

Prepared for
Orica Australia Pty Ltd

Prepared by
Ramboll Australia Pty Ltd

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ORICA KOORAGANG ISLAND 2023 INDEPENDENT ENVIRONMENTAL AUDIT

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This document is issued to Orica Australia Pty Ltd for the purposes of an Independent Environmental Audit of the Orica Kooragang Island manufacturing facility. It should not be used for any other purpose.

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Appendix A

Independent Audit Tables

Appendix B

Independent Audit Declaration Form

Appendix C

Planning Secretary Audit Team Agreement

Appendix D

Site Inspection Photographs

GLOSSARY

MP 08_0129	Major Project Approval MP 08_0129 to increase the ammonium nitrate manufacturing capability of the site from 500 kilo tonnes per annum to 750 kilo tonnes per annum
MP 08_0129 EA	The Environmental Assessment titled <i>Proposed Ammonium Nitrate Facility Expansion Environmental Assessment</i> , dated June 2009
MP 08_0129 MOD1	Modification to Major Project Approval MP 08_0129 approved on 11 July 2012 to amend the plant and equipment layout
MP 08_0129 MOD1 EA	The Environmental Assessment titled <i>Kooragang Island Modification Request Environmental Assessment</i> , dated 20 April 2011, prepared by AECOM
MP 08_0129 MOD1 RtS	The response to submissions report titled <i>Response to Submissions: Orica Modification 1</i> , dated 22 July 2011, prepared by AECOM
MP 08_0129 MOD2	Modification to Major Project Approval MP 08_0129 approved on 17 December 2014 to allow the construction of three ammonia flares and the relocation and increase in storage capacity of a previously approved nitric acid storage tank
MP 08_0129 MOD2 EA	The Environmental Assessment titled <i>Kooragang Island Modification Request Environmental Assessment</i> , dated 13 November 2013, prepared by AECOM
MP 08_0129 MOD2 RtS	The response to submissions report titled <i>Response to Submissions Report</i> , dated 10 February 2014, prepared by AECOM
MP 08_0129 MOD3	Modification to Major Project Approval MP 08_0129 approved on 17 December 2015 to increase the ammonia production limit from 360,000 tonnes per annum to 385,000 tonnes per annum
MP 08_0129 MOD3 EA	The Environmental Assessment titled <i>Orica Kooragang Island Ammonia Production Limit Increase</i> , dated 6 October 2015, prepared by Orica
MP 08_0129 MOD4	Modification to Major Project Approval MP 08_0129 approved on 13 May 2021 to construct a nitrates effluent tank to replace the existing nitrates effluent pond.
MP 08_0129 MOD5	Modification to Major Project Approval MP 08_0129 approved on 29 October 2021 to construct a prill tower scrubber to remove particulate associated with the existing ANP1 prill tower.
Phase 1	The uprate of the existing Ammonia Plant approved under Major Project Approval MP 08_0129
Phase 2	Additional storages for nitric acid (including a 2,000 tonne nitric acid storage tank), solid ammonium nitrate and ammonium nitrate solution and upgrades to existing infrastructure including cooling towers, air compressors, loading facilities, electrical systems, effluent and steam systems approved under Major Project Approval MP 08_0129
Phase 3	Additional Nitric Acid Plant (NAP4) and Ammonium Nitrate Plant (ANP3) approved under Major Project Approval MP 08_0129
Phase 4	Construction of three ammonia flares, approved under Major Project Approval MP 08_0129 (MOD2)

Phase 5	Relocation and increase in storage capacity of a previously approved nitric acid storage tank, approved under Major Project Approval MP 08_0129 (MOD2)
Phase 6	Minor Design Variation under Condition 7F of MP 08_0129 for relocation of the new site boiler from the original approved location
Phase 7	Construction of a nitrates effluent tank to replace the nitrates effluent pond, approved under Major Project Approval MP 08_0129 (MOD4)
Phase 8	Construction of a prill tower scrubber to remove particulate associated with the existing ANP1 prill tower, approved under Major Project Approval MP 08_0129 (MOD5)
SSD-7831	State Significant Development consent SSD-7831 for the construction of a containment cell to remediate a former arsenic sludge disposal pit in the north western portion of the site
SSD-7831 EIS	The Environmental Impact Statement titled <i>Orica Kooragang Island Remediation Program</i> , dated 15 February 2015, prepared by Golder Associates Pty Ltd
SSD-7831 RtS	The response to submissions report titled <i>Orica Kooragang Island Remediation Program (SSD-7831) Response to Submissions</i> , dated 22 May 2017, prepared by Orica
The Facility	The Orica manufacturing facility located on Kooragang Island including an ammonia plant, three nitric acid plants, two ammonium nitrate plants and a product dispatch facility and associated remediation works
The Project	The expansion approved under MP 08_0129
The Site	Lots 2 and 3 in Deposited Plan 234288 located at 75 Greenleaf Road, Kooragang Island, Newcastle, New South Wales

ACRONYMS AND ABBREVIATIONS

AEMR	Annual Environmental Management Report
ANP	Ammonium nitrate plant
AQMP	Air Quality Management Plan
AS	Australian Standard
BCA	Building Code of Australia
CCMP	Containment Cell Management Plan
CEMP	Construction Environmental Management Plan
Council	The City of Newcastle
CSS	Construction Safety Study
DP	Deposited Plan
DPHI/DPE/DPIE	NSW Department of Planning, Housing and Infrastructure (DPHI or the Department), formerly Department of Planning and Environment (DPE) and Department of Planning, Infrastructure and Environment (DPIE)
EA	Environmental Assessment
EIS	Environmental Impact Statement
EMS	Environmental Management Strategy
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
ERP	Emergency Response Plan
ESCP	Erosion and Sediment Control Plan
FHA	Final Hazard Analysis
FSS	Fire Safety Study
GMP	Groundwater Monitoring Program
HAZOP	Hazard and Operability Study
IAPAR	Independent Audit Post Approval Requirements (May 2020)
IEA	Independent Environmental Audit
KI	Kooragang Island
LTEMP	Long Term Environmental Management Plan
NAP	Nitric acid plant
NC	Non-compliance
NMP	Noise Management Plan
NSW	New South Wales
OEMP	Operational Environmental Management Plan
Orica	Orica Australia Pty Limited
PM ₁₀	Particulate matter less than 10 microns
PM _{2.5}	Particulate matter less than 2.5 microns

Ramboll	Ramboll Australia Pty Ltd
RAP	Remediation Action Plan
RtS	Response to Submissions
RVR	Remediation Validation Report
SMP	Soil Management Plan
SMS	Safety Management System
SSD	State Significant Development
SWMP	Stormwater Management Plan
the Department	NSW Department of Planning and Environment (DPE, formerly DPIE)
tpa	Tonnes per annum
TSP	Total Solid Particles
WEP	Water Efficiency Plan
WMP	Waste Management Plan

1. EXECUTIVE SUMMARY

Ramboll Australia Pty Ltd (Ramboll) was engaged by Orica Australia Pty Limited (Orica) to conduct an Independent Environmental Audit (IEA) of the Orica Kooragang Island manufacturing facility (the Facility) located at 75 Greenleaf Road, Kooragang, New South Wales (NSW) and described as Lots 2 and 3 in Deposited Plan (DP) 234288 (the Site).

The Facility includes an ammonia plant, three nitric acid plants, two ammonium nitrate plants, an industrial ammonia plant (Triella) and a product dispatch facility. Major Project Approval 08_0129 (MP 08_0129) was granted for the expansion of the Facility on 1 December 2009. MP 08_0129 has since been modified on five occasions. The expansion project approved under MP 08_0129 is being staged over eight phases and is referred to in this report as 'the Project'. The Facility as it was prior to commencement of the Project is referred to as 'the Initial Operations'. Phase 7 of the Project (construction of a nitrates effluent tank) and Phase 8 of the Project (construction of a prill tower scrubber to remove particulate associated with the existing ANP1 prill tower) were commenced during the Audit Period. Phase 1, Phase 4 and Phase 6 had been completed in prior audit periods. Phase 2, Phase 3 and Phase 5 of the Project have not yet been undertaken.

A separate state significant development approval number 7831 (SSD-7831) was granted on 10 August 2018 to construct a containment cell to remediate a former arsenic sludge disposal pit in the north western portion of the Site. Construction of the containment cell was completed during the prior audit period.

This audit was required under condition 52 of MP 08_0129 and conditions 15 and 16 of SSD-7831. Three previous IEAs have been undertaken for MP 08_0129. This is the second IEA for SSD-7831. The objective of the audit was to independently assess the environmental performance and compliance status of the Project under MP 08_0129 and the remediation works under SSD-7831 during the Audit Period. A site inspection was conducted on 24 July 2023.

The Auditors assessed the development to be generally compliant with the conditions of approval in MP 08_0129 and SSD-7831. One non-compliance finding in relation to MP 08_0129 has been made as follows:

- Condition 41 - Consider practical measures that can be implemented to maintain stormwater discharge quality within the adopted criteria.

Five opportunities for improvement were identified in relation to MP 08_0129 as follows:

- Correct the link to 2022 Annual Environmental Management Report on the Orica website.
- Follow up with the Department to resolve approval of the operational Air Quality Management Plan.
- Follow up with the Department to resolve approval of the updated Noise Management Plan.
- Follow up with the Department to resolve approval of the updated Operational Environmental Management Plan.
- Reinforce incident notification procedures to ensure all relevant agencies are notified of an incident.

One opportunity for improvement was identified in relation to SSD-7831 as follows:

- Include a Compliance Register Table in the next revision of the Long Term Environmental Management Plan which details where the requirements of condition B9 have been addressed.

Management systems and environmental performance are considered to be of a generally good standard.

2. INTRODUCTION

2.1 Background

Ramboll Australia Pty Ltd (Ramboll) was engaged by Orica Australia Pty Limited (Orica) to conduct an Independent Environmental Audit (IEA) of the Orica Kooragang Island manufacturing facility (the Facility) located at 75 Greenleaf Road, Kooragang, New South Wales (NSW) and described as Lots 2 and 3 in Deposited Plan (DP) 234288 (the Site).

The Facility includes an ammonia plant, three nitric acid plants, two ammonium nitrate plants, an industrial ammonia plant (Triella) and a product dispatch facility and employs approximately 210 permanent employees and around 40 regular contractors. During plant shutdowns there are contractors on site. The Facility is a designated Major Hazard Facility under Work Health and Safety legislation.

The ammonia plant uses natural gas (methane) to produce ammonia (NH_3). This ammonia is used in the manufacture of nitric acid and ammonium nitrate and is also sold for use as an agricultural fertiliser and a refrigerant. The three nitric acid plants (NAP1, NAP2 and NAP3) convert ammonia into nitric acid for sale or for use in the ammonium nitrate plants (ANP1 and ANP2) to produce ammonium nitrate for use in the manufacture of explosives for the mining and quarry industries.

The Facility has operated for over 50 years. Major Project Approval 08_0129 (MP 08_0129) was granted for the expansion of the Facility on 1 December 2009. MP 08_0129 has since been modified on five occasions. The expansion project approved under MP 08_0129 is being staged over eight phases and is referred to in this report as 'the Project'. The Facility as it was prior to commencement of the Project is referred to as 'the Initial Operations'.

The Project broadly consists of:

- The uprate of the existing Ammonia Plant (Phase 1)
- Additional storage for nitric acid, solid ammonium nitrate and ammonium nitrate solution (Phase 2)
- Upgrades to existing infrastructure including cooling towers, air compressors, loading facilities, electrical systems, effluent and steam systems (Phase 2)
- An additional Nitric Acid Plant (NAP4) (Phase 3)
- An additional Ammonium Nitrate Plant (ANP3) (Phase 3).
- Construction of Ammonia Flares (Phase 4)
- Relocation and increase in storage capacity of a previously approved nitric acid storage tank (Phase 5)
- Replacement of old boiler with new boiler in new location (Phase 6)
- Construction of a nitrates effluent tank to replace the nitrates effluent pond (Phase 7)
- Construction of a prill tower scrubber to remove particulate associated with the existing ANP1 prill tower (Phase 8).

As a result of a review of the detailed design against operational requirements associated with Phase 2 and 3 of the project, the plant and equipment layout was amended with a modification of MP 08_0129 approved on 11 July 2012 (MP 08_0129 MOD1). The modification was supported by the Environmental Assessment titled *Kooragang Island Modification Request Environmental Assessment*, dated 20 April 2011 (MP 08_0129 MOD1 EA) and the associated response to submissions titled *Response to Submissions: Orica Modification 1*, dated 22 July 2011, prepared by AECOM (MP 08_0129 MOD1 RtS).

MP 08_0129 was again modified on 17 December 2014 (MP 08_0129 MOD2) to allow the construction of three ammonia flares (Phase 4) and the relocation and increase in storage capacity of a previously approved nitric acid storage tank (Phase 5). The modification was supported by the Environmental Assessment titled *Kooragang Island Modification Request Environmental Assessment*, dated 13 November 2013 (MP 08_0129 MOD2 EA) and the associated

response to submissions titled *Response to Submissions Report*, dated 10 February 2014, prepared by AECOM (MP 08_0129 MOD2 RtS).

A third modification was approved on 17 December 2015 (MP 08_0129 MOD3) to increase the ammonia production limit from 360,000 tpa to 385,000 tpa. The modification was supported by the Environmental Assessment titled *Orica Kooragang Island Ammonia Production Limit Increase*, dated 6 October 2015, prepared by Orica (MP 08_0129 MOD3 EA).

A sixth stage of the expansion project (Phase 6) was added as a Minor Design Variation under Condition 7F of the Project Approval for relocation of the new site boiler from the original approved location.

A fourth modification was approved on 13 May 2021 to construct a nitrates effluent tank to replace the existing nitrates effluent pond (Phase 7). The modification was supported by a Statement of Environmental Effects.

A fifth modification was approved on 29 October 2021 (MP 08_0129 MOD5) to construct a prill tower scrubber to remove particulate associated with the existing ANP1 prill tower (Phase 8). The modification was supported by a Modification Report.

Phase 7 and Phase 8 of the Project commenced during the Audit Period. Phase 1, Phase 4 and Phase 6 had been completed in prior audit periods. Phase 2, Phase 3 and Phase 5 of the Project have not yet been undertaken.

Two further modifications are in progress but were not determined during the Audit period:

- Scoping review submitted (MP 08_0129 MOD 6) for construction and operation of a new ammonia tank to improve operational flexibility (Phase 9). An EA had not been lodged at the time of this Audit.
- A modification application has been made (MP 08_0129 MOD 7) to construct a new ANSOL supply system from AN1 to the existing 300kL ANSOL export tank to improve reliability of supply (Phase 10).

A separate state significant development approval number 7831 (SSD-7831) was granted on 10 August 2018 to construct a containment cell to remediate historic contamination associated with a former arsenic sludge disposal pit in the north western portion of the Site. The containment cell was completed in 2019 and comprised construction of a low permeability soil/bentonite cut-off wall with an integrated capping system which was designed to hydraulically isolate the identified arsenic contamination in accordance with a Remediation Action Plan (RAP). The cut-off wall component of the integrated system is approximately 12 metres in depth and the cap covers an area of approximately 4,200 square metres. Remediation in accordance with the RAP was required under Management Order 20181401 issued by the NSW EPA under the *Contaminated Land Management Act 1997*.

The Facility is also subject to an Environmental Protection Licence (EPL) issued by the NSW Environment Protection Authority (EPA) under the *Protection of Environment Operations Act 1997* (EPL Licence number 828). EPL 828 is not included within the scope of this IEA except as referenced in the conditions of consent.

This audit is required under condition 52 of MP 08_0129 and conditions 15 and 16 of SSD-7831. Three previous IEAs have been undertaken for MP 08_0129 and one previous IEA for SSD-7831.

2.2 Audit Objectives

The objective of the Audit was to independently assess the environmental performance and compliance status of the Project under MP 08_0129 and the remediation works under SSD-7831 during the Audit Period.

2.3 Audit Scope

MP 08_0129

The requirements for the audit are outlined in condition 52 of MP 08_0129 as follows:

52. 2 years after the commencement of operations of Phase 1 of the Project, and every 3 years thereafter, or at such intervals as the Secretary may agree, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the Project and within 1 month of each audit submit a report to the Secretary. This audit must:

- a) be conducted by a suitably qualified, experienced, and independent team of experts whose appointment has been endorsed by the Secretary;*
- b) assess the environmental performance of the Project, and its effects on the surrounding environment;*
- c) assess whether the Project is complying with the relevant standards, performance measures, and statutory requirements;*
- d) review the adequacy of any strategy/plan/program required under this approval; and, if necessary,*
- e) recommend measures or actions to improve the environmental performance of the Project, and/or any strategy/plan/program required under this approval.*

Note: The audit team must include experts in the field of noise and air quality.

SSD-7831

The requirements for the audit are outlined in conditions 15 and 16 of SSD-7831 as follows:

C15. Within one year of the commencement of operation, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit (audit) of the development. Audits must:

- a) be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Planning Secretary;*
- b) be carried out in consultation with the relevant agencies;*
- c) assess the environmental performance of the development and assess whether it is complying with the requirements in this consent, and any strategy, plan or program required under this consent;*
- d) review the adequacy of any approved strategy, plan or program required under this consent; and*
- e) recommend measures or actions to improve the environmental performance of the development, and any strategy, plan or program required under this consent.*

C16. Within three months of commissioning an Independent Environmental Audit, or within another timeframe agreed by the Planning Secretary, a copy of the audit report must be submitted to the Planning Secretary and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.

Note: The audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Planning Secretary.

2.4 Audit Team

The Audit Team comprised Victoria Sedwick (Lead Auditor and Contamination), David Ford (Auditor), Jenny Auld (Auditor), Nathalie Tomson (Air Quality) and Shaun Taylor (Noise) of Ramboll. The Department of Planning and Environment (the Department or DPE) issued a letter of endorsement for the Audit Team on 18 May 2023 (**Appendix C**). Victoria Sedwick, David Ford and Jenny Auld conducted the audit.

2.5 Audit Period

The site visit for this Audit was conducted on 24 July 2023. The Audit Period for both MP 08_0129 and SSD-7831 is from 5 August 2020 (date of previous audit) to 24 July 2023.

3. METHODOLOGY

The Audit was conducted generally in accordance with Australian Standard AS/NZS ISO 19011:2019 Australian/New Zealand Standards: Guidelines for quality and/or environmental management systems auditing and the Department's guideline Independent Audit: Post Approval Requirements, May 2020 (IAPAR 2020).

3.1 Selection and Endorsement of Audit Team

The Ramboll Auditors referred to in Section 2.4 have experience in conducting environmental compliance audits and are independent from Orica. Victoria Sedwick is a certified Lead Auditor with Exemplar Global (Certificate No. 13180). As required under the Conditions of Consent, the Department issued a letter of endorsement of the Audit Team on 18 May 2023 (**Appendix C**).

3.2 Independent Audit Scope Development

The scope for the Audit was developed to assess environmental performance in relation to MP 08_0129 and SSD-7831 during the Audit Period, which included all post approval documents prepared to satisfy the conditions relevant to the Audit Period.

Document review

Ramboll undertook a review of documentation relevant to the environmental management, compliance and performance of the Project including, but not limited to:

- Development consents for MP 08_0129 (as modified) and SSD-7831
- Supporting environmental assessment documents for MP 08_0129 and SSD-7831
- Management plans and other documentation as listed in Section 4.1
- Complaints Register
- Correspondence records
- Previous Independent Audits for MP 08_0129 and SSD-7831
- Annual Environmental Management Reports (AEMR) for the Audit Period
- Third party assessments and compliance reports.

Develop audit plan

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

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

The completed Audit Tables are provided in **Appendix A**.

3.3 Site Inspection and Interviews

A site inspection was undertaken on 24 July 2023 by David Ford and Jenny Auld. Victoria Sedwick attended the opening meeting by teleconference. The following personnel were interviewed during the site inspection:

- Nathan Robinson, Senior Specialist – Environment

Photographs taken during the site inspection are provided in **Appendix D**.

3.4 Consultation

The Auditors consulted with the NSW EPA. The Hunter Operations Unit of the EPA advised in a telephone call that there was nothing within the scope of the consents that it made specific comment about.

The Auditors did not consult with the Department as required IAPAR 2020. While IAPAR 2020 is not referenced in either MP 08_0129 or SSD-7831, the Auditors acknowledge that a direction had been made under the provisions of Condition 4 of MP08_0129 and Condition A3 of SSD-7831 that the IEA be prepared, undertaken and finalised in accordance IAPAR 2020.

3.5 Compliance Status Descriptors

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

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

Observations have also been made that identify opportunities for improvement with recommendations given where relevant (refer to Section 5).

4. AUDIT FINDINGS

4.1 Approvals and Documents Reviewed

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

MP 08_0129

- Major Project Approval MP 08_0129 to increase the ammonium nitrate manufacturing capability as modified by MOD1 (11 July 2012), MOD2 (17 December 2014), MOD3 (17 December 2015), MOD 4 (13 May 2021) and MOD5 (29 October 2021).
- Construction Environmental Management Plan, Orica, rev 3, November 2016
- Construction Environmental Management Plan, ANP1 Prill Tower Emission Abatement, Orica, November 2022
- Construction Environmental Management Plan, Nitrates Effluent Pond Management, Orica, February 2022
- Operations Environmental Management Plan, Orica, Rev 9, June 2020
- Operations Environmental Management Plan, Orica, Rev 10, September 2022
- Operational Air Quality Management Plan, Orica, December 2021
- Orica 2021 Annual Emissions Testing, Port Hunter Environmental, 22 June 2021
- Orica 2022 Annual Emissions Testing, Assured Environmental, 16 August 2022
- 2020 Annual Environmental Management Report, Orica, December 2020
- 2021 Annual Environmental Management Report, Orica, December 2021
- 2022 Annual Environmental Management Report, Orica, December 2022
- 2014 Independent Environmental Audit, SLR Consulting, March 2014
- 2017 Independent Environmental Audit, Edge Environment, June 2018
- 2020 Independent Environmental Audit, Ramboll, August 2020
- Hazard Audit 2022, Sherpa Consulting, 7 October 2022
- Kooragang Island Emergency Plan, Orica, 27 February 2023
- Safety Management System, Orica, January 2023
- Construction Safety Study, Orica Kooragang Island - Nitrates Effluent Tank, Pinnacle Risk Management, 5 March 2022
- HAZOP Record Sheet, Nitrates Effluent Tank, Pinnacle Risk Management, 28 January 2021
- Prill Tower Obtrusive Light – Compliance Report, Coolon, 24/08/21
- Construction Safety Study, Orica Kooragang Island - ANP1 Prill Tower EAS, Pinnacle Risk Management, 24 November 2022
- Phase 7 Pre-Start Up Compliance Report, Orica, 10 March 2023
- EPL 828 Annual Return 2020/21
- EPL 828 Annual Return 2021/22
- EPL 828 Annual Return 2022/23
- Kooragang Island Transport of Hazardous Material Study, Rev1, Orica, 30 June 2023
- Air Quality Verification Study - Orica Boiler, AECOM, 11 May 2021
- Noise Management Plan, Atkins Acoustics and Associates, September 2021
- Annual Noise Audit, Atkins Acoustics and Associates, June 2020
- Environmental Noise Audit, Atkins Acoustics and Associates, June 2021
- Environmental Noise Audit, Atkins Acoustics and Associates, June 2022
- Report Into Triella Ammonia Odour at Site Boundary on 25 March 2023, Orica, 31 March 2023
- Bunding Improvement Works Report 2020-2021, Orica, March 2021
- Bunding Improvement Works Report 2021-2022, Orica, March 2022
- Bunding Improvement Works Report 2022-2023, Orica, March 2023
- Landscape Plan, AECOM, June 2011
- Ammonia Plant Uprate Waste Management Plan, Orica, February 2013
- Various communications between the Department and Orica

SSD-7831

- State Significant Development consent SSD-7831 for the construction of a containment cell to remediate a former arsenic sludge disposal pit in the north western portion of the site.
- Remediation Validation Report, Golder Associates, 24 December 2019
- Long Term Environmental Management Plan, Golder, rev 1, May 2020
- Long Term Environmental Management Plan, Golder, rev 2, May 2023
- 2020 Independent Environmental Audit, Ramboll, August 2020
- Sampling, Analysis and Quality Plan (for the Groundwater Monitoring Plan), Golder, rev 1, May 2020
- Post Remediation Annual Groundwater Monitoring Event – July 2022, Golder Associates, 5 August 2022
- Post Remediation Annual Groundwater Monitoring Event – October 2021, Golder Associates, 17 December 2021
- Site Audit - Remediation and Validation, Arsenic Remediation Program - Orica Kooragang Island, C.M. Jewell & Associates, September 2020
- Arsenic containment cell quarterly inspection checklists
- Various communications between the Department and Orica
- Various communications between the EPA and Orica

For a complete listing of communications, refer to the Audit Tables in **Appendix A**.

4.2 Compliance Performance

The Auditors assessed the Facility to be generally compliant with MP 08_0129 and SSD-7831. One non-compliance finding has been made. Refer to the Independent Audit Tables (**Appendix A**) for full details of the compliance status of all conditions.

MP 08_0129

One non-compliance with MP 08_0129 was identified as shown in Table 1.

Table 1: Summary of Non-compliances – MP 08_0129

NC#	Condition ID	Non-compliance
NC1	41	There were exceedances of the adopted stormwater discharge criteria during the Audit Period.
Number of non-compliances identified:		1
Total number of compliance requirements:		73

SSD-7831

No non-compliances with SSD 7803 were identified.

Table 2: Summary of Non-compliances – SSD-7831

NC#	Condition ID	Non-compliance
N/A		
Number of non-compliances identified:		0
Total number of compliance requirements:		80

4.3 Summary of Agency Notices, Orders, Penalty Notices or Prosecutions

Penalty Notice 3173531900 was issued by the EPA during the Audit Period on 2 June 2023 in relation to an incident where a worker had been exposed to ammonia while performing maintenance on a valve. Orica had considered the incident as a safety incident, and reported it to SafeWork only, and not as a pollution incident. The EPA issued the Penalty Notice as the incident

had not also been reported to it under Part 5.7 of the POEO Act. This incident was not reported to the Department under Condition 51A of MP 08_0129 as it did not involve actual or potential significant off-site impacts.

4.4 Previous Audit Recommendations

An Independent Audit of MP 08_0129 and SSD-7831 was conducted in 2020. An assessment of progress on the recommendations made in the previous audit in relation to is presented in Table 3. No non-compliances or opportunities for improvement were identified in relation to SSD-7831.

Table 3: Previous Audit Recommendations – MP 08_0129

Cond.	Audit Recommendation	Action
Non-compliance recommendations		
23	That formal acceptance be sought from the Department that an Air Quality Verification Study of the flares is not required.	Orica sought confirmation from the Department in its response to the 2020 IEA findings and did not receive a response. However, the matter appears to have been resolved as part of the Department's review of the OEMP under condition 49B. Section 7.1.2 of the OEMP includes triggers for an AQVS relevant to project stage and the Department accepted this as being compliant with this condition.
40	As non-compliances with EPL conditions relating to effluent and/or stormwater discharges to the Hunter River have been reported to the EPA and are subject to improvement programs under the EPL and/or discussions between the EPA and Orica, the Auditors made no further recommendation.	Since the 2020 IEA, Orica has undertaken an Effluent Characterisation Study and has applied for a variation of EPL 828, which was pending at the end of the Audit Period.
Opportunity for Improvement Recommendations		
15(a)	That the Transport of Hazardous Materials Plan be reviewed for any changes that may be required as a result of changes in the road network since 2013.	The Transport of Hazardous Materials Plan has been revised.
19	That Orica seek clarification from the Department on the intended application of condition 19 as it appears likely that it is relevant to Phase 3 of the Project (expansion of nitric acid and ammonium nitrate capacity), which has not commenced.	Orica responded that it understands the Department has previously indicated that preconstruction Condition 14 requirements only apply to Project Phases that represent an expansion of the site's existing infrastructure.
32	That the Noise Management Plan be updated when the new boiler is fully operational.	The Noise Management Plan, including details of the Project's noise verification program, was updated in September 2021.

4.5 EMP, Sub-plans and Post Approval Documents

Adequacy and compliance with the management plans and subplans relevant to the Audit Period were assessed. Management plans are considered to be adequate. Activities at the Site during the Audit Period were considered to be generally consistent with the management plans and sub-plans listed in Section 4.1.

4.6 EMS

The Facility's Environmental Management System (EMS) is integrated with other Site and corporate management systems as part of a comprehensive Quality and Safety Health Environment and Security (SHES) management system including the:

- Quality Management System;
- Emergency Management System including the Kooragang Island Emergency Plan;
- Safety Management System including the Major Hazard Facility Safety Case;
- HR systems and tools including SAP SuccessFactors (for training).

Orica uses computerised systems for the management of safety and environmental performance (Enablon) and maintenance (SAP). Aspects of the management system functions include:

- Generation of maintenance reports for plant and equipment;

- Waste management records including reports and data on waste types, quantities, costs and disposal methods;
- Record observations and actions from Safety Leadership Interaction (SLI) inspections; and
- Complaints management system.

A Construction Environmental Management Plan (CEMP) has been prepared for the Project in accordance condition 49A of MP 08_0129 (approved version dated November 2016). Separate CEMPS were prepared during the Audit Period for construction activities for Phase 7 and Phase 8 of the Project.

The Project also operates in accordance with an Operational Environmental Management Plan (OEMP) in accordance condition 49B of MP 08_0129. The OEMP was updated during the Audit Period and relates to operational activities including Phase 1, Phase 4 and Phase 6 of the Project. Phase 7 and Phase 8 are not yet operational.

Other updates made during the Audit Period included:

- Pre-construction studies were undertaken for Phase 7 and Phase 8 of the Project as required under condition 14 of MP 08_0129.
- The Transport of Hazardous Materials Plan required under condition 15a of MP 08_0129 was updated in response to a recommendation in the 2020 IEA.
- A pre-start up compliance report for Phase 7 of the Project as required under condition 16 of MP 08_0129.
- An operational Air Quality Management Plan was prepared as an appendix to the updated OEMP.
- The Noise Management Plan, including details of the Project's noise verification program, was updated.
- The Long Term Environmental Management Plan (LTEMP) for the remediation works under SSD-7831 was updated.

4.7 Environmental Performance

Management systems and environmental performance are considered to be of a generally good standard. Specific environmental matters are discussed in further detail below.

Air Quality - General

The Site cover is predominantly hardstand, gravel or grass so there is limited potential for surface dust generation. Construction works associated with the new boiler were limited to a small area with minimal potential for dust generation. Dust emissions from the prill tower are a known issue. A variation of EPL 828 was issued in 2020 to include Pollution Reduction Program (PRP) 50 - Installation of new Pollution Controls at the Prill Tower. The PRP requires Orica to install an irrigated fibrebed scrubber at the Prill Tower (EPL Monitoring Point 16) to minimise PM_{2.5} ammonium nitrate emissions from the premises. Final completion of the installation is required by 31 January 2024. Construction was in progress at the time of the Audit site visit.

The Site has undertaken air emissions monitoring in accordance with its EPL during the Audit Period with no exceedances of EPL conditions. Nitric acid plant stacks are monitored continuously for NOx. Other stacks are tested annually. Results are published on the Orica website.

Noise and Vibration - General

Noise modelling detailed in the EA predicted that the noise contribution associated with the site expansion would satisfy the 10dB below pre-expansion predicted levels consent requirement. Annual noise monitoring is undertaken and compared to predictions from the MP 08_0129 EA. The

May 2020 noise monitoring report confirmed that noise contributions from the Project satisfied the noise criteria.

Soil and Water - General

The site has a potable and non-potable (recycled) water supplies. Site personnel advised that the Facility uses approximately 75% recycled water.

Stormwater at the Site is managed via a series of six catchments, three of which have first flush systems. Automatic flow samplers for selected catchments were inspected during the site inspection. The samplers appeared to be well maintained and were appropriately labelled to enable easy identification.

Process effluent is discharged to the north arm of the Hunter River. The discharge is monitored under the EPL. Continuous monitoring of effluent allows for diversion of the discharge to holding tanks or a diversion pit if parameters are out of specification. There were no water pollution related incidents directly attributed to Phase 7 or Phase 8 construction activities associated with the Project recorded during the Audit Period. There were occasional non-compliances with EPL conditions and/or adopted criteria in relation to effluent and stormwater during the Audit Period as noted in section 4.2. The non-compliances have been reported to the EPA and are subject to improvement programs under the EPL and/or discussions between the EPA and Orica.

Bunding improvement works are undertaken annually in accordance with condition E1 of the EPL. Works undertaken during the Audit Period include construction of the bunded nitrates effluent tank (under Phase 7) to replace the effluent pond which has a single layer lining. The Facility has also purchased eight additional IBC bunds to improve management of cooling tower chemicals and is in the process of installing them. The new IBC bunds include:

- Rainproof roller door to eliminate the need to pump out rainwater
- 200L day tank to allow the in-service IBC to be fully drained and provides dosing continuity during changeover
- Dry break couplings for safer connection and disconnection
- Liquid level display.

Waste - General

Waste is managed through contracting company Cleanaway who provides Orica with monthly invoices and waste reports. Example waste reports were viewed by the Auditors during the site inspection. General housekeeping around the Site was observed to be of a good standard with minimal rubbish or redundant equipment around. Separated waste bins were observed during the site inspection. From the site visit visual inspection, there appeared to be no contamination issues arising from improper separation of waste streams.

Remediation Works

Remediation works under SSD-7831 were completed in the prior audit period and a Remediation Validation Report has been prepared and a Site Audit Statement and Site Audit Report issued under the *Contaminated Land Management Act 1997*.

Vegetation covering the containment cell has become dispersed with clover and other nuisance weeds. However, it is noted that these pose minimal environmental risk due to their shallow roots and no root tap weeds were observed. The SSD-7831 EIS (p47) noted that "*The area will be fenced and approval will be required to access and use the land for any purpose other than identified maintenance activities or monitoring*". Signage indicating restrictions on activities, and a post and wire fence control access to the containment cell. A locked vehicular access gate provides approved access to the cap of the containment cell, with the key available from Security subject to permission from Orica's SHES team.

Soil and Water – Remediation Works

The purpose of the remediation is to address historic contamination and improve groundwater quality. The cap and containment system has been designed to minimise the potential for soil and water impacts during the operational phase (SSD-7831 EIS). The containment cell capping system limits surface water infiltration within the footprint of the cell wall alignment. There have been annual groundwater monitoring events since completion of the containment cell in 2019. Ongoing monitoring as per the LTEMP is required to verify effectiveness of the cell. Results are provided to both the EPA and the Department.

Air Quality and Odour – Remediation Works

Remediation works under SSD-7831 were completed in the prior audit period. The containment cell is a passive system. It is covered with vegetation and there is limited potential for dust or odour generation under long-term management.

Noise and Vibration – Remediation Works

Remediation works under SSD-7831 were completed in the prior audit period. The containment cell is a passive system and does not generate noise or vibration.

4.8 Complaints

Orica maintains a Community Enquiries & Complaints line with details available on the Orica website (<https://www.orica.com/Locations/Asia-Pacific/Australia/Kooragang-Island/Contact-Us#.XxEsBCgzaiM>). Information on how the community can contact Orica to discuss the Project or make a complaint in relation to site activities is provided in community newsletters, which are distributed to adjacent suburbs.

Complaints received by Orica are recorded in Enablon. Complaints are investigated to establish the root cause and assess whether the complaint is justified.

The following complaints were received during the Audit Period:

- Ten complaints were recorded in the 2022-2023 reporting period. Eight were noise complaints, seven of which related to one event involving lifting of a pressure relief valve. The other two complaints were for odour and littering (related to delivery of the 2022 community report).
- Nine complaints were recorded in the 2021-2022 reporting period. Three of the complaints were received in relation to an external fire on the cladding of the 102E vessel (carbon dioxide removal vessel) in the ammonia plant in November 2021. Of the remaining six complaints, one was a noise complaint and five related to air emissions (odour or visible).
- Nine complaints were recorded in the part of the 2020-2021 reporting period that fell within the Audit Period. Of these, two were noise complaints and the rest related to visible emissions or odour.

4.9 Incidents

Two incidents were notified to the Department during the Audit period:

- In November 2021, there was an external fire on the on the cladding of the 102E vessel (carbon dioxide removal vessel) in the ammonia plant.
- In March 2023, there was a release of ammonia odour beyond the site boundary during venting of aqua tanks in the Triella area.

4.10 Actual Versus Predicted Environmental Impacts

The Auditors have not identified significant inconsistencies between actual environmental impacts and the predicted environmental impacts.

4.11 Site Inspection

The Auditors carried out a site inspection on 24 July 2023 accompanied by Orica personnel. Photographs taken during the site visit are provided in **Appendix D**.

4.12 Site Interviews

Interviews held at the Site on the day of the site inspection involved the following representatives of Orica:

- Nathan Robinson, Senior Specialist – Environment

Information regarding the history of the Site and the Project was provided and documents and records were reviewed. Further information was later provided on request via email and has been incorporated into this Audit Report where relevant.

4.13 Improvement Opportunities

Opportunities for improvement in relation to MP 08_0129 and SSD-7831 have been identified as shown in the following tables. Refer to Section 5.2 for recommended actions. Refer to the Independent Audit Tables (**Appendix A**) for full details.

Table 4: Opportunities for Improvement – MP 08_0129

Condition	Opportunity
4a	The link to the 2022 AEMR on the Orica website links to the SSD-7831 Annual Review and not the MP08_0129 AEMR. The 2022 AEMR is available on the DPE Major Projects website.
27a	An operational Air Quality Management Plan (AQMP) was prepared during this Audit Period and submitted to the Department for approval as an Appendix to the OEMP. Orica has not received approval of the AQMP and has resubmitted the operational AQMP (and OEMP) to the Department for approval.
32	The Noise Management Plan, including details of the Project's noise verification program, was updated and submitted to the Department for approval. Orica has not received approval of the updated Noise Management Plan and has resubmitted it to the Department for approval.
49B	The OEMP was updated during the Audit Period and submitted to the Department for approval. While there is evidence that the Department commented on the updated OEMP and Orica made further revisions in response, there is no record of the OEMP being approved. Orica has resubmitted the OEMP to the Department for approval.
51A	The EPA issued a Penalty Notice for not reporting an incident during the Audit Period in which an employee was exposed to ammonia whilst performing maintenance on a valve. Orica had considered the incident as a safety incident, and reported it only to SafeWork, and not as a pollution incident.

Table 5: Opportunities for Improvement – SSD-7831

Condition	Opportunity
C5	The LTEMP does not include a table which details where the requirements of condition B9 have been addressed within it (section 1.1 of the LTEMP largely describes where most of the requirements are addressed).

5. RECOMMENDATIONS AND OPPORTUNITIES FOR IMPROVEMENT

5.1 Non-compliance recommendations

Table 6: Non-compliance Recommendations – MP 08_0129

NC#	Condition ID	Recommendation
NC1	41	Consider practical measures that can be implemented to maintain stormwater discharge quality within the adopted criteria.

No non-compliances with SSD-7831 were identified.

5.2 Opportunity for Improvement Recommendations

MP 08_0129

Table 7 provides a summary of the continual improvement recommendations identified for MP 08_0129 as part of this Audit. Specific details are included in Appendix 1.

Table 7: Opportunity for Improvement Recommendations – MP 08_0129

Condition	Recommendation
4a	Correct the link to 2022 AEMR on Orica website.
27A	Follow up with the Department to resolve approval of the operational AQMP.
32	Follow up with the Department to resolve approval of the updated Noise Management Plan.
49B	Follow up with the Department to resolve approval of the updated OEMP.
51A	Reinforce incident notification procedures to ensure all relevant agencies are notified of an incident.

SSD-7831

Table 8 provides a summary of the continual improvement recommendations identified for MP SSD-7831 as part of this Audit. Specific details are included in Appendix 1.

Table 8: Opportunity for Improvement Recommendations – SSD-7831

Condition	Recommendation
C5	Include a Compliance Register Table in the next revision of the LTEMP which details where the requirements of condition B9 have been addressed.

6. CONCLUSIONS

The Auditors assessed the development to be generally compliant with the conditions of approval in MP 08_0129 and SSD-7831. One non-compliance finding has been made in relation to MP 08_0129. Five opportunities for improvement were identified in relation to MP 08_0129, three of which relate to approval of management plans, and one opportunity for improvement was identified in relation to SSD-7831.

Management systems and environmental performance are considered to be of a generally good standard.

APPENDIX A

INDEPENDENT AUDIT TABLES

Table A-1: Compliance with Project Approval MP 08_0129					
Red text represents MOD 1 dated 11 July 2012; Blue text represents MOD 2 dated 17 December 2014; Green text represents MOD 3 dated 17 December 2015; Orange text represents MOD 4 dated 13 May 21; Purple text represents MOD5 dated 29 October 2021					
ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	SCHEDULE 2 – ADMINISTRATIVE CONDITIONS				
	Obligation to Minimise Harm to the Environment				
1	The Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction and/or operation of the Project.	- Interview with site personnel on 24/07/23 - Site visit on 24/07/23 - Kooragang Island Environmental Management Systems Manual (OEMP), Version 10, 01/09/22 - Construction Environmental Management Plan (CEMP), November 2016 - Orica, CEMP ENVR ANP1 Prill Tower Emission Abatement, 28/11/22 - Orica, CEMP ENVR Nitrates Effluent Pond Management, 04/02/22	A comprehensive management system is in place to manage potential impacts on the environment. Environmental management was observed to be of a generally good standard.	Compliant	
	Terms of Approval				
2	The Proponent shall carry out the Project in accordance with the: a) EA; b) Modification Assessments; c) Site Layout Plans (Appendices A, B and E); and d) Statement of Commitments for the Project (Appendices C and D).	- Site visit on 24/07/23 - Interview with site personnel on 24/07/23	The development is being carried out generally in accordance with the requirements, with minor exceptions as outlined in this table.	Compliant	
3	If there is any inconsistency between the above plans and documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.		No inconsistency between the documents listed in condition 2 was identified by the Auditors.	Not triggered	

Table A-1: Compliance with Project Approval MP 08_0129					
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ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
4	The Proponent shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:				
4a	any post approval documents that are submitted in accordance with this approval; and	- Orica website: https://www.orica.com/Locations/Asia-Pacific/Australia/Kooragang-Island/Operations/Site-Projects#.Xw-PGygzaiM - Interview with site personnel on 24/07/23	The Secretary requested the 2020 AEMR to be on the applicant's public website by 5 February 2021 and the 2021 AEMR to be on the applicant's public website. The Auditors viewed the Orica and confirmed these documents were available. The Auditors note that the link to the 2022 AEMR on the Orica website links to the SSD-7831 Annual Review and not the MP08_0129 AEMR. The 2022 AEMR is available on the DPE Major Projects website. Recommendation: Correct link to 2022 AEMR on Orica website.	Compliant	
4b	the implementation of any actions or measures contained in these post approval documents.	- Ramboll, 2020 IEA, August 2020 2022 AEMR	Updates on responses to the the prior IEA and Independent Hazard Audits are included in the AEMRs.	Compliant	
Limits on Approval					
5	The Proponent shall not produce more than the following at the Project Site: a) 385,000 tpa of ammonia product; b) 605,000 tpa of nitric acid product; c) 750,000 tpa of ammonium nitrate product.	2020 AEMR 2021 AEMR 2022 AEMR - Interview with site personnel on 24/07/23	Product tonnages were below the approved limit during the Audit Period as follows: <u>Ammonia Product</u> 2020 – 284ktpa 2021 – 345ktpa 2022 – 318ktpa	Compliant	

Table A-1: Compliance with Project Approval MP 08_0129					
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ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
			<u>Nitric acid product</u> 2020 – 313ktpa 2021 – 311ktpa 2022 – 288ktpa <u>Ammonia nitrate product</u> 2020 – 394ktpa 2021 – 391ktpa 2022 – 351ktpa		
6	Should the works covered by this approval be significantly delayed, or only partially completed, the Secretary may direct the Proponent to conduct the studies outlined in this approval for the completed works.	2022 AEMR - Interview with site personnel on 24/07/23	The Auditors understand that no directions have been received from the Planning Secretary. Studies and plans required by this approval are being submitted for approval as required by the Secretary. No construction works were reportedly undertaken in relation to Phases 2, 3 and 5 of the expansion construction program. Regulatory reporting associated with the upgraded ammonia plant (Phase 1) has continued in accordance with the conditions of the project approval. Construction works for Phases 7 and 8 were undertaken during this Audit Period.	Not triggered	
	Project Staging				
7A	Unless otherwise agreed to in writing by the Secretary, the Proponent shall stage the carrying out of the Project generally in accordance with the approved Staging Plan.	2022 AEMR - DPE Post Approval, 2022 Annual Environment Management Report, 21/12/22	Updated staging plans are submitted annually in the AEMR and are approved by the Secretary. Table 3 of the 2022 AEMR includes the most recent revised staging plan for the Audit Period. Approval of the 2022	Compliant	

Table A-1: Compliance with Project Approval MP 08_0129					
Red text represents MOD 1 dated 11 July 2012; Blue text represents MOD 2 dated 17 December 2014; Green text represents MOD 3 dated 17 December 2015; Orange text represents MOD 4 dated 13 May 21; Purple text represents MOD5 dated 29 October 2021					
ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
			AEMR, including the revised staging plan, was given by the Department on 21 December 2022.		
7B	Prior to the commencement of construction of the next Project stage following the commencement of operation of Phase 1 or within an alternative timeframe agreed to in writing by the Secretary, the Proponent shall prepare a Staging Report for the Project to the satisfaction of the Secretary. The Report shall: a) summarise the scope and sequence of development that will be carried out under each Project stage; b) include plans and a description of the nature, duration and likely timing of development that will be carried out as part of each Project stage; c) demonstrate how the conditions of this approval are being complied with as each Project stage is progressively constructed, commissioned and becomes operational; d) report on the status of all post approval documents including which of these documents will be staged and/or combined (see Condition 7D); and e) include triggers for reviewing and updating the Staging Report, including the triggers referred to in Condition 7C	• 2020 AEMR • 2021 AEMR • 2022 AEMR	Updated staging plans are submitted annually in the AEMRs (Table 3 in the 2020, 2021 and 2022 AEMRs). The Project Staging Plan includes the requirements listed in this condition.	Compliant	
7C	The Proponent shall review and if necessary update and submit a revised Staging Report for the Project which has been prepared to the satisfaction of the Secretary (or advise the Secretary in writing that no changes to the Staging Report are required):	• 2020 AEMR • 2021 AEMR • 2022 AEMR • Ramboll, 2020 IEA, August 2020	Updated staging plans are submitted annually in the AEMR. Works undertaken in the Audit Period relate to Phase 7 – Nitrates Effluent Tank Project and Phase 8 – Prill Tower Scrubber Project. Approval of Phase 7	Compliant	

Table A-1: Compliance with Project Approval MP 08_0129					
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ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	a) no later than 2 months prior to the commencement of construction, commissioning and operation of development within each Project stage; b) within 3 months of any modifications to this approval; and/or c) when directed to do so by the Secretary. Notes: - These conditions do not relate to staged development within the meaning of Section 83B of the EP&A Act and are only required to be complied with at the time and to the extent that they are relevant to the specific stage(s). - Where post approval documents and/or hazard studies have approval to be staged and/or combined under Condition 7D, then each approved document and/or study must clearly describe the specific stage to which the document or study applies, the relationship of this stage to any future stages and the trigger for updating these documents or studies.		(as MOD4) was granted on 13 May 2021 and approval of Phase 8 (as MOD5) was granted on 29 October 2021.		
	Staged Submission of Post Approval Documents and Hazard Studies				
7D	With the written approval of the Secretary, the Proponent is permitted to: a) submit any post approval documents on a progressive basis; and/or b) combine any post approval documents required by this approval.	2020 AEMR 2021 AEMR 2022 AEMR - Ramboll, 2020 IEA, August 2020	The revised staging plan outlining the progressive submission of plans is submitted annually to the Department in the AEMRs (refer to responses to conditions 7A to 7C).	Compliant	
7E	With the written approval of the Secretary, the Proponent is also permitted to progressively submit and/or combine certain hazard studies provided that the scope of these studies has been agreed to by the	- Interview with site personnel on 24/07/23 - Ramboll, 2020 IEA, August 2020 2022 AEMR	Hazard studies are submitted on three yearly progressive basis for each stage of the Project. Works undertaken in the Audit Period relate to Phase 7 –	Not triggered	

Table A-1: Compliance with Project Approval MP 08_0129					
Red text represents MOD 1 dated 11 July 2012; Blue text represents MOD 2 dated 17 December 2014; Green text represents MOD 3 dated 17 December 2015; Orange text represents MOD 4 dated 13 May 21; Purple text represents MOD5 dated 29 October 2021					
ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	Secretary and that they are tied to and form part of the Staging Report required by Condition 7B. Notes: - Whilst any post approval documents and/or hazard studies may be submitted on a progressive basis, the Proponent must ensure that operations being carried out on the Project site are covered by approved post-approval documents and/or hazard studies at all times. - Until they are replaced by equivalent approved post-approval documents and/or hazard studies required under the terms of this approval, the Proponent must continue to implement all existing post approval documents and/or hazard studies for the Initial Operations. - There must be a clear relationship between the approved post-approval documents and/or hazard studies to be combined.	- Sherpa Consulting, Hazard Audit 2022, 07/10/22 - DPE Post Approval, 2022 Hazard Audit, 24/11/22	Nitrates Effluent Tank Project and Phase 8 – Prill Tower Scrubber Project. During this Audit Period, a Hazard Audit was undertaken as required under condition 20. Approval of the Hazard Audit was given by the Department on 24 November 2022.		
	Minor Design Variations				
7F	At the written request of the Proponent, the Secretary may approve in writing, minor design variations to the plans approved in Condition 2d) in relation to ancillary infrastructure but only if the Secretary considers the variations to be minor.	- Interview with site personnel on 24/07/23 2022 AEMR - DPIE email to Orica re: Orica KI - N2O abatement upgrades - Nitric Acid Plants, 29/10/21 - Letter from DPE to Orica, NAP1 Stack Replacement, 20/07/20	DPIE confirmed on 29 October 2021 that the upgrade of the existing NOx abatement systems on the NAPs could proceed without further planning approval or post approval documentation. In 2020, the Department also approved the NAP1 stack replacement as a minor design variation in accordance with Condition 7F.	Compliant	
	Structural Adequacy				
8	The Proponent shall ensure that all new buildings and structures on the site are constructed in	- Interview with site personnel on 24/07/23 - Site visit on 24/07/23	Construction of the NAP1 Stack Replacement (as a minor design variation under Condition 7F) was	Compliant	

Table A-1: Compliance with Project Approval MP 08_0129					
Red text represents MOD 1 dated 11 July 2012; Blue text represents MOD 2 dated 17 December 2014; Green text represents MOD 3 dated 17 December 2015; Orange text represents MOD 4 dated 13 May 21; Purple text represents MOD5 dated 29 October 2021					
ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	accordance with the relevant requirements of the BCA. Notes: - Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works. - Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.	2022 AEMR - Letter from DPE to Orica, NAP1 Stack Replacement, 20/07/20	commenced during the 2021 AEMR period and completed during the 2022 AEMR reporting period. Orica advised this was constructed in accordance with the relevant Codes and Standards.		
	Protection of Public Infrastructure				
9	The Proponent shall: a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the Project; and b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the Project.	- Interview with site personnel on 24/07/23 - Site visit on 24/07/23	The Auditors understand that no construction works requiring the repair or relocation of public infrastructure were undertaken during the period.	Not triggered	
10	Prior to commencement of construction, the Proponent shall prepare a dilapidation report of the public infrastructure in the vicinity of the Project Site (including roads, gutters, footpaths), in consultation with Newcastle Port Corporation and submit a copy of this report to the Secretary.	SLR Consulting, 2014 IEA, March 2014	The condition was assessed as Compliant in a prior audit period and is not relevant to the current Audit Period.	Not triggered	
11	Prior to the construction of any utility works, the Proponent shall obtain the relevant approvals from service providers, including Hunter Water Corporation .	SLR Consulting, 2014 IEA, March 2014	The condition was assessed as Compliant in a prior audit period and is not relevant to the current Audit Period.	Not triggered	
	Operation of Plant and Equipment				
12	The Proponent shall ensure that all plant and equipment used on the site is: a) maintained in a proper and efficient condition; and b) operated in a proper and efficient manner.	- Interview with site personnel on 24/07/23 - Site visit on 24/07/23	Orica uses a computerised maintenance management system in SAP in which equipment functional locations are set up and maintenance reports can be generated. The register included instrumentation calibrations	Compliant	

Table A-1: Compliance with Project Approval MP 08_0129					
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ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
			and inspections of protective and/or other preventative measures. Site visit observations and site records indicate that plant and equipment are generally well maintained.		
	Section 94 Contributions				
13	Prior to the operation of the Project, the Proponent shall pay Council \$272,000 in Section 94 contributions. Notes: This contribution is subject to indexation to reflect quarterly variations in the Consumer Price Index All Group Index Number for Sydney, as published by the Australian Bureau of Statistics.	SLR Consulting, 2014 IEA, March 2014	The condition was assessed as Compliant in a prior audit period and is not relevant to the current Audit Period.	Not triggered	
	SCHEDULE 3 - SPECIFIC ENVIRONMENTAL CONDITIONS				
	HAZARDS				
	Pre-construction				
14	At least one month prior to the commencement of construction of each Project stage (except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as the Secretary may agree, the Proponent shall prepare and submit for the approval of the Secretary the studies set out under subsections (a) to (d) (the pre-construction studies).	- Letter from DPE to Orica, Prill Tower Scrubber, Orica Kooragang Island (MP 08_0129 MOD 5) Hazard and Operability Study (HAZOP) and Construction Safety Study (CSS), 12/12/22 - Letter from DPE to Orica, Nitrate Effluent Tank Project, Orica Kooragang Island (MP 08_0129 MOD 4) Hazard and Operability Study (HAZOP) and Construction Safety Study (CSS), 18/03/22 - Letter from DPE to Orica, Orica Ammonium Nitrate Facility (MP08_0129) INV-58304206 –	Construction works undertaken in the Audit Period relate to Phase 7 – Nitrates Effluent Tank Project and Phase 8 –Prill Tower Scrubber Project. Approval by the Department of the pre-construction studies for Phase 7 (MOD 4) was granted on 12/12/22 and approval of the pre-construction studies for Phase 8 (MOD 5) was granted on 18/03/22.	Compliant	

Table A-1: Compliance with Project Approval MP 08_0129					
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ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
		Phase 7 Pre-Construction Studies, 15/08/2023 Letter from Orica to DPE, RE: Orica Kooragang Island Expansion Project development consent (08_129 - MOD4) – Condition 14 and 49 – MOD 4 - Preconstruction documentation, 08/03/22			
14a	A Fire Safety Study to include the Initial Operations and each project stage. This study shall cover the relevant aspects of the Department's Planning's Hazardous Industry Planning Advisory Paper No.2 – Fire Safety Study Guidelines and the New South Wales Government's Best Practice Guidelines for Contaminated Water Retention and Treatment Systems. The study shall also be submitted for approval, to the NSW Fire Brigade;	- Edge Environment, 2017 IEA, June 2018 - Interview with site personnel on 24/07/23 - Letter from Orica to DPE, RE: Orica Kooragang Island Expansion Project development consent (08_129 - MOD4) – Condition 14 and 49 – MOD 4 - Preconstruction documentation, 08/03/22 - Letter from Orica to DPE, RE: Orica Kooragang Island Expansion Project development consent (08_129 - MOD4) – Condition 14 and 49 – MOD 5 - Preconstruction documentation, 01/12/22 - Letter from DPE to Orica, Prill Tower Scrubber, Orica Kooragang Island (MP 08_0129 MOD 5) Hazard and Operability Study (HAZOP) and Construction Safety Study (CSS), 12/12/22	The requirements under this condition were satisfied in a prior audit period. Orica reviewed the Fire Safety Study as part of the Phase 7 and 8 works elected to not update it and the Department acknowledged this. The Department requested further information in relation to the Phase 7 pre-construction studies. Orica provided the information on 19/7/23 and, following investigation, the Department determined not to take further action.	Not triggered	

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ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
		Letter from DPE to Orica, Nitrate Effluent Tank Project, Orica Kooragang Island (MP 08_0129 MOD 4) Hazard and Operability Study (HAZOP) and Construction Safety Study (CSS), 18/03/22			
14b	A Hazard and Operability Study for each Project stage, chaired by a qualified person, independent of the Project approved by the Secretary prior to the commencement of the study (foreach project stage). The study shall be consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No.8 – HAZOP Guidelines. The study report must be accompanied by a program for the implementation of all recommendations made in the report. If the Proponent intends to defer the implementation of a recommendation, reasons must be documented;	- Interview with site personnel on 24/07/23 - Pinnacle Risk Management, HAZOP Record Sheet – Nitrates Effluent Tank, 01/10/2021 - Pinnacle Risk Management, Mod 5 HAZOP HAZCON Precon, 28/11/22 - Letter from Orica to DPE, RE: Orica Kooragang Island Expansion Project development consent (08_129 - MOD4) – Condition 14 and 49 – MOD 5 - Preconstruction documentation, 01/12/22	Works undertaken in the Audit Period relate to Phase 7 –Nitrates Effluent Tank Project and Phase 8 –Prill Tower Scrubber Project. HAZOP reports were prepared for Phase 7 and 8 and the Auditors consider them to meet the requirements of Condition 14b.	Compliant	
14c	A Final Hazards Analysis (FHA) of the Project as modified, consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis. The Final Hazard Analysis shall: - report on the implementation of the recommendations of the Preliminary Hazard Analysis; - re-evaluate and reconfirm the relevant data and assumptions from the Preliminary Hazard Analysis;	- Edge Environment, 2017 IEA, June 2018 - Interview with site personnel on 24/07/23 - Letter from Orica to DPE, RE: Orica Kooragang Island Expansion Project development consent (08_129 - MOD4) – Condition 14 and 49 – MOD 4 - Preconstruction documentation, 08/03/22	The requirements under this condition were satisfied in the 2017 IEA. Orica elected to not create Final Hazards Analysis Safety Study as part of the Phase 7 and 8 works and the Department acknowledged this. The Department requested further information in relation to the Phase 7 pre-construction studies. Orica provided the information on 19/7/23 and, following investigation, the	Not triggered	

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ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	- re-evaluate and reconfirm all control measures for prevention and mitigation of incidents; and - evaluate all relevant findings and recommendations from the official investigation report(s), as available, relating to the accident at West, Texas in April 2013	- Letter from Orica to DPE, RE: Orica Kooragang Island Expansion Project development consent (08_129 - MOD4) – Condition 14 and 49 – MOD 5 - Preconstruction documentation, 01/12/22 - Letter from DPE to Orica, Prill Tower Scrubber, Orica Kooragang Island (MP 08_0129 MOD 5) Hazard and Operability Study (HAZOP) and Construction Safety Study (CSS), 12/12/22 - Letter from DPE to Orica, Nitrate Effluent Tank Project, Orica Kooragang Island (MP 08_0129 MOD 4) Hazard and Operability Study (HAZOP) and Construction Safety Study (CSS), 18/03/22	Department determined not to take further action.		
14d	A Construction Safety Study for each Project stage, consistent with the Department's Hazardous Industry Planning Advisory Paper No.7 - Construction Safety Guidelines for each project stage. For a project in which the construction period exceeds six (6) months, the commissioning portion of the Construction Safety Study may be submitted two months prior to the commencement of commissioning.	- Interview with site personnel on 24/07/23 - Pinnacle Risk Management, Construction Safety Study Report, ANP1 Prill Tower, Emission Abatement System, Orica Australia Pty Ltd, Kooragang Island, NSW, 24/11/22 - Pinnacle Risk Management, Construction Safety Study Report, ANP1 Prill Tower, Emission Abatement System, Orica Australia Pty Ltd,	Works undertaken in the Audit Period relate to Phase 7 – Nitrates Effluent Tank Project and Phase 8 – Prill Tower Scrubber Project. Construction Safety Studies (CCS) were prepared for Phase 7 and 8 and were approved by the Secretary.	Compliant	

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ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
		Kooragang Island, NSW, 24/11/22 Construction Safety Study Report, Nitrates Effluent Tank, Orica Australia Pty Ltd, Kooragang Island, NSW, 05/03/22			
	Pre-commissioning				
15	The Proponent shall develop and implement the plans and systems set out under subsections (a) to (c), no later than two months prior to the commencement of commissioning of each Project stage , or within such further period as the Secretary may agree. The Proponent shall submit, for the approval of the Secretary , documentation describing those plans and systems. Commissioning shall not commence until approval has been given by the Secretary.	- Letter from Orica to DPE, RE: Orica Kooragang Island Expansion Project development consent (08_129): Nitrates Effluent Tank - MOD4 - Pre-Commissioning Updates, 11/07/22 - Letter from DPE to Orica, Nitrate Effluent Tank Project, Orica Kooragang Island (MP 08_0129 MOD 4) Pre-commissioning Hazard Studies, Plans and Systems, 21/07/22	Works undertaken in the Audit Period relate to Phase 7 – Nitrates Effluent Tank Project and Phase 8 – Prill Tower Scrubber Project. Neither Phase has been fully commissioned. Approval from DPE of the pre-commissioning studies for Phase 7 (MOD 4) was granted on the 21/07/22. Phase 8 (MOD 5) is in the early stages of construction and commissioning studies have not yet been completed.	Not triggered	
15a	Transport of Hazardous Materials Plan – arrangements covering the transport of hazardous materials including details of routes to be used for the movement of vehicles carrying hazardous materials to or from the site (Initial Operations and Project). The routes selected shall be consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No 11, 'Route Selection'. Suitable routes identified in the study shall be used except where departures are necessary for local deliveries or emergencies.	- Ramboll, 2020 IEA, August 2020 - Interview with site personnel on 24/07/23 - Letter from Orica to DPE, RE: Orica Kooragang Island Expansion Project development consent (08_129): Nitrates Effluent Tank - MOD4 - Pre-Commissioning Updates, 11/07/22 - Letter from DPE to Orica, Nitrate Effluent Tank Project, Orica	Changes to the Transport of Hazardous Materials Plan (THMP) were not required as part of Phase 7. Phase 8 is in early stages of construction and not yet at pre-commissioning stage. The THMP was originally developed in 2013 and subsequently updated during the Audit Period in response to a 2020 IEA recommendation. The updated THMP is considered to be generally compliant with Condition 15a. At the time of the site visit, the	Not triggered	

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ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
		Kooragang Island (MP 08_0129 MOD 4) Pre-commissioning Hazard Studies, Plans and Systems, 21/07/22 - DPE Post Approval Form, Hazardous materials transport plan, 18/08/23 - Orica Kooragang Island Transport of Hazardous Material Study, Rev1, 30/06/23 - Letter from DPE to Orica re: Orica Ammonium Nitrate Facility – Upgrade (MP08_0129 MOD 7) Condition of Consent 15 (a)– Transport of Hazardous Material Study, 1 September 2023	revised THMP had not been submitted for approval. It has subsequently been submitted to the Department has been approved.		
15b	Emergency Plan – The Proponent’s Emergency Plan and detailed procedures shall be updated to include the Project as modified and must be maintained for the life of the Project. The plan shall include detailed procedures for the safety of all people including consideration of the safety of all people outside of the facility who may be at risk from the Project. The Plan shall be consistent with the Department of Planning’s Hazardous Industry Planning Advisory Paper No. 1, ‘Industry Emergency Planning Guidelines’.	- Ramboll, 2020 IEA, August 2020 - Interview with site personnel on 24/07/23 - Letter from Orica to DPE, RE: Orica Kooragang Island Expansion Project development consent (08_129): Nitrates Effluent Tank - MOD4 - Pre-Commissioning Updates, 11/07/22 - Letter from DPE to Orica, Nitrate Effluent Tank Project, Orica Kooragang Island (MP 08_0129 MOD 4) Pre-commissioning Hazard Studies, Plans and Systems, 21/07/22	The requirements under this condition were satisfied in a prior audit period. Changes to the Emergency Plan were not required as part of Phase 7. Phase 8 is in early stages of construction and not yet at pre-commissioning stage.	Not triggered	

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ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
15c	Safety Management System – The Proponent's Safety Management System shall be updated to include the Project as modified and must be maintained for the life of the Project. The document shall clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. The procedures shall ensure that the testing frequencies of all safety critical equipment and systems are consistent with the frequencies applied in the fault tree analyses undertaken in the Preliminary Hazard Analysis/Final Hazard Analysis. Records shall be kept on-site and shall be available for inspection by the Secretary upon request. The Safety Management System shall be developed in accordance with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'.	- Ramboll, 2020 IEA, August 2020 - Interview with site personnel on 24/07/23 - Letter from Orica to DPE, RE: Orica Kooragang Island Expansion Project development consent (08_129): Nitrates Effluent Tank - MOD4 - Pre-Commissioning Updates, 11/07/22 - Letter from DPE to Orica, Nitrate Effluent Tank Project, Orica Kooragang Island (MP 08_0129 MOD 4) Pre-commissioning Hazard Studies, Plans and Systems, 21/07/22	The requirements under this condition were satisfied in the previous audit period. No changes to the Safety Management System were required as part of Phase 7. Phase 8 is in early stages of construction and not yet at pre-commissioning stage.	Not triggered	
15c Note	Note: If a modification does not require an update of the studies listed in Conditions a) and) above, the Proponent shall provide written justification to the satisfaction of the Secretary.	- Letter from Orica to DPE, RE: Orica Kooragang Island Expansion Project development consent (08_129): Nitrates Effluent Tank - MOD4 - Pre-Commissioning Updates, 11/07/22 - Letter from DPE to Orica, Nitrate Effluent Tank Project, Orica Kooragang Island (MP 08_0129 MOD 4) Pre-commissioning Hazard Studies, Plans and Systems, 21/07/22	MOD4 (Phase 7) and MOD5 (Phase 8) were approved during the Audit Period. Phase 7 did not require updates to the studies in Conditions 15a – c, as approved by DPE. Phase 8 is in early stages of construction and not at pre-commissioning stage.	Compliant	

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ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
Pre-Start-up					
16	One month prior to the commencement of operation of each Project stage , the Proponent shall submit to the Secretary, a Pre-Start-up Compliance Report detailing compliance with conditions 14 and 15, including: a) dates of study/plan/system submission, approval, commencement of construction and commissioning; b) actions taken or proposed, to implement recommendations made in the studies/plans/systems; and c) responses to any requirement as imposed by the Secretary under condition 20A .	- Orica, Phase 7 Pre-Start Up Compliance Report, 10/03/23 - Letter from DPE to Orica, Phase 7 Pre-Startup Compliance Report, 09/05/23 - Interview with site personnel on 24/07/23	Operation of Phase 7 –Nitrates Effluent Tank Project has not commenced. A pre-start up compliance report was submitted to the Department on 10 March 2023 and approved on 9 May 2023. Phase 8 is in early stages of construction and not yet at pre-commissioning stage.	Compliant	
Post-Start-up					
17	Three months after the commencement of operation of each Project stage , the Proponent shall submit to the Secretary, a Post-Start-up Compliance Report verifying that: a) transport routes specified under condition 15a) are being followed; b) the Emergency Plan required under condition 15b) is effectively in place and that at least one emergency exercise has been conducted; and c) the Safety Management System required under condition 15c) has been fully implemented and that records required by the system are being kept.	- Interview with site personnel on 24/07/23 2022 AEMR	No Project stages commenced operation during the Audit period.	Not triggered	
Risk Reduction Program					
18	Within 12 months of the commencement of Final Operations of the Project, the Proponent shall prepare a program for further risk reduction to the neighbouring land uses. The program shall:	2022 AEMR - Interview with site personnel on 24/07/23	Final operations have not commenced. Defined in the dictionary to the consent as: " <i>The operation of the Initial Operations and the Project in its</i>	Not triggered	

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	a) be approved by the Secretary; b) identify the overpressure propagation risk from the Project as per Figure 10.5 of the EA; c) Identify the main risk contributors and analyse the appropriate measures to be implemented to reduce the risk; and d) include an implementation schedule with due dates and a person responsible for the implementation of each measure. Note: In the case that the propagation risk from the Project is reduced earlier than anticipated in the EA, and it meets the NSW criteria, this condition will be satisfied and the risk reduction program will not be required		<i>end state, once all approved plants and infrastructure have been constructed and commissioned, as generally depicted on the plan in Appendix B". Phase 2, phase 3 and phase 5 of the project have not yet commenced construction.</i>		
	Hazard Analysis Update				
19	Three years after the commencement of Final Operations of the Project, or as otherwise agreed to by the Secretary, the Proponent shall undertake a Hazard Analysis of the Initial Operations and the Project to update the hazard analysis contained in the Preliminary Hazard Analysis and the Final Hazard Analysis.	- Edge Environment, 2017 IEA, June 2018 - Ramboll, 2020 IEA, August 2020	This requirement was not triggered during the Audit Period. Phase 1 of the Project commenced operations in February 2012, meaning the condition would have been triggered during the 2017 audit period. The 2017 IEA (Edge, 2018) reported that this condition had not been triggered as Final Operations had not commenced. The Auditors note that, while the term "Final Operations" appears in the consolidated consent, none of the instruments of modification appears to have inserted the word "Final" into the condition. However, it appears likely that it is relevant to Phase 3 (expansion of nitric acid and ammonium nitrate capacity), which	Not triggered	

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			has not commenced. The 2020 IEA recommended that Orica seek clarification from the Department on the intended application of this condition. Orica responded that it understands the Department has previously indicated that preconstruction Condition 14 requirements only apply to Project Phases that represent an expansion of the site's existing infrastructure.		
	Hazard Audit				
20	12 months after the commencement of operations of Phase 1 of the Project and every 3 years thereafter, or at such intervals as the Secretary may agree, the Proponent shall carry out a comprehensive Hazard Audit of the Existing Operations and the Project as modified and within 1 month of each audit submit a report to the Secretary. a) The audits shall be carried out at the Proponent's expense by a qualified person or team, independent of the Project, approved by the Secretary prior to commencement of each audit. Hazard Audits shall be consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit Guidelines'. b) The audit report must be accompanied by a program for the implementation of all recommendations made in the audit report as well as any outstanding recommendations from previous hazard audit reports (if applicable). If	- Ramboll, 2020 IEA, August 2020 - Sherpa Consulting, Hazard Audit 2022, 07/10/22 - DPE Post Approval, 2022 Hazard Audit, 24/11/22	A Hazard Audit was completed in October 2022 and submitted to the department on 24 November 2022. Although the Hazard Audit report is dated 7 October 2022, Orica advised that it was not issued until 25 October 2022. The Auditors note that submission was not strictly within one month of the audit itself but was within one month of receipt of the final report. The 2022 Hazard Audit was undertaken in accordance with a protocol developed from the NSW Hazardous Industry Planning Advisory Paper 5 Hazard Audit Guidelines (HIPAP 5) and NSW Hazardous Industry Planning Advisory Paper 9 Safety Management Systems (HIPAP 9). A review of the 2022 Hazard Audit	Compliant	

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	the Proponent intends to defer the implementation of a recommendation, reasons must be documented. c) first site hazard audit report and all subsequent reports shall cover the entire facility and include all Project stages that are in operation at the time of the hazard audit and shall (in addition to the general requirements detailed in Department of Planning's Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit Guidelines'): - evaluate all relevant findings and recommendations from the official investigation report(s), as available, relating to the accident at West, Texas in April 2013. If necessary, the hazard audit report shall make appropriate recommendations to address any shortfalls; and - report on the findings of the audit in relation to compliance with the current version of AS 4326 and the relevant provisions of the current version of the SAFEX International Good Practice Guide: Storage of Solid Technical Grade Ammonium Nitrate.		by the Auditors confirmed compliance with the requirements of the condition.		
	Further Requirements				
20A	The Proponent shall comply with all reasonable requirements of the Secretary in respect of the implementation of any measures arising from the hazard studies submitted in respect of conditions 14 to 20 inclusive, within such time as the Secretary may agree.	2022 AEMR	A Hazard Audit action plan is included in the AEMRs with the latest version in Section 12.1 of the 2022 AEMR.	Compliant	
20B	The Proponent shall ensure that the risk associated with increased shipping operations is reduced to so far as is reasonably practicable (SFARP), consistent	Edge Environment, 2017 IEA, June 2018	The requirements under this condition were satisfied in the 2017 IEA which noted that Orica had shown that	Not triggered	

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	with the Work Health and Safety Regulation 2011 requirements and compliant with the land use criteria detailed in the NSW Department of Planning's Hazardous Industry Planning and Advisory Paper 4 (HIPAP4) during each stage of the Project. Records of the risk reduction identification and implementation process shall be maintained.	Ramboll, 2020 IEA, August 2020	additional ammonia shipments resulted in a decrease in the risk profile, not an increase. Furthermore, the 2020 IEA noted that 2019 Hazard Audit found that relevant requirements of AS 4326 and the SAFEX International Good Practice Guide have been implemented.		
	AIR QUALITY				
	Design				
21	The Proponent shall implement the emission control measures identified in the EA (Section 7.8.1) prior to the commencement of operations of the Project. These shall include: a) absorption columns in the new Nitric Acid Plant No.4 (NAP4) to reduce the NO_x; b) catalytic reduction from the NAP4 stack to reduce the NO_x; c) air scrubbing and recirculation technology in the new Prill Tower as part of the new Ammonium Nitrate Plant No. 3 (ANP3) to minimise particulates, including PM10 d) a refrigeration purge gas scrubber to be installed in the existing Ammonia Plant to reduce NO_x e) scrubbers on the new NAP4 and APN3 to remove ammonia	- Edge Environment, 2017 IEA, June 2018 - SLR Consulting, 2014 IEA, March 2014 - Ramboll, 2020 IEA, August 2020 - Interview with site personnel on 24/07/23	NAP4 and ANP3 have not been built. Only part (d) of this condition has been triggered and the Refrigeration Purge Gas Scrubber was commissioned in 2012 with implementation requirements satisfied in the 2014 IEA audit period. No changes during this Audit Period.	Not triggered	
	Ammonia and Nitrate Flares				
21A	The Proponent shall ensure that the ammonia and nitrate flares are operated in a proper and efficient manner in accordance with the requirements of the EPL for the premises.	- EPL 828 - NSW EPA POEO Public Register (EPL 828) - Interview with site personnel on 24/07/23	The flares were operational during the Audit Period. Relevant conditions of the EPL relating to operation of the flares are:	Compliant	

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		- Site visit on 24/07/23 - EPL 828 Annual Return 2020/21 - EPL 828 Annual Return 2021/22 - EPL 828 Annual Return 2022/23	- P1.2 – flares relate to monitoring points 34, 35 and 36 - O8.2 - flares must be operated so that a flame is present at all times when air impurities are potentially required to be treated - M2.1 – specifies air monitoring requirements for points 34, 35 and 36 (continuous volumetric flowrate) - R4.1 – relating to annual ammonia flare activation summary reports No non-compliances with the above conditions were noted in the EPL Annual Returns for the Audit Period or observed during the site visit.		
	Monitoring				
22	The Proponent shall undertake air emission monitoring as required by the EPL for the Project.	- EPL 828 Annual Return 2020/21 - EPL 828 Annual Return 2021/22 - EPL 828 Annual Return 2022/23 2022 AEMR - Orica website	The site has undertaken monitoring in accordance with its EPL during the Audit Period with no exceedances of EPL conditions. Results are published on the Orica website.	Compliant	
	Air Quality Verification Study				
23	The Proponent shall undertake an air quality verification study for each relevant stage of the Project to the satisfaction of the Secretary and the EPA. The study shall: a) be prepared by a suitably qualified expert whose appointment has been agreed to in writing by the Secretary; b) be based on a minimum of 12 months of monitoring data and be completed during the	- Interview with site personnel on 24/07/23 - EPL 828 2022 AEMRDPE Post Approval Form, AQVS – Boiler, 11/05/21 - AECOM, Air Quality Verification Study - Orica Boiler, 11/05/21 - Orica letter to DPIE re: Orica Ammonium Nitrate Facility	Phase 4 of the project involved installation 3 ammonia flares that became operational in 2016/17 (during a prior audit period). The flares generally only activate intermittently for short periods and flare activation reports are submitted annually. EPL 828 does not require monitoring of emissions from the	Compliant	

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	initial 18 months of operation or as otherwise agreed to in writing by the Secretary; c) include a verification of actual monitored emissions performance against the assumptions adopted within the EIS, including: - point source pollutant concentrations; - point source pollutant mass emission rates; and - point source emission parameters as relevant to plume dispersion. d) confirm, through direct measurement, that applicable EPL air emission limits are being complied with; and e) confirm, using reasonable means, the effectiveness of the implemented emission controls in minimising air quality impacts.	(MP08_0129-PA-2) – Operational Environmental Management Plan (OEMP) – Condition 49B, 13/10/21, Attachment A – Response to DPIE comments on OEMP - RF11 and 2	flares. Orica sought clarification from the Department in March 2018 regarding the requirement for an Air Quality Verification Study (AQVS) to be completed for the flares as Orica considers it is not practical from a technical perspective. Orica did not receive a response and was working on the basis that this position is acceptable to the Department. The 2020 IEA recorded this condition as non-compliant and recommended that formal acceptance of this position be sought from the Department. Orica sought confirmation from the Department in its response to the 2020 IEA findings and did not receive a response. However, the matter appear to have been resolved as part of the Department's review of the OEMP under condition 49B. Section 7.1.2 of the OEMP includes triggers for an AQVS relevant to project stage and the Department accepted this as being compliant with this condition. The new boiler (Phase 6) was completed and commissioned in December 2019, in the prior audit period, and the AQVS for this stage was completed during the Audit Period in May 2021 and approved by the Department. While no evidence was		

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			provided of a written agreement from DPE on the appointment of the qualified expert, the Auditors accept approval of the AQVS by Department as indicating the experts had been approved.		
24	Should the air quality verification study or routine monitoring required by the EPL indicate that emissions from the Project exceed the relevant regulatory criteria, the Department may request that Orica implement all reasonable and feasible measures to minimise emissions.	Interview with site personnel on 24/07/23	No requests have been made by the Department to implement any additional measures.	Not triggered	
	Mitigation				
25	The Proponent shall carry out all reasonable and feasible measures to minimise dust generated by the Project.	- Site visit on 24/07/23 - Interview with site personnel on 24/07/23 - Orica, CEMP ENVR ANP1 Prill Tower Emission Abatement, 28/11/22 - Orica, CEMP ENVR Nitrates Effluent Pond Management, 04/02/22	Phase specific CEMPs were prepared for Phase 7 and Phase 8 as required. Table 6.2.2 in the CEMPs for Phase 7 and Phase 8 outline the dust control and mitigation measures to be implemented during construction.	Compliant	
26	During construction, the Proponent shall ensure that: a) all trucks entering or leaving the Project Site with loads have their loads covered; and b) trucks associated with the Project do not track dirt onto the public road network.	- Interview with site personnel on 24/07/23 - Site visit on 24/07/23 - Orica, CEMP ENVR ANP1 Prill Tower Emission Abatement, 28/11/22 - Orica, CEMP ENVR Nitrates Effluent Pond Management, 04/02/22	Table 6.2.2 in the CEMPs for Phase 7 and Phase 8 outline the vehicle management and mitigation measures to be implemented during construction. Both CEMPs include the following management measures: "Loads will be covered when transporting material off-site." "Where there is material build-up, trucks associated with the project"	Compliant	

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			<i>will wash down tyres prior to leaving site."</i> During the site visit, the Auditors did not observe anything to suggest these measures were not complied with. The Auditors have no reason to believe the requirements of the condition have not been met.		
	Further Emissions Reductions				
27	The Proponent shall investigate and report on the progress to reduce PM10 emissions from the existing Prill Tower on the Ammonium Nitrate Plant No. 1. The report shall: a) be provided annually, and can be reported through the Annual Environmental Management Report required by condition 50; and b) provide an update on the timeframe for implementation of emission controls.	• 2022 AEMR • 2021 AEMR • 2020 AEMR • MP 08_0129 (MOD 5), 29/10/21	Updates have been provided in the AEMRs. In 2020 IEA, the Auditors noted that a variation of EPL 828 issued on the day of the that site visit to include Pollution Reduction Program (PRP) 50 - Installation of new Pollution Controls at the Prill Tower. The PRP requires Orica to install an irrigated fibrebed scrubber at the Prill Tower (EPL Monitoring Point 16) to minimise PM2.5 ammonium nitrate emissions from the premises. Final completion of the installation is required by 31 January 2024. The Auditors note that Phase 8 – Prill Tower Scrubber Project (MOD5) addresses this, and construction is currently underway.	Compliant	
	Air Quality Management Plan				
27A	The Proponent shall prepare and implement an Air Quality Management Plan for the Project to the satisfaction of the Secretary. The plan shall: a) be prepared by a suitably qualified and experienced expert whose appointment has been agreed to in writing by the Secretary;	• SLR Consulting, 2014 IEA, March 2014 • Edge Environment, 2017 IEA, June 2018 • Ramboll, 2020 IEA, August 2020	An operational AQMP has been prepared during this Audit Period and included as an Appendix to the OEMP. A review of the operational AQMP by the Auditors confirms that it generally complies with the requirements of this	Compliant	

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	b) be approved by the Secretary (see Conditions 49A and 49B for scope and timing and Condition 49C for management plan requirements); c) describe the measures that will be implemented to minimise the potential risks to adverse air quality in the regional air-shed including: - reasonable and feasible measures being employed on the Project site; - plant and equipment being maintained to ensure that it is in good order; - how the air quality impacts of the Project will be minimised and managed; and - identification of the likely nature and timing of Project-related activities and works that could generate potential elevated air emissions and a description of the mitigation measures that will be implemented to ensure compliance with the relevant conditions of this approval and the EPL.	- Interview with site personnel on 24/07/23 - Letter from Orica to DPE, RE: Orica Kooragang Island Expansion Project development consent (08_129): AQMP appointment approval – Condition 27, 13/10/21 - Letter from DPE to Orica, Orica Ammonium Nitrate Expansion Project Endorsement of experts for preparation of the AQMP (MP08_0129-PA-11), 24/11/21 - Orica, Appendix 6 - Operational Air Quality Management Plan, December 2021 - Email from Orica to DPE, RE: MP08_0129-PA-2 - Orica Kooragang Island - DPIE comments on the submitted Operational Environmental Management Plan (OEMP), 10/12/21 - Email from Orica to DPE, RE: Post approval documents - Orica KI MOD's, 18/08/23 - DPE Post Approval Form, Operational Air Quality Management Plan, 18/08/23 - OEMP, Version 10, 01/09/22	condition. The operational AQMP was submitted to the Department in December 2021, but Orica did not receive a response from the Department. Following the site visit, Orica has resubmitted the operational AQMP (and OEMP) to the Department for approval. Recommendation: Follow up with DPE to resolve approval of the operational AQMP.		
27B	The Proponent shall consult with the operators of the proposed IPL AN facility adjacent to the Project Site, with the objective of developing an Air Quality Risk	2022 AEMR	The IPL expansion project approval has lapsed.	Not triggered	

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	Management Strategy suitable for incorporation into the Air Quality Management Plan. The objective of this strategy is to minimise the potential for cumulative air quality impacts from any air emissions from the Project and the proposed IPL facility. This strategy is expected to include protocols for the communication and planning of planned non-routine operations such as plant startup, shutdown and commissioning events between the Project and the proposed IPL facility.				
27C	The Proponent shall provide evidence to the Secretary that it has made genuine and reasonable attempts to consult with the operators of the proposed IPL facility in order to develop a suitable Air Quality Risk Management Strategy for both it and the proposed IPL facility to follow.	2022 AEMR	The IPL expansion project approval has lapsed.	Not triggered	
27 Note	Note: Conditions 27B and 27C only apply if SSD-4986 is approved and if the proposed IPLAN facility becomes operational.	2022 AEMR	The IPL expansion project approval has lapsed.	Not triggered	
	GREENHOUSE GAS EMISSIONS				
	Emission Reductions for the Project				
28	Prior to the commencement of operation of each relevant stage of the Project, the Proponent shall implement the emissions reduction technology identified in the EA including: a) N2O abatement technology on the new Nitric Acid Plant (NAP4); and b) energy efficiency improvements to the Ammonia Plant	2022 AEMR	Not triggered by Phase 7 or 8. Energy efficiency measures included in the Ammonia Plant under earlier phases of the Project (in prior audit periods) included a Pre-Reformer, a new compressor powered by a steam turbine and a larger generator powered by a steam turbine. NAP4 has not yet been built; however, Orica has chosen to proceed with upgraded N2O abatement technology on existing plant.	Not triggered	

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	Emission Reductions for the Existing Site				
29	Within 6 months of the commencement of operations of NAP4, the Proponent shall implement N2O abatement technology on the three existing Nitric Acid Plant (NAP1, 2 and 3)	2022 AEMR	NAP4 has not yet been built; however, Orica has chosen to proceed with upgraded N2O abatement technology on existing plant.	Not triggered	
	NOISE LIMITS				
	Noise Limits				
30	The Proponent shall ensure that noise levels from the operation of the Project are at least 10dB(a) below noise levels from the Initial Operations as specified by conditions 31 & 32 below Note: Ammonia flaring events are excluded from the noise limits and levels referred to in conditions 30 and 31.	- Atkins Acoustics and Associates, Environmental Noise Audit, June 2022 - Atkins Acoustics and Associates, Environmental Noise Audit, June 2021	Annual noise monitoring has found that noise contributions from the Project satisfied the project noise criteria.	Compliant	
	Initial Operations – Noise Verification Program				
31	Prior to the commencement of construction, the Proponent shall prepare and implement an Initial Operations Noise Verification Program to the satisfaction of the Secretary. The Program shall: a) be undertaken by a suitably qualified and experienced person; b) identify future reference points that will be used to demonstrate compliance; c) collect new or review existing data, and report on the seasonal background levels for the noise catchment; and; d) confirm the noise levels from Initial Operations. Note: Some construction activities may occur under the Project Approval provided that such activity are not undertaken during the monitoring period of that the proponent can demonstrate that the activity	SLR Consulting, 2014 IEA, March 2014	The condition was assessed as Compliant in a prior audit period and is not relevant to the current Audit Period.	Not triggered	

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	would not contribute to the background noise level, to the satisfaction of the Secretary.t				
	Noise and Vibration Management				
32	The Proponent shall prepare and implement a Noise and Vibration Management Plan for the Project to the satisfaction of the Secretary. The Plan shall: a) be prepared by a suitably qualified and experienced expert whose appointment has been agreed to in writing by the Secretary b) be approved by the Secretary (see Conditions 49A and 49B for scope and timing and Condition 49C for management plan requirements); c) demonstrate how noise levels from the Project would be managed to ensure noise levels would be 10dB(A) below noise levels from the Proponent's Initial Operations (see Conditions 30 and 31); d) include a detailed monitoring program for reporting on ongoing compliance. The monitoring program shall: - outline the proposed receiver sites at Stockton and sites on Kooragang Island that would be monitored; - include both attended and unattended noise monitoring; - verify that actual noise levels from the Project are consistent with the predictions made in the EA; and - verify that noise levels from the Project are 10dB(A) below the noise levels identified in Condition 31 for the Proponents Initial Operations;	- Atkins Acoustics and Associates, Noise Management Plan, September 2021 - Orica letter to DPIE re: Orica Ammonium Nitrate Facility (MP08_0129-PA-2) – Operational Environmental Management Plan (OEMP) – Condition 49B, 13/10/21, Attachment A – Response to DPIE comments on OEMP - RFI1 and 2 - DPE Post Approval Form, Noise Management Plan, 18/08/23	The Noise Management Plan, including details of the Project's noise verification program, was updated in September 2021. A review of the plan by the Auditors, confirms it generally complies with the requirements of the conditions. The updated plan was submitted to the Department in 2021. While there is evidence that DPIE commented on the plan submitted in 2021 and Orica made further revisions in response, there is no record of the Noise Management Plan being approved by the Department. Following the site visit, Orica has resubmitted the Noise Management Plan to the Department for approval. Condition 32 (g) requires the plan to be updated annually. A 2022 update of the plan has not been provided; however, the Auditors note that the 2021 update has not yet been approved. Recommendation: Follow up with DPE to resolve approval of the updated Noise Management Plan.	Compliant	

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	e) provide details of any complaints received in the preceding year relating to noise generated by the Project, and action taken to respond to those complaints; and f) detail procedures for implementing additional reasonable and feasible noise mitigation measures for the Project in response to exceedances of limits and/or noise complaints; g) be updated annually, unless otherwise agreed to by the Secretary; and h) describe the measures that will be implemented to prevent and minimise potential adverse noise and vibration impacts from the Project, including: - reasonable and feasible measures being employed on the Project site; - plant and equipment being maintained to ensure that it is in good order; - how potential noise and vibration impacts will be minimised and managed; and - identification of the likely nature and timing of Project-related activities and works that could generate potential elevated noise emissions and a description of the mitigation measures that will be implemented to ensure compliance with the relevant conditions of this approval and the EPL.				
	Ports Precinct Noise Management				
32A	The Proponent shall use its best endeavours to participate in the development and implementation of a precinct wide noise map for the Port of	- Interview with site personnel on 24/07/23 2022 AEMR	The Auditors understand that a port wide noise map has not yet been developed.	Not triggered	

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	Newcastle should one be developed to the satisfaction of the Secretary. Note: The aim of a noise map is to establish an efficient, equitable and cumulative noise management, monitoring and reporting framework across the precinct.						
	Hours of construction and operation						
33	The Proponent shall comply with the restrictions in Table 2, unless otherwise agreed by the Secretary. Table 2: Hours of Construction and Operation		• Orica, CEMP ENVR ANP1 Prill Tower Emission Abatement, 28/11/22 • Orica, CEMP ENVR Nitrates Effluent Pond Management, 04/02/22 • Interview with site personnel on 24/07/23 • 2022 AEMR • 2020 AEMR	Operation is permitted 24 hours a day, seven days a week. Construction hours are detailed in Section 6.4.2 of the CEMPs and are consistent with this condition. Site personnel advised that all construction works associated with Phase 7 and 8 of the Project were undertaken within these construction hours. The Auditors were not able to verify compliance with construction hours; however, the Auditors have no reason to believe the requirements of the condition were not met.	Compliant		
	Activity	Day					Time
	Construction	Monday - Friday					7:00am to 6
		Saturday					8:00am to 1
		Sunday and Public Holidays					Nil
	Operation	All days					24 hours
Notes: Construction activities may be conducted outside the hours in Table 2 provided that the activities are not audible at any residence beyond the boundary of the Project Site.							
33A	Construction works outside of the work hours identified in Table 2 above may be undertaken in the following circumstances: a) works (excluding piling) that generates airborne noise that is inaudible at any residence beyond the boundary of the Project site or is no more than 5 dB(A) above rating background level at any residence in accordance with the Interim Construction Noise Guideline (DEC, 2009); b) works that are consistent with the Proponent's existing maintenance procedures and are in accordance with the existing EPL;		• Interview with site personnel on 24/07/23	The Auditors understand that no construction works were undertaken outside the hours specified in condition 33.	Not triggered		

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	c) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; d) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm; or e) exceptional circumstances with the written agreement of the Secretary.				
	TRANSPORT				
	Design of Site Access, Internal Roads and Parking				
34	The Proponent shall ensure that new site access points, internal roads and parking associated with the Project are designed, constructed and maintained in accordance with the latest versions of the Australia Standard AS 2890.1:2004 and AS 2890.2:2002.	Interview with site personnel on 24/07/23	No new access points, internal roads or parking spaces were designed or constructed during the Audit Period.	Not triggered	
	Vehicle Queuing and Parking				
35	The Proponent shall ensure that all vehicles associated with the Project do not impede traffic flow on Greenleaf Road and Heron Road.	- Site visit on 24/07/23 - Orica, CEMP ENVR ANP1 Prill Tower Emission Abatement, 28/11/22 - Orica, CEMP ENVR Nitrates Effluent Pond Management, 04/02/22	No vehicles associated with the site were observed impeding traffic flow on Greenleaf Road or Heron Road. Traffic management for Phase 7 and 8 was included in the associated CEMPs.	Compliant	
	Construction Traffic Management				
36	Prior to the construction of the Project, the Proponent shall prepare and implement a Construction Traffic Management Plan, consistent with the requirements of the Roads and Maritime. The plan shall be prepared in consultation with Newcastle Port Corporation and submitted to the Secretary as part of the environmental management	SLR Consulting, 2014 IEA, March 2014	The condition was assessed as Compliant in a prior audit period and is not relevant to the current Audit Period.	Not triggered	

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	strategy for the Project, as required by condition 49A.				
	WATER EFFICIENCY				
37	The Proponent shall prepare and implement a Water Efficiency Plan for the Project to the satisfaction of the Secretary . The plan must: a) be submitted to the Secretary within 12 months of this approval or as otherwise agreed to by the Secretary ; b) be prepared with reference to the Guidelines for Water Savings Action Plans (DEUS 2005); and c) include a report on the progress of investigations to receive recycled water from Hunter Water Corporations' recycled water scheme.	- SLR Consulting, 2014 IEA, March 2014 - Interview with site personnel on 24/07/23	The requirements for preparation of a Water Efficiency Plan were satisfied in the 2014 IEA. The Reclaimed Water Management Plan was not updated during the Audit Period.	Not triggered	
	CONTAMINATION				
38	Prior to construction of the Project, the Proponent shall provide to the Secretary a detailed Project Site Plan showing the location of known soil and groundwater contamination areas. If the plan identifies that construction of the Project is likely to impact on known contamination areas, the Proponent shall prepare and implement a Remedial Action Plan (RAP), or update the existing RAP, to manage and remediate contaminated material in accordance with the requirements of the Contaminated Land Management Act 1997 and the recommendations of the RAP.	- SLR Consulting, 2014 IEA, March 2014 - Interview with site personnel on 24/07/23	The requirements under this condition were satisfied in the 2014 IEA. No significant contamination existed in project areas of Phases 7 and 8.	Not triggered	
39	Prior to construction of the Project, the Proponent shall prepare an Acid Sulphate Soil Management Plan in accordance with the Acid Sulphate Soils Manual, Acid Sulphate Soils Management Advisory Committee 1998	- SLR Consulting, 2014 IEA, March 2014 - Orica, CEMP ENVR ANP1 Prill Tower Emission Abatement, 28/11/22	The requirements under this condition were satisfied in the 2014 IEA. Acid Sulphate Soils management for Phases 7 and 8 was included in the associated CEMPs.	Not triggered	

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		Orica, CEMP ENVR Nitrates Effluent Pond Management, 04/02/2			
	STORMWATER				
	Discharges				
40	The Proponent shall ensure the Project meets the EPL requirements for stormwater and effluent discharges to the Hunter River	- EPL 828 - NSW EPA POEO Public Register (EPL 828) - Ramboll, 2020 IEA, August 2020 2020 AEMR 2021 AEMR 2022 AEMR - EPL 828 Annual Return 2020/21 - EPL 828 Annual Return 2021/22 - EPL 828 Annual Return 2022/23	Effluent is discharged to the Hunter River under the EPL at point 23 following monitoring at point 38/39. Stormwater is discharged to the Hunter River at six locations (EPL 828 monitoring points 10 to 15). Effluent and stormwater monitoring result are published on Orica's website. During the Audit Period, Orica has reported non-compliances with conditions relating to effluent and/or stormwater discharges in its Annual Returns to the EPA. In some cases, the non-compliance relates to a loss of data or failure to collect a sample. In some cases, the non-compliances relate to exceedances of effluent concentration limits. As EPL 828 does not include concentration limits for stormwater discharges, Orica applied guideline values from the ANZG (2018) water quality guidelines as criteria for assessing compliance with condition L1.1 of EPL 828 (comply with section 120 of the Protection of the Environment Operations Act 1997) for monitoring points 10 to 15. As there	Compliant	

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			are regular exceedances of ANZG (2018) guidelines, Orica makes a general statement of non-compliance in the Annual Returns to the EPA. This condition applies to the Project whereas the EPL applies to the site as a whole (the Project and the Initial Operations). As the causes of non-compliances with EPL requirements cannot be separated between the Project and the Initial Operations, the Auditors took a conservative approach in the 2020 IEA in assessing this condition as non-compliant. Since the 2020 IEA, Orica has undertaken an Effluent Characterisation Study and has applied for a variation of EPL 828, which was pending at the end of the Audit Period. Furthermore, the Auditors acknowledge that application of ANZG (2018) guideline values as criteria for assessing stormwater at the sampling point is conservative as it does not take into account dilution at the point of discharge. Although there were exceedances of EPL and adopted criteria, the exceedances were reported to the EPA in accordance with Condition R1.1 of EPL 828. On this basis, and as the causes of non-compliances with EPL		

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			requirements cannot be separated between the Project and the Initial Operations, the Auditor assessed this condition as compliant.		
41	The Proponent shall comply with Section 120 of the Protection of the Environment Operations Act 1997.	- EPL 828 - NSW EPA POEO Public Register (EPL 828) 2020 AEMR 2021 AEMR 2022 AEMR - EPL 828 Annual Return 2020/21 - EPL 828 Annual Return 2021/22 - EPL 828 Annual Return 2022/23	There are no prescribed or EPA approved concentration limits for pollutants in stormwater and EPL 828 does not contain site-specific concentration limits for stormwater discharges. Orica applied guideline values from the ANZG (2018) water quality guidelines as criteria for assessing compliance with Section 120 of the POEO Act for stormwater monitoring points 10 to 15. There were exceedances of the adopted ANZG (2018) guideline criteria during the Audit Period and Orica made general statements of non-compliance in its Annual Returns to the EPA. The adopted criteria for stormwater are considered to be conservative. However, as the Facility reported exceedances of the adopted criteria, it is considered to be non-compliant with the requirement of this condition. Recommendation: consider practical measures that can be implemented to maintain stormwater discharge quality within the adopted criteria.	Non-compliant	NC1

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	Stormwater Management Plan				
42	Prior to the commencement of construction of the Project the Proponent shall prepare and implement a Stormwater Management Plan for the Project in consultation with the Newcastle Port Corporation and to the satisfaction of the Secretary. The plan must: - include detailed plans of the stormwater management system for the Project, incorporating the requirements for a retention system as specified in the Fire Safety Study; - include an engineering assessment of the capacity of the Walsh Point stormwater system to accept additional flows; - describe the procedures for the installation, inspection and maintenance of the stormwater system for the Project; and - ensure that water sensitive design options avoid infiltration in areas of known soil and groundwater contamination.	- SLR Consulting, 2014 IEA, March 2014 - Interview with site personnel on 24/07/23 - Site visit on 24/07/23	The requirements for preparation of the plan were satisfied in the 2014 IEA. No changes to the Stormwater Management Plan were made during the Audit Period. Phases 7 and 8 will utilise existing stormwater arrangements.	Not triggered	
	Bunding				
43	The Proponent shall ensure that all chemicals, fuels and oils associated with the Project are stored in appropriately bunded areas, with impervious flooring and sufficient capacity to contain 100% of the largest container stored within the bund. The bund(s) shall be designed and installed in accordance with: - the requirements of all relevant Australian Standards; and - the DECC's Storing and Handling Liquids: Environmental Protection, Participants Manual.	- EPL 828 - Site visit observation - Bunding Improvement Works Report 2020-2021, Orica, March 2021 - Bunding Improvement Works Report 2021-2022, Orica, March 2022 - Bunding Improvement Works Report 2022-2023, Orica, March 2023	Bunding improvement works are undertaken annually in accordance with condition E1 of EPL 828. The Auditors viewed the completed bunding these areas during the site visit.	Compliant	

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Erosion and Sediment Control					
44	Prior to construction of the Project, the Proponent shall prepare an Erosion and Sediment Control Plan in accordance with Landcom's 2004 Managing Urban Stormwater: Soils and Construction.	- SLR Consulting, 2014 IEA, March 2014 - Orica, CEMP ENVR ANP1 Prill Tower Emission Abatement, 28/11/22 - Orica, CEMP ENVR Nitrates Effluent Pond Management, 04/02/22	The requirements under this condition were satisfied in the 2014 IEA. No changes to the Erosion and Sediment Control Plan were made during the Audit Period. Erosion and sediment control management for Phases 7 and 8 was included in the associated CEMPs.	Compliant	
VISUAL					
45	Prior to commencement of operations of the Project, the Proponent shall submit to the Secretary a landscape plan providing details of native screening plants to be planted along the eastern boundary of the Project Site. The plan shall demonstrate that the landscaping does not compromise on-site security and shall include a program for implementation.	- Landscape Plan, AECOM, 3 June 2011 - SLR Consulting, 2014 IEA, March 2014 - Edge Environment, 2017 IEA, June 2018 - Ramboll, 2020 IEA, August 2020 - Interview with site personnel on 24/07/23	The requirements under this condition relating to preparation of the Landscape Plan were satisfied in the 2014 IEA. It was noted in the 2014 IEA that there was no evidence to confirm the Landscape Plan had been submitted to the Secretary. Implementation of the Landscape Plan relates construction of a new site entrance as part of Phase 2 of the Project which is yet to commence. The Landscape Plan has recently been resubmitted to the Department as part of the review of the updated OEMP.	Not triggered	
Lighting					
46	The Proponent shall ensure that lighting associated with the Project: a) complies with the latest version of Australian Standard AS 4282(INT)-Control of Obtrusive Effects of Outdoor Lighting; and b) is mounted, screened and directed in such a manner that it does not create a nuisance to	- Interview with site personnel on 24/07/23 - Site visit on 24/07/23 - Coolon, Prill Tower Obtrusive Light – Compliance Report, 24/08/21	Phase 7 and 8 were the only phases undertaken during the Audit Period. The Auditors were not able to verify that lighting complies with AS 4282; however, Orica advised that lighting compliance for Phase 8 was considered during design but has not yet been constructed. The Auditors have no	Compliant	

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	surrounding properties or the public road network.		reason to believe the requirements have not been met.		
	WASTE				
	Operating Conditions				
47	The Proponent shall ensure that all waste generated by the Project during construction and operation is classified in accordance with the DECC's Waste Classification Guidelines 2008 and if required, disposed of to a facility that may lawfully accept the waste.	- Interview with site personnel on 24/07/23 - Site visit on 24/07/23 - Sighted example monthly report from JR Richards - Waste data form to add data from contractors to Enablon - Enablon metrics module with monthly waste reports (example report June 2023)	Viewed separated waste bins for timber, metal, general waste etc. Orica receive monthly reports from JR Richards and input the data into Enablon. Reports are generated through Enablon. Metrics include waste types, quantities, costs and disposal methods.	Compliant	
	Waste Management Plan				
48	The Proponent shall prepare and implement a Waste Management Plan for the project to the satisfaction of the Secretary. This plan must: - be submitted to the Secretary for approval within 1 year of the commencement of operations of the Project; - characterise the various waste streams of the Project and include details of the quantities and destinations of all waste materials; - describe what measures would be implemented to reuse, recycle or minimise the waste generated by the project; and - identify a waste reduction target for the Project and detail procedures for measuring the Projects performance against the target; - include a program to monitor the effectiveness of these measures.	- Ammonia Plant Uprate Waste Management Plan, Orica, February 2013 - SLR Consulting, 2014 IEA, March 2014 - Edge Environment, 2017 IEA, June 2018 - Interview with site personnel on 24/07/23	The requirements under this condition relating to preparation and contents of the plan were satisfied in the 2014 IEA. The Waste Management Plan was reviewed in prior audit periods for the ammonia management improvement/flares project (Phase 4) and site boiler project (Phase 6) but did not generate any significant or unique additional operational waste that warranted an update of the Waste Management Plan. No changes to the Waste Management Plan were made during the Audit Period.	Compliant	

Table A-1: Compliance with Project Approval MP 08_0129					
Red text represents MOD 1 dated 11 July 2012; Blue text represents MOD 2 dated 17 December 2014; Green text represents MOD 3 dated 17 December 2015; Orange text represents MOD 4 dated 13 May 21; Purple text represents MOD5 dated 29 October 2021					
ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	SITE SECURITY				
48A	The Proponent shall ensure that: a) the site is secured by a perimeter fence and security gates; and b) the perimeter fence and security gates are under surveillance at all times	- Site visit on 24/07/23 - Site Security Plan last updated 15/04/18 - Sherpa Consulting, Hazard Audit 2022, 07/10/22	A Site Security Plan is in place. The Site is secured by perimeter fence and security gates and is under 24-hour surveillance with cameras. Site personnel advised that additional cameras are currently being installed.	Compliant	
	AVIATION SAFETY				
48B	The Proponent must obtain all necessary approvals from the Air Base Command Post of RAAF Base in Williamstown and the Directorate of External Land Planning within the Defence Support Group of the Department of Defence for the erection of all structures that constitute transient/temporary or permanent obstructions in accordance with the Operation of cranes and tall structures in the vicinity of Newcastle Airport (Department of Defence, 2013).	- Orica, CEMP ENVR ANP1 Prill Tower Emission Abatement, 28/11/22 - Orica, CEMP ENVR Nitrates Effluent Pond Management, 04/02/22 - Email from RAAF Williamtown, [EXTERNAL] RE: Orica Kooragang Island - Notification of tall structures [SEC=OFFICIAL], 09/07/21	RAAF approval for high works at the site was provided to a "maximum height of 110m above ground level until March 2022" and "all activities at the site under 90m do not require individual submissions and are approved in principal". Orica advised that the highest structure on site consists of the NAP1 stack at 86m and no works during the Audit Period took place at a height above 90m.	Compliant	
	SCHEDULE 4 - ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING				
	ENVIRONMENTAL MANAGEMENT STRATEGY				
	Construction Environmental Management Plan				
49A	The Proponent shall prepare and implement a Construction Environmental Management Plan for the construction of the Project to the satisfaction of the Secretary. The Plan must: a) be prepared by a suitably qualified and experienced expert or team of experts; b) be submitted to the Secretary for approval no later than 4 weeks prior to the commencement of each construction stage of the Project, or within an alternative timeframe agreed to in	- Interview with site personnel on 24/07/23 - Orica, CEMP ENVR Nitrates Effluent Pond Management, 04/02/22 - Orica letter to DPIE RE: Orica Kooragang Island Expansion Project development consent (08_129 - MOD4) – Condition 14 and 49 – MOD 4 -	CEMPs for Phases 7 and 8 of the Project were prepared during the Audit Period and submitted to the Secretary for approval along with the pre-construction studies for each phase. Letters approving the pre-construction studies for each phase do not include approval of the CEMPs. Orica advised that it will follow up with the Department.	Compliant	

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	writing by the Secretary (see Condition 49C for management plan requirements); c) identify the statutory licences, permits and approval/consents that apply to the Project; d) include a copy of all relevant management plans and monitoring programs required by this approval; e) incorporate all relevant management and mitigation measures outlined in Appendix C of this approval; f) outline all environmental management practices and procedures to be followed during construction and demolition works associated with the Project; g) describe all activities to be undertaken on the site during construction of the Project, including a clear indication of construction stages (see Condition 7 and 8); h) detail how the environmental performance of the construction of the Project will be monitored, and what actions will be taken to address identified adverse environmental impacts and issues, including (but not limited to): • Air Quality (see Conditions 21 to 27C); • Noise and Vibration (see Conditions 30 to 33A); • Transport (see Conditions 34 to 36); • Soil and Water (see Conditions 37 to 44); • Visual (see Conditions 45 and 46); • Waste (see Conditions 47 and 48); • Site Security (see Condition 48A); and • Aviation Safety (see Condition 48B).	Preconstruction documentation, 8/03/22 • DPIE letter to Orica re: Nitrate Effluent Tank Project, Orica Kooragang Island (MP 08_0129 MOD 4) Hazard and Operability Study (HAZOP) and Construction Safety Study (CSS), 18/03/22 • Orica, CEMP ENVR ANP1 Prill Tower Emission Abatement, 28/11/22 • Orica letter to DPIE RE: Orica Kooragang Island Expansion Project development consent (08_129 - MOD4) – Condition 14 and 49 – MOD 5 - Preconstruction documentation, 1/12/22 • DPIE letter to Orica re: Prill Tower Scrubber, Orica Kooragang Island (MP 08_0129 MOD 5) Hazard and Operability Study (HAZOP) and Construction Safety Study (CSS), 12/12/22			

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ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	i) describe the roles and responsibilities for all relevant employees involved in construction and demolition works associated with the Project; j) include arrangements for community consultation at key stages of the Project; k) include a complaints handling procedure during construction; and, l) include appropriate procedures to allow the regular review of the requirements of each plan to ensure that they are effective and allow for adaptive management to address contingencies that may arise over the life of the Project. Note: The approval of a Construction Environmental Management Plan does not relieve the Proponent of any requirement associated with this approval. If there is an inconsistency with an approved Construction Environmental Management Plan and the conditions of this approval, the requirements of this approval prevail.				
	Operational environmental Management plan				
49B	The Proponent shall prepare and implement an Operational Environmental Management Plan for the operation of the Project. This plan must be submitted to and approved by the Secretary prior to the commencement of operation of each stage of the Project (see Condition 49C for management plan requirements); a) provide the strategic framework for environmental management of the Project; b) identify the statutory licences, permits and approval/consents that apply to the Project; c) include a copy of all relevant management plans and monitoring programs under this Project;	- OEMP, Version 10, 01/09/22 - Edge Environment, 2017 IEA, June 2018 - Ramboll, 2020 IEA, August 2020 - DPIE mail to Orica re: Orica Ammonium Nitrate Facility - Upgrade - Operational Environmental Management Plan MP08_0129-PA-2 - Request for Additional Information, 20/08/21 - Orica letter to DPIE re: Orica Ammonium Nitrate Facility (MP08_0129-PA-2) – Operational	At the time of the 2020 IEA, the OEMP had been updated (version 9, June 2020), submitted to the Department and was awaiting approval. The OEMP was updated again in 2021 and submitted to DPIE; however, it is noted that no stages of the Project commenced operations during the Audit Period. While there is evidence that The Department commented on the OEMP submitted in 2021 and Orica made further revisions in response, there is no record of the OEMP being	Compliant	

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ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	d) consolidate all relevant management and mitigation measures for the Initial Operations that will continue to be implemented the Project site together with those outlined in Appendix C of this consent; e) outline all environmental management practices and procedures that will followed during the operation of the Project, including those that will continue to be implemented by the Proponent in respect of the Initial Operations (see Condition 7 and 8); f) include a description of all activities to be carried on the site during the operation of the Project; g) detail how the environmental performance of the operation of the Project will be monitored, and what actions will be taken to address identified adverse environmental impacts, including (but not limited to): - Air Quality (see Conditions 21 to 27C); - Noise and Vibration (see Conditions 30 to 33A); - Transport (see Conditions 34 to 36); - Soil and Water (see Conditions 37 to 44); - Visual (see Conditions 45 and 46); - Waste (see Conditions 47 and 48); - Site Security (see Condition 48A); and - Aviation Safety (see Condition 48B). h) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the Project; i) describe the procedures that will be implemented to:	Environmental Management Plan (OEMP) – Condition 49B, 13/10/21, Attachment A – Response to DPIE comments on OEMP - RFI1 and 2 Email from Orica to DPIE, RE: MP08_0129-PA-2 - Orica Kooragang Island - DPIE comments on the submitted Operational Environmental Management Plan (OEMP), 10/12/21	approved by the Department. Following the site visit, Orica has resubmitted the OEMP to the Department for approval. Recommendation: Follow up with DPE to resolve approval of OEMP Version 10.		

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ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	- keep the local community and relevant agencies informed about the operation and environmental performance of the Project, including information on and notification during flare activation and operation; - receive, handle, respond to, and record complaints; - resolve any disputes that may arise during the course of the Project; - respond to any non-compliance; and - respond to emergencies; and j) include: - copies of any strategies, plans and programs approved under the conditions of this approval; and - a clear plan depicting all the monitoring required to be carried out under the conditions of this approval.				
	Management Plan Requirements				
49C	The Proponent shall ensure that Management Plans required under this approval are prepared in accordance with any relevant guidelines, and include: a) detailed baseline data; b) a description of: - the relevant statutory requirements (including any relevant approval, licence or lease conditions); - any relevant limits or performance measures/criteria; and - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation	- Orica, Appendix 6 - Operational Air Quality Management Plan, December 2021 - OEMP, Version 10, 01/09/22 - Orica, CEMP ENVR ANP1 Prill Tower Emission Abatement, 28/11/22 - Orica, CEMP ENVR Nitrates Effluent Pond Management, 04/02/22	An Operational Air Quality Management Plan and CEMPs for Phases 7 and 8 was prepared during the Audit Period. Some existing plans, such as the OEMP and the Noise Management Plan were revised during the Audit Period.	Compliant	

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ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	of, the Project or any management measures; c) a description of the measures that will be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria; d) a program to monitor and report on the: - impacts and environmental performance of the Project; and - effectiveness of any management measures (see (c above); e) a contingency plan to manage any unpredicted impacts and their consequences; f) a program to investigate and implement ways to improve the environmental performance of the Project over time; g) a protocol for managing and reporting any: - incidents; - complaints (including a complaints register); - non-compliances with statutory requirements; and - exceedance/s of the impact assessment criteria and/or - performance criteria; and h) a protocol for periodic review of the plan. Notes: - This condition only applies to management plans that are submitted from 30 November 2014 onwards. - The Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.				

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ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	Revision of Strategies, Plans and Programs				
49D	Within 3 months of the submission of an: a) Annual Environmental Management Report under Condition 50; b) Incident Report under Conditions 51A to 51B c) any modifications to this approval, the Proponent shall review, and if necessary revise all post approval documents required under this approval to the satisfaction of the Secretary. Note: This is to ensure the post approval documents are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the Project.		Management plans have been progressively updated where required.	Compliant	
	ENVIRONMENTAL REPORTING				
	Environmental Reporting				
50	The Proponent shall submit an Annual Report to the Secretary and other relevant agencies. This report must: a) identify the standards and performance measures for the Project; b) describe the works carried out in the past 12 months and the works to be carried out in the next 12 months; c) include a summary of the complaints received in the past year, and provide comparison with previous years; d) report results of all monitoring required by this approval and an EPL for the Project; e) provide analysis of monitoring results in the context of relevant criteria and limits, previous	2022 AEMR 2021 AEMR 2020 AEMR	The Auditors viewed the AEMRs prepared for the Audit Period which are publicly available. The requirements under this condition were addressed in the following sections (consistent across all AEMRs): a) Section 5 b) Section 6 c) Section 8 d) Section 7 e) Section 7 f) Section 7 g) Section 11	Compliant	

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	monitoring results and the predictions made in the EA and Modification Assessments f) identify any trends in monitoring results over the life of the Project; and g) report on compliance with the project approval, summarise non-compliances in the previous 12 months and report on actions taken to rectify non-compliances.				
	Incident Reporting				
51A	The Proponent shall notify the Secretary and any other relevant agencies of any incident or potential incident with actual or potential significant off-site impacts on people or the biophysical environment associated with the facility immediately after the Proponent becomes aware of the incident.	- Interview with site personnel on 24/07/23 - Email from Orica to DPE, Incident notification - Condition 51A, 14/11/21 - DPE Post Approval, 211119 DPIE Condition 51A Incident Notification, 15/11/21 - EPA Notice, 3173531900, 02/06/23 - Report Into Triella Ammonia Odour at Site Boundary on 25 March 2023, 31/03/23 - Email from DPE to Orica, [EXTERNAL] Communication regarding Incident notification - odour - 25 March 2023 MP08_0129-PA-24, 19/07/23	Orica notified two incidents to the Secretary during the Audit period. One incident during the Audit Period related to a fire on the cladding of the 102E vessel (carbon dioxide removal vessel) in the ammonia plant. The incident occurred on 13 November 2021 and was notified to DPIE 14 November 2021. A formal incident report was submitted to DPIE on 15 November. No harm was reported to have occurred to the environment or people as a result of the incident. The second incident notified to the Department involved the release of ammonia odour during venting of Triella aqua tanks, which occurred on 25 March 2023. The Department responded to this noting the EPA was the appropriate regulatory authority for the incident.	Compliant	

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			The EPA issued a Penalty Notice for not reporting an incident in which an employee was exposed to ammonia whilst performing maintenance on a valve. Orica had considered the incident as a safety incident, and reported it only to SafeWork, and not as a pollution incident. The EPA issued the Penalty Notice as the incident had not also been reported to it under Part 5.7 of the POEO Act. This incident was not reported to the Department under this condition as it did not involve actual or potential significant off-site impacts. However, it highlights the need to ensure that notification procedures cover all relevant agencies for particular incident types. Recommendation: reinforce incident notification procedures to ensure all relevant agencies are notified of an incident.		
51B	Within 7 days of the date of the incident, the Proponent shall provide the Secretary and any relevant agencies with a detailed report on the incident.	Refer to Condition 51A	Refer to Condition 51A	Compliant	
	Flare Activation Reporting				
51C	The Proponent shall provide a report to the Secretary that summarises all ammonia flare activations. The report must be provided on a three-monthly basis for the first 12 months of flare operation, commencing three months following the	Letter from Orica to DPE, Re: Annual Ammonia Flare Activation Summary (January 2020 – December 2020), 07/01/21	Evidence was provided that the annual summaries for 2020, 2021 and 2022 were provided to the Department.	Compliant	

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ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	date of commissioning of the first flare. Following the first 12 months, the Proponent must provide the report annually to the Secretary by 31 March each year. The ammonia flare activation summary report must include, but is not limited to, the following: a) the date and time the ammonia flare activation occurred; b) the duration of the ammonia flare activation; c) the estimated quantity of ammonia directed to the flare during the flare activation period; d) details of operational parameters that affected destruction efficiency during the flare activation; and e) actions identified to prevent further flare activations.	• Letter from DPE to Orica, Annual Ammonia Flare Activation Summary (January 2020 to December 2020), 13/01/21 • DPE Post Approval Form, 2020CY - DPIE Flare Summary - SSD 08_0129 51C, 07/01/21 • DPE email to Orica re: Orica Ammonium Nitrate Facility - Upgrade - Post Approval Document Received - (MP08_0129-PA-14), Post Approval Form, CY21 Flare activation summary, 11/02/22 • DPE email to Orica re: Ammonium Nitrate Facility - Upgrade - Post Approval Document Received - (MP08_0129-PA-22), Post Approval Form, CY22 Flare activation summary, 09/02/23			
	AUDITING				
	Independent Environmental Audit				
52	2 years after the commencement of operations of Phase 1 of the Project, and every 3 years thereafter, or at such intervals as the Secretary may agree, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project and within 1 month of each audit submit a report to the Secretary. This audit must: a) be conducted by a suitably qualified, experienced, and independent team of experts	• SLR Consulting, 2014 IEA, March 2014 • Edge Environment, 2017 IEA, June 2018 • Ramboll, 2020 IEA, August 2020 • This audit • Letter from DPE to Orica, 2023 IEA Auditor Endorsement, 18/05/23	Independent Environmental Audits have been undertaken at 3 yearly intervals - 2014, 2017, 2020 and 2023 (this Audit). This Independent Environmental Audit has been undertaken in accordance with the requirements specified in this condition. The Audit Team was	Compliant	

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	whose appointment has been endorsed by the Secretary; b) assess the environmental performance of the project and, and its effects on the surrounding environment; c) assess whether the Project is complying with the relevant standards, performance measures, and statutory requirements; d) review the adequacy of any strategy/plan/program required under this approval; and, if necessary e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy/plan/program required under this approval. Note: This audit team must include experts in the field of noise and air quality		approved by the Department on 18 May 2023.		
	ACCESS TO INFORMATION				
	Access to Information				
53	The Proponent shall, unless otherwise agreed to in writing by the Secretary: a) make the following information publicly available on its website: - the EA and Modification Assessments; - current statutory approvals for the Project; - all approved post approval documents; - a summary of the monitoring results of the Project, which have been reported in accordance with the conditions of this approval; - copies of any annual reviews (over the last 5 years);	Orica website	The Orica website was viewed by the Auditors and website included the information listed under this condition. The Auditors note that the link to the 2022 AEMR on the Orica website links to the SSD-7831 Annual Review and not the MP08_0129 AEMR. The 2022 AEMR is available on the DPE Major Projects website (refer to recommendation for condition 4a).	Compliant	

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	- any independent environmental audit, and the Proponent’s response to the recommendations in any audit; and - any other matter required by the Secretary; and b) keep this information up-to-date.				

Table A-2: Compliance with Development Consent SSD-7831					
ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	SCHEDULE 2 - PART A: ADMINISTRATIVE CONDITIONS				
	OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT				
A1	In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.	- Site visit and interview with site personnel on 24/07/23 - Documentation as described in this table.	The Auditors did not find evidence of incidents resulting in material harm to the environment occurring during the audit period. Environmental management on site was observed to be of a generally high standard.	Compliant	
	TERMS OF CONSENT				
A2	The development may only be carried out: a) in compliance with the conditions of this consent; b) in accordance with all written directions of the Planning Secretary; c) in accordance with the EIS and Response to Submissions; d) in accordance with the Development Layout in Appendix 1; and e) in accordance with the management and mitigation measures in Appendix 2.	Site visit and interview with site personnel on 24/07/23	The development is being carried out generally in accordance with the requirements of this condition.	Compliant	
A3	Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to: a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and b) the implementation of any actions or measures contained in any such document referred to in A3(a).	Site visit and interview with site personnel on 24/07/23	No written directions were issued by the Planning Secretary during the Audit Period.	Not triggered	

Table A-2: Compliance with Development Consent SSD-7831

ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
A4	The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict. Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction of the Planning Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.	Site visit and interview with site personnel on 24/07/23	No inconsistencies between the documents listed in condition 2 were identified by the Auditors.	Not triggered	
	LIMITS OF CONSENT				
	Lapsing				
A5	This consent lapses five years after the date from which it operates, unless the development has physically commenced on the land to which the consent applies before that date.	Ramboll, 2020 IEA, August 2020	The development consent was issued on 10 August 2018. The development had physically commenced (and construction was completed) in the prior audit period.	Not triggered	
	Construction of the Containment Cell				
A6	The construction of the containment cell shall be undertaken over a maximum period of one year from the date of commencement of the remediation works, unless otherwise agreed with the Planning Secretary. The Applicant shall notify the Planning Secretary in writing upon the commencement of remediation works.	Ramboll, 2020 IEA, August 2020	The condition was assessed as Compliant in the prior audit period and is not relevant to the current Audit Period.	Not triggered	
	NOTIFICATION OF COMMENCEMENT				
A7	The date of commencement of each of the following phases of the development must be notified to the	Ramboll, 2020 IEA, August 2020	The condition was assessed as Compliant in the prior audit period	Not triggered	

Table A-2: Compliance with Development Consent SSD-7831					
ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	Department in writing, at least one month before that date: a) construction phase of remediation works; and b) completion of construction activities associated with the containment cell.		and is not relevant to the current Audit Period.		
A8	If the construction or operation of the remediation works is to be staged, the Department must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.		The Project was not staged.	Not triggered	
EVIDENCE OF CONSULTATION					
A9	Where conditions of this consent require consultation with an identified party, the Applicant must: a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and b) provide details of the consultation undertaken including: (i) the outcome of that consultation, matters resolved and unresolved; and (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.	Ramboll, 2020 IEA, August 2020	The condition was assessed as Compliant in the prior audit period and is not relevant to the current Audit Period.	Not triggered	
STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS					
A10	With the approval of the Planning Secretary, the Applicant may: a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and	- Interview with site personnel on 24/07/23 - Letter from DPE to Orica, Subject: Long Term Environmental Management Plan, 30/01/23 - Long Term Environmental Management Plan (LTEMP, Rev 2), May 2023	The LTEMP was updated twice during the Audit Period – minor revision 1A approved by the Secretary in January 2023 and revision 2 approved in June 2023.	Compliant	

Table A-2: Compliance with Development Consent SSD-7831					
ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	the trigger for updating the strategy, plan or program); b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).	Letter from DPE to Orica, Subject: Approval of the Long Term Environmental Management Plan Revision 2, 6 June 2023			
A11	If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.		The development was not staged.	Not triggered	
A12	If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.	Site visit and interview with site personnel on 24/07/23	The LTEMP was updated twice during the Audit Period – minor revision 1A approved by the Secretary in January 2023 and revision 2 approved in June 2023. LTEMP (Rev 1) Was in place for most of the Audit Period.	Compliant	
	REQUEST FOR INFORMATION				
A13	The Applicant must retain weighbridge records and waste classification records for all waste disposed from the site in accordance with the requirements detailed in the POEO Act. The waste classification records must be made immediately available on request by the EPA and/or the Planning Secretary.		Construction was completed in the prior audit period. Materials were not removed from site for disposal. ENM was mixed with the bentonite wall.	Not triggered	

Table A-2: Compliance with Development Consent SSD-7831					
ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	COMPLIANCE				
A14	The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.	Site visit and interview with site personnel on 24/07/23	Construction was completed in the prior audit period. The completed cell area is fenced and signed, and requires contact with security to access.	Compliant	
	OPERATION OF PLANT AND EQUIPMENT				
A15	All plant and equipment used on site or to monitor the performance of the development must be: a) maintained in a proper and efficient condition; and b) operated in a proper and efficient manner.	- Interview with site personnel on 24/07/23 - Post Remediation Annual Groundwater Monitoring Event – July 2022, Golder Associates, 5 August 2022 - Post Remediation Annual Groundwater Monitoring Event – October 2021, Golder Associates, 17 December 2021	Construction was completed in the prior audit period. Ongoing monitoring is annual groundwater monitoring which is undertaken by a third party using hired equipment. Equipment calibration records are included in the monitoring reports.	Compliant	
	UTILITIES AND SERVICES				
A16	Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.		Construction was completed in the prior audit period. No utility works were undertaken.	Not triggered	
	APPLICABILITY OF GUIDELINES				
A17	References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.	- Post Remediation Annual Groundwater Monitoring Event – July 2022, Golder Associates, 5 August 2022 - Post Remediation Annual Groundwater Monitoring Event – October 2021, Golder Associates, 17 December 2021 - LTEMP (Rev 2),	Golder Associates has referred to relevant guidelines in preparation of Annual Groundwater Monitoring Event reports.	Compliant	
A18	However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised	Interview with site personnel on 24/07/23	No written directions were issued by the Planning Secretary during Audit Period.	Not triggered	

Table A-2: Compliance with Development Consent SSD-7831					
ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	version of such a guideline, protocol, Standard or policy, or a replacement of them.				
	ADVISORY NOTES				
A19	All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.	- SSD 7831 - Management Order 20181401 - EPL 828	No missing licences or permits have been identified.	Compliant	
	PART B: ENVIRONMENTAL PERFORMANCE AND MANAGEMENT				
	REMEDICATION				
	Site Auditor				
B1	Prior to the commencement of remediation works, the Applicant must provide evidence to the Planning Secretary that a Site Auditor accredited under the <i>Contaminated Land Management Act, 1997</i> (CLM Act) has been appointed, as required by the Management Order, to independently review the implementation and validation of the remediation works. The scope of the audit is also to include consideration of the suitability of the long-term environmental management plan (LTEMP) (see Conditions B9 and Condition B12, respectively).	Ramboll, 2020 IEA, August 2020	The condition was assessed as Compliant in the prior audit period and is not relevant to the current Audit Period.	Not triggered	
	Validation Consultant(s)				
B2	Prior to the commencement of remediation works, the Applicant must provide evidence to the Planning Secretary, that a suitably qualified and experienced consultant(s) certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated	Ramboll, 2020 IEA, August 2020	The condition was assessed as Compliant in the prior audit period and is not relevant to the current Audit Period.	Not triggered	

Table A-2: Compliance with Development Consent SSD-7831					
ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	Site Assessment and Management (CPSS/ CSAM) scheme has been appointed to validate the remediation works to demonstrate compliance with the Remedial Action Plan (RAP) as required under the Management Order (see Condition B9).				
	Containment Cell				
B3	Prior to the commencement of remediation works, the Applicant must prepare a Containment Cell Management (CCMP) to the satisfaction of the Planning Secretary. The CCMP must form part of the CEMP required by Condition C2 and be prepared in accordance with Condition C1. The CCMP must: a) be prepared by a suitably qualified and experienced person(s); b) be prepared in consultation with the EPA; c) include details of the Construction Quality Control (CQC) and Construction Quality Assurance (CQA) design, procedures, program and performance specifications to be achieved for the construction of the remediation works; and d) be prepared as described in the RAP.	• Ramboll, 2020 IEA, August 2020	The condition was assessed as Compliant in the prior audit period and is not relevant to the current Audit Period.	Not triggered	
B4	The Applicant must: • not commence remediation works until the CCMP required by Condition B3 is approved by the Planning Secretary; and • implement the most recent version of the CQCMP approved by the Planning Secretary.	• Ramboll, 2020 IEA, August 2020	The condition was assessed as Compliant in the prior audit period and is not relevant to the current Audit Period.	Not triggered	
	Remedial Works				
B5	The Applicant must remediate the site in accordance with the design specifications and requirements detailed in the RAP and relevant guidelines produced or approved under the CLM Act.	• Ramboll, 2020 IEA, August 2020	The condition was assessed as Compliant in the prior audit period and is not relevant to the current Audit Period.	Not triggered	

Table A-2: Compliance with Development Consent SSD-7831

ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
B6	The Applicant must carry out the remediation works using suitably qualified and experienced contractor(s).		The condition was assessed as Compliant in the prior audit period and is not relevant to the current Audit Period.	Not triggered	
B7	The Applicant must only place arsenic contaminated material as described in the RAP, in the containment cell.	Site Audit - Remediation and Validation, Arsenic Remediation Program - Orica Kooragang Island, C. M. Jewell & Associates Pty Ltd, September 2020	The condition was assessed as Compliant in the prior audit period and is not relevant to the current Audit Period. At the time of the 2020 IEA the Site Auditor had not yet issued a Site Audit Report and the finding was based on the Remediation Validation Report. The Site Audit Report was issued during the Audit Period. The Auditor considered that the Remediation Validation Report was suitable for its stated purpose of documenting the completion of remediation work in accordance with the approach and objectives set out in the RAP and with the technical specifications.	Not triggered	
	Remediation Validation Report				
B8	Within three months of completion of remediation works, the Applicant must submit a Remediation Validation Report (RVR) to the satisfaction of the Planning Secretary. The RVR must: a) be prepared by the validation consultant(s) (see Condition B2); b) be prepared in accordance with the RAP and the Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites (OEH 2011); c) include, but not be limited to a: (i) CQA report; (ii) design report;	Ramboll, 2020 IEA, August 2020	The condition was assessed as Compliant in the prior audit period and is not relevant to the current Audit Period.	Not triggered	

Table A-2: Compliance with Development Consent SSD-7831					
ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	(iii) construction report.				
	Long Term Environmental Management Plan				
B9	Two months prior to the completion of remediation works, the Applicant must submit a LTEMP to the satisfaction of the Site Auditor and the Planning Secretary. The LTEMP must: a) be prepared by a suitably qualified and experienced person(s) certified under either the CEnvP(SC) or the CPSS CSAM scheme; b) be reviewed by an EPA accredited Site Auditor as required by Condition B1; c) include, but not be limited to: (i) the hydraulic performance of containment cell; (ii) details of the groundwater monitoring program including a description of the procedures for monitoring the integrity of the containment cell; (iii) details of any restrictions placed on the land to prevent development over the containment cell; and (iv) mechanisms to report results to relevant agencies.	Ramboll, 2020 IEA, August 2020	The condition was assessed as Compliant in the prior audit period and is not relevant to the current Audit Period.	Not triggered	
B10	Upon completion of the remediation works, the Applicant must implement the LTEMP and manage the containment cell in accordance with LTEMP as required by Condition B9 and any remediation notice issued by the EPA under the CLM Act.	- LTEMP (Rev 1), May 2020 - LTEMP (Rev 1A), Dec 2022 - LTEMP (Rev 2), May 2023 - Site visit and interview with site personnel on 24/07/23 - Post Remediation Annual Groundwater Monitoring Event – July 2022, Golder Associates, 5 August 2022 - Post Remediation Annual Groundwater Monitoring Event – October 2021, Golder Associates, 17 December 2021	The containment cell is being managed in accordance with LTEMP.	Compliant	

Table A-2: Compliance with Development Consent SSD-7831					
ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
		Containment cell inspection records in Enablon.			
B11	The Applicant must provide a summary report of the sampling results of the GMP in accordance with the requirements of the Management Order to the EPA and the Planning Secretary.	- Post Remediation Annual Groundwater Monitoring Event – July 2022, Golder Associates, 5 August 2022 - Post Remediation Annual Groundwater Monitoring Event – October 2021, Golder Associates, 17 December 2021 - DPIE email to Orica re: Orica Kooragang Remediation - Post Approval Document Received - (SSD-7831-PA-12), 10 August 2022 - Orica email to EPA re: EPA 2022 Arsenic GMP - Orica KI, 9 August 2022	Annual groundwater monitoring events under the Groundwater Monitoring Program (GMP) have been completed and submitted to the EPA and DPE.	Compliant	
	Site Audit Report and Site Audit Statement				
B12	Within six months of submission of the Validation Report required by Condition B8, the Site Auditor must submit a Site Audit Statement and Site Audit Report to the EPA and to the Planning Secretary in accordance with the requirements of the Management Order.	- Management Order request for extension email to the EPA dated 5/07/19 and accompanying letter - Final notice amendment notice from EPA granting extension to 24/09/20 - Email from DPIE dated 8/07/20 noting acceptance of extension agreement with EPA - C.M.Jewell & Associates, Site Audit Statement SA329 and Site Audit Report J1702.9R-rev0, 24 September 2020 - EPA email to Orica re: SAS/SAR - Arsenic Consent - Orica KI SSD_7831, 25 September 2023 - SharePoint email to Orica re: The link to "200924 EPA SSD_7831 J1702.9R-	The Site Audit Statement and Site Audit Report would have been due to be submitted by 24 June 2020, in the prior audit period. Orica requested an extension from the EPA in relation to the requirements under the Management order and the EPA granted an extension to 24 September 2020. Orica informed the Department of the extension from the EPA and the Department responded that the extension was noted. The Site Audit Statement and Site Audit Report are dated 24 September 2020 and the EPA confirmed it was received. They were provided to the Department by SharePoint file share and were	Compliant	

Table A-2: Compliance with Development Consent SSD-7831					
ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
		rev0 SAR and SAS" was successfully used, 25 September 2020 DPIE email to Orica re: Orica Kooragang Remediation - Post Approval Document Received - (SSD-7831-PA-6), 1 December 2020	later uploaded to the Planning Portal on 1 December 2020.		
	WORK HEALTH AND SAFETY				
B13	The Applicant must ensure that all remediation works are carried out in accordance with <i>NSW Work Health and Safety Regulation 2017</i> (WHS Regulation).		The condition was assessed as Compliant in the prior audit period and is not relevant to the current Audit Period.	Not triggered	
B14	Prior to the commencement of remediation works, the Applicant must prepare a Health and Safety Plan (HSP) to the satisfaction of the Planning Secretary for the remediation works. The HSP must form part of the CEMP required by Condition C2 and be prepared in accordance with Condition C1. The HSP must: - describe the controls to ensure compliance with the WHS Regulation; - identify personal protective equipment (PPE) required for use onsite; - describe the procedures for training, education and awareness programs and inductions for site personnel to ensure adequate protection from human health risks; - identify requirements for health monitoring for site personnel and documentation procedures; and - details of exclusion zones and decontamination procedures.		The condition was assessed as Compliant in the prior audit period and is not relevant to the current Audit Period.	Not triggered	
B15	The Applicant must: not commence remediation works until the HSP required by Condition B14 is approved by the Planning Secretary; and		The condition was assessed as Compliant in the prior audit period and is not relevant to the current Audit Period.	Not triggered	

Table A-2: Compliance with Development Consent SSD-7831					
ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	b) implement the most recent version of the HSP approved by the Planning Secretary.				
	AIR QUALITY				
	Dust Minimisation				
B16	All reasonable steps must be taken to minimise dust generated during all works authorised by this consent.	- Site visit and interview with site personnel on 24/07/23 - LTEMP (Rev 1), May 2020 - LTEMP (Rev 2), May 2023	The completed containment cell is covered with vegetation and inspected regularly. There is limited potential for dust generation under long-term management.	Compliant	
B17	The Applicant must ensure that: - trucks and vehicles entering and leaving the site that are carrying loads of dust generating materials must have their loads covered at all times, except during loading and unloading; - remediation works not occur during adverse meteorological conditions; - any works are carried out progressively on site to minimise exposed surfaces; - all operations and activities occurring at the remediation works must be carried out in a manner that minimises the emissions of air pollutants from the Development; - trucks associated with the Development do not track dirt onto the public road network; and - public roads used by these trucks are kept clean.	Interview with site personnel on 24/07/23	Construction was completed in the prior audit period.	Not triggered	
	Air Quality Discharges				
B18	Equipment must be installed and operated in accordance with best practice to ensure that the development complies with all load limits, air quality criteria, air emission limits and air quality monitoring requirements as specified in the EPL applicable to the site.	- Site visit and interview with site personnel on 24/07/23 - LTEMP (Rev 1), May 2020 - LTEMP (Rev 2), May 2023	The containment cell is a passive system. The completed containment cell is covered with vegetation and inspected regularly. There is limited potential to contribute to dust emissions under long-term management.	Compliant	

Table A-2: Compliance with Development Consent SSD-7831

ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	Air Quality Management Plan				
B19	Prior to the commencement of remediation works, the Applicant must prepare an Air Quality Management Plan (AQMP) to the satisfaction of the Planning Secretary. The AQMP must form part of the CEMP required by Condition C2 and be prepared in accordance with Condition C1. The AQMP must: a) be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary; b) describe the measures that will be implemented to minimise the potential risks to adverse air quality in the area including: (i) the management and mitigation measures to be employed at the site; (ii) plant and equipment being maintained to ensure that it is in good order; (iii) how the air quality impacts of the development will be minimised during adverse meteorological conditions or extraordinary events; (iv) show the locations of dust monitors on and off-site with appropriate trigger values; (v) details regarding the mitigation and management measures to control dust from stockpiles; (vi) report on the performance of the remediation works against the key performance indicators for each emission type using data from the real-time dust monitors; (vii) detail proactive mitigation measures for the control of dust and odour impacts, including procedures to restrict works during adverse meteorological conditions;	• Ramboll, 2020 IEA, August 2020	The condition was assessed as Compliant in the prior audit period and is not relevant to the current Audit Period.	Not triggered	

Table A-2: Compliance with Development Consent SSD-7831					
ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	(viii) detail procedures for consulting with the nearby sensitive receivers to minimise dust and odour impacts; (ix) detail the contingency measures to be implemented to respond to complaints or if dust impacts are identified; and (x) include record keeping, a complaints register and compliance report to identify the control measures that will be implemented for each emission source.				
B20	The Applicant must: a) not commence remediation works until the AQMP required by Condition B19 is approved by the Planning Secretary; and b) implement the most recent.	Ramboll, 2020 IEA, August 2020	The condition was assessed as Compliant in the prior audit period and is not relevant to the current Audit Period.	Not triggered	
	Odour Management				
B21	The Applicant must ensure the remediation works does not cause or permit the emission of any offensive odour (as defined in the POEO Act).	Site visit and interview with site personnel on 24/07/23	No odour complaints in relation to remediation works were recorded during the Audit Period. The containment cell is a passive system. The completed containment cell is capped and covered with vegetation and inspected regularly. There is limited potential to contribute to odour emissions under long-term management.	Compliant	
	SOIL AND WATER				
	Surface Water Management System				
B22	Prior to the commencement of operations, the Applicant must design and install a surface water management system for the Development. The system must: a) be designed and constructed by a suitably qualified and experienced person(s);	Ramboll, 2020 IEA, August 2020	The condition was assessed as Compliant in the prior audit period and is not relevant to the current Audit Period.	Not triggered	

Table A-2: Compliance with Development Consent SSD-7831

ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	b) be generally in accordance with the design diagrams in the Appendix A: Wall Alignment and Detail Design of the RAP; c) be in accordance with applicable Australian Standards; and d) ensure that the system capacity has been designed in accordance with Australian Rainfall and Runoff (Engineers Australia, 2016) and Managing Urban Stormwater: Council Handbook (EPA, 1997) Guidelines.				
B23	Within two months of the completion of remediation works, works-as-executed drawings signed by a registered surveyor must be submitted to the Site Auditor demonstrating that the stormwater drainage and finished ground levels have been constructed as detailed in the RAP.		The condition was assessed as Compliant in the prior audit period and is not relevant to the current Audit Period.	Not triggered	
B24	The surface water management system must be operated and maintained for the duration of the Development.	- Site visit and interview with site personnel on 24/07/23 - Arsenic containment cell quarterly inspection checklists in Enablon	The surface water management system was observed during the site visit to be in good condition. The containment cell is subject to quarterly inspections.	Compliant	
	Erosion and Sediment Control				
B25	Prior to the commencement of any construction or other surface disturbance the Applicant must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the <i>Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book</i> (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP required by condition C2.	Ramboll, 2020 IEA, August 2020	The condition was assessed as Compliant in the prior audit period and is not relevant to the current Audit Period.	Not triggered	
	Pollution of Water				
B26	The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.	Site visit and interview with site personnel on 24/07/23	The Auditors note that groundwater is included in the definition of waters for the purpose of section	Compliant	

Table A-2: Compliance with Development Consent SSD-7831					
ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
		- Post Remediation Annual Groundwater Monitoring Event – July 2022, Golder Associates, 5 August 2022 - Post Remediation Annual Groundwater Monitoring Event – October 2021, Golder Associates, 17 December 2021	120 of the POEO Act and EPL 828 does not expressly provide for pollution of groundwater. The purpose of the development is to address historic contamination by containing it to minimise impacts on groundwater quality.		
B27	Any spills must be contained and disposed of at a licenced facility.	Site visit and interview with site personnel on 24/07/23	No spills reported during Audit Period in relation to the remediation works.	Not triggered	
B28	Any servicing or repair work of motor vehicles or mobile plant is to be carried out within a sealed area that has environmental controls appropriate for servicing or repair work. This must include bunding where there this work could result in liquids being spilled.	Site visit and interview with site personnel on 24/07/23	There was no on-site servicing or repair of vehicles or mobile plant associated with the remediation works during the Audit Period.	Not triggered	
Imported Soil					
B29	The Applicant must: - ensure that only VENM or ENM or other material approved in writing by the EPA is used as fill on the site; - keep accurate records of the volume and type of fill to be used; and - make these records available to the Planning Secretary upon request.	Ramboll, 2020 IEA, August 2020	The condition was assessed as Compliant in the prior audit period and is not relevant to the current Audit Period.	Not triggered	
Unexpected Finds Protocol					
B30	Prior to the commencement of construction, the Applicant must prepare an unexpected finds protocol to ensure that potentially contaminated material is appropriately managed. The protocol must form part of the CEMP required by Condition C2 and must ensure any material identified as contaminated must be disposed off-site, with the disposal location and	Ramboll, 2020 IEA, August 2020	The condition was assessed as Compliant in the prior audit period and is not relevant to the current Audit Period.	Not triggered	

Table A-2: Compliance with Development Consent SSD-7831					
ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	results of testing submitted to Council, prior to its removal from the site.				
	HAZARDS AND RISK				
B31	The Applicant must store all chemicals, fuels and oils used on-site in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards, and EPA's Storing and Handling of Liquids: Environmental Protection - Participants Manual (DECC, 2007) (as may be updated or replaced from time to time).	Site visit and interview with site personnel on 24/07/23	No fuels or chemicals are stored as part of the development	Not triggered	
	WASTE MANAGEMENT				
	Statutory Requirements				
B32	All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.	- Site visit and interview with site personnel on 24/07/23 - Remediation Validation Report, Golder Associates, 24 December, 2019	Construction was completed in the prior audit period. No soil was removed from the site. All material was retained on site as part of the containment cell as outlined in the Remediation Validation Report.	Not triggered	
B33	Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal, except as expressly permitted by an EPL.	Site visit and interview with site personnel on 24/07/23	No waste generated outside the site was received for storage, treatment, processing, reprocessing or disposal as part of the development during the Audit Period.	Not triggered	
B34	The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the EPA's Waste Classification Guidelines Part 1: Classifying Waste, November 2014, or its latest version and dispose of all wastes to a facility that may lawfully accept the waste.	Site visit and interview with site personnel on 24/07/23	The containment cell is a passive system. No waste was generated as part of the development during the Audit Period.	Not triggered	
B35	The Applicant must retain all sampling and waste classification data in accordance with the requirements of the POEO Act in accordance with the requirements of the EPA.	Site visit and interview with site personnel on 24/07/23	The containment cell is a passive system. No waste was generated as part of the development during the Audit Period.	Not triggered	

Table A-2: Compliance with Development Consent SSD-7831

ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#									
	Pests, Vermin and Noxious Weed Management													
B36	The Applicant must: a) implement suitable measures to manage pests, vermin and declared noxious weeds on the site; and b) inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or noxious weeds are not present on site in sufficient numbers to pose an environmental hazard, or cause the loss of amenity in the surrounding area. Note: For the purposes of this condition, noxious weeds are those species subject to an order declared under the Noxious Weed Act 1993.	- LTEMP (Rev 2), May 2023 - Site visit and interview with site personnel on 24/07/23 - Arsenic containment cell quarterly inspection checklists in Enablon	Management measures for weeds and pests are included in Sections 6.1 and 6.2 of the LTEMP (Rev2). Weed observations are included in the quarterly inspections. Some of the cap groundcover is clover; however, no other significant weeds were observed during the site visit.	Compliant										
	NOISE													
	Hours of Work													
B37	The Applicant must comply with the hours of work detailed in Table 1, unless otherwise agreed in writing by the Planning Secretary. Table 1: Hours of Work <table><tr><th>Activity</th><th>Day</th><th>Time</th></tr><tr><td>Remediation works</td><td>Monday – Friday</td><td>7am to 6pm</td></tr><tr><td></td><td>Saturday</td><td>8am to 1pm</td></tr></table>	Activity	Day	Time	Remediation works	Monday – Friday	7am to 6pm		Saturday	8am to 1pm	- Ramboll, 2020 IEA, August 2020 - Site visit and interview with site personnel on 24/07/23	Construction was completed in the prior audit period. The condition was assessed as Compliant in the prior audit period and is not relevant to the current Audit Period.	Not triggered	
Activity	Day	Time												
Remediation works	Monday – Friday	7am to 6pm												
	Saturday	8am to 1pm												
B38	Works outside of the hours identified in Condition 837 may be undertaken in the following circumstances: - works that are inaudible at the nearest sensitive receivers; - works agreed to in writing by the Planning Secretary; and - where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm.	Ramboll, 2020 IEA, August 2020	Construction was completed in the prior audit period. The condition was assessed as Compliant in the prior audit period and is not relevant to the current Audit Period.	Not triggered										

Table A-2: Compliance with Development Consent SSD-7831					
ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	Remediation Works Noise Limits				
B39	The development must be constructed to achieve the construction noise management levels detailed in the <i>Interim Construction Noise Guideline</i> (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures in the EIS.	Ramboll, 2020 IEA, August 2020	Construction was completed in the prior audit period. The condition was assessed as Compliant in the prior audit period and is not relevant to the current Audit Period.	Not triggered	
	Vibration Criteria				
B40	Vibration caused by construction at any residence or structure outside the site must be limited to: a) for structural damage, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and b) for human exposure, the acceptable vibration values set out in the Environmental Noise Management Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006).	Ramboll, 2020 IEA, August 2020	Construction was completed in the prior audit period. The condition was assessed as Compliant in the prior audit period and is not relevant to the current Audit Period.	Not triggered	
	Remediation Works Conditions				
B41	The Applicant must ensure that: - The development does not result in any queuing on the public road network; - all vehicular movement to and from the site must be in a forward direction; - the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTROADS guideline; - all loading and unloading of materials is carried out on-site in designated areas; and - vehicle manoeuvring areas must always be kept clear of any obstacles, including parked cars.	Ramboll, 2020 IEA, August 2020	Construction was completed in the prior audit period. The condition was assessed as Compliant in the prior audit period and is not relevant to the current Audit Period.	Not triggered	

Table A-2: Compliance with Development Consent SSD-7831					
ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	Parking				
B42	The Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the remediation works does not utilise public and residential streets or public parking facilities.	Ramboll, 2020 IEA, August 2020	Construction was completed in the prior audit period. The condition was assessed as Compliant in the prior audit period and is not relevant to the current Audit Period.	Not triggered	
	COMMUNITY ENGAGEMENT				
B43	The Applicant must consult with the community regularly throughout the remediation works, including consultation with the nearby and adjacent landowners, sensitive receivers, relevant regulatory authorities and other interested stakeholders.	Ramboll, 2020 IEA, August 2020	Construction was completed in the prior audit period. The condition was assessed as Compliant in the prior audit period and is not relevant to the current Audit Period. Community Reference Group meetings continued following remediation works and meeting agendas and meeting notes are available on the Orica website.	Not triggered	
	PART C: ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING				
	MANAGEMENT PLAN REQUIREMENTS				
C1	Management plans required under this consent must be prepared in accordance with relevant guidelines, and include: a) detailed baseline data; b) details of: (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions); (ii) any relevant limits or performance measures and criteria; and (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;	- LTEMP, Rev 1 (May 2020) - LTEMP, Rev 2 (May 2023)	LTEMP (Rev 1) was in place for most of the Audit Period and was assessed as complying with the condition in the prior audit period. The LTEMP was updated twice during the Audit Period – minor revision 1A approved by the Secretary in January 2023 and revision 2 approved in June 2023 and is considered to still meet the requirements of the condition.	Compliant	

Table A-2: Compliance with Development Consent SSD-7831					
ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria; d) a program to monitor and report on the: (i) impacts and environmental performance of the development; and (ii) effectiveness of the management measures set out pursuant to paragraph (c) above; e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible; f) a program to investigate and implement ways to improve the environmental performance of the development over time; g) a protocol for managing and reporting any: (i) incident and non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria); (ii) complaint; (iii) failure to comply with statutory requirements; and h) a protocol for periodic review of the plan. Note: The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.				
	CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN				
C2	The Applicant must prepare a Construction Environmental Management Plan (CEMP) to the	• Ramboll, 2020 IEA, August 2020	Construction was completed in the prior audit period. The condition	Not triggered	

Table A-2: Compliance with Development Consent SSD-7831

ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	satisfaction of the Planning Secretary. The CEMP must: a) be approved by the Planning Secretary prior to the commencement of remediation works; b) identify the statutory approvals that apply to the development; c) outline all environmental management practices and procedures to be followed during remediation works associated with the development; d) describe all activities to be undertaken on the site during remediation works, including a clear indication of construction stages; e) detail how the environmental performance of the remediation works will be monitored, and what actions will be taken to address identified adverse environmental impacts; f) describe the roles and responsibilities for all relevant employees involved in remediation works associated with the development; and g) include the management plans required under Condition C3 of this consent.		was assessed as Compliant in the prior audit period and is not relevant to the current Audit Period.		
C3	As part of the CEMP required under Condition C2 of this consent, the Applicant must include the following: a) Containment Cell Management Plan (see Condition B3); b) Health and Safety Plan (see Condition B14); c) Air Quality Management Plan (see Condition B19) d) Erosion and Sediment Control Plan (see Condition B25); and e) Unexpected Finds Protocol (see Condition B30).	• Ramboll, 2020 IEA, August 2020	Construction was completed in the prior audit period. The condition was assessed as Compliant in the prior audit period and is not relevant to the current Audit Period.	Not triggered	

Table A-2: Compliance with Development Consent SSD-7831					
ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
C4	The Applicant must: a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and b) carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time).	Ramboll, 2020 IEA, August 2020	Construction was completed in the prior audit period. The condition was assessed as Compliant in the prior audit period and is not relevant to the current Audit Period.	Not triggered	
	COMPLIANCE REGISTER TABLE				
C5	The Applicant must submit a Compliance Register Table to the Planning Secretary with any Environmental Management Plans, which details where the relevant conditions have been addressed within the Environmental Management Plan.	Long Term Environmental Management Plan (LTEMP, Rev 2), May 2023	The LTEMP does not include a table which details where the requirements of condition B9 have been addressed within it. However, section 1.1 of the LTEMP largely describes where most of the requirements are addressed. Recommendation: Include a Compliance Register Table in the next revision of the LTEMP which details where the requirements of condition B9 have been addressed.	Compliant	
	REVISION OF STRATEGIES, PLANS AND PROGRAMS				
C6	Within three months of: a) the submission of an incident report under condition C9; b) the submission of an Independent Environmental Audit under condition C15; c) the approval of any modification of the conditions of this consent; or d) the issue of a direction of the Planning Secretary under condition A2(b) which requires a review,	DPIE email to Orica re: Orica Kooragang Remediation - Post Approval Document Received - (SSD-7831-PA-7), 10 December 2020	The Auditors note that C6 and C7 should be read together as one condition. Orica submitted the 2020 IEA to DPIE on 1 September 2020. There were no recommendations requiring a response in relation so SSD-7831. Orica notified DPIE on 10 December that a review of plans had been undertaken and did not	Compliant	

Table A-2: Compliance with Development Consent SSD-7831					
ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
C7	The strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.		identify the requirement for any revisions requiring the Departments approval.		
C8	If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review. Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.:	- Interview with site personnel on 24/07/23 - Email from DPE to Orica re: Orica Kooragang Island Remediation – Annual Review 2021-2022(SSD-7831-PA-13)- Reminder of Due Date for Response to RFI, 21 December 2022 - Letter from DPIE to Orica, Subject: Long Term Environmental Management Plan, 30/01/23 - Long Term Environmental Management Plan (LTEMP, Rev 2), May 2023 - Letter from DPE to Orica, Subject: Approval of the Long Term Environmental Management Plan Revision 2, 6 June 2023	The LTEMP was updated twice during the Audit Period – minor revision 1A approved by the Secretary in January 2023 and revision 2 approved in June 2023. The Auditors note that submission of Rev1A for approval was more than six weeks after its review and understand that it was initially considered unnecessary to submit due to the minor nature of the revision. However, it was submitted for approval following further correspondence with the Department. Rev 2 was submitted within six weeks of its review.	Compliant	
REPORTING AND AUDITING					
Incident Notification, Reporting and Response					
C9	The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident. Subsequent notification requirements must be given and reports submitted in accordance with the requirements set out in Appendix 3.	Interview with site personnel on 24/07/23	No notifiable incidents occurred during the Audit Period.	Not triggered	

Table A-2: Compliance with Development Consent SSD-7831					
ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	Non-Compliance Notification				
C10	The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance.	Interview with site personnel on 24/07/23	No non-compliances occurred during the Audit Period.	Not triggered	
C11	A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.	Interview with site personnel on 24/07/23	No non-compliances occurred during the Audit Period.	Not triggered	
C12	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	Interview with site personnel on 24/07/23	No non-compliances occurred during the Audit Period.	Not triggered	
	Annual Review				
C13	Within three months after the first year of commencement of operation, and in the same month each subsequent year (or such other timing as may be agreed by the Planning Secretary), the Applicant must submit a report to the Department reviewing the environmental performance of the development to the satisfaction of the Planning Secretary. The review must: a) describe the development that was carried out in the previous year, and the development that is proposed to be carried out in the current year; b) include a comprehensive review of the monitoring results and complaints records from the previous year, including a comparison of these against the: (i) relevant statutory requirements, limits or performance measures/criteria;	- DPIE email to Orica re: Orica Kooragang Remediation - Post Approval Document Received - (SSD-7831-PA-9), 1 December 2020 - DPIE letter to Orica re: Orica Kooragang Island Remediation (SSD-7831), 18 January 2021 Annual Review 2020 - DPIE email to Orica re: Orica Kooragang Remediation - Post Approval Document Received - (SSD-7831-PA-11), 17 December 2021 - DPIE letter to Orica re: Orica Kooragang Island Remediation (SSD-7831) Annual Review 2021, 17 January 2022	Remediation works were completed on 24 September 2019. The first Annual Review was submitted on 1 December 2020. Subsequent Annual Reviews were submitted in December 2021 and December 2022.	Compliant	

Table A-2: Compliance with Development Consent SSD-7831

ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	(ii) requirements of any plan or program required under this consent; (iii) monitoring results of previous years; and (iv) the relevant predictions in the EIS and Response to Submissions; c) identify any non-compliances and any incidents which occurred over in the previous year, and describe what actions were (or are being) taken to rectify the non-compliance or incident and avoid recurrence; d) identify any trends in the monitoring data over the life of the development; e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and f) describe what measures will be implemented over the next year to improve the environmental performance of the development.	• DPIE email to Orica re: Orica Kooragang Remediation - Post Approval Document Received - (SSD-7831-PA-13), 1 December 2022 • DPE letter to Orica re: Orica Kooragang Island Arsenic Remediation Project (SSD-7831 Annual Review 2021-2022, 17 March 2023			
C14	Copies of the Annual Review must be submitted to Council and any interested person upon request.	• Orica email to Newcastle City Council re: Orica KI - Annual review - Arsenic Cell (SSD 7831), 7 December 2020	Orica wrote to Newcastle City Council in December 2020 advising that the first Annual Review was available and noting that the Annual Reviews would be provided to Council upon request.	Compliant	
	Independent Environmental Audit				
C15	Within one year of the commencement of operation, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit (audit) of the development. Audits must: a) be led and conducted by a suitably qualified, experienced and independent team of experts	• DPE letter to Orica re: Orica Ammonium Nitrate Facility - Upgrade (MP08_0129) and Orica Kooragang Remediation (SSD-7831) 2023 IEA Auditor Endorsement, 18 May 2023	This is the second Independent Environmental Audit of the development and has been undertaken in accordance with this condition.	Compliant	

Table A-2: Compliance with Development Consent SSD-7831					
ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	whose appointment has been endorsed by the Planning Secretary; b) be carried out in consultation with the relevant agencies; c) assess the environmental performance of the development and assess whether it is complying with the requirements in this consent, and any strategy, plan or program required under this consent; d) review the adequacy of any approved strategy, plan or program required under this consent; and e) recommend measures or actions to improve the environmental performance of the development, and any strategy, plan or program required under this consent.				
C16	Within three months of commissioning an Independent Environmental Audit, or within another timeframe agreed by the Planning Secretary, a copy of the audit report must be submitted to the Planning Secretary and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary. Note: <i>The audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Planning Secretary.</i>	DPIE email to Orica re: Orica Kooragang Remediation - Post Approval Document Received - (SSD-7831-PA-5) Attachments: Post Approval Form _20200901054458	Orica submitted the 2020 IEA to DPIE on 1 September 2020. There were no recommendations requiring a response in relation to SSD-7831.	Compliant	
	Monitoring and Environmental Audits				
C17	Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division	Refer to conditions B10 and B11	Monitoring has been undertaken accordance with the LTEMP. Refer to conditions B10 and B11.	Compliant	

Table A-2: Compliance with Development Consent SSD-7831

ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing. Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.				
	ACCESS TO INFORMATION				
C18	At least 48 hours before the commencement of construction until the completion of all works under this consent, the Applicant must: a) make the following information and documents (as they are obtained or approved) publicly available on its website: (i) the documents referred to in condition A2 of this consent and the final layout plans for the development; (ii) all current statutory approvals for the development; (iii) all approved strategies, plans and programs required under the conditions of this consent; (iv) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;	• Orica website: https://www.orica.com/Locations/Asia-Pacific/Australia/Kooragang-Island	The required information is available on the Orica website. A Complaints Register is not available; however, there have been no complaints in relation to the remediation works. The Orica website page for the remediation works notes that there have been no complaints in relation to the project.	Compliant	

Table A-2: Compliance with Development Consent SSD-7831					
ID	COMPLIANCE REQUIREMENT	EVIDENCE COLLECTED	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS	COMPLIANCE STATUS	NC#
	(v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs; (vi) a summary of the current stage and progress of the development; (vii) contact details to enquire about the development or to make a complaint; (viii) a complaints register, updated monthly; (ix) the Compliance Reporting of the development; (x) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report; (xi) any other matter required by the Planning Secretary; and b) keep such information up to date, to the satisfaction of the Planning Secretary.				

APPENDIX B

INDEPENDENT AUDIT DECLARATION FORMS

INDEPENDENT AUDIT DECLARATION FORM

Project Name:	Orica Ammonium Nitrate Expansion Project and Remediation Works
Consent Number:	MP 08_0129 and SSD-7831
Description of Project:	Expansions of manufacturing facility and remediation activities at the Orica Kooragang Island facility.
Project Address:	75 Greenleaf Road, Kooragang Island, Newcastle, New South Wales
Proponent:	Orica Australia Pty Ltd
Title of Audit:	Orica Kooragang Island 2023 Independent Environmental Audit
Date:	19 February 2024

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

- the Audit has been undertaken in accordance with relevant condition(s) of consent and generally in accordance with the *Independent Audit Post Approval Requirements (Department 2020)*;
- the findings of the Audit are reported truthfully, accurately and completely;
- I have exercised due diligence and professional judgement in conducting the Audit;
- I have acted professionally, objectively and in an unbiased manner;
- I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the Audit, or by relationship as spouse, partner, sibling, parent, or child;
- I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- neither I nor my employer have provided consultancy services for the audited project that were subject to this Audit except as otherwise declared to the Department prior to the Audit; and
- I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

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

Name of Auditor: Victoria Sedwick

Signature: 

Qualification: Master of Engineering Science
Exemplar Global Lead Auditor Accreditation No.13180

Company: Ramboll Australia Pty Ltd

Company Address: PO Box 560, North Sydney NSW 2060

INDEPENDENT AUDIT DECLARATION FORM

Project Name:	Orica Ammonium Nitrate Expansion Project and Remediation Works
Consent Number:	MP 08_0129 and SSD-7831
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- the Audit has been undertaken in accordance with relevant condition(s) of consent and generally in accordance with the *Independent Audit Post Approval Requirements (Department 2020)*;
- the findings of the Audit are reported truthfully, accurately and completely;
- I have exercised due diligence and professional judgement in conducting the Audit;
- I have acted professionally, objectively and in an unbiased manner;
- I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the Audit, or by relationship as spouse, partner, sibling, parent, or child;
- I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- neither I nor my employer have provided consultancy services for the audited project that were subject to this Audit except as otherwise declared to the Department prior to the Audit; and
- I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

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

Name of Auditor: David Ford

Signature: 

Qualification: BEng (Chem) Hons

Company: Ramboll Australia Pty Ltd

Company Address: PO Box 560, North Sydney NSW 2060

INDEPENDENT AUDIT DECLARATION FORM

Project Name:	Orica Ammonium Nitrate Expansion Project and Remediation Works
Consent Number:	MP 08_0129 and SSD-7831
Description of Project:	Expansions of manufacturing facility and remediation activities at the Orica Kooragang Island facility.
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Proponent:	Orica Australia Pty Ltd
Title of Audit:	Orica Kooragang Island 2023 Independent Environmental Audit
Date:	19 February 2024

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

- the Audit has been undertaken in accordance with relevant condition(s) of consent and generally in accordance with the *Independent Audit Post Approval Requirements (Department 2020)*;
- the findings of the Audit are reported truthfully, accurately and completely;
- I have exercised due diligence and professional judgement in conducting the Audit;
- I have acted professionally, objectively and in an unbiased manner;
- I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the Audit, or by relationship as spouse, partner, sibling, parent, or child;
- I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- neither I nor my employer have provided consultancy services for the audited project that were subject to this Audit except as otherwise declared to the Department prior to the Audit; and
- I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

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

Name of Auditor: Jenny Auld

Signature: 

Qualification: B Adv Sc (Hons)

Company: Ramboll Australia Pty Ltd

Company Address: PO Box 560, North Sydney NSW 2060

APPENDIX C

PLANNING SECRETARY AUDIT TEAM AGREEMENT

Department of Planning and Environment

Mr Nathan Robinson
Senior Environmental Specialist
Orica - Kooragang Island Site
Awabakal and Worimi Country

Sent via Major Projects Portal only

18/05/2023

Dear Nathan Robinson

Orica Ammonium Nitrate Facility - Upgrade (MP08_0129) and Orica Kooragang Remediation (SSD-7831)
2023 IEA Auditor Endorsement

I refer to your request (MP08_0129-PA-26 and SSD-7831-PA-15) for the Planning Secretary's approval of suitably qualified persons to prepare the 2023 Independent Environment Audit (IEA) for the Orica Ammonium Nitrate Facility - Upgrade (MP08_0129) and Orica Kooragang Remediation (SSD-7831).

The Department of Planning and Environment (the department) has reviewed the nominations and information you have provided and is satisfied that these experts are suitably qualified and experienced. Consequently, in accordance with Condition 52 of MP08_0129, as modified, and Condition C15 of SSD-7831, the Planning Secretary has agreed to the following audit team:

- Victoria Sedwick – Lead Auditor
- David Ford – Auditor
- Jenny Auld – Auditor
- Nathalie Tomson – Air Quality Specialist
- Shaun Taylor – Noise Specialist

Please ensure this correspondence is appended to the IEA Report.

Under the provisions of Condition 4 of MP08_0129, as modified and Condition A3 of SSD-7831, the Planning Secretary directs the IEA to be prepared, undertaken and finalised in accordance with the department's *Independent Audit Post Approval Requirements* (2020). Failure to meet these requirements will require revision and resubmission.

Should you wish to discuss the matter further, please contact myself on 02 6575 3401 or at compliance@planning.nsw.gov.au

Yours sincerely



Heidi Watters
Team Leader Northern
Compliance

As nominee of the Planning Secretary

APPENDIX D

SITE INSPECTION PHOTOGRAPHS



Photo 1: Nitric acid plant NAP3 with upgraded NOx abatement system.



Photo 2: Ammonia storage tank within concrete bund.

Title:	2023 Independent Environmental Audit	Approved:	Project-No.:	Date:
Site:	75 Greenleaf Road, Kooragang Island	VS	318001747	February 2024
Client:	Orica Australia Pty Ltd			



Photo 3: Effluent discharge monitoring point relocated to on-site.



Photo 4: Effluent diversion basin.

Title:	2023 Independent Environmental Audit	Approved:	Project-No.:	Date:
Site:	75 Greenleaf Road, Kooragang Island	VS	318001747	February 2024
Client:	Orica Australia Pty Ltd			



Photo 5: Scrubber under construction (Phase 8) at ammonium nitrate plant AN1.



Photo 6: Ammonium nitrate plant AN2.

Title:	2023 Independent Environmental Audit	Approved:	Project-No.:	Date:
Site:	75 Greenleaf Road, Kooragang Island	VS	318001747	February 2024
Client:	Orica Australia Pty Ltd			



Photo 7: Effluent pond with single liner.



Photo 8: New effluent tank to replace pond with single liner.

Title:	2023 Independent Environmental Audit	Approved:	Project-No.:	Date:
Site:	75 Greenleaf Road, Kooragang Island	VS	318001747	February 2024
Client:	Orica Australia Pty Ltd			



Photo 9: Replacement NAP1 stack.



Photo 10: Containment cell looking northeast.

Title: 2023 Independent Environmental Audit	Approved:	Project-No.:	Date:
Site: 75 Greenleaf Road, Kooragang Island	VS	318001747	February 2024
Client: Orica Australia Pty Ltd			



Photo 11: Containment cell looking west with fence (left), surface water catchment in background and set of monitoring wells either side of cut-off wall (centre).



Photo 12: Containment cell signage on vehicle access gate.

Title: 2023 Independent Environmental Audit	Approved:	Project-No.:	Date:
Site: 75 Greenleaf Road, Kooragang Island	VS	318001747	February 2024
Client: Orica Australia Pty Ltd			