

REPORT

Port of Eden Breakwater and Wharf Extension Independent Environmental Audit 2019

Client: Eden Port Development - NSW Department of Industry

Reference: PA1892M&ARP00507082019

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1 Executive Summary

This report has been prepared by Royal HaskoningDHV (RHDHV), appointed by the NSW Department of Industry (the 'Proponent') (and as endorsed by the Department of Planning & Environment (DPE)), as independent auditors for the Eden Breakwater Wharf Extension State Significant Infrastructure (SSI) Project (the 'Project') (under Development Consent SSI 7734).

The undertaking of an independent audit is a requirement of the SSI Development Consent Approval (SSI 7734 Condition A24 to A27) and this report is a fulfilment of the Department of Industry's obligations in respect to those conditions (i.e. second annual audit). The conditions are as follows:

No	Condition
A24	Compliance audits of the SSI must be conducted annually, commencing within a year of the commencement of Construction, by an independent, suitably qualified and experienced expert or within another timeframe agreed with the Secretary.
A25	Details of the nominated independent auditor must be submitted to the Secretary for approval no later than one month prior to the audit being undertaken.
A26	The Proponent must submit a copy of the audit report to the Secretary with a response to any recommendations contained in the audit report within six weeks of completing the audit, or within another timeframe agreed with the secretary.
A27	The audit report must: <ul style="list-style-type: none"> Assess the environmental performance of the SSI and its effects on the surrounding environment; Assess whether the project is complying with the terms of this approval; Review the adequacy of any document required under this approval; and Recommend measures or actions to improve the environmental performance of the SSI, and improvements to any documents required under this approval.

The first independent environmental audit for the project was undertaken in August and September 2018 with the final audit report issued to the Proponent in October 2018. This is the second independent audit to occur, in line with Condition A24 above.

This second annual environmental audit has been undertaken by Martin Budd of RHDHV. Martin was endorsed as an independent auditor by the Planning and Environment Secretary on the 8th August 2018. The Proponent informed Planning of the intent to continue with the same independent auditor for the second annual audit on the 12th July 2019. This audit has been conducted in accordance with AS/NZS ISO 19011 Australian New Zealand Standard: Guidelines for Quality and/or Environmental Management Systems Auditing and the Post-approval Requirements for State Significant Developments – Independent Audit Guidelines dated October 2015.

The findings of the audit can be summarised as follows:

- The audit has found the environmental management of the Eden Wharf Extension project to be well run with no incidences of non-compliance to report (see **Appendix B**).
- Environmental management and reporting systems have been set up effectively from the project start and compliance with licence and approval requirements have been closely assessed through use of a monitoring checklist.

- Communication was observed as being good across the project team as well as with regulators and the local community. This had led to complaints and issues being resolved quickly and any areas of improvement being noted and actioned promptly.
- The environmental performance of the project and its effects on the surrounding environment have been as expected and in line with the findings of the Environmental Impact Assessment (EIA) process that was undertaken.
- Mitigation and management measures have been employed and have worked as predicted. Monitoring systems have been utilised to capture performance throughout the project for particular sensitivities and record keeping has been good.
- There are no actions to be implemented following this audit.
- There are a number of lessons learned which should be raised with the approvals agencies and discussed at a higher level.

The Eden Wharf Extension project has been found to be compliant with the requirements of the relevant regulatory approvals:

- The State Significant Infrastructure (SSI) approval;
- The Sea Dumping Permit;
- The Environment Protection and Biodiversity Conservation (EPBC) Act approval;
- The Environment Protection Licence (EPL); and
- The Harbour Masters Approval.

An Independent Audit Certification Form for this project is included in **Appendix C**.

Version	Date	Description	Author
V1	02.08.2019	Final Draft Issued for Audit Approval	Martin Budd
V2	07.08.2019	Final Audit Report Issued	Martin Budd

2 Introduction

The Port of Eden is in the district of Bega, New South Wales. The Port has been undertaking a SSI project to construct a new wharf facility including capital dredging of the berth area. This project will facilitate alongside berthing of cruise ships at Eden, thus improving passenger safety and allowing for increased numbers of larger cruise vessels to visit this area annually (as part of the growing trend in the cruise market along East Coast Australia). An Environmental Impact Statement (EIS) was prepared for the project which then gained planning consent on the 5th July 2017.

The construction of this project has been structured into two stages. Stage 1 included the dredging works and subsequent material placement in an offshore licensed disposal site, led by the dredging contractor, Heron Construction Company Ltd. Stage 2 included the main piling effort and construction of the wharf extension and dolphin works, which was led by the marine contractor, Waterway Constructions Pty Ltd.

Stage 1 works commenced in September 2017 and Stage 2 works commenced in March 2018. The construction of the project was completed in June 2019 and the plan is for the first cruise ship to visit on the 15th September of this year. Staff are currently demobilising from the site and project handover to the operational authority has recently occurred.

2.1 Audit Objective

As part of the SSI approval, an Independent Environmental Audit is required to be undertaken. The first annual audit was undertaken between August and September 2018 and included a site visit and inspection which was carried out on the 13th September 2018. This second annual audit has been carried out in July 2019 with this final report issued on the 7th August 2019.

The objective of both independent audits has been to assess compliance with the requirements of the following relevant regulatory approvals (the 'Approvals'):

- The State Significant Infrastructure (SSI) Approval (SSI 7734);
- The Sea Dumping Permit (Permit No. SD2015/3102);
- The Environment Protection and Biodiversity Conservation (EPBC) Act Referral Decision (EPBC 2016/7828);
- The Environment Protection Licence (EPL) (EPL 20942); and
- The Harbour Masters Approval (dated 14th June 2017).

2.1.1 Important Note

The timing of the second annual audit comes at a point which is between the construction activities ending and cruise operations commencing. As such, the following limitations and project conditions were apparent for this audit:

- There are very few personnel still working at the site to interview;
- The construction site has been closed down and cleaned up (i.e. ready for operations) so there are no construction activities to audit or assess; and
- Operational handover has only recently occurred and final procedural documentation is not yet available for auditing.

As such, a different approach has been undertaken for this audit, in comparison to the one undertaken in 2019. Following approval from the proponent and the DPE, it was decided that this audit would purely focus on the following, given the current circumstances:

- Close off the construction phase by undertaking a 'house keeping' audit of the completed construction phase. In effect, a final review of documentation submitted, compliance with approval conditions and follow up interviews with the identified stakeholders where possible in the timeframe.

The objectives of this final construction phase audit have remained similar to the previous audit. However, as the works are complete, and the construction team has demobilised, there has been no possibility of reviewing environmental performance on site. Therefore, no site visit has been undertaken and there has been no assessment of the mitigation measures employed or the effectiveness of other control and monitoring measures used at site.

There has also been no assessment of pre-construction and Stage 1 construction activities as these elements have been completed and were assessed during the last audit. Furthermore, there has been no assessment within this audit of the operational elements of the project given that operations have not started yet and, as such, relevant conditions have not been triggered yet. Please note that relevant operational conditions and requirements are included in a Pre-Operational Compliance Report which has been submitted to the DPE for information (not seen or reviewed by the Auditor).

A separate audit of the operational phase is recommended, with a potential date of March 2020 suggested to allow for enough operational time to have occurred to make an environmental audit worthwhile. This would be commissioned by Port Authority NSW (PANSW) (the operating authority) and should occur on or before the last cruise ship arrives for the summer season. It is understood that the Department of Industry's involvement in the project has now ended as handover to PANSW for the operational stage of the project has recently occurred.

2.2 Audit Scope

With the above limitations accepted, this audit has focussed on the physical boundaries of the Eden Breakwater Extension Project, as defined within the Approvals. The audit has covered the construction activities, from the time of the last audit up to and including the time of the current audit. This audit has included, where possible and relevant, the organisations, management plans and processes included within the development as well as strategies or plans required under the relevant approvals.

The audit considered the following, in accordance with the AS/NZS ISO 19011 Australian Standard and Guidelines:

- Management plan requirements (in this case the Construction Environment Management Plan (CEMP));
- The status and performance of the construction;
- The key regulatory risks, including past or future risks;
- The predictions of the EIS;
- Any incidents or community complaints; and
- Feedback collected from the community, other agencies and any other interested parties.

3 Methodology

The audit was conducted in line with the Independent Audit Guidelines (2015) and followed the auditing standard AS/NZS ISO 19011: 2014 *Guidelines for auditing management systems*. Evidence to inform the audit was collected through a telephone interview with the Eden Port Project Engineer, Greg Thomson, on the 15th July 2019; and through review of the relevant documentation and reports for the Eden Breakwater Wharf Extension project that have been sent to the Auditor (see **Appendix A**).

The audit has been undertaken by:

Name	Role	Qualifications/Approvals
Dr Martin Budd	Lead Auditor	Endorsed by DPE Secretary on 08/08/18 and instruction to continue role for second audit sent on the 12/07/19

The compliance status of each requirement, condition or commitment was assessed using the following criteria:

Status	Description
Compliant	Evidence demonstrated that the conditions of the approval have been met
Not Verified	Where sufficient information has not been made available or is not attainable but where the Auditor does not believe the condition is not compliant
Non-Compliant	Where the evidence clearly demonstrates that a condition is not being met or complied with
Administrative Non-Compliance	Where evidence of compliance has been provided but due to it being incomplete or perhaps provided on the wrong date (i.e. late), it becomes a technical noncompliance which has not impacted upon performance
Not Triggered	Where a condition or requirement has not been activated yet, perhaps due to the stage of program at the time of inspection
Observation	Where identified issues of concern exist and where performance may be improved
Note	A statement or fact, where no observation of compliance is required

Any non-compliances were risk assessed using the following methodology:

Risk Level	Description
High	Potential for significant consequences
Medium	Potential for significant consequences but very unlikely to occur, or potential for moderate consequences but very likely to occur
Low	Potential for moderate consequences which are unlikely to occur and low consequences which are likely to occur

Risk Level	Description
Administrative Non-Compliance	Where a non-compliance would not lead to any increased risk to environmental harm

The audit was undertaken in the following stages:

Audit Stage	Dates
Audit Commissioned	12 th July 2019
Review of documentation	23 rd July – 2 nd August 2019
Telephone Interview with Project Engineer	15 th July 2019
Audit reporting and stakeholder contact	29 th July – 2 nd August 2019

3.1 Review of Documentation

All documents and reports relevant to the licenses and approvals were provided by the Proponent to RHDHV (see **Appendix A**). Any items which were completed and signed off prior to the last audit or have not yet been triggered (see compliance table above) were not included in this second independent audit. Those conditions not yet triggered relate entirely to the operational phase of the project including the operational management plan requirement of the Infrastructure Approval.

The compliance status of the relevant documentation was checked against the conditions and requirements of each licence or approval. Checks included; presence/absence of required documentation, document dates, document content as well as any necessary submissions/approvals of documentation and the relevant dates for these. Compliance status was noted and any items requiring further verification were identified for discussion with the Proponent. The documentation sent to auditor by the proponent is shown in **Appendix A**. Please note that the majority of this information and data was also available on the project's web site.

3.2 External Stakeholders

A number of the key stakeholders with a role in the project were contacted to obtain their feedback and to assist in providing focus during the audit. This was undertaken through a series of phone calls with relevant representatives from the following:

Agency/ Regulator	Named Contact	Comments/Feedback
Department of Planning and Environment (DPE)	Katrina O'Reilly	DPE happy with performance of project with no outstanding concerns or issues.
Environment Protection Authority (EPA)	Matthew Rizzuto	EPA very happy with the project performance and no issues to raise. Noted that the EPL was surrendered 10 months ago so EPA involvement this year has been minimal.
The Eden Harbour Master	Paul Webster	No concerns or issues to report regarding the works.

3.3 Audit Reporting

The outcomes of the audit have been documented within this audit report. A draft report was sent to the Proponent on the 2nd August 2019 for a first review and to identify any mistakes or if any further information might be available to satisfy any omissions. Where acceptable to the Auditor, these changes and additions were made and are included within this final report.

4 Audit Findings

The audit findings are presented below under separate headings for each of the development licences/approvals. A compliance checklist for all relevant Conditions is included in **Appendix B**. As previous, only conditions and actions that are relevant to the construction phase over the past year have been included (i.e. no pre-construction, majority of Phase 1 construction and no operational items). The Auditor has also only assessed those items, actions and conditions that could be audited given that the construction works have been completed.

4.1 Summary

There were no non-compliances identified during the audit and overall the Auditor was very satisfied with the performance and progress of this project.

The following was noted during the audit:

- A detailed recording system and action register is being maintained rigorously for all documentation and records.
- Detailed inspections and auditing processes (internal) were being implemented daily, weekly and monthly.
- The project team and/or ER visited the site regularly to address and resolve any issues on site. Issues and actions were reported in the action register.
- During the period since the last audit, there have been no complaints but two issues were received by the team regarding noise and vibration issues and one further issue was raised with regard to a whale observation during piling. All items were dealt with successfully.
- Stakeholder communication plans were followed and actioned accordingly. Stakeholder consultation and liaison is being undertaken by an independent specialist and has been frequent and robust in nature.

A summary of the audit by licence/approval is presented below.

Licence or Approval	Condition compliances	Condition Non Compliances	Administrative Non Compliances	Not Triggered	Observations
SSI Approval	21	0	0	66	0
Sea Dumping Permit	3	0	0	18	0
EPBC Act approval	4	0	0	2	0
Environment Protection Licence	6	0	0	31	0
Harbour Masters Approval	3	0	0	3	0

The audit found that the environmental management for the project was excellent, with a robust management and reporting system which was set up effectively from the project start. Communication

between the project team and contractors was observed to be good with regular inspections being undertaken on site and improvements made to site practices where actions had been identified.

Stakeholder engagement and ongoing communication with local stakeholders and residents appeared to be good with evidence provided of complaints and issues being addressed and actioned quickly and effectively.

4.2 Infrastructure Approval

There were **no non-compliances** to report with regard the Infrastructures Approval.

As above, there are a number of conditions relating to the operation of the cruise terminal that have not been triggered at this stage in the development and which have not been assessed as part of this audit.

The Infrastructure Approval is in 5 parts A, B, C, D and E. Part D is relevant to the operational environmental management of the wharf and has not been triggered at this stage. A summary of compliance and any areas to note under each part of the approval is provided below. For further detail please refer to the compliance checklist in **Appendix B**.

Part A – Administrative Conditions

The Proponent has demonstrated good record keeping and compliance with procedures throughout the audit process. Monitoring of the works progress and recording and remedying of actions was clearly demonstrated in the weekly, monthly and six monthly reporting. Indeed, identification of issues and problems were dealt with clearly and concisely. The following are the key findings and are consistent with the first audit in 2018:

- Ancillary facilities on site were compliant with requirements.
- The ER for the project fulfilled the requirements of their role. It was evident that the ER and the Proponent's Site Team had a clear structure and defined responsibilities. The timeline for inspections, audits, meetings and reporting was well developed and easy to follow; and communication with outside agencies and the local community appeared to be good.
- The compliance tracking register was well prepared and up to date. Indeed, not only was it an excellent representation of the requirements and conditions of the approvals and licences but it demonstrated in one place the entire environmental management process clearly and concisely.
- Compliance reports were prepared and submitted and met the requirements of the approval. Both six monthly reports were provided to the auditor and both had been sent to the relevant authority on time and with the required information included.
- The independent environmental audit (this audit) was conducted in line with the requirements of the approval.
- A complaints register had been kept and maintained throughout the works. A number of questions and issues had been raised in the past year principally about noise and vibration from the piling works. The Proponent was able to demonstrate how these issues had been addressed and resolved through community engagement by the ER and through the Community Consultation Committee (CCC).

- Three small spillages were reported in the monthly reports. Each was dealt with at the time with appropriate use of booms and padding; and then followed up with a review of procedures and workforce behaviours when using the equipment in question. No large or notifiable incidents were reported.
- A Staging Report had been prepared at the beginning of the project and was compliant with requirements. The works were being undertaken in line with the stages set out and approvals/requirements had been met for the relevant works stages.

Part B – Community Information and Reporting

The Proponent demonstrated good engagement with the community. All issues recorded had been addressed and either resolved quickly or if that wasn't possible, dealt with over time and with consideration and extended consultation. The relationship with the community appeared to be good with regular contact being made through the ER.

- A CCC has been set up and meetings have been held monthly. The auditor has reviewed the meeting minutes and also the annual report from the committee. The CCC appeared to be instrumental in raising and addressing issues during the works and also providing a platform for questions to be raised about the construction works and the cruise terminal. It was notable that discussions over the past six months have focussed on the operational elements of the project and that concerns have shifted to what the environmental issues will be once the cruise ships and passengers start arriving.
- The Community Communication Strategy (CCS) was compliant with the requirements and had been implemented. The hotline has been in operation and a web site has been running the whole time during construction. The web site notably contained a lot of the documentation that has been provided for this project and was very clear and transparent in its set up. It was noted that the hotline has recently been closed but has been replaced by a new number operated by PANSW.

Part C – Construction Environmental Management

CEMP and associated subplans have been prepared for both stages of the project and were compliant with the approval. Evidence of the approval of each of these plans was demonstrated and within the timeframes required.

- CEMPs and sub plans contained sufficient detail required for the approval and reflected the assessments and mitigation requirements of the EIS.
- Agency engagement was demonstrated within each plan and all correspondence attached.
- CEMPs and subplans had been endorsed by the ER and submitted for approval within the required timeframes. The plan templates were easy to follow with approvals and sign offs clearly shown at the start of each plan.
- Construction monitoring programmes had been prepared and were compliant with requirements. The Proponent demonstrated good practice in the implementation of monitoring programmes on site.

- The data for the noise and marine ecological monitoring was provided to the relevant stakeholders through the monthly ER reports. In addition, the six monthly Compliance Reports further detailed the monitoring being undertaken and the subsequent findings.

Part E – Key Issue Conditions

The findings from this part of the Approval were as follows:

- Road Dilapidation Report was prepared and submitted to the Local Council as per the requirements.
- The Traffic Transport and Access CEMP subplan was in place and was being followed.

4.3 Sea Dumping Permit

The Stage 1 dredging works had been completed prior to the first audit. The only conditions remaining to be assessed were with regard to the following:

- Submission of the final bathymetric survey to the AHO which was completed in May 2019.
- An annual report reviewing sea dumping activities for the preceding year on the anniversary of the Sea Dumping Permit. The 2018 report was submitted in January 2019, identifying that no further dumping had been carried out. A final report for the construction phase was sent in March 2019 stating that activities had been completed and that again no further dumping had been undertaken.
- In December 2018, a Post Dredging Benthic Infauna Survey was completed and has been reviewed by the auditor.

4.4 EPBC Act Approval

Compliance was demonstrated for all requirements of the EPBC Act Approval. There were no non-compliances to report.

Marine Mammal Observers (MMOs) recording sheets, pile driving records and environmental reports have been reviewed for the past year and all were found to be compliant with the requirements of the Approval.

A summary of compliance and any areas to note under this approval is provided below:

- Piling operation procedures had been put in place compliant with the approval requirements.
- Recording sheets showed that shut down periods had been implemented when whales had been observed within the shutdown zone.
- Boundaries of the observation zones for marine mammals were clearly marked with coloured buoys on the maps used (and were evident at the site visit in 2018).

- The Proponent noted that speed limits had been observed within the area and that vessels were usually operated well below the speed restrictions of the licence due to safety issues caused by vessel wash.

4.4.1 Assessment of Underwater Sound Levels

As reported in the first annual audit, the Proponent commissioned an assessment of underwater noise levels during piling operations in 2018. The report was produced after the last audit so wasn't available for review until now.

This assessment was not a requirement of the EPBC Approval and was an initiative undertaken by the Proponent to ensure that the mitigation measures being employed were effective and to better understand the potential impacts from piling activities. The conditions that accompanied the approval included the use of MMO teams during piling, utilising marked observation and shut down zones. This condition had been followed completely and had been a success on the whole, with piling operations preceded by pre-start observations and with additional soft start and shut down measures employed when whales were observed (as applicable).

It was noted that there had been one identified issue with the procedure when an external observer identified whales that had not been spotted by the MMO team. However, following immediate shut down and an investigation of near-by waters, no whales were observed and the piling proceeded as per the approval conditions.

Nevertheless, the Proponent commissioned an additional study to better understand the issue and to ensure that they were doing everything they reasonably could as a responsible contractor and also to better understand as much as possible about the sensitivity, the mitigation measures employed and the potential residual impacts / risks.

The study's conclusions were that the Eden Breakwater and Middle Head act as significant barriers and result in acoustic shadows to the south and east of the development (no piling noise along monitored transects). In addition, the noise levels from the piling fell well within accepted international standards and thresholds and the observation and shut down zones were, as such, very precautionary.

The Proponent should be applauded for undertaking this study given the significant sensitivity of the marine ecology and for ensuring that the mitigation employed was both acceptable and successful. It is understood that this study has been shared with other stakeholders in order to share best practice and to help increase knowledge on other sites which might share similar environmental characteristics.

4.5 EPL Licence

The EPL Licence was surrendered in September 2018. As such, no assessment has been undertaken within this audit of the Licence. The EPA accepted the surrender without comment.

It should be noted that no water quality issues were identified on site and no water quality monitoring was required over the past 10 months.

All pollution incidents were recorded in the monthly reports, along with the remedial measures that were employed. Three small oil leakages were reported upon over the past year and all were dealt with successfully.

Monitoring records for all environmental monitoring plans required under the SSI were evident and compliant with the licence requirements. Annual returns were completed and submitted to the EPA compliant with the licence conditions.

4.6 Harbour Masters Approval

Compliance was demonstrated for all requirements of the Harbour Masters Approval. There were no non-compliances to report.

The Harbour Master (Paul Webster) was contacted as part of this audit by email for any observations with regard the environmental performance of the project. There were no issues or observations to report.

4.7 Other Information

4.7.1 Heavy Lift REF

The auditor was made aware during this second annual audit that approval had been granted for a Heavy Lift Zone at the Eden Breakwater. The objective of this additional facility would be to facilitate the continuation of the historical use of the Breakwater Wharf for port activities, including the stevedoring of vessels at the Breakwater Wharf, potentially with heavier cargo requiring a landside crane (mobile cranes of a maximum 300 tonne (t) load capacity).

The Heavy Lift Zone project was subject to a separate Review of Environmental Factors (REF) which assessed the proposed construction and operation of the works and their likely environmental impacts. The REF identified the mitigation measures that were to be employed during construction and these were employed and followed during the works which have recently been concluded.

As these works have been concluded and given that a site visit was not considered necessary during this second annual audit, the Heavy Lift Zone has not been assessed as part of this audit exercise and is included here purely for information purposes.

5 Audit Conclusions

The undertaking of this independent audit was a requirement of the SSI Development Consent Approval (SSI 7734 Condition A24 to A27) and this report is a fulfilment of the Department of Industry's obligations in respect to those conditions (i.e. second annual audit). The conditions were as follows:

No.	Condition
A24	Compliance audits of the SSI must be conducted annually, commencing within a year of the commencement of Construction, by an independent, suitably qualified and experienced expert or within another timeframe agreed with the Secretary.
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The environmental audit was led by Martin Budd of RHDHV, who was endorsed as an independent auditor by the Planning and Environment Secretary on the 8th August 2018 (with the intent to continue confirmed on the 12th July 2019 by the Proponent), and conducted in accordance with AS/NZS ISO 19011 Australian New Zealand Standard: Guidelines for Quality and/or Environmental Management Systems Auditing and the Post-approval Requirements for State Significant Developments – Independent Audit Guidelines dated October 2015.

The findings of the audit are as follows:

- The audit has found the environmental management of the Eden Wharf Extension project to be well run with no incidences of non-compliance to report (see **Appendix B**).
- Environmental management and reporting systems have been set up effectively from the project kick off and compliance with licence and approval requirements have been closely monitored through the use of a monitoring checklist.
- Communication has been observed as being excellent across the project team as well as with regulators and the local community. This had led to complaints and issues being resolved quickly and any areas of improvement being noted and actioned promptly. The Site Team and ER used for the project have been excellent.
- The environmental performance of the project and its effects on the surrounding environment have been as expected and in line with the findings of the EIA process that was undertaken.

- Mitigation and management measures have been employed and have worked as predicted. Monitoring systems have been utilised to capture performance throughout the project for particular sensitivities and record keeping has been good.
- The additional assessment of underwater noise and mitigation measures employed was a good initiative and was helpful to both the Eden project and the wider knowledge of working in the marine environment in NSW.

5.1 Actions and Areas for Improvement

There are no actions to be implemented following this audit.

There are a number of lessons learned that would be good to share with key stakeholders. These are provided below in **Section 5.1.1**.

The construction phase is now complete and the project is moving into the operational phase. Focus can now move onto the environmental performance of the project post-construction, with the next audit (March 2020 has been suggested) investigating the conditions that have not been triggered up to this point.

The Pre-Construction and Construction Conditions have been complied with and it is evident that this project has shown a very high regard to the environmental approvals and licences that were in place.

5.1.1 Overview of Lessons Learned

During the first and second audits, a number of lessons learned have been identified by or shared with the auditor; through interviews, telephone conversations and also through the documentation provided. It is worthwhile sharing these here in order that they might be useful to similar projects that are approved in the future.

SSI Status for a \$44 Million CAPEX project

The Proponents site team identified during the first audit that the level of administration and bureaucracy that was imposed through it being a SSI project was significant and in some cases onerous. This was reinforced in the Marine Structures Contract Close Out Workshop Report.

The auditor agrees that the amount of work that the team has been asked to do is significant for this size of project and that the number of conditions and requirements have necessitated significant resource involvement and management time. However, the environmental performance of the project as a result has been of the highest standard and the level of impact has been minimal. As such, it could be argued that whilst the level of environmental management has had to be high due to legislative requirements, the end result has been worth it.

Inevitably, a line has to be drawn at a point in project value and the Auditor considers that the results achieved in this project demonstrate that the current values are about right. However, that said, the issue is worthy of discussion within the relevant agency departments to check what projects are being covered and which are not when using the capital value identifier.

Early Inclusion of an Approvals Officer

Given the enormous legislative complexity involved in managing the local, State and Federal approvals, the Proponent considers that it would be appropriate to employ a dedicated Approvals Officer as early in the project life cycle as possible. The Auditor agrees and believes that the Eden Team could offer a

number of ideas and examples of how to streamline the approvals process for projects of this size and nature. Again, this should be considered further by the relevant decision-making agencies in the future.

The Auditor would, however, like to repeat that the manner in which this project has been handled in terms of environmental management was of the highest order. As such, a number of the procedures and processes that have been employed should equally be shared (as good practice) with the key stakeholders for future projects use.

Marine Mammal Observation Conditions

The Proponent considered the mitigation employed for the observation and safeguarding of marine mammals from underwater piling noise to be over cautious, onerous and to have the potential to incur significant delays to the project.

The Auditor agrees that the survey that was undertaken should have occurred earlier (with hindsight) and that this is a valuable lesson for other coastal and marine projects. The information that was obtained on the value of the Breakwater and Middle Head as an acoustic shadow was invaluable and would have allowed for a better understanding of effects at an earlier stage in the project. As such, all projects with similar potential underwater noise impacts should be asked to undertake a noise study before mitigation measures are devised.

However, the Auditor also believes that given that this study did not occur in this instance at an early stage, the regulators would have had no choice but to take a precautionary approach to the mitigation measures employed. As such, the measures were onerous for a reason and again were correct in nature given that the impact on migratory whales was considered to be negligible at the end of the construction phase.

5.2 Audit Certification

The Eden Wharf Extension project has been found to be compliant with the requirements of the relevant regulatory approvals during the pre-construction and construction phases:

- The State Significant Infrastructure (SSI) approval;
- The Sea Dumping Permit;
- The Environment Protection and Biodiversity Conservation (EPBC) Act approval;
- The Environment Protection Licence (EPL); and
- The Harbour Masters Approval.

The Independent Audit Certification Form for this project is included in **Appendix C**.

Appendix A – Audit Documents Register

Documents Received 2018						
Item	Document Requested	Documents Sent	Format	Aconex Document No.	Aconex Mail No.	Comments
1	Sea Dumping Permit	Sea Dumping Permit	pdf.	ADT-000003	CRLA-TRANSMIT-000609	
2	Breakwater EPBC Referral Decision Notice	Breakwater EPBC Referral Decision Notice	pdf.	APL-000006	CRLA-TRANSMIT-000609	
3	State Significant Infrastructure Approval (SSI 7734)	State Significant Infrastructure Approval (SSI 7734)	pdf.	CRLA-EN-APL-0002	CRLA-TRANSMIT-000609	
4	Breakwater Wharf Extension EPL - 20942	Breakwater Wharf Extension EPL - 20942	pdf.	CRLA-EN-APL-0004	CRLA-TRANSMIT-000609	
5	Harbour Masters Approval	Harbour Masters Approval	pdf.	CRLA-MA-APL-0002	CRLA-TRANSMIT-000609	
6	Community Communication Strategy	Community Communication Strategy	pdf.	CRLA-PM-MPL-0003	CRLA-TRANSMIT-000609	
7	Aquatic Ecology CEMP Sub-Plan and Marine Ecology Monitoring Program	Aquatic Ecology CEMP Sub-Plan and Marine Ecology Monitoring Program	pdf.	E&P-EN-MPL-0001	CRLA-TRANSMIT-000609	
8	Traffic, Access and Transport CEMP Sub-plan - Stage 2	Traffic, Access and Transport CEMP Sub-plan - Stage 2	pdf.	E&P-EN-MPL-0014	CRLA-TRANSMIT-000609	
9	Noise and Vibration CEMP Sub-plan - Stage 2	Noise and Vibration CEMP Sub-plan - Stage 2	pdf.	E&P-EN-MPL-0016	CRLA-TRANSMIT-000609	
10	Water Quality CEMP Sub-plan - Stage 2	Water Quality CEMP Sub-plan - Stage 2	pdf.	E&P-EN-MPL-0017	CRLA-TRANSMIT-000609	
11	Construction Compliance Tracking Program	Construction Compliance Tracking Program	pdf.	E&P-EN-PGM-0001	CRLA-TRANSMIT-000609	
12	Pre-Construction Compliance Report	Pre-Construction Compliance Report	pdf.	E&P-EN-RPT-0001	CRLA-TRANSMIT-000609	
13	Construction Compliance Report #1	Construction Compliance Report #1	pdf.	E&P-EN-RPT-0044	CRLA-TRANSMIT-000609	
14	Staging Report	Staging Report	pdf.	E&P-PM-RPT-0003	CRLA-TRANSMIT-000609	
15	Heron Construction Traffic Access Management Plan_with Appendices	Heron Construction Traffic Access Management Plan_with Appendices	pdf.	Heron-DR-MPL-0078	CRLA-TRANSMIT-000609	

16	Heron Water Quality CEMP Subplan	Heron Water Quality CEMP Subplan	pdf.	Heron-DR-MPL-0095	CRLA-TRANSMIT-000609	
17	Heron Construction Noise Vibration Management Plan	Heron Construction Noise Vibration Management Plan	pdf.	Heron-DR-MPL-0099	CRLA-TRANSMIT-000609	
18	State Significant Infrastructure - Environmental Impact Statement	State Significant Infrastructure - Environmental Impact Statement	pdf.	WP-EN-RPT-0013	CRLA-TRANSMIT-000609	
19	Response to Submissions Report	Response to Submissions Report	pdf.	WP-EN-RPT-0016	CRLA-TRANSMIT-000609	
20	Construction Environmental Management Plan - Stage 1	Construction Environmental Management Plan - Stage 1	pdf.	WP-EN-RPT-0018	CRLA-TRANSMIT-000609	
21	Construction Environmental Management Plan	Construction Environmental Management Plan	pdf.	WP-EN-RPT-0018	CRLA-TRANSMIT-000609	
22	MMO Records	Cetacean Register - Stage 1 Marine Mammal and Marine Fauna Observations - Stage 2 Cetacean Register - Stage 2	pdf. zip. xls.	CRLA-EN-RPT-0027 CRLA-EN-RPT-0026 CRLA-EN-RPT-0028	CRLA-TRANSMIT-000630	
23	Vessel Run sheets	Heron Barge Tracking Register Barge Tracking to Offshore Disposal Area	xls. zip.	Heron-DR-REG-0001 CRLA-DR-RPT-0007	CRLA-TRANSMIT-000634	
24	Monitoring records for dumping (could be within the vessel run sheets)	Daily Dredge Reports Complete Offshore Disposal Area Hydro-Surveys Complete Offshore Disposal Area Dumping Locations - Complete	zip. zip. zip.	Heron-DR-RPT-0019 CRLA-DR-RPT-0008 CRLA-DR-RPT-0009	CRLA-TRANSMIT-000634	
25	Heron EMP	Heron Environmental Management Plan	pdf.	Heron-DR-MPL-0063	CRLA-TRANSMIT-000630	
25.1	Plus any observation records taken	Environmental Inspection complete	zip.	CRLA-EN-RPT-0032		
25.2	Incident reporting sheets	-	-	-	-	Only minor incidents have occurred to date of which have been included in the ER's monthly Reports. No reportable incidents to date.
26	Bathymetry surveys and reports	Heron Pre Dredge PANSW Survey Complete PANSW Clearance Survey	zip. zip.	Heron-DR-RPT-0017 Heron-DR-DRW-0006	CRLA-TRANSMIT-000630	
27	IMO Report	Sea Dumping Permit Annual Report	pdf.	E&P-EN-RPT-0085	CRLA-TRANSMIT-000634	
28	Port Operation Management Plan	Heron Vessel Interaction Plan Vessel Interaction Plan Email approval from Harbour Master - Heron Email approval from Harbour Master - WWC	pdf. pdf. pdf. Mail.	Heron-DR-MPL-0060 CRLA-MA-APL-0003 Waterway-NA-MPL-0004 Waterway-GCOR-000045	CRLA-TRANSMIT-000634	

29	Complaints Register	Eden Breakwater Wharf Extension Project Complaints and Issues Register	xls.	CRLA-PM-SOW-0004	CRLA-TRANSMIT-000630	Register contains one complaint and the issue that have been identified by the community of which haven't been classified as a complaint.
30	Original Newspaper Advert	Complaints Contact Details - Advert - Eden Magnet	pdf.	CRLA-PM-APL-0002	CRLA-TRANSMIT-000630	
31	Road Dilapidation Report	Eden Road Dilapidation Report Interim Road Dilapidation Report	pdf. pdf.	CRLA-CV-RPT-005 CRLA-CV-RPT-006	CRLA-TRANSMIT-000630	
32	TSS : NTU report	Correlation of Turbidity and Total Suspended Solids	pdf.	WP-DR-RPT-0003	CRLA-TRANSMIT-000630	
33	Site waste records and hazard identification sheets	Stage 1 Sustainability Reports Heron Construction Asbestos Management Plan WWC Waste Reister Construction Asbestos Management Plan	zip. pdf. xls. pdf.	CRLA-EN-RPT-0031 Heron-DR-MPL-0065 CRLA-EN-RPT-0033 Waterway-PM-MPL-0011	CRLA-TRANSMIT-000637	
34	Lands letter to DOEE 19.04.17 confirming EPBC actions	EPBC Referral Letter of acknowledgment	pdf.	APL-000009	CRLA-TRANSMIT-000630	
35	Lands letter to DOEE 3 months after the former to confirm progress	EPBC Referral - Implementation of Measures Report - Eden Breakwater Wharf Extension Project July 2017 EPBC Referral - Implementation of Measures Report - Eden Breakwater Wharf Extension Project November 2017 EPBC Referral - Implementation of Measures Report - Eden Breakwater Wharf Extension Project May 2018	pdf. pdf. pdf.	CRLA-EN-APL-0013 CRLA-EN-APL-0014 CRLA-EN-APL-0017	CRLA-TRANSMIT-000630	
36	Lands letter / evidence that bathymetry sent to DOEE within two months of completion	Hydrographic survey data submitting evidence	pdf.	CRLA-NA-APL-0001	CRLA-TRANSMIT-000634	
37	The nomination letter for the ER	SSI 7734 Eden Breakwater Wharf Extension – Nomination of Alternative Environmental Representative	pdf.	CRLA-EN-APL-0020	CRLA-TRANSMIT-000630	
38	Approval of ER letter from Secretary DPE	DP&E Letter - Approval of ER - SMJ DP&E Letter - Approval of ER - SW	pdf. pdf.	E&P-EN-APL-0004 E&P-EN-APL-0005	CRLA-TRANSMIT-000630	
39	Approval letter from DPE Secretary on CEMP and Sub Plans	DP&E Letter - Approval of CEMP and Sub-plans DP&E Letter - Approval of CEMP and Sub-plans - STAGE 2	pdf. pdf.	CRLA-EN-APL-0007 CRLA-EN-APL-0012	CRLA-TRANSMIT-000630	
40	Approval letter from DPE Secretary on Construction Monitoring Program	See Item 39	-	-	-	-

Documents Received 2019

Item	Document Requested	Documents Sent	Format	Aconex Document No.	Aconex Mail No.	Comments
41	Complaints and Issues Register	Eden Breakwater Wharf Extension Project Complaints and Issues Register	xls.	CRLA-PM-SOW-0004	E&P-TRANSMIT-000634	
42	Underwater noise monitoring report	Underwater Noise Monitoring EBWE Piling Activities - Blue Planet Marine (2018)	pdf.	CRLA-EN-RPT-0024	E&P-TRANSMIT-000634	

43	Stage 2 Close out Workshop (Lessons Learnt)	Marine Structures Close-out Workshop Report	pdf.	E&P-PM-RPT-0014	E&P-TRANSMIT-000634	
44	Construction Compliance Report No 2	Construction Compliance Report #2	pdf.	E&P-EN-RPT-0088	E&P-TRANSMIT-000634	
45	Construction Compliance Report No 3	Construction Compliance Report #3	doc.	E&P-EN-RPT-0121	E&P-TRANSMIT-000634	
46	Benthic Infauna Survey of Disposal Ground	Benthic Infauna Survey	pdf.	E&P-EN-RPT-0126	E&P-TRANSMIT-000634	
47	EPL Annual Return 2018	EPL Annual Return 7/18 - 9/18	pdf.	E&P-EN-RPT-0108	E&P-TRANSMIT-000634	
48	Sea Dumping Annual Return 2018	Sea Dumping Permit Annual Report 2018	pdf.	E&P-DR-RPT-0002	E&P-TRANSMIT-000634	
49	Sea Dumping Annual Return 2019 (Permit Expired)	Sea Dumping Permit Annual Report 2019	pdf.	E&P-DR-RPT-0003	E&P-TRANSMIT-000634	
50	CCC Annual Report No.2	Eden Breakwater Wharf Extension CCC Annual Report 2	pdf.	E&P-PM-RPT-0015	E&P-TRANSMIT-000634	
51	Evidence of Construction Compliance Report No.2 Submission	A23 - Construction Compliance Report #2.msg	msg.	N/A	E&P-GCOR-002195	
52	Evidence of Construction Compliance Report No.3 Submission	A23 - Construction Compliance Report #3.msg	msg.	N/A	E&P-GCOR-002195	
53	Evidence of Road Dilapidation Report Submission to Council	E3 - Road Dilapidation Report - Completion.msg	msg.	N/A	E&P-GCOR-002195	
54	Heavy Lift Zone Environmental Assessment	301311-13734-EN-REP-0046_Eden HLZ Project_Final REF.pdf	pdf.	N/A	E&P-GCOR-002195	
55	Heavy Lift ZoneEA Determination	DOC19 088781 - Determination Notice - Heavy Lift Zone REF [SIGNED].pdf	pdf.	N/A	E&P-GCOR-002195	
56	Email to DOEE Regarding Whale Issue	NSW Department of Industry Mail - Eden Breakwater Wharf Extension EPBC Referral-2016_7282.pdf	pdf.	N/A	E&P-GCOR-002195	
57	Evidence of Hydrographic Survey Sent to AHO by PANSW	20- Australian Hydrographic Office email co PANSW.pdf	pdf.	N/A	E&P-GCOR-002195	
58	Evidence of Sea Dumping Permit Submission 2018	22- IMO - SD2015-3102 Annual Report 2018.pdf	pdf.	N/A	E&P-GCOR-002195	

59	Evidence of Sea Dumping Permit Submission 2019	22- IMO - SD2015-3102 Annual Report 2019.pdf	pdf.	N/A	E&P-GCOR-002195	
60	Evidence of ER Reports Submission	Submission of ER Reports.zip	zip.	N/A	E&P-GCOR-002195	
61	Weekly Inspections	Environmental Inspections.zip	zip.	N/A	E&P-GCOR-002195	
62	MMO Records	MMO Records.zip	zip.	N/A	E&P-GCOR-002196	
63	Construction Compliance Tracking Program	Const Comp Track Prg_Rev6A_20190617.xlsm	xls.	N/A	E&P-GCOR-002196	
64	Action Register	Eden Action Register-REV 37.pdf	pdf.	N/A	E&P-GCOR-002196	
64	Letter to Planning	Re: SSI 7734 Eden Breakwater Wharf Extension – 2019 Compliance Audit	pdf.	N/A	By Email	



Appendix B – Compliance Tracking Program

Condition Source		Condition Details	Audit Items
Type	Name	Condition Details	Audit Answers & Evidence
Conditions	EPBC Approval	<p>1. Piling Operation Procedures:</p> <p>a. Pre-start Observation: marine mammal observers must visually monitor the observation zone for whales for a minimum of 30 minutes before the commencement of piling. b. Soft-Start Procedure: If after the 30 minute pre-start observation no whales have been spotted within the observation zone or shut-down zone a soft start procedure may commence with a gradual increase in piling impact energy of no more than 50% of full impact energy for 10 minutes. The soft start procedure must be implemented after breaks in piling of 30 minutes or more. c. Stand by procedure: when whales are spotted within the observation zone during the soft start procedure the operator of the piling equipment must be placed on standby to shut-down the piling rig and a Marine mammal Observer should continuously monitor the whales in sight at all times. d. Normal Piling Procedure: If no whales have been sighted during the soft-start procedure full impact piling may commence</p>	<p>The project has required extensive piling operations to build the new infrastructure. Piling has the potential to impact on marine mammals and therefore a precautionary approach has been taken with the establishment of marine mammal monitoring zones and also shut down zones if marine mammals approach too closely to active piling operations.</p> <p>The auditor has inspected the MMO records and records indicate that observation was undertaken during piling and that shut down procedures were adhered to when cetaceans were in the vicinity of the works.</p> <p>It has also been noted that an underwater noise monitoring investigation campaign was undertaken within Snug Cove. The monitoring utilised the piling activities of the Breakwater Wharf Extension Project and found that there is good evidence that both the Eden Breakwater and, particularly Middle Head, provide a significant acoustic shadow for areas to the east and north of the piling location. In addition, given that there is no detection of piling noise along either Transect "East-South-East" or "North-East", there would be no impact on marine mammals moving through this area and therefore the shutdown zone in this area is precautionary. It is highly recommended that this study is passed onto relevant stakeholders for information and good practice sharing.</p>
Conditions	EPBC Approval	<p>2. Restrike testing:</p> <p>a. Before the commencement of re-strike testing, marine mammal observers must visually monitor the observation zone for whales for a minimum of 30 minutes. Re-strike testing may only commence if no whales are sighted in the observation zone or shut-down zone during this time. b. A maximum of</p>	<p>MMO records show restrike testing undertaken in line with observation requirements.</p>

Condition Source		Condition Details	Audit Items
Type	Name	Condition Details	Audit Answers & Evidence
		20 full impact strikes are to be applied to each test pile.	
Conditions	EPBC Approval	<p>3. Shut-down requirements:</p> <p>a. If visibility is poor and marine mammal observers are unable to clearly identify objects to the full observation zone distance, a vessel or aircraft search must be conducted or the piling and re-strike testing postponed until visibility has improved. b. Piling and re-strike testing is not permitted between 6.00pm and 7:00am. c. If any whales are spotted in the shut-down zone, piling and re-strike testing must cease immediately or as soon as safe to do so until the whales move outside of the shut-down zone. d. All piling and re-strike testing must cease for a minimum of 1 hour after the last sighting of whales within the shut-down zone. Piling and re-strike testing must recommence at the pre-start observation after the 1 hour shut-down has elapsed</p>	<p>MMO records seen and reviewed.</p> <ul style="list-style-type: none"> • No cases of poor visibility during piling so no requirement for other forms of spotter craft. • No night time piling identified from records. • All observations were followed by either a one hour shut down or shut down for the day is whales didn't move on. <p>Incident noted: (October 2018) National Parks Officer spotted a Whale and Calf which was not observed by the MMO team. Piling shut down occurred immediately but restart occurred following investigation and no siting of whales. Effectively no one from the Construction team saw the whales, shut down still enforced until all clear given.</p>
Conditions	EPBC Approval	<p>4. Vessel speed limits:</p> <p>a. All vessels associated with dredging and construction must travel at a speed of 10 knots or less within the port limits, en route to, or at the disposal ground. b. All cruise ships arriving at and departing from the Eden Breakwater Wharf must be aware of the potential presence of whales and maintain a suitable speed within the Port of Eden limits to avoid collisions with whales.</p>	<p>Comments from the Proponent and an email response from the Harbour Master indicates that there were no issues with vessels exceeding speed limits during the construction works. It had been noted in the previous audit by the Proponent that due to safety issues with vessel wash, vessels have been operating well below the speed limits required by the licence.</p>

Condition Source		Condition Details	Audit Items
Type	Name	Condition Details	Audit Answers & Evidence
Conditions	Sea Dumping Permit (variation)	18. DISRD must retain records required by condition 13, 14 and 17 for verification and audit purposes.	All necessary records retained and provided to auditor. Annual Reports for 2018 and 2019 sent to the relevant authorities.
Conditions	Sea Dumping Permit (variation)	20. Within two months of the final bathymetric survey being undertaken, DISRD must provide a digital copy of each of the bathymetric surveys to the Australian Hydrographic Office, Locked Bag 8801, Wollongong NSW 2500.	The bathymetric survey data was sent to the AHO on the 8 th May 2019. Email evidence seen by auditor.
Conditions	Sea Dumping Permit (variation)	22. To facilitate annual reporting to the International Maritime Organization, DISRD must report to the Department by 31 January each year, including on the day of the expiry of the permit or completion of all dumping activities under this permit, information at Appendix 2 to this permit, or in a format as approved by the Department from time to time.	Compliant. Evidence seen of completed 2018 report submitted to the IMO and dated 24th January 2019. (Sea Dumping Permit number: SD2015-3102). No further material to be removed in 2019 so additional 2019 report sent on 31st March 2019 at the end of the works to close out. Furthermore, evidence of the December 2018 Post Dredging Benthic Infauna Survey seen by the auditor.

Condition Source		Condition Details	Audit Items
Type	Name	Condition Details	Audit Answers & Evidence
Conditions	Harbour Master Approval	<p>3. Prevention of Pollution of Waters: The Proponent shall take all precautionary measures to prevent the pollution of waters of the Port of Eden by oil, oily substances, sediments and other noxious substances. The Proponent shall ensure any discharge activities are within permissible parameters. Immediately upon becoming aware of any pollution incident or pollution activity, the Proponent shall notify Port Authority of New South Wales (in addition to any other required notifications) on 0438 374 034 (24hrs) or VHF Channel 8. Any pollution incident or pollution activity, the Proponent shall contain and clean up to the satisfaction of the Port Authority of NSW and as defined by other regulatory authorities licences and approvals. Any contamination of the general port area resulting will be removed by the Proponent to the satisfaction of the Port Authority of NSW and as defined by any other regulatory authorities licences and approvals.</p>	<p>Compliant. CEMP included all measures required for prevention of pollution. Vessel Interaction Management Plan also includes detail on pollution prevention measures and has been signed off by the Harbour Master.</p> <p>No reportable incidents within the ER reports, and Proponent and Harbour Master confirmed that no reportable incidents had occurred on site. The following smaller incidents were noted.:</p> <ul style="list-style-type: none"> • September 2018 – minor hydraulic oil leak reported but dealt with quickly and no impact to environment noted. Zero environmental incidents during that month. • October 2018 – hydraulic leak failure but oil was contained by boom and pads. • February 2019 – very small leak during diving operations and cleaned up with pads. <p>Good response from ER and Environment Team evidenced as a result of these hydraulic failures – review of pre-start checklist and also the behaviour of those checking the equipment to ensure not just a ‘tick and flick’ exercise.</p>

Condition Source		Condition Details	Audit Items
Type	Name	Condition Details	Audit Answers & Evidence
Conditions	Harbour Master Approval	<p>5. Port Security: The Proponent shall comply with all requirements of the Commonwealth Maritime Transport and Offshore Facilities Security Act 2003 and Regulation 2003, and any security related directions or requests from the Port Authority of NSW (as Port Operator) which may arise. The Proponent shall ensure that any requirements relating to port security zones and/or restricted areas are met.</p> <p>As required by the Maritime Transport and Offshore Facilities Security Act 2003, all security related incidents occurring within the Port of Eden shall be immediately reported to Port Authority of NSW (as Port Operator).</p>	Compliant. No issues identified by Harbour Master.
Conditions	Harbour Master Approval	<p>6. Dangerous Goods: The Proponent shall ensure that all approvals and permits for any dangerous goods required in connection with the proposal are obtained and complied with, including obtaining relevant clearances from Port Authority of NSW.</p>	Discussion with Harbour Master from previous audit confirmed that no dangerous goods were required in connection with the works. No further issues identified by Harbour Master in 2018-2019.

Conditions	Infrastructure Approval	<p>From commencement until completion, the approved ER must: (a) receive & respond to communication from the Secretary in relation to the environmental performance of the SSI; (b) consider & inform the Secretary on matters specified; (c) consider & recommend any improvements that may be made to work practices to avoid / minimise adverse impact to the environment & to the community; (d) review all documents required under the terms of this approval, ensure they are consistent and if so, endorse them prior to submission (if required to be submitted) or prior to implementation (if not required to be submitted); (e) regularly monitor the implementation of all documents required to be prepared under the terms of this approval to ensure implementation is being carried out in accordance with what is stated & the terms of this approval; (f) notify the Secretary of an incident in accordance with Condition A33; (g) as may be requested by the Secretary, help plan, attend or undertake audits of the SSI including scoping audits, programming audits, briefings, & site visits, but not audits required under Condition A24; (h) if conflict arises between the Proponent's construction contractor & the community in relation to environmental performance, follow the procedure in the Community Communication Strategy approved under Condition B4 to attempt to resolve the conflict, & if it cannot be resolved, notify the Secretary; (i) review any draft consistency assessment that may be carried out by the Proponent, provide advice on whether the work that is the subject of the draft consistency</p>	<p>Compliant. Evidence seen in environmental reporting sheets and Environmental Reports. ER approval of all relevant reports and plans seen through version checklists in documents.</p> <p>The following ER Reports were seen and reviewed:</p> <ul style="list-style-type: none"> • 13th September 2018 • 14th October 2018 • 15th November 2018 • 16th December 2018 • 17th January 2019 • 18th February 2019 • 19th March 2019 • 20th April 2019 <p>ER undertook regular audits of the site with the contractors, followed up on incidents and also provided modifications to procedures and working methods where needed.</p>
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		<p>assessment is consistent with the terms of this approval and provide advice on any additional mitigation measures required to minimise the impact of the work; (j) consider any minor amendments to be made to the CEMP, CEMP Sub-plans & monitoring programs that comprise updating or are of an administrative nature, & are consistent with the terms of this approval and the CEMP, CEMP Sub-plans and Monitoring Programs approved by the Secretary &, if satisfied such amendment is necessary, approve the amendment. This does not include any modifications to the terms of this approval; (k) assess the impacts of minor ancillary facilities as required by Condition A11; and (l) prepare and submit to the Secretary and other relevant regulatory agencies, for information, a monthly ER Report detailing the ER's actions and decisions on matters for which the ER was responsible in the preceding month (or other timeframe agreed with the Secretary). The ER Report must be submitted within seven days following the end of each month for the duration of construction, or as otherwise agreed with the Secretary.</p>	
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Condition Source		Condition Details	Audit Items
Type	Name	Condition Details	Audit Answers & Evidence
Conditions	Infrastructure Approval	The Construction and Operation Compliance Tracking Program must be implemented for the duration of Construction and Operation, or within another timeframe agreed with the Secretary based on the outcomes of independent audits, Environmental Representative Reports and regular compliance reviews submitted through Compliance Reports.	Compliant. Evidence of compliance tracker and compliance reports seen.
Conditions	Infrastructure Approval	Construction and Operation Compliance Reports must be prepared and submitted to the Secretary for information every six months from the date of the commencement of construction or within another timeframe agreed with the Secretary.	Compliant. Construction Compliance Report no.2 dated September 2018 and Construction Compliance Report no.3 dated March 2019 seen and signed off accordingly. Evidence seen of submission to the Secretary.

Condition Source		Condition Details	Audit Items
Type	Name	Condition Details	Audit Answers & Evidence
Conditions	Infrastructure Approval	Construction and Operation Compliance Reports must include: (a) a results summary and analysis of environmental monitoring; (b) a summary of the Complaints Register required under Condition A28 including the number of any complaints received, a summary of main areas of complaint, action taken, response given and proposed strategies for reducing the recurrence of such complaints; (c) details of any review of, and minor amendments made to, the CEMP or OEMP; (d) a register of any consistency assessments undertaken and their status; (e) results of any independent environmental audits and details of any actions taken in response to the recommendations of an audit; (f) a summary of all incidents notified in accordance with Condition A33 and Condition A34 of this approval including actions taken to address the cause or impact of an incident; and (g) any other matter relating to compliance with the terms of this approval or as requested by the Secretary.	Compliance report checked and is compliant with requirements.
Conditions	Infrastructure Approval	Compliance audits of the SSI must be conducted annually, commencing within a year of the commencement of Construction, by an independent, suitably qualified and experienced expert or within another timeframe agreed with the Secretary.	Being undertaken now by a suitably qualified and approved auditor; and have commenced within a year of the last audit.

Condition Source		Condition Details	Audit Items
Type	Name	Condition Details	Audit Answers & Evidence
Conditions	Infrastructure Approval	Details of the nominated independent auditor must be submitted to the Secretary for approval no later than one month prior to the audit being undertaken.	Auditor approved on the 29th June 2018 by the Secretary. No details on the nomination of the auditor for 2019. Not Verified.
Conditions	Infrastructure Approval	A Complaints Register must be maintained for the duration of Construction and Operation.	Compliant. Complaints register seen and compliant with requirements.
Conditions	Infrastructure Approval	The following information must be available to facilitate community enquiries and complaints within one (1) month from the date of this approval: (a) a 24 hour telephone number for the registration of complaints and enquiries about the SSI; (b) a postal address to which written complaints and enquires may be sent; (c) an email address to which electronic complaints and enquiries may be transmitted; and (d) a mediation system for complaints unable to be resolved. This information must be accessible to all in the community regardless of age, ethnicity, disability or literacy level.	Compliant. Complaints register and communications plan show that residents were able to get in touch using hotline.
Conditions	Infrastructure Approval	The Complaints Register must record the: (a) number of complaints received; (b) number of people affected in relation to a complaint; (c) means by which the complaint was addressed and whether resolution was reached, with or without mediation.	Compliant. Complaints register seen and compliant with requirements. The following complaints and issues were identified: <ul style="list-style-type: none"> Dredging noise complaint by member of the public – CCC lead followed up with resident a number of times. Reasons for noises were

Condition Source		Condition Details	Audit Items
Type	Name	Condition Details	Audit Answers & Evidence
			<p>investigated but noise monitoring identified no exceedances of conditions or standards.</p> <ul style="list-style-type: none"> Spotting of whale and calf by external sources which were not seen by MMO (as noted above). Piling was stopped until investigations were concluded and an all clear provided. Piling noise information requested by a member of the public which the team followed up on successfully.
Conditions	Infrastructure Approval	The Secretary must be notified as soon as possible and in any event within 24 hours of the Proponent being made aware of any incident.	<p>No notifiable or major incidents were reported. Smaller incidents at site were reported within the weekly reporting and within the ERs audits and were dealt with at the time successfully. Furthermore, actions to prevent further similar spills were implemented.</p>
Conditions	Infrastructure Approval	Notification of an incident under Condition A33 of this approval must include the time and date of the incident, details of the incident and must identify any non-compliance with this approval.	
Conditions	Infrastructure Approval	Any requirements of the Secretary or relevant public authority (as determined by the Secretary) to address the cause or impact of an incident reported in accordance with Condition A33 of this approval, must be met within the timeframe determined by the Secretary or relevant public authority.	
Conditions	Infrastructure Approval	The SSI must be staged in accordance with the Staging Report, as submitted to the Secretary.	
			Compliant. Programme complies with Staging as detailed in the report

Condition Source		Condition Details	Audit Items
Type	Name	Condition Details	Audit Answers & Evidence
Conditions	Infrastructure Approval	A Community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Proponent, the ER, the relevant Council, the Community Consultative Committee and others directly impacted by the SSI, during Construction of the SSI and for a minimum of 12 months following the completion of Construction of the SSI.	Compliant. Document completed and evidence of being used through CCC and complaints/issues register. Evidence that still in place and in operation. It is understood that the committee will stay in existence for up to five years during operations.
Conditions	Infrastructure Approval	The Community Communication Strategy must: (a) identify people to be consulted during Construction; (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the SSI; (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the SSI; (d) set out procedures and mechanisms: i. through which the community can discuss or provide feedback to the Proponent; ii. through which the Proponent will respond to enquiries or feedback from the community; and iii. to resolve any issues and mediate any disputes that may arise in relation to environmental management and delivery of the SSI.	Community Communications Strategy complies with requirements of condition. The Community Consultative Committee (CCC) Annual Report No.2 (July 2019) has been seen and reviewed by the auditor. The minutes from CCC meetings were also seen for: <ul style="list-style-type: none"> • August 2018 • September 2018 • November 2018 • December 2018 • January 2019 • February 2019 • May 2019 Over the past year, CCC discussions have been on current construction work and identified issues, and also on the impacts of future operations. Focus in the past six months has been on the latter as the CCC start looking towards the arrival of the first cruise ships.

Condition Source		Condition Details	Audit Items
Type	Name	Condition Details	Audit Answers & Evidence
			The CCC has been administered by an external consultant for impartiality and attended by the proponent members of their consultancy and contracting team, and relevant local stakeholders and interested parties. There have been no issues raised about its running or the non-inclusion of other parties.
Conditions	Infrastructure Approval	A website providing information in relation to the SSI must be established prior to commencement of Construction and maintained for the duration of Construction and Operation. Up-to-date information (excluding confidential commercial information) must be published and maintained on the website or dedicated pages including: (a) information on the current implementation status of the SSI; (b) a copy of the documents listed in Condition A1 and Condition A2 of this approval, and any documentation relating to any modifications made to the SSI or the terms of this approval; (c) a copy of this approval in its original form, a current consolidated copy of this approval (that is, including any approved modifications to its	Compliant. Website viewed and is up to date with information and relevant documents.

Condition Source		Condition Details	Audit Items
Type	Name	Condition Details	Audit Answers & Evidence
		<p>terms), and copies of any approval granted by the Minister to a modification of the terms of this approval; (d) a copy of each statutory approval, licence or permit required and obtained in relation to the SSI including Commonwealth permits or approvals; (e) a current copy of each document required under the terms of this approval and any endorsements, approvals or requirements from the ER and Secretary, all of which must be published prior to the commencement of any works to which they relate or prior to their implementation as the case may be; and (f) the outcomes of compliance tracking required under this approval.</p> <p>Information relating solely to construction may be removed from the website 12 months following completion of construction.</p>	
Conditions	Infrastructure Approval	<p>Any future amendments to the CEMP or CEMP Sub-plans are to be submitted to the Secretary for approval, other than amendments that can be approved by the ER under Condition A16(j).</p>	<p>An update to the Community Communication Strategy was prepared and an amendment made to the CEMP. This was made under Condition A16(j) by the ER.</p> <p>A further update to the OEMP was made in 2018, regarding cruise ship noise and air quality conditions but as this is for the operational elements of the project it has not been considered further within this audit.</p>

Condition Source		Condition Details	Audit Items
Type	Name	Condition Details	Audit Answers & Evidence
Conditions	Infrastructure Approval	The Construction Monitoring Programs, as approved by the Secretary including any minor amendments approved by the ER in accordance with Condition A16 must be implemented for the duration of construction and for any longer period set out in the monitoring program or specified by the Secretary, whichever is the greater.	<p>Monitoring programmes were in place for the entire scheme. This was augmented by an additional marine mammals study and a noise and vibration assessment by ERM. The construction compliance reporting highlights findings from:</p> <ul style="list-style-type: none"> • Noise and vibration monitoring – Stage 2 marine works • Marine mammal observation procedures • Water quality monitoring on a daily basis
Conditions	Infrastructure Approval	The results of the Construction Monitoring Programs must be submitted to the Secretary, and relevant regulatory agencies, for information in the form of a Construction Monitoring Report at the frequency identified in the relevant Construction Monitoring Program.	Monthly Environmental Reports were provided along with six monthly Construction Compliance Reports. Monthly reports contained relevant noise and marine ecology monitoring results and were sent to the relevant authorities as requested.
Conditions	Infrastructure Approval	A Road Dilapidation Report must be prepared for all roads within the control of Council proposed to be used by heavy vehicles prior to the commencement of use by such vehicles. Copies of the Road Dilapidation Report must be provided to Council within three weeks of completing the surveys and no later than one month prior to the commencement of construction of the SSI.	Compliant. Road dilapidation report sent to the Local Council on the 4 th July 2019. This was within three weeks of the completion of the report on the 12 th June 2019.

Condition Source		Condition Details	Audit Items
Type	Name	Condition Details	Audit Answers & Evidence
Conditions	Infrastructure Approval	The SSI is to be constructed and operated to minimise noise impacts on surrounding residents.	<p>Compliant. Noise reduction measures have been incorporated and monitoring undertaken. Heron took all possible measures to reduce noise as far as possible during dredging works including lagging the engine room of the dredgers and undertaking dredging in locations as far from residences as possible during night dredging. Evidence of consultation with residents regarding construction noise and monitoring and minimising noise as far as possible.</p> <p>One complaint was made about the duration of the works and the Consultation Team made contact with the stakeholder.</p>
Conditions	EPL - Licence 20942	<p>All records required to be kept by this licence must be:</p> <p>a) in a legible form, or in a form that can readily be reduced to a legible form;</p> <p>b) kept for at least 4 years after the monitoring or event to which they relate took place; and</p> <p>c) produced in a legible form to any authorised officer of the EPA who asks to see them.</p>	The EPL was surrendered by the proponent in September 2018. All previous records are stored on the proponents server storage and based on the previous audit are easily obtained and reviewed.
Conditions	EPL - Licence 20942	<p>The following records must be kept in respect of any samples required to be collected for the purposes of this licence:</p> <p>a) the date(s) on which the sample was taken;</p> <p>b) the time(s) at which the sample was collected;</p> <p>c) the point at which the sample was taken; and</p> <p>d) the name of the person who collected the sample.</p>	The EPL was surrendered by the proponent in September 2018. All previous records recorded the required information.

Condition Source		Condition Details	Audit Items
Type	Name	Condition Details	Audit Answers & Evidence
	EPL - Licence 20942	The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies	<p>Two issues were received through the 1800 community complaints telephone:</p> <ul style="list-style-type: none"> • National Parks Officer and a Marine Discovery Centre staff member who were observing a whale, notified the project team on completion of piling and noted that the whale did not show any signs of distress and had moved away from the area not long after piling had commenced. • A community member enquired about the duration of the piling as it was stated that the piling would take 8 months to complete weather permitting and that she suffers from migraines and the piling is causing her to take additional medication. <p>Compliance Report No3 identifies that the issues were investigated, and the findings and an offer of further consultation were provided. Additional mitigation measures were implemented during piling to ensure that the Marine Mammal Observer's blind spot was checked prior to piling commencing.</p>
	EPL - Licence 20942	The record must include details of the following: a) the date and time of the complaint; b) the method by which the complaint was made; c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; d) the nature of the complaint; e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and	Complaints register seen and records compliant with requirements.

Condition Source		Condition Details	Audit Items
Type	Name	Condition Details	Audit Answers & Evidence
		f) if no action was taken by the licensee, the reasons why no action was taken.	
	EPL - Licence 20942	The record of a complaint must be kept for at least 4 years after the complaint was made.	Compliant. Records seen and in place at this moment in project.
	EPL - Licence 20942	The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence	Compliant. Details recorded within Community Communications Strategy and evidence of line being used in complaints/issues register. The 1800 Hot line has recently been closed down (auditor tried the number) given that the construction works have finished but it was noted that PANSW are now providing a 24/7 telephone hotline for questions and concerns going forward into cruise operations.

Appendix C – Audit Certification Form

Independent Audit Certification Form

Independent Audit Certification Form	
Development Name	Eden Wharf Extension
Development Consent No.	SSI 7734
Description of Development	Extension to the existing wharf at Port of Eden and capital dredge of the wharf berth. The project is to allow larger cruise ships to berth at the wharf
Development Address	4 By Street, Eden, 2551
Operator	Department of Industry - Lands & Water
Operator Address	Maritime Infrastructure Delivery Office Unit 1 & 2, 83 Upper Street Bega NSW 2550
Independent Audit	
Title of Audit	Eden Port Wharf Extension Independent Environmental Audit 2019
<p><i>I certify that I have undertaken the independent audit and prepared the contents of the attached independent audit report and to the best of my knowledge:</i></p> <ul style="list-style-type: none"> <i>The audit has been undertaken in accordance with relevant approval condition(s) and in accordance with the auditing standard AS/NZS ISO 19011:2014 and Post Approval Guidelines – Independent Audits</i> <i>The findings of the audit are reported truthfully, accurately and completely;</i> <i>I have exercised due diligence and professional judgement in conducting the audit;</i> <i>I have acted professionally, in an unbiased manner and did not allow undue influence to limit or over-ride objectivity in conducting the audit;</i> <i>I am not related to any owner or operator of the development as an employer, business partner, employee, sharing a common employer, having a contractual arrangement outside the audit, spouse, partner, sibling, parent, or child;</i> <i>I do not have any pecuniary interest in the audited development, including where there is a reasonable likelihood or expectation of financial gain or loss to me or to a person to whom I am closely related (i.e. immediate family);</i> <i>Neither I nor my employer have provided consultancy services for the audited development that were subject to this audit except as otherwise declared to the lead regulator prior to the audit; and</i> <i>I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from fair payment) from any owner or operator of the development, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.</i> <p>Note.</p> <p>a) <i>The Independent Audit is an 'environmental audit' for the purposes of section 122B(2) of the Environmental Planning and Assessment Act 1979. Section 122E provides that a person must not include false or misleading information (or provide information for inclusion in) an audit report produced to the Minister in connection with an environmental audit if the person knows that the information is false or misleading in a material respect. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000.</i></p> <p>b) <i>The Crimes Act 1900 contains other offences relating to false and misleading information: section 192G (Intention to defraud by false or misleading statement—maximum penalty 5 years imprisonment); sections 307A, 307B and 307C (False or misleading applications/information/documents—maximum penalty 2 years imprisonment or \$22,000, or both).</i></p>	
Signature	
Name of Lead / Principal Auditor	Dr Martin Budd
Address	56 Berry Street North Sydney, NSW, 2060
Email Address	martin.budd@rhdhv.com
Auditor Certification (if relevant)	PWC51615 Applied Diploma of Quality Auditing; Integrated Management Systems Lead Auditor Exemplar Global (3393614-11859-1776411)
Date:	7 th August 2019