

Operational Compliance Tracking Program

Eden Cruise Ship Facility - State Significant Infrastructure (SSI 7734)

Notes

- 1) This Operation Compliance Tracking Program focuses on Operational Conditions.
 2) This is a pdf of a live spreadsheet where compliance against the Conditions of Approval are tracked.

Consolidated Approval Condition Category	Condition no.	Condition / Report / Notification	For: Approval / Information	Timing ¹ 1: Where a project is staged, all required approvals must be obtained prior to the commencement of the relevant stage.	Deliverable & with timeframe? (Y/N)	Last date reported	Next due date	Closed? (Y / N / Ongoing / Construction)
Part A - Administrative Obligation to minimise harm to the environment	A1	The SSI must be carried out: (a) in compliance with the conditions of this consent; (b) in accordance with all written directions of the Planning Secretary ; (c) generally in accordance with the: 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 iii. Eden Breakwater Wharf Extension Modification Request to Infrastructure Approval SSI 7734, dated 2 July 2018; iv. Letter titled “Re: Eden Breakwater Wharf MOD 1 – Response to Submissions – Air Quality and Noise”, dated 17 August 2018; v. Response to Submission Eden Breakwater Wharf Extension MOD 1 (SSI 7734), dated 3 September 2018; vi. SSI 7734 Mod 1 – Addendum Modification Report, dated 14 October 2018; vii. Eden Cruise Facility Modification 2 to SSI 7734 Extending Use of Cruise Facility to other Vessels, dated July 2020; and viii. Eden Cruise Facility Response to Submissions - Modification 2 to SSI 7734 Extending Use of Cruise Facility to other Vessels, dated August 2020. ix. Environmental Assessment Report Eden Cruise Wharf – Modification 3 to SSI 7734 dated 14 September 2023; and x. Submissions Report Eden Cruise Wharf – Modification 3 to SSI 7734 dated 16 February 2024						Ongoing
Part A - Administrative Obligation to minimise harm to the environment	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) unless otherwise specified in, or required under, this approval.						Ongoing
Part A - Administrative Obligation to minimise harm to the environment	A3	The SSI must be carried out in accordance with the terms and conditions of all other approvals, permits and licences.						Ongoing
Part A - Administrative Obligation to minimise harm to the environment	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). In the event of any inconsistency, ambiguity or conflict between any of the documents listed in condition A1(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.						Ongoing
Part A - Administrative Obligation to minimise harm to the environment	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 in relation to the SSI; (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) the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval); (f) the carrying out of any additional monitoring or mitigation measures; and (g) in respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under this approval.						Ongoing
Part A - Administrative Obligation to minimise harm to the environment	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.						Ongoing
Part A - Administrative Obligation to minimise harm to the environment	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.		As needed	N			Ongoing
Part A - Administrative Obligation to minimise harm to the environment	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				N
Part A - Administrative Compliance Tracking Program	A17	Construction & Operation Compliance Tracking Programs to monitor compliance with the terms of this approval must be prepared. The Construction Compliance Tracking Program must be endorsed by the ER and then submitted to the Planning Secretary for approval no later than one month prior to the commencement of Construction or within another timeframe agreed with the Planning Secretary. 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.	Approval	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.	Y			Y
Part A - Administrative Compliance Tracking Program	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.		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.	N			Ongoing
Part A - Administrative Compliance Tracking Program	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.						Y
Part A - Administrative Compliance Tracking Program	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.						Y

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Part A - Administrative Compliance Tracking Program	A21	Operation Compliance Reports must be prepared and submitted to the Planning Secretary for information one month from the end of the first calendar year of operation and one month after the end of the 2019/2020 cruise season and following that, one month after the end of the cruise season, or within another timeframe agreed with the Planning Secretary.	Information	After the first calendar year of operation, the end of the 2019/2020 cruise season and following that, one month after the end of each cruise season , or within another timeframe agreed with the Planning Secretary. 1) 19/20 2) 20/21. 3) 21/22. July 2022 4) 22/23. 5) 23/24 Annually, until the 25/26 cruise season. Last OCR to be submitted in 25/26 cruise season.	Y	Feb-25	Dec-25	Ongoing
Part A - Administrative Compliance Reports	A22	The Pre-Construction and Pre-Operation Compliance Reports must include: (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; (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 noncompliance and action taken to rectify the non compliance; and (c) the commencement date for Construction and Operation respectively.						Y
Part A - Administrative Compliance Reports	A23(a)	Operation Compliance Reports must include: a results summary and analysis of environmental monitoring.			Y	Feb-25	Dec-25	Ongoing
Part A - Administrative Compliance Reports	A23(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;			Y	Feb-25	Dec-25	Ongoing
Part A - Administrative Compliance Reports	A23(c)	details of any review of, and minor amendments made to, the CEMP or OEMP;			Y	Feb-25	Dec-25	Ongoing
Part A - Administrative Compliance Reports	A23(d)	a register of any consistency assessments undertaken and their status; (Operation Compliance Report 20/21 states these 'consistency assessments' are in relation to the OEMP)			Y	Feb-25	Dec-25	Ongoing
Part A - Administrative Compliance Reports	A23(e)	results of any independent environmental audits and details of any actions taken in response to the recommendations of an audit;			Y	Feb-25	Dec-25	Ongoing
Part A - Administrative Compliance Reports	A23(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.			Y	Feb-25	Dec-25	Ongoing
Part A - Administrative Compliance Reports	A23(g)	A Five Year Operational Compliance Summary Report every five years from commencement of Operation, unless otherwise agreed by the Planning Secretary , which includes: 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.	Information	Within 3 months of the end of each five years of operation until 2023/24. • July 2020 (end of 1st year of operation) • July 2021 (end of 2nd year of operation) • July 2022 (end of 3rd year of operation) • July 2023 (end of 4th year of operation) • July 2024 (end of 5th year of operation)	Y	Feb-25		Y
Part A - Administrative Compliance Reports	A23(h)	any other matter relating to compliance with the terms of this approval or as requested by the Planning Secretary.			N			Ongoing

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Part A - Administrative Compliance Auditing	A24	<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>(The Planning Secretary in a letter dated 17/09/2024 agreed 'under Condition A24, to reduce the frequency of Independent Compliance Audits from Annual to Triennial. The Project's next Independent Compliance Audit will be the 2025 Independent Compliance Audit, and then every three years ongoing).</p>		<p>Annually, Triennially.</p> <p>DPIE response: 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> <ul style="list-style-type: none"> • December 2022 • 2023 • 2024 • December 2025 • December 2028 	Y	Jan-22	30-Jan-26	Ongoing
Part A - Administrative Compliance Auditing	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.	Approval	One month prior to the compliance audit being undertaken.	Y	Oct-25	Oct-28	Ongoing
Part A - Administrative Compliance Auditing	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.	Information	Within six weeks of completing the audit or within another timeframe agreed with the Planning Secretary.	Y	Jan-22	30-Jan-26	Ongoing
Part A - Administrative Compliance Auditing	A27	<p>The audit report must:</p> <ul style="list-style-type: none"> (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. 			Y	Jan-22	30-Jan-26	Ongoing
Part A - Administrative Complaints Register	A28	A Complaints Register must be maintained for the duration of Construction and Operation.		For the duration of Construction and Operation.	Y			Ongoing
Part A - Administrative Complaints Register	A29	The Complaints Register must be provided to the Planning Secretary upon request, within the timeframe stated in the request.	Information	On request during Construction and Operation or within another timeframe agreed with the Planning Secretary	Y			Ongoing
Part A - Administrative Complaints Register	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> <ul style="list-style-type: none"> (a) a 24 hour telephone number for the registration of complaints and enquiries about the SSI; (b) a postal address to which written complaints and enquiries may be sent; (c) an email address to which electronic complaints and enquiries may be transmitted; and (d) a mediation system for complaints unable to be resolved. <p>This information must be accessible to all in the community regardless of age, ethnicity, disability or literacy level.</p>			Y			Ongoing
Part A - Administrative Complaints Register	A31	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.						Ongoing
Part A - Administrative Complaints Register	A32	<p>The Complaints Register must record the:</p> <ul style="list-style-type: none"> (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. 						Ongoing
Part A - Administrative Incident Notification	A33	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.	Information	As early as possible and within 24 hours of the Proponent being made aware of the incident.	Y			Ongoing
Part A - Administrative Incident Notification	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.			N			Ongoing
Part A - Administrative Incident Notification	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.			N			Ongoing

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Part A - Administrative Incident Notification	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.	Information	Within 24 hours of notifying the Environment Protection Authority (EPA)	Y			Ongoing
Part B - Communication Information & Reporting Community Information, consultation & involvement	B1	Prior to commencement of Construction, the Proponent is required to establish a Community Consultative Committee . 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. 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.		Section 3.3 of the OEMP says: 'The CCC will continue to operate for a minimum of five years from the commencement of the Operation and Maintenance phases... and will perform an advisory and consultative role. Generally, meetings will be held quarterly during the Operation of the Facility and Maintenance phase, or as required, with any additional or extraordinary meetings held as required.'	Ongoing			Y
Part B - Communication Information & Reporting Community Information, consultation & involvement	B2	A Community Consultative Committee 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 <u>recommending a timeframe for continued operation</u> . 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 (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.	Information	Five years after commencement of the Community Consultative Committee? Or 5 years after the commencement of Operation of the SSI (end of 2019). (Note: conditions of approval conflict in 'summary of reporting requirements' and body of conditions)	Y	Jan-25		Y
Part B - Communication Information & Reporting Community Information, consultation & involvement	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.		Strategy is over off-during Construction of the SSI and for the life of the Operation of the SSI	Y	Apr-23	Dec-25	Ongoing
Part B - Communication Information & Reporting Community Information, consultation & involvement	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.	Approval	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.	Y			Ongoing
Part B - Communication Information & Reporting Community Information, consultation & involvement	B5	The Community Communication Strategy must: (a) identify people to be consulted during Construction and Operation; (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the SSI; (c) provide for the formation of community-based forums that focus on key environmental management issues for the SSI arising from Compliance Reports; and (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.			Y			Ongoing
Part B - Communication Information & Reporting Provision of electronic information	B6	A website providing information in relation to the SSI must be established prior to commencement of Construction and maintained for the duration of Construction and Operation. Up-to-date information (excluding confidential commercial information) must be published and maintained on the website or dedicated pages including: (a) information on the current implementation status of the SSI; (b) a copy of the documents listed in Condition Error! Reference source not found. and Condition A2 of this approval, and any documentation relating to any modifications made to the SSI or the terms of this approval; (c) a copy of this approval in its original form, a current consolidated copy of this approval (that is, including any approved modifications to its terms), and copies of any approval granted by the Minister to a modification of the terms of this approval; (d) a copy of each statutory approval, licence or permit required and obtained in relation to the SSI including Commonwealth permits or approvals; (e) a current copy of each document required under the terms of this approval and any endorsements, approvals or requirements from the ER and 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 (f) the outcomes of compliance tracking required under this approval. Information relating solely to construction may be removed from the website 12 months following completion of construction.	Information	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.	Y			Ongoing
Part D - Operational Environmental Management	D1	An Operational Environmental Management Plan (OEMP) must be prepared to detail how the performance outcomes, commitments and mitigation measures made and identified in the documents listed in Condition (c)A1(c) will be implemented and achieved during Operation.			Y	Oct-24		Y

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Part D - Operational Environmental Management	D2	<p>The OEMP must provide:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> i. achieve the environmental performance outcomes identified in the documents listed in Condition (c); ii. implement the mitigation measures identified in the documents listed in Condition (c) and any additional measures recommended in Compliance Audits or to address any issues identified in the Five Year Operational Compliance Summary Reports; iii. comply with the relevant terms of this approval; and iv) address issues during Operation, as identified through the Community Consultative Committee, community-based forums provided for under Condition , Complaints Register or Monitoring Programs, through a process of continual improvement; e) an inspection program detailing the activities to be inspected and frequency of inspections; 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; 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; h) a mechanism for communicating the environmental and compliance obligations under this approval to cruise ship operators; i) procedures for the notification of the NSW Food Authority in relation to sewage, fuel and oil sillage spill events; j) procedures for the avoidance of and timeframes for the notification of vessel strikes of marine fauna that are observed under the pilotage to NPWS; k) procedures for the expediate notification of DPIRD Aquatic Biosecurity Unit of any new sightings of C.lepadiformis; l) reference to potential turbidity impacts from larger vessel classes as an operational risk; and m) for the periodic review and update of the OEMP and all associated plans and programs. <p><i>Note: DPIRD Aquatic Biosecurity is the direct contact for all marine pests and diseases. Contact for suspected reports should be via the 24-hour hotline 1800 675 888 and queries directed to the mailbox: aquatic.biosecurity@DPIRD.nsw.gov.au. Refer to Schedule 2 of the Biosecurity Act 2015, and Schedule 1 of the Biosecurity Regulation 2017 for prohibited and notifiable matters.</i></p>			Y			Y
Part D - Operational Environmental Management	D3	<p>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> <p>Required OEMP Sub-plan/Relevant government agencies to be consulted</p> <ul style="list-style-type: none"> (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 (d) Water Quality: Department of Primary Industries and Regional Development (DPIRD) - Fisheries 			Y			Y
Part D - Operational Environmental Management	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.	Approval		Y			Y
Part D - Operational Environmental Management	D5	The OEMP and OEMP Sub plans 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. Revised OEMP and OEMP sub-plans resulting from the findings of Five Yearly Compliance Summary Report are to be submitted to the Planning Secretary for approval no later than one month following submission of the Five Yearly Compliance Summary Reports.	Approval	No later than one month prior to the commencement of relevant operations, unless another timeframe is agreed with the Planning Secretary.	Y			Y
Part D - Operational Environmental Management	D5A	The approved OEMP and OEMP Sub-plans must be updated to address the requirements and mitigation measures proposed in the documents listed in Condition A1(c) in relation to Modification 3.			Y			Y
Part D - Operational Environmental Management	D6	The 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.		for the duration of relevant operations	Ongoing			Y
Part D - Operational Monitoring Program Operational Air Quality Monitoring (Pre-Modification 3)	D7	The Air Quality Operation Monitoring Program, as approved prior to Modification 3, and as amended from time to time, must be implemented until the end of the 2023/24 cruise season.			Y			Y
Part D - Operational Monitoring Program Operational Air Quality Monitoring (Pre-Modification 3)	D8	The results of the Air Quality Operation Monitoring Program as approved prior to Modification 3, 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 Air Quality Operation Monitoring Program.			Y			Ongoing

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Part D - Operational Monitoring Program Operational Air Quality Monitoring (Modification 3)	D9	Conditions D10 to D25 apply to operations associated with Conditions D17 and D20.			N			Ongoing
Part D - Operational Monitoring Program Operational Air Quality Monitoring (Modification 3)	D10	Operational Monitoring Program(s) must be prepared to compare actual operational performance against predicted performance of that identified in Condition A1(c)(ix) and (x). The Operational Monitoring Program(s) must be prepared in consultation with the identified relevant authorities. Details of information requested by an agency during consultation must be provided to the Planning Secretary as part of any submission of the relevant Operational Monitoring Program, including copies of correspondence from those agencies as required by Condition A7.	in consultation		N	Oct-24		Y
Part D - Operational Monitoring Program Operational Air Quality Monitoring (Modification 3)	D11	Each Operational Monitoring Program must include: (a) details of baseline data; (b) the relevant environmental performance criteria or parameter (including reference to where the criteria or parameter are identified in the documents listed in Condition A1(c)(ix) and (x)) (c) details of monitoring of the project to be undertaken; (d) the parameters of the project to be monitored; (e) the frequency and lifespan of monitoring to be undertaken; (f) the location of monitoring; (g) the reporting of monitoring and analysis of results against the relevant environmental performance criteria or parameter; (h) details of the methods that will be employed to analyse the monitoring data; (i) procedures to identify and implement additional mitigation measures where results of monitoring are unsatisfactory; and (j) any consultation to be undertaken in relation to the monitoring programs.			N			Y
Part D - Operational Monitoring Program Operational Air Quality Monitoring (Modification 3)	D12	Where a relevant OEMP Sub-plan exists, the relevant Operation Monitoring Program may be incorporated into that OEMP Sub-plan.			N			Y
Part D - Operational Monitoring Program Operational Air Quality Monitoring (Modification 3)	D13	The Operational Monitoring Program(s) must be submitted to the Planning Secretary for approval at least three (3) months prior to the first visit / cruise season to be monitored is expected to occur.	Approval	At least three (3) months prior to the first visit / cruise season to be monitored is expected to occur.	Y	Oct-24		Y
Part D - Operational Monitoring Program Operational Air Quality Monitoring (Modification 3)	D14	The Operational Monitoring Program(s), as approved by the Planning Secretary, must be implemented for the duration identified in the terms of this approval. Where no duration is specified in this approval, they must be implemented for the duration specified in the relevant Operational Monitoring Program or as specified by the Planning Secretary.			N			Ongoing
Part D - Operational Monitoring Program Operational Air Quality Monitoring (Modification 3)	D15	Operation of the scenarios to be monitored, as identified in Conditions D17 and D20, must not commence until the Planning Secretary has approved the required Operational Monitoring Program(s), and relevant baseline data has been collected.	Approved - see D13					Y
Part D - Operational Monitoring Program Operational Air Quality Monitoring (Modification 3)	D16	An Operational Air Quality Monitoring Program must be prepared in consultation with Council.	consultation					Y
Part D - Operational Monitoring Program Operational Air Quality Monitoring (Modification 3)	D17	The Operational Air Quality Monitoring Program must enable the monitoring of the first cruise seasons which are scheduled to have: a) more than 60 cruise ship visits; and b) a Quantum class (or equivalent) visit, and c) an Oasis class (or equivalent) visit. Note: Monitoring must be undertaken for the entire cruise season in which events listed in (a) – (c) are expected to occur.						Y
Part D - Operational Monitoring Program Operational Air Quality Monitoring (Modification 3)	D18	The Operational Air Quality Monitoring Program must include: a) details and frequency of the monitoring of SO ₂ , NO ₂ , and PM _{2.5} at locations most likely to be impacted from cruise ship emissions, as identified in the documents listed in Condition A1(c); b) a review of the monitoring results that considers the performance of the SSI relative to the ambient air quality standards and the environmental parameters. Note: Where monitoring at the most impacted receptor location(s) cannot be done for logistical or access reasons, a standardised procedure to adjust the measured result to reflect the most likely value that would have occurred at the receptor location is to be implemented (e.g. a look up table for the prevailing wind condition to determine the adjustment or scaling factor, per modelling result differences between the measured location and likely most impacted receptor location under such wind conditions).						Y
Part D - Operational Monitoring Program Operational Water Quality Monitoring (Modification 3)	D19	An Operational Water Quality Monitoring Program must be prepared in consultation with DPI Fisheries.						Y
Part D - Operational Monitoring Program Operational Water Quality Monitoring (Modification 3)	D20	The Operational Water Quality Monitoring Program must enable the monitoring of the first: (a) cruise season with more than 60 vessel visits; and (b) visit of a Quantum class (or equivalent); and (c) visit of an Oasis class (or equivalent).						Y

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Part D - Operational Monitoring Program Operational Water Quality Monitoring (Modification 3)	D21	The Operational Water Quality Monitoring Program must include: (a) details of the type and frequency of monitoring to be undertaken for single vessel events (the first Quantum class or equivalent and first Oasis class or equivalent) and the first cruise season with more than 60 vessel visits; (b) a review of the monitoring results that considers the performance of the SSI relative to the environmental parameters.						Y
Part D - Operational Monitoring Program Operational Water Quality Monitoring (Modification 3)	D22	If an exceedance of the environmental parameters identified in the Operational Water Quality Monitoring Program occurs, the Proponent must notify the Planning Secretary and DPI Fisheries as soon as possible and within 24 hours of the identification of the exceedance. This notification must provide details of the circumstances of the event, including: (a) the nature of the event; (b) the parameters that were exceeded; (c) the timing and duration of the event; and (d) the measures employed to minimise the exceedance.						Ongoing
Part D - Operational Monitoring Program Operational Water Quality Monitoring (Modification 3)	D23	Following a notification of an exceedance of environmental parameters (as required by Condition D22), the Planning Secretary may direct the Proponent to prepare a Report on Environmental Parameter Exceedance and submit it to the Planning Secretary within the time frame specified by the Planning Secretary. The Report must detail the cause and major contributor of the exceedance, the effectiveness of any action(s) taken in response the exceedance and the options available to prevent recurrence.						Ongoing
Part D - Operational Monitoring Program Operational Monitoring Report	D24	An Operational Monitoring Report(s) must be submitted to the Planning Secretary upon request, and to the relevant authorities and Council (listed in Condition D16 and D19) within 3 months of the monitoring being completed for each event identified within the Operational Monitoring Program. The Operational Monitoring Report must include: a) a summary of the results of Operational Monitoring Program(s); b) identification of additional mitigation measures required (where results of monitoring are unsatisfactory or where environmental parameters are exceeded); and c) timeframes for the implementation of the proposed measures. The recommendations identified must be implemented as part of the SSI in the timeframes outlined in the Operational Monitoring Report. Additional mitigation measures must be included in the relevant OEMP Sub-plan.	Within 3 months of the monitoring being completed (recommendations to be implemented in the timeframes outlined in the Operational	Operational AQ report: To Council 3 months after monitoring complete for the <u>entire</u> cruise season for events in D17. Operational WQ report: To DPI Fisheries and Council 3 months after monitoring complete for events in D20.	Y Y	Nov-25 Jun-25	When event a) or b) is triggered When event a) or b) is triggered	Ongoing Ongoing
Part D - Operational Monitoring Program Operational Monitoring Report	D25	If an Operational Monitoring Report identifies an exceedance of parameters that cannot be mitigated following the implementation of mitigation measures, the Proponent must write to the Planning Secretary within 30 days of the completion of the Operational Monitoring Report and identify how any non-compliant operations would be prevented from reoccurring to ensure compliance with the environmental parameters identified in the Operational Monitoring Program. The Planning Secretary may require the Operational Monitoring Program(s) to be updated and re-submitted for approval. Note: The intent of this condition is to address systemic issues and not respond to a single non-compliance		write to the Planning Secretary within 30 days of the completion of the Operational Monitoring Report	Y			Ongoing
Part E - Key Issue Conditions TERMS OF APPROVAL	E2	In addition to the performance outcomes, commitments and mitigation measures specified in the documents listed in Conditions A1(c), all reasonably practicable measures must be implemented to minimise noise impacts and the emission of air pollutants during Operation of the SSI.		Noted	N			Y
Part E - Key Issue Conditions TRAFFIC, TRANSPORT & ACCESS	E6	The Traffic, Transport and Access CEMP Sub-plan must include the following: (a) identify roads to be utilised as part of Construction and measures to ensure construction vehicles follow this route; (b) identify marine construction and vessel mooring zones and measures to delineate these areas; (c) measures to maintain access to the Multipurpose Jetty or other arrangements for vessels utilising this jetty; (d) measures for safe passenger access, if cruise ships moor in Twofold Bay and tenders to and from the Port of Eden operated during Construction; (e) measures to minimise disruptions to Port businesses including maintenance of pedestrian and vehicle access and parking and provision of directional signage; (f) measures to physically separate pedestrian and construction vehicle movements, such as temporary barriers.						Y
Part E - Key Issue Conditions TRAFFIC, TRANSPORT & ACCESS	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: (a) pedestrian access to Eden Town Centre and Port of Eden retail areas; (b) pedestrian access to tourist facilities and other local businesses; (c) passenger transport services for visits to local and regional businesses and attractions; (d) shuttle bus routes for Quantum and Oasis class vessels; (e) bus parking bays, waiting areas, shelters, signage and the like at the wharf and at pick up points in the local area; and (f) provision of personnel to oversee pedestrian movements on the wharf and surrounding areas during cruise ship visits			N			Y
Part E - Key Issue Conditions TRAFFIC, TRANSPORT & ACCESS	E7A	Shuttle buses servicing Quantum and Oasis class (or equivalent) vessels must not use the Barclay Street/Princes Highway intersection, unless agreed to by the relevant road authority.						Ongoing
Part E - Key Issue Conditions NOISE & VIBRATION	E12	Notwithstanding Condition E9, dredging activities may be undertaken 24 hours a day, seven days a week, provided dredging activities between 10pm and 7am are undertaken in accordance with a Night Dredging Protocol detailing the assessment and management of noise, and the requirements of Conditions E13 to E16.						Y

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Part E - Key Issue Conditions NOISE & VIBRATION	E13	The Night Dredging Protocol must provide for: (a) noise monitoring at a representative number of sensitive receivers (including closest and furthest) to confirm the predicted noise levels; (b) targeted consultation with the noise affected sensitive receivers; (c) timeframes and methods for investigation of noise complaints; (d) operation of a 24-hour complaints line; (e) mitigation measures (such as respite periods, additional control of noise at the source, staging of works to locate noisy equipment further away from noise affected sensitive receivers, negotiated agreements etc.); (f) submission of weekly complaints reports for the life of dredging activities between 10pm and 7am; (g) continual refinement of mitigation measures based on consultation with the noise affected sensitive receivers; and (h) implementation of work practices set out in section 5.2 of the Interim Construction Noise Guideline.						Y
Part E - Key Issue Conditions NOISE & VIBRATION	E14	The Night Dredging Protocol must provide for a three-week assessment period, during the first three weeks of dredging activities between 10pm and 7am. The purpose of the three-week assessment period is to evaluate night time noise impacts from dredging, determine noise levels when the dredge is operating at different distances from sensitive receivers, and to demonstrate that night time dredging complies with the predicted noise levels. The assessment period must include: (a) implementation of the monitoring and mitigation measures set out in the Noise and Vibration CEMP Sub-Plan (including the Night Dredging Protocol); (b) weekly reporting to the Planning Secretary of: i. the number, nature and time of all complaints relating to dredging activities between 10pm and 7am, ii. actions taken to address complaints with the objective of resolution, and iii. in the event that additional noise impacts are identified, how the Proponent has developed additional management and mitigation measures, evaluated their likely effectiveness in reducing noise impacts, and implemented any additional measures; and (c) a Night Dredging Assessment Period Report , submitted for the approval of the Planning Secretary within one week of the end of the assessment period, providing: i. an analysis of the effectiveness of the monitoring and mitigation measures set out in the Noise and Vibration CEMP Sub-Plan (including the Night Dredging Protocol); ii. how mitigation measures have been refined during the assessment period, and/or will be refined following the assessment period; and iii. how complaints have been resolved, mediated or otherwise addressed.						Y
Part E - Key Issue Conditions NOISE & VIBRATION	E15	The mitigation and management measures developed under Conditions E13 and E14 are to be detailed in an updated Night Dredging Protocol , submitted for the approval of the Planning Secretary within one week of her determination of the Night Dredging Assessment Period Report . The updated Night Dredging Protocol as approved by the Planning Secretary must be incorporated into the Noise and Vibration CEMP Sub-plan.						Y
Part E - Key Issue Conditions NOISE & VIBRATION	E16	The Proponent will comply with all requirements of the Planning Secretary arising from the review of the weekly complaints reports required under Condition E13 and Night Dredging Assessment Period Report .						Y
Part E - Key Issue Conditions NOISE & VIBRATION	E17	The Noise Management OEMP Sub-plan must identify measures to reduce noise impacts on Sensitive Receivers including: (a) no deck announcements and music from open decks while berthed at the Breakwater Wharf Extension, with the exception of safety announcements; (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; (c) ships must run on the minimum generator/engine power required while at the berth; and (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) to (c) in this condition.			N			Y
Part E - Key Issue Conditions NOISE & VIBRATION	E18	Where a complaint is received from a Sensitive Receiver 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. If there are further complaints or the investigation indicates ongoing exceedance of the noise levels predicted in the documents listed in Condition A1(c) 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.		Ongoing	N			Ongoing
Part E - Key Issue Conditions NOISE & VIBRATION	E18A	The Proponent must prepare a Cruise Noise Mitigation Plan (CNMP) to identify the mitigation for operational noise that would be implemented for scheduled overnight berthing of cruise ships. The CNMP must: (a) identify the appropriate project noise trigger levels (as per the NSW Noise Policy for Industry (EPA, 2017)) that are applicable to the night-time period for the overnight berthing of cruise ships, including consideration of the predicted operational noise levels; (b) consider the impacts of low-frequency noise on the predicted impacts identified in the Noise Assessment Report (Appendix C2 of the Modification Report) as listed in Condition A1(c)(ix); (c) investigate and identify noise mitigation measures required to address noise exceedances above the project noise trigger levels; (d) review any residual impacts from the operations associated with Modification 3. The CNMP must be verified by an independent acoustic expert. The CNMP must be made publicly available prior to the first scheduled overnight berthing of a cruise ship. Identified noise mitigation measures must be implemented prior to the scheduled overnight berthing of cruise ships.		Prior to the first scheduled overnight berthing of cruise ships.	Y			N
Part E - Key Issue Conditions NOISE & VIBRATION	E18B	The CNMP must be reviewed and updated every ten (10) years, unless otherwise agreed to by the Planning Secretary.		updated every ten (10) years	Y			N

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Part E - Key Issue Conditions NOISE & VIBRATION Operational Noise Monitoring	E18C	The Proponent must undertake monitoring of operational noise to compare actual noise performance of Modification 3 against the noise performance predicted for the following scenarios: (a) the first scheduled overnight berthing of a cruise ship; (b) the first scheduled overnight berthing of a Quantum Class (or equivalent); (c) the first scheduled overnight berthing of an Oasis Class (or equivalent); and (d) the first berthing of a large non-cruise ship over 325m LOA. The noise monitoring must be undertaken in accordance with the EPA's Approved methods for Measurement and Analysis of Environmental Noise in NSW (EPA, 2022).		The first scheduled overnight berthing				N
Part E - Key Issue Conditions NOISE & VIBRATION Operational Noise Compliance Report	E18D	An Operational Noise Compliance Report (ONCR) must be prepared to document the findings of the operation noise monitoring carried out under Condition E18C. The ONCR must address the following: (a) compliance with the operational noise levels predicted in noise assessment; (b) methodology, location and frequency of noise monitoring undertaken, including monitoring sites at which noise levels are ascertained, with specific reference to locations indicative of impacts on receivers; (c) any recalibrations, if required, of the noise model taking into consideration factors such as noise monitoring; (d) an assessment of the performance and effectiveness of applied noise mitigation measures together with a review and if necessary, reassessment of mitigation measures; and (e) identification of additional measures to those identified in the CNMP (required by Condition E18A) and reported to the Planning Secretary. The Operational Noise Compliance Report must be finalised within 90 days of completing the operational noise monitoring for each scenario and made publicly available.		The first scheduled overnight berthing				N
Part E - Key Issue Conditions AIR QUALITY	E19	The SSI is to be operated to: (a) minimise the risk to Sensitive Receivers from adverse health impacts from exposure to cruise ship emissions; (b) support management strategies to reduce exposure; and (c) national environmental protection standards (as revised from time to time) set out in the National Environment Protection (Ambient Air Quality) Measure.		Ongoing	N			Ongoing
Part E - Key Issue Conditions AIR QUALITY	E20	The OEMP Air Quality Management OEMP Sub-plan must include the following measures to reduce emissions from cruise ships: (a) prior to 1 January 2020: 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 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; (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 (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.		Y	N			Y
Part E - Key Issue Conditions AIR QUALITY	E21	Unless otherwise agreed with the Planning Secretary, the Air Quality 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 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. 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.		Y	N			Y
Part E - Key Issue Conditions AIR QUALITY	E22	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 in accordance with the Complaints Procedure in the OEMP and the procedure for non-compliant ships under the Air Quality OEMP Sub-Plan, and actions undertaken in accordance with these procedures.		Ongoing	N			Y
Part E - Key Issue Conditions LIGHTING	E23	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.		Ongoing	N			Y
Part E - Key Issue Conditions SOCIAL	E24	The Proponent must prepare and implement a Social Impact Management Plan (SIMP) to guide the management, monitoring, reporting and rectification of social impacts during operation. The SIMP must be submitted to the Planning Secretary for approval at least three (3) months prior to the commencement of the first cruise season with more than 60 cruise ship visits is expected to occur.		at least three (3) months prior to the commencement of the first cruise season with more than 60 cruise ship visits is expected to occur.	Y			N
Part E - Key Issue Conditions SOCIAL	E25	The SIMP must be prepared: (a) in accordance with the Social Impact Assessment Guideline (DPE) by suitably qualified and experienced person(s) in the social sciences in accordance with Appendix B of the Social Impact Assessment Guideline (DPE); and (b) with the involvement of the affected community and stakeholders including, but not limited to the Eden Community Consultative Committee, the Local Aboriginal Land Council, Council and NPWS		at least three (3) months prior to the commencement of the first cruise season with more than 60 cruise ship visits is expected to occur.	Y			N

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Part E - Key Issue Conditions SOCIAL	E26	The SIMP must include specific details of the commitments, targets, programs and timing to secure and enhance positive social outcomes associated with the SSI, including: (a) revisions to or refinement of the assessment of social impacts and risks; (b) additional mitigation measures to address social impacts based on those committed to in the documents listed in Condition A1(c); (c) details of how measures will be targeted and adapted to meet the needs of affected communities; (d) a monitoring program, prepared in accordance with Section 5.2 of the Social Impact Assessment Guideline (DPE), to: i. monitor, review, and report on the effectiveness of the identified measures; ii. report on community engagement and complaints in relation to social issues; and iii. report on adaptative management measures implemented or proposed.		at least three (3) months prior to the commencement of the first cruise season with more than 60 cruise ship visits is expected to occur.	Y			N
Part E - Key Issue Conditions SOCIAL	E27	The SIMP must be updated with involvement of community and stakeholders every ten (10) years, unless otherwise agreed to by the Planning Secretary.		To be updated every ten (10) years.	Y			N