

# Project Approval

## Section 75J of the *Environmental Planning and Assessment Act 1979*

I approve the project application referred to in Schedule 1, subject to the conditions in Schedules 2 to 4.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the Project.

The Hon Kristina Keneally MP  
**Minister for Planning**

Sydney

2009

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### **SCHEDULE 1**

**Application Number:** 08\_0129

**Proponent:** Orica Australia Pty Ltd

**Approval Authority:** Minister for Planning

**Land:** 15 Greenleaf Road, Lot 3 in DP 234288, Kooragang Island, Newcastle

**Project:** Orica Ammonium Nitrate Expansion Project

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Red text represents MOD 1 dated 11 July 2012

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## DEFINITIONS

Ammonium nitrate product	Solid and solution forms of ammonium nitrate including the Orica products Nitropril®, Opal™ and Chemically Pure Ammonium Nitrate (CPAN).
ANP	Ammonium Nitrate Plant
BCA	Building Code of Australia
Council	Newcastle City Council
Existing Operations	The existing Orica infrastructure, comprising an Ammonia Plant, 3 Nitric Acid Plants (NAP1, 2 and 3), 2 Ammonium Nitrate Plants (ANP1 and 2) and dispatch infrastructure with approved production to 500,000 tonnes per annum (tpa) of ammonium nitrate product
Department	Department of Planning and Infrastructure
Director-General	Director-General of Department of Planning and Infrastructure, or delegate
EA	Environmental Assessment titled <i>Proposed Ammonium Nitrate Facility Expansion Environmental Assessment</i> and dated June 2009
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence
Minister	Minister for Planning and Infrastructure, or delegate
NAP	Nitric Acid Plant
Project	The development as described in the EA for the expansion of the existing ammonium nitrate facility on Kooragang Island, enabling an increase in production from 500,000 to 750,000 tpa. The expansion includes new plant and infrastructure such as 1 additional nitric acid plant (NAP4) and 1 additional Ammonium Nitrate Plant (ANP3); and modifications and upgrades to existing plant, equipment, storage and infrastructure.
Proponent	Orica Australia Pty Ltd, or its successors in title
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
Project Site	The land referred to in Schedule 1
Statement of Commitments Documents	Final Statement of Commitments prepared by AECOM and dated 26 August 2009
Submissions Report	Any report, plan, management plan, study or strategy required by this project approval Submissions Report titled <i>Proposed Ammonium Nitrate Facility Expansion Submission Report</i> and dated 26 August 2009
tpa	tonnes per annum

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## SCHEDULE 2 ADMINISTRATIVE CONDITIONS

### Obligation to Minimise Harm to the Environment

1. The Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction and/or operation of the Project.

### Terms of Approval

2. The Proponent shall carry out the Project generally in accordance with the:
  - a) EA;
  - b) statement of commitments
  - c) Submissions Report; and
  - d) Modification Application (08\_0129 MOD 1) with supporting documentation titled *Kooragang Island Facility Uprate Modification Request*, prepared by AECOM for Orica Australia Pty Ltd and dated 20 April 2011;
  - e) report titled *Orica Mining Services Report for Kooragang Island Uprate PHA MOD1 Report*, prepared by GHD for Orica Australia Pty Ltd and dated March 2012; and
  - f) conditions of this approval.
3. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.
4. The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
  - a) any reports, plans, strategies, programs or correspondence that are submitted in accordance with this approval; and
  - b) the implementation of any actions or measures contained in these reports, plans, strategies, programs or correspondence.

### Limits on Approval

5. The Proponent shall not produce more than the following at the Project Site:
  - a) 360,000 tpa of ammonia product;
  - b) 605,000 tpa of nitric acid product;
  - c) 750,000 tpa of ammonium nitrate product;

### Staging of Works

6. Should the works covered by this approval be significantly delayed, or only partially completed, the Director-General may direct the Proponent to conduct the studies outlined in this approval for the completed works.

### Submission of Documentation

7. With the approval of the Director-General, the Proponent may submit any plan, study or document required by this approval on a progressive basis.

*Note: The conditions of this approval require certain documents to be prepared for the Project. They also require these documents to be reviewed and audited on a regular basis to ensure they remain effective. However, in some instances, it will not be necessary or practicable to prepare these documents for the whole Project at any one time; particularly as these documents are intended to be dynamic and improved over time. Consequently, the documents may be prepared and implemented on a progressive basis. In doing this however, the Proponent will need to demonstrate that it has suitable documents in place to manage the existing operations of the Project Site.*

### Structural Adequacy

8. The Proponent shall ensure that all new buildings and structures on the Project Site are constructed in accordance with the relevant requirements of the Building Code of Australia.

*Notes:*

- Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the Project.

### **Protection of Public Infrastructure**

9. The Proponent shall:
  - a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the Project; and
  - b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the Project.
10. Prior to commencement of construction, the Proponent shall prepare a dilapidation report of the public infrastructure in the vicinity of the Project Site (including roads, gutters, footpaths, etc) in consultation with Newcastle Port Corporation and submit a copy of this report to the Director-General.
11. Prior to the construction of any utility works, the Proponent shall obtain the relevant approvals from service providers, including Hunter Water Corporation.

### **Operation of Plant and Equipment**

12. The Proponent shall ensure that all plant and equipment used on the Project Site is:
  - a) maintained in a proper and efficient condition; and
  - b) operated in a proper and efficient manner.

### **Section 94 Contributions**

13. Prior to the operation of the Project, the Proponent shall pay Council \$272,000 in Section 94 contributions.

*Notes: This contribution is subject to indexation to reflect quarterly variations in the Consumer Price Index All Group Index Number for Sydney, as published by the Australian Bureau of Statistics.*

**SCHEDULE 3  
SPECIFIC ENVIRONMENTAL CONDITIONS**

**HAZARDS**

**Pre-construction**

14. At least one month prior to the commencement of construction of the Project (except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as the Director-General may agree, the Proponent shall prepare and submit for the approval of the Director-General the studies set out under subsections (a) to (d) (the pre-construction studies).
- a) A **Fire Safety Study** to include the Existing Operations and Project. This study shall cover the relevant aspects of the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study Guidelines'* and the New South Wales Government's 'Best Practice Guidelines for Contaminated Water Retention and Treatment Systems'. The study shall also be submitted for approval, to the NSW Fire Brigades;
  - b) A **Hazard and Operability Study** for the Project, chaired by a qualified person, independent of the development, approved by the Director-General prior to the commencement of the study. The study shall be consistent with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 8, 'HAZOP Guidelines'*. The study report must be accompanied by a program for the implementation of all recommendations made in the report. If the Proponent intends to defer the implementation of a recommendation, reasons must be documented;
  - c) A **Final Hazard Analysis** of the Project, consistent with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 6, 'Guidelines for Hazard Analysis'*. The study shall also update all aspects of the risks from the Existing Operations and the Project, as provided in the Preliminary Hazard Analysis Report for Kooragang Island Facility Upgrade, Rev 8, Dated 28 May 2009 and submitted to the Department with letter dated 9 June 2009;
  - d) A **Construction Safety Study** for the Project, consistent with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 7, 'Construction Safety Study Guidelines'*. For a Project in which the construction period exceeds six (6) months, the commissioning portion of the Construction Safety Study may be submitted two months prior to the commencement of commissioning.

**Pre-commissioning**

15. The Proponent shall develop and implement the plans and systems set out under subsections (a) to (c), no later than two months prior to the commencement of commissioning of the Project, or within such further period as the Director-General may agree. The Proponent shall submit, for the approval of the Director-General, documentation describing those plans and systems. Commissioning shall not commence until approval has been given by the Director-General.
- a) **Transport of Hazardous Materials** – Arrangements covering the transport of hazardous materials including details of routes to be used for the movement of vehicles carrying hazardous materials to or from the site (Existing Operations and Project). The routes selected shall be consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No 11, 'Route Selection'. Suitable routes identified in the study shall be used except where departures are necessary for local deliveries or emergencies.
  - b) **Emergency Plan** – An update of the existing Emergency Plan and the emergency procedures to include the Project. This plan shall include consideration of the safety of all people outside of the facility who may be at risk from the Project. The plan shall be consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 1, 'Industry Emergency Planning Guidelines'. The study shall also be submitted for approval, to the NSW Fire Brigades.
  - c) **Safety Management System** – A document setting out a comprehensive Safety Management System, covering all onsite 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 consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'.

**Pre-Startup**

16. One month prior to the commencement of operation of the Project, the Proponent shall submit to the Director-General, a **Pre-Startup Compliance Report** detailing compliance with conditions 14 and 15, including:
- a) dates of study/plan/system submission, approval, commencement of construction and commissioning;
  - b) actions taken or proposed, to implement recommendations made in the studies/plans/systems; and
  - c) responses to any requirement as imposed by the Director-General under condition 4.

## Post-Startup

17. Three months after the commencement of operation of the Project, the Proponent shall submit to the Director-General, a **Post-Startup Compliance Report** verifying that:
- transport routes specified under condition 15a) are being followed;
  - the Emergency Plan required under condition 15b) is effectively in place and that at least one emergency exercise has been conducted; and
  - the Safety Management System required under condition 15c) has been fully implemented and that records required by the system are being kept.

## Risk Reduction program

18. Within 12 months of the commencement of operations of the Project the Proponent shall prepare a program for further risk reduction to the neighbouring land uses. The program shall:
- be approved by the Director-General;
  - identify the overpressure propagation risk from the Project as per Figure 10.5 of the EA;
  - identify the main risk contributors and analyse the appropriate measures to be implemented to reduce the risk; and
  - include an implementation schedule with due dates and a person responsible for the implementation of each measure.

*Note: In the case that the propagation risk from the Project is reduced earlier than anticipated in the EA, and it meets the NSW criteria, this condition will be satisfied and the risk reduction program will not be required.*

## Hazard Analysis Update

19. Three years after the commencement of operations of the Project, or as otherwise agreed to by the Director-General, the Proponent shall undertake a Hazard Analysis of the Existing Operations and the Project to update the hazard analysis contained in the Preliminary Hazard Analysis and the Final Hazard Analysis.

## Hazard Audit

20. Twelve months after the commencement of operations of the Project and every three years thereafter, or at such intervals as the Director-General may agree, the Proponent shall carry out a comprehensive Hazard Audit of the Existing Operations and the Project and within one month of each audit submit a report to the Director-General.
- The audits shall be carried out at the Proponent's expense by a qualified person or team, independent of the Project, approved by the Director-General prior to commencement of each audit. Hazard Audits shall be consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit Guidelines', including with respect to the requirements of these guidelines in relation to records of inspection and testing of critical equipment and instrumentation as they specifically relate to significant risk reduction as outlined in the document listed in Condition 2 e) in Schedule 2.
  - The 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, reasons must be documented.

## AIR QUALITY

### Design

21. The Proponent shall implement the emission control measures identified in the EA (Section 7.8.1) prior to the commencement of operations of the Project. These shall include:
- absorption columns in the new Nitric Acid Plant No. 4 (NAP4) to reduce NO<sub>x</sub>;
  - catalytic reduction from the NAP4 stack to reduce NO<sub>x</sub>;
  - air scrubbing and recirculation technology in the new Prill Tower as part of the new Ammonium Nitrate Plant No. 3 (ANP3) to minimise particulates, including PM<sub>10</sub>;
  - a refrigeration purge gas scrubber to be installed in the existing Ammonia Plant to reduce NO<sub>x</sub>;
  - scrubbers on the new NAP4 and ANP3 to remove ammonia.

### Monitoring

22. The Proponent shall undertake air emission monitoring as required by the EPL for the Project.
23. The Proponent shall undertake an air quality verification study for the Project. The study shall:
- be prepared by a suitably qualified expert;
  - be completed within 12 months of the commencement of operation or as otherwise agreed to by the Director-General;

- c) include a comparison of monitoring results with the predictions outlined in the EA (including predictions for ground level concentrations at Stockton) and with any limits or conditions in the EPL;
  - d) verify the effectiveness of the implemented emission controls.
24. Should the air quality verification study or routine monitoring required by the EPL indicate that emissions from the Project exceed the relevant regulatory criteria, the Department may request that Orica implement all reasonable and feasible measures to minimise emissions.

### **Mitigation**

25. The Proponent shall carry out all reasonable and feasible measures to minimise dust generated by the Project.
26. During construction, the Proponent shall ensure that:
- a) all trucks entering or leaving the Project Site with loads have their loads covered; and
  - b) trucks associated with the Project do not track dirt onto the public road network.

### **Further Emissions Reduction**

27. The Proponent shall investigate and report on the progress to reduce PM<sub>10</sub> emissions from the existing Prill Tower on the Ammonium Nitrate Plant No. 1. The report shall:
- a) be provided annually, and can be reported through the Annual Environmental Management Report required by condition 50; and
  - b) provide an update on the timeframe for implementation of emission controls.

### **GREENHOUSE GAS EMISSIONS**

#### **Emission Reductions for the Project**

28. Prior to operation of the Project, the Proponent shall implement the emissions reduction technology identified in the EA including:
- a) N<sub>2</sub>O abatement technology on the new Nitric Acid Plant (NAP4); and
  - b) energy efficiency improvements to the Ammonia Plant.

#### **Emission Reductions for the Existing Site**

29. Within 6 months of the commencement of operations of NAP4, the Proponent shall implement N<sub>2</sub>O abatement technology on the three existing Nitric Acid Plants (NAP1, 2 and 3).

### **NOISE**

#### **Noise Limits**

30. The Proponent shall ensure that noise levels from the operation of the Project are at least 10dB(A) below noise levels from Orica's Existing Operations as specified by conditions 31 & 32 below.

#### **Existing Operations - Noise Verification Program**

31. Prior to the commencement of construction the Proponent shall prepare and implement an Existing Operations Noise Verification Program to the satisfaction of the Director-General. The Program shall:
- (a) be undertaken by a suitably qualified and experienced person;
  - (b) identify future reference points that will be used to demonstrate compliance;
  - (c) collect new or review existing data, and report on the seasonal background levels for the noise catchment; and
  - (d) confirm the noise levels from Orica's Existing Operations.

*Note: Some construction activities may occur under the Project Approval provided that such activity are not undertaken during the monitoring period or that Orica can demonstrate that the activity would not contribute to the background noise level, to the satisfaction of the Director-General..*

#### **Noise Management Plan**

32. Prior to the commencement of operations of the Project, the Proponent shall prepare and implement a Noise Management Plan in consultation with the EPA and to the satisfaction of the Director-General. The Plan shall:
- (a) be undertaken by a suitably qualified and experienced expert;



- (b) demonstrate how noise levels from the Project would be managed to ensure noise levels would be 10dB(A) below noise levels from Orica's Existing Operations (see conditions 30 & 31);
- (c) include a detailed monitoring program for reporting on ongoing compliance. The monitoring program shall:
  - outline the proposed receiver sites at Stockton and sites on Kooragang Island that would be monitored;
  - include both attended and unattended noise monitoring;
  - verify that actual noise levels from the Project are consistent with the predictions made in the EA; and
  - verify that noise levels from the Project are 10dB(A) below the noise levels identified in condition 31 for Orica's Existing Operations;
- (d) provide details of any complaints received in the preceding year relating to noise generated by the Project, and action taken to respond to those complaints;
- (e) detail procedures for implementing additional reasonable and feasible noise mitigation measures for the Project in response to exceedance of limits and/or noise complaints; and
- (f) be updated annually, unless otherwise agreed to by the Director-General.

### Construction and Operating Hours

33. The Proponent shall comply with the restrictions in Table 2, unless otherwise agreed by the Director-General.

*Table 2: Construction hours for the Project and Operation hours for the Project.*

Activity	Day	Time
Construction	Monday – Friday	7:00am to 6:00pm
	Saturday	8:00am to 1:00pm
	Sunday and Public Holidays	Nil
Operation	All days	24 hours

*Notes:*

- Construction activities may be conducted outside the hours in Table 2 provided that the activities are not audible at any residence beyond the boundary of the Project Site.

### TRANSPORT

#### Design of Site Access, Internal Roads and Parking

34. The Proponent shall ensure that new site access points, internal roads and parking associated with the Project are designed, constructed and maintained in accordance with the latest versions of the Australian Standards AS 2890.1:2004 and AS 2890.2:2002.

#### Vehicle Queuing and Parking

35. The Proponent shall ensure that all vehicles associated with the Project do not impede traffic flow on Greenleaf Road and Heron Road.

#### Construction Traffic Management

36. Prior to the construction of the Project, the Proponent shall prepare and implement a Construction Traffic Management Plan, consistent with the requirements of the RTA. The plan shall be prepared in consultation with Newcastle Port Corporation and submitted to Director-General as part of the environmental management strategy for the Project, as required by condition 49.

### WATER EFFICIENCY

37. The Proponent shall prepare and implement a Water Efficiency Plan for the Project to the satisfaction of the Director-General. The plan must:
- (a) be submitted to the Director-General within 12 months of this approval or as otherwise agreed to by the Director-General;
  - (b) be prepared with reference to the *Guidelines for Water Savings Action Plans (DEUS 2005)*; and
  - (c) include a report on the progress of investigations to receive recycled water from Hunter Water Corporations' recycled water scheme.

## CONTAMINATION

38. Prior to construction of the Project, the Proponent shall provide to the Director-General a detailed Project Site Plan showing the location of known soil and groundwater contamination areas. If the plan identifies that construction of the Project is likely to impact on known contamination areas, the Proponent shall prepare and implement a Remedial Action Plan (RAP), or update the existing RAP, to manage and remediate contaminated material in accordance with the requirements of the *Contaminated Land Management Act 1997* and the recommendations of the RAP.
39. Prior to construction of the Project, the Proponent shall prepare an Acid Sulphate Soil Management Plan in accordance with the Acid Sulphate Soils Manual, Acid Sulphate Soils Management Advisory Committee 1998.

## STORMWATER AND EFFLUENT MANAGEMENT

### Discharges

40. The Proponent shall ensure that the Project meets the EPL requirements for stormwater and effluent discharge to the Hunter River.
41. The Proponent shall comply with Section 120 of the *Protection of the Environment Operations Act 1997*.

### Stormwater Management Plan

42. Prior to the commencement of construction the Proponent shall prepare and implement a Stormwater Management Plan for the Project in consultation with the Newcastle Port Corporation and to the satisfaction of the Director-General. The plan must:
  - (a) include detailed plans of the stormwater management system for the Project, incorporating the requirements for a retention system as specified in the Fire Safety Study;
  - (b) include an engineering assessment of the capacity of the Walsh Point stormwater system to accept additional flows;
  - (c) describe the procedures for the installation, inspection and maintenance of the stormwater system for the Project; and
  - (d) ensure that water sensitive design options avoid infiltration in areas of known soil and groundwater contamination.

### Bunding

43. The Proponent shall ensure that all chemicals, fuels and oils associated with the Project are stored in appropriately banded areas, with impervious flooring and sufficient capacity to contain 110% of the largest container stored within the bund. The bund(s) shall be designed and installed in accordance with:
  - a) the requirements of all relevant Australian Standards; and
  - b) the DECC's *Storing and Handling Liquids: Environmental Protection, Participants Manual*.

### Erosion and Sediment Control

44. Prior to construction of the Project, the Proponent shall prepare an Erosion and Sediment Control Plan in accordance with Landcom's 2004 *Managing Urban Stormwater: Soils and Construction*.

## VISUAL

45. Prior to commencement of operations of the Project, the Proponent shall submit to the Director-General a landscape plan providing details of native screening plants to be planted along the eastern boundary of the Project Site. The plan shall demonstrate that the landscaping does not compromise on-site security and shall include a program for implementation.

### Lighting

46. The Proponent shall ensure that lighting associated with the Project:
  - a) complies with the latest version of Australian Standard *AS 4282(INT)-Control of Obtrusive Effects of Outdoor Lighting*; and
  - b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

## **WASTE**

### **Operating Conditions**

47. The Proponent shall ensure that all waste generated by the Project during construction and operation is classified in accordance with the DECC's *Waste Classification Guidelines 2008* and if required, disposed of to a facility that may lawfully accept the waste.

### **Waste Management Plan**

48. The Proponent shall prepare and implement a Waste Management Plan for the Project to the satisfaction of the Director-General. This plan must:
- a) be submitted to the Director-General for approval within 1 year of the commencement of operations of the Project;
  - b) characterise the various waste streams of the Project and include details of the quantities and destinations of all waste materials;
  - c) describe what measures would be implemented to avoid, reuse or recycle the waste generated by the Project;
  - d) identify a waste reduction target for the Project and detail procedures for measuring the Projects performance against the target;
  - e) include a program to monitor the effectiveness of these measures.

**SCHEDULE 4  
ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING**

**ENVIRONMENTAL MANAGEMENT STRATEGY**

49. The Proponent shall prepare and implement an Environmental Management Strategy for the Project to the satisfaction of the Director-General. This strategy must be submitted to the Director-General prior to carrying out any development related to the Project, and:
- a) provide the strategic context for environmental management of construction and operation of the Project;
  - b) identify the statutory requirements that apply to the Project;
  - c) describe in general how the environmental performance of the Project would be monitored and managed;
  - d) describe the procedures that would be implemented to:
    - keep the local community and relevant agencies informed about the operation and environmental performance of the Project;
    - receive, handle, respond to, and record complaints;
    - resolve any disputes that may arise in relation to operations at the Project;
    - respond to any non-compliance;
    - manage cumulative impacts; and
    - respond to emergencies; and
  - e) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the Project.

**ENVIRONMENTAL REPORTING**

**Annual Environmental Management Report**

50. Within 12 months of this approval, and annually thereafter, the Proponent shall submit an Annual Environmental Management Report (AEMR) for the Project to the Director-General. The report must:
- a) identify the standards and performance measures for the Project;
  - b) describe the works carried out in the past 12 months and the works to be carried out in the next 12 months;
  - c) include a summary of complaints received in the past year and provide comparison with previous years;
  - d) report results of all monitoring required by this approval and an EPL for the Project;
  - e) provide analysis of monitoring results in the context of relevant criteria and limits, previous monitoring results and the predictions made in the EA;
  - f) identify any trends in monitoring results over the life of the Project; and
  - g) report on compliance with the project approval, summarise non-compliances in the previous 12 months and report on actions taken to rectify non-compliances.

**Incident**

51. The Proponent shall notify the Director-General and any other relevant agencies of any incident or potential incident with actual or potential significant off-site impacts on people or the biophysical environment associated with the Project as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent shall provide the Director-General and any relevant agencies with a detailed report on the incident.

## AUDITING

### Independent Environmental Audit

52. Within 2 years of the commencement of operations of the Project, and every 3 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the Project. This audit must:
- (a) be conducted by a suitably qualified, experienced, and independent team of experts whose appointment has been endorsed by the Director-General;
  - (b) assess the environmental performance of the Project, and its effects on the surrounding environment;
  - (c) assess whether the Project is complying with the relevant standards, performance measures, and statutory requirements;
  - (d) review the adequacy of any strategy/plan/program required under this approval; and, if necessary,
  - (e) recommend measures or actions to improve the environmental performance of the Project, and/or any strategy/plan/program required under this approval.

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

### ACCESS TO INFORMATION

53. From the end of 2009, the Proponent shall provide regular reporting on the environmental performance of the Project on its website, including ensuring the following information is publicly available on its website:
- (a) a copy of all current statutory approvals;
  - (b) a copy of the current environmental management strategy and associated plans and programs;
  - (c) a copy of any Annual Reports (over the last 5 years);
  - (d) a copy of any Independent Environmental Audit, and the Proponent's response to the recommendations in any audit; and
  - (e) any other matter required by the Director-General.

Kooragang Island Works  
Preliminary Site Layout



