review has to provide the client with a detailed assessment of all available and emerging energy to waste technologies available including determining the barriers to implementation within the Australian market, political and social framework.

Shredder Waste Disposal Assessment – Sims Metal

Metal shredders produce a complex waste stream consisting of a mixture of plastic, rubber, metal and other materials that is costly to dispose of. Ken led the KMH team that researched the options for management of this waste stream and prepared recommendations for the development of waste treatment and disposal options (including energy extraction) for Sims Metal.