



2025 ANNUAL REVIEW

SSD_7831

**WEST ARSENIC CONTAINMENT CELL DEVELOPMENT
CONSENT**

ORICA KOORAGANG ISLAND

DECEMBER 2025



Revision	Date	Description	Author	Approver
2025	12/12/2025	Update for 2025 reporting period	N Robinson	N Robinson
2024	9/3/2025	2024 report amended to address DPHI RFI following submission	N Robinson	N Robinson
2024	17/12/2024	Update for 2024 reporting period	N Robinson	P Cunsolo
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ABBREVIATIONS

AR	Annual Review
CEMP	Construction Environment Management Report
CSEMP	Construction Safety and Environmental Management Plan
DPHI	Department of Planning, Housing and Industry
EPA	New South Wales Environment Protection Authority
EPL	Environment Protection Licence
GMP	Groundwater Monitoring Program
HAZOP	Hazard and Operability Study
KI	Kooragang Island
LTEMP	Long Term Environmental Management Plan
MO	Management Order
RVR	Remediation Validation Report
SAS/SAR	Site Audit Statement/Site Audit Report
SHES	Safety, Health, Environment & Security
SSD	State Significant Development

1 INTRODUCTION AND DESCRIPTION OF DEVELOPMENT

1.1 ORICA KOORAGANG ISLAND, NEWCASTLE NSW

Orica Australia Pty Ltd (Orica) operates an ammonium nitrate manufacturing facility on Kooragang Island, NSW (**Figure 1**). The facility commenced operations in 1969 and has undergone several projects aimed at increasing the ammonium nitrate production capability of the site since. The current site operations consist of an Ammonia Plant, three Nitric Acid Plants, two Ammonium Nitrate Plants and associated despatch and support infrastructure (Existing Operations).

1.2 SSD 7831

A state significant development (SSD 7831) was granted by the Minister for Planning under Section 4.31 of the *Environmental Planning and Assessment Act 1979* on 10 August 2018 for the construction of a containment cell to remediate historic arsenic contamination from a former arsenic sludge disposal pit in the north-west corner of the site. (**Figure 2**).

The containment cell was completed on 24 September 2019 with the construction of a cut-off wall (12 m depth) comprised of low permeability soil/bentonite with an integrated 4,200 sqm capping system designed to hydraulically isolate the identified arsenic contamination in accordance with a Remediation Action Plan (RAP). The RAP was required under MO 20181401 issued by the EPA under *Contaminated Land Management Act 1997*.

The Remediation Validation Report (RVR) describes the development in detail and was submitted to the Department (DPHI) in March 2020. The RVR was validated by the site auditor in September 2020 (**see Section 10**). The RVR is available on the [Orica KI Public Website](#).

This report has been prepared in accordance with Condition C13 of the Arsenic Development Consent (SSD 7831) which requires an Annual Review (AEMR) to be submitted to the Department (DPHI) within 3 months after the first year of commencement of operation (24 December) and in the same month annually thereafter. The reporting period covered by this report has been aligned with the annual environmental management report for Orica KI's 08_0129 Expansion Consent.



Figure 1: Site Location



Figure 2: West Arsenic Containment Cell - Location on Orica Kooragang Island Site

2 ANNUAL REVIEW REQUIREMENTS

Condition C13 of SSD 7831 requires that Orica submit an AR within 3 months after the first year of commencement of operation and in the same month annually thereafter. This report details environmental compliance between the 1 December 2024 and 30 November 2025 and satisfies condition C13 of SSD 7831. The requirements of condition C13 are as follows:

Table 1: Condition C13 of SSD 7831 – Annual Review

Condition C13		
	Condition / Requirement	Section of AR
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;	1,5
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; 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	4, 6, 7, 10
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;	7, 10
d)	Identify any trends in monitoring data over the life of the development	6.1.2 to 6.1.5
e)	Identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and	6.1.2, 6.1.5 and 8
f)	Describe what measures will be implemented over the next year to improve the environmental performance of the development	9

3 ACTIONS IDENTIFIED FROM PREVIOUS ANNUAL REVIEW

The following feedback was provided in relation to the 2024 Annual Review:

Table 2 – DPHI feedback resolution

Date	Request	Relevant Section or comment
2024 Annual Review feedback (12/3/2025)	Non-Compliances and Incidents – Please include a summary of non-compliances and incidents that occurred during the reporting period, including any relevant corrective and preventative actions proposed and completed to avoid recurrence.	Table 8 The 2024 amended AEMR was published April 2025 on Orica KI Public Website .
2024 Annual Review RFI (4/3/2025)	Non-Compliances and Incidents – Section 7.1 of the Annual Review 2024 describes a reported non-compliance of Schedule 2, Condition B10 of the consent (NSW Planning reference SSD-7831-PA-21). Table 8 of the Annual Review 2024 then fails to include this non-compliance and reports the compliance status of the condition as compliant. Please review and revise the Annual Review 2024 to include a summary of non-compliances and incidents that occurred during the reporting period, including any relevant corrective and preventative actions proposed and completed to avoid recurrence. Additionally, revise Table 8 to reflect the reported non-compliance.	Amended Annual Review submitted
2023 Annual Review feedback (17 January 2024)	Make the following publicly available on Orica website: • 2022-2023 Annual Review • Update monitoring links • Complaint register comments	The 2022-2023 AEMR was published January 2024 on Orica KI Public Website . A letter was supplied by Orica to DPHI in response on 23 January 2024 addressing the comments. Section 6 of the Annual Review reflects any variations to the GMP scope that occurred due to the unavailability of wells or equipment malfunction.

2022 Annual Review feedback (17 March 2023)	Make the following publicly publicly available on Orica website: • 2021-2022 Annual Review • A summary of the current stage and progress of the development • A complaint register	The 2021-2022 AEMR was published March 2023 on Orica KI Public Website . Added text to website in relation to complaints. Existing text on website notes the construction of the cell is complete.
2021 Annual Review feedback (17 January 2021)	Make 2021 Annual Review publicly publicly available on Orica website	The 2021 AEMR was published January 2022 on Orica KI Public Website
2020 Annual Review feedback (18 January 2021)	Additional detail is provided in Section 6.1 'Environmental Monitoring'. Including, but not limited to, results of environmental monitoring, comparison against criteria/EIS predictions/monitoring requirements (where applicable).	Section 6.1 and Attachment A
2020 Annual Review feedback (18 January 2021)	Make a copy of the AEMR available on the project website, preferably by 5 February 2021.	The 2020 AEMR was published 22 January 2021 on Orica KI Public Website

4 PROJECT, DOCUMENTS, STANDARDS AND PERFORMANCE MEASURES

Key documents, standards and conditions are detailed in the following documents:

- Arsenic Environmental Management Plan dated March 2014
- Remediation Action Plan dated 8 July 2016
- Secretary's Environmental Assessment Requirements dated 18 August 2016
- Quantity Surveyor's Certificate of costs dated 23 January 2017
- Environmental Impact Assessment: Part A, Part B, Part C dated 23 February 2017
- Project Approval SSD 7831 dated 11 December 2017
- State Significant Development Assessment dated August 2018
- Arsenic Remediation Development Consent dated 10 August 2018
- Arsenic Remediation Approved Plans signed 10 August 2018
- Arsenic Remediation Construction Environmental Management Plan dated 8 October 2018
- Long Term Environmental Management Plan (LTEMP) dated 21 October 2021
- Site Audit Statement dated September 2020

These (and other) documents are available on the [Orica KI Public Website](#).

Key design criteria outlined in these documents are detailed in Appendix A.

5 PROJECT STATUS

5.1 PROJECT STATUS AND PROGRESS REVIEW

Construction of the containment cell was completed on 24 September 2019 with completion of a cut-off wall (12 m depth) comprised of low permeability soil/bentonite with an integrated capping system (4,200 sqm), designed to hydraulically isolate the identified arsenic contamination in accordance with a Remediation Action Plan (RAP).

5.2 POST CONSTRUCTION

An LTEMP has been prepared in accordance with Condition B9 of SSD 7831 which focuses on an ongoing groundwater monitoring program (GMP) outlined in **Section 6** of this report. In addition, the LTEMP includes requirements for regular inspection and maintenance of the cell. The current LTEMP (Version 2) was submitted to DPHI on 6 June 2023 and is available on the [Orica KI Public Website](#). The revised LTEMP (Version 3) was submitted to DPHI on 4 December 2025 and will replace the existing LTEMP on the [Orica KI Public Website](#) once approved by the Department.

6 ENVIRONMENTAL MONITORING

6.1 ENVIRONMENTAL MONITORING

6.1.1 GROUNDWATER MONITORING PROGRAM AND DATA

Groundwater monitoring was undertaken in accordance with the LTEMP to demonstrate that the containment cell is performing as per design and is achieving the remediation objectives. Copies of the GMPs/monitoring results during the Annual Review period can be found on the [Orica Public Website](#) as noted below:

- 2019 Biannual Groundwater Monitoring Program
- 2020 Annual Groundwater Monitoring Program (frequency was changed to annual at completion of construction in accordance with the LTEMP)
- 2021 Annual Groundwater Monitoring Program
- 2022 Annual Groundwater Monitoring Program
- 2023 Annual Groundwater Monitoring Program
- 2024 Annual Groundwater Monitoring Program
- 2025 Annual Groundwater Monitoring Program

Extracts from the 2025 GMP discussing of temporal and spatial trends are duplicated below in accordance with the feedback from DPHI in Section 3 above. The report is supplied as Attachment A and should be read in full to provide the complete context of the results:

- Section 5.4 Assessment of Containment System - Hydraulic (See Section 6.1.2 of the Annual Review)
- Section 6.5.2 – Temporal Trends in Arsenic Concentrations in Attachment A (See Section 6.1.3 of the Annual Review)
- Section 6.5.3 - Spatial Trends in Attachment A (See Section 6.1.4 of the Annual Review)
- 6.6 – Assessment of Containment System - Arsenic Distribution. (See Section 6.1.5 of the Annual Review)

6.1.2 ASSESSMENT OF THE CONTAINMENT SYSTEM - HYDRAULIC

As described in the RVR (Golder, 2019b), the validation of hydraulic containment within the containment cell is primarily based on groundwater elevation measurements in Units 1, 2 and 3 both inside and outside of the cell. Table 3 provides a hydraulic verification outcome matrix and allows effects to be tracked during the remainder of the hydraulic verification process. The assessment of hydraulic responses has considered data available since the completion of remediation in September 2019.

Table 3: Verification Outcomes Matrix

Identified Potential Effect	Emerged Patterns? (Y/N)	Evidence / Comments
Groundwater level changes in response to rainfall events that may be observed in the external wells, but which would be expected to be less prevalent in magnitude and frequency within the cell.	Yes	Evidence of the effect of rainfall is presented in the hydrographs (Refer to Appendix C in Attachment A). Large rain events, in terms of both intensity and generation have occurred following the construction of the containment cell particularly during the monitoring period described in this report. Groundwater elevations increase in response to rainfall in those wells screened in Unit 1 and located outside of the containment cell when compared to those wells located within the containment cell. Increasing groundwater levels in response to rainfall can also be seen in some of those wells screened in Unit 2 outside of the containment cell. Given however this unit is an aquitard, the lack of any notable response in these wells is not considered to reflect either the design or performance of the containment cell. Groundwater level changes in response to heavy rainfall events can clearly be observed in Unit 1 wells located on the outside of the containment cell; for these events a muted increase of groundwater levels was also observed in the corresponding wells inside the containment cell. These responses within the cell during these rainfall events though are considered to reflect localized pressure changes and loadings in the respective hydrostratigraphic units as a result of increased groundwater levels outside the cell (both locally and regionally), rather than being indicative of the infiltration of rainfall through the cell capping. It is noted that the groundwater modelling completed at the time of the cell design included sensitivity analysis which considered 1300 mm/year annual rainfall, compared to the average rainfall of 1000 mm/year considered in the base case of the design. The sensitivity analysis indicated change in groundwater levels as a result of the higher rainfall, however, only predicted a 1% reduction in the efficiency of the cell to prevent the movement of groundwater through the soil within

Identified Potential Effect	Emerged Patterns? (Y/N)	Evidence / Comments
		the cell. Rainfall in 2022 (1200 mm), and 2024 (1280 mm) are within the annual rainfall considered within the sensitivity analysis.
A flattening of the groundwater table(s) inside the cell relative to external conditions.	Yes	A flattening of the water table is evident in Unit 1 and Unit 2 within the containment cell, (ie. there is no discernible groundwater flow direction noted from those water pressures observed in the wells inside the cell) whereas hydraulic gradients are still evident in all units outside of the containment cell with groundwater flowing to the west / north-west and ultimately discharging to the Southern Arm of the Hunter River. This is also evident during those recent and above average high- intensity and/or long-duration rainfall events in the Newcastle area as shown in Figures 3a and 3b. In Unit 3, flattening of the groundwater table inside the containment cell appears to be occurring (Figure 3c), however, is not as pronounced as that inferred in Units 1 and 2. This is likely a combination of those wells screened in Unit 3 (screened 8 to 10 m bgl) are closer to the base of the wall (12 m bgl) and possible tidal influence which can be observed in the hydrographs for Unit 3 wells. The more recent data, as observed in the hydrographs also shows possible tidal influence in the Unit 2 wells.
A higher external hydraulic gradient across the cell (in the direction of groundwater flow) and/or potential increase in gradients around the perimeter of the cell.	Yes	An external hydraulic gradient with flow to the west is evident and continues to be evident in each hydrostratigraphic unit, including during and after those above average high-intensity and/or long-duration rainfall events between April and May 2024. This is also consistent with the groundwater flow directions observed prior to the construction of the containment cell. Furthermore, in Units 1 and 2 there appears to be some mounding occurring on the eastern- up-gradient side of the containment cell (MWCC01-3OUT and -6OUT).
Water levels in Units 1 and 2 will be lower inside the cell walls by an order of 1 to 2 m, while water in Unit 3 will be slightly higher on the inside.	Yes	Groundwater elevations in Unit 1 and Unit 2 are lower inside the cell than outside. However, it should be noted that groundwater levels outside the cell, particularly in Unit 1 are influenced by rain events. As such, those rain events discussed in Section 5.2 should be considered when assessing the difference in groundwater levels inside and outside of the cell. Groundwater elevations between notable rain events continue to show somewhat 'fast' decreases within the containment cell

Identified Potential Effect	Emerged Patterns? (Y/N)	Evidence / Comments
		in Unit 1. with groundwater elevations declining from approximately 1.2 m AHD to 1.0 m AHD, prior to heavy rainfall starting late in April 2025. Groundwater elevations up-gradient and inside of the cell in Unit 2 are about 0.7 m lower than groundwater elevations outside of the cell. Conversely, groundwater elevations on the down-gradient side of the cell are 0.15 m higher within the cell. This is expected to reflect the mounding of groundwater on the up-gradient side of the cell, particularly during and immediately following 'large' rain events. For Unit 3, groundwater levels on the up-gradient side of the cell are lower inside the cell (~0.1 m lower), whereas, at the down-gradient side groundwater levels are slightly (0.3 m) higher within the cell.

6.1.3 TEMPORAL TRENDS IN ARSENIC CONCENTRATIONS

The objective of the monitoring discussed in the report is to assess long-term trends of dissolved arsenic in groundwater post remediation. Given, however, this was only the sixth monitoring round post remediation and to date there is limited monitoring data post remediation for those wells located adjacent to the containment cell (ie. IPL and the Port of Newcastle lands), discussion of temporal trends is considered preliminary only.

Temporal trends of dissolved arsenic concentrations are presented in Table 4 (with trend analysis calculation sheets are presented in Appendix E of Attachment A); these provide a 'baseline' to assess the development of long-term arsenic trends as part of the monitoring program. The following should be noted when considering the trend in arsenic concentration at the monitoring wells located down-gradient of the containment cell:

- The trends in arsenic concentrations may be influenced by past disposal practices and remediation works. Disposal practices may have resulted in pulses of arsenic moving within the aquifer whereas previously completed remediation may result in declining concentrations. Previous remediation includes:
 - cessation of disposal of arsenic (primary source) to the former pit in 1994;
 - removal of secondary source of contamination, with the remediation of contaminated soil beneath the former pit to the depth of the groundwater table in 2005; and
 - geochemical fixation remediation trial in 2010/2011 which involved the introduction of iron compounds to assist with attenuation of arsenic.
- The installation of the cut-off wall is likely to have disturbed the aquifer and associated groundwater quality in the vicinity of the wall resulting in short-term mobilisation of arsenic.
- The distance of the well from the containment cell given the groundwater velocity (range between <1m/year up to 100 m/year), it may take several years to decades before the effects of the containment cell are seen at wells located near Heron Road.
- The monitoring of dissolved arsenic concentrations provides a 'secondary line of evidence' of the long-term understanding that the further offsite migration of arsenic in groundwater has been prevented to the extent practicable.

Table 4: Trend Analysis

Well ID	Trend in Arsenic Concentration	Distance from Containment Cell	Comment
MWCC01-3IN	Stable	0 m	- Wells located within the containment cell. - Dissolved arsenic trends assessed using concentrations from the six previous monitoring rounds. - Preliminary trend analysis for dissolved arsenic concentrations completed for locations within the containment cell.
MWCC01-6IN	Decreasing	0 m	
MWCC01-9IN	Prob. Decreasing	0 m	
MWCC02-3IN	Stable	0 m	
MWCC02-6IN	No Trend	0 m	
MWCC02-9IN	No Trend	0 m	
MWCC03-3IN	No Trend	0 m	
MWCC06-3IN	No Trend	0 m	
MWCC03-9IN	Stable	0 m	
MW54	Decreasing	<10 m	Monitoring well located adjacent to the containment cell, with initial concentrations of dissolved arsenic thought to have been influenced by (i) the construction of containment cell, and (ii) other previous remediation works.
BP7-3	Decreasing	50 m	Subject to season variability due to groundwater level response to rain events.
BP7-6	Decreasing	50 m	- Located within 50 m of the containment cell. - Dissolved arsenic concentrations may have been influenced by (i) the construction of containment cell, and (ii) other previous remediation works.
BP7-9	Decreasing	50 m	Monitoring resumed at this location. Decreasing trend observed, similar to that in the shallow wells at this location.

Well ID	Trend in Arsenic Concentration	Distance from Containment Cell	Comment
BP5-3	No Trend	120 m	- Historical fluctuations at these wells likely to be influenced by (i) the construction of containment cell, and (ii) other previous remediation works. - Dissolved arsenic concentrations during this monitoring event are unlikely to be influenced by containment cell construction at present These monitoring wells were reinstalled immediately prior to this monitoring event as the previous wells had been destroyed. The wells were developed twice prior to sampling. The concentration reported in BP5-6 was lower than reported since completion of the cap. Whereas, the concentrations reported in BP5-3 and BP5-9 were higher than previously reported. The increasing trend observed in BP5-6 and BP5-9 is consistent with the trend observed during the previous monitoring round. It is anticipated that the arsenic concentrations within these wells will stabilise in subsequent monitoring events.
BP5-6	Increasing	120 m	
BP5-9	Increasing	120 m	
MW21A	Decreasing	140 m	Located within 130 to 140 m of cell. Long-term decreasing trend likely to be reflective of previous remediation works.
MW50	Decreasing	130 m	
GWW02S	Stable	120 m	Less long-term monitoring data at these locations (2014). Located within 120 m of cell and unlikely to be influenced by the containment cell construction at present. Likely to be influenced by previous disposal practices as well as previous remediation. A decreasing trend was reported for the intermediate well GWW02I. An increasing trend was reported for the deep well GWW02D and intermediate well GWW03I, however the concentrations reported during July 2025 were lower than those reported since October 2021.
GWW02I	Decreasing	120 m	
GWW02D	Increasing	120 m	
GWW03S	Stable	120 m	
GWW03I	Increasing	120 m	
GWW03D	Increasing	120 m	
POMW7	Decreasing	200 m	

Well ID	Trend in Arsenic Concentration	Distance from Containment Cell	Comment
POMW60-3	No Trend	200 m	- Located within 200-250 m of cell and unlikely to be influenced by the containment cell construction at present. Likely to be influenced by previous disposal practices as well as previous remediation. Arsenic concentrations are lower at these locations west of Heron Road. - The deeper wells POMW63-9 and POM63-12 reported very slightly elevated arsenic concentrations with respect to historic data. - Note access to POMW60 series of wells has been limited in 2023 and 2024 due to temporary shed located on the location.
POMW60-6	Decreasing	200 m	
POMW60-9	No Trend	200 m	
POMW60-12	No Trend	200 m	
POMW62-6	Decreasing	250 m	
POMW63-3	Decreasing	220 m	
POMW63-6	Prob. Decreasing	220 m	
POMW63-9	Prob. Increasing	220 m	
POMW63-12	Prob. Increasing	220 m	

6.1.4 SPATIAL TRENDS

The spatial distribution of dissolved arsenic concentrations from the July 2025 monitoring event is presented in Attachment A on Figures 4A to 4C for Units 1 to Unit 3 respectively. Consideration of the spatial distribution as well as the historical data indicated the following.

- Dissolved arsenic concentrations reported in Unit 2 (i.e. intermediate monitoring wells) were generally higher than those of Units 1 and 3 (i.e. shallow and deep wells), which is consistent with:
 - a shallow source of dissolved arsenic within Unit 1, and
 - downward hydraulic and diffusion gradients, both of which influence dissolved arsenic concentrations migration towards the Hunter River.
- Dissolved arsenic concentrations in up- and cross-gradient wells (i.e., MWCC01 and MWCC03) of the former disposal pit were lower than those adjacent to the down-gradient wall (MWCC02), which is consistent with the location of the source area (disposal pit) and groundwater flow conditions.
- Monitoring wells located east of Heron Road, downgradient from the former disposal pit towards the South Arm of the Hunter River, reported the highest concentrations of dissolved arsenic. This is consistent with previous investigations and monitoring.
- Dissolved arsenic concentrations decrease moving from Heron Road towards the Hunter River.
- Dissolved arsenic concentrations from the July 2025 monitoring indicate plume has remained stable, with no notable change in concentration or location suspected.

These conclusions are consistent with those from previous monitoring events.

6.1.5 ASSESSMENT OF THE CONTAINMENT SYSTEM – ARSENIC DISTRIBUTION

Groundwater monitoring, in accordance with the LTEMP, is undertaken to assess dissolved arsenic concentrations in groundwater as a 'secondary line of evidence' to provide long-term understanding that the further offsite migration of arsenic in groundwater has been prevented to the extent practicable. Table 5 provides a framework to assess the distribution and trends in dissolved arsenic concentration.

Table 5: Arsenic Distribution Assessment

Identified Potential Effect	Emerging Patterns? (Y/N)	Evidence / Comments
Changes in arsenic concentration within the containment cell	Yes – Stable trend in arsenic concentration	The Mann-Kendall analysis was used to assess dissolved arsenic trends within the containment cell using the results from the six previous monitoring rounds (2020-2025). A stable or no trend was observed for wells targeting the three hydrostatic units, which is consistent with expectations for arsenic concentrations within the cell.
Spatial distribution of arsenic concentration outside of the containment cell	Yes – spatial distribution consistent	The spatial distribution of arsenic in areas down-gradient and within Units 1, 2 and 3, remain consistent with the distribution prior to the remediation, indicating that the construction of the containment cell has not resulted in significant changes in the migration of arsenic either laterally or between hydrogeological units.
Trends in arsenic concentration down-gradient of the containment cell	Yes – Downward trend apparent in monitoring locations within 50m of the containment cell	This is the sixth monitoring round post remediation and as such statistical analysis of trends is considered preliminary, particularly for assessing the effect of the construction of the containment cell at locations at distances further away from the cell. Preliminary trends in dissolved arsenic concentrations have indicated a decreasing or stable trend at monitoring locations downgradient of the containment cell in the predicted post-construction zone of influence of the cell/remediation. Based on estimated

		groundwater flow rates (~10m per annum) and the 6 years that have elapsed since completion of construction, the groundwater chemistry data suggests this zone of influence is currently in the order of 50m (ie. where groundwater unaffected by the contained contamination has now displaced contaminated groundwater). Locations further down-gradient of the containment system (outside this zone of cell/remediation influence) exhibit more variable trends (increasing and decreasing) reflecting the flow of contaminated groundwater generated prior to construction of the cell through these locations.
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7 NON-COMPLIANCES AND COMPLAINTS

7.1 NON-COMPLIANCES AND INCIDENTS

There was one reportable non-compliance or incident relating to the project during the 2024-2025 reporting period which was notified via the planning portal on 30 July 2025 (DPHI ref. SSD-7831-PA-21) in accordance with condition C10-C12. Details of the non-compliance or incident are supplied below:

Nature of non-compliance	Location of Non-compliance	Reason for Non-compliance	Action Taken
Monitoring location – not sampled	POMW60-3 POMW60-6 POMW60-9 POMW60-12	At an offsite monitoring location, Port of Newcastle. Shipping container has been located over monitoring wells.	Communications currently being undertaken with PoN to determine the longevity for storage of the shipping container in its current location.
Data loggers – failing to download.	MWCC01-9OUT MWCC02-3OUT	Faulty data logger	Replaced both with new data loggers during field program.

A subsequent notice to furnish information and records was sent by DPHI on 22 September 2025 (NSW Planning ref: INV-79996230). Orica responded to that Notice on 1 October 2025.

7.2 COMPLAINTS

There were no complaints related to the project/SSD 7831 during the 2024-2025 reporting period. There have been no previous complaints associated with the project.

8 DISCREPANCIES

The 2025 Annual Groundwater Monitoring Program did not identify any discrepancies between the predicted and actual impacts of the development. Preliminary water level data collected from data loggers in groundwater wells associated with the project suggest the cell is performing in accordance with design. As noted in the GMP, the limited temporal scale of the available chemical data means the ability to assess the impacts of the cell on groundwater chemistry is also limited. In particular, the remediation works have not impacted on some wells in the GMP at this early stage following construction and will not for an extended period given the velocity of groundwater flow in the contaminated area.

9 ENVIRONMENTAL PERFORMANCE IMPROVEMENTS

Given the passive nature of the containment cell design, it is anticipated that environmental performance improvements will not form part of the operation of the cell. An inspection regime is in place as part of the LTEMP to confirm that the physical condition of the cell is maintained to ensure ongoing performance in accordance with the design.

10 DEVELOPMENT CONSENT COMPLIANCE

10.1 INDEPENDENT ENVIRONMENTAL AUDIT

Orica KI engaged Ramboll Australia Ltd (Ramboll) to conduct an independent environmental audit (IEA) in accordance with condition C13 of SSD 7831 (combined report with separate audit of with SSD 08_0129), with the 2023 IEA report dated 20 September 2023. The report was submitted to DPHI in September 2023 and can be found on the [Orica KI Public Website](#). Following discussions with DPHI, a revision of the IEA was submitted to DPHI in February 2024.

The audit identified 80 conditions where KI was compliant and no (0) conditions that were deemed non-compliant. One opportunity for improvement was identified as noted in Table 6 below. The next Independent Environmental Audit is scheduled for 2026.

Table 6: IEA Auditor Actions / Recommendations

Previous Audit Actions/Recommendations			
Condition	Auditors recommendation	Orica response	Date of Action
	No findings/recommendations from 2020 IEA		
Current (2023) Audit Actions/Recommendations			
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).	Revision 3 of the LTEMP includes a table which details the requirements.	Completed 4/12/2025

10.2 CONDITION COMPLIANCE

A review of the status of compliance with the Project Approval SSD7831 is detailed in the table below. Where there was not complete compliance with the condition, actions to address the issues are detailed. Any non-compliances identified in Table 6, have been assessed in accordance with the following risk level detailed in below. All conditions were either “not triggered” or “compliant”.

Table 7 – Noncompliance risk level ranking

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

Table 8 Summary of Compliance with SSD 7831

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
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.	Documentation as described in this table.	Management plans and project management activities are in place to ensure that environmental harm during construction and monitoring.	Compliant	Closed out
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.	- Letter from Orica to DPHI re: Notification of updates relating to Approval SSD_7831, 18 July 2019 - Documentation as described in this table.	The development is being carried out in accordance with the requirements of this condition. Updated 'as built' construction drawings were provided to the Department, relating primarily to adjustments to the finished capping levels based on differences in the estimated and actual volumes of material that were to be placed inside the cell.	Compliant	Closed out

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
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)	N/A	No written direction received	Not triggered	NA
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.		NA	Not triggered	NA

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
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.		The development consent was issued on 10 August 2018 and the development has physically commenced (and construction completed by September 2019).	Not triggered	NA
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.	• Orica email to DPHI with attachment notification of commencement of construction, 12 October 2018 • Orica letter to DPHI, Notification of Commencement of Remediation Works, 28 June 2019 • Email from DPHI to Orica, 1 July 2019 • Interview with site personnel	Orica notified the Department in October 2018 that it intended to commence construction on 3 December 2018. Construction of the containment cell did not actually commence until February 2019. Construction of the containment cell was completed on 24 September 2019.	Compliant	Closed out
NOTIFICATION OF COMMENCEMENT					
A7	The date of commencement of each of the following phases of the development must be notified to the Department in writing, at least one month before that date: a) construction phase of remediation works; and	• Orica email to DPHI with attachment notification of commencement of construction, 12 October 2018 • Orica letter to DPHI, Notification of Completion of	An email from the Department to Orica dated 1 July 2019 noted that the Department was notified of the anticipated date of commencement in a letter dated 12 October 2018, as required by condition A7(a).	Compliant	Closed out

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
	b) completion of construction activities associated with the containment cell.	Construction Activities, 28 June 2019 • Orica letter to DPHI, Notification of Completion of Construction Remediation works relating to Approval SSD_7831, 24 September 2019	In June 2019, Orica notified the Department of the anticipated date of completion of the construction activities associated with the containment cell as 29 July 2019. Construction of the containment cell was actually completed on 24 September 2019.		
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	NA
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.	Email from Fabiana Quinton of the EPA dated 7/12/18	Consultation with the EPA in preparation of the Containment Cell Management as required under condition B3.	Compliant	Closed out

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
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 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 Orica to DPHI re: Notification of updates relating to Approval SSD_7831, 18 July 2019 - Letter and associated updated drawings sent to DPHI (Susan Fox) on 18 July 2019 noting minor variations between RAP layouts and finished capping landform.	The project was not staged. The Remediation Action Plan and other project documentation including Development Layout Plans were updated, primarily to make adjustments to the finished capping landform based on differences in the estimated and actual volumes of material that were to be placed inside the cell. The current LTEMP (Rev 2) was submitted to the Department and subsequently approved. LTEMP available on Orica public website. An updated LTEMP (Rev 3) was submitted to DPHI for approval on X December 2025.	Compliant	Closed out
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	NA
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.	Letter from Orica to DPHI re: Notification of updates relating to Approval SSD_7831, 18 July 2019	The project was not staged. The Remediation Action Plan and other project documentation including Development Layout Plans were updated, primarily to	Compliant	Closed out

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
			make adjustments to the finished capping landform based on differences in the estimated and actual volumes of material that were to be placed inside the cell. The current LTEMP (Rev 2) was submitted to the Department and subsequently approved. LTEMP available on Orica public website. An updated LTEMP (Rev 3) was submitted to DPHI for approval on X December 2025.		
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.		Materials were not removed from site for disposal. ENM was mixed with the bentonite wall.	Not triggered	Closed out
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.	- Arsenic Project induction (PowerPoint) dated February 2019 - Arsenic Project induction register from 25/01/19 to 17/06/19	A project specific induction pack was provided to contractors prior to commencement of works in addition to general site inductions. The induction PowerPoint included environmental controls from the CEMP including topics waste,	Compliant	Closed out

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
			noise, dust, spills and unexpected finds.		
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.		Plant and equipment were operated and maintained by the construction contractors. Pre-start checklists were completed by the contractors and audited by Orica.	Compliant	Closed out
UTILITIES AND SERVICES					
A16	Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.		No utility works were undertaken.	Not triggered	Closed out
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.	- Remediation Validation Report, Golder Associates, 24 December 2019 - LTEMP (Rev 0), May 2019 - Post Remediation Annual Groundwater Monitoring Events – 2020-2024	Golder Associates have referred to relevant guidelines in preparation of plans and reports for the development.	Compliant	No change
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 version of such a guideline, protocol, Standard or policy, or a replacement of them.		No written directions have been received by the Planning Secretary.	Not triggered	NA

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
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	Closed out
PART B: ENVIRONMENTAL PERFORMANCE AND MANAGEMENT					
REMEDATION					
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 Contaminated Land Management Act, 1997 (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).	Orica email to DPHI confirming EPA appointed of Site Auditor, 3 October 2018	The Site Auditor is Chris Jewell of C.M. Jewell & Associates Pty Ltd.	Compliant	Closed out
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	Orica letter to DPHI re: Containment Cell Management Plan, 1 November 2018	Golder Associates were appointed as the Validation Consultant for the works. Qualification and experience details of the Validation	Compliant	Closed out

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
	Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated 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).		Consultants were provided to the Department on 1 November 2018.		
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.	- CCMP (November, 2018) - Letter from DPHI approving the CEMP and sub-plans dated 19/12/18 - Orica letter to DPHI re: Containment Cell Management Plan, 1 November 2018 - RAP (July, 2016) - Email from Chris Jewell dated 3/12/18 subject: KI Arsenic CCMP - Email from Fabiana Quinton of the EPA dated 7/12/18	A CCMP was prepared by Golder Associates dated 23 November 2018. The CCMP was approved by the Department as a sub-plan of the CEMP on 19 December 2018. Construction of the containment cell commenced in February 2019. a) The CCMP was prepared by Gary Schmertmann, Gavin Butterfield and Andrew Holloway from Golder Associates. Details of the authors (including CVs) were provided to the Department on 1 November 2018. The Site Auditor provided endorsement of the CCMP on 3 December 2018 b) Comments on the CCMP were provided by the EPA on 7 December 2018	Compliant	Closed out

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
			c) Section 1.3 of the CCMP includes details of the CQC and CQA approach. d) The CCMP was prepared in accordance with the RAP as evident by the statement in the document purpose and various references throughout the CCMP to the RAP, including performance specifications (section 2.1.1) and program requirements (section 2.2 and section 3.2).		
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.	Letter from DPHI approving the CEMP and sub-plans dated 19/12/18	The CCMP was approved by the Department as a sub-plan of the CEMP on 19 December 2018. Construction of the containment cell commenced in February 2019.	Compliant	Closed out
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.	Remediation Validation Report, Golder Associates, 24 December, 2019	Section 10 of the RVR states: <i>"Inspection and review activities undertaken by Golder during and after the construction of the containment cell have indicated the construction methods and materials were in accordance with the design requirements... Overall, the design, installation and testing of the remediation system (containment cell) is considered to have successfully</i>	Compliant	Closed out

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
			<i>met the requirements of the RAP...</i>		
B6	The Applicant must carry out the remediation works using suitably qualified and experienced contractor(s).	Remediation Validation Report, Golder Associates, 24 December, 2019	Menard Oceania constructed the cell cut-off wall. The cap was constructed by Milleen Constructions (earthworks) and Eco Line Solutions (vapour barrier). Construction Quality Assurance was undertaken by Golder Associates.	Compliant	Closed out
B7	The Applicant must only place arsenic contaminated material as described in the RAP, in the containment cell.	Remediation Validation Report, Golder Associates, 24 December, 2019	Remediation Validation Report	Compliant	Closed out
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 (OEI 2011); c) include, but not be limited to a: (i) CQA report; (ii) design report; (iii) construction report.	- Remediation Validation Report, Golder Associates, 24 December, 2019 - Letter from DPHI to Orica re: Orica Kooragang Island (SSD 7831) Remediation Validation Report, 24 February 2020	Remediation works were completed in September 2019. The RVR was prepared by Golder Associates dated 24 December 2019. The requirements under this condition are satisfied as follows: a) The RVR was prepared by Golder Associates who is the validation consultant (refer to response to condition B2). b) The RVR was prepared in accordance with the RAP as evident by the various cross-references to the RAP throughout the RVR.	Compliant	Closed out

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
			c) The requirements under this condition are included in Appendix A (cut off wall CQA report) and Appendix B (capping system CQA report). The Department confirmed its satisfaction with the RVR in February 2020.		
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.	- LTEMP (Rev 0), May 2019 - Letter from DPHI approving LTEMP, 14/07/20 - Interim Advice - Long-Term Environmental Management Plan: Arsenic Remediation Project, Orica Kooragang Island, C.M. Jewell & Associates, 5/09/19	Remediation works were completed in September 2019. The LTEMP was submitted to the Department on 27 May 2019 and approved by the Department on 14 July 2020. The requirements under this condition are satisfied as follows: a) The LTEMP was prepared by Golder Associates Pty Ltd (noted as a certified consultant) b) The LTEMP was reviewed by Chris Jewell of C.M. Jewell & Associates Pty Ltd as an accredited Site Auditor under the Contaminated Land Management Act 1997 c) The requirements under this condition are met in the following sections: (i) Section 8.2 (ii) Section 8 (iii) Section 7 (iv) Section 8.4.	Compliant	Closed out

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
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 0), May 2019 - LTEMP (Rev 1), May 2020 - LTEMP (Rev 1A), Oct 2021 - LTEMP (Rev 2), May 2023 - LTEMP (Rev 3), November 2025	An updated LTEMP (Rev 3 is supplied in Attachment B) and includes some figure updates.. LTEMP available on Orica public website once approved by DPHI Departures from the LTEMP are noted in Section 7.1 of the Annual Review report. One non-compliance lodged via the planning portal on 30 July 2025 (DPHI ref. SSD-7831-PA-25). A subsequent notice to furnish information and records was sent by DPHI on 22 September 2025 (NSW Planning ref: INV-79996230). Orica responded to that Notice on 1 October 2025.	Non-compliant	Ongoing
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.	July 2025 Groundwater Monitoring results are enclosed	One GMP event in 2025 (July 2025) in accordance with the LTEMP. The annual summary report was submitted to the EPA and DPHI in September 2025.	Compliant	Ongoing
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 DPHI dated 8/07/20 noting acceptance of extension agreement with EPA	The RVR was submitted on 24 December 2019. Therefore, the Site Audit Statement and Site Audit Report would have been due to be submitted by 24 June 2020. Orica requested an extension from the EPA in relation to the requirements under the Management order and the EPA granted an	Compliant	Closed Out

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
		Site Audit Statement/Site Audit Report submitted by the Auditor on 24 September 2020	extension to 24 September 2020. Orica informed the Department of the extension from the EPA and the Department responded that the extension was noted.		
WORK HEALTH AND SAFETY					
B13	The Applicant must ensure that all remediation works are carried out in accordance with NSW Work Health and Safety Regulation 2017 (WHS Regulation).		No incidents occurred requiring notification to WorkSafe.	Compliant	Closed out
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: a) describe the controls to ensure compliance with the WHS Regulation; b) identify personal protective equipment (PPE) required for use onsite; c) describe the procedures for training, education and awareness programs and inductions for site personnel to ensure adequate protection from human health risks; d) identify requirements for health monitoring for site personnel and documentation procedures; and e) details of exclusion zones and decontamination procedures.	- CEMP (October 2018) - HSP (September 2018) - Orica email to DPHI submitting CEMP for approval, 12 October 2018. - Letter from DPHI re Construction Environmental Management Plan and Sub Plans, 19 December 2018	The HSP is included as Appendix A to the CEMP. The HSP is dated 18 September 2018. The HSP was approved by the Department as a sub-plan of the CEMP on 19 December 2018. Construction of the containment cell commenced in February 2019. The HSP satisfied the requirements of this condition as follows: a) Section 4 outlines the WHS Regulation requirements along with other relevant legislation and codes of practice b) Section 7.4 describes the PPE requirements which includes as a standard requirement: "steel capped boots, hard hat and safety	Compliant	Closed out

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
			glasses, long sleeved shirts and long pants". c) Section 11 outlines the training procedure including inductions, general training and licensing requirements. d) Sections 4.1, 7.4 and 7.5 describe the use of exclusion zones to minimise arsenic exposure. The decontamination procedure is described in Section 7.4.		
B15	The Applicant must: a) not commence remediation works until the HSP required by Condition B14 is approved by the Planning Secretary; and b) implement the most recent version of the HSP approved by the Planning Secretary.	Letter from DPHI re Construction Environmental Management Plan and Sub Plans, 19 December 2018	The HSP was approved by the Department as a sub-plan of the CEMP on 19 December 2018. Construction of the containment cell commenced in February 2019.	Compliant	Closed out
AIR QUALITY					
DUST MINIMISATION					
B16	All reasonable steps must be taken to minimise dust generated during all works authorised by this consent.	60578946_Arsenic Remediation Results 30APR19 - Arsenic remediation air quality monitoring results from 13/02/18 to 28/06/19	Ambient air quality monitoring was undertaken during construction works. The monitoring included assessment of TSP, PM10 and arsenic criteria. The completed containment cell is covered with vegetation and inspected regularly. There is limited	Compliant	Closed out

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
			potential for dust generation under long-term management.		
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.		During construction this condition was met. The CEMP defined the implemented controls.	Compliant	Closed out
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.	- LTEMP (Rev 0), May 2019 - LTEMP (Rev 1), May 2020 - LTEMP (Rev 1A), Oct 2021	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	Closed out

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
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;	CEMP (October 2018)	The AQMP is included as Appendix B to the CEMP. The AQMP is dated 5 October 2018. Remediation works commenced on 13 February 2019. The requirements under this condition are satisfied as follows: a) The AQMP was prepared by David Rollings and Chad Whitburn of AECOM. b) The measures outlined under this condition are included in the following sections: (i) Section 5 (Table 5 and Table 6) (ii) Section 4 (iii) Section 5 (Table 5) – "Remediation works will not occur during adverse meteorological conditions" (iv) Section 6.3 describes the locations for the High Volume Air Sampler (HVAS) as well as real time continuous particulate monitoring. Section 6.4 – air quality trigger values.	Compliant	Closed out

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
	(vii) detail proactive mitigation measures for the control of dust and odour impacts, including procedures to restrict works during adverse meteorological conditions; (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.		(v) Section 5 (Table 5) under stockpiles sub-heading (vi) Sections 6.2 and 6.3 – air quality criteria. Section 8 – review and continual improvements procedure (vii) Section 5 (Table 5) (viii) Section 3.4 of CEMP. Orica also has a Communications Strategy and operates in accordance with a Neighbour (Off-site) EMP. (ix) Section 5 – reference to the complaints management procedures described in Section 7.1.5 of the CEMP (x) Section 5 – reference to the complaints management procedures described in Section 7.1.5 of the CEMP		
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.	Letter from DPHI re Construction Environmental Management Plan and Sub Plans, 19 December 2018	Remediation work commenced on 13 February 2019. Approval of the AQMP (as part of the CEMP) was received from the Department on 19 December 2018.	Compliant	Closed out
ODOUR MANAGEMENT					

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
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).		No odour complaints in relation to remediation works were recorded during the AEMR period.	Compliant	Closed out
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: - be designed and constructed by a suitably qualified and experienced person(s); - be generally in accordance with the design diagrams in the Appendix A: Wall Alignment and Detail Design of the RAP; - be in accordance with applicable Australian Standards; and - 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.	- Remediation Action Plan, Golder Associates, July 2016 - Site visit observations	The surface water management system was designed by Golder Associates and appears to be generally in accordance with the design diagrams in the Appendix A: Wall Alignment and Detail Design of the RAP.	Compliant	Closed out
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.	Orica email to C.M. Jewell re: Works- as-executed drawing - Stormwater drainage and finished ground levels, 21 November 2019	Survey was provided to the Site Auditor within two months of the completion of remediation works.	Compliant	Closed out

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
B24	The surface water management system must be operated and maintained for the duration of the Development.	- Site visit observations - Interview with site personnel - Arsenic containment cell quarterly inspection checklists	The surface water management system was observed during the quarterly site inspections conducted in accordance with the LTEMP and confirmed to be in good condition.	Compliant	Ongoing
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.	CEMP (October 2018)	The Erosion and Sediment Control Plan is Appendix C to the CEMP.	Compliant	Closed out
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.	- CEMP (October 2018) - Post Remediation Annual Groundwater Monitoring Event – March 2020, Golder Associates, 4 May 2020	Erosion and sediment control measures were in place during construction. The purpose of the development is to address historic contamination and improve groundwater quality. Ongoing monitoring as per the LTEMP is required to verify effectiveness of the cell.	Compliant	Closed out

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
B27	Any spills must be contained and disposed of at a licenced facility.		No spills reported during construction of the cell.	Not triggered	NA
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.		There was no on-site servicing or repair of vehicles or mobile plant associated with the remediation works.	Not triggered	NA
IMPORTED SOIL					
B29	The Applicant must: i) ensure that only VENM or ENM or other material approved in writing by the EPA is used as fill on the site; ii) keep accurate records of the volume and type of fill to be used; and iii) make these records available to the Planning Secretary upon request.	Remediation Validation Report, Golder Associates, 24 December, 2019	Materials tracking included as Appendix D of the Remediation Validation Report.	Compliant	Closed out
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 results of testing submitted to Council, prior to its removal from the site.	CEMP (October 2018)	The unexpected finds protocol is included in Section 5.6 of the CEMP. No unexpected finds occurred during the works.	Compliant	Closed out

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
HAZARDS AND RISK					
B31	The Applicant must store all chemicals, fuels and oils used on-site in appropriately banded 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).		No bulk fuels were stored on site by the contractors.	Compliant	Closed out
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.	Remediation Validation Report, Golder Associates, 24 December, 2019	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	NA
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.	Remediation Validation Report, Golder Associates, 24 December, 2019	No waste generated outside the site was received for storage, treatment, processing, reprocessing or disposal as part of the development. VEMN was received for the cell capping as outlined in the Remediation Validation Report.	Not triggered	NA
PESTS, VERMIN AND NOXIOUS WEED MANAGEMENT					
B36	The Applicant must: - implement suitable measures to manage pests, vermin and declared noxious weeds on the site; and - inspect the site on a regular basis to	- CEMP (October 2018) - LTEMP Rev 3 (November 2025)	Management measures for weeds and pests are included in Section 5.8 of the CEMP and Section 6.2 of the LTEMP. Weed observations	Compliant	Ongoing

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?									
	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.	Arsenic containment cell quarterly inspection checklists (Enablon)	are including the quarterly inspections.											
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	CEMP (October 2018)	All remediation works were undertaken within these construction hours.	Compliant	Closed out
Activity	Day	Time												
Remediation works	Monday – Friday	7am to 6pm												
	Saturday	8am to 1pm												
B38	Works outside of the hours identified in Condition B37 may be undertaken in the following circumstances: a) works that are inaudible at the nearest sensitive receivers; b) works agreed to in writing by the Planning Secretary; and c) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm.		Works were not undertaken outside the standard hours specified in condition B37.	Not triggered	NA									

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
REMEDATION 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.	CEMP (October 2018)	Noise and vibration management measures are included in Section 5.4 of the CEMP (Table 16). This includes management in accordance with the <i>Interim Construction Noise Guideline</i> (Department of Environment and Climate Change, 2009). It was predicted that operation of excavation equipment and vehicles would not likely to increase the background noise by a measurable amount. No complaints were received relating to noise from the remediation works.	Compliant	Closed out
VARIATION 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 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).	CEMP (October 2018)	It was predicted that "Based upon the location of the remediation work the buildings on the adjacent site are located within the safe working distance for cosmetic damage." Table 16 in the CEMP includes the following safe working distances of vibration intensive equipment will be used during the works for tracked mobile operating plant (excavator/crane): Cosmetic damage – 3m	Compliant	Closed out

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
			- Human response – 13m. - No complaints were received relating to vibration from the remediation works.		
REMEDIATION WORKS CONDITIONS					
B41	The Applicant must ensure that: a) The development does not result in any queuing on the public road network; b) all vehicular movement to and from the site must be in a forward direction; c) 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; d) all loading and unloading of materials is carried out on-site in designated areas; and e) vehicle manoeuvring areas must always be kept clear of any obstacles, including parked cars.	CEMP (October 2018)	Traffic management measures are included in Section 5.7 of the CEMP.	Compliant	Closed out
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.		No complaints concerning traffic or parking were received.	Compliant	Closed out

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
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.	- Communications Strategy, rev3, 6 July 2020 - CRG meeting agenda, 26 August 2019 - CRG meeting notes, 27 May 2019 - Letter to neighbours update 2019 dated 23/03/19 - Letter to neighbours dated 19/02/19 - Quarterly liaison meeting with EPA, 2 March 2020	Community Reference Group meetings have included updates on the remediation works. CRG meeting agendas and meeting notes are available on the Orica website.	Compliant	Closed out
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;	- CEMP (October 2018) - LTEMP, Rev 0 (May 2019) - LTEMP, Rev 1 (May 2020) - LTEMP, Rev 1A (Oct 2021) - LTEMP Rev 2 (May 2023) - LTEMP Rev 3 (November 2025)	<u>CEMP (and sub-plans)</u> a) HSP – Section 5.9 AQMP – Section 5.1 ESCP – Section 5.3 b) CEMP – Section 1.4 HSP – Section 5.9 AQMP – Section 5.1 ESCP – Section 5.3 c) HSP – Section 5.9 AQMP – Section 5.1 ESCP – Section 5.3 d) Section 7.0 of the CEMP e) Section 7.0 of the CEMP f) Section 7.0 of the CEMP g) Section 7.0 of the CEMP h) Section 7.0 of the CEMP	Compliant	Closed out

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
	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.		<u>LTEMP</u> a) Section 3.2 (soil contamination) and Section 3.3 (groundwater contamination) b) Section 1.2 c) Section 5 d) Section 9 (groundwater monitoring program including reporting) e) Section 6.2 of the LTEMP Rev1 includes contingency measures for maintenance procedures. f) Section 9 g) The LTEMP does not specifically address incidents, non-compliances or complaints; however, these are addressed in other elements of the SHES management system. h) Section 9		

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN					
C2	The Applicant must prepare a Construction Environmental Management Plan (CEMP) to the 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.	• CEMP (October 2018) • Orica email to DPHI submitting CEMP for approval, 12 October 2018. • Letter from DPHI re Construction Environmental Management Plan and Sub Plans, 19 December 2018	A CEMP was prepared for the Project by AECOM in October 2018. The requirements under this condition were met as follows: a) The CEMP was submitted to the Department on 12 October 2018 and approved by the Secretary on 19 December 2018. b) Included in Section 1.4 c) Included in Section 5 d) Included in Section 2.5 and 2.6 e) Included in Section 7.1 f) Included in Section 3 Refer to response to condition C3 below	Compliant	Closed out

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
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 Unexpected Finds Protocol (see Condition B30).	CEMP (October 2018)	The requirements under this condition are included in the CEMP as follows: a) Appendix D b) Appendix A c) Appendix B d) Appendix C Section 5.6	Compliant	Closed out
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).	• Interview with site personnel • Letter from DPHI re Construction Environmental Management Plan and Sub Plans, 19 December 2018	Remediation work commenced on 13 February 2019. Approval of the CEMP was received from the Department on 19 December 2018.	Compliant	Closed out
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.	CEMP (October 2018)	Table 1 in section 1.2 of the CEMP shows where relevant conditions have been addressed.	Compliant	Closed out

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
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,		(C6 and C7 should be read together as one condition) A letter notifying DPHI of review, and the outcomes of that review, was submitted 12 October 2020.	Compliant	NA
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.				
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.:	- Letter from Orica to DPHI re: Notification of updates relating to Approval SSD_7831, 18 July 2019 - DPHI email to Orica re: Orica Kooragang Remediation - Post Approval Document Received - (SSD- 7831-PA-2), 15 May 2020 - Updated LTEMP (Rev 2), May 2023 - Updated LTEMP (Rev 3), November 2025	Remediation Action Plan and other project documentation including Development Layout Plans were updated. An amended LTEMP (Rev 1A) was produced with administrative changes only, not to the monitoring program. A further updated LTEMP (Rev 2) was submitted to the Department and subsequently approved. LTEMP (Rev 2) is available on Orica public website.	Compliant	Ongoing
REPORTING AND AUDITING					

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
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.		No notifiable incidents have occurred to date.	Not triggered	NA
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.		One non-compliance lodged via the planning portal on 30 July 2025 (DPHI ref. SSD-7831-PA-25).	Compliant	NA
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.		See above	Compliant	NA
C12	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.		No non compliances.	Not triggered	NA

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
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; (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		Remediation works were completed on 24 September 2019. Annual Reviews have been supplied since December 2020. This report satisfies this condition for 2024_2025.	Compliant	Ongoing

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
	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.				
C14	Copies of the Annual Review must be submitted to Council and any interested person upon request.		Submitted to City of Newcastle on 7 December 2020 and noted that unless advised otherwise Orica would only supply the Annual review on request (not annually). No response was received.	Compliant.	Ongoing
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	DPHI letter to Orica re: Independent Environmental Audit – auditor endorsement request, 17 June 2020	The Independent Environmental Audit was undertaken in accordance with this condition with the final report dated 31 August 2020. 3 yearly IEA completed in July 2023 and report submitted September 2023. The next IEA will be conducted in 2026.	Compliant	Ongoing

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
	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.		3 yearly IEA completed in July 2023 and report submitted September 2023. The next IEA will be conducted in 2026.	Compliant	Ongoing
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 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.			Noted	Ongoing

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
	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	Orica website	The required information is available on the Orica website and includes a text description of the status of complaints (there have been none and given the cell is a passive design none are anticipated in the operational phase of the development).	Compliant	Ongoing

Condition	Compliance requirement	Evidence (where relevant)	Comment	Compliance Status	'Closed out' OR 'Ongoing'?
	with the reporting requirements in any plans or programs approved under the conditions of this consent; (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.				

ATTACHMENT A – 2025 GMP REPORT

Supplied as file “Att A - 2025 West Arsenic GMP.pdf”.

ATTACHMENT B – LTEMP REV. 3

Supplied as file “Att B - 2025 LTEMP (Rev 3).pdf”.