

## Enfield Intermodal Logistics Centre

# Compliance Tracking Program

10 November 2017

NSW Ports

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### Document Revision

Title and Version Number	Date	Details
ILC at Enfield Compliance Tracking Program	5 August 2008	Document by Sydney Ports – approved by DPE
Draft Enfield ILC Compliance Tracking Program v0.2	20 March 2014	Draft NSW Ports document – not submitted to DPE
Enfield ILC Compliance Tracking Program v0.3	10 November 2017	Final updated NSW Ports version – for DPE approval

# 1 INTRODUCTION

## 1.1 Background

The Enfield Intermodal Logistics Centre (ILC) site was formerly used by the State Rail Authority of NSW for marshalling and maintenance of rail cars and locomotives, as well as sidings for rail and goods, for over 70 years, from the 1920s until the 1990s.

On 5 September 2007 the Project Approval was granted under Section 75J of the Environmental Planning & Assessment Act (1979) by the Minister for Planning for the construction and operation of the Enfield ILC subject to a number of conditions. The approved project includes (but is not limited to) the construction and operation of the following:

- An intermodal terminal for the loading and unloading of containers between road and rail and the short term storage of containers;
- Rail sidings, railway lines and associated works connected to the existing freight line;
- Warehousing for the packing and unpacking of containers and the short-term storage of cargo;
- Empty container storage areas and facilities;
- Light industrial/commercial area fronting Cosgrove Road complementary to operations at the site;
- Access works including the construction of a road bridge over the new marshalling yards for access to Wentworth Street and an upgrade of the entrance to the site from Cosgrove Road; and
- Internal roads, administration buildings, diesel and LPG storage and fuelling facilities, container washdown area, vehicle maintenance shed, and installation of site services (all utilities, stormwater and sewerage).

Construction and operation of the development will be staged in accordance with NSW Ports Staging Report.

## 1.2 Purpose of this Document

This report has been prepared to comply with the Planning Approval condition 4.1 as stated below:

*The Proponent shall develop and implement a Compliance Tracking Program to track compliance with the requirements of this approval. The Program shall include, but not necessarily limited to:*

- a) *provisions for periodic review of the compliance status of the project against the requirements of this approval;*
- b) *provisions for periodic reporting of compliance status to the Director-General;*
- c) *a program for independent environmental auditing at least annually, or as otherwise agreed by the Director-General, in accordance with ISO 19011:2002 - Guidelines for Quality and/ or Environmental Management Systems Auditing; and*

- d) *mechanisms for rectifying any non-compliance identified during environmental auditing or review of compliance.*

This report replaces the previous Compliance Tracking Program for the Intermodal Logistics Centre at Enfield (ILC) prepared by Sydney Ports Corporation, dated 5 August 2008, and takes into account:

- the change in management of the site from Sydney Ports Corporation to NSW Ports in June 2013;
- completion of major civil construction works in January 2014;
- commencement of site operations and continuing development of the site by NSW Ports and tenants at the ILC; and
- correspondence between NSW Ports and the Department of Planning and Environment regarding the scheduling of annual compliance tracking reports and environmental audits.

## 2 ILC AT ENFIELD COMPLIANCE TRACKING PROGRAM

### 2.1 Periodic Review of Compliance Status

Planning approval condition 4.1(a) requires provisions for periodic review of the compliance status of the project against the requirements of this approval.

Periodic review of compliance with the Conditions of the Project Approval will be undertaken by NSW Ports and ILC tenants. The conditions of approval that are applicable to each tenant and stage of the development are outlined in NSW Ports Staging Report (v2 March 2014).

Ongoing evidence of compliance will be maintained in a *Compliance Tracking System* (spreadsheet or otherwise). The Compliance Tracking System will include as a minimum:

- Date of last review
- List of Conditions of Approval and Statement of Commitments
- Current status of the conditions and statements, including whether they are open or closed and whether they are compliant or non-compliant
- Links to evidence to demonstrate condition compliance.

During major construction works or projects NSW Ports will review compliance at the completion of the construction project or annually, whichever is more frequent, and on an annual basis for operations. Where required, NSW Ports will obtain any necessary information from tenants for conditions that have been identified as being a joint responsibility between NSW Ports and ILC tenants (NSW Ports Staging Report) in order to complete this review.

The frequency of compliance review by ILC tenants will be specified in their Construction Environmental Management Plans (CEMPs) and Operational Environmental Management Plans (OEMPs), and will not be undertaken at a frequency less than annually.

Tenant leases have also been updated to specify that ILC tenants must report on environmental compliance to NSW Ports and provide information from their operations to assist in NSW Ports delivering an Annual Compliance Tracking Report to the Department of Planning and Environment.

### 2.2 Periodic Reporting of Compliance Status

Condition 4.1(b) requires provisions for periodic reporting of compliance status to the Director-General (now the Secretary) of Department of Planning and Environment.

The timeframe for Compliance Tracking Reporting will be annually from 1 November to 31 October with submission of the report to the Department of Planning and Environment in November each year.

NSW Ports will require ILC tenants to provide records of environmental compliance for their construction works and/or operations which includes their compliance status with the relevant conditions of approval. All ILC tenants will be required to submit this information one month prior to the development of NSW Ports' Annual Compliance Report.

NSW Ports will collate the ILC tenant information and develop an Annual Compliance Tracking Report for the Enfield ILC. This Annual Compliance Report will be provided to the Secretary of

Department of Planning and Environment prior to the formal auditing process outlined in Section 2.3.

The formal auditing process outlined in Section 2.3 will include a review of the draft Compliance Tracking Report for that year.

NSW Ports' Annual Compliance Report to the Secretary will comprise of the following:

- An Annual Compliance Tracking Report that provides evidence of compliance for each condition of approval by NSW Ports and their tenants, unless otherwise agreed by the Secretary;
- Provision of NSW Ports' Compliance Tracking Spreadsheet containing the evidence for each condition attached to the Report; and
- Any reports and/or certification arising from any independent environmental audits carried out under condition 4.1(c) (see 2.3 below).

### **2.3 Independent Environmental Auditing**

In accordance with condition 4.1(c), NSW Ports will implement a program for independent environmental auditing in accordance with ISO 19011:2002.

Environmental audits will be undertaken annually in November, following the completion of the Annual Compliance Tracking Report. The auditor will focus primarily on auditing the NSW Ports Annual Compliance Report and reviewing compliance statements against a selection of conditions of approval and approved management plans.

The scope of the independent environmental audits will include (but not necessarily be limited to) an assessment of the following:

- compliance with the Conditions of Planning Approval by NSW Ports and ILC tenants and contractors as outlined in the Annual Compliance Report;
- implementation of relevant NSW Ports and tenants environmental management plans and procedures for the ILC including Site Management Plans relating to contaminated areas of the site;
- effectiveness of environmental mitigation measures, controls and strategies and recommendations for improvements;
- internal audits undertaken by ILC tenants; and
- actions in response to previous audit findings and non-compliances identified during as part of the Compliance Tracking Program or by regulatory authorities.

Tenants and any contractors (whether working for NSW Ports or tenants), will be required to assist and cooperate with the auditor and comply with any reasonable request for information or evidence requested by the auditor for the purpose of assessing compliance.

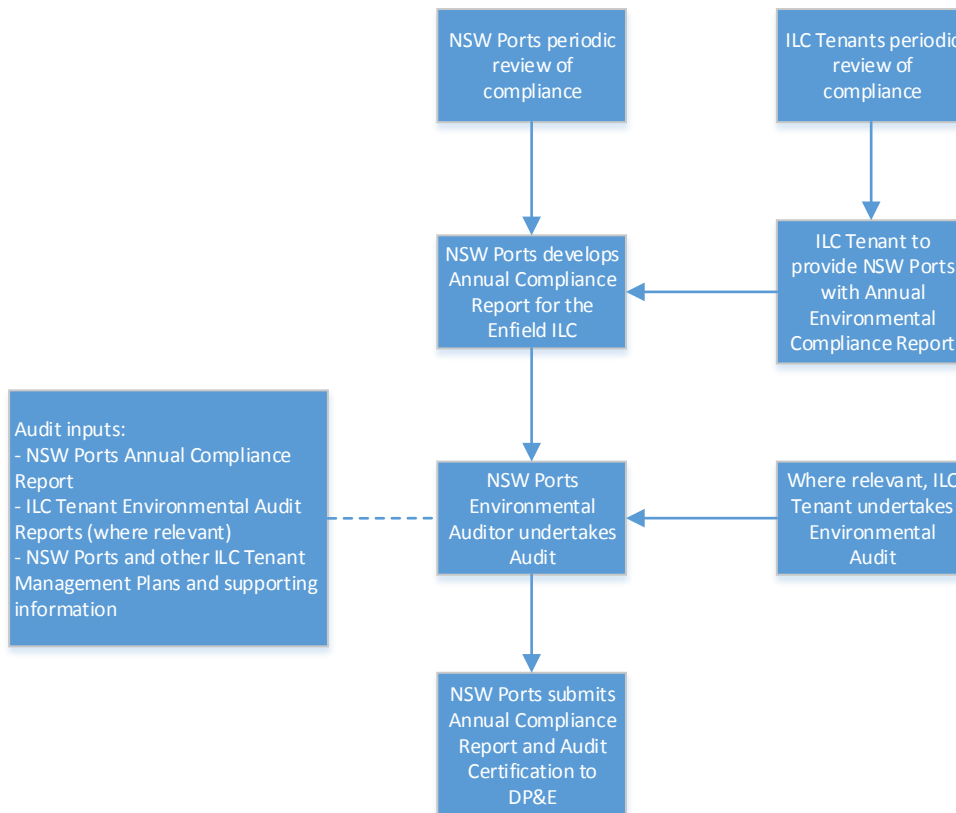
In the event that ILC tenants undertake their own internal or external environmental audit programs or inspections, these reports may also be reviewed by the NSW Ports environmental auditor.

The auditor will be engaged and selected on the following criteria:

- suitable environmental qualifications, including current certification as an environmental auditor by Exemplar Australia (formerly RABQSA);
- relevant experience in similar types of audits;
- independence from the project and organisations being audited.

A copy of the independent audit report will be provided to the Secretary within a month of the audit report being finalised. The audit report will also be made available on NSW Ports' website.

The following schematic demonstrates the compliance tracking and audit process for the Enfield ILC.



**Figure 1: Enfield ILC Compliance Tracking and Auditing Process**

## 2.4 Rectification of Non-Compliance

Condition 4.1(d) requires mechanisms for rectifying any non-compliance identified during environmental auditing or review of compliance.

Non compliances with Planning Approval conditions and other relevant legal environmental/planning obligations may be identified through the:

- Periodic compliance tracking process (refer to section 2.1);
- Preparation of the Compliance Tracking Reports (refer to section 2.2);

- findings in environmental audits (refer to section 2.3);
- NSW Ports inspections of ILC tenant premises and/or common areas;
- incidents and complaints; and
- regulatory authorities.

In the event a non-conformance NSW Ports, tenants and licensees will take appropriate action to ensure it is managed appropriately as per the ISO 14001 recommended procedure for corrective action. Any action to rectify a non-conformance will be recorded and documented appropriately by NSW Ports and/or tenants and licensees. Specific procedures for managing and responding to non-compliances are also provided in NSW Ports' and tenants' Construction and Operational Environmental Management Plans.

Where necessary, however, the NSW Ports' Enfield site manager may direct the relevant NSW Ports' or tenant's staff/contractors (via the appropriate contractual mechanism) to modify or cease any activity until they can satisfy NSW Ports' Enfield site manager that the non-compliance has been satisfactorily addressed.

Follow up action may result in a requirement for additional monitoring or investigation and these details will be incorporated into the NSW Ports' and/or Tenant EMPs or the site specific management plan, sub-management plans or work method systems that apply to the site and/or activity.