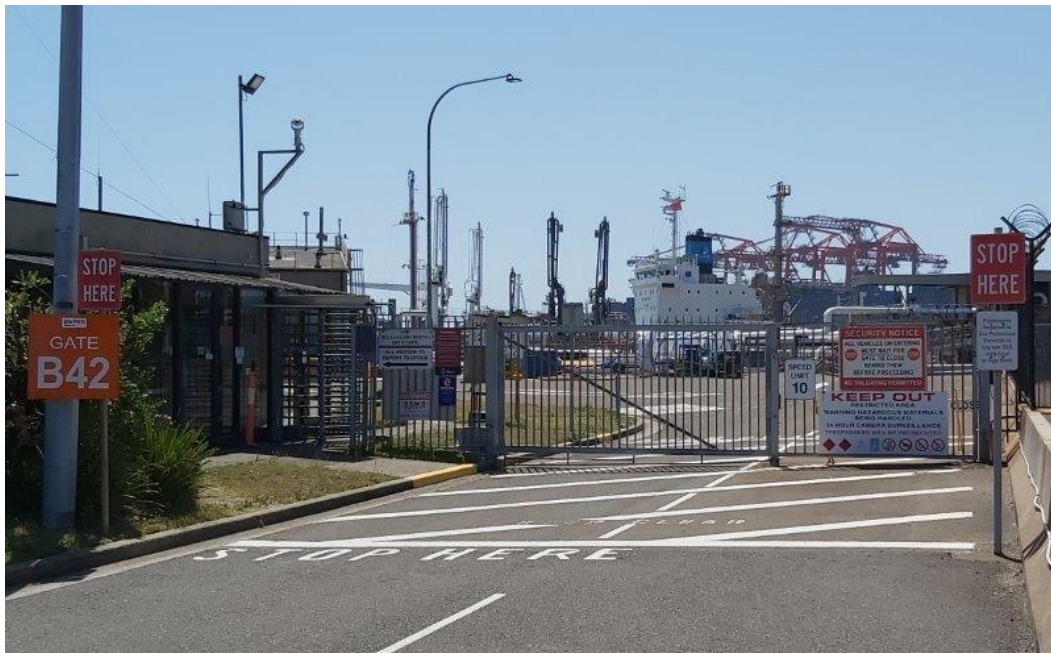


INDEPENDENT ENVIRONMENTAL AUDIT

BULK LIQUIDS BERTH No 2 – OPERATIONS

FINAL REPORT



Auditee:	Port Botany Operations Pty Limited (operating as NSW Ports).
Project:	Bulk Liquids Berth No 2 (BLB2) (Operations)
Scope:	Assessment of Compliance with the Conditions of Approval for the operation of BLB2 under Approval 07_0061, Statement of Commitments; and requirements of the Operational Environmental Management Plan.
Location(s)	Bulk Liquids Berth No 2 – Fishburn Road, Port Botany
Audit Dates:	30 Nov and 1 Dec 2020

Revision no.	Author / Lead Auditor	Purpose / Change	Date
0.1	Julie Dickson	Draft for review	29/12/2020
1.0	Julie Dickson	Final for issue	14/01/2021



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EXECUTIVE SUMMARY

The purpose of the audit was to undertake the required independent assessment and review of compliance required by the Ministers Conditions of Approval (MCoA) for the Bulk Liquids Berth No.2. Condition 4.1 (d). The condition requires that a program for independent environmental auditing is to be implemented at least annually or as otherwise agreed by the Director General in accordance with ISO 19011:2002 (now 2018) Guidelines for Management Systems Auditing. In 2015, the Secretary approved a revised Compliance Tracking Program (CTP) which allows for future compliance to be demonstrated through environmental audits undertaken every three years (rather than through compliance tracking reports).

This is the fourth independent audit of the operation of BLB2. According to the CTP, compliance reporting will include:

- An independent environmental audit that will review NSW Ports Compliance Tracking system and level of compliance with the condition of approval; and;
- A report summarising the details of any complaints received, including the means by which they were addressed and whether resolution was reached with or without mediation. This will be included with the Environmental Audit.

This independent environmental audit therefore includes a review of the NSW Ports Compliance Tracking system, level of compliance with condition 4.1 (d) and a review of the NSW Ports report summarising the details of complaints received. The compliance tracking system was satisfactory and no complaints have been recorded at the BLB2.

The on-site component of this audit was conducted over two days on 30 November and 1 December 2020 and included an inspection of the whole site, observation of the setting-up for the transfer of liquids from a ship, review of relevant documentation and interviews with relevant personnel. The off-site component included a review of further evidence to verify the level of compliance to project operational requirements.

The purpose and scope of the audit was to:

- Assess the level of compliance with the Conditions of Approval and Statement of Commitments;
- Assess the environmental performance of the project and undertake any works necessary to determine whether it is complying with the relevant standards, performance measures and statutory requirements;
- Review the adequacy of any strategy / plan / program required under the approval;
- Assess the effectiveness of environmental management measures, including performance, against commitments made in the Bulk Liquid Berth 2 Operational Environmental Management Plan (OEMP); and
- Recommend measures or actions to improve the environmental performance of the project, and/or strategy/plan/program required under the approval.

Summary of findings

- Four (4) non-compliances against the MCoA Conditions 1.1, 3.3 and 4.1 d), (submission of Independent Environmental Audit and Hazard Audit report to DPIE), and 2.13 (oily water waste disposal/records);
- Two (2) observations relating to pipe pressure testing, and OEMP revision status; and
- One (1) opportunity for improvement relating to inspection definitions and frequencies.

Environmental performance and effectiveness of environmental management measures

Overall, the audit result was positive, and the auditor found that the facility continues to be well managed. Since the last audit, there have been notable improvements to training and induction material and processes, compliance tracking reviews, and the OEMP and Operations Manual had also been updated.

Adequacy of any strategy, plan / program required under the approval

The previous audit identified that the OEMP had not been reviewed or revised since the commencement of the operation of the site. The OEMP had since been reviewed however, a new observation was raised in relation to version control document review records. Other plans and programs were found to be adequate, with improvements noted in the training and competency program.

Previous findings:

Three non-compliances from the 2017 audit have been satisfactorily closed; however, one remains open against condition 2.1 (a) (Fire Safety Study approval). The four (4) observations were satisfactorily closed.

GLOSSARY - ABBREVIATIONS

Term / abbreviation	Explanation
EA	Environmental Assessment
EPA	Environment Protection Authority of NSW
BLB2	Bulk Liquids Berth No. 2 (subject of this audit)
BLB1	Bulk Liquids Berth No. 1 (older facility – not subject to this audit)
DG	Director-General
CEMP	Construction Environmental Management Plan
CTP	Compliance Tracking Program
DECA	Dickson Environmental Consulting and Audit (Independent Auditor)
DECC	Department of Environment and Climate Change (now OEHL/EPA)
DPE	Department of Planning and Environment (previous name for DPIE)
DP&I	Department of Planning and Infrastructure (previous name for DPIE)
DPIE	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EPL	Environment Protection Licence
GPT	Gross Pollutant Trap
LPG	Liquid Petroleum Gas
NC	Non-compliance
MCoA	Ministers Conditions of Approval
OEMP	Operation Environmental Management Plan
OWS	Oil / water separator
PANSW	Port Authority of NSW (replaces SPC)
Secretary, the	The Secretary of the DPIE (replaces title Director-General)
SMS	Safety Management System
SWMS	Safe Work Method Statement
SoC	Statement of Commitment (from EA Draft)
SPC	Sydney Port Corporation (previous name for Port Authority of NSW)
ULP	Unleaded Petrol

Document Information	
Title:	Independent Environmental Audit - Operations – Bulk Liquids Berth 2
Audit Organisation	Dickson Environmental Consulting and Audit
Auditor & Author	Julie Dickson (Lead Auditor)
Preliminary findings issued:	3/12/2020
Draft Report issued:	29/12/2020
Final Report for issue:	14/01/2021

1 INTRODUCTION

1.1 Purpose and requirement for this audit

This independent environmental audit was conducted as an independent and objective assessment of the environmental performance and compliance status of the operation of the BLB2 project.

Condition 4.1 (d) of the MCoA requires that a program for independent environmental auditing is to be implemented at least annually or as otherwise agreed by the Director General in accordance with ISO 19011:2002 (now 2018) Guidelines for Auditing Management Systems.

Following the first independent environmental audit in November 2014, NSW Ports proposed to the then Department of Planning and Environment (DPE) that future compliance is to be demonstrated through environmental audits undertaken every three years (rather than through compliance tracking reports). DPE accepted this proposal in a letter dated 17 March 2015 and requested a revision and resubmission of the Compliance Tracking Program by 30 April 2015.

According to the revised Compliance Tracking Program (V2 April 2015), compliance reporting will include:

- An independent environmental audit that will review NSW Ports Compliance Tracking system and level of compliance with the condition of approval; and
- A report summarising the details of any complaints received, including the means by which they were addressed and whether resolution was reached with or without mediation. This will be included with the Environmental Audit.

Section 2.3 of the Compliance Tracking program notes that NSW Ports will implement a program for independent environmental auditing in accordance with ISO 19011, and the scope of the independent environmental audits will include (but not necessarily be limited to) the following:

- assessment of compliance with the conditions of approval and project commitments;
- assessment of environmental performance against relevant environmental project criteria; and
- assessment of environmental mitigation measures and recommendations provided in environmental management plans.

Section 2.3 also requires that *“Environmental audits will be undertaken every 3 years to coincide with the Hazard Audit required under CoA 3.3 and will include an assessment of NSW Ports’ compliance with the conditions of approval. The environmental audit report will be submitted to the Secretary of Department and Planning within two months of each audit being completed.”*

1.2 Background of the project

The development of the Bulk Liquids Berth No. 2 (BLB2) commenced in mid-2011 and was designed to ensure New South Wales has adequate berth capacity to satisfy existing and future forecast demands for the import and export of bulk liquids including chemical, petroleum and gas products.

The Bulk Liquids Berth 2 (BLB2) is the second purpose-built bulk liquids facility located at Port Botany, adjacent to the BLB1. Port Botany Operations Pty Limited, trading as NSW Ports, is responsible for the management of the port facilities at Port Botany, NSW. The main role and responsibility of NSW Ports is to maintain the Port infrastructure for the tenants and Port users.

Vopak Terminals Pty Ltd submitted a Major Project Application (07_0061) under Part 3A of the Environmental Planning and Assessment Act 1979 (now repealed) for the construction and operation of the BLB2 facility at Port Botany, on behalf of the then Sydney Ports Corporation (SPC). On 20 March 2008 planning approval was granted for the project. NSW Ports assumed control of the facility on 1 June 2013 as part of the 99-year lease of Port Botany and is responsible for overall compliance with the Conditions of Approval.

The BLB2 has been operating since 5 December 2013.

1.2.1 Location

The site of BLB2 is located on the west side of privately owned Fishburn Road, adjacent to the boundary of Vopak Site B and the Elgas Caverns, in the suburb of Port Botany (see Figure 1). BLB2 is located adjacent to the existing Bulk Liquids Berth (BLB1) at the south-western end of Brotherson Dock, approximately 11 km south of the Sydney CBD. Port Botany has been substantially developed for industrial purposes relating to shipping and port activities.

Figure 1 – Project Location



1.2.2 Operational Activities

The Bulk Liquids Berth 2 (BLB2) is the second purpose-built bulk liquids facility located at Port Botany, adjacent to the BLB1. It is a common user facility controlled by the Port Botany Operations Pty Ltd (operating as NSW Ports).

The main products handled at the BLB are refined fuels, gases and chemicals. The BLB2 comprises a concrete deck on a steel piled pier berth adjacent to the existing BLB1; associated infrastructure such as marine loading arms, fire-fighting equipment, onshore support facilities and pipelines from existing “user sites” to the new berth. The open access, multi-user berth operates on a 24 hour/7 days per week basis. BLB2 has been designed to accommodate 120,000 dead weight tonne vessels to a maximum of 270m length overall. BLB2 also allows for the servicing of ships at the berth. The following companies have established bulk liquids/gas storage terminals at the Port and are current tenants of NSW Ports at the BLB2:

- Vopak Terminals Australia;
- Quantem Pty Ltd;
- Qenos Australia Pty Ltd (Hydrocarbon Storage Facility);
- Origin Energy; and
- Elgas Pty Ltd.

Environmental Protection Licences (EPLs) issued by the EPA are required to be held by each of the operating users and it is the responsibility of those users to ensure that they meet the conditions of those licenses. The EPLs of the main users include the scheduled activity “Shipping in Bulk” which allows Vopak >5000000 T of annual capacity to load and unload and allows Terminals (now Quantem) 100000 to 500000 T of annual capacity to load and unload. NSW Ports will not place conditions on users that contradict the requirements of the EPLs.

The operation of the BLB2 consists of the following key relevant components:

- A central working platform and working area, with berthing face (including bollards and fenders) and pipe manifold/marine loading arm arrangements;
- Adjacent berthing dolphins on each side of the working platform designed to accommodate the maximum design length vessel;
- Two mooring dolphins on each side of the working platform (four in total);
- Walkways (catwalks) connecting the dolphins and working platform;
- An access bridge structure connecting the working platform with the shore, providing vehicle access and pipeline support structures; and
- Support infrastructure including fire control facilities (pumps, foam/water monitors and associated tanks), amenities buildings and services such as water, sewer, electrical and communications; and
- Berth infrastructure, including fire-fighting monitors and operator shelter;
- Pipelines to user facilities including support and access structures such as pipe racks and culverts.

Upgrades to the fire control facilities were in progress at the time of the audit (fire pump replacement)

1.3 Auditor Credentials

Audit Organisation:	Dickson Environmental Consulting and Audit Pty Ltd
Auditor & Report Author:	Julie Dickson
Auditor Qualification:	Exemplar Global Lead Environmental Auditor Accreditation no. 13573 (exp. June 2022)
Affiliations:	EIANZ Certified Environmental Practitioner, Reg. no. 221

1.4 Audit objectives, scope and criteria

The objective of the audit was to assess compliance with project environmental criteria in accordance with the scope below:

- Assess the level of compliance with the Conditions of Approval and Statement of Commitments;
- Assess the environmental performance of the project and undertake any works necessary to determine whether it is complying with the relevant standards, performance measures and statutory requirements;
- Review the adequacy of any strategy/plan/program required under the approval;
- Assess the effectiveness of environmental management measures including performance against commitments made in the Bulk Liquid Berth 2 Operational Environmental Management Plan (OEMP); and
- Recommend measures or actions to improve the environmental performance of the project, and or strategy/plan/program required under the approval.

The scope of the audit included an assessment of the operations of the facility and any ongoing requirements relating to the Conditions of Approval.

1.5 Methodology

The audit was conducted in accordance with the principles of ISO19011:2018 (supersedes ISO 19011:2002) by a lead certified environmental auditor to meet the requirements of Condition 4.1 (d) of the Minister's Conditions of Approval for the Construction of the Bulk Liquids Berth No 2 project.

The audit methodology included a physical site inspection, interviews with key NSW Ports and other site personnel and a review of relevant documentation and records. The audit was conducted at the BLB2 operational site on 30 November and 1 December 2018 and included the observation of the liquid transfer of unleaded petrol operations via the Marine Loading Arm (MLA) from ship to shore (Vopak pipework). Photos were taken during the site inspection on the landside, however it was prohibited to take any electronic equipment including cameras onto the berth due to the transfer of volatile flammable liquids. These are presented in Section 3.8 of this report. Additional assessment of documentation and records was also conducted off-site.

An audit table incorporating all relevant Conditions of Approval (including modifications), commitments made in the Statement of Commitments (SoC) and commitments made in the current OEMP was used as the primary audit tool. Section 2.2 of the OEMP (Environmental Aspects and Mitigation Measures) provided the general basis for the assessment of effectiveness of environmental mitigation measures. Key requirements were included in the Audit Table. Recommendations to improve the environmental performance of the facility are based on auditor experience and expertise and are included in the Audit Findings table.

2 AUDIT PROCESS AND METHODOLOGY

This is the fourth Independent Environmental Audit of the operation of the BLB2 and was conducted in accordance with 2015 and the Compliance Tracking Program (CTP) for the project.

Pre-audit activities included the development and issue of an Audit Plan and Scope, which defined the audit objectives, audit scope, audit methodology, proposed/required attendees and timeframes for interviews and document reviews. A copy of the Audit Plan and Scope is included in Appendix D of this report.

An audit table/checklist was developed based on the Conditions of Approval, Statement of Commitments and the Operational Environmental Management Plan (OEMP) prior to the first operational audit, and this was reviewed, revised and updated with the revised information in the OEMP prior to the 2020 audit. The Independent Audit Post-Approval Requirements (June 2018 and May 2020) were taken into consideration in the format and content of the Audit Tables and this Independent Environmental Audit Report. The completed Audit Table/checklist is included in Appendix E of this report.

The audit commenced with an opening meeting (online using Webex due to COVID-19 risk) to provide the auditees and proponent representatives with an overview of the objectives, scope and methodology. The audit consisted of:

- Interviews with key project personnel via Webex;
- A review of documented evidence (using screen sharing and shared file folder) including plans, records, photos and videos to determine compliance against all relevant Conditions of Approvals (CoAs), Statement of Commitments), commitments made in the OEMP and overall environmental performance;
- A review of actions taken to address previous audit findings; and
- A physical site visit to the facility including observation of set-up for loading operations.

The audit concluded with a closing meeting via Webex, attended by relevant project personnel, three working days after the site visit.

Post audit activities included provision of an interim audit findings table, follow-up on areas requiring clarification, and communications with the auditees to address audit findings prior to issue of draft and final audit reports.

The audit was conducted according to the Audit Plan and Scope (Appendix C) and in accordance with AS / NZS / ISO 19011:2018 – Guidelines for Auditing Management Systems.

2.1 Audit Attendees

Refer to Appendix B for Audit Attendance Register

2.2 Audit Disclaimer

This report is based on the scope provided in the project Audit Program and does not assert to be a definitive confirmation of compliance or otherwise to all Conditions of Approval or conformance obligations contained within the Project documents. The audit was conducted on a sampling basis in accordance with the principles of ISO 19011. Whilst all due care, diligence and professional judgment were exercised, it cannot be guaranteed that all areas of non-compliance, or non-conformance have been detected or identified.

3 AUDIT FINDINGS

3.1 Summary of Environmental Performance

Overall, the audit result was positive, and the auditor found that the facility continues to be well managed. Since the last audit, there have been notable improvements to training and induction material and processes, compliance tracking reviews, and the OEMP and Operations Manual had also been updated.

Key strengths included:

- Appropriate monitoring and oversight of activities by users of the facilities;
- Update and improvements to biosecurity risk;
- Communications with relevant stakeholders;
- Management of security;
- Personnel were well aware of control measures and procedures to prevent spills and report conditions that may lead to environmental harm;
- Spill containment tank maintained on site in case of major spill – has not been used to date;
- High standards of housekeeping and implementation of control measures were noted during the site inspection (see site photos in Section 3.8);
- Frequent daily inspections of the site and use of CCTV by Operators continue to be key monitoring and control measures.

Whilst the audit reported a positive result, four (4) non-compliances were identified, three of which were related to the lack of timeliness of submission of audit reports to the Department and one relating to oily water waste disposal. Two (2) observations were raised, relating to pipeline pressure testing, and version control of key documents. One opportunity for improvement was raised relating to inspection definitions and frequencies. Actions and recommendations are included in the Audit Findings table - Table 3 in Section 3.4.2.

3.2 Compliance Summary

Table 1 – Summary of compliance against audit criteria and areas of focus

Focus Area	Key Criteria	No. of conditions audited	STATUS		
			Compliant		Non-Compliant
			OFI	OBS	NC
Conditions of Approval	All conditions relevant to operations	38			4
Statement of Commitments	SoCs relevant to operation of BLB2: 7, 9, 11, 13, 14, 19, 20, 21, 23, and 27,	10			
OEMP Implementation	OEMP section: 2.2 (Env Mitigation measures): Tables 6, 7, 8, 9, 10, Sections 3.1 (monitoring /inspections), 3.2 (Induction / training), 3.4 (spill response) 3.6 (compliance reporting / auditing / review	14	1	1	
Document adequacy / control	OEMP, Operations Manual	2		1	
Site Inspection	Physical inspection of all areas under BLB2 control	-			
TOTALS		64	1	2	4

3.3 Compliance Status Descriptors

Table 2: Compliance status descriptors (as per DPIE Independent Audit Post Approval Requirements May 2020)

Status	Description
Compliant	The auditor has collected sufficient verifiable evidence collected to demonstrate that all elements of the requirement have been complied with within the scope of the audit.
Non-compliant	The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit.
Not triggered	The requirement has an activation or timing trigger that has not been met during the temporal scope of the audit being undertaken (may be a retrospective or future requirement), therefore an assessment of compliance is not relevant.

3.4 Explanations of finding classifications

Table 3 - Audit Findings classifications (within “compliant” status descriptors)

Status	Explanation
Opportunity for Improvement (OFI)	A suggestion or opportunity to implement a good or better practice to improve effectiveness, further reduce exposure to risk or improve information management. When specifically stated as a Recommendation, a formal response and action plan are required.
Observation (OBS)	Documented requirement and/or implementation issue which may not strictly affect required performance or compliance outcomes. Also termed a non-conformance (as opposed to non-compliance) in the industry, observations could be an early indication of potential non-compliance and/or an adverse performance outcome.

3.5 Table 4 – Audit Findings

Condition / requirement Reference	Findings	Proposed Actions / Recommendations	Finding rating (NC / OBS / OFI)	Compliance Status
CoA 1.1	<p>Non-compliance due to other non-compliances</p> <p>Three (3) non-compliance were raised at this audit, which has triggered this overall non-compliance</p>	No action required.	NC1	Non-compliant Closed
CoA 2.13 SoC 23	<p>Waste Records / trackable waste</p> <p>Waste records for oily water removed from the GPT / Oil Water separator had not been retained by NSW Ports, and the liquid waste has been incorrectly classified and disposed of as “stormwater” rather than as a “waste that must be tracked”.</p> <p>Waste records for the oily water collection in Sept 2020 was obtained from the liquid waste removal Contractor (Online Pipe and Cable Locating) following the audit. The weighbridge ticket issued by the liquid waste facility (Demast) identified the waste stream as “Stormwater”.</p> <p>Under the POEO (Waste) Regulation 2014, waste water removed from an oil water separator would be classified as trackable waste J120 - “waste oil / water, hydrocarbons / water mixtures or emulsions” unless the water was tested to indicate otherwise.</p> <p>It was identified that the Demast waste facility is not legally permitted to accept J120 trackable waste.</p>	<p>Proposed Actions:</p> <ul style="list-style-type: none"> - NSW Ports to develop a trackable waste procedure including waste classifications, disposal and documentation requirements and distribute to staff who engage waste contractors. <p>Responsibility: Environment and Sustainability Coordinator</p> <p>Proposed Completion Date: April 2021</p> <p>Completed Actions:</p> <ul style="list-style-type: none"> - Investigated why the oily water waste stream was not appropriately classified and disposed; - Issued a “Lessons Learnt” email notification to all asset management staff informing them of this incident and outlining procedures for issuing of waste removal service orders (sent 8/1/21) - Asset management system has been updated to stipulate the requirement for waste disposal tracking records to be provided as a part of the service contract (completed 17/12/20). <p>Responsibility: Asset System Manager/ Port Development Manager</p> <p>Completion Date: 08/01/2021</p>	NC2	Non-compliant Open

Condition / requirement Reference	Findings	Proposed Actions / Recommendations	Finding rating (NC / OBS / OFI)	Compliance Status
CoA 3.3	<p>Submission of Hazard Audit (2017)</p> <p>Condition 3.3 requires that Hazard Audits will be carried out every three years and a report of each audit <i>shall be submitted to the Director General within one month of each audit completion date.</i></p> <p>The 2017 Hazard Audit had not been submitted to DPIE within one month of the completion date as required by the condition of approval.</p> <p>The Hazard Audit report was submitted to DPIE on 19 October 2020.</p>	<p>Agreed Actions:</p> <ul style="list-style-type: none"> – Ensure the next (2021) Hazard Audit is submitted within the required time frame – NSW Ports is proposing to undertake a review of available systems to automate compliance tracking obligations, assign responsibility and issue reminders for key dates/tasks. <p>Responsibility: NSW Ports Environment and Sustainability Coordinator</p> <p>Proposed Completion Date: March 2021 and Dec 2021 respectively</p>	NC3	Non-compliant Open
CoA 4.1	<p>Submission of Independent Environmental Audit (2017)</p> <p>Condition 4.1 requires that a Compliance Tracking Program (CTP) is developed, implemented and approved. The current CTP dated April 2015 requires that Environmental audits will be undertaken every 3 years, and the environmental audit report will be submitted to the Secretary within two months of each audit being completed.</p> <p>The 2017 Independent environmental audit had not been submitted to DPIE within two months of the completion date as required by the condition. The IEA Report was submitted to DPIE on 19 October 2020.</p>	<p>Agreed Actions:</p> <ul style="list-style-type: none"> – Ensure this 2020 Independent Environmental Audit Report is submitted within the required time frame. – NSW Ports is proposing to undertake a review of available systems to automate compliance tracking obligations, assign responsibility and issue reminders for key dates/tasks. <p>Responsibility: NSW Ports Environment and Sustainability Coordinator</p> <p>Proposed Completion Date: Jan 2021 and Dec 2021 respectively</p>	NC4	Non-compliant Open

Condition / requirement Reference	Findings	Proposed Actions / Recommendations	Finding rating (NC / OBS / OFI)	Compliance Status
<p>OEMP Sect 2.2 Table 6,</p> <p>OEMP Sect 2.2 Table 7</p>	<p>Pressure / hydrostatic testing</p> <p>The OEMP requires that hydrostatic testing of pipes and commissioning is to be conducted every two years (or when maintenance is performed on pipelines). This is based on recommendations made in the Project EIS and Statement of Commitments. The operating terminals / Port is allocated responsibility for this requirement in the OEMP.</p> <p>The OEMP also requires that <i>“leakages from pipes and hoses will be minimised by monitoring pressure and regular inspections”</i>.</p> <p>Hydrostatic testing was conducted by Vopak in January 2018 (approx. 11 months overdue).</p> <p>Whilst hydrostatic testing is technically overdue, evidence was provided that significant work has been undertaken by one of the Users to assess more effective and efficient methods of pipe testing (other than hydrostatic testing and monitoring pressure), including Long Range Guided -Wave Ultrasonic Testing and the adoption of the methods detailed within the Australian Standard AS2885.3 (Gas and liquid petroleum Operation and maintenance).</p> <p>Further work is required to ensure pipeline monitoring and testing is consistent with best practice, applicable Australian Standards, the OEMP, the Approval and regulatory requirements.</p>	<p>Proposed Actions:</p> <ul style="list-style-type: none"> Issue new requirements for pipeline management reporting to pipeline licensees, this will include consultation with tenants, implementation of records keeping procedures and updates to documentation accordingly <p>Responsibility: NSW Ports / Users</p> <p>Proposed Completion Date: Requirements to be developed by 30 June 2021 with a further 12 months of consultation, implementation and document updates.</p>	<p>Observation</p> <p>OBS 1</p>	<p>Compliant</p> <p>Open</p>

Condition / requirement Reference	Findings	Proposed Actions / Recommendations	Finding rating (NC / OBS / OFI)	Compliance Status
CoA 6.3	<p>OEMP Review</p> <p>A non-compliance was raised in the 2017 audit identifying that the OEMP was overdue for review (refer closed NC in Appendix A).</p> <p>Whilst the OEMP was reviewed and revised in October 2020 and submitted to DPIE, there was limited evidence that the document had been reviewed between 2013 and October 2020.</p> <p>It was identified that the neither the OEMP or the Operations Manual) included a review / revision history information.</p>	<p>Completed Actions</p> <ul style="list-style-type: none"> - Documentation relating to BLB operations reviewed for appropriate document control. - OEMP revised (Ver 3.1 Dec 2020) to include revision history table, populated to reflect revisions in Oct 2015, Feb 2018 (internal), and July 2020 (DPIE approved) (7/12/2020) - BLB 1&2 Port Botany Operations Manual revised (Ver 5.0 Dec 2020) to include revision history table (7/12/2020) - BLB Safety Management System (v1.4 Dec 2020) document revised to include revision history table (7/12/2020). <p>Completion Date: 07/12/2020</p>	<p>Observation</p> <p>OBS 2</p>	<p>Compliant</p> <p>Closed</p>
OEMP S 3.1	<p>Environmental Monitoring and Inspections</p> <p>Document references and frequency of actual inspections in the OEMP are not always consistent with current documents (e.g. – MP 3.15 – noxious weeds in OEMP requires monthly inspection, however in CIPM Task 104 – roads inspections are 6 monthly)</p>	<p>Proposed Actions:</p> <ul style="list-style-type: none"> - Review Section 3.1 Table 11 of the OEMP and align frequencies and naming of inspections <p>Responsibility: Environment and Sustainability Coordinator</p> <p>Proposed Completion Date: April 2021</p>	<p>Opportunity for Improvement</p> <p>OFI 1</p>	<p>Compliant</p> <p>Open</p>

3.6 Non-compliance Details

Table 5 – Non-compliances (for recommendations and actions – see Table 3 above)

Cond / Reqt	Compliance Requirement	Audit Finding / reason for non-compliance
CoA 1.1	The Proponent shall carry out the project generally in accordance with.... e) the conditions of this approval	Three (3) non-compliances (NCs) were raised at this audit, not including this NC. This NC raised due to other non-compliances.
DoP Letter 14/04/11 (CoA 2.1(a))	The Users' designers are to review the Fire Safety Study (re CoA 2.1 a) as part of the design process and amend it based on the proposed gas and liquid transfer and infrastructure installed. The updated FSS shall then be submitted to Sydney Ports for review prior to the finalisation of the detailed design works for the berth. The Users are to confirm the that recommended safety features have been incorporated for the Marine Loading Arms during design of the pipeline facilities. The updated FSS is to be submitted to the DG for approval.	This non-compliance remains open from the 2017 Audit. The updated Fire Safety Study has not been approved by the DG / Secretary. DPIE have indicated they would not review the document until NSW Fire & Rescue (F&R) has commented. F&R feedback indicated they did not believe it was their responsibility to approve the document. NSW Ports has submitted a form to F&R in November 2020 requesting formal review and approval and are awaiting the outcome.
CoA 2.13	The Proponent shall ensure that all oil and grease or other pollutants in the wastewater storage tank and the stormwater treatment unit is regularly collected and disposed of off-site at a waste management facility lawfully permitted to accept this waste	Waste records for oily water removed from the GPT / Oil Water separator had not been retained by NSW Ports. Subsequent enquiries found that the liquid waste has been incorrectly classified and disposed of by contractors as “stormwater” rather than as a “waste that must be tracked” at a facility that is not lawfully permitted to accept this waste.
CoA 3.3	Twelve months after the commencement of operations of the project or within such period otherwise agreed by the Director-General, the Proponent shall carry out a comprehensive Hazard Audit of the project..... The audit shall be carried out at the Proponent's expense by a duly qualified independent person or team approved by the Director General prior to commencement of the audit. Further audits shall be carried out every three years or as determined by the Director General and a report of each audit shall be submitted to the Director General within one month of each audit completion date.....	The 2017 Hazard Audit had not been submitted to DPIE within one month of the completion date as required by the condition of approval (due for submission Jan / Feb 2018). The Hazard Audit report was submitted to DPIE on 19 October 2020.

Cond / Reqt	Compliance Requirement	Audit Finding / reason for non-compliance
CoA 4.1 Compliance Tracking Program	<p>The Proponent shall develop and implement a Compliance Tracking Program (CTP) to track compliance with the requirements of this approval..... The Program shall relate to both construction and operational stages of the project.....</p> <p>The current CTP dated April 2015 requires that Environmental audits will be undertaken every 3 years, and <i>the environmental audit report will be submitted to the Secretary within two months of each audit being completed.</i></p>	<p>The 2017 Independent environmental audit had not been submitted to DPIE within two months of the completion date as required by the condition of approval (due for submission February 2018). It was submitted to DPIE on 19 October 2020</p>

3.7 Assessment of environmental performance of the project

Compliance Tracking System

NSW Ports maintains a “BLB2 Development Approval Current Compliance Tracking Spreadsheet” which provides the compliance status of all conditions of approval. The spreadsheet has been updated and enhanced since the last audit to include separate columns for each review date (since Dec 2018). The compliance status is included for each condition. Potential non-compliances were flagged for Conditions 2.1 (Fire Safety Study), 3.3 (submission of Hazard Audit) 4.1 (submission of Independent Environmental Audit Report).

Complaints Management

A complaints register continues to be maintained. Whilst there has been a general increase in the number of noise complaints received in the Port Botany area in recent times, there have been none recorded specifically related to the operation of the BLB2.

Training and Awareness:

The previous audit identified that there was limited documented evidence to demonstrate that all employees, contractors and subcontractors have been made aware of the existence or compliance requirements of the Conditions of Approval. The BLB training package has been reviewed and updated, and evidence was sighted to indicate significant improvement in this area.

Emergency Response - spill prevention and preparedness

- A specific BLB Emergency Plan continues to be in place and is Appendix N to the Operations Manual. The Plan is site specific on what officers are required to do until handed over to emergency services.
- All BLB Officers are trained in hazmat emergencies.
- Spill response kits are available at various locations on the site provided by the users with back up materials provided by NSW Ports.
- An oil boom facility is available to be deployed from Brotherson dock in case of a major spill to water (Port Authority of NSW responsibility). An oil boom was deployed during an incident in which diesel leaked during transfer operations, allowing full clean-up (see report and audit table checklist).
- Diesel fire pump system is installed which can pump sea water to combat fire. Fresh water is used in the testing of the system to reduce corrosion impacts. The fire pumps were in the process of being upgraded at the time of the audit.
- Ships emergency documentation is required to be in place in box/tube at entrance to wharf entrance road (not yet transferred to box as pumping had not commenced during site inspection, however was in the process).
- Emergency exercises were undertaken on 26/11/2018, 28/10/2019 and an actual emergency / incident occurred on 11/11/2020 at BLB2.
- Emergency preparedness is included in the training and competency program for the BLB (1 & 2)

3.7.1 Outcomes of site inspection / operational controls

At the time of the audit, the berth was being set up for the transfer of unleaded petrol via the Marine Loading Arm by Vopak (users) operators. The effectiveness of environmental mitigation measures was assessed through observation of operations, inspection of the facilities for spill prevention and preparedness and overall housekeeping, and a review of key operational documentation. Actual performance was also assessed against the commitments made in the Operational Environmental Management Plan (OEMP). Interviews were also held with personnel to determine their levels of awareness of environmental issues. The specific mitigation measures assessed are provided in more detail below and in Table 6 – Photographs.

Stormwater and Water Quality

- Spill containment bunded tank installed and operational (kept empty).
- There had been one minor landside spill in recent times, and the spill was cleaned up using spill kit materials - the spill containment tanks had not been used to date.
- A minor waterside spill had occurred during transfer operations, and clean-up was primarily undertaken by the Port Authority NSW. The incident was under review at the time of the audit (see incident / emergency section of report).
- Stormwater drains on the road in front of BLB2 office and carparks were protected with booms and sandbags to address the potential vulnerabilities identified in the 2017 audit. Refer to close-out of previous findings and photos.
- Marine Loading Arm was being set up for transfer operations at the time of the audit, however delays in the shipping schedule did not allow for observation during the actual transfer operations. The working platform was bunded and closed off in preparation for transfer operations (verified through observation of electronic systems monitoring through the control system).
- CCT cameras are in operation at all times, and electronic monitoring of transfer systems were set up to allow monitoring from the operations building during liquid transfer as required
- Wind speed is monitored from BLB1 and information is relayed to the BLB2 operators to allow decision making if wind speeds rise during transfer.
- A large spill control box and a smaller, mobile emergency spill kit was located close to the MLA for emergency response purposes. They were noted to be fully stocked and the mobile spill kit was sealed.
- Additional spill materials were available on-shore near the BLB2 control room.
- Pipes are emptied and are liquid-free between transfers.
- Slop buckets were set up over a bund/tray to prevent minor spills during sampling and testing.
- Spill trays have valves which are kept in the closed position during transfers and checked on completion. Spill trays are required to be clean prior to leaving the wharf and this is checked by NSW Ports Officers. Spill trays were clean at the time of inspection.
- “White level inspections” continue to be conducted on a regular basis (twice per shift, around 6 times per day including at night time) to ensure no leakages are occurring. A BLB Officer was interviewed.

Waste and litter management.

- Minimal waste is generated on site. Small quantities of waste are generated in the site offices and are removed by approved waste contractors (Remondis).
- The gross pollutant trap (GPT) and Oil/Water separator were cleaned out and waste was removed by a contractor, however waste records had not been retained by NSW Ports, and the liquid waste has been incorrectly classified and disposed of as “stormwater” rather than as a “waste that must be tracked. **Refer to NC 2.**
- Quarantine waste bins located at the BLB2 offices in case ships need to dispose of quarantine waste. It was stated that the bins are rarely used.
- Minimal litter was observed on the site.

Operational Controls / housekeeping

- A number of checklists continue to be in place to ensure appropriate checks are made before, during and after transfers including Pre-Arrival Checklist, Ship to Shore Checklists and operational 3-way agreement, Wharf Clearance Certificate (completed by users – declaration that wharf has been cleaned up prior to departure), and Departure checklist (checks by NSW Ports that user has cleaned up).
- Contractors are required to provide Safe Work Method Statements or Job Safety Analysis prior to commencement of works and are implemented to minimise safety and environmental risks.
- A suite of documents is in place for every ship that transfers products.
- Contractors are required to remove all rubbish from site and to ensure they have SDSs for any substances brought onto site.
- “White Level Inspections” are undertaken regularly during the day and night to proactively identify hazards including environmental hazards.
- The site inspection conducted during the audit did not identify any evidence of spills.
- Any potential issues noted during inspections or on CCTV are reported, investigated and acted upon immediately.
- Site housekeeping was noted to be maintained at a high level. Minimal litter was observed.

3.8 Table 6 –Photographs – BLB2 Site Inspection

Photographs – BLB Operations Site Inspection Tuesday 1 December 2020



View of entry to site – all visitors are required to sign in at the office prior to the gates being opened



Signage as required by the Conditions of Approval, security measures and emergency information. Updated since last audit with correct email address



Quarantine bins outside the BLB2 operation room / office. All bins were empty



Drains protected by portable oil bunds (identified as vulnerability at previous audit)

Photographs – BLB Operations Site Inspection Tuesday 1 December 2020



Berth spill containment tank (empty) – fully bunded. Would be used in case of spill at the berth and on site (never used to date)



Signage on the spill containment tank

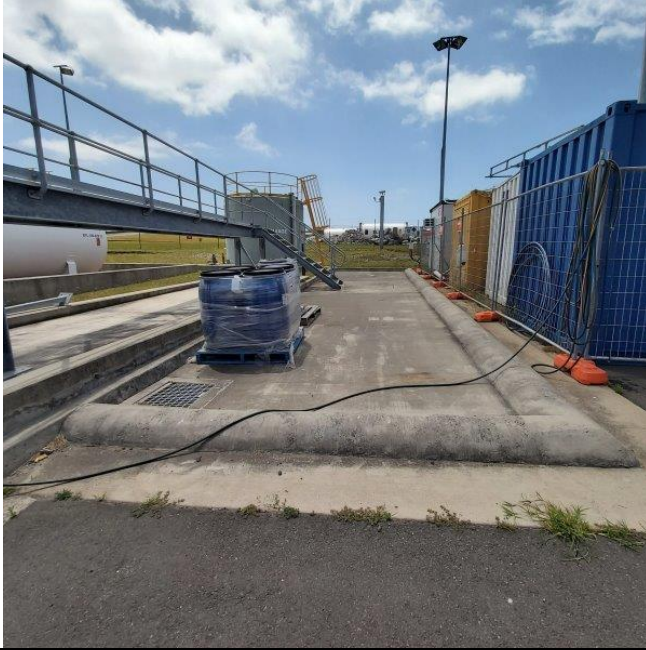


Backup spill response kit near BLB2 Operations centre (spill kits also supplied by users during transfer operations)



Contents of the spill kit – fully stocked

Photographs – BLB Operations Site Inspection Tuesday 1 December 2020



Bunded area used for storage of contractor materials



View of BLB2 operations centre / office



Sewage tank installed to accept ships sewage. The tank has not been used to date and remains empty



Gross pollutant trap / separator (underground)

Photographs – BLB Operations Site Inspection Tuesday 1 December 2020



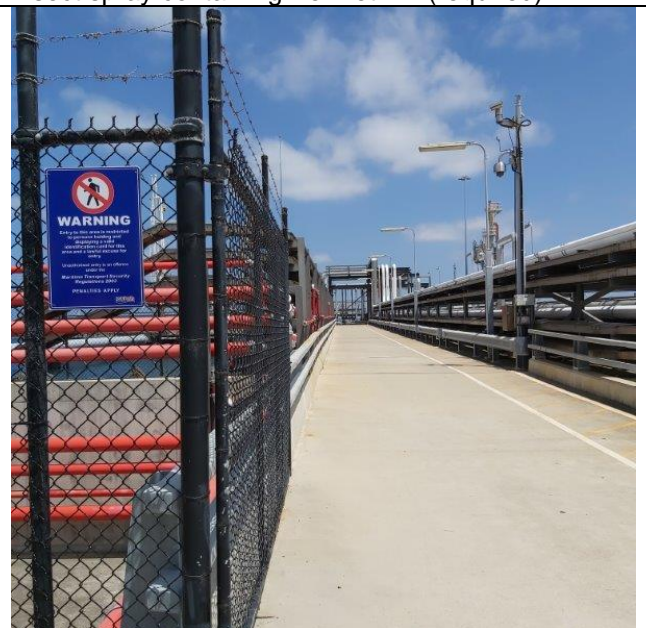
Biosecurity Response Kit kept within the BLB1 office at point of entry to site



Contents of the biosecurity response kit including insect spray containing Permethrin (required)



Ships Emergency documents stored in the box or tube during transfer operations (had not yet been transferred – set up in progress at time of audit)



View of roadway to BLB2. Cameras and electronic equipment could not be carried or used during transfer operations.

3.9 Adequacy of Strategies, Plans and Programs required under the approval

The scope of the audit included an assessment of the adequacy of strategies, plans and programs required under the Approval. The following plans and programs were reviewed during the audit (strategies included within the plans and programs):

- Operation Environmental Management Plan;
- Safety Management System (briefly – subject of Hazard Audit);
- Emergency Plan;
- Fire Safety Study;
- Compliance Tracking Program;
- Training and competency program.

Operations Environmental Management Plan:

The previous audit identified that the OEMP had not been reviewed or revised since the commencement of the operation of the site. The OEMP has since been reviewed and submitted to DPIE for approval; however, it was noted that there was limited evidence that the document had been reviewed between 2013 and 2020. A new observation was raised at this audit in relation to version control and recording of document reviews.

Safety Management System

Key elements of the Safety Management System were reviewed as part of the assessment of Condition 2.2 of the conditions of approval. It was noted that the SMS has been generally maintained; however, it is scheduled to be formally assessed during the Hazard Audit in January 2021.

Emergency Plan

Various levels of Emergency Plans are in place, from the Botany Bay Emergency Plan (owned by Police service) to the Port Botany Emergency Plan which sits beneath it. There is also a specific BLB Emergency Plan in place, located within Appendix N of the Operations Manual. The Plan is site specific on what officers are required to do until handed over to emergency services. It is posted in the BLB1 site office in hard copy and available electronically.

Emergency exercises were undertaken in Nov 2018 and October 2019 and an actual spill in the water occurred in Nov 2020. The debrief for the 2020 spill was to be used as learning exercise to inform future responses (in progress at the time of the audit).

The Emergency Plans are comprehensive, well tested and appear to be adequate and appropriate for the activities undertaken and products transferred at the BLB.

Fire Safety Study

Whilst the Fire Safety Study (FSS) was a pre-construction requirement, the previous two audits identified that a revised FSS was submitted to Fire and Rescue NSW (FRNSW) seeking clarification on several issues. A non-compliance was raised at the 2017 audit, as the issue had still not been resolved. A follow-up during this 2020 audit also found that the issues have still not been clarified, and the non-compliance remains open.

Compliance Tracking Program (CTP)

There have been no changes to the CTP since the last audit (2015). The CTP allows compliance to be demonstrated through independent environmental audits undertaken every three years rather than through compliance tracking reports. Internally, NSW Ports are required to review the compliance status of the project annually and document evidence of compliance within the tracking system. A non-compliance was raised in the 2017 audit as annual compliance reviews had not been documented for 2015 or 2016. A follow-up review in the 2020 audit found that improvements have been made to the tracking spreadsheet, recording the annual internal compliance status reviews in Dec 2018, March 2020 and Nov 2020.

Training and Competency Program

At the 2017 audit, a non-compliance was raised regarding the adequacy of the training and induction program relating to the conditions of approval and environmental requirements. A follow-up on the non-compliance found that the Operations Manual and the BLB Induction training package now includes references to key project approval documentation, policies and relevant environmental information and controls. In addition, the new online training package automatically records evidence of training completed and has set intervals for refresher training.

4 Appendix A – Status Update - Previous Audit (2017) Findings

Type* & No.	Findings	Recommendations	Report / checklist reference	Follow-up comments Nov 2020	Status
NC #1	<p>There was limited documented evidence to demonstrate that all employees, contractors and subcontractors have been made aware of the existence or compliance requirements of the Conditions of Approval.</p> <p>The two key documents/processes that would inform employees and contractors of their environmental responsibilities are the Operations Manual (Employees) and the General Site Induction slides (Employees and contractors/subcontractors). Neither of these documents reference the Conditions of Approval, the OEMP or identify specific environmental issues and controls.</p> <p>The OEMP also states in the Roles and Responsibilities section: <i>"All relevant staff and contractors employed and appointed by NSW Ports shall be formally advised of their obligations under the OEMP and informed of the significance of the OEMP. This process will be achieved</i></p>	<ul style="list-style-type: none"> Review and revise the Operations Manual and include references to the Conditions of Approval, the OEMP and specific environmental requirements specified in these documents Review and revise the General Induction to include reference to the Conditions of Approval and the OEMP and include key environmental controls, reference to the Environmental Policy, and importance of complying with the requirements An online induction program was being developed at the time of the audit. Ensure adequate environmental content is included Once materials have been reviewed and revised with additional environmental material, provide refresher training to staff and long-term contractors and subcontractors 	CoA 1.7	<p>NSW Ports Response:</p> <p>NSW Ports has reviewed the Operations Manual and the BLB Induction training package to include references to key project approval documentation, policies and relevant environmental information and controls. Op Manual review completed Sept 2020.</p> <p>The new online training package automatically records evidence of training completed and has set intervals for refresher training. Training review and new system implementation completed Dec 2018.</p> <p>Auditor response:</p> <p>Verified that NSW Ports has reviewed and updated the Operations Manual (dated October 2020) and that a new Rapid Global BLB Induction training package has been developed and appropriately implemented. Evidence was sighted to indicate that current staff have undertaken refresher training in the new training package.</p>	Closed

Type* & No.	Findings	Recommendations	Report / checklist reference	Follow-up comments Nov 2020	Status
	<p><i>via implementation of a site-specific induction”</i></p> <p>There was no documented evidence provided to demonstrate that there has been refresher training (e.g. in Operations Manual or OEMP) for employees since the last audit or specific communications to staff and contractors on OEMP requirements since 2013.</p>	<ul style="list-style-type: none"> Ensure evidence of training / refresher training is documented and retained 		Sufficient evidence was provided to close this non compliance	
NC #2	<p>The original Fire Safety Study (FSS) was approved by both Fire Rescue NSW (FRNSW) and DPE in 2011. At the last audit, it was noted that NSW Ports were awaiting further clarification from FRNSW on the FSS. No further clarification has yet been provided.</p> <p>The approved FSS states that <i>“The scope of work at this stage is in relation to the BLB2 infrastructure components only and does not include the product pipelines and product transfer facilities. To complete this report, assumptions on the product pipelines and product transfer facilities have been made. Each User will be required to review this document and amend as necessary prior to the construction of any pipelines.”</i></p> <p>The letter of approval for the original FSS from DPE (April 2011) notes that</p>	<ul style="list-style-type: none"> The FSS requires review and amendment by the User (Terminals) The revised FSS needs to be submitted to DPE for approval 	<p>MCoA Condition</p> <p>2.1 a)</p>	<p>NSW Ports Response:</p> <p>NSW Ports to update FSS with amendments to cover the Quantem (previously Terminals) pipeline. Addendum to the FSS was completed by user Terminals in May 2018.</p> <p>NSW Ports re-submitted FSS Addendum to NSW F&R on 06/10/20. NSW Ports submitted the FSS Addendum to DPIE on 15/10/20</p> <p>Auditor Response:</p> <p>Above information was verified. Further to the above:</p> <ul style="list-style-type: none"> Response from DPIE on 29/10/20 indicated they would not review the document until NSW F&R has commented. Initial feedback from F&R (10/11/20) indicated they did not believe it was their responsibility to approve the document. 	<p>NC remains open</p>

Type* & No.	Findings	Recommendations	Report / checklist reference	Follow-up comments Nov 2020	Status
	<p>updates to the FSS (such as the 2013 update) are required to be approved by the DG.</p> <p>At the time of the audit, a new pipeline was under construction by the user Terminals, and had recently commenced operation at the time of reporting.</p> <p>Based on the above, the project has not met the requirements of the approved FSS or the DPE letter of approval.</p>			<ul style="list-style-type: none"> – Further clarification was sought from F&R on their response 17/11/20 – Form to F&R requesting review was sent in Nov 2020. <p>This 2017 non-compliance has not yet been resolved and remains open at the 2020 audit.</p>	
NC #3	<p>Annual compliance reviews were not documented for the first 2 years (2015 and 2016), following the last independent environmental audit as required by the Compliance Tracking Program (however documented for 2017).</p> <p>The revised approved Compliance Tracking Program (Section 2.1) requires that <i>“NSW Ports will review the compliance status of the project annually and document evidence of compliance within the compliance tracking system....”</i></p>	<p>Ensure annual compliance reviews are scheduled and documented in the future in accordance with the approved Compliance Tracking Program.</p>	<p>MCoA Condition 4.1 a)</p>	<p>NSW Ports Response: Compliance Tracking system updated Dec 2018 and regular reviews have been undertaken and documented. Auditor response: Verified that compliance tracking spreadsheet has been updated to include review columns for each review period and a document control panel at the top of the document. Reviews were documented for Dec 2018, March 2020 and Nov 2020. In addition, a compliance tracking flag in Protech is planned to be implemented as a reminder of key tasks including compliance tracking review. This is a work in progress.</p>	Closed

Type* & No.	Findings	Recommendations	Report / checklist reference	Follow-up comments Nov 2020	Status
NC #4	<p>The Operations Environmental Management Plan (OEMP) has not been revised since the last audit. The Plan refers to out-of-date legislation, and complaints contact details, includes a draft Environmental Policy in the Appendix and does not reflect the changes to the Compliance Tracking Program.</p> <p>The approved OEMP requires that <i>“The OEMP shall be reviewed after the first 12 months of operations to ensure that it adequately addresses the identified issues. Follow-up reviews shall take place every two years after that or when operations change that warrant an update of the OEMP”</i></p>	<p>Review and update OEMP to include (but not restricted to):</p> <ul style="list-style-type: none"> • Reference to current legislation; • Complaints contact details; • Changes to the Compliance Tracking Program • Current approved Environmental Policy • Potential changes to pipe pressure testing methodology (currently refers to hydrostatic testing) 	<p>MCoA Condition 6.3</p>	<p>NSW Ports Response: BLB2 OEMP v3 was updated Sept 2020 and issued to DPIE for approval 6/10/20.</p> <p>Auditor Response: The OEMP Version 3.0 dated July 2020 Botany is the latest version on the website. Updates include changing the review frequency from every 2 years to every 3 years, and legislation has been updated (including the Biosecurity Act). A letter from Planning, Industry and Environment (DPIE) dated 27/11/2020 acknowledged the submission of the OEMP Ver 3.0 and the NSW Ports response to the Department’s request for additional information. The letter acknowledged the late submission, however also noted that the recommendations from the Independent Audit Report 2017 had been satisfactorily incorporated into the document. There was limited evidence that the document had been reviewed between 2013 and 2020. Refer to new Observation.</p>	<p>Closed New OBS raised</p>

Type* & No.	Findings	Recommendations	Report / checklist reference	Follow-up comments Nov 2020	Status
OBS #1	Subcontractor SWMS / JSAs reviewed did not include sufficient information regarding environmental controls (primarily safety controls). For example, painters JSAs did not include controls for ensuring paints and removed paint are stored and handled to ensure these substances do not enter stormwater or the Bay.	<ul style="list-style-type: none"> Introduce process to review contractor's SWMS JSAs to ensure they include adequate environmental controls 	assessment of effectiveness	<p>NSW Ports Response:</p> <p>SWMS review completed 15/10/20.</p> <p>A proforma of standard environmental risks and controls is being developed for BLB officers to refer to when reviewing and approving work permits.</p> <p>Auditor response:</p> <p>Environmental considerations included in sampled SWMS (Spot Repair).</p> <p>Interview with the Port Operations Manager indicated that reviews of contractor's SWMS / JSAs are part of the permits process and include a review of environmental controls. With the update of the OEMP and strengthening of environmental responsibilities, environmental controls are monitored by BLB staff.</p> <p>It was stated that in recent times, there have been limited projects that have potential environmental impacts – primarily office-based activities and craning of fire pumps.</p>	Closed
OBS #2	The email address on the signage at the entrance to the facility is outdated. Whilst the email was redirected to the correct email, this should be corrected.	<ul style="list-style-type: none"> Include the correct email address for complaints on the signage at the front gate of the BLB facility. 	MCoA Condition 5.2	<p>NSW Ports Response:</p> <p>Completed Nov 2018</p>	Closed

Type* & No.	Findings	Recommendations	Report / checklist reference	Follow-up comments Nov 2020	Status
				Auditor response: Verified that the signage has been updated. See photos in report.	
OBS #3	Quarantine waste bins located at the BLB2 offices were not fully closed at the time of the site inspection, and it was considered that waste could escape from the bins. NSW Port requested that the waste is moved into other bins during the audit.	<ul style="list-style-type: none"> Whilst waste is placed in the bins by the ship crews, periodic checks of the quarantine bins should be made by BLB Operators during their inspections and addressed with the crews. 	SoC 23	NSW Ports Response: Site inspection checklists updated Sept 2020 Auditor response: Verified site inspection checklist updated Sept 2020. The site inspection conducted as part of the audit noted that all quarantine bins were fully closed (empty) Site inspection templates for BLBs include a specific item to check for appropriate closure of waste bins. Site inspection checklists updated Sept 2020.	Closed
OBS #4	The site inspection identified potential vulnerabilities of stormwater drains on the road in front of BLB2 office and carparks. These drains flow directly to Botany Bay. Should any loading or unloading activities (e.g. – movement of slop tanks) occur in this area, any spills are likely to enter the drainage system and end up in Botany Bay.	<ul style="list-style-type: none"> NSW Ports should consider establishing dedicated loading and unloading zones away from the drains of the road. Workers and contractors should be informed of the risk of spills in the area and of the dedicated loading areas through direct correspondence with berth users and in the induction 	Evaluation of effectiveness	NSW Ports Response: Induction and training materials updated with this requirement Sept 2020 Sediment devices checked and in place Oct 2020. Auditor response: Verified induction and training materials updated. Sediment devices were confirmed as in place during the site inspection	Closed

5 Appendix B – Audit Attendance Register

NAME	ORGANISATION	POSITION	ENTRY	EXIT
Alison Wedgwood	NSW Ports	Environmental & Sustainability Coordinator	✓	✓
Trevor Brown	NSW Ports	HSE & Risk Manager	✓	✓
Jonathon Lafforgue	NSW	General Manager, Operations and Environment		✓
Rose Day	NSW Ports	HSE Systems Coordinator		✓
Wayne Ashton	NSW Ports	Port Operations Manager		✓
Steve Cowley	NSW Ports	Operations Control Manager		✓
Other audit participants				
Paul Knight	OPEC	BLB Officer (BLB2 site office)		✓

6 Appendix C Independent Audit Declaration Form

Project Name: Bulk Liquid Berth 2

Consent Number: 07_0061

Description of Project: Operation of Bulk Liquid Berth 2

Project Address: Fishburn Road, Port Botany

Proponent: NSW Ports

Title of Audit: Independent Environmental Audit: – BLB2

Date: 14/01/2020

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

- the audit has been undertaken in accordance with relevant condition(s) of consent and the Independent Audit Post Approval Requirements (Department 2018);
- the findings of the audit are reported truthfully, accurately and completely;
- I have exercised due diligence and professional judgement in conducting the audit;
- I have acted professionally, objectively and in an unbiased manner;
- I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

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

Name of Auditor: Julie Dickson

Signature: 

Qualification: Exemplar Global Lead Environmental Auditor – Registration No 13573

Company: Dickson Environmental Consulting and Audit Pty Ltd

Company Contact Details: julie@dicksonconsulting.com.au

7 Appendix D – Audit Plan and Scope

Project:	Bulk Loading Berth No 2 (BLB2) – Operational		
Audit Title:	Independent Environmental Audit – Operations		
Auditor:	Julie Dickson DECA Pty Ltd		
Date (s) of Audit:	30 Nov, 1 Dec 2020 (on-site)		
Time:	09.00 – 4.30 (30 Nov); 8.30 – 12.30 (1 Dec)		
Location (s):	Day 1 – Remote via Webex Day 2 – Physical Site Inspection; Gate B42 Charlotte Road Port Botany. Balance of day 2 - remote		
Audit Objective:	The objective of this Independent Environmental Audit is to assess the environmental compliance of Approval 07_0061 in accordance with Condition 4.1 (d) of the Minister's Conditions of Approval		
Audit Scope:	<ul style="list-style-type: none"> – Compliance with the Conditions of Approval and Statement of Commitments – Assess the environmental performance of the project and undertake any works necessary to determine whether it is complying with the relevant standards, performance measures and statutory requirements; – Review the adequacy of any strategy / plan / program required under the approval – Assess of the effectiveness of environmental management measures including performance against commitments made in the Bulk Liquid Berth 2 Operational Environmental Management Plan (OEMP) and. – Recommend measures or actions to improve the environmental performance of the project, and or strategy/plan/program required under the approval 		
Audit Methodology	The Audit will be undertaken in accordance with ISO 19011:2018 and will include document and record reviews, interviews, and site inspection. Due to Covid-19, time on site will be minimised and restricted to site inspection and interviews with key on-site personnel. The remote aspect of audit will be through video/audio, screen sharing and file sharing.		
	Name:	Organisation	Role
Audit Invitees (Required) Please add or subtract relevant attendees	Trevor Brown	NSW Ports	Environmental Manager – NSW Ports
	Alison Wedgwood	NSW Ports	Environment & Sustainability Coordinator - NSW Ports
	Wayne Ashton	NSW Ports	Port Operations Manager
	TBC	(Quantem or Vopak)	BLB2 Users
Invitees (Optional)			

AUDIT PLAN - Day 1

DAY 1 – Monday 30 November 2020		
Indicative time	Agenda item / Areas for review	Proposed attendees
09.00 – 09.30	Opening meeting (Remotely) <ul style="list-style-type: none"> • Introductions, confirmation of scope, criteria, arrangements, methodology, logistics • Overview of changes since last audit 	All Trevor Brown Alison Wedgewood
9.30 – 10.00	Review of actions taken to address the non-compliances and Observations raised in the 2017 Operations Audit	NSW Ports
10.00 – 12.30	Assessment of compliance with relevant MCoAs (Part 1 of checklist). Review of documents and records and conduct interviews with relevant NSW Port personnel as required	
12.30 – 13.45	Break	
13.45 – 14.30	Assessment of compliance with relevant MCoAs (Part 1 of checklist) continued	NSW Ports
14.30 – 16.00	Assessment of Compliance with Statement of Commitments (Part 2 of Checklist)	
	Assessment of conformance / compliance with commitments made in the Operational Environmental Management Plan	
16.00 – 16.30	Auditor review and consolidation of notes	Auditor
16.30 – 16.45	End of Day 1 debrief audit progress and outcomes to date (if required).	NSW Ports

AUDIT PLAN - Day 2

DAY 2 – Tuesday 1 December 2020		
Indicative time	Agenda item / Areas for review	Proposed attendees
08.30 – 11.30	Site Inspection covering the following (Physical – on-site) <ul style="list-style-type: none"> – Operations building and control room – Site entry and security, signage – Spill containment tanks and facilities – Emergency facilities and document repositories – Overview of general site – Roadways – Inspection of BLB loading activities – including interviews with operators (users and NSW Ports) 	NSW Ports Vopak / Quantem Operators
11.30 – 12.00	Consolidation of notes, debrief on-site inspection	
12.00 – 13.15	Lunch and travel back to Auditor's Office	
13.15 – 15.45	Further review of documents and records, follow-up of audit trails as required (Remotely)	NSW Ports
15.45 – 16.15	Auditor review and consolidation of notes	Auditor
16.15 – 16.30pm	Closing meeting	NSW Ports

* Note – the above plan is flexible to suit availability of personnel and operational requirements. The auditor has the right to vary the plan to assess any additional areas should issues arise during the audit.

8 Appendix E – Audit Tables /checklist

Audit Checklist – for the Operation of the Bulk Liquids Berth No 2, Port Botany Part 1 - Ministers Conditions of Approval (MCoA) - Operations

ID	MCoA No	Resp	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
	1		ADMINISTRATIVE CONDITIONS			
			Terms of Approval			
1.	1.1	NSW Ports	The Proponent shall carry out the project generally in accordance with the a) Major Projects Application 07_0061; b) Bulk Liquids Berth No. 2 – Port Botany: Environmental Assessment dated November 2007 and prepared by Sinclair Knight Merz Ltd; c) additional information provided by Sinclair Knight Merz Pty Ltd to the Department titled Failure Frequency of the Port Botany Bulk Liquids Berth 2 Marine Loading Arms (letter dated 18 December 2007); d) Response to Submissions Report prepared by Sinclair Knight Merz Pty Ltd and dated 26 February 2008; and e) the conditions of this approval		The project is generally operating in accordance with the required documents, however: Two (2) non-compliances were identified during the audit – these are addressed within the audit report and within this checklist against the relevant condition of approval. The non-compliances related to: <ul style="list-style-type: none"> MCoA 3.3 – 2017 Hazard Audit not submitted to DPIE within one month of the completion date MCoA 4.1 - The 2017 Independent environmental audit had not been submitted to DPIE within two months of the completion date 	Non-compliant
2.	1.2	NSW Ports	In the event of an inconsistency between: a) The conditions of the approval and any document listed from condition 1.1a) to 1.1d) inclusive, the conditions of the		Noted. No inconsistencies identified.	Not triggered

ID	MCoA No	Resp	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
			approval shall prevail to the extent of the inconsistency b) Any document listed from condition 1.1a) to 1.1d) inclusive, and any other document listed from condition 1.1a) to 1.1d) inclusive, the most recent document shall prevail to the extent of the inconsistency			
3.	1.3	NSW Ports	The Proponent shall comply with any reasonable requirement(s) of the Director-General arising from the Department's assessment of: a) Any reports, plans or correspondence that are submitted in accordance with this approval; and b) The implementation of any actions or measures contained in these reports, plans or correspondence		The submission of the addendum to the Fire Safety Study (FSS) has led to a response from DPIE that they will not review the document until approval from F&R has been received. Follow up by Ports NSW with Fire and Rescue (F&R) has been undertaken and are awaiting formal response. Refer to Condition 2.1(a)	Compliant
Limits of Approval						
4.	1.4	NSW Ports	This approval shall lapse after five years after the date on which it is granted, unless the works the subject of this approval are physically commenced on or before that time		<i>Noted. The works commenced in September 2011</i>	Compliant
5.	1.5	NSW Ports / Users	The export of Liquefied Petroleum Gas (LPG) is permitted, provided that a report detailing the reverse flow prevention arrangements for LPG export is firstly submitted to the satisfaction of the Director-General.		As noted in the last 2 audits, there have been no tenants/operators committed to the import and export of LPG. There has been no change since the last audit.	Not triggered

ID	MCoA No	Resp	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
Statutory Requirements						
6.	1.6	NSW Ports /Users	The proponent shall ensure that all Licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the development. No condition of this approval removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals. The Proponent shall ensure that a copy of this approval and all relevant environmental approvals are available on site at all times during the project.	<ul style="list-style-type: none"> – Vopak Licence no. 6007 Licence version date 13 March 2020, anniversary date 1 July. Shipping in Bulk (5000000 t) is listed as a scheduled activity. – Terminals (trading as Quantem) Licence No. 1048 Licence Version date 30 Oct 2020, anniversary date 7 February. Shipping in Bulk is listed as a scheduled activity (100000 – 500000 t) 	<p>Environmental Protection Licences (EPLs) are held by Users- Vopak and Terminal (Quantem). NSW Ports are not required to hold an EPA licence</p> <p>NSW Ports Annual Environmental Report Sept 2020 (covers period May 19 to May 2020) to Port Lessor (NSW State Govt property) provides compliance status of EPLs.</p>	Compliant
Compliance						
7.	1.7	NSW Ports /Users	The Proponent shall ensure that employees, contractors and subcontractors are aware of, and comply with, the conditions of this approval relevant to their respective activities.	<ul style="list-style-type: none"> – Rapid Global Health, Safety and Environment Induction material (online) – Rapid Global Bulk Liquid Berths Induction material (online) – Rapid Global induction records – HSE, BLB, Biosecurity, Port Botany Precinct and COVID-19 Inductions 12/09/2020 – Alex T – BLB Officer – Rapid Induct acknowledgment of toolbox talk – Glenn F – reviewed and updated the environmental management induction content for users 	<p>An observation was raised at the previous audit regarding inductions. Significant improvements have been made to the induction process and materials. Evidence was provided that appropriate processes were in place to ensure employees, contractors and subcontractors are aware of the relevant conditions. All personnel undertaking work on site are required to be inducted, and refreshers are required every 2 years.</p> <p>OPEC Services provide specialist personnel with who are trained in the core requirements of the jobs.</p>	Compliant

ID	MCoA No	Resp	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
				<p>and contractors at the Bulk Loading Berth.</p> <ul style="list-style-type: none"> - Inductee list – 10 contractors (OPEC Systems – BLB Officers) – confirmation of compliance to induction completion Sept 2018 		
8.	1.8	NSW Ports	The Proponent shall be responsible for environmental impacts resulting from the actions of all persons on site, including contractors, subcontractors and visitors.		<p>There have been no significant environmental incidents / impacts within the scope of the BLB2.</p> <p>As operators on the site, the Users (Vopak, Quantem) are responsible for managing potential and actual site impacts (Users hold the EPLs), however BLB officers (engaged by NSW Ports) provide the oversight of operations through CCT and physical inspection monitoring, monitoring of discharge, provision of security, etc.</p> <p>NSW Ports provides spill control materials as a back-up and requires users of the berth to provide their own spill control materials during liquid transfers. A permit to work system and other control mechanisms are imposed on all users and subcontractors to minimise potential for environmental impacts.</p> <p>The Port Authority would provide resources in the event of an emergency or incident.</p>	Compliant

ID	MCoA No	Resp	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
Utilities and Services						
9.	1.9	Construct or / NSW Ports	Prior to commencement of construction, the Proponent shall identify (including, but not limited to the position and level of service) all public utility services on the site, roadway, footpath, public reserve or any public areas that are associated with, and / or adjacent to the site, and/or likely to be affected by the construction and operation of the project.		This was assessed at the construction phase audit and deemed compliant. Completed	Non triggered
10.	1.10	NSW Ports	The Proponent shall consult with the relevant utility provider(s) for those services identified under condition 1.9 and make arrangements to adjust and/or relocate services as required. The Proponent shall bear the full cost associated with providing utilities and services to the site, and restoring any public utilities that may be damaged during the proposed works.		There have been no additional requirements to consult since the last audit	Not triggered
11.	1.11	NSW Ports	Prior to the commencement of construction works that may affect services/utilities; the Proponent shall provide documentary evidence to the Director-General that the requirements of the relevant utility provider(s) have been met.		Pre- construction requirement. All works have now been completed. Previously deemed compliant. No new construction works	Not triggered
	2	SPECIFIC ENVIRONMENTAL CONDITIONS				
		Hazards and Risk				
	2.1	<i>Note – most preconstruction conditions removed as they are not relevant to the scope of this audit</i>				

ID	MCoA No	Resp	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
12.	2.1(a)	NSW Ports	<p>Fire Safety Study (Pre-construction) The Users' designers are to review the Fire Safety Study (re CoA 2.1 a) as part of the design process and amend it based on the proposed gas and liquid transfer and infrastructure installed. The updated FSS shall then be submitted to Sydney Ports for review prior to the finalisation of the detailed design works for the berth. The Users are to confirm the that recommended safety features have been incorporated for the Marine Loading Arms during design of the pipeline facilities. The updated FSS is to be submitted to the DG for approval</p>	<ul style="list-style-type: none"> - Email dated 20/11/20 to Brendan M Hurley attaching application form and evidence of previous approval by F&R and original FSS – only seeking approval of addendum document - Email dated 17/11/20 12.18pm from Brendan M Hurley Fire and Rescue – noting F&R have not previously reviewed FSS and decline to comment until the FSS is submitted for review - Email from Ports NSW dated 17/11/20 at 9.14am– Alison W requesting statement of approval or statement that F&R decline to comment (with background on previous approval) - Email from Brendan M Hurley (F&R) dated 10/11/20 noting F&R indicated they did not believe it was their responsibility to approve the document and that NSW Ports and DPIE will determine if FSS is required to be updated. - Email from Wayne Ashton (NSW Ports Ops Mgr) dated 6/10/20 requesting advice on requirement for F&R approval 	<p>A non-compliance was raised at the 2017 audit regarding NSW Fire & Rescue approval of the Fire Safety Study addendums. Refer to Appendix A – previous findings follow-up.</p> <p>The following summarises actions taken since the last audit:</p> <ul style="list-style-type: none"> - An updated FSS Addendum was sent to F&R for review 06/10/20 - pending response. - FSS Addendum was sent to DPIE for approval on 15/10/20. - Response from DPIE on 29/10/20 indicated they would not review the document until NSW F&R has commented. - Initial feedback from F&R (10/11/20) indicated they did not believe it was their responsibility to approve the document. - Further clarification was sought from F&R on their response 17/11/20 - Form to F&R requesting review was sent in Nov 2020. <p>This non-compliance has not yet been resolved and remains open</p>	<p>Non-compliant</p> <p>NC #2 (2017) remains open</p>

ID	MCoA No	Resp	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
				<ul style="list-style-type: none"> for additional pipelines - pending response – Response from DPIE on 29/10/20 indicated they would not review the document until NSW F&R has commented 		
13.	2.2	NSW Ports	<p>Pre-Commissioning</p> <p>Two months prior to the commencement of project commissioning, or within such period otherwise agreed by the Director-General, the Proponent shall develop and implement the following plans and systems and submit them for approval to the Director-General:</p>		See below	
14.	2.2 (a)	NSW Ports	<p>Emergency Plan</p> <p>A comprehensive Emergency Plan and detailed emergency procedures for the project prepared in accordance with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 1 - Industry Emergency Planning Guidelines, and submit them for the approval of the Director-General.</p>	<ul style="list-style-type: none"> – Emergency Response and Evacuation Management Plan – in Appendix N of the BLB Operations Manual dated October 2020 – BLB 2018 Annual Emergency Exercise dated 26/11/2018 – simulated ULP release from ruptured MLA at 8 Bar pressure spilling 15,000 litres into the water. Included debrief – observations and actions – BLB 2019 Annual Emergency Exercise dated 28/10/19 – scenario – loss of containment at max pump 	<p>The February 2017 Emergency Plan (within the 2020 Operations Manual) is the current Plan and is held at BLB1 offices in hard copy and in soft copy on the system within the Operations Manual. The Operations Manual also includes various scenarios throughout the document.</p> <p>All of the BLB2 OPEC Officers are trained hazmat firefighter and advanced firefighter training is a key job requirement.</p>	Compliant

ID	MCoA No	Resp	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
				<p>rate of 150T/hr – various scenario inputs</p> <ul style="list-style-type: none"> – BLB 2020 Emergency Exercise – an actual incident occurred with a spill into the water from the ship Celsius Everett on 11 Nov 2020. Debrief scheduled for 1/12/2020. 		
15.	2.2 (b)	NSW Ports	<p>Safety Management System Two months prior to the commencement of project commissioning, or within such period otherwise agreed by the Director-General, the Proponent shall develop and implement a comprehensive Safety Management System covering all on-site operations and associated transport activities involving hazardous materials. The document shall clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. Records shall be kept on-site and shall be available for inspection by the Director-General upon request. The Safety Management System shall be developed in accordance with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 9 - Safety Management.</p>	<ul style="list-style-type: none"> – Safety Management system Manual 01/02/2018. – Largo Mariner Ship to Shore safety checklist dated 29/11/2020. (based / developed from ISGOTT). Includes as example “spill containment and sumps secure”. BLB control the valves etc according to checklist requirements – BLB2 Departure checklist 1/12/18 – Largo Mariner 	The Safety Management System (SMS) has been in place since the commencement of operations, has been progressively updated and was last reviewed and updated in June 2018. The SMS will be a focus of, and addressed in the Hazard audit scheduled for January 2021.	Compliant
Air Quality Impacts						
Odour						

ID	MCoA No	Resp	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
16.	2.3	NSW Ports/Uses	The Proponent shall not permit any offensive odour, as defined under section 129 of the <i>Protection of the Environment Operations Act 1997</i> , to be emitted beyond the boundary of the site unless as otherwise permitted by an Environment Protection Licence.	<ul style="list-style-type: none"> Complaints register (nil entries) 	<p>There have been no odour complaints or issues for BLB2.</p> <p>Odour was not identified as an issue during the site inspection conducted during the audit</p>	Compliant
Dust Emissions						
17.	2.4	NSW Ports	The Proponent shall undertake the project in a manner that minimises or prevents dust emissions from the site. Including wind-blown and traffic generated dust. Should visible dust emissions occur at any time, the Proponent shall identify and implement all practicable dust mitigation measures, including cessation of relevant works, as appropriate, such that emissions of visible dust cease.		This condition primarily applies to the construction phase as there are minimal to no dust sources at the built facility. The site inspection did not identify any dust issues at the site.	Compliant
Noise Impacts						
Operation Noise Impacts						
18.	2.9	NSW Ports	The Proponent shall minimise noise emissions from plant and equipment operated on the site by installing and maintaining, wherever practicable, efficient silencers and low-noise mufflers (residential standard).	<ul style="list-style-type: none"> Site inspection Complaints Register 	<p>The OEMP addresses noise and is addressed in the site induction material. There have been no noise complaints relating to BLB2 operations</p> <p>Minimal plant and equipment is operated at the BLB. The most significant noise source is the ships in port, and the BLB have no control over this issue.</p>	Compliant

ID	MCoA No	Resp	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status																	
					No noise issues were identified during the audit																		
19.	2.10	NSW Ports	The Proponent shall design, operate and maintain the project to ensure that the noise contributions from the project do not exceed the maximum allowable noise contributions specified in Table 1, at those locations and during those periods indicated. The maximum allowable noise contributions apply under: a) meteorological condition of wind speeds up to 3 ms ⁻¹ (measured at 10 metres above ground level); or b) temperature inversion conditions up to 3oC per 100 metres and wind speeds up to 2ms ⁻¹ (measured at 10 metres above ground level).		There have been no changes since the last audit. No changes to activities or infrastructure that would affect noise levels A noise audit/ Ship Noise Monitoring Report was conducted on 27 February 2014 as reported in previous audits. The monitoring report concluded that "Noise levels predicted at the four receiver locations complied with the noise limits specified in the Approval, for both operation of BLB2 as well as BLB1 and BLB2 together.	Compliant																	
			<p>Table 1 - Operational Noise Limits for Representative Residential Receivers</p> <table border="1"> <thead> <tr> <th rowspan="2">Location</th> <th colspan="2">Day/Evening/Night Bulk Liquids Berth No. 2 only</th> </tr> <tr> <th colspan="2">L_{Aeq(15 minute)} (dB(A))</th> </tr> </thead> <tbody> <tr> <td>Botany Road, north of the Golf Club (Location 4)</td> <td colspan="2">35</td> </tr> <tr> <td>Australia Avenue (Location 5)</td> <td colspan="2">35</td> </tr> <tr> <td>Wassel Street/Military Road (Location 6)</td> <td colspan="2">35</td> </tr> <tr> <td>Elaroo Avenue (Location A)</td> <td colspan="2">35</td> </tr> </tbody> </table>				Location	Day/Evening/Night Bulk Liquids Berth No. 2 only		L _{Aeq(15 minute)} (dB(A))		Botany Road, north of the Golf Club (Location 4)	35		Australia Avenue (Location 5)	35		Wassel Street/Military Road (Location 6)	35		Elaroo Avenue (Location A)	35	
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20.	2.11	NSW Ports	For the purpose of assessment of noise contributions specified under condition 2.10		An Alternative noise assessment methodology was accepted by EPA (14/2/14) and submitted to DP&E	Compliant																	

ID	MCoA No	Resp	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
			<p>of this approval, noise from the project shall be:</p> <p>a) Measured at the most affected point on or within the residential boundary to determine compliance with the LAeq(15 minute) and LAeq(night) noise limits outlined in condition 2.10; and</p> <p>b) subject to the modification factors provided in Section 4 of the New South Wales Industrial Noise Policy (EPA, 2000), where applicable.</p> <p>Notwithstanding, should direct measurement of noise from the premises be impractical, the Proponent may employ an alternative noise assessment method deemed acceptable by the DECC (refer to Section 11 of the <i>New South Wales Industrial Noise Policy</i> (EPA, 2000)). Details of such an alternative noise assessment method accepted by the DECC shall be submitted to the Director-General prior to the implementation of the assessment method.</p>		(14/2/14) prior to undertaking the 2014 noise audit as reported in the previous audit report. There have been no further noise assessments since 2014 as reported in previous audit reports.	
Soil and Water Impacts						
21.	2.12	NSW Ports	The proponent shall ensure that all stormwater on the working platform is directed to a stormwater treatment unit/pollutant trap capable of removing gross pollutants, oil, grease and sediments, prior to it being discharged to Botany Bay.		Completed – the stormwater system is installed and operating - Addressed in design. The stormwater treatment unit was visited during the audit site inspection; however, all infrastructure is underground and could not be directly viewed.	Compliant
22.	2.13	NSW Ports	The Proponent shall ensure that all oil and grease or other pollutants in the wastewater storage tank and the stormwater treatment unit is regularly collected and disposed of	– OEMP v3.0 – Table 6 – Stormwater and water quality management	A maintenance schedule (MEX) is in place for the gross pollutant trap (GPT and Oil Water Separator with clean-out	Non-compliant

ID	MCoA No	Resp	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
			off-site at a waste management facility lawfully permitted to accept this waste.	<ul style="list-style-type: none"> - Service Report by Online Pipe and Cable Locating – Vacuum and clean out of GPT and oily water separator pit, including a gurney clean. Disposal of rubbish and oily water - Photos of the inside of the GPT and oily water separator - Weighbridge ticket dated 17/09/2020 from DEMAST indicating that 3.92t of “Stormwater” were disposed as liquid waste by contractors Online Pipe and Cable Locating. Noted that Demast are not authorised to accept oily water (J120 – liquid trackable waste) 	<p>and removal of waste scheduled every 2 years Collections were arranged in Sept 2018 and Sept 2020 (flagged in MEX – maintenance system) however waste records were not retained by NSW Ports.</p> <p>Waste records for the oily water collection in Sept 2020 was obtained from the liquid waste removal Contractor (Online Pipe and Cable Locating) following the audit. The weighbridge ticket issued by the liquid waste facility (Demast) identified the waste stream as “Stormwater”.</p> <p>Under the POEO (Waste) Regulation 2014, waste water removed from an oil water separator would be classified as trackable waste J120 - “waste oil / water, hydrocarbons / water mixtures or emulsions” unless the water was tested to indicate otherwise.</p> <p>It was identified that Demast are not legally permitted to accept J120 trackable waste.</p> <p>Below – excerpt from Table 1 / Schedule 1 of the POEO (Waste) Regulation Table 1: Waste descriptions and codes for waste that must be tracked when transported within NSW or interstate</p>	

ID	MCoA No	Resp	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status	
					Waste oil/water, hydrocarbons/water mixtures or emulsions J120 https://www.epa.nsw.gov.au/your-environment/waste/tracking-transporting-hazardous-waste/waste-must-tracked#track1		
	3	NSW Ports	ENVIRONMENTAL MONITORING AND AUDITING				
			Noise Audit				
23.	3.1	NSW Ports	<p>Within 90 days of commencement of operations associated with the project and during a period in which the project is operating under normal operating conditions, the Proponent shall undertake a noise audit to detail the noise emission performance of the facility. This audit shall meet the requirements of the DECC, and shall include, but not necessarily be limited to:</p> <p>a) noise monitoring, consistent with the guidelines provided in <i>New South Wales Industrial Noise Policy</i> (EPA, 2000) to assess compliance with the criteria specified in Table 1 of this approval;</p> <p>b) methodologies for noise monitoring;</p> <p>c) location(s) of noise monitoring;</p> <p>d) frequency of noise monitoring;</p> <p>e) identification of monitoring sites at which pre-and post-project levels can be ascertained; and</p> <p>f) provision of details of any complaints received relating to noise generated by the project, and action taken to respond to those complaints.</p>		This condition was assessed at previous audits and deemed compliant and no further monitoring was recommended in the noise monitoring report issued in 2014.	Not triggered	

ID	MCoA No	Resp	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
24.	3.2	NSW Ports	Within 28 days of conducting the noise audit referred to under condition 3.1 of this approval, the Proponent shall provide the Director-General and DECC with a copy of the report. If the noise audit identifies any non-compliance with the noise limits imposed under this approval, the Proponent shall detail what additional measures would be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Director-General.		<p>This condition was assessed at previous audits and deemed compliant.</p> <p>An email was received on 20/05/14 from DP&I requesting clarification on a number of points and an email response was provided. Letter received from DPE on 4/6/14 that acknowledged that the noise audit report was consistent with Conditions 3.1 and 3.2 and notes no exceedances of the noise limits were recorded and no further action is required at this time. No change since last audit.</p>	Not triggered
			Hazard Audit			
25.	3.3	NSW Ports	<p>Twelve months after the commencement of operations of the project or within such period otherwise agreed by the Director-General, the Proponent shall carry out a comprehensive Hazard Audit of the project and within one month of its completion submit the audit report to the Director General.</p> <p>The audit shall be carried out at the Proponent's expense by a duly qualified independent person or team approved by the Director General prior to commencement of the audit.</p> <p>Further audits shall be carried out every three years or as determined by the Director General and a report of each audit</p>	<ul style="list-style-type: none"> Letter from NSW Ports to Team Leader, Compliance, Department of Planning, Industry and Environment (DPIE) dated 19 October 2020, noting that through an administrative error on NSW Ports behalf, the 2017 Hazard Audit Report (and Independent Environmental Audit) was not submitted to DPIE as required by the approval. The Hazard Audit 	<p>The last Hazard Audit was conducted in November 2017 by Dr Raman and was addressed in the previous Independent Environmental Audit Report. The next audit is scheduled for January 2021. The audit was planned for December 2020, however it was stated that due to availability of the auditor, could not be scheduled until January 2021.</p> <p>The 2017 Hazard Audit had not been submitted to DPIE within the required time frames (within one month of the</p>	Non-compliant


ID	MCoA No	Resp	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
			<i>shall be submitted to the Director General within one month of each audit completion date.</i> All hazard audits shall be carried out in accordance with the Department of Planning's <i>Hazardous Industry Planning Advisory Paper No.5 - Hazard Audit Guidelines</i> . Each audit shall include a review of the site Safety Management System and a review of all entries made in the incident register since the previous audit. Each audit report must be accompanied by a program for the implementation of all recommendations made in the audit report. If the Proponent intends to defer the implementation of a recommendation, justification must be included.	<p>report was issued with the letter.</p> <ul style="list-style-type: none"> Letter from DPIE (A/Director – Infrastructure Development) dated 27/11/20 noting that the Department is satisfied that the Hazard Audit 2017 had addressed the requirements of Condition 3.3, acknowledging the late submission and that the majority of recommendations and actions have been closed out in 2018. The letter noted that the Hazard Audit is approved and the next Hazard Audit will be undertaken by December 2020. Hazard Audit 2017 Rev B dated 22 April 2017. 	<p>completion date) and is non-compliant with the condition of approval.</p> <p>The Hazard Audit was submitted to DPIE 19/10/20 along with audit actions to outline how recommendations have been implemented - no response received to date.</p>	
	4	COMPLIANCE MONITORING AND TRACKING				
	Compliance Tracking Program					
26.	4.1	NSW Ports	The Proponent shall develop and implement a Compliance Tracking Program to track compliance with the requirements of this approval. The program shall be submitted to the Director-General for	<ul style="list-style-type: none"> Compliance Tracking Program (CTP) v2.0 dated April 2015 	There has been no change to CTP since the last audit.	Non- Compliant (see part (d))

ID	MCoA No	Resp	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
			approval prior to the commencement of construction. The program shall relate to both construction and operational stages of the project and shall include, but not necessarily be limited to;			
27.			a. provisions for periodic review of the compliance status of the project against the requirements of this approval;	– Compliance Tracking spreadsheet – last updated 17/11/2020	– NSW Ports maintain a Compliance Tracking spreadsheet which has been revised and enhanced to include columns for comments / updates for each review period. Separate columns are populated for Dec 2018, Mar 2020 and Nov 2020. The compliance status has also been revised reflect the DPIE Post Approval Requirements (PARs).	Compliant
28.			b. provision for periodic reporting of compliance status to the Director-General;	– 2017 Independent Environmental Audit report	– As per the CTP, periodic reporting of compliance status is through the Independent Environmental Audits	Compliant
29.			c. provisions for specific reporting requirements as required by conditions 4.2 and 4.3;		– Requirement satisfied previously – not triggered at this audit	Not Triggered
30.			d. a program for independent environmental auditing at least annually, or as otherwise agreed by the Director-General, in accordance with ISO 19011:2002 – Guidelines for Quality and/or Environmental Management Systems Auditing; and	– Letter from NSW Ports to Team Leader, Compliance, Department of Planning, Industry and Environment (DPIE) dated 19 October 2020, noting that through an administrative error on NSW Ports behalf, the 2017 Independent Environmental	– The CTP requires independent environmental audits every 3 years as agreed by the DG/Secretary. This 2020 Independent Audit was conducted within the 3-year timeframe specified within the CTP.	Non-compliant

ID	MCoA No	Resp	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
				<p>Audit (IEA) (and 2017 Hazard Audit Report) was not submitted to DPIE as required by the approval. The IEA Report was issued with the letter</p> <ul style="list-style-type: none"> Letter from Team Leader, Compliance - Metro DPIE dated 27/11/2020 noting that the IEA report generally satisfies the reporting requirements of the approval, however notes that the failure to submit the IEA within the timeframe under the Compliance Tracking Program is a breach of the Approval 	<p>The CTP also requires that the environmental audit report will be submitted to the Secretary within two months of each audit being completed. The 2017 Independent Environmental Audit was not submitted to the Department 2 months and is therefore non-compliant with this condition (due for submission Feb 2018). The IEA report was submitted to DPIE on 19 October 2020</p>	
31.	4.1		e. mechanisms for rectifying any non-compliance identified during environmental auditing or review or compliance.		<ul style="list-style-type: none"> The mechanism for rectifying internal non-compliances is through Protecht (previously STEMS) Rectification of non-compliances identified through the Independent Environmental Audits is through direct response to the auditor, inclusion of responses in report and findings table and Action Plan submission to DPIE 	Compliant
32.	4.2	NSW Ports	One month prior to the commencement of project operations, the Proponent shall submit to the Director-General a Pre-Startup Compliance Report detailing		<p>The Pre-Start Up Compliance Report was prepared by NSW Ports and submitted to DP&I on 16/10/13. This was a one-off requirement</p>	Not Triggered

ID	MCoA No	Resp	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
			compliance with conditions 2.1 and 2.2, including: a) dates of study/plan/system submission, approval, commencement of construction and commissioning; b) actions taken or proposed to implement recommendations made in the studies/plans/systems; and c) response to any requirements imposed by the Director-General under condition 1.3.			
33.	4.3	NSW Ports	Three months after the commencement of project operations, the Proponent shall submit to the Director-General, a Post-Startup Compliance Report verifying that: a) the Emergency Plan required under condition 2.2a) is in place and effective and that at least one emergency exercise has been conducted; and b) the Safety Management System required under condition 2.2b) has been fully implemented and that records required by that system are being kept on site.		The Post-Start Up Compliance Report was prepared by NSW Ports and submitted to DP&I on 4/3/14. This was a one-off requirement	Not triggered
COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT						
34.	5.1	NSW Ports	Subject to confidentiality, the Proponent shall make all documents required under this approval available for public inspection on request	https://www.nswports.com.au/port-botany	The following documents were sighted on the NSW Ports Website (during the audit period). – NSW Ports Compliance Tracking Program (revised version 2 April 2015)	Compliant

ID	MCoA No	Resp	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
					<ul style="list-style-type: none"> - Environmental Assessment - Response to Submissions Report - Consolidated Instrument of Approval - Historical compliance tracking reports from Nov 2011 to Nov 2014 - Pre-start-up Compliance Report - Post-Start-up Compliance Report - BLB2 Initial Annual Environmental Audit – June 2012 - BLB2 –Annual Environmental Audit No 2 August 2013 - BLB2 Operational Environmental Audit – Nov 2014 - BLB2 Operational Environmental Audit – 2017 - NSW Ports Operational Environmental Management Plan Version 3 July 2020 	
Complaints Procedure						
35.	5.2	NSW Ports	<p>Prior to the commencement of construction of the project, the Proponent shall ensure that the following are available for community complaints for the life of the project (including construction and operation):</p> <p>a) A telephone number on which complaints about construction and operational activities at the site may be registered;</p>	<ul style="list-style-type: none"> - Site inspection – signage on site 	<p>Signage with the required information is displayed at the entrance to the facility (see photos)</p> <p>There has been no change to email address or phone number. Updated website has link to “contact us” can enter data into online form for direct submission to Protecht – there are now facilities for 24x7 for phone answering - - see below:</p>	Compliant

ID	MCoA No	Resp	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
			<p>b) A postal address to which written complaints may be sent; and</p> <p>c) And email address to which electronic complaints may be transmitted.</p> <p>The telephone number, the postal address and the email address shall be displayed on a sign near the entrance to the site, in a position that is clearly visible to the public, and which clearly indicates the purposes of the sign.</p>		<p></p> <p>Environmental concerns</p> <p>For noise and odour concerns or other environmental matters, please complete this online form and our Environment Team will get in touch with you during business hours.</p> <p>Alternatively, please call us on 1300 922 524 to speak with an officer about your concern. This service is available 24/7.</p> <p>ONLINE FORM ></p> <p>EMAIL ></p>	
36.	5.3	NSW Ports	<p>The Proponent shall record details of all complaints received through the means listed under condition 5.2 of this approval in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to;</p> <ol style="list-style-type: none"> the date and time, where relevant, of the complaint; the means by which the complaint was made (telephone, mail or email); details of the complainant that were provided, or if no details were provided, a note to that effect; the nature of the complaint; any action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant; and if no was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken 	Complaints Register on Protecht – (whole site with separate BLB2 tab – no complaints recorded)	There have been no complaints specifically for BLB2, however due to complaints over the whole of port Botany, NSW Ports has been linking complaints to shipping schedules (no link to BLB2 operations established to date).	Compliant

ID	MCoA No	Resp	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
			The Complaints Register shall be made available for inspection by the Director-General upon request.			
	6		ENVIRONMENTAL MANAGEMENT			
			Operation Environmental Management Plan			
37.	6.3	NSW Ports	<p>Prior to the commencement of operation of the project, the Proponent shall prepare and submit for the approval of the Director-General an Operation Environmental Management Plan to detail an environmental management framework, practices and procedures to be followed during the operation of the project. The Plan shall be consistent with the Department's <i>Guideline for the Preparation of Environmental Management Plans</i> (DIPNR 2004), and shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> a) a description of all activities to be undertaken on the site during operation of the project; b) statutory and other obligations that the Proponent is required to fulfil during operation, including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies; c) specific consideration of measures to address any requirements of Council and the DECC during operation; d) details of how the environmental performance of operations will be monitored, and what actions will be 	Operations	<p>A non-compliance was raised in the 2017 audit identifying that the OEMP was overdue for review (refer to closed NC in Appendix A).</p> <p>Whilst the OEMP was reviewed and revised in July / October 2020 and submitted to DPIE, there was limited evidence that the document had been reviewed between 2013 and October 2020.</p> <p>It was identified that the neither the OEMP or the Operations Manual) included a review / revision history information.</p>	Compliant Observation 2

ID	MCoA No	Resp	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
			<p>taken to address identified adverse environmental impacts</p> <p>e) a description of the roles and responsibilities for all relevant employees involved in the operation of the project and a program for how these employees will be trained in responsibilities identified in the plan; and</p> <p>f) complaints handling procedures to be applied during operation of the project (conditions 5.2 and condition 5.3 of this approval)</p>			
ENVIRONMENTAL REPORTING						
	7	Incident Reporting				
38.	7.1	<p>NSW Ports</p> <p>Port Authority</p>	<p>The Proponent shall notify the director-General of any incident with actual or potential significant off-site impacts on people or the biophysical environment within 12 hours of becoming aware of the incident. The Proponent shall provide full written details of the incident to the Director-General within 24 hours of any incident or potential incident occurring. A further detailed report shall be prepared and submitted following investigations of the cause and identification of necessary additional preventive measures. The detailed report is to be submitted to the Director-General no later than 14 days after the incident or potential incident.</p>	<p>Event Register – Protecht entries:</p> <ul style="list-style-type: none"> – Minor spill of ULP on concrete wharf 17/11/20 ID 1000078. Cleaned up by Vopak with absorbent pads; – Diesel leak into water from Celsius Everett at BLB2 (ID 1001238) 11 and 12/11/2020 involving leaking during pumping. Pumping recommenced, leaked again, and dive team were called in. (still under investigation at the time of the audit) – Notification of Diesel Leak – MV Celsius Everett, Port Botany Report to Port Lessor dated 16/11/20 by NSW Ports HSE and Risk Manager. 	<p>There have been some incidents relevant to environmental management since the last audit, however none have been deemed to be significant, triggering notification to the DG/ Secretary.</p> <p>The minor spill on 17/11/2020 was not determined as significant and did not cause environmental harm.</p> <p>The Notification of Diesel Leak provided background on the incident noting that on discovery, transfer operations were ceased immediately, the Australian Maritime Safety Authority (AMSA) was advised of the spill, an inspection was conducted, and the Port Authority of NSW (PANSW) undertook a survey and did not report</p>	Compliant

ID	MCoA No	Resp	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
					<p>signs of diesel around the port. Prior to recommencing transfer operations, a spill containment boom was deployed, and on completion diesel was again observed in the water. The spill was fully contained in the boom area and cleaned up by PANSW.</p> <p>PANSW and NSW Ports provided updates to the EPA as a courtesy, however due to the small scale nature of the incident and that no material harm was caused to the environment, it was understood there is no regulatory response proposed from the EPA or PANSW</p>	

Part 2 - Statement of Commitments

ID	SoC No	Resp	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
CONTAMINATION						
39.	7	NSW Ports Users	Contamination Leakages from pipes would be minimised by pressure pipe monitoring, with any required urgent corrective actions, and regular general inspections	Refer to Item No 71 – OEMP Section 2.2 – Table 6 Stormwater and water quality management Site inspections and interview	Pipes are monitored by the Users. Regular inspections are also undertaken by NSW Ports to ensure no leakages are occurring. BLB Officers staff undertake “White Level inspections” on a regular basis (twice per shift, around 6 times per day including at night time) No instances where urgent corrections are required have occurred to date.	Compliant
40.	9	NSW Ports / Users	Appropriate disposal of any contaminated water or soil in accordance with DECC waste management guidelines		The only potentially contaminated waste removed from site would be from the clean-out of the GPT and OWS Waste records for trackable waste J120 could not be located	Compliant Observation 3
WATER QUALITY						
41.	11	NSW Ports	The working platform and manifold areas would be bunded and would drain to wastewater storage tank. All water collected in the manifold area would be assessed, treated and/or disposed of at an appropriately licensed liquid waste management facility. Water from the working platform would initially be		This was addressed in design and continues to operate. This commitment relates to design of the stormwater management system and the infrastructure for this was under construction at the time of the first audit and was complete at the second construction audit. The facility	Compliant

ID	SoC No	Resp	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
			assessed to determine whether it is unpolluted and suitable for release to Botany Bay – or requires disposal at an appropriately licensed liquid waste management facility.		was also sighted at audit as part of the inspection during this audit.	
42.	13	PANS W	An oil boom facility would be readily available to be deployed rapidly from the nearby Brotherson Dock and brought to BLB2 in the event of a spill.		Present as part of the existing emergency oil spill response team located in Brotherson Dock and is the responsibility of the Port Authority. This arrangement is still in place for Port Authority NSW and is referenced in the suite of Management Plans (OEMP, Emergency Plan) Marine services area. NSW Ports and users are involved in the emergency response drill. Brotherson Dock Not visited as part of the audit.	Compliant
43.	14	NSW Ports	Procedures for spills and leaks including notifications and clean ups would be developed	<ul style="list-style-type: none"> – Emergency Response and Evacuation Management Plan – in Appendix N of the BLB Operations Manual dated October 2020 – NSW Ports Operational Environmental Management Plan Version 3 July 2020 	Emergency Plans are in place as above in commitment no.13 and is addressed in Section 3.4 of the OEMP. Refer to CoA condition 2.2 for more detailed information	Compliant
			SECURITY			
44.	19	PANS W / NSW Ports	A review of both the existing security assessment and the approved MSP would be undertaken to ensure appropriate security measures are maintained.		This was assessed initially at the construction audit as a one-off assessment and was deemed compliant.	Not triggered

ID	SoC No	Resp	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
					Security was being appropriately maintained at the facility	
45.	20	PANS W / NSW Ports / Users	Government issued personal identity (ID) cards including Maritime Security Identification [MSIC] cards which require the applicant to have undergone a number of background security checks) would be a pre-requisite for any personnel to gain access to BLB2.		<p>As per previous audits and as stated in the Port Operating Protocol (POP), other than the master of any Construction Vessel or supervisor of any Works Under Contract (WUC), for Contractor's activities within the Marine Works Area (MWA), possession of a MSIC will not be required.</p> <p>As stated in the Site Access Plan, the Contractor's personnel working within the Land Site do not require Maritime Security Identification Cards (MSIC).</p> <p>For Contractor's activities outside the MWA, possession of a valid MSIC will be required by Contractor's personnel and agents, or they will be required to be under constant supervision by a valid MSIC holder.</p> <p>The Contractor is to ensure that the master of any Construction Vessel or supervisor of any WUC within a Maritime Security Zone is in possession of a valid MSIC or under constant supervision by a valid MSIC holder.</p>	Compliant

ID	SoC No	Resp	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
46.	21	NSW Ports	Operating Company vehicles (forklifts, vehicles carrying product discharge equipment - hoses, pumps and ancillaries) would only gain access the BLB2 through the controlled gates adjacent to the personnel access gate at BLB1.		The site inspection confirmed that the vehicles access the site through the controlled gates adjacent to the personnel access gate on Charlotte Road at BLB1 (see photos).	Compliant
47.	27	NSW Ports	Operation of the BLB2 will be carried out in accordance with the Operations Manual which includes operational environmental management procedures.	Bulk Liquid Berth 1 & 2 Port Botany Operations Manual October 2020 Version 1.0 Interviews and site inspection	The Operations Manual continues to be the primary document that informs operators of the requirements for operation of the BLB2. BLB Officers are fully trained in the requirements of the Operations Manual. Interview with BLB Officer supported this.	Compliant
			WASTE MANAGEMENT			
48.	23	NSW Ports / Users	All waste generated would be removed from the work area as soon as practicable and disposed in accordance with DECC waste management guidelines (<i>Assessment, Classification and Management of Liquid and Non-Liquid Waste 1995</i>).		Waste records for oily water removed from the GPT / Oil Water separator had not been retained by NSW Ports, and the liquid waste has been incorrectly classified and disposed of as “stormwater” rather than as a “waste that must be tracked”. From an operations perspective, minimal waste is generated, and this would be in the site offices. The waste is removed by Remondis, an approved contractor as required. Quarantine waste bins that provide facilities for the ships to store quarantine was are located near the	Non-compliant

ID	SoC No	Resp	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
					<p>BLB2 Offices. All bins were empty at the time of the site inspection.</p> <p>An observation raised at the last audit regarding quarantine bins with lids open has been resolved – the Inspection checklist item now that mentions keep bin lids closed).</p> <p>The shipping agents would arrange for quarantine disposal off the ships and for disposal with an approved quarantine waste company (currently Suez). This is addressed in the Biosecurity Plan. It was stated that the quarantine bins are rarely used.</p>	

Part 3 – Operational Environmental Management Plan requirements

ID	OEMP Sect.	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
49.	2.2 Table 6	<p>Stormwater and water quality management</p> <ul style="list-style-type: none"> - All hoses will be pressure tested annually and tested with nitrogen prior to each use - New gaskets will be used for each transfer - Hydrostatic testing of pipes and commissioning is to be conducted every two years (or when maintenance is performed on pipelines); - Pipes are to be empty and liquid free between transfers - An operator will be stationed in the vicinity of the transfer point to respond to any incidents and initiate isolation of the transfer in the event of an incident - The working platform is to be bunded and closed off when bulk liquid pumping is being undertaken. 	<ul style="list-style-type: none"> - Letter from Vopak to NSW Ports dated 20/02/2020 <i>RE: Exemption for BLB pipelines to be Hydro Tested</i> – proposing alternative pipeline testing methodology (Long Range Guided - Wave Ultrasonic Testing (LRUT)) based on risk assessment and consultant recommendations - Vopak Risk Assessment – “<i>management of pipeline integrity with additional control as Hydrotesting</i>” dated 17/02/20 - Technical Statement on Pipeline Pressure Testing Practice by AmSpec for Vopak dated 21/11/2019 – recommends 2 yearly pressure testing practice as standard inspection method be waived. - <i>Pipeline Integrity Management Plans</i> by AmSpec for Vopak dated 25/11/2019 – for the monitoring, mitigation and inspection activities in accordance with AS2885.3 (Gas and liquid petroleum Operation and maintenance) - <i>Pipelines – Inspection, Testing and Maintenance</i> ENG002_05C Rev 3 dated 16/01/2020 (Vopak procedure) - Hydrostatic test results – Terminals/Quantem Dockline 4 Expit 1 to BLB2 24/02/2020 (passed) 	<p>The OEMP requires that hydrostatic testing of pipes and commissioning is to be conducted every two years (or when maintenance is performed on pipelines).</p> <p>Hydrostatic testing was conducted by Vopak in July 2017 (This is approx. 18 months overdue to meet 2 yearly requirement).</p> <p>Hydrostatic testing was conducted by Terminals / Quantem in Feb 2020</p> <p>Pigs are used to clear the pipelines between transfer (sighted pig on wharf) Operators are stationed on the wharf during transfer, and transfer operations are also monitored via cameras in the control room.</p> <p>The working platform design includes bunds. It is part of the BLB Officers role / responsibility to close relevant valves prior to bulk liquid pumping operations.</p> <p>Whilst hydrostatic testing is technically overdue, evidence was provided that significant work has been undertaken by one of the Users to assess more effective and efficient methods of pipe testing (other than hydrostatic testing and monitoring</p>	<p>Compliant Observation 1</p>

ID	OEMP Sect.	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
			<ul style="list-style-type: none"> - Hydrostatic test results – Terminals/Quantem Dockline 1 Expit 1 to BLB2 25/02/2020 (passed) - Dockline (1-4) Yearly inspection 26/02/2020 – Terminals (inspection and hydrostatic testing) 	<p>pressure), including Long Range Guided - Wave Ultrasonic Testing and the adoption of the methods detailed within the Australian Standard AS2885.3 (Gas and liquid petroleum Operation and maintenance).</p> <p>Further work is required to ensure pipeline monitoring and testing is consistent with best practice, applicable Australian Standards, the OEMP, the Approval and regulatory requirements.</p>	
50.	2.2 Table 7	<p>Soil and Groundwater quality management</p> <ul style="list-style-type: none"> - Leakages from pipes and hoses will be minimised by monitoring pressure and regular inspections - In the event that contaminated groundwater is discovered, a groundwater management plan and remediation plan will be developed - Appropriate disposal of any contaminated soil or water will be undertaken in accordance with OEH waste management guidelines - Any excavations undertaken on the BLB2 site that will reach depths of 1 metre or greater will require the preparation of an Acid Sulfate Soils Management Plan 	See above	<p>Regular inspections are conducted (white level inspections) approximately every 2 hours.</p> <p>No contaminated groundwater from BLB2 operations have been discovered.</p> <p>Vopak User Licence Deed Clause 20 (e) notes that the Operation Management Plan is to include: “monitoring (including, where applicable, cathodic protection and pressure testing) and inspection of the Licensee's Infrastructure and any Construction Plant and Temporary Works used by the Licensee in connection with the Licensee's Infrastructure to ensure compliance with all Authority Requirements relating to the use, operation or</p>	Compliant

ID	OEMP Sect.	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
				maintenance of the Licensee's Infrastructure	
51.	2.2 Table 8	<p>Local Amenity (noise and air) quality management</p> <ul style="list-style-type: none"> - BLB officers will investigate ships that are emitting excess/abnormal amounts of noise and/or emissions - Ensure noise levels from operations are below a night time noise criteria of 40dB(A) at the nominated locations in Table 1 - Any plant and equipment on site will be correctly maintained and fitted, where practicable with efficient silencers and low-noise mufflers (residential standard). - Where available, EPA approved vapour emission controls will be used on operational vehicles and equipment 	Site inspection Interviews with BLB Officer and NSW Ports Operations Manager	<p>BLB Officers undertake approx. 2 hourly inspections and are encouraged to look, listen and smell to detect anything abnormal. Interview with BLB Officer found there have been no abnormal noise emissions in recent times.</p> <p>Minimal plant and equipment on site and are only operated rarely</p>	Compliant
52.	2.2 Table 9	<p>Waste Management</p> <ul style="list-style-type: none"> - Waste minimisation will occur according to the hierarchy of avoidance, reuse, recycle and disposal. Where possible, recyclable waste will be segregated and sent to appropriate facilities for recycling - On-site waste storage facilities of suitable scale and number shall be provided. All external rubbish bins are to comply with the development guidelines for the relevant statutory authorities' requirements - Wastewater from the bunds will be collected in the wastewater storage tank and analysed before being released. If 		<p>Minimal waste is generated at BLB2 – primarily kitchen and office waste. Recycling bins are available. Quarantine bins (SUEZ) are located on site in case quarantine waste from ships is required to be removed. The bins are rarely used.</p> <p>No wastewater has been required to be released.</p>	Compliant

ID	OEMP Sect.	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
		contaminated, the water will be treated and disposed of in accordance with the EPA Waste Classification Guidelines			
53.	2.2 Table 10	<p>Biosecurity</p> <ul style="list-style-type: none"> - Implement weed control programs in accordance with the requirements of the Noxious Weeds Act - Notify Biosecurity agents of any suspected invasive or exotic pests in cargo and work with them to control/prevent an incursion - Provide biosecurity identification training to operational staff and contractors to assist in identifying and responding to potential biosecurity threats - Develop and maintain Biosecurity Incident Response Procedures in consultation with the Department of Agriculture and Water Resources - Permethrin-based knockdown insecticide is maintained and accessible to berth users. - A biosecurity waste receptacle is available in the event that there is spillage of goods subject to biosecurity control in the port precinct 	<ul style="list-style-type: none"> - Induction material - biosecurity - Biosecurity Incident response procedure in Appendix of OEMP / Biosecurity Plan - Consultation emails with Dept of Agriculture 	<p>A biosecurity kit was sighted at the BLB1 office and gatehouse (see photos). A knockdown spray containing permethrin was in the kit as required.</p> <p>Quarantine waste bins are provided at BLB2 near the control room (see photos)</p>	Compliant
54.	2.2 cont'd	<ul style="list-style-type: none"> - Decide in consultation with the BLB Operations Manager, Senior Shore Officer from the Operating Company and the ships Master, when to cease cargo transfer operation and disconnect the hoses or loading arm due to weather conditions. <p>Wind criteria is in the ship/shore safety check list and is as follows: Stop pumping</p>	Interview with NSW Ports Operations Manager	Discussions with Operations Manager indicated that disconnection does not occur during high wind events as this would pose a higher level of risk (however pumping is ceased at 35 knots).	Compliant

ID	OEMP Sect.	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
		and clear the loading arms and hoses at 35 knots, Disconnect at 40 knots			
55.		<ul style="list-style-type: none"> Ensure the vessels emergency documents are returned to the vessel shortly before vessels departure 	Site Inspection, interviews	Operations for fuel transfer were being set up at the time of the audit, and the documents had not yet been placed in the Emergency documents box or returned. Interviews indicated that this is standard practice	Compliant
56.	3.1	Environmental Monitoring and Inspections <ul style="list-style-type: none"> Daily (or as needed) inspection of spill containment systems + visual inspection to release to rain water (Doc PBO/2013/002 BLB2) Weekly inspection undertaken for waste dumping (on MP 3.5) Monthly inspections undertaken for noxious weeds (on MP 3.5) Annual inspections on drains and treatment devises – visual inspection and pump out of GPT and separator; Fire Hydrants, valves 3 yearly inspections on hydrant flow 	<ul style="list-style-type: none"> Interviews with BLB Office and NSW Port Operations Manager CIPM Task listing showing various including CIPM104 (EN) Road Routine Inspection – 6 monthly requirement CIPM Task 104 6 monthly inspection (to be completed in Konect) dated 25/08/2020 CIPM Task 050 – Berth Spill containment valves and pumps (test operation) CIPM 115 Systems Inspection – fire systems inspections – due diligence. Hydrant valve service frequency 6 monthly / yearly. Routine Inspection Report 20/10/2019 showing identification of clump of Bitou Bush to be removed PB Landscaping Services Contract 2017-057 – requiring control of noxious weeds 	<p>Daily inspections undertaken (white level inspections).</p> <p>The Landscaping contractors work on the NSW Ports lands nearly full time including weed control.</p> <p>Document references in the OEMP and frequency of actual inspections (e.g. – MP 3.15 – noxious weeds) are not always consistent with current documents (e.g. – CIPM Task 104 – roads inspections)</p> <p>It is recommended that the OEMP is reviewed and updated.</p>	Compliant OFI

ID	OEMP Sect.	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
57.	3.2	<p>Induction and Training All staff and contractors working at the site will need to complete the NSW Ports' BLB1 & BLB2 induction course prior to commencing any work or activity at the BLB2. The site-specific induction course will include:</p> <ul style="list-style-type: none"> - Control procedures for operational activities that can be followed to minimise environmental impacts (as outlined in the OEMP) - Site layout - Safety procedures - Hazardous materials and their safe use - Environmental emergency response procedures - Fire fighting - Fuel handling and spillage - Biosecurity response requirements from relevant government departments - Documentation systems 	<ul style="list-style-type: none"> - Rapid Global Health, Safety and Environment Induction material (online) - Rapid Global Bulk Liquid Berths Induction material (online) - Rapid Global induction records – HSE, BLB, Biosecurity, Port Botany Precinct and COVID-19 Inductions 12/09/2020 – Alex T – BLB Officer - Rapid Induct acknowledgment of toolbox talk – Glenn F – reviewed and updated the environmental management induction content for users and contractors at the Bulk Loading Berth. - Inductee list – 10 contractors (OPEC Systems – BLB Officers) – confirmation of compliance to induction completion Sept 2018 	<p>Significant improvements have been made to the induction process and materials. Evidence was provided that appropriate processes were in place to ensure employees, contractors and subcontractors are aware of the relevant conditions. All personnel undertaking work on site are required to be inducted, and refreshers are required every 2 years.</p> <p>OPEC Services provide specialist personnel with who are trained in the core requirements of the jobs</p>	Compliant
58.	3.6	<p>Compliance Reporting and Auditing The original Compliance Tracking Program which had separate components for Compliance Tracking Reports and Annual Environmental Audits was revised in 2015 and a new Compliance Tracking Program (available on the NSW Ports BLB2 project website) was approved by the Secretary of DPIE in May 2015.</p> <p>The program specified independent environmental audits will instead be conducted every three years in conjunction with the three yearly hazard audits and that formal</p>		Independent Environmental Audits have been conducted every 3 years in conjunction with Hazard audits as required.	Compliant

ID	OEMP Sect.	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
		compliance tracking reports are no longer required. Environmental audit reports are available for public inspection on request.			
59.	3.6	<p>Reporting and Auditing The currency of all copies of the OEMP shall be reviewed annually to ensure that current versions of the OEMP are available to staff and contractors and obsolete versions are removed to avoid errors and confusion.</p> <p>The current version of the OEMP will be available on the NSW Ports' website</p>	Operational Environmental Management Plan Ver 3.0 July 2020	Whilst the OEMP was reviewed and revised in October 2020 and submitted to DPIE, there was limited evidence that the document had been reviewed between 2013 and October 2020.	Compliant Observation 2
60.	3.6	<p>Action Tracking Register / Compliance Tracking NSW Ports maintains a register of compliance with the project approval. Non-conformances/corrective actions as a result of events, incidents, audits or inspections will be documented and issued through NSW Ports Action Register</p>	BLB2 development current compliance tracking spreadsheet – last updated 17/11/2020	Tracking spreadsheet includes columns with 2018, Mar 2020 and Nov 2020 updates and columns for status and milestone.	Compliant
61.	3.4	<p>Spill into the water</p> <ul style="list-style-type: none"> – In the event of a spill from a ship into the waters of Botany Bay, the first step is for the BLB officers with the assistance of the ship's crew to isolate the cause of the spill and prevent as much product from entering the water as possible – The next step is to notify PANSW VTS centre on 02 9296 4003 which has trained staff and equipment (such as oil booms) on duty 24/7 at Brotherson Dock for rapid deployment. – In the event of a spill, NSW Ports will make staff available to participate in the Incident Response Team under the direction of PANSW 	Notification of Diesel Leak – MV Celsius Everett, Port Botany Report to Port Lessor dated 16/11/20 by NSW Ports HSE and Risk Manager	The recent incident involving a spill from the Celsius Everett on 11 Nov 2020 followed these steps. Staff were made available to participate in the Incident response team – debrief held 1 December 2020 Refer to CoA 7.1 for details of incident.	Compliant

ID	OEMP Sect.	Description	Evidence Assessed	Outcomes, findings, recommendations	Compliance Status
		Sydney Ports' personnel are trained in spill containment and recovery of spilt materials with emergency exercises conducted at least annually			
62.	3.4	Spill on the landside/bunded areas <ul style="list-style-type: none"> - In the event of a significant spill on the work platform, the liquid material will be pumped out from the bund to the wastewater storage tank and/or an approved waste road tanker and taken off-site for appropriate disposal - In the event of a minor spill, the spilled liquid will be cleaned up by operational personnel using spill kits that are located at the end of the wharf. All BLB2 officers are trained in the use of spill kits 		All BLB Officers have been fully Hazmat trained, The Users are responsible for clean-up of minor spills. Minor spill in Nov 2020 involving spillage from a bucket provided evidence (see section on incident management).	Compliant
63.	3.6	OEMP Review OEMP follow-up reviews shall take place every three years the first 12 months of operation, or when operations change that warrants an update of the OEMP. The review will be undertaken by NSW Ports' staff and will consider as a minimum: <ul style="list-style-type: none"> - NSW Ports' staff input - Any agency input or response from DPIE - Maintenance/operational activity details - Environmental monitoring outcomes - Incidences and non-conformances - Changes in organisational structure and responsibilities - Changes in standards and legislation - All relevant sub-plans 	See CoA 6.3	Whilst the OEMP was reviewed and revised in October 2020 and submitted to DPIE, there was limited evidence that the document had been reviewed between 2013 and October 2020	Compliant Observation 2