

INDEPENDENT ENVIRONMENTAL AUDIT EDEN CRUISE WHARF OPERATIONS - SSI 7734 CRUISE SHIP AND EXTENDED USE OPERATIONS FINAL REPORT



Facility Operator:	Port Authority of NSW
Project:	Eden Cruise Wharf – Operation - Cruise Ship and Extended Use
Scope:	All relevant / triggered conditions of the NSW Infrastructure approval SSI 7734 (including MOD 1 and MOD 2), and relevant requirements of the EPBC Act Referral Decision 2016/7828.
Location(s)	Eden Cruise Wharf – End of Weecoon Street, within Snug Cove, Twofold Bay, Eden
Audit Dates:	2 and 4 December (site inspection) and 9 December (online remote interviews and evidence reviews)

Revision no.	Author / Auditor	Purpose / Change	Date
0.1	Julie Dickson	Draft for review/comment	9 January 2023
1.0	Julie Dickson	Final for issue	7 February 2023

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EXECUTIVE SUMMARY

An Independent Environmental Audit (IEA) was conducted of the operation of the Eden Cruise Wharf (also referred to as the Eden Cruise Facility or Breakwater wharf extension) in December 2022 as required by the State Significant Infrastructure (SSI) Approval SSI-7734. The objective of this Independent Environmental Audit was to assess the performance of and compliance with the relevant conditions of the SSI Approval at the Port of Eden and to recommend measures or actions to improve performance in accordance with Condition A27.

The scope of the audit included all SSI conditions of approval and EPBC referral requirements relevant to the operation of the Eden Cruise Wharf, and the implementation of the approved Operational Environmental Management Plan (OEMP), Extended Use OEMP and OEMP Sub-Plans.

Under Condition A24 of the Approval, an independent compliance audit is required to be conducted annually, commencing within a year of commencement of construction. Operation commenced in September 2019, however a ban on cruise ships due to COVID-19 in early 2020 resulted in the cessation of cruises visiting Eden until recommencement in July 2022. As such, this first audit of operations was conducted in December 2022 as agreed by NSW Department of Planning and Environment (DPE) in correspondence dated 26/10/2020.

Overall, it was determined that there was a high level of compliance to the conditions of approval, however, one (1) non-compliance, one (1) Observation and one (1) Opportunity for Improvement was raised at this audit (see Table 4 for details).

The non-compliance related to:

- One of the approved SSI documents, the Community Communication Strategy (CCS) had not been uploaded to the project website.

It was considered by the auditor that the above non-compliance was administrative in nature, and had minimal, if any material effect on environmental performance of the project.

One Observation (OBS) and one Opportunity for Improvement (OFI) were also raised at this audit. In summary these related to:

- Some website information was not fully up-to-date at the time of the audit;
- Some project documentation did not include issued dates.

The OBS and OFI were minor in nature, however it is recommended that they are considered and addressed.

Overall, the outcomes of the audit were positive, with the following key strengths recognised:

- ✓ No complaints or pollution incidents recorded on the project for operations;
- ✓ No recorded non-compliant cruise ships reported since commencement of operations;
- ✓ Effective community communications processes;
- ✓ Site inspections covering key areas of environmental and community management conducted whenever cruise ships come into the port;
- ✓ Effective management of the movement of passengers from the cruise ship including the use of volunteers to provide directions and local information;
- ✓ Noise control measures well understood, implemented and effective;
- ✓ Extensive training and induction program, and operators appeared well aware of requirements;
- ✓ Solar panels and energy efficient lighting have been installed at the Eden Welcome Centre;
- ✓ Extensive procedures in place for emergency prevention and response.

The auditor would like to thank Port Authority of NSW management and personnel for their cooperation, assistance and provision of relevant documents and records.

Audit Definitions and Abbreviations

Abbreviation / Term	Explanation
BVSC	Bega Valley Shire Council.
CCC	Community Consultative committee.
CCS	Community Communication Strategy.
Complaint	A written or verbal expression of dissatisfaction about an activity, or proposed activity, or failure to act by the Operator, Duty Manager Cruise Operations (DMCO) or anyone else directly or indirectly related to the Facility.
Compliance Audit	Has the same meaning as Independent Environmental Audit (IEA).
Council	Bega Valley Shire Council.
DPE	Department of Planning and Environment (formerly Department of Planning, Industry and Environment).
DMCO	Duty Manager Cruise Operations.
EIS	The Eden Breakwater Wharf Extension State Significant Infrastructure – Environmental Impact Statement, dated 3 November 2016.
EPBC 2016/7828	Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) Referral Decision dated 13 April 2017.
EU OEMP	Extended Use Operational Environmental Management Plan.
Extended Use	Use of the Facility when not occupied by a cruise vessel by fishing vessels, tugs, barges, lines boats, yachts and other vessels with sizes up to 100 metres in length.
Facility	Eden Cruise Ship Facility, including all infrastructure required to allow cruise ships to berth at the extended Eden Breakwater Wharf and land side areas, facilities and services for management of passengers' visitation including disembarkation, embarkation and transport. It is also known as the Eden Cruise Wharf.
IEA	Independent Environmental Audit – an independent and objective assessment of the environmental performance and compliance status of a project.
Infrastructure Approval	Infrastructure Approval (SSI) 7734 issued by the Executive Director, Priority Projects Assessment (as delegate of the Minister for Planning) Department of Planning and Environment under Section 115ZB of the Environmental Planning and Assessment Act 1979, (dated 5 July 2017) as modified on 7 November 2018 (Mod 1) and on 21 October 2020 (Mod 2).
MARPOL	International Convention for the Prevention of Pollution from Ships.
MARPOL Annex V1	Regulations for the Prevention of Air Pollution from Ships.
OCR	Operation Compliance Report
OEMP	Operational Environmental Management Plan
Operator	The Port Authority of New South Wales is the Operator for the Facility and responsible for overall compliance with the OEMP, and the operational aspects of the Infrastructure Approval Mod 1 and Mod 2 and EPBC Act Referral Decision.
PANSW	Port Authority of New South Wales.
PFSO	Port Facility Security Officer – responsible for day-to-day security of the port facility where they are employed
Port	Port of Eden.
Relevant Maritime Authority	Port Authority of NSW.
RTS	Response to Submissions Report
SSI	State Significant Infrastructure.

1.0 INTRODUCTION

1.1. Requirement for the audit

This independent environmental audit is required under Conditions A24 to A27 of the NSW Infrastructure Approval SSI 7734. Condition A24 requires that “*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 Planning Secretary*”.

The first compliance audit / Independent Environmental Audit (IEA) for the project was undertaken in August and September 2018 with the audit report issued in October 2018. The second Independent environmental audit was undertaken in July 2019 at a time between construction activities ending and cruise operations commencing, and as such, was considered to be a construction and pre-operation audit. Both of these audits were undertaken by Royal HaskoningDNV and issued to the then proponent, the NSW Department of Industry.

The first operational phase audit was due to be conducted in July 2020, however due to the government ban on cruise ships due to COVID-19 from early 2020 until April 2022, no operational independent audits had been undertaken until this audit (as agreed by the former Department of Environment and Industry, now Department of Planning and Environment, in correspondence dated 26/10/2020.). The first cruise ship after the ban arrived at the Eden Wharf on 12 July 2022.

This first annual operational IEA (this report) was conducted in December 2022 by Julie Dickson of Dickson Environmental Consulting and Audit (DECA) in accordance with the requirements of Conditions A24 to A27.

1.2. Project Background

The Eden Cruise Wharf (also referred to as the Eden Cruise Facility, or the Facility) is located on land within Snug Cove and the bed of Twofold Bay, within the Port of Eden (the Port) on the Sapphire Coast of New South Wales (NSW). The Facility was declared State Significant Infrastructure (SSI) by the Minister for Planning and was constructed by the former New South Wales (NSW) Department of Industry – Crown Lands (DoI) (now part of the DPE). Construction of the Facility was completed in August 2019 and operation commenced in September 2019.

The key approvals for the Operation of the Facility are the State Significant Infrastructure (SSI) Approval No. 7734, Modification 1 (MOD 1) of Infrastructure Approval SSI 7734 dated 7 November 2018, Modification 2 (MOD 2) of Infrastructure Approval SSI 7734 – dated 21 October 2020, and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) Referral Decision 2016/7828.

The Facility comprises the Eden Breakwater Wharf Extension (the extended Wharf, or Eden Cruise Wharf), and all associated infrastructure required to allow cruise ships to berth and land side areas, facilities and services for management of passenger visitation including disembarkation, embarkation and transport.

As per the original Approval, the Eden Cruise Wharf project comprised dredging of the bed of Snug Cove/ Twofold Bay, an extension of the existing Breakwater Wharf by approximately 95m, installation of three mooring dolphins and two berthing dolphins, installation of three mooring bollards on the existing wharf, extension of existing services (lighting, potable water and emergency fire-fighting water), and installation of navigation aids.

MOD 1 allows the operation of the extended wharf for use by up to 60 cruise ships per annum and associated land-based facilities and services for management of passenger visitation including disembarkation, embarkation and transport.

MOD 2 allows any other types of non-cruise vessels up to 100m in length to berth 24 hours/day and carry out operations such as load/unload, refuel, carry out maintenance and servicing, and passengers embarking/disembarking at the Eden Cruise Facility between 7:00am to 10:00 pm.

An Operational Environmental Management Plan (OEMP), relating to the use of the Facility for cruise ship berthing and outlines the roles and responsibilities, management, controls and monitoring of those activities was prepared in 2019 by the then proponent, Department of Industry. Various Sub-Plans were also prepared as part of the OEMP.

A further Extended Use OEMP relating to the use of the Eden Cruise Wharf by vessels of sizes up to 100m in length at times when the Eden Cruise Wharf is not used by cruise ships was prepared by the operator, Port Authority of NSW. "Extended Use" is referred to as the use of the Facility when not occupied by a cruise ship by any vessels up to 100m in length as described in Section 2.2 and the MOD 2 Assessment Report (MOD 2).

The operation of the Facility, including the implementation of the Cruise Ship OEMP and the Extended Use OEMP is the responsibility of the Port Authority of NSW (PANSW).

1.3. Auditor Credentials

Audit Organisation:	Dickson Environmental Consulting and Audit Pty Ltd
Auditor & Report Author:	Julie Dickson
Auditor Qualification:	Exemplar Global Lead / Master Environmental Auditor Accreditation no. 13573 (exp June 2023)
Affiliations:	EIANZ Certified Environmental Practitioner, Reg. no. 221

1.4. Audit Objectives, Scope & Criteria

The objective of this Independent Environmental Audit was to assess compliance with the conditions of approval for the operation of the Eden Cruise Wharf in accordance with Conditions A24 to A27 of the Infrastructure Approval SSI 7734 and the operational components of the EPBC Act Referral Decision 2016/7828. Condition A27 requires that the audit report must:

- (a) assess the environmental performance of the SSI, and its effects on the surrounding environment;
- (b) assess whether the project is complying with the terms of this approval;
- (c) review the adequacy of any document required under this approval; and
- (d) recommend measures or actions to improve the environmental performance of the SSI, and improvements to any document required under this approval.

The audit scope and criteria therefore included:

- Site Inspection of the Eden Cruise Wharf including review of implementation of commitments made in the project OEMP and Extended Use OEMP and related Sub-Plans to assess its effects on the surrounding environment;
- Assessment as to whether the project is complying with all relevant / triggered conditions of the NSW Infrastructure Approval SSI 7734;
- Assessment of documents required under the approval to determine their adequacy for the operation of Eden Cruise Wharf; and
- Assessment as to whether the project is complying with relevant / triggered "measures" of the EPBC Act Referral Decision 2016/7828. (Note -only one operational "measure" is triggered).

Recommended measures and actions to improve the environmental performance of the SSI and improvement to documents required under the approval are included in Table 4 of this report - Audit Findings, actions and recommendations.

The assessment against the full NSW conditions of approval and OEMP audit criteria are reflected within the Audit Tables in Appendix D of this report. The measure from the EPBC Act Referral decision is addressed in section 3.3.4 of this report.

1.5. List of Approvals and documents audited / reviewed

- Infrastructure Consolidated Approval SSI 7734 dated 15 February 2015 (incorporating Modification 1 – approved 7 November 2019 and Modification 2 – Approved 21 October 2020);
- EPBC Act Referral Decision 2016/7828 (not a controlled action if undertaken in a particular manner) dated 13 April 2017;
- Eden Cruise Ship Facility Operational Environmental Management Plan (OEMP) by NSW Department of Industry, dated 7 June 2019, Rev 0 (Department reference number DOC/19/017986);
- Extended Use Operational Environmental Management Plan, Eden Breakwater Wharf Extension October 2020 by Port Authority of NSW (no issue date or Rev No);
- Traffic Transport and Access OEMP Sub-Plan, Eden Cruise Ship Facility, September 2019 by Port Authority of NSW (no issue date or Rev No);
- Eden Cruise Ship Facility - Operational Environmental Management Plan – Noise OEMP Sub-Plan by NSW Department of Industry, dated 7 June 2019, Rev 0;
- Eden Cruise Ship Facility – Operational Environmental Management Plan, Air Quality OEMP Sub-Plan by NSW Department of Industry, dated 7 June 2019, Rev 0;
- Eden Cruise Ship Facility – Operation Compliance Tracking Program, Document No DOC19/170684 by Port Authority of NSW dated 02 August 2019, Rev 0A;
- Eden Cruise Ship Facility – Pre-Operation Compliance Report by NSW Department of Industry, dated 19 July 2019, Rev 0;
- Eden Cruise Ship Facility Operation Compliance Report (including Air Quality Monitoring Report Summary) 2019/2020 Cruise Season by Port Authority of NSW (no issue date or Rev No.);
- Eden Cruise Ship Facility Operation Compliance Report 2020/2021 Cruise Season and Extended Use (no issue date or Rev No.);
- Eden Cruise Ship Facility Operation Compliance Report 2021/2022 Cruise Season and Extended Use (no issue date or Rev No.);
- Port of Eden Air Quality and Meteorological Monitoring Report – April 2019 by ERM Australia on behalf of the Port Authority of NSW dated 19 June 2019;
- Port of Eden Air Quality and Meteorological Monitoring Report – February 2020 by ERM Australia on behalf of the Port Authority of NSW, dated 23 March 2020;

Other documents, records, and correspondence sighted and reviewed to verify compliance are included in Appendix D - Audit Tables

1.6. Period covered by the Audit

This is the first operational audit of compliance against the NSW Infrastructure Approval SSI 7734, and covers the period from commencement of operations on 15 September 2019 to the commencement of this audit in December 2022. The audit was held on separate days in December 2022, commencing with a site inspection on 2 December (Extended Use facilities), followed by a site inspection on 4 December (Cruise operations) and off-site (online) interview on 9 December 2022. Further review of evidence was undertaken later in the month of December 2022.

2.0 AUDIT PROCESS AND METHODOLOGY

This Independent Environmental Audit was conducted as the first operational IEA of the of the Eden Wharf Cruise Facility in accordance with Schedule 2, Conditions A24 to A27 of the SSI 7734 Approval and is aligned with the DPIE Post Approval Requirements, May 2020. Whilst the requirements of the Post Approval Requirements were generally adhered to, due to the timing of the Approval (pre-2018), the consultation requirements were not required to be implemented on agreement with the Department of Planning (see Appendix C - Department of Planning correspondence – consultation requirements).

Audit Tables were developed for the audit, based on the relevant, operational conditions of approval, and included key commitments made in the approved OEMP, OEMP Sub-Plans and Extended Use OEMP.

A site inspection / site visit checklist was also developed to provide a focus for on-site verifiable items, based on the key commitments made in the approved OEMP, EU OEMP and related sub-plans.

The audit was conducted both on-site (site inspection and interviews with key management) and off-site (interview with the Senior Environmental Planner – Port Authority of NSW via Microsoft Teams).

Post-audit activities included communications with the auditees for the provision of audit evidence as required, provision of a draft report, and consideration of comments by the Port Authority following the issue of the draft report for completion of the final audit report.

The audit was conducted in accordance with the AS / NZS / ISO 19011:2018 – Guidelines for Auditing Management Systems.

2.1. Selection and Approval of the Auditor

Condition A24 of the Approval requires that the compliance audits of the SSI must be conducted “...by an independent, suitably qualified and experienced expert or within another timeframe agreed with the Planning Secretary”. The auditor (Julie Dickson) is independent of the Port Authority of NSW and the project and has certified this in the Auditors Declaration of Independence in Appendix A of this report. Julie is a certified Lead / Master Environmental Audit with Exemplar Global (Previously RABQSA). A Master Auditor is defined as a Lead Auditor who has been certified for more than 12 years.

Condition A25 requires that “*Details of the nominated independent auditor must be submitted to the Planning Secretary for approval no later than one month prior to the audit being undertaken*”. The auditor was nominated in a letter from the Port Authority NSW to DPE on 1 November 2022, and the audit commenced on 2 December 2022, which is within the one-month requirement.

The selection of the auditor was approved in a letter by DPE dated 14 November 2022 (refer to Appendix B – Independent Auditor Approval).

2.2. Compliance Findings Ratings

Table 1: Compliance findings rating (as per DPIE Independent Audit Post Approval Requirements)

Status	Description
Compliant	A rating of “compliant” is given when the auditee has complied with a condition, element of a condition, or measure required by a management plan, report or program etc.
Non-compliant	A rating of “non-compliant” is given when the auditee has not met a condition, element of a condition or measure required by a management plan, report or program etc.
Not Triggered	A requirement has an activation or timing trigger that has not been met during the temporal scope of the audit being undertaken (may be a past or future requirement), therefore an assessment of compliance is not relevant).

* Note: where Port Authority were unable to provide sufficient verifiable evidence to fully demonstrate compliance or non-compliance, a determination was made by the auditor based on available information. Limitations on completeness of evidence are documented in the Audit Tables

2.3. Explanation of Finding Classifications

Table 2 – Audit Findings classifications (within “compliant” status descriptors)

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

2.4. Audit Attendees

NAME	POSITION	LOCATION
Ricardo Prieto-Curiel	Senior Environmental Planner – Port Authority of New South Wales	Microsoft Teams – online
Paul Webster	Port of Eden Harbour Master	Eden Welcome Centre
Natalie Godward	Cruise Development Manager / Duty Manager Cruise Operations (DMCO)	Eden Welcome Centre

2.5. Audit Disclaimer

This report is based on the scope provided by Port Authority NSW and the conditions of approval and does not assert to be a definitive confirmation of compliance or otherwise to all Conditions of Approval or conformance obligations contained within the Project documents. The audit was conducted on a sampling basis in accordance with the principles of ISO 19011:2018. Whilst all due care, diligence and professional judgment were exercised, it cannot be guaranteed that all areas of non-compliance, or non-conformance have been detected or identified.

3.0 AUDIT FINDINGS

3.1. Compliance summary

Table 3 – Summary of compliance against audit criteria

Assessment Area	Key Criteria	No. of compliant conditions / items	STATUS		
			Compliant		Non-Compliant
			OFI	OBS	NC
Sch 1 – MODs 1 & 2	Operation of the extended wharf for use by up to 60 cruise ships per annum and allow vessels up to 100m in length (non-cruise ships) to use facilities	2			
Part A – Administrative Conditions (A1-A40)	General, Compliance Tracking and Reports, Compliance Auditing, Complaints, Incidents	20			
Part B – Community Information and Reporting (B1-B6)	Community Consultative Committee, Community Communication Strategy, Provision of Electronic Information	5		1	1
Part D – Operational Environmental Management (D1-D14)	OEMPs for cruise and extended use, OEMP sub-plans, Operational Air Quality Monitoring,	15			
Part E – Key Issue Conditions (E1 – E)	Operational hours, Traffic Transport and Access, Noise, Air Quality, Lighting	10			
EPBC Referral 2016 / 7828	Cruise ship speed	1			
Management Plan implementation	OEMP, and sub-plan implementation – Cruise ships	17			
Management Plan Implementation	OEMP – Extended Use implementation	11			
Document management	Adequacy of documents	1	1		
TOTALS		82	1	1	1

3.2. Audit findings, actions and recommendations

Table 4 – Independent Audit Findings, actions and recommendations

No	Condition / requirement Reference	Requirement	Audit Finding	Agreed Actions / Recommendations	Finding no. & rating (NC, OBS/ OFI)	Compliance Status
1.	Cond B6 (e)	<p><i>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:</i></p> <p>(e) a current copy of each document required under the terms of this approval and any endorsements, approvals or requirements from the ER and Planning 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;</p>	The Community Communication Strategy (CCS) had not been uploaded to the project website	Upload a copy of the Community Communication Strategy to the project website	NC	Non-compliant

No	Condition / requirement Reference	Requirement	Audit Finding	Agreed Actions / Recommendations	Finding no. & rating (NC, OBS/ OFI)	Compliance Status
2.	Cond B6 (a & f)	(a) information on the current implementation status of the SSI	It was noted that the Eden Cruise Website still states that <i>“at this point in time it is not known when operations will recommence”</i> under the heading Previous Modification of Project – Approved	Update the project website to reflect that cruise ships are now operating;	OBS	Compliant Observation
3.	Documents General	Condition A27(c) requires a review the adequacy of any document required under this approval.	Whilst the OEMP and related documents were generally assessed as adequate, the following Operation Compliance Reports (OCRs) did not include date issued: <ul style="list-style-type: none"> – Eden Cruise Ship Facility Operation Compliance Report 2019/2020; – Eden Cruise Ship Facility Operation Compliance Report 2020/2021; – Eden Cruise Ship Facility Operation Compliance Report 2021/2022. 	Recommendation: Ensure that all future OCRs include dates issued.	OFI	Compliant Opportunity for Improvement

3.3. Summary of Environmental Performance

Overall, it was determined that there was a high level of compliance to the conditions of approval, however, one (1) non-compliance was raised. It was considered by the auditor that the non-compliance was technical and had no material effect on environmental performance of the project.

In addition, one Observation and one Opportunity for Improvement were also raised, and again, it is considered that these had no material effect on the environmental performance of the project (refer to Table 4 – Audit findings, actions and recommendations).

Key strengths identified included:

- Evidence was readily available both at Head Office (remotely) and at the site;
- There have been no complaints or pollution incidents recorded on the project for operations;
- There have been no recorded non-compliant cruise ships reported since commencement of operations;
- Effective community communications processes in general, and when a ship required overnight berthing due to extenuating circumstances in October 2022;
- Site inspections conducted whenever cruise ships come into the port;
- Traffic and transport relating to the movement of passengers from the cruise ship was appropriate;
- Volunteers on the cruise ship days enhanced the effectiveness of traffic and passenger movements;
- Evidence was provided to confirm that noise control measures such as “no deck announcements or music from open decks” were well understood and implemented;
- Extensive induction material in various modules have been developed to ensure staff and contractors are aware of environmental and community requirements;
- Solar panels and energy efficient lighting have been installed at the Eden Welcome Centre
- Extensive procedures are in place for emergency response and management of non-cargo oil transfers;

3.3.1. Compliance with Infrastructure Approval

Schedule 1 - Modifications 1 and 2

Modification 1 allows the operation of up to 60 cruise ships to visit the Port of Eden per annum. At the time of the audit, 11 cruise ships had visited and used the Facility during the current cruise season, which was well beneath the maximum limit. Audit Table 1 includes the assessment against criteria.

Modification 2 allows any other types of non-cruise vessels up to 100m in length to load/unload, refuel, carry out maintenance and servicing, and passengers embarking/disembarking at the Eden Cruise Facility. It was advised that only vessels up to 100m in length have been allowed to undertake these activities at the wharf, unless allowed under a separate approval (refer to Audit Table 1).

The OCRs show the records of vessels that visited the Facility.

Based on the above, the project has complied with the requirements of MOD1 and MOD2.

Schedule 2 – Administrative Conditions – Part A

No non-compliances or other findings were identified in relation to Administrative Conditions. Audit Table 2 includes the detailed assessment against criteria. Overall, the operation of the Eden Cruise Wharf has been undertaken in compliance with the EIS, Response to Submissions, the Modifications Assessments and other administrative requirements. The Compliance Tracking programs have been appropriately implemented through the preparation and submission of Operation Compliance Reports (OCRs) to DPE, and no complaints or environmental incidents have been reported since the commencement of operations. Whilst the OEMP, related documents and OCRs were generally assessed as adequate, the OCRs did not include date issued. It is therefore recommended that all OCRs include the date issued (refer to Opportunity for Improvement).

The timing of Compliance / Independent Environmental Audits has been significantly affected by the ban on cruise ships due to COVID-19 during 2020 and 2021, however this audit was conducted within the timeframes appropriate to the lifting of the cruise ban and agreed to by the Department of Planning and Environment.

Schedule 2 – Community Information and Reporting – Part B

Overall, community consultation, provision of information and reporting was found to be effective, however one non-compliance was raised in relation to an approved document (Community Communication Strategy) not being uploaded to the project website. Audit Table 3 includes the detailed assessment against criteria.

The Community Consultative Committee was established prior to the construction of the project and has been ongoing throughout construction and operation, with minutes uploaded to the project website.

A website had been established prior to construction by the Department of Industry, and since the responsibility for the operation of the Eden Cruise Wharf was transferred to the Port Authority of NSW, additional operational project documents have been provided on the Eden Cruise Wharf website.

Whilst the majority of information on the website was current, an Observation was raised in relation to an instance in which some information was out of date in the section relating to the Previous Modification stating “*at this point in time it is not known when operations will re-commence*”.

Schedule 2 – Construction Environmental Management – Part C

Part C of the SSI Approval – Construction Environmental Management, is not relevant to this audit and has been excluded from the scope.

Schedule 2 - Operational Environmental Management – Part D

No non-compliances or other findings were raised regarding Operational Environmental Management. Audit Table 4 includes the detailed assessment against criteria.

An Operational Environmental Management Plan (OEMP), an Extended Use OEMP and OEMP Sub-Plans have been prepared as required, and a review of these Plans found that they meet the specific requirements of the conditions of approval. The Plans are generally adequate and appropriate for the operation of the facility.

The Air Quality Operation Monitoring Program was implemented as required during the 2019/20 cruise season as per Condition D12. The monitoring station was run continuously from the 4 September 2019 to the 31 March 2020, including the entire 2019/20 cruise season. The Port Authority submitted a letter to DPIE dated 23 March 2020 with an analysis of the air quality monitoring results during the 2019/20 cruise season.

In May 2020, DPE approved the suspension of the air quality monitoring program for the 2020/21 and 2021/22 cruise seasons predominantly due to the cessation of operation due to the COVID-19 pandemic. It was also noted that there were no recorded exceedances in the Air Quality Monitoring Report for the 2019/2020 cruise season”.

The Port Authority also sought the continued suspension of the Air Quality Monitoring Program during 2022/2023 cruise seasons based on monitoring results to date and lack of exceedances. The Planning Secretary agreed to the ongoing suspension of the Air Quality Monitoring Program for season 2022/2023, with monitoring required to recommence for the 2023/2024 cruise season.

Schedule 2 – Key Issue Conditions – Part E

No non-compliances or other findings were raised in regards to the Key Issue Conditions.

The majority of the key issue conditions were assessed and verified through the site inspection and interview process on site and are addressed in Audit Table 5.

At the time of the audit, there had been one instance in which a cruise ship has been required to remain at the berth overnight (in October 2022) due to extenuating circumstances, and this was justified due to very unsafe weather conditions including strong winds. The ship left the berth at 6:00am the following day, and appropriate community communications and notifications were undertaken.

The Traffic Transport and Access Management Plan was updated by the Port Authority to include upgrades to bus parking bays, and the site visit verified appropriate implementation of the requirements including provision of passenger transport services, bus parking bays, waiting areas, personnel to oversee pedestrian movements, and safe pedestrian access to the town centre.

The site inspection, interviews and reviews of inspection checklists and other documentation verified that the majority of noise and air quality mitigation measures identified in the Noise and Air Quality Management OEMP Sub-Plans had been appropriately implemented. It should be noted however, that not all requirements could be fully verified (such as that the ships engine, generator, exhaust and ventilation systems were adequately maintained or met MARPOL emissions requirements) as it was not possible or practicable to undertake an on-board inspection of the ships systems. The site inspection did not identify any issues relating to excessive noise or emissions of dark smoke.

From the visual inspection, the lighting at the wharf appeared to be appropriately installed to minimise impacts on residences due to the 90 degree downward facing angle, however it could not be verified that the lighting was designed to the relevant standards.

3.3.2. OEMP Implementation

Audit Table 6 was prepared to include the specific requirements contained within the OEMP and OEMP Sub-Plans, that were not specifically addressed in the conditions of approval. No non-compliances were raised in regard to the implementation of the OEMP, or OEMP Sub-plans.

Good evidence was provided of environmental induction and training, and appropriate processes were in place to manage the prevention of emergencies through ship refuelling and other operational procedures, and response to spills and pollution incidents through various incident and emergency response procedures.

A Daily (cruise day) inspection checklist is used on all cruise days to ensure the areas of water and sediment quality, aquatic and terrestrial ecology, noise, air quality, traffic, transport and access, waste, and visual impacts are checked and where required, addressed. It was advised that periodic inspections of the seabed are undertaken by the Port Authority, and accumulated rubbish and marine debris would be removed as required.

The site inspection undertaken by the auditor confirmed that the implementation of the requirements of the OEMPs and Sub-plans was adequate and appropriate.

3.3.3. Extended Use OEMP Implementation

Audit Table 7 was prepared to include the specific requirements contained within the Extended Use OEMP that were not specifically addressed in the conditions of approval. No non-compliances were raised in regard to the implementation of the Extended Use OEMP.

Pedestrian access to the facility generally remains open during extended use operations as per the EU OEMP. Informal daily inspections (not documented) are conducted several times daily to ensure impacts to water quality, ecology, noise, traffic, are eliminated or minimised.

The site inspection undertaken by the auditor confirmed that the implementation of the requirements of the EU OEMP was adequate and appropriate.

3.3.4. EPBC Act Approval

The EPBC Referral 2016/7828 sets out the referral decision – not controlled action if taken in a particular manner. The “manner in which the proposed actions must be taken” related primarily to construction phase activities such as piling, re-strike testing.

The majority of the requirements related to the construction phase, however one action relating to operations is the requirement for “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”

A Suitable Speed is defined as “10 knots or less, except in circumstances where the Port Harbour Master (or their Delegate) or a Pilot considers that a higher speed is necessary to maintain safe navigation in the Port. The Harbour Master and pilot escort cruise ships into the harbour and enforce the limit – there have been no reports of excess speed in the port.

The Daily (cruise days) inspection checklist includes the question “Is the ship approaching at a suitable speed of 10 knots or less....’). The speed limit is included in both OEMPs.

Based on the above, the operation of the Eden Cruise Wharf is compliant with the requirements of the EPBC Act referral decision.

3.4. Adequacy of documentation required under the Approval

All documents listed in *Section 1.5 - List of Approvals and documents audited / reviewed* were sighted and reviewed for adequacy at this audit. Whilst the documents were generally adequate and appropriate, an Opportunity for Improvement was raised regarding the lack of inclusion of dates on project documentation (OCRs).

3.5. Site Inspection outcomes – including photos

A site inspection and interview with the Harbour Master were conducted on Friday 2 December (non-cruise day) in regards to the Extended Use operation of the Eden Cruise Wharf. The site inspection and interviews covered water quality, oil transfers, traffic, transport and access, noise and visual amenity, air quality, waste management, and the inspection and monitoring processes.

A site inspection was also held on Sunday 4 December on a cruise day. The inspection commenced at 6:30am, to allow the auditor to observe the cruise ship entering the port and berthing at the scheduled arrival time of 7:00am. The inspection / observation of activities continued throughout the disembarkation of passengers, transport of passengers onto shuttle buses and tour buses and other subsequent activities relating to cruise ship operations.

Overall, the outcome of the site inspection and audit was positive with no issues identified in relation to compliance to the conditions of approval or commitments made in the OEMP and OEMP Sub-Plans.

Photos taken during the audit are presented with commentary below:

Photos taken during Independent Audit site inspection(s) on 2 December (non-cruise day)



View of existing breakwater wharf, showing new mooring bollards in foreground and wharf extension further on.



Showing point at which new wharf extension meets the existing breakwater wharf.



View of the wharf extension with the moored tugboat. Noted that the tugboat is connected to shore power.



View of mooring and berthing dolphins



Security Kiosk inside the cruise ship area (manned on cruise ship days only)



Spill kits stored within the Security Kiosk – to be deployed on cruise ship days.

Photos taken during Independent Audit site inspection(s) on 2 December (non-cruise day)



View from breakwater wharf to wharf extension showing gates open to the public.



View back to Cruise ship gates from Breakwater Wharf – open to the public on non-cruise days



Oil storage area for breakwater wharf (not under the control of Port Authority)



Eden Welcome Centre – showing bins provided for wharf users and cruise ship passengers

Photos taken during Independent Audit site inspection(s) on 4 December (Cruise day)



Pacific Adventure coming into port at around 6:45am



Pacific Adventure arriving at berth (prior to securing of lines around 7:05am Sunday 4 December.



Fencing and signage in place, security personnel in place prior to the disembarkation of passengers



Preparation for disembarkation of passengers



Spill kits deployed from the security kiosk



Barricades in place to divert passengers towards the Eden Welcome Centre and away from traffic areas.

Photos taken during Independent Audit site inspection(s) on 4 December (Cruise day)



Passengers queuing for bus – safe access via pedestrian crossing



Pedestrian access behind Eden Welcome Centre – assisted by volunteers showing the correct pedestrian route



Shuttle bus at bus stop in preparation for disembarked passengers to travel to the town centre



Passengers at the Eden Welcome Centre Cruise Markets and queuing for shuttle buses to the Eden town centre



Safe pedestrian access to main walkway to the town (on the right) and alternative route via Warrens Walk (left side)



Main walkway from the Port of Eden to the town (looking from town towards port) – safe pedestrian access provided.

Photos taken during Independent Audit site inspection(s) on 4 December (Cruise day)



5:15pm 4 December – cruise ship has departed and the wharf is now open to members of the public



Showing members of the public back on the wharf extension and tugboat moored following departure of Pacific Adventure cruise ship

4.0 Audit Conclusions

This Independent Environmental Audit (IEA) was conducted as a requirement of the SSI conditions of approval (SSI 7734 Conditions A24 to A27) for the operation of the Eden Cruise Wharf, and this report fulfils the obligations of the Port Authority of NSW in respect to those conditions (i.e., undertaking this first annual operation audit). Conditions A24 to A27, and how they have been satisfied are detailed below:

No.	Condition	How condition was satisfied
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	<p>The first operational phase audit was due to be conducted in July 2020, however due to the government ban on cruise ships due to COVID-19 from March 2020 until April 2022, no operational independent audits had been undertaken until this audit (as agreed by the former Department of Environment and Industry, now Department of Planning in correspondence dated 26/10/2020). The first cruise ship after the ban arrived at the Eden Wharf on 12 July 2022.</p> <p>This first annual operational IEA was conducted in December 2022 by Julie Dickson of Dickson Environmental Consulting and Audit (DECA).</p> <p>The auditor (Julie Dickson) is a certified Lead / Master Environmental Auditor with Exemplar Global. A Master Auditor is defined as a Lead Auditor who has been certified for than 12 years.</p> <p>Julie is independent of the Port Authority of NSW and the project and has certified this in the Auditors Declaration of Independence in Appendix A of this report.</p>
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.	The auditor (Julie Dickson) was nominated in a letter from the Port Authority NSW to the Department of Planning on 1 November 2022, and the audit commenced on 2 December 2022, which is within the one-month requirement. DPE approved the nominated independent auditor in correspondence dated 14/11/22.
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.	<p>This had not yet been triggered at the time of issue.</p> <p>It is the responsibility of the Port Authority NSW to submit this report and a response to the Secretary in the required timeframe.</p>
A27(a)	The audit report must: (a) assess the environmental performance of the SSI, and its effects on the surrounding environment;	The sections of this Audit report – Summary of Environmental Performance (3.3), Site Inspection outcomes (3.3), and the Executive Summary provide a summary of the environmental performance of the SSI.

No.	Condition	How condition was satisfied
A27(b)	(b) assess whether the project is complying with the terms of this approval;	The Audit Tables 1 – 4 include all conditions of approval relevant to the operation of the facility, and provides a column for Compliance Status (Compliant, non-compliant or not triggered). Implementation of the requirements of the approved OEMPs and sub-plans are included in Audit Tables 5-6 in Appendix D of this report. A summary of compliance with conditions of approval are included in Table 3, Table 4 and Section 3.3.1 of this report.
A27(c)	(c) review the adequacy of any document required under this approval; and	The adequacy of the documentation is addressed in Section 3.4 of this report. One Opportunity for Improvement was raised in regards to dating documentation.
A27(d)	(d) recommend measures or actions to improve the environmental performance of the SSI, and improvements to any document required under this approval.	Recommendations are included in Table 4 – Audit findings, actions and recommendations, and are summarised in the Executive Summary and Section 3.3 – Summary of Environmental Performance.

The environmental audit was conducted by Julie Dickson of Dickson Environmental Consulting and Audit (DECA), who was approved as an independent auditor by the Planning Secretary of the Department of Planning and Environment on 14 November 2022. The audit was conducted in accordance with the AS / NZS / ISO 19011:2018 – Guidelines for Auditing Management Systems and in line with the DPIE Post Approval Requirements, May 2020.

Whilst the requirements of the Post Approval Requirements were generally adhered to, due to the timing of the Approval (pre-2018), the consultation requirements were not required to be implemented on agreement with the Department of Planning and Environment.

The audit concluded, that overall, there was a high level of compliance to the conditions of approval, however, one (1) non-compliance, one (1) Observation and one (1) Opportunity for Improvement were raised at this audit (see Table 4 for details). The positive outcomes of the audit were recognised, and these are summarised in the Executive Summary.

The non-compliance related to:

- One of the approved SSI documents, the Community Communication Strategy (CCS) had not been uploaded to the project website.

It was considered by the auditor that the above non-compliance was administrative in nature, and had minimal, if any material effect on environmental performance of the project.

The Observation and Opportunities for Improvement related to:

- Some website information was not fully up-to-date at the time of the audit (OBS);
- Some project documentation (OCRs) did not include issued dates (OFI).

The auditor would like to thank Port Authority of NSW for their cooperation, assistance and provision of relevant documents and records.

5.0 Appendix A – Auditors Declaration of Independence

Independent Audit Declaration Form

Project Name: Eden Cruise Ship Facility (Operation)

Consent Number: SSI 7734

Description of Project: Operation of the Eden Cruise Ship Facility

Project Address: Port of Eden - located at the end of Weecoon Street within Snug Cove

Proponent: Port Authority of NSW

Title of Audit: Independent Environmental Audit – Operations – Eden Cruise Wharf

Date: 1 November 2022

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

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

Notes:

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

Name of Auditor: Julie Dickson

Signature: 

Qualification: Exemplar Global Lead Environmental Auditor – Registration No 13573

Company: Dickson Environmental Consulting and Audit Pty Ltd

Company Address: 1113 Pacific Hwy, Cowan, NSW 2081

6.0 Appendix B – Independent Auditor Approval



Department of Planning and Environment

Mr Ricardo Prieto-Curiel
Senior Environmental Planner
PORT AUTHORITY NSW
Level 4, 20 Windmill Street
Walsh Bay NSW 2000

14/11/2022

Dear Mr Prieto-Curiel

Eden Breakwater Wharf Extension - (SSI-7734) Independent Auditor Approval Request

I refer to your request (SSI-7734-PA-8) submitted to the Department of Planning and Environment (the department) for the Secretary's approval of suitably qualified persons to undertake the Independent Audit (IA) and prepare the IA report for Eden Breakwater Wharf Extension in accordance with condition A24 of SSI-7734 (as modified)

The department has reviewed the nomination and information you have provided and is satisfied that Ms Julie Dickson from Dickson Environmental Consulting and Audit Pty Ltd is suitably qualified and experienced. Consequently, in accordance with Condition A25 of SSI-7734 (as modified) and the Independent Audit Post Approval Requirements, the Secretary has agreed to Ms Dickson to undertake the IA and prepare the IA report.

Please ensure this correspondence is appended to the Independent Audit Report.

The Independent Audit must be prepared, undertaken and finalised in accordance with Independent Audit Post Approval Requirements and the conditions of consent (A27) and include:

- (a) assess the environmental performance of the SSI, and its effects on the surrounding environment;
- (b) assess whether the project is complying with the terms of this approval;
- (c) review the adequacy of any document required under this approval; and
- (d) recommend measures or actions to improve the environmental performance of the SSI, and improvements to any document required under this approval.

Failure to meet these requirements will require revision and resubmission.

The department reserves the right to request an alternate auditor or audit team for future audits. Please note that this approval of the above person is conditional upon them maintaining certification as a lead or principal auditor with a relevant industry body.

Notwithstanding the agreement for the above person for this Project, each respective project approval or consent requires a request for the agreement to the auditor or audit team be submitted to the department, for consideration of the Secretary. Each request is reviewed and depending on the complexity of future projects, the suitability of a proposed auditor or audit team will be considered.

In accordance with A26 of SSI-7734 (as modified) please ensure that you submit a copy of the audit report to the Planning 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 Planning Secretary. You are advised to ensure that you review the IA report prior to submitting it to the department.

Should you wish to discuss the matter further, please contact me on 0429400261 or compliance@planning.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'K O'Reilly', enclosed in a rectangular box.

Katrina O'Reilly
Team Leader - Compliance
Compliance
As nominee of the Planning Secretary

7.0 Appendix C – DPE correspondence – consultation requirements

From: Katrina O'Reilly <Katrina.OReilly@planning.nsw.gov.au>
Sent: Tuesday, 22 November 2022 3:18 PM
To: Ricardo Prieto-Curiel <RPrieto-Curiel@portauthoritynsw.com.au>
Cc: Christa Sams <CSams@portauthoritynsw.com.au>
Subject: RE: Eden Breakwater Wharf Extension - IEA auditor approval request Nov 2022

Dear Ricardo,

The department has reviewed your email and agrees with your comments with regards to the requirement not to adhere to the *Independent Audit Post Approval Requirements* due to the date of the approval. The department agrees with your proposal for the IEA scope as outlined in your attached email.

Please also attached this email to the IEA report.

Regards



Katrina O'Reilly
Team Leader Compliance
as nominee of the Secretary

From: Ricardo Prieto-Curiel <RPrieto-Curiel@portauthoritynsw.com.au>
Sent: Tuesday, November 15, 2022 2:15:37 PM
To: Katrina O'Reilly <Katrina.OReilly@planning.nsw.gov.au>
Cc: Christa Sams <CSams@portauthoritynsw.com.au>
Subject: FW: Eden Breakwater Wharf Extension - IEA auditor approval request Nov 2022

Dear Katrina,

Thanks for the approval of the IEA auditor issued in accordance with Condition A25. We have forwarded the letter to the nominated independent auditor.

With regard to the Department's letter, Port Authority would like to raise an item of concern. The Department's letter indicates the following:

"The Independent Audit must be prepared, undertaken and finalised in accordance with Independent Audit Post Approval Requirements and the conditions of consent (A27) ...". The SSI7734 approval was granted in 2017 and the Audit Post Approval Requirements were published in 2020, consequently the approval does specifically mention or require the audit to comply with the Audit Post Approval Requirements. The Audit Post Approval Requirements contains additional scope for the audit than that in Condition A27. For example, Section 3.2 of the Audit Post Approval Requirements require the auditor to consult with the Department and potentially other stakeholders, and investigate the issues raised, specifically it says:

"The auditor must consult with the Department, who may request that other parties or agencies are consulted, including the Community Consultative Committee chairperson (if one is required for the project), to obtain their input into the scope of the audit. Comments received during such consultation must be recorded and reported in the Independent Audit Report. Specific environmental issues raised during consultation should be investigated and findings of the investigation must be reported in the Independent Audit Report...."

The above has the potential to significantly increase the scope of the audit, however such additional scope is not required under the planning approval.

Port Authority will instruct the independent auditor to undertake the audit in accordance with Condition A27, and generally in accordance with the Audit Post Approval Requirements, however we do not intend to increase scope of the audit above what is required under Condition A27, and do not propose to consult with other stakeholders as per Section 3.2 of the Audit Post Approval Requirements.

We would appreciate your feedback on this matter

Regards

Ricardo

Ricardo Prieto-Curiel | Senior Environmental Planner

My work days are Mon, Tue, Fri

Port Authority of New South Wales
Level 4, 20 Windmill Street | Walsh Bay NSW 2000 Australia
PO Box 25 | Millers Point NSW 2000 Australia

8.0 Appendix D – Audit Tables

8.1. AUDIT TABLE 1 – Schedule 1 – Modifications 1 and 2

ID	MOD No.	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status																																																												
		SCHEDULE 2 – PART A ADMINISTRATIVE CONDITIONS																																																															
1.	1	<p>Description of the State Significant Infrastructure (MOD1)</p> <p>Operation of the extended wharf for use by up to 60 cruise ships per annum and associated land-based facilities and services for management of passenger visitation including disembarkation, embarkation and transport.</p>	<p>Interview with DMCO.</p> <p>Records of cruise ship visit – see excerpt below:</p> <table border="1"> <thead> <tr> <th>Date</th> <th>Day</th> <th>Arr.</th> <th>Dep.</th> <th>CRUISE SHIP</th> </tr> </thead> <tbody> <tr> <td>12-Jul-22</td> <td>Tuesday</td> <td>8:00</td> <td>17:00</td> <td>CORAL PRINCESS</td> </tr> <tr> <td>07-Aug-22</td> <td>Sunday</td> <td>10:00</td> <td>20:00</td> <td>CORAL PRINCESS</td> </tr> <tr> <td>24-Aug-22</td> <td>Wednesday</td> <td>7:00</td> <td>16:00</td> <td>CORAL PRINCESS</td> </tr> <tr> <td>31-Aug-22</td> <td>Wednesday</td> <td>7:00</td> <td>17:00</td> <td>CORAL PRINCESS</td> </tr> <tr> <td>23-Sep-22</td> <td>Friday</td> <td>8:00</td> <td>17:00</td> <td>CORAL PRINCESS</td> </tr> <tr> <td>10-Oct-22</td> <td>Monday</td> <td>7:00</td> <td>16:00</td> <td>CORAL PRINCESS</td> </tr> <tr> <td>21-Oct-22</td> <td>Friday</td> <td>7:00</td> <td>17:00</td> <td>PACIFIC EXPLORER</td> </tr> <tr> <td>13-Nov-22</td> <td>Sunday</td> <td>7:00</td> <td>16:00</td> <td>PACIFIC ADVENTURE</td> </tr> <tr> <td>23-Nov-22</td> <td>Wednesday</td> <td>9:00</td> <td>18:00</td> <td>STAR BREEZE</td> </tr> <tr> <td>24-Nov-22</td> <td>Thursday</td> <td>8:00</td> <td>17:00</td> <td>WESTERDAM</td> </tr> <tr> <td>04-Dec-22</td> <td>Sunday</td> <td>7:00</td> <td>16:00</td> <td>PACIFIC ADVENTURE</td> </tr> </tbody> </table>	Date	Day	Arr.	Dep.	CRUISE SHIP	12-Jul-22	Tuesday	8:00	17:00	CORAL PRINCESS	07-Aug-22	Sunday	10:00	20:00	CORAL PRINCESS	24-Aug-22	Wednesday	7:00	16:00	CORAL PRINCESS	31-Aug-22	Wednesday	7:00	17:00	CORAL PRINCESS	23-Sep-22	Friday	8:00	17:00	CORAL PRINCESS	10-Oct-22	Monday	7:00	16:00	CORAL PRINCESS	21-Oct-22	Friday	7:00	17:00	PACIFIC EXPLORER	13-Nov-22	Sunday	7:00	16:00	PACIFIC ADVENTURE	23-Nov-22	Wednesday	9:00	18:00	STAR BREEZE	24-Nov-22	Thursday	8:00	17:00	WESTERDAM	04-Dec-22	Sunday	7:00	16:00	PACIFIC ADVENTURE	<p>Operations commenced in July 2022, and up to the time of the audit, 11 cruise ships had visited the Eden Cruise Wharf.</p>	Compliant
Date	Day	Arr.	Dep.	CRUISE SHIP																																																													
12-Jul-22	Tuesday	8:00	17:00	CORAL PRINCESS																																																													
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2.	2	<p>Description of the State Significant Infrastructure (MOD2)</p> <p>Allow vessels up to 100m in length to load/unload, refuel, carry out maintenance and servicing, and passengers embarking/disembarking at the Eden Cruise Facility.</p>	<p>Interview with Harbour Master</p>	<p>It was advised that only vessels up to 100m in length have been allowed to undertake these activities at the wharf, unless otherwise authorised under a separate approval (see below).</p> <p>The Eden Safe Harbour Project (not part of SSI) required 127 piles to be delivered for the construction of the Eden Wave Attenuator, and the only wharf available in the area at the time of pile delivery was the Eden Cruise Facility. As the approval did not allow for ships over 100m to berth overnight, or non-cruise ships over 100m to operate at the facility, further assessment and planning approval was required to allow this one-off activity to occur at the Eden Cruise Facility.</p> <p>A Review of Environmental Factors (REF) - <i>Temporary Berthing and Operations of the mv Merwedegracht Cargo Ship from 9-12 February 2022 at the Eden Cruise Facility</i> was undertaken under Section 5.5 of the EP&A Act and Clause 228 of the EP&A Regulation.</p> <p>The REF identified the key potential impacts as temporary noise and air quality impacts and short-term transport impacts. It concluded that subject to the implementation of mitigation</p>	Compliant																																																												








ID	MOD No.	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
				measures, the project is not likely to have a significant impact on the environment, and therefore an EIS is not required. The REF noted that the project was justified to be approved under Division 5.1 of the EP&A Act as the potential environmental and social impacts would be able to be managed to an acceptable level.	

8.2. AUDIT TABLE 2 – Schedule 2 - PART A - Administrative Conditions

ID	CoA No.	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status	
		SCHEDULE 2 – PART A ADMINISTRATIVE CONDITIONS				
3.	A1	The SSI must be carried out: (a) in compliance with the conditions of this consent;	These audit tables – all relevant Conditions of this consent have been assessed.	The SSI has been carried out in general compliance to the conditions of consent	Compliant	
		(b) in accordance with all written directions of the Planning Secretary		No written directions of the Planning Secretary	Not triggered	
		(c) generally, in accordance with the EIS and Response to Submissions: i. the Eden Breakwater Wharf Extension State Significant Infrastructure – Environmental Impact Statement, dated 3 November 2016, ii. Response to Submissions Report Eden Breakwater Wharf Extension, dated 24 February 2017; and	OEMP and Sub-plans Site Inspections Interviews Table 5 – this report	The conditions of consent generally reflect the outcomes of the EIS and Response to Submissions, and concerns raised are generally addressed in the OEMP and Sub-Plans. Table 5 assesses against commitments made in the OEMP and Sub-Plans, with no significant areas of concern identified. As an example, for operations, EPA comments regarding mitigation measures for noise impacts of deck announcements and engines/generators has been incorporated into the CoA and OEMP documentation.	Compliant	
		(d) generally, in accordance with Modification Assessments: i. Eden Breakwater Wharf Extension Modification Request to Infrastructure Approval SSI 7734, dated 2 July 2018; ii. Letter titled “Re: Eden Breakwater Wharf MOD 1 – Response to Submissions – Air Quality and Noise”, dated 17 August 2018; iii. Response to Submission Eden Breakwater Wharf Extension MOD 1 (SSI 7734), dated 3 September 2018; iv. SSI 7734 Mod 1 – Addendum Modification Report, dated 14 October 2018; v. Eden Cruise Facility Modification 2 to SSI 7734 Extending Use of Cruise Facility to other Vessels, dated July 2020; and	OEMP and Sub-plans Site Inspections Interviews Table 5 – this report	The conditions of approval and the OEMP and sub-plans generally reflect the outcomes of the MODs and Response to Submissions. Table 5 assesses against commitments made in the OEMP and Sub-Plans, with no significant areas of concern identified.	Compliant	

ID	CoA No.	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
		vi. Eden Cruise Facility Response to Submissions - Modification 2 to SSI 7734 Extending Use of Cruise Facility to other Vessels, dated August 2020.			
4.	A2	The SSI must be carried out generally in accordance with all procedures, commitments, preventative actions, performance criteria and mitigation measures set out in the documents referred to in conditions A1(c) and A1(d) unless otherwise specified in, or required under, this approval.	These audit tables, particularly Table 5 – OEMP Requirements.		Compliant
5.	A3	The SSI must be carried out in accordance with the terms and conditions of all other approvals, permits and licences.	<ul style="list-style-type: none"> - Notification of Referral Decision - EPBC Referral 2016/7828 dated 13 April 2017. - Interview with Harbour Master - Daily (cruise days) Inspection Checklist 	<p>The EPBC Referral 2016/7828 sets out the referral decision – not controlled action if taken in a particular manner. The “manner in which the proposed actions must be taken” related primarily to construction phase activities such as piling, re-strike testing.</p> <p>One action relating to operations is the requirement for “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>A Suitable Speed is defined as “10 knots or less, except in circumstances where the Port Harbour Master (or their Delegate) or a Pilot considers that a higher speed is necessary to maintain safe navigation in the Port.</p> <p>The Harbour Master and pilot escort cruise ships into the harbour and enforce the limit – there have been no reports of excess speed in the port.</p> <p>The Daily (cruise days) inspection checklist includes the question “Is the ship approaching at a suitable speed of 10 knots or less....’). The approved OEMPs include the requirement for vessels to adhere to this speed limit.</p>	Compliant

ID	CoA No.	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
				The 2021-2022 Operation Compliance report noted that <i>“the speed of 10 knots or less within the port limits was a condition of the Referral Decision 4(a)) for the dredging and construction phase, but it has been applied during the 2021/22 reporting season”</i> .	
6.	A4	The conditions of this consent and directions of the Planning Secretary prevail to the extent of the inconsistency, ambiguity or conflict between them and a document listed in condition A1(c) or A1(d). In the event of any inconsistency, ambiguity or conflict between any of the documents listed in condition A1(c) and A1(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.		Noted	Not triggered
7.	A5	The Proponent must comply with all requirements of the Planning Secretary in relation to: (a) the environmental performance of the SSI; (b) any document or correspondence; (c) any notification given to the Planning Secretary under the terms of this approval; (d) any audit of the Construction or Operation of the SSI; (e) compliance with the terms of this approval (including anything required to be done under this approval); and (f) the carrying out of any additional monitoring or mitigation measures.	Interview with the Senior Environmental Planner - Port Authority	It was advised that there have been no Secretary requirements imposed on the Facility outside of the Infrastructure Approval. Independent Environmental Audits did not identify any non-compliances requiring action.	Not triggered
8.	A6	Without limitation, all strategies, plans, programs, reviews, audits, report recommendations, protocols and other documents must be implemented in accordance with all requirements issued by the Planning Secretary from time to time in respect of them.	Interview with the Senior Environmental Planner - Port Authority	It was advised that there have been no Secretary requirements arising from strategies, plans, programs, reviews, audits, report recommendations, protocols or other documents issued by the Planning Secretary	Not triggered
9.	A7	Where the terms of this approval require consultation with identified parties, details of the consultation undertaken, matters raised by the parties, and how the matters were considered must accompany the strategies, plans, programs, reviews, audits, protocols and the like submitted to the Planning Secretary.	Community Consultative Committee (CCC) minutes are uploaded to the project website – see below:	Condition B1 of the Approval requires that <i>“Prior to commencement of Construction, the Proponent is required to establish a Community Consultative Committee”</i> Consultation with the Community Consultative Committee has been	Compliant

ID	CoA No.	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
			Please find the minutes of previous meetings:  Meeting minutes - 19 February 2020  Meeting minutes - 24 June 2020  Meeting minutes - 23 September 2020  Meeting minutes - 3 February 2021  Meeting minutes - 29 September 2021  Meeting minutes - 2 March 2022  Meeting minutes - 13 April 2022	undertaken as required during the 2021/2022 reporting season. Refer to Condition B1 for further information	
10.	A8	This approval lapses five years after the date on which it is granted, unless Construction of the SSI has commenced on or before that date.		Noted – not triggered. Construction commenced within 5 years	Not triggered
	A9 to A13	Ancillary Facilities – relevant to Construction only – not relevant to Operations			Not triggered
	A14 – a16	ENVIRONMENTAL REPRESENTATIVE Relevant to Construction only – not relevant for Operations			Not triggered
11.	A17	COMPLIANCE TRACKING PROGRAM The Operation Compliance Tracking Program must be submitted to the Planning Secretary for approval no later than one month prior to commencement of Operation or within another timeframe agreed with the Planning Secretary.	Operation Compliance Tracking Program Document Number DOC19/170684 Rev 0 – Issued for Use 10 July 2019 and Rev) A – Reissued following DPIE comments 2 Aug 2019.	The Operation Compliance Tracking Program was approved by the Secretary delegate in correspondence dated 9 August 2019. Operation Commenced in September 2019	Compliant
12.	A18	The Construction and Operation Compliance Tracking Programs must be implemented for the duration of Construction and Operation , or within another timeframe agreed with the Planning Secretary based on the outcomes of independent audits, Environmental Representative Reports and regular compliance reviews submitted through Compliance Reports .	Eden Cruise Ship Facility Operation Compliance Report 2021/2022 Cruise Season and Extended Use. Eden Breakwater Wharf Extension Independent Environmental Audit (IEA) August 2019 (no findings or recommendations for improvement) ER Reports were relevant for construction phase only.	Operation compliance reports have been prepared as required and the reports provide details of compliance. 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. The second EA was conducted in 2019. The timing of the second annual audit came at a point which was between the construction activities ending and cruise operations commencing.	Compliant

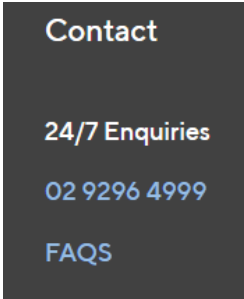
ID	CoA No.	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
				Based on the above, it is considered that the operation of the wharf is compliant with this condition.	
13.	A19	A Pre-Construction Compliance Report and Pre-Operation Compliance Report must be prepared and submitted to the Planning Secretary for information no later than one month prior to the commencement of Construction and Operation respectively or within another timeframe agreed with the Planning Secretary.	Pre-operation Compliance Report published by the NSW Department of Industry 10 July 2019 Rev 0	The Pre-Operation Compliance Report was prepared and was initially submitted to the Secretary on 5 February 2019 for information. Following the update of the OEMP and OEMP Sub-plans, the Pre-Operation Compliance Report was re-submitted for information on the 10 July 2019.	Compliant
14.	A20	Construction and Operation must not commence until the Pre-Construction Compliance Report and Pre-Operation Compliance Report respectively have been submitted to the Planning Secretary.	Pre-operation Compliance Report published by the NSW Department of Industry 10 July 2019 Rev 0.	The Pre-operation Compliance Report was submitted for information to DPIE on 10 July 2019 (prepared by the Department of Industry). Operation commenced in Sept 2019.	Compliant
15.	A21	Operation Compliance Reports must be prepared and submitted to the Planning Secretary for information after the first calendar year of operation, the end of the 2019/2020 cruise season and following that, after the end of each cruise season, or within another timeframe agreed with the Planning Secretary.	Eden Cruise Ship Facility Operation Compliance Report (OCR) 2021/2022 Cruise Season and Extended Use (not dated). Eden Cruise Ship Facility Operation Compliance Report 2020/2021 Cruise Season and Extended Use (not dated). Eden Cruise Ship Facility Operation Compliance Report (including Air Quality Monitoring Report Summary) 2019/2020 Cruise Season (not dated) Letter from Department of Planning and Environment (DPE) "Eden Breakwater Wharf Extension – (SSI-7734) Operation Compliance Report 2021-2022" dated 18/08/2022	As noted in the Operation Compliance Report (OCR) 2021/2022 season, "no cruise ships visited the Facility during the 2021/22 reporting season. Prior to that, the last cruise ship to visit the Facility occurred on the 10 March 2020 during the 2019/20 cruise season. The Federal government cruise ship ban to foreign-flagged cruise ships that commenced in March 2020 was in place until the 17 April 2022. As a result, no cruise ships visited the Facility during the 2020/21 and 2021/22 cruise seasons". The 2019/20 OCR, operation of the Facility commenced with the first cruise visit on the 15 September 2019 and the last cruise occurred on the 10 March 2020 during the 2019/20 season. The August 2022 letter from DPE notes that the Department has reviewed the OCR and considers it to generally satisfy the reporting	Compliant

ID	CoA No.	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
				requirements of the approval and the department's <i>Compliance Reporting Post Approval Requirements</i>	
16.	A22	<p>COMPLIANCE REPORTS</p> <p>The Pre-Construction and Pre-Operation Compliance Reports must include:</p> <p>(a) details of how the terms of this approval that must be addressed prior to the commencement of Construction and Operation respectively have been complied with;</p> <p>(b) in the event of a non-compliance with the terms of this approval that must be addressed prior to the commencement of Construction and Operation respectively, details of the non-compliance and action taken to rectify the non-compliance; and</p> <p>(c) the commencement date for Construction and Operation respectively.</p>	Pre-operation Compliance Report published by the NSW Department of Industry 10 July 2019 Rev 0.	<p>a) Section 2.1 – Infrastructure Approval (SSI 7734) Table 2 – Compliance assessment against SSI 7734 conditions addresses this requirement;</p> <p>b) No non-compliances were noted in the Pre-operation Compliance Report</p> <p>c) Section 1.3 Table 1 provides estimated time frames for construction activities to be completed (and therefore operation commencement)</p>	Compliant
17.	A23	<p>Construction and Operation Compliance Reports must include:</p> <p>(a) a results summary and analysis of environmental monitoring;</p> <p>(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;</p> <p>(c) details of any review of, and minor amendments made to, OEMP;</p> <p>(d) a register of any consistency assessments undertaken and their status;</p> <p>(e) results of any independent environmental audits and details of any actions taken in response to the recommendations of an audit;</p>	<p>Eden Cruise Ship Facility Operation Compliance Report 2021/2022 Cruise Season and Extended Use.</p> <p>Eden Cruise Ship Facility Operation Compliance Report 2020/2021 Cruise Season and Extended Use.</p> <p>Eden Cruise Ship Facility Operation Compliance Report 2019/2020 Cruise Season and Extended Use.</p>	<p>Section 2.3 of reports for 21/22; 20/21; 19/20 included Visual Surveillance and Monitoring results.</p> <p>Section 3 of each of the 3 compliance reports reported “no complaints”.</p> <p>Section 6 (OEMP Reviews and Consistency Assessments) of each of the 3 Compliance Reports provided details of reviews of the OEMP.</p> <p>Section 6 (OEMP Reviews and Consistency Assessments) of each of the 3 Compliance Reports provided details of any consistency assessments.</p> <p>Section 5- (Audits / Previous Audits) of each of the 3 Compliance Reports provided</p>	Compliant

ID	CoA No.	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
		<p>(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;</p> <p>(g) a Five Year Operational Compliance Summary Report every five years from commencement of Operation, unless otherwise agreed by the Planning Secretary, which includes:</p> <ul style="list-style-type: none"> i. the name and size of visiting cruise ships and date of visits, ii. the number and nature of complaints in relation to specific cruise ships, iii. results of air quality monitoring and any noise monitoring undertaken to investigate repeated noise complaints, iv. identification of any issues that need to be addressed through revision of the OEMP and/or Sub-plans; and <p>(h) any other matter relating to compliance with the terms of this approval or as requested by the Planning Secretary.</p>		<p>details of the results of audits and actions taken. (no non-compliances identified).</p> <p>Section 4- (Incidents) of each of the 3 Compliance Reports provided details of any incidents (no pollution incidents requiring notification have been reported)</p> <p>Operations commenced in 2019, and therefore this 5-year requirement for this report has not yet been triggered.</p> <p>There have been no other matters relating to compliance (marked as NA in Compliance Reports).</p>	
18.	A24	<p>COMPLIANCE AUDITING</p> <p>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 Planning Secretary.</p>	<p>Eden Breakwater Wharf Extension Independent Environmental Audit (IEA) August 2019 (no findings or recommendations for improvement).</p> <p>Letter from Port Authority NSW to Department of Planning, Industry and Environment dated 28 July 2020: Eden Cruise Ship Facility (SSI7734) – Request to change frequency of Compliance Audits and Compliance Reporting</p> <p>Letter from Department of Planning, Industry and Environment (DPIE – now DPE) dated 20/10/2022 in response to</p>	<p>The letter from DPIE dated 20/10/2020 noted that the Department considered the request by the Port Authority NSW in their letter dated 28/07/2020 and agreed to the following proposed timings:</p> <ul style="list-style-type: none"> – No audits are to be undertaken during calendar year 2020; and; – An audit is to be undertaken in calendar year 2021 (subject to cruise ship visits re-commencing in Eden). <p>Note: cruise ships did not re-commence at Eden until April 2022.</p> <p>Due to the ban on cruise ships due to Covid-19 from early 2020 until April 2022, no</p>	Compliant

ID	CoA No.	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
			above letter: Eden Cruise Ship Facility (SSI7734) – Request to change frequency of Compliance Audits and Compliance Reporting.	operational independent audits had been undertaken until this audit. The first cruise arrived at the Eden Wharf on 12 July 2022 (Coral Princess). This Operational IEA commenced on 2 December 2022. Given the ban on cruise ships until April 2022, the timing of this first Operational IEA was considered appropriate.	
19.	A25	Details of the nominated independent auditor must be submitted to the Planning Secretary for approval no later than one month prior to the audit being undertaken.	Email from Senior Environmental Planner – Port Authority – SSI 7734 – Request to approve Independent Auditor to compliance@planning.nsw.gov.au dated 1 November 2022 Letter from Department of Planning and Environment (DPE) dated 14 November 2022 – Eden Breakwater Wharf Extension - (SSI-7734) Independent Auditor Approval Request.	The submission of the nominated independent auditor was submitted to DPE via email on 1 November 2022 which is one month prior to the audit commencement (2 December 2022). Approval of the auditor was granted two weeks prior to the commencement of the audit. The letter from DPE dated 14 November 2022 noted that the Department had reviewed the nomination and information provided and approves the nominated auditor to undertake the Independent Audit.	Compliant
20.	A26	The Proponent must submit a copy of the audit report to the Planning 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 Planning Secretary.	Port of Eden Breakwater Wharf Extension Independent Environmental Audit (IEA) dated 7 August 2019 (no findings or recommendations for improvement). Client/proponent was Eden Port Development – NSW Department of Industry.	It could not be fully ascertained whether the previous IEA report was submitted to the Planning Secretary within 6 weeks of completing the audit as there has been a change in proponent. The Department of Industry website no longer includes Eden Wharf project details. The proponent is now Port Authority of NSW. There were no recommendations contained within the audit report issued in 2019. This Audit report to be submitted to the Planning Secretary within 6 weeks of completion of the audit (future action).	Compliant

ID	CoA No.	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
21.	A27	The audit report must: (a) assess the environmental performance of the SSI, and its effects on the surrounding environment;	This Audit Report – refer to: – Section 3.3 of this Audit Report – Summary of Environmental Performance; – Section 3.5 – Site Inspection Outcomes – including photos – Executive Summary; – Audit conclusions	The sections – Summary of Environmental Performance, Site Inspection outcomes, the Executive Summary and Audit Conclusion provided a summary of the environmental performance of the SSI.	Compliant
		(b) assess whether the project is complying with the terms of this approval;	This Audit Report – refer to: – Audit Tables; – Table 3 – summary of compliance against audit criteria – Table 4 - Audit findings, actions and recommendations; – Section 3.3.1 – Compliance with Infrastructure Approval.	The Audit Tables include all conditions of approval relevant to the operation of the facility, and provides a column for Compliance Status (Compliant, non-compliant or not triggered). A summary of compliance with conditions of approval are included in Table 3, Table 4 and Section 3.3.1 of this report.	Compliant
		(c) review the adequacy of any document required under this approval; and	This Audit Report – refer to: – Section 3.4 – Adequacy of documentation required under the approval	The adequacy of the documentation is addressed in Section 3.4. One Observation and two Opportunities for Improvement were raised in regards to adequacy of documentation.	Compliant
		(d) recommend measures or actions to improve the environmental performance of the SSI, and improvements to any document required under this approval.	This Audit Report – refer to: – Table 4 - Audit findings, actions and recommendations – Section 3.3 of this Audit Report – Summary of Environmental Performance;	Recommendations are included in Table 4 – Audit findings, actions and recommendations, and are summarised in the Executive Summary and Section 3.3 – Summary of Environmental Performance	Compliant
22.	A28	COMPLAINTS REGISTER A Complaints Register must be maintained for the duration of Construction and Operation.	Consultation Manager – Business-wide complaints and “event” management system.	A complaints process is implemented by the Port Authority through the electronic Consultation Manager platform. Consultation Manager can be filtered to show complaints for any particular site managed by The Port Authority.	Compliant
23.	A29	The Complaints Register must be provided to the Planning Secretary upon request, within the timeframe stated in the request.		There have been no specific requests from the Planning Secretary for the Complaints Register.	Not triggered

ID	CoA No.	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
24.	A30	<p>The following information must be available to facilitate community enquiries and complaints within one (1) month from the date of this approval:</p> <p>(a) a 24 hour telephone number for the registration of complaints and enquiries about the SSI;</p> <p>(b) a postal address to which written complaints and enquires may be sent;</p> <p>(c) an email address to which electronic complaints and enquiries may be transmitted; and</p> <p>(d) a mediation system for complaints unable to be resolved.</p> <p>This information must be accessible to all in the community regardless of age, ethnicity, disability or literacy level.</p>	<p>https://www.portauthoritynsw.com.au/port-of-eden/port-services-facilities/eden-cruise-wharf/</p> <p>Contact information</p> <p>phone: +61 2 6496 4721 email: enquiries@portauthoritynsw.com.au</p> <p>Above – from Eden Cruise Wharf website</p>  <p>Community complaints procedure</p> <p>If you have a complaint or enquiry about activities at our ports, please call our 24/7 community enquiries and complaints line on 02 9296 4962.</p> <p>Above – from general Port website</p>	<p>Information was available to the community to facilitate community enquiries and complaints.</p> <p>a) A 24-hour number is available on the Eden Wharf website and on the General Port Authority website;</p> <p>b) A postal address is provided in the OEMP, which is available on the project website;</p> <p>c) An email address is included on the website;</p> <p>d) A mediation system for complaints unable to be resolved is included on the Figure 4 of the OEMP website(s).</p>	Compliant
25.	A31	<p>The telephone number, postal address and email address required under Condition A30 of this approval must be published in a newspaper circulating in the local area prior to the commencement of Construction and published in the same way again prior to the commencement of Operation. This information must also be provided on the website required under Condition B6 of this approval.</p>	<p>Section 3 of the Community Communications Strategy</p> <p>Booking – Eden Magnet Wharf Notice dated 1 August 2019 – notification of the commencement of operations by Port Authority on NSW with website and contact details.</p>	<p>According to Section 3 of the Community Communications Strategy, the contact information on Condition A31 was published in a local newspaper, the Eden Magnet, prior to the commencement of operation (by Crown Lands).</p> <p>The Community Communication Strategy included as a milestone reached “August: Advert published in the Eden Magnet (minimum one month prior to operation)”.</p>	Compliant

ID	CoA No.	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
26.	A32	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.	Consultation Manager – Business-wide complaints and “event” management system.	A complaints process is implemented by the Port Authority through the electronic Consultation Manager platform. Consultation Manager can be filtered to show complaints for any particular site managed by The Port Authority – no complaints are recorded against the Port of Eden facility. The complaints process incorporates these requirements.	Compliant
27.	OEMP 3.5.2	A Complaints Register will be maintained for the duration of Operation of the Facility. – As part of the Complaints management procedure, a legible record of all Complaints made will be kept, including the following: – Date and time of complaint (if provided) – Method by which complaint was made (phone, email, post, in person) – Personal details of complainant which were provided by the complainant or, if no such details were provided, a note to that effect – Nature of the complaint – Action taken in relation to the complaint, including follow up contact with complainant – If no action taken, note outlining the reason(s) why no action was taken.		There have been no formal complaints received.	Compliant
28.	OEMP 3.5.2	The Complaints Register will be provided to any authorised officer of the relevant regulatory authority (such as the DP&E and Department of the Environment and Energy (DoEE) upon request, within the timeframe stated in the request. The Complaints register will be kept for a minimum of four years after the initial complaint was made.	Interviews with Port Authority DMCO and Senior Environmental Planner	No complaints have been received, therefore, there has been no requirement to provide a copy to any relevant authorities	Not triggered
29.	OEMP 3.5.1	All Complaints and enquires will be managed by the DMCO in accordance with the Community Complaints Procedure developed and implemented by PANSW. The 24x7 contact number is (02) 9296 4962. – Where a complaint results in action (e.g. – ship agent being contacted), PANSW will provide details on the outcome in response to the complainant (step 5); – All complaints received by the Port Authority are registered, allocated a reference number and kept in a central database.		The DMCO at Port of Eden was aware of the responsibilities, however no complaints have been received.	Not triggered
30.	A33	INCIDENT NOTIFICATION	Interviews with Port Authority	There were no pollution or environmental incidents or near misses recorded since	Not triggered

ID	CoA No.	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
		The Planning Secretary must be notified as soon as possible and in any event within 24 hours of the Proponent being made aware of any incident.	Eden Cruise Ship Facility Operation Compliance Report 2021/2022 Cruise Season and Extended Use. Eden Cruise Ship Facility Operation Compliance Report 2020/2021 Cruise Season and Extended Use. Eden Cruise Ship Facility Operation Compliance Report 2019/2020 Cruise Season and Extended Use.	commencement of Operations as noted in the Operation Compliance Reports and confirmed verbally during interviews.	
31.	A34	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.	As above	As above	Not triggered
32.	OEMP 3.6	All Incidents and near misses must be reported to the DMCO as soon as possible for corrective actions and investigations to occur. The DMCO must report the Incident to the Operator. The Secretary and any other relevant agency (e.g., EPA, BVSC) must be notified as soon as possible and in any event within 24 hours of the Operator being made aware of any Incident. <ul style="list-style-type: none"> – Incidents notification to the Secretary must include the following information: – Time and date of Incident – Location of Incident – Details of Incident – Any non-compliance with the Conditions of the Infrastructure Approval Mod 1. 		The DMCO at Port of Eden was aware of the responsibilities, however no incidents have been reported	Not triggered
33.	A35	Any requirements of the Planning Secretary or relevant public authority (as determined by the Planning 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 Planning Secretary or relevant public authority.		There were no pollution or environmental incidents or near misses recorded since commencement of Operations and therefore no requirements of the Planning Secretary have been raised.	Not triggered
34.	A36	If statutory notification is given to the EPA as required under the POEO Act in relation to the SSI, such notification must also be provided to the Planning Secretary within 24 hours after the notification was given to the EPA.		No statutory notifications to EPA required – see Condition A33.	Not triggered








ID	CoA No.	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
35.	A37	<p>STAGING</p> <p>The SSI may be constructed and operated in stages. Where staged construction or operation is proposed, a Staging Report (for either or both construction and operation as the case requires) must be prepared and submitted to the Planning Secretary for information. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation), or within another timeframe agreed with the Planning Secretary.</p>	<p>Compliance Reports (3)</p> <p>Interviews</p>	<p>There was no staged approach to the commencement of the Operation of the Facility.</p>	<p>Not triggered</p>
36.	A38	<p>The Staging Report must:</p> <p>(a) if staged construction is proposed, set out how the construction of the whole of the SSI will be staged, including general details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence;</p> <p>(b) if staged operation is proposed, set out how the operation of the whole of the SSI will be staged, including general details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence;</p> <p>(c) specify the relevant conditions of approval that apply to each stage and how compliance with those conditions will be achieved across and between each of the stages of the SSI; and</p> <p>(d) set out mechanisms for managing any cumulative impacts arising from the proposed staging</p>	<p>Not applicable</p>	<p>As above</p>	<p>Not triggered</p>
37.	A39	<p>The SSI must be staged in accordance with the Staging Report, as submitted to the Planning Secretary.</p>		<p>As above</p>	<p>Not triggered</p>
38.	A40	<p>Where staging is proposed, the terms of this approval that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage.</p>		<p>As above</p>	<p>Not triggered</p>

8.3. AUDIT TABLE 3 – Schedule 2 – PART B – Community Information and Reporting

ID	CoA No / Ref	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status	
		SCHEDULE 2 – PART B COMMUNITY INFORMATION AND REPORTING				
39.	B1	<p>Prior to commencement of Construction, the Proponent is required to establish a Community Consultative Committee.</p> <p>The Community Consultative Committee is to be established in accordance with the Department’s Community Consultative Committee Guidelines for State Significant Projects, dated November 2016, or from an existing group that can be demonstrated to meet the purposes and objectives of the Guidelines as agreed by the Planning Secretary.</p> <p>The committee is to include representatives from port businesses, maritime user groups, residents surrounding the Port of Eden and the Relevant Maritime Authority and is to operate during Construction and during Operation of the SSI for a period as agreed with the Planning Secretary, but not for less than five years from commencement of operation of the committee.</p>	<p>Eden Breakwater Wharf Extension Independent Environmental Audit (IEA) August 2019.</p> <p>Project Website: https://www.portauthoritynsw.com.au/port-of-eden/port-services-facilities/eden-cruise-wharf/</p> <p>Eden Cruise Ship Facility – Operation Compliance reports – 2021/2022; 2020/2021;</p> <p>Community Consultative Committee meeting minutes dated 13 April 2022</p>	<p>The 2019 IEA report referred to the operation of the Community Consultative Committee (CCC).</p> <p>The project website includes minutes of the CCC, demonstrating that a committee has been established</p> <p>The Operation Compliance Report 2021/2022 notes that the Community Consultative Committee (CCC) was established in accordance with condition B1 prior to construction and has been active since then during construction and operation.</p> <p>The committee minutes included the names and titles of the attendees, which included tourism organisations, Chamber of Commerce representatives, community members, yacht club member and Port Authority representatives.</p>	Compliant	
40.	OEMP S3.3	<p>The CCC agenda will generally take the following form:</p> <ul style="list-style-type: none"> – Acknowledgement to Country, welcome and apologies – Business arising from previous meeting – Cruise ship operations; including, but not limited to, and update regarding cruise ship schedule, planned maintenance or other works at the Facility, – Amendments to plans or approvals – Environmental monitoring update – Community complaints / non-conformances; including updates regarding investigations being undertaken and any outcomes and close out actions – Community feedback – Other agenda items / general business. 	<p>Community Consultative Committee meeting minutes dated 13 April 2022</p>	<p>The CCC Minutes included headings for the topics listed in the OEMP</p>	Compliant	

ID	CoA No / Ref	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
41.	B2	A Report endorsed by the Community Consultative Committee is to be submitted to the Planning Secretary five years after commencement of Operation of the SSI, reporting on whether the purpose of the Committee has been achieved and completed, and recommending a timeframe for continued operation. Where disbandment of the committee is recommended, it is to be replaced with a community-based forum, as provided for in the Community Communication Strategy, operating for the life of the SSI unless otherwise agreed by the Planning Secretary. The Community Consultative Report recommending disbandment must be submitted to the Planning Secretary for consideration and include: (a) minutes of the Community Consultative Committee meeting documenting member agreement to disbandment; and			Not triggered
		(b) proposed membership of the community-based forum. Note: the community-based forum must include local residents and may be an existing community liaison group.	Community Consultative Committee meeting minutes dated 13 April 2022	Three community members (not part of Chamber of Commerce or other organisation) were on the committee.	Compliant
42.	B3	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/ or community-based forum, others directly impacted by the SSI during Construction of the SSI and for the life of the Operation of the SSI, unless otherwise agreed by the Planning Secretary.	Eden Cruise Wharf Community Communication Strategy - Operations and Maintenance Phase September 2019.	A Community Communication Strategy (CCS) - Operations and Maintenance Phase was prepared and sets the communications and community liaison activities to be undertaken for the Eden Cruise Wharf (the Facility) from completion of construction and for the life of the operation.	Compliant
43.	B4	The Community Communication Strategy must be submitted to the Planning Secretary for approval no later than one month prior to commencement of any work (excluding works described in paragraphs (a) to (c) in the definition of Construction) for the purposes of the SSI, or within another timeframe agreed with the Planning Secretary. Work for the purposes of the SSI (excluding works described in paragraphs (a) to (c) in the definition of Construction) must not commence until the Community Communication Strategy has been approved by the Planning Secretary.	Not triggered – construction phase requirement.		Not triggered

ID	CoA No / Ref	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
44.	B5	The Community Communication Strategy must: (a) identify people to be consulted during Construction and Operation;	CCS Sections 5.4, 5.5 and 6 – Key Stakeholders	Section 6 identifies key stakeholders in table form. Section 5.4 provides targeted consultation prior to Operations and Maintenance Phase and Section 5.5 Targeted consultation during the Operations and Maintenance phase.	Compliant
		(b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the SSI;	CCS Sections 5.2 and 6 – Key Stakeholders	Section 5.2 – Communication Tools and Section 6 includes the communication tools and frequency of communications.	Compliant
		(c) provide for the formation of community-based forums that focus on key environmental management issues for the SSI arising from Compliance Reports; and	CCS Sections 5.2, 5.3 Community Consultative Committee	5.2 Communication Tools, and Section 5.3 Community Consultative Committee	Compliant
		(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.	CCC Sections 5.2 and 5.7	Section 5.2 Communication Tools and Section 5.7 Community Contact Procedure	Compliant
45.	B6	PROVISION OF ELECTRONIC INFORMATION A website providing information in relation to the SSI must be established prior to commencement 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;	https://www.portauthoritynsw.com.au/port-of-eden/port-services-facilities/eden-cruise-wharf/	A website had been established prior to construction by the Department of Industry. Since the responsibility for the operation of the Eden Cruise Wharf was transferred to the Port Authority of NSW, additional project documents that have been developed to manage site operations, and these are provided on the Eden Cruise Wharf website. The Operation Compliance Reports for 2019-20 and 2020-21 and 2021-22 were observed to be on the website. The Eden Cruise Wharf website states that “at this point in time it is not known when operations will re-commence” under the	Compliant Observation

ID	CoA No / Ref	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
				<p>heading Previous Modification of Project – Approved.</p> <ul style="list-style-type: none"> – Update the project website to reflect that cruise ships are now operating 	
		(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;	<p>Port Authority Website https://www.portauthoritynsw.com.au/port-of-eden/port-services-facilities/eden-cruise-wharf/</p> <p>NSW Planning and Environment Website:</p>	<p>As noted on the Eden Cruise Wharf website. “Project approval information and documents for the Eden Breakwater Wharf extension were completed by Department of Industry and are available on the NSW Government Major Project’s website”</p>	Compliant
		(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 terms), and copies of any approval granted by the Minister to a modification of the terms of this approval;	<p>https://www.planningportal.nsw.gov.au/major-projects/projects/eden-breakwater-wharf-extension</p>	<p>The Consolidated approval is available on the NSW DPE Planning Portal</p>	Compliant
		(d) a copy of each statutory approval, licence or permit required and obtained in relation to the SSI including Commonwealth permits or approvals;		<p>Statutory approvals (other than the SSI 7734 Approval) were relevant only for the construction phase and were available on the Department of Industry website (no longer accessible)</p>	Compliant
		(e) a current copy of each document required under the terms of this approval and any endorsements, approvals or requirements from the ER and Planning 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		<p>At the time of the audit, the Community Communication Strategy (CCS) had not been uploaded to the website.</p> <p>Below: documents on the website as at 9/12/2022 (CCS not included)</p> <p>Additional project documents that have been developed and outline the project’s approach to managing site operations, the environment and engaging with the community are as follows:</p> <ul style="list-style-type: none"> •  Operational Environmental Management Plan (OEMP) •  Traffic, Transport and Access OEMP Sub-plan •  Noise Management OEMP Sub-plan •  Air Quality OEMP Sub-plan and Air Quality Monitoring Program •  Operation Compliance Tracking Program <ul style="list-style-type: none"> ◦  Operation Compliance Report 2020-21 ◦  Operation Compliance Report 2019-20 	Non-compliant

ID	CoA No / Ref	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
		<p>(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>	<p>Operation Compliance Reports – see Condition A23.</p>	<p>Operation Compliance Reports for the 2019/2020 and 2020/2021 and 2021/2022 cruise seasons had been uploaded to the website.</p>	<p>Compliant</p>

8.4. AUDIT TABLE 4 – Schedule 2 - PART D – Operational Environmental Management

ID	CoA No.	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
		OPERATIONAL ENVIRONMENTAL MANAGEMENT			
46.	D1	D1 An Operational Management Plan (OEMP) must be prepared to detail how the performance outcomes, commitments and mitigation measures made and identified in the EIS and Submissions Report will be implemented and achieved during Operation.	Eden Cruise Ship Facility - Operational Environmental Management Plan by NSW Department of Industry Rev 0 dated 7 June 2019.	An OEMP has been prepared as required. The requirements are addressed in Sections 3 and Section 6. Implementation of the OEMP is addressed separately throughout this report and in Table 5 - Operational Environmental Management Plan Requirements	Compliant
47.	D1A	D1A An Extended Use Operational Environmental Management Plan (Extended Use OEMP) must be prepared to detail how the performance outcomes and commitments made and identified in the Eden Cruise Facility Modification 2 to SSI 7734 Extending Use of Cruise Facility to other Vessels and Eden Cruise Facility Response to Submissions - Modification 2 to SSI 7734 Extending Use of Cruise Facility to other Vessels will be implemented and achieved during the Extended Use operations.	Extended Use Operational Environmental Management Plan by Port Authority of NSW dated October 2020.	An Extended Use OEMP has been prepared as required. The EU OEMP details how the performance outcomes and commitments made in MOD 2 will be implemented and achieved during extended use operations. Implementation of the Extended Use OEMP is addressed throughout this report and in Table 7 – Extended Use Operational Environmental Management Plan Requirements	Compliant
48.	D2	The OEMP required under Condition D1 must provide: (a) a description of management and monitoring activities. Where the OEMP covers activities to be carried out under other approvals, licences and permits, the OEMP must clearly identify which activities are to be carried out under this approval; (b) details of environmental policies, guidelines and principles to be followed in the operation of the SSI; (c) a list of all the OEMP Sub-plans required in respect of Operation, as set out in Condition D3. (d) details of how the Operation of the SSI will be carried out under the OEMP and OEMP Sub-plans to:	Eden Cruise Ship Facility - Operational Environmental Management Plan by NSW Department of Industry Rev 0 dated 7 June 2019.	Addressed in Section 6 and 7.1 of the OEMP Addressed in Section 4 of the OEMP Addressed in Section 1.3 of the OEMP Addressed in Section 3.3, of the OEMP	Compliant

ID	CoA No.	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
		<p>i. achieve the environmental performance outcomes identified in the EIS/Submissions Report;</p> <p>ii. implement the mitigation measures identified in the EIS/Submissions Report and any additional measures recommended in Compliance Audits or to address any issues identified in the Five-Year Operational Compliance Summary Reports;</p> <p>iii. comply with the relevant terms of this approval; and</p> <p>iv. address issues during Operation, as identified through the Community Consultative Committee, community-based forums provided for under Condition B5, Complaints Register or Monitoring Programs, through a process of continual improvement;</p> <p>(e) an inspection program detailing the activities to be inspected and frequency of inspections;</p> <p>(f) a description of the roles and environmental responsibilities of the Proponent's employees and their relationship with the Relevant Maritime Authority and Council including roles and responsibilities for management of any matters which are to be reported in the Operation Compliance Reports required under Condition A21;</p> <p>(g) for training and induction for employees, including contractors and sub-contractors, in relation to environmental and compliance obligations under the terms of this approval;</p> <p>(h) a mechanism for communicating the environmental and compliance obligations under this approval to cruise ship operators; and</p> <p>(i) for periodic review and update of the OEMP and all associated plans and programs.</p>		<p>Addressed in Sections 3.5, of the OEMP</p> <p>Addressed in Section 6. of the OEMP</p> <p>Addressed in Section 7.1 of the OEMP</p> <p>Addressed in Sections 6 and 7.1 of the OEMP</p> <p>Addressed in Sections 3 and 7.2 of the OEMP</p> <p>Addressed in Section 3.2 of the OEMP</p> <p>Addressed in Section 3 of the OEMP</p> <p>Addressed in Section 1.5 of the OEMP</p>	
49.	D3	The following OEMP Sub-plans must be prepared in consultation with the relevant government agencies identified for each OEMP Sub-plan, and in consideration of the relevant requirements in this approval and the Proposed Mitigation Measures:	<p>OEMP – Table 2</p> <ul style="list-style-type: none"> – Traffic, Transport and Access OEMP Sub-plan (DoI, 2019a) – Noise Management OEMP Sub-plan (DoI, 2019b) – Air Quality Management OEMP Sub-plan including the Air Quality Operation Monitoring Program (DoI, 2019c). 	<p>The OEMP and its sub-plans were prepared with consultation from the following stakeholders:</p> <ul style="list-style-type: none"> – Bega Valley Shire Council (BVSC) – NSW Environment Protection Authority (EPA) – PANSW 	Compliant

ID	CoA No.	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status												
		<table border="1"> <thead> <tr> <th></th> <th>Required OEMP Sub-plan</th> <th>Relevant government agencies to be consulted</th> </tr> </thead> <tbody> <tr> <td>(a)</td> <td>Traffic, Transport and Access</td> <td>Council, Relevant Maritime Authority</td> </tr> <tr> <td>(b)</td> <td>Noise Management</td> <td>Council, EPA, Relevant Maritime Authority</td> </tr> <tr> <td>(c)</td> <td>Air Quality Management</td> <td>EPA, Relevant Maritime Authority</td> </tr> </tbody> </table>		Required OEMP Sub-plan	Relevant government agencies to be consulted	(a)	Traffic, Transport and Access	Council, Relevant Maritime Authority	(b)	Noise Management	Council, EPA, Relevant Maritime Authority	(c)	Air Quality Management	EPA, Relevant Maritime Authority		<p>– Community Consultative Committee (CCC).</p> <p>Section 1.4 and Table 2 of the OEMP – Agency and Stakeholder Consultation provides a summary of agency and stakeholder consultation comments relating to the OEMP and sub-plans.</p>	
	Required OEMP Sub-plan	Relevant government agencies to be consulted															
(a)	Traffic, Transport and Access	Council, Relevant Maritime Authority															
(b)	Noise Management	Council, EPA, Relevant Maritime Authority															
(c)	Air Quality Management	EPA, Relevant Maritime Authority															
50.	D4	The OEMP Sub-plans must include, to the written satisfaction of the Planning Secretary, information requested by an agency to be included in an OEMP Sub-plan, including copies of all correspondence from those agencies.	Letter from DPIE dated 15/09/2019: Eden Breakwater Wharf Extension (SSI 7734) – Approval of Operation Environmental Management Plan (OEMP) and OEMP Sub-Plans.	Letter from DPIE to The NSW Department of Industry – Lands dated 15/09/2019 included the DPIE agreement that “... <i>the summaries of consultation be included within the OEMP in lieu of complete records of correspondence...</i> ”	Compliant												
51.	D5	<p>The OEMP and OEMP Sub-plans and Extended Use OEMP, must be submitted to the Planning Secretary for approval no later than one month prior to the commencement of relevant operations, unless another timeframe is agreed with the Planning Secretary.</p> <p>Revised OEMP and OEMP sub-plans resulting from the findings of Five Yearly Compliance Summary Report (except the Extended Use OEMP) are to be submitted to the Planning Secretary for approval no later than one month following submission of the Five Yearly Compliance Summary Reports.</p>	<p>Letter from DPIE dated 15/09/2019: Eden Breakwater Wharf Extension (SSI 7734) – Approval of Operation Environmental Management Plan (OEMP) and OEMP Sub-Plans.</p> <p>Letter from DPIE dated 06/11/2020: Eden Breakwater Wharf Extension (SSI 7734) Extended Use Operational Environmental Management Plan</p>	<p>Letter from DPIE dated 15/09/2019 approves the OEMP and noted that the OEMP was submitted to DPIE on 4 July 2019. Operations commenced in September 2019 in compliance with this requirement.</p> <p>Letter from DPIE dated 06/11/2020 approves the Extended Use OEMP.</p> <p>The second part of this condition (Five Yearly Compliance Summary Report) was not triggered.</p>	<p>Compliant</p> <p>Not triggered</p>												
52.	D6	The OEMP and Extended Use OEMP, as approved by the Planning Secretary and amended from time to time, must be implemented for the duration of relevant operations and must be made publicly available prior to the commencement of and for the duration of the relevant operations.	<p>Site inspection</p> <p>Interviews with PANSW personnel</p>	Implementation of the OEMP and Extended Use OEMP is addressed separately throughout this report and in Table 6 and Table 7 of this report.	Compliant												
53.	D7	<p>OPERATION MONITORING PROGRAM</p> <p>An Air Quality Operation Monitoring Program must be prepared in consultation with the EPA, Council and Relevant Maritime Authority.</p>	Air Quality OEMP Sub-plan Rev 0 dated 7 June 2019	The Air Quality OEMP Sub-plan incorporates the Air Quality Operation Monitoring Program in Section 5.2 and was approved by the Secretary’s nominee in correspondence dated 15 September 2019.	Compliant												

ID	CoA No.	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
				<p>Section 1.3 of the Air Quality OEMP Sub-plan noted that extensive consultation occurred with Bega Valley Shire Council, EPA, PANSW and the CCC.</p> <p>Consultation with the agencies commenced on 24 January 2019 as outlined in the OEMP and Air Quality OEMP Sub-plan. Any comments raised were addressed and have been closed out as noted in the Pre-Operation Compliance Report.</p>	
54.	D8	<p>The Air Quality Operation Monitoring Program must provide:</p> <p>(a) details of baseline data available;</p> <p>(b) details of baseline data to be obtained and when;</p> <p>(c) details of all monitoring of the project to be undertaken;</p> <p>(d) the parameters of the project to be monitored;</p> <p>(e) the frequency of monitoring to be undertaken;</p> <p>(f) the trigger for operational monitoring;</p> <p>(g) the location of monitoring;</p> <p>(h) the reporting of monitoring results;</p> <p>(i) procedures to identify and implement additional mitigation measures where results of monitoring are unsatisfactory; and</p> <p>(j) any consultation to be undertaken in relation to the monitoring programs.</p>	<p>Air Quality OEMP Sub-plan Rev 0 dated 7 June 2019.</p> <p>Letter from DPIE dated 15/09/2019: Eden Breakwater Wharf Extension (SSI 7734) – Approval of Operation Environmental Management Plan (OEMP) and OEMP Sub-Plans including the Air Quality OEMP Sub-plan.</p>	<p>Section 5.1 of the Air Quality OEMP Sub-plan provides baseline data and the requirements of Condition D8</p>	Compliant
55.	D9	<p>The Air Quality Operation Monitoring Program must include, to the written satisfaction of the Planning Secretary, information requested by an agency to be included in the Operation Monitoring Program including copies of all correspondence from those agencies.</p>	<p>Air Quality OEMP Sub-plan Rev 0 dated 7 June 2019</p>	<p>Refer to D7</p>	Compliant

ID	CoA No.	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
56.	D10	The Air Quality Operation Monitoring Program must be submitted to the Planning Secretary for approval at least one month prior to the commencement of Operation or within another timeframe agreed with the Planning Secretary.	Air Quality OEMP Sub-plan Rev 0 dated 7 June 2019. Letter from DPIE dated 15/09/2019: Eden Breakwater Wharf Extension (SSI 7734) – Approval of Operation Environmental Management Plan (OEMP) and OEMP Sub-Plans including the Air Quality OEMP Sub-plan. Operations commenced in September 2019.	The OEMP and Air Quality OEMP Sub-plan were submitted on 3 May 2019 (more than one month prior to commencement) and operations commenced on 15 September 2019, in compliance with this conditions	Compliant
57.	D11	Operation must not commence until the Planning Secretary has approved the required Air Quality Operation Monitoring Program , and all relevant baseline data has been collected.		The Air Quality OEMP Sub-plan and Air Quality Operation Monitoring Program were approved by the Secretary on 15 September 2019, the inauguration day for operations.	Compliant
58.	D12	The Air Quality Operation Monitoring Program , as approved by the Planning Secretary, and amended from time to time must be implemented during cruise seasons for five years from commencement of Operation of the SSI or another time period as agreed or directed by the Planning Secretary. From commencement of Operation to the end of the 2019/2020 cruise season, real-time air quality monitoring results during the cruise season must be available on the website required under Condition B6.	https://www.portauthoritynsw.com.au/port-of-eden/port-services-facilities/eden-cruise-wharf/air-quality-monitoring-data/air-quality-monitoring-reports/ Letter from Port Authority to the Secretary DPIE dated 14 June 2022 - Eden Cruise Facility (State Significant Infrastructure 7734) – Conditions D12, D13 and E21 Air Quality Letter from Department of Planning and Environment: Subject: Air Quality Monitoring – Eden Cruise Facility (Condition D12 of SSI 7734) dated 2 August 2022 (Dominic Crinnion, Acting Director, Infrastructure Management) Air Quality Monitoring Reports sighted: Port of Eden Air Quality and Meteorological Monitoring Reports by ERM: – 2019 – Sept, Oct, Nov and Dec 2019; – 2020: Jan, Feb, Mar and April 2020	The Air Quality Operational Monitoring Program was implemented during the 2019/20 cruise season as per this condition. The monitoring station was run continuously from the 4 September 2019 to the 31 March 2020, including the entire 2019/20 cruise season. The Port Authority submitted a letter to DPE dated 23 March 2020 with an analysis of the air quality monitoring results during the 2019/20 cruise season. In a letter dated 5 May 2020, DPE approved the suspension of the air quality monitoring program for the 2020/21 and 2021/22 cruise seasons. The letter from DPE noted <i>that “on 5 May 2020, the Department suspended the Air Quality Monitoring Program for the 202/2021 and 2021/2022 cruise seasons predominantly due to the cease of operation due to the COVID-</i>	Compliant

ID	CoA No.	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
				<p><i>19 pandemic. It is also noted that there were no recorded exceedances in the Air Quality Monitoring Report for the 2019/2020 cruise season”.</i></p> <p>A further letter from the Port Authority to DPE dated 14 June 2022 seeks the continued suspension of the Air Quality Monitoring Program during 2022/2023 cruise seasons based on monitoring results to date and lack of exceedances,</p> <p>In a response to the above letter dated 2 August 2022, the nominee of the Planning Secretary “agree to the ongoing suspension of the Air Quality Monitoring Program for season 2022/2023 cruise season, with monitoring required to recommence to cover the entire 2023/2024 cruise season”.</p>	
59.	D13	The results of the Air Quality Operation Monitoring Program must be submitted to the Planning Secretary, and relevant regulatory agencies, for information in the form of an Operation Monitoring Report at the frequency identified in the relevant Operation Monitoring Program.	Letter from DPIE dated 20 July 2020 to Port Authority: Eden Breakwater Wharf Extension acknowledging receipt of Operation Compliance Report for the 2019-2020 cruise season.	<p>The Port Authority submitted the Air Quality Monitoring results to DPE as required under this condition D13 on 7 July 2020 as part of the Operational Compliance Report for the 2019/20 cruise season.</p> <p>DPE acknowledged the receipt of the Operation Compliance Report, which included the Air Quality Monitoring report summary required under Condition D13 in the letter dated 20 July 2020.</p>	Compliant
60.	D14	Where a relevant OEMP Sub-plan exists, the relevant Air Quality Operation Monitoring Program may be incorporated into that OEMP Sub-plan .	Air Quality OEMP Sub-plan Rev 0 dated 7 June 2019.	Noted. The Air Quality Operation Monitoring Program is incorporated into the Air Quality OEMP Sub-Plan	Compliant

8.5. AUDIT TABLE 5 –Schedule 2 - PART E – Key Issue Conditions

ID	CoA No	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
		KEY ISSUE CONDITIONS			
61.	E1	No cruise ship is permitted to berth before 7.00am or after 10.00pm unless extenuating circumstances prevail such as mechanical failure, an on-board emergency or severe weather conditions. Vessels other than cruise ships up to 100m in length are permitted to remain at berth 24 hours per day when a cruise ship is not at berth. (MOD 2)	Interviews with Harbour Master and DMCO / Cruise Development Manager – Port Authority. Email from Ryan Bennett, Senior Manager, Planning and Sustainability – Port Authority of NSW dated 22/10/2022. Site visit on cruise day – 4 December 2022	The pilot and the harbourmaster meet the cruise ship at the heads and do not allow them into the berth until 7.00am. On the day of the audit site visit, (4 Dec 2022), the Pacific Adventurer docked at approximately 7.00am. There has been one instance in which a cruise ship has been required to remain at the berth overnight due to extenuating circumstances – refer to Condition E17 (d).	Compliant
62.	E2	In addition to the performance outcomes, commitments and mitigation measures specified in the EIS and Submissions Report, all reasonably practicable measures must be implemented to minimise noise impacts and the emission of air pollutants during Operation of the SSI.	Site Inspection	The Pacific Adventure was observed to turn of motors once docked, switching to the site generators. No undue noise was being generated by the ship or other transport at the Port and air emissions appeared to be minimised. There have been no noise complaints reported at the Port of Eden. Also see implementation of Noise OEMP sub-plan section under Condition E8.	Compliant
63.	E3 – E4	DILAPIDATION REPORT Not applicable to operation.		Not triggered for Operation	Not triggered
64.	E5 - E6	TRAFFIC, TRANSPORT AND ACCESS Not applicable to Operation		Not triggered for Operation	Not triggered
65.	E7	The Traffic, Transport and Access OEMP Sub-plan must include detail on the provision of infrastructure, facilities and services to cater for cruise ship passengers and ensure safe access including:	Traffic Transport and Access OEMP Sub-Plan dated September 2019 -by Port Authority of NSW	It was noted in the 2021-22 Operation Compliance Report, that subsequent to DPE's approval of the sub-plan. The Port Authority identified minor adjustments of the pick-up and drop off facilities for buses and taxis which would	Compliant

ID	CoA No	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
		(a) pedestrian access to Eden Town Centre and Port of Eden retail areas;		improve passenger safety and access. The revised sub-plan was submitted to DPE for information in September 2019 and also submitted to Council. a) Section 7.6 – Traffic Transport and Access Management addresses pedestrian access	
		(b) pedestrian access to tourist facilities and other local businesses;		Section 7.6 addresses pedestrian access to tourist facilities and local businesses	
		(c) passenger transport services for visits to local and regional businesses and attractions;		Sections 7.1 (bus / shuttle bus requirements), 7.2 (Taxi pick up / drop off requirements), address these requirements	
		(d) bus parking bays, waiting areas, shelters, signage and the like at the wharf and at pick up points in the local area; and		Section 7.1 addresses these requirements)	
		(e) provision of personnel to oversee pedestrian movements on the wharf and surrounding areas during cruise ship visits.		Section 7.6 addresses these requirements – provision of Welcome Ambassadors	
66.	E7	<p>Implementation of Condition E7 requirements:</p> <ul style="list-style-type: none"> – Safe pedestrian access to Eden Town Centre, Port of Eden retail areas, tourist facilities and other local businesses? – Passenger transport services for visits to local and regional businesses and attractions? – Bus parking bays, waiting areas, shelters, signage etc at the wharf and pick-up points in the local area? – Personnel provided to oversee pedestrian movements on the wharf and surrounding areas during cruise ship visits? 	Site visit / inspection	<ul style="list-style-type: none"> – Yes – auditor walked from the port to the town centre via 2 routes – Warren Walk and Albert Terrace. Routes were safe and separated from traffic until reaching the main town centre. – Yes – shuttle buses and tour buses were available; – See photos –bus parking bays, pick up points, shelters (Eden Welcome Centre) and signage were in place. Volunteers were also deployed to assist passengers to find pick up points and pedestrian access points. Safe access provided including well maintained footpaths, pedestrian crossings etc. 	Compliant

ID	CoA No	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
				<ul style="list-style-type: none"> Port Authority, Certis Security and Cruise Eden staff were available as well as various volunteers to oversee pedestrian movement on the wharf and surrounding areas noted. 	
67.	TTA sub plan 7.1	<p>Inspection checklist (Appendix A of TTA sub plan) completed by DMCO for drop off and pick up point locations on Cruise Ship Days?</p> <p>Following the inspection, flags and signage will be erected at the locations to indicate bus locations to passengers and direct pedestrian traffic. In addition, Welcome Ambassadors will be at these locations to provide any information to passengers, to ensure safe and easy access.</p>	Completed "Daily (cruise days) Inspection Checklist (walk over of land-based site areas) & drop off and Pick up Inspection Checklist" for 4 Dec 2022	Checklist included these items – also see E7 above.	Compliant
68.	TTA sub plan 7.4 Tbl 6	<p>Forklift safety on cruise ship days:</p> <ul style="list-style-type: none"> Separation from pedestrians? Temporary signage identifying forklift use – facing pedestrian routes? Spotter used around pedestrian walking route; Operate with good line of sight, travelling forward with loads? Max 5 km/hr speed limit adhered to? Loading area clear of slip and trip hazards? Exclusion zone using temp bollards and barriers to separate pedestrians from work area – minimum clear walking width of 2.0m? 	<p>Site Inspection</p> <p>Interviews with DMCO and Harbour Master</p>	Forklifts are not generally used on cruise days (none on day of site inspection). It was advised that if required, they would be separated from pedestrians.	Compliant
69.	E8	<p>NOISE AND VIBRATION</p> <p>The SSI is to be constructed and operated to minimise noise impacts on surrounding residents.</p>	<p>Site Inspection</p> <p>Complaints register – no complaints recorded</p>	The Pacific Adventure was observed to turn off motors once docked, switching to the site generators. No undue noise was being generated.	Compliant
70.	E9 – E16	Construction hours and night time dredging protocol– not applicable to Operations		Conditions E9 to E16 are applicable only to construction, not operations and are therefore not triggered at this audit.	Not triggered
71.	E17	The Noise Management OEMP Sub-plan must identify measures to reduce noise impacts on Sensitive Receivers including:	<p>Operational Environmental Management Plan - Noise OEMP Sub-Plan</p> <p>Site inspection items for implementation;</p>	The Noise Management OEMP Sub-plan identifies these requirements in various section of the Plan (Sections 3.4.1, 3.6, 7.1)	Compliant

ID	CoA No	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
		(a) no deck announcements and music from open decks while berthed at the Breakwater Wharf Extension, with the exception of safety announcements;	Interview with Cruise Development Manager / DMCO	Implementation: Cruise operators appeared to be well aware of this requirement. No deck announcements were made during the site inspection from 7.00am to 10am on Sun 4 Dec.	
		(b) ship engine, generator, exhaust and ventilation systems including air conditioning must be maintained and operated efficiently to reduce noise emissions while in the Port of Eden;	Letter from Port Authority to cruise operator Carnival (based on form letter): Eden Cruise Facility – Requirements under Infrastructure Approval) SSI 7734) providing cruise ship operators with details of their responsibilities under the Conditions of Approval (sampled letter dated 30 July 2020) and where to find a copy of all relevant OEMP sub-plans. Site inspection for implementation No complaints Interview with Harbour Master and DMCO	Requirements are identified in Section 3.6 of the Noise Management OEMP Sub-plan. Implementation: The implementation of this requirement could not be fully verified during site inspection (ship inspection not undertaken); however, evidence was provided that cruise operators have been informed of their responsibilities and instructions on how to access the OEMP and sub-plans.	Compliant
		(c) ships must run on the minimum generator/engine power required while at the berth;	As above Site inspection	Requirements are identified in Section 3.6 of the Noise Management OEMP Sub-plan. Implementation: The Pacific Adventure was observed to turn off motors once docked, switching to the site generators. No undue noise was being generated at the time of the site inspection.	Compliant
		(d) in the event of an overnight berth due to extenuating circumstances, community information and notification; and	Email dated 21 October 2022 from Natalie Godward (Cruise Development Manager / DMCO) to various Port Authority staff and management regarding: Pacific Explorer in Eden overnight.	Requirements are identified in Section 2.3 of the Noise Management OEMP Sub-plan. Implementation:	Compliant

ID	CoA No	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
			<p>Community notification (via Facebook page) on 21 October 2022 (shows 10,459 people reached and 1311 engagements)</p> <p>Email from Ryan Bennett, Senior Manager, Planning and Sustainability – Port Authority of NSW dated 22/10/2022.</p>	<p>One instance of an overnight berth has occurred since cruise ship operations recommenced in 2022. The community notification noted <i>“due to unsafe weather conditions, Pacific Explorer will be staying at berth overnight in Eden and departing at 0600 on Saturday 22 October when conditions are expected to be more favourable for a safe departure”</i></p> <p>Some notifications are provided by Port Authority; however, the majority are through the Facebook community page. Content is managed by the DMCO Natalie Godward, and notifications issued by Debbie Meers of Cruise Eden on the community Facebook page.</p> <p>The email regarding the Pacific Explorer in Eden overnight noted: <i>In compliance with the Eden Cruise Wharf OEMP they will not have music playing on open decks, and no operational activity will be permitted ashore after 2200 (the MSZ gates will be closed at that time). We have also asked the ship not to have the large TV screen on the open deck on while at berth overnight.</i></p> <p>The email also noted: <i>The community have been informed via local Eden social media channels with the correct information.</i></p>	
		(e) a procedure for management of non-compliant cruise ships including details on proposed actions, timeframes and consequences in the event of non-compliance with (a) to (c) in this condition.	<p>Noise Management OEMP Sub-plan</p> <p>Interview with Cruise Development Manager / DMCO, and confirmed by the Senior Environmental Planner - Port Authority</p>	<p>Requirements are identified in Section 3.6 of the Noise Management OEMP Sub-plan – Procedure for Non-compliant Cruise Ships.</p> <p>Implementation:</p>	Compliant

ID	CoA No	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
				It was reported that there have been no non-compliant cruise ships to date.	
72.	E18	<p>Where a complaint is received from a Sensitive Receptor in relation to a specific cruise ship at the Breakwater Wharf Extension, the source and nature of the noise must be investigated while the ship is at berth (unless this is not possible due to the timing of the complaint or imminent departure of the ship) and corrective actions implemented as required.</p> <p>If there are further complaints or the investigation indicates ongoing exceedance of the noise levels predicted in the EIS and Modification Assessments on the return of the cruise ship, future visits must be managed in accordance with the requirements of the Noise Management OEMP Sub-plan and specific actions, timeframes and consequences agreed by the Planning Secretary in the event of repeat non-compliance.</p>	Interview with Cruise Development Manager / DMCO	No complaints have been received.	Not triggered
73.	E19	<p>AIR QUALITY</p> <p>The SSI is to be operated to:</p> <p>(a) minimise the risk to Sensitive Receivers from adverse health impacts from exposure to cruise ship emissions;</p> <p>(b) support management strategies to reduce exposure; and</p> <p>(c) national environmental protection standards (as revised from time to time) set out in the National Environment Protection (Ambient Air Quality) Measure.</p>	<p>Air Quality Monitoring Reports sighted: Port of Eden Air Quality and Meteorological Monitoring Reports by ERM:</p> <ul style="list-style-type: none"> - 2019 – Sept, Oct, Nov and Dec 2019; - 2020: Jan, Feb, Mar and April 2020 <p>Site Inspection</p>	<p>Air Quality Monitoring Reports indicated compliance with air quality parameters (except at the time of bushfires – explained in the relevant Air Quality Monitoring report).</p> <p>Ships are required to comply with MARPOL requirements. Compliance of the ship could not be directly verified, and is the responsibility of the operator.</p> <p>The site inspection did not identify any issues relating to excess air emissions.</p>	Compliant
74.	E20	<p>The OEMP Air Quality Management OEMP Sub-plan must include the following measures to reduce emissions from cruise ships:</p> <p>(a) prior to 1 January 2020:</p> <ul style="list-style-type: none"> i. no more than 20 cruise ship visits to the Breakwater Wharf Extension (which represents the “typical operations” modelled in the Refined SO2 Emission Modelling); and ii. emissions from cruise ships berthed at the Breakwater Wharf Extension must not result in an exceedance of the maximum cumulative SO2 concentration at the most affected 	Air Quality Management OEMP Sub-plan including the Air Quality Operation Monitoring Program (DoI, 2019c)	<p>Measures required prior to 1 January 2020 are addressed in Section 2.3 of the Air Quality Management OEMP Sub-plan.</p> <p>Measures required following 1 January 2020 are addressed in Section 2.3 of the Air Quality Management OEMP Sub-plan.</p>	Compliant

ID	CoA No	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
		sensitive receiver as predicted in the Refined SO2 Emission Modelling for "typical operations";			
		(b) from 1 January 2020, cruise ships must meet emission restrictions specified under MARPOL Annex VI, as implemented through the relevant Maritime Acts, or more stringent emission restrictions under these Acts;	Air Quality Monitoring Reports sighted: Port of Eden Air Quality and Meteorological Monitoring Reports by ERM: – 2019 – Sept, Oct, Nov and Dec 2019; – 2020: Jan, Feb, Mar and April 2020	Air Quality Monitoring Reports indicated compliance (except at time of bushfires – explained in report) MARPOL Annex VI, which limits sulphur content of ship fuel to 0.5% m/m, or by implementation of other means such as scrubbers to meet same outcome (see Section 6.5 of OEMP)	Compliant
		(c) ship engine, generator, exhaust and ventilation systems must be maintained and operated efficiently to reduce air emissions while at berth at the Breakwater Wharf Extension; and	See E17 (b)	Requirements are identified in Section 3.6 of the Air Quality Management OEMP Sub-plan. Implementation: The implementation of this requirement could not be fully verified during site inspection (ship inspection not undertaken) however evidence was provided that cruise operators have been informed of their responsibilities and instructions on how to access the OEMP and sub-plans. Cruise operators also have specific requirements under MARPOL.	Compliant
		(d) a procedure for management of non-compliant cruise ships including details on proposed actions, timeframes and consequences in the event of non-compliance with (a) ii, (b) and (c) in this condition.	Air Quality Management OEMP Sub-plan	Requirements are identified in Section 3.6 of the Air Quality Management OEMP Sub-plan – Procedure for Non-compliant Cruise Ships.	Compliant
75.	E21	Unless otherwise agreed with the Planning Secretary, the Operation Monitoring Program required under Condition D7 must, as a minimum, include monitoring of NO2, SO2 and PM2.5 at the closest potentially impacted sensitive receiver (taking into account prevailing winds) at least	Air Quality Management OEMP Sub-plan including the Air Quality Operation Monitoring Program (DoI, 2019c)	Section 5.2 and Table 5 of the Air Quality Management OEMP Sub-plan including the Air Quality Operation Monitoring Program addresses this requirement.	Compliant

ID	CoA No	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
		<p>two days prior to the arrival of the first three cruise ship of the season, while they are at berth and for at least two days following departure.</p> <p>Where there is less than two days between departure of a cruise ship and arrival of the next cruise ship, monitoring must continue until there is at least two days between ship departures and arrivals.</p>		<p>Air quality monitoring results reported in the 2019/2020 Operation Compliance Report provides evidence of compliance. Air quality monitoring encompassed a broader monitoring program, not only the days before and after cruise ship arrival and departure.</p>	
76.	E22	<p>Where a complaint is received from a Sensitive Receiver in relation to a specific cruise ship at the Breakwater Wharf Extension about dark smoke emissions or offensive odours, the source and nature of the dark smoke emission or offensive odour must be investigated while the ship is at berth (unless this is not possible due to the timing of the complaint or imminent departure of the ship) and corrective actions implemented as required.</p> <p>If there are further complaints and the investigation indicates exceedance of emission restrictions (being those restrictions described in Condition E20) on return of the cruise ship, future visits must be managed in accordance with the requirements of the OEMP Air Quality Management.</p>	Complaint Register (blank)	<p>There have been no formal complaints recorded.</p> <p>Excessive dark smoke was not noted on the cruise day.</p>	Compliant
77.	E23 OEMP 6.4	<p>LIGHTING</p> <p>All maritime lighting to be implemented as part of the SSI shall have regard to the location of nearby residential dwellings. Lighting impacts shall be minimised to the extent possible, and comply with AS 4282:1997 – Control of the Obtrusive Effects of Outdoor Lighting and relevant Australian Standards in the series AS/NZ 1158 – Lighting for Roads and Public Spaces.</p>	<p>Site Inspection</p> <p>Wharf Extension – Basis of Design 22 Sept 2016 by Worley Parsons – section 1.5.3 – lighting services (doesn't mention AS428 or AS/NZ 11582).</p>	<p>It was observed during the site inspection that lighting faced downward (90 degrees) on the cruise wharf and approx. 45 degrees on the breakwater wharf (existing wharf).</p> <p>Lights are generally not used at the cruise wharf as ships mostly depart prior to 5pm. The angle of the lights appears to mitigate lighting impacts to residents. There have been no complaints related to lighting (or any other issue)</p> <p>It could not be verified that the lighting design was based on AS4282 or AS/NZS 1158, however based on site observations, the lighting at the cruise wharf appeared to be compliant.</p>	Compliant

8.6. AUDIT TABLE 6 - OEMP Implementation

(Note: where requirement is related specifically to a CoA, requirement is included in the CoA tables, in rows adjacent to the CoA Condition

ID	Plan / Section	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
	OEMP				
75.	3.2	<p>Inductions and training:</p> <p>The Operator will develop and deliver a Facility induction and an annual induction refresher to Cruise Ship Operators, Facility employees, subcontractors and staff associated with the Facility either online or in person.</p> <p>In the first instance, this will be the primary mechanism for communicating the environmental and compliance obligations to all staff and Cruise Ship Operators. The induction will include:</p> <ul style="list-style-type: none"> • A summary of key environmental risks for the Facility • The requirement for mandatory compliance with the Infrastructure Approval Mod 1, EPBC Act Referral Decision • The requirements of this OEMP by all staff involved in operational activities. <p>A register of the name, company and date of the inductee, as well as, when their next induction is due will be kept by the DMCO.</p>	<ul style="list-style-type: none"> – Rapid Global online induction – Induction – General Environmental and Sustainability – Module 0 – Induction: Contaminated land – Module 1 – Induction – Environmental Incident Response – Module 3; – Induction – Storage and Handling of Hazardous Liquids and Refuelling – Module 5 <p>Folder with following training material:</p> <ul style="list-style-type: none"> – Induction – Heritage – Module 2 – Induction - Environmental Planning Approvals and Requirements – Module 4; 	<p>A review of induction material, and interviews with staff and management provided evidence of relevant environmental training.</p> <p>Online induction by the auditor is required for all persons – managed by Rapid Global and checked by security on entry to the site on cruise days. The auditor was required to undertake the induction prior to entering the site to undertake the audit</p>	Compliant
76.	3.8	<p>Emergency Contacts and Response</p> <p>The PANSW has prepared and implemented existing emergency response procedures, including for marine pollution incidents. PANSW will respond to all port-related incidents within the ports of Eden in accordance with the Port of Eden Marine Oil and Chemical Spill Contingency Plan.</p> <p>In addition to responding to marine pollution incidents, PANSW also investigates the cause of the incident and may prosecute any breaches of the relevant marine pollution legislation.</p>	<p>PANSW intranet – various strategies and procedures contained within the Port Marine Management System. Specific procedures sighted included:</p> <ul style="list-style-type: none"> – Incident Management Procedure; – Guidelines for Responding to a Fire on a Vessel; – Marine Oil Pollution Incident form, – Marine Oil Pollution investigation guidelines, – Marine Oil Pollution sampling procedure; – Marine Oil and Chemical Spill Contingency Plan 	<p>A review of various strategies and procedures were sighted on the PANSW intranet site, providing evidence of appropriate preparedness for incidents, emergencies, spills etc.</p> <p>There have been no recorded spills at the Port of Eden since the commencement of Operations.</p>	Compliant

ID	Plan / Section	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
			– Work Instructions – Shoreline Boom, Sorbent Boom, Sorbent Pads, Sorbent Rope Mops		
77.	4.1	The Operator and DMCO are required to maintain an Environmental Policy in accordance with the Environmental Management System Guidelines (NSW Government, 2013).	Environmental Policy dated 19/5/2022 and signed by Phillip Holliday (CEO and Director)	Environmental Policy is maintained by the Port Authority	Compliant
78.	6.1	Water and Sediment Quality (Environmental Action Plan derived from Response to Submission Report – RTS) The following management actions will be implemented:			
79.	6.1	Appropriate waste facilities will be readily accessible for the Operation of the Facility for passenger waste (litter)	Site inspection	The site inspection identified that appropriate waste facilities are readily accessible to passengers at the Welcome Centre. (see photos in report)	Compliant
		Marine debris clearing from waters, landside, adjacent to the cruise ship berth and along the foreshore will be undertaken as required;	Interview with, and email from Port Authority representative	It was advised verbally and in writing that Port Authority undertakes visual inspections of the Eden Cruise Wharf (waters and landside) and debris is removed if considered necessary	Compliant
		Undertake a periodic inspection of the seabed and remove any accumulated rubbish	Interview with, and email from Port Authority representative SUR 3 – Field Procedures for Hydrographic Surveys	It was advised by Port Authority that the survey team undertakes annual surveys of the seabed of the Eden Cruise Wharf. It also surveys other parts of the port on a regular basis. If material has accumulated in the seabed and affect navigation, it would be removed. The Field Procedure for Hydrographic survey notes: “ <i>The Group Survey Manager and the Harbour Master are to be advised as soon as possible, of any object found which is a hazard to navigation</i> ”.	Compliant
		In-water cleaning will only occur on anti-fouling coatings suitable for in-water cleaning (obtainable from coating manufacturer) and in compliance with Anti-fouling and In-water Cleaning Guidelines (DAWR, 2015)	Email from First Officer (Pacific Adventure) 30 Nov 2022 requesting permission (amongst other things) to wash with MARPOL compliant chemicals and to paint (not in-water cleaning).	It was advised by the Harbour Master that no in-water cleaning is conducted at the Port of Eden facility, only above water-line cleaning.	Compliant

ID	Plan / Section	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
		Best practice hull cleaning procedures (where required) will be followed (e.g. Department of Agriculture, Fisheries and Forestry (DAFF) Anti-fouling and In-water Cleaning Guidelines, 2013, and the ANZECC Code of Practice for Antifouling and In-Water Hull Cleaning and Maintenance 1997)		No hull cleaning is conducted at Eden (regulated by the Commonwealth).	Not triggered
		Oils and hazardous chemicals will be stored in appropriately bunded and covered storage areas with containment for no discharge;		No oils or hazardous substances were stored on the wharf extension or on the Breakwater wharf. An oil store is located nearby; however, it is not under the control or responsibility of Port Authority. It has been in use for many years and it was advised that the storage facility is due to be decommissioned in the near future.	Not triggered
		Emergency spill response equipment on wharf and within Facility will be available and maintained	Site inspection	Two spill kits were stored inside the security kiosk during non-cruise days and are deployed to outside the kiosk on cruise days near the entry to the site (see photos).	Compliant
		Sewage pump outs of cruise ships at berth will be prohibited		It was advised that no sewage pump-outs from cruise ship occur at Eden Wharf.	Compliant
		Comprehensive Cruise Ship refuelling procedures will be implemented to avoid or reduce the possibility of release, which will include, as a minimum, requirements for: – Adhering to all PANSW and pollution regulations – Refuelling during daylight hours where possible, depending on sea conditions – Training personnel involved with refuelling or fuel transfer in their roles, functions and responsibility, including emergency response – Maintaining open communication channels – Deploying spill prevention systems in accordance with established procedures and regulatory requirements – Maintaining emergency response equipment to ensure that it is readily available [RTS]	Site inspection Interview with Harbour Master Code of Practice: Non-cargo oil transfers in the Port of Eden 26 March 2012 – Issued by the Harbour Master, Eden (not relevant for cruise ships, but relevant to extended wharf uses only)	It was advised that no refuelling of cruise ships occurs at Eden, however a Code of Practice is maintained at the site.	Not triggered

ID	Plan / Section	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
		Low Environmental Health and Safety (EHS)-risk cleaning products will be preferentially selected (i.e. biodegradable detergents and dispersants)	Email from First Officer (Pacific Adventure) 30 Nov 2022 requesting permission (amongst other things) to wash with MARPOL compliant chemicals and to paint.	The email from the Pacific Adventure First Officer provided evidence of knowledge of the requirement to wash with MARPOL compliant chemicals (environmentally friendly).	Compliant
		Contaminated bilge water discharges will not be permitted at the Port		It was advised that bilge water is not discharged at the Port	Compliant
		Spills and leaks will be contained in accordance with the technical guidelines section of Bunding and Spill Management of the Authorised Officers Manual		It was advised that there have been no spills or leaks recorded	Compliant
		Spill response strategy and procedures developed by PANSW will be followed in the event of a spill, PANSW will be contacted immediately	<p>PANSW intranet – various strategies and procedures contained within the Port Marine Management System. Specific procedures sighted included:</p> <ul style="list-style-type: none"> – Incident Management Procedure; – Guidelines for Responding to a Fire on a Vessel; – Marine Oil Pollution Incident form, – Marine Oil Pollution investigation guidelines, – Marine Oil Pollution sampling procedure; – Marine Oil and Chemical Spill Contingency Plan – Work Instructions – Shoreline Boom, Sorbent Boom, Sorbent Pads, Sorbent Rope Mops 	<p>A review of various strategies and procedures were sighted on the PANSW intranet site, providing evidence of appropriate preparedness for incidents, emergencies, spills etc.</p> <p>There have been no recorded spills at the Port of Eden since the commencement of Operations.</p>	Compliant
80.	6.1	<p>Water and Sediment Quality (Environmental Action Plan derived from Response to Submission Report – RTS))</p> <p>The following Water Quality monitoring will be undertaken:</p> <ul style="list-style-type: none"> – Water quality at the Facility and adjacent areas will be visually monitored on Cruise Ship Days for any visible signs of contamination from sediment or hydrocarbons 	<p>Daily (cruise days) Inspection Checklist (walk-over of land-based site areas) & Drop off and Pick up Inspection Checklist (blank forms and completed versions – see below:).</p> <ul style="list-style-type: none"> – 4/12/2020 by DMCO Natalie Godward) (observed to be completed on day of site inspection); – 21/10/2022 by DMCO 	<p>The daily inspection checklist is completed whenever a cruise ship comes into the wharf.</p> <p>Water quality was acceptable (noted that there is a concrete apron beneath the berthing area minimising potential for disturbance of sediments).</p> <p>It was observed during the site inspection that there were no issues relating to terrestrial or aquatic biology (have been none noted during PANSW inspections to date).</p>	Compliant

ID	Plan / Section	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
		<ul style="list-style-type: none"> - If visual monitoring indicates potential contamination additional water and sediment quality monitoring may be implemented - If water quality monitoring is undertaken, the parameters for analysis will be selected based on the type of contamination observed, e.g.: <ul style="list-style-type: none"> o if significant turbidity is observed, then TDS and turbidity will be measured o if an oil chemical spill is observed, then hydrocarbons (TRH) and BTEX will be measured o if paint spill is observed, then volatile organic compounds such as toluene, xylene or formaldehyde and solvents will be measured; o The monitoring results will be assessed against ANZECC (2018 or as updated) water quality guidelines for protection of aquatic ecosystems 	Interviews with Harbour Master and DMCO	<p>Visual monitoring has not indicated any potential contamination</p> <p>As visual monitoring has not identified any potential contamination, water quality monitoring has not been required.</p>	<p>Not triggered</p> <p>Not triggered</p>
81.	6.2	<p>Ecology - (Environmental Action Plan derived from Response to Submission Report – RTS))</p> <p>To reduce potential water sediment quality impacts on flora and fauna during Operation of the Facility, the following Management Actions will be undertaken:</p> <ul style="list-style-type: none"> - All ships at sea will adhere with the amendments to MARPOL Annex V (IMO, 1988) which came into force on 1 March 2018 - this broadly prohibits the discharge of garbage into the sea, excepting in the cases of food wastage, cargo residues, cleaning agents and additives, and animal carcasses. MARPOL is implemented in Australia through the Protection of the Sea (Prevention of Pollution from Ships) Act 1983 - Risk of vessel strike during operational activities will be reduced through: <ul style="list-style-type: none"> o – Education of all personnel o – Active management such as information exchange by the DMCO to tug and Cruise Ship Operators, on known marine mammal activity (e.g., via community, commercial fishers, mussel farmers, NPWS whale watch and Cat Balou Cruises information) o – Awareness of the presence of marine fauna in the local waterway by vessel operators so that they can adopt appropriate speeds and clearance when cetaceans are nearby 	<p>Interview with Harbour Master and DMCO</p> <p>Communications between vessel operators and the Harbour Master</p>	<p>Cruise ship operators are responsible for ensuring compliance with the International Convention for the Prevention of Pollution from Ships (MARPOL) requirements, and the Commonwealth is responsible for enforcement of requirements.</p> <p>The OEMP and sub-plans are provided to cruise ship operators to ensure they are aware of the requirements for the Eden Port.</p> <p>The compliance by cruise ships was not verifiable at this audit.</p> <p>Education on the risk of vessel strike is part of training for Port Facility Security Officer (PFSO) training. It was advised that the Harbour Master and DMCO completed PFSO training as a requirement for their positions.</p> <p>It was advised that whales, sharks and seals occasionally visit the bay, however, none have been noted in the bay during cruise operations.</p> <p>Evidence of communications between vessel operators and the Harbour Master was sighted,</p>	<p>Not verifiable</p> <p>Compliant</p>

ID	Plan / Section	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
				however none specifically related to marine fauna. The Harbour Master and pilot escort cruise ships into the harbour and enforce the limit – there have been no reports of excess speed in the port.	
		– Vessels within the Port will adhere to speeds of 10 knots or less, except in circumstances where the Harbour Master or a Pilot considers that a higher speed is necessary to maintain safe navigation in the Port	Interview with Harbour Master and DMCO/PFSO Site inspection and observation of ship coming into port. Daily (cruise days) inspection checklist (completed on 21/10/2022 and 4/12/2022)	The Harbour Master was on the Pilot boat that accompanied the ship to the wharf, ensuring ship met all requirements. The Daily (cruise days) inspection checklists included confirmation that the ship was approaching at a suitable speed of 10 knots or less.	Compliant
		– All injured marine mammals will be immediately reported to the ORRCA 24-hour hotline on 02 9415 3333 or NPWS on 1300 361 967	Interviews	No reports of injured marine animals to date. Staff were aware of this requirement	Compliant
		– Cruise ships will manage ballast water in accordance with the Australian Ballast Water Management Requirements (DAWR, 2017)		No ballast water is discharged at port by cruise ships – not required. (Commonwealth responsibility)	Compliant
		– To reduce the potential for lighting related impacts on fauna sensor lighting or dimmers on the wharf will be used during the night when the Facility is less likely to be in use		It was advised that cruise ships generally berth during the day and have not generally required lighting. When ships are not in port, it was advised that lights would be turned off.	Compliant
		– The Operator will report any fish kills at the Facility to DPI-Fisheries (1800 043 536) immediately and any water-based activities will cease until emergency response procedures are implemented and the issue is rectified and written approval to proceed is provided by DPI-Fisheries		It was advised that no fish kills have been reported to date	Compliant
82.	6.2	Ecology – Monitoring requirements – Terrestrial and aquatic ecology at the Facility and adjacent areas will be visually monitored on Cruise Ship Days for any visible signs of impacts to biodiversity	Daily (cruise days) Inspection Checklist (walk-over of land-based site areas) (completed on 21/10/2022 and 4/12/2022).	The Daily inspection checklist includes a section “Aquatic and Terrestrial Ecology” which is completed on Cruise Ship Days. The auditor accompanied the DMCO during the site inspection. There were no visible signs of	Compliant

ID	Plan / Section	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
				impacts to diversity (none have been reported to date)	
		<ul style="list-style-type: none"> Regular maintenance and housekeeping at the Facility will be visually inspected on Cruise Ship Days to evaluate the effectiveness of waste storage and collection 	As above	Waste management is included in the Daily inspection checklist. No issues identified as requiring attention.	Compliant
83.	6.4	<p>Noise and Visual amenity monitoring requirements:</p> <ul style="list-style-type: none"> Noise amenity at the Facility will be monitored on Cruise Ship Days when a ship is at berth for deck announcements and/or music 	Daily (cruise days) Inspection Checklist (walk-over of land-based site areas) (completed on 21/10/2022 and 4/12/2022).	Five questions relating to noise amenity are included on the daily inspection checklist, including issues relating to deck announcements, reversing alarms, and land-based equipment turned off when not in use.	Compliant
		<ul style="list-style-type: none"> If a complaint is received, noise levels will be monitored on Cruise Ship Days, if required, in accordance with the Noise Management OEMP Sub-plan 	As above Interview with DMCO	No noise complaints (question included on daily site inspection checklist)	Not triggered
		<ul style="list-style-type: none"> If noise monitoring is required due to a complaint, the monitoring will be compared to the Predicted Noise Levels presented in Table 6. 			Not triggered
84.	OEMP 6.5	<p>Air Quality monitoring requirements:</p> <ul style="list-style-type: none"> Air quality will be visually monitored for black / dark smoke emission and monitored for odours on Cruise Ship Days 	Daily (cruise days) Inspection Checklist (walk-over of land-based site areas) (completed on 21/10/2022 and 4/12/2022). Site inspection	The daily inspection checklist includes a question relating to the emission of black or dark smoke or odours.	Compliant
85.	6.6	<p>Health, Safety and Socioeconomic Environmental Action Plan</p> <p>The following Management Actions will be implemented:</p> <ul style="list-style-type: none"> To manage the potential impact of communicable disease the relevant NSW Public Health Unit Control Guideline for the particular infectious disease will be followed. 	Interviews Site inspection	<p>Passengers and staff wear masks as required;</p> <p>Passengers are required to be fully vaccinated and provide evidence of a negative Covid test to go on the cruise and disembark</p> <p>Hand sanitiser was provided on the cruise ship at the point of disembarkation and on the wharf.</p> <p>There is no terminal building at the Port of Eden, only an Eden Welcome Centre.</p>	Compliant
86.	6.7	<p>Waste Management Environmental Action Plan</p> <p>The following Management Actions will be implemented:</p>	Site Inspection	General and recyclable waste receptacles were observed to be in place at the Eden Welcome Centre (see photos)	Compliant

ID	Plan / Section	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
		<ul style="list-style-type: none"> Segregated general and recyclable waste receptacles will be provided and utilised during the Operation of the Facility and routinely checked to ensure they are fit for purpose 			
		<ul style="list-style-type: none"> Maintenance materials including oil and lubricants will be stored in a bunded area 		No storage areas for oils and lubricants are on the Cruise Wharf	Not triggered
		<ul style="list-style-type: none"> Waste including Maintenance materials, such as waste oil and lubricants will be transport for disposal by a licensed contractor, and materials will be disposed of at an appropriately licensed receiving facility and waste disposal dockets will be retained 		<p>General wastes are removed through the Council.</p> <p>Removal of waste oil from the oil recycling compound is not under the control of Port Authority NSW.</p>	
87.	6.7	<p>Waste Management Monitoring Requirements</p> <ul style="list-style-type: none"> Regular maintenance and housekeeping at the Facility will be visually inspected on Cruise Ship Days to evaluate the effectiveness of waste storage and collection 	Daily (cruise days) Inspection Checklist (walk-over of land-based site areas) (completed on 21/10/2022 and 4/12/2022).	<p>Waste management and litter is addressed in the daily inspection checklist.</p> <p>The site inspection noted that the facility was neat, tidy and clean at the time of the cruise ship arrival.</p>	Compliant
88.	6.8	<p>Greenhouse Gas and Energy Environmental Action Plan</p> <p>The following Management Actions will be implemented:</p> <ul style="list-style-type: none"> The potential to generate energy at the Facility (such as the use of photo-voltaic lighting) will be considered; 	<p>Site Inspection</p> <p>Interviews</p>	Solar panels have been installed at the Eden Welcome Centre	Compliant
		<ul style="list-style-type: none"> Low energy consumption appliances, equipment and systems will be utilised, where appropriate 		The Eden Welcome Centre construction was completed in 2021, and sustainability initiatives included installation of energy efficient LED lighting and of solar panels installed on the roof.	Compliant
89.	6.9	<p>Hazards and Risks Environmental Action Plan</p> <p>The following Management Actions will be implemented:</p> <ul style="list-style-type: none"> Firefighting equipment will be provided and maintained 		Tugs with firefighting capabilities were docked at the wharf – see photos.	Compliant
90.	OEMP 7.1	<p>Inspections and Monitoring</p> <p>During Cruise Ship Days, environmental inspections will be undertaken involving a walk-over of the land-based areas of the Facility.</p>	Daily (cruise days) Inspection Checklist (walk-over of land-based site areas) (completed on 21/10/2022 and 4/12/2022).	It was confirmed that the daily inspection checklist was implemented on the day of the audit. Hard copies of previous inspections were also sighted in a folder	Compliant

ID	Plan / Section	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
		<p>These inspections will typically address environmental management measures in the OEMP that can be assessed visually and do not require review of documentation or the use of monitoring equipment.</p> <p>These inspections will be documented in a checklist record in accordance with the Operational Compliance Tracking Program.</p>			

8.7. AUDIT TABLE 7 – Extended Use OEMP Implementation

(Note: only requirements specific to extended use are addressed in this table – all other requirements are addressed in the OEMP table 6.

ID	Plan / Section	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
75.	EU OEMP 6.1	<p>WATER AND SEDIMENT QUALITY</p> <p>The Code of Practice Non-Cargo Oil Transfers in the Port of Eden (Issued by the Harbour Master, Eden, March 2012) will be implemented for the Extended Use operations, which includes, amongst other items, the following:</p> <p>The Code of Practice covers transfers where a flexible or portable hose is used to transfer Fuel oils (such as marine diesel oil and heavy fuel oil), Lubricating oils, Hydraulic oils, Waste oils oil/water mixtures and oiled bilge water, Tank or hold washings, grey water and sewage, and Ballast water not approved by AQIS or the EPA.</p> <ul style="list-style-type: none"> - Vessels of 30m or more in length will require an Oil Transfer Permit by the Port of Eden prior to any transfers being conducted. - A port officer will attend operations requiring an Oil Transfer Permit to verify that permit conditions are being complied with. - Oil transfers are only permitted between the hours of sunrise and sunset. In exceptional circumstances the Harbour Master may grant approval for transfers to occur during the hours of darkness, however written approval must have been sought prior. - Any oil spill occurring during transfer operations, no matter how minor, must be immediately reported to the Harbour Master or his/her representative. - Road Tanker operators must coordinate with the owner of ships and vessels prior to any oil transfer. - All non-cargo liquid transfer operations conducted within the Port of Eden are to be recorded and may be audited for compliance by the Harbour Master. 	<p>Code of Practice Non-Cargo Oil Transfers in the Port of Eden (Issued by the Harbour Master, Eden, March 2012).</p> <p>Port of Eden Bunker Transfer Form (Bunker and Oily Waste Transfers – Vessel Checklist and undertaking (blank and completed forms sighted).</p> <p>Interview with Harbour Master</p>	<p>The Code of Practice Non-Cargo Oil Transfers was available at the Welcome Centre /Harbour Masters office, and hard copy files were retained for oil transfers.</p> <p>It was advised that fuel transfers only occur during daylight hours at the Breakwater Wharf (have not occurred at the Eden Cruise Wharf). There have been no transfers to date at the new extended cruise wharf.</p> <p>It was advised by the Harbour Master that refuelling is undertaken by trained engineers and have been briefed on procedures.</p> <p>There have been no recorded spills at the Eden Cruise Wharf</p>	Compliant

ID	Plan / Section	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
		- the Master of the vessel and the person in charge of the tanker truck or pipeline operation, must ensure that all staff involved are provided with a formal training program.			
76.	EU OEMP 6.2	TRAFFIC, TRANSPORT AND ACCESS Any heavy wharf bound traffic associated with Extended Use operations will be informed of the existing heavy vehicle route along Calle Calle St (Mitchel St to Calle Calle St to Albert Terrace)		It was advised that there has been no heavy wharf bound traffic associated with the extended use operations.	Not triggered
77.		Pedestrian access to the Facility will generally remain open during Extended Use Operations. When localised and temporary access restrictions are required at the Facility for certain operations and vessels (e.g., loading/unloading equipment of materials using a crane, refuelling, etc) to ensure public safety, the following will be implemented: - Port Authority, in consultation with the vessel operator, will determine the area subject to access restrictions and duration; - signs will be erected around the area with the access restrictions; - the operations subject to the access restrictions will be supervised by site personnel or the vessel operator; - public access will be re-established once the operations have been completed.	Site inspection Interview with Harbour Master	The site inspection confirmed that when cruise ships are not in port, the facility remains open. It was observed on the cruise ship day, that the public access was re-established following the completion of the cruise ship operations. No other equipment was in use on the day of the site inspection on 2 December 2022 (non-cruise day). It was advised by the Harbour Master that small franna cranes are used at the port during daylight hours and that movements are controlled.	Compliant
78.	EU OEMP 6.4	NOISE AND VISUAL AMENITY Extended Use operations and activities (e.g., loading/unloading, maintenance, refuelling, etc) will only be permitted between 7:00am to 10:00pm.	Site inspection Interview with Harbour Master	The Harbour Master confirmed that extended use operations only occur between 7:00am and 10:00pm.	Compliant
79.		The use of shore power will be encouraged to overnight berthing vessels.	Site inspection Interview with Harbour Master	It was advised that the use of shore power is encouraged – the vessel operators prefer to use the shore power over running of engines overnight. A tugboat was moored at the cruise wharf on the non-cruise day and was observed to be connected to the shore power (see photos).	Compliant

ID	Plan / Section	Description	Evidence Assessed	Outcomes, Findings, Recommendations	Compliance Status
80.		Should an investigation as a result of a noise or visual amenity complaint indicate that certain Extended use operations cause excessive impacts, then the Harbour Master will require that such operations be modified or stopped as to reduce impacts	Interview with Harbour Master	There have been no noise or visual amenity complaints.	Compliant
81.		Broadband reversing alarms, or 'quackers', will be used on mobile equipment at the berth as required during non-day period out of hours activities.	As above	It was advised that the franna crane used on the cruise wharf does not have reversing alarms.	Compliant
82.	EU OEMP 6.5	<p>AIR QUALITY</p> <p>Vessel engines and generators will be required to be operated efficiently to reduce air emissions while at berth at the Facility</p>		<p>It is the responsibility of the operators to ensure efficient operation of vessel engines and generators.</p> <p>Daily inspections are undertaken by the Harbour Master and delegates, and should air emissions be noted, this would be raised with the operator</p>	Compliant
83.	EU OEMP 6.6	<p>WASTE MANAGEMENT</p> <p>Segregated general and recyclable waste receptacles will be provided and utilised during the Extended Use operations and routinely checked to ensure they are fit for purpose.</p>	Interview with the Harbour Master	Waste bins, including recyclable waste receptacles, are provided in the immediate vicinity of the cruise wharf / Eden Welcome Centre, and it was advised that these are in place at all times.	Compliant
84.	EU OEMP 7.1	<p>Inspections and monitoring</p> <p>Regular environmental inspections (weekly or as required) of the Extended Use operations will be undertaken by Port Authority's on- site personnel involving a walk-over of the land-based areas of the breakwater wharf extension.</p> <p>These inspections will involve a visual surveillance of Extended Use operations for environmental incidents or potential non-compliances with the Infrastructure Approval</p> <p>The visual inspections will check (but not limited to) the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Visible signs of water or sediment contamination and disturbance <input type="checkbox"/> Any signs of ecological impact <input type="checkbox"/> Unusual noise or emissions to air from Extended Use operations <input type="checkbox"/> Traffic congestion caused by Extended Use operations <input type="checkbox"/> Presence of litter or waste at the wharf <input type="checkbox"/> Presence of chemical containers in unbunded areas at the wharf 	Interview with the Harbour Master	It was advised that Port Authority personnel undertake several walks daily to visually inspect the site, however these are not necessarily documented.	Compliant

From: Ricardo Prieto-Curiel <RPrieto-Curiel@portauthoritynsw.com.au>

Sent: Friday, 17 February 2023 1:44 PM

To: Katrina O'Reilly <Katrina.OReilly@planning.nsw.gov.au>

Subject: 2022 - Operational Independent Audit - the Eden Cruise Wharf –Cruise Ship and Extended Use

Hi Katrina,

As requested, please find below our response to the audit findings:

- **Non-compliance:** *Upload copy of the CCS to the project website*
Action: Port Authority to review and update CCS to reflect current conditions and stakeholder context. Timing of review: by end March 2023. Submit revised CCS to DPE for approval: Early April 2023. Upload revised CCS in website: immediately after DPE approval of updated CCS
- **Observation:** *Update project website to reflect that cruise ships are now operating.* Action: Port Authority to review website content related to the Eden Cruise Wharf to reflect current operations. Timing: Late March 2023
- **Recommendation:** *Ensure that future Operation Compliance Reports (OCR) include dates issued.* Action: include issue date in future OCRs. Timing: next OCR

Please do not hesitate to contact me if you have any questions

Regards

Ricardo

Ricardo Prieto-Curiel | Senior Environmental Planner

My work days are Mon, Tue, Fri

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