



Metroplan Services

**ELGAS LIQUIFIED PETROLEUM GAS STORAGE
AND DISTRIBUTION FACILITY (SSD 8448)**

**130 CORMORANT ROAD KOORAGANG (LOT 1
DP 1195449)**

**CONDITION C15 – OPERATIONAL
COMPLIANCE REPORT 1 (V2)**

**Prepared on behalf of:
Sovechles Nominees Pty Ltd**

For submission to:

**NSW GOVERNMENT DEPARTMENT OF PLANNING, INDUSTRY AND
ENVIRONMENT**

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CONTENTS

1	INTRODUCTION.....	3
2	COMPLIANCE STATUS SUMMARY.....	3
3	NON-COMPLIANCES.....	5
4	PREVIOUS REPORT ACTIONS	31
5	INCIDENTS	31
6	COMPLAINTS	31

EXECUTIVE SUMMARY

Metroplan Services has been engaged by Sovechles Nominees Pty Ltd to prepare this Operation Compliance Report in accordance with the document “Compliance Reporting Post Approval Requirements (Department 2018)” as required by Condition C15 of State Significant Development (SSD) 8448 – approved by the Minister for Planning on 23 November 2018 for the construction and operation of a liquified petroleum gas storage and distribution facility at 130 Cormorant Road Kooragang (Lot 1 DP 1195449). The now constructed facility is operated by ELGAS.

In accordance with Condition C14, a Compliance Monitoring and Reporting Program has been submitted to, and accepted by, the NSW Department of Planning, Industry and Environment. Operation Compliance Reports are required to be carried out and submitted at intervals no greater than 52 weeks from the date of commencement of operation.

1. INTRODUCTION

1.1 Project name and application number

Liquefied petroleum gas storage and distribution facility (SSD 8448).

1.2 Project address

130 Cormorant Road Kooragang.

1.3 Project Phase

Operation Compliance Report

1.4 Compliance Reporting Period

23 October 2020 – 8 November 2021

1.5 Project Activity Summary

- The development commenced operation on 23 October 2020.
- On 20 October 2020 a Section 4.55(1A) modification was approved to remove Conditions B26 and B27 in relation to the preparation of a Water Management Plan.
- On 6 August 2021 - a Section 4.55(1A) modification was approved to amend Condition B38 to operate Monday to Sunday 24 hours.
- An Independent Audit is currently being finalised in accordance with the requirements of Conditions C17 and C18.

1.6 Key Project Personnel

The names and contact details of key personnel who are responsible for the environmental management of the development are:

Patrick Egan - Regional Operations Manager Northern NSW

Tel: 02- 49158500

E-mail: patrick.egan@elgas.com.au

Chris Beston – Health Safety Environment Manager ELGAS Region South Pacific

10 Julius Avenue

North Ryde NSW 2113

2. COMPLIANCE STATUS SUMMARY

Status is recorded using the descriptors in table 1. The status of each applicable compliance requirement during the reporting period is set out in table 2.

Table 1: Compliance status descriptors

Status	Description
Compliant	The proponent has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with.
Non - compliant	The proponent has identified a non-compliance with one or more elements of the requirement.
Not triggered	A requirement has an activation or timing trigger that has not been met at the phase of the development when the compliance assessment is undertaken, therefore an assessment of compliance is not relevant.

Table 2: Compliance table

Unique ID	Compliance Requirement	Development Phase	Status	Evidence and Comments
Part A – ADMINISTRATIVE CONDITIONS				
A1	<p>Obligation to minimise harm to environment</p> <p>In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.</p>	At all times	Compliant	
A2	<p>Terms of Consent</p> <p>The development may only be carried out:</p> <p>a) in compliance with the conditions of this consent;</p> <p>b) in accordance with all written directions of the Planning Secretary;</p> <p>c) in accordance with the EIS and Response to Submissions;</p> <p>d) accordance with the Development Layout in Appendix 1; and</p> <p>e) in accordance with the management and mitigation measures in Appendix 2.</p>	At all times	Compliant	
A3	<p>Terms of Consent</p> <p>Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:</p> <p>a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and</p> <p>b) the implementation of any actions or measures contained in any such document referred to in Condition A3(a).</p>	At all times	Compliant	Requirement for Independent Audit (IA) to be carried out and submitted to DPIE by COB 31 October 2020 as per DPIE penalty notice dated 04/08/2020. IA to focus on compliance during pre-construction and construction phases of development. IA submitted to DPIE before 31 October 2020

Unique ID	Compliance Requirement	Development Phase	Status	Evidence and Comments
A4	<p>Terms of Consent</p> <p>The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.</p> <p>Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction of the Planning Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.</p>	At all times	Compliant	
A5	<p>Limits of Consent - Lapsing</p> <p>This consent lapses five years after the date from which it operates unless the development has physically commenced on the land to which the consent applies before that date.</p>	Construction	Compliant	
A6	<p>Limits of Consent - LPG Storage</p> <p>The storage of LPG on-site at any given time must not exceed 178 tonnes.</p>	At all times	Compliant	
A7	<p>Notification of Commencement</p> <p>The date of commencement of each of the following phases of the development must be notified to the Department in writing, at least one month before that date:</p> <p>a) construction; b) operation; and c) cessation of operations</p>	Construction and operation	Compliant	
A8	<p>Notification of Commencement</p> <p>If the construction or operation of the development is to be staged, the Department must be notified in writing at least one month before the</p>	Construction and operation	Compliant	

Unique ID	Compliance Requirement	Development Phase	Status	Evidence and Comments
	commencement of each stage, of the date of commencement and the development to be carried out in that stage.			
A9	<p>Evidence of Consultation</p> <p>Where conditions of this consent require consultation with an identified party, the Applicant must:</p> <p>a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and</p> <p>b) provide details of the consultation undertaken including: (i) the outcome of that consultation, matters resolved and unresolved; and (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.</p>	Operation	Not triggered	
A10	<p>Staging, Combining and Updating Strategies, Plans or Programs</p> <p>With the approval of the Planning Secretary, the Applicant may:</p> <p>a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);</p> <p>b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and</p> <p>c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development</p>	Operation	Compliant	

Unique ID	Compliance Requirement	Development Phase	Status	Evidence and Comments
A11	<p>Staging, Combining and Updating Strategies, Plans or Programs If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.</p>	Operation	Not triggered	
A12	<p>Staging, Combining and Updating Strategies, Plans or Programs If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.</p>	Operation	Not triggered	
A13	<p>Protection of Public Infrastructure Before the commencement of construction, the Applicant must consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure</p>	Construction	Compliant	
A14	<p>Protection of Public Infrastructure Unless the Applicant and the applicable authority agree otherwise, the Applicant must: a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development. Note: This condition does not apply to any damage to roads caused as a result of general road usage</p>	Construction	Compliant	
A15	<p>Demolition All demolition must be carried out in accordance with Australian Standard AS 2601-2001 The Demolition of Structures (Standards Australia, 2001)</p>	Construction	Compliant	

Unique ID	Compliance Requirement	Development Phase	Status	Evidence and Comments
A16	<p>Structural Adequacy All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.</p> <p>Note:</p> <ul style="list-style-type: none"> • Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works. • Part 8 of the EP&A Regulation sets out the requirements for the certification of the development 	Construction	Compliant	
A17	<p>Compliance The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.</p>	At all times	Compliant	
A18	<p>Development Contributions Before the issue of a construction certificate for any part of the development, a payment of a levy of 1% of the proposed cost of carrying out the development must be paid to Council under section 7.12 of the EP&A Act.</p>	Construction	Compliant	
A19	<p>Operation of plant and equipment All plant and equipment used on site, or to monitor the performance of the development must be: a) maintained in a proper and efficient condition; and b) operated in a proper and efficient manner.</p>	At all times	Compliant	
A20	<p>External Walls and Cladding The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.</p>	Construction	Compliant	

Unique ID	Compliance Requirement	Development Phase	Status	Evidence and Comments
A21	<p>External Walls and Cladding</p> <p>Before the issue of a Construction Certificate and an Occupation Certificate, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.</p>	Construction	Complaint	
A22	<p>External Walls and Cladding</p> <p>The Applicant must provide a copy of the documentation given to the Certifying Authority under Condition A21 to the Planning Secretary within seven days after the Certifying Authority accepts it</p>	Construction	Compliant	
A23	<p>Utilities and Services</p> <p>Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.</p>	Construction	Compliant	
A24	<p>Utilities and Services</p> <p>Before the commencement of operation of the development, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 50 of the Hunter Water Act 1991.</p>	Operation	Compliant	
A25	<p>Utilities and Services</p> <p>Before the issue of a Subdivision or Construction Certificate for any stage of the development the Applicant (whether or not a constitutional corporation) is to provide evidence, satisfactory to the Certifying Authority, that arrangements have been made for:</p> <p>a) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project to enable fibre to be readily connected to any premises that is being or may be constructed on those lots; and</p> <p>b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real</p>	Construction	Compliant	

Unique ID	Compliance Requirement	Development Phase	Status	Evidence and Comments
	estate development project demonstrated through an agreement with a carrier.			
A26	<p>Utilities and Services</p> <p>The Applicant must demonstrate that the carrier has confirmed in writing they are satisfied that the fibre ready facilities are fit for purpose</p>	Construction	Compliant	
A27	<p>Work As Executed Plans</p> <p>Before the issue of the final Occupation Certificate, works-as executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the PCA</p>	Construction	Compliant	
A28	<p>Applicability of Guidelines</p> <p>References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.</p>	Operation	Compliant	
A29	<p>Applicability of Guidelines</p> <p>However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.</p>	Operation	Compliant	
AN1	<p>Advisory Notes</p> <p>All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.</p>	Operation	Compliant	

Unique ID	Compliance Requirement	Development Phase	Status	Evidence and Comments
Part B – SPECIFIC ENVIRONMENTAL CONDITIONS				
B1	Terms of Approval The Applicant must implement all recommendations listed in the PHA.	Construction and operation	Compliant	
B2	Terms of Approval No commercial development on Lot 1 DP 1195449 shall be located within the 5 per million per year individual fatality risk contour shown in Figure 5 of the PHA	Construction and operation	Compliant	
B3	Pre-Construction At least one month prior to the commencement of construction, the Applicant must prepare and submit for the approval of the Planning Secretary the following studies: (a) A Fire Safety Study prepared in accordance with the Department's <i>Hazardous Industry Advisory Paper No 2 Fire Safety Study Guidelines and the NSW Government's Best Practice Guidelines for Contaminated Water Retention and Treatment Systems</i> ; (b) A Hazard Operability Study for the development chaired by a suitably qualified person independent of the development. The study must be carried out in accordance with the Department's <i>Hazardous Industry Advisory Paper No 8 HAZOP Guidelines</i> ; (c) A Final Hazard Analysis of the development, prepared in accordance with the Department's <i>Hazardous Industry Advisory Paper No 6 Hazard Analysis</i> . The final Hazard Analysis must (i) report on the implementation of the recommendation under Condition B1; and (ii) develop a Risk Reduction Program to minimise the risk to adjoining land. (d) A Construction Safety Study prepared in accordance with the Department's <i>Hazardous Industry Advisory Paper No 7 Construction Safety</i>	Pre-construction	Compliant	

Unique ID	Compliance Requirement	Development Phase	Status	Evidence and Comments
B4	<p>Pre-Commissioning</p> <p>No later than two months prior to the commencement of commissioning of the development, or within such further period as the Planning Secretary may agree, the applicant must submit for the approval of the Planning Secretary plans and systems as set out under subsections (a) and (b) below. Commissioning must not commence until approval has been given by the Planning Secretary.</p> <p>(a) a consolidated comprehensive Emergency Plan and detailed emergency procedures for all developments within Lot 1 DP 1195449. The plan must address evacuation procedures for neighbouring facilities occupying Lot 1 DP 1195449. The Plan must be prepared in accordance with the Department's <i>Hazardous industry Planning Advisory Paper No 1 Emergency Planning</i> and in consultation with neighbouring facilities occupying Lot 1 DP 1195449.</p> <p>(b) a document setting out a comprehensive safety management system, covering all on site operations and associated transport activities involving hazardous materials. The safety management system must be developed in accordance with the Department's <i>Hazardous Industry Planning Advisory Paper No 9 Safety Management</i></p>	Pre-start up	Compliant	
B5	<p>Pre-start up</p> <p>One month prior to the commencement of operation, the Applicant must submit to the Planning Secretary, a Pre-Start up Compliance Report detailing compliance with conditions B3 and B4 on this consent including:</p> <p>(a) dates of study/plan/system submission, approval, commencement of construction and commissioning</p> <p>(b) actions taken or proposed to implement recommendations made in the studies/plans/systems, and</p> <p>(c) responses to any requirement imposed by the Planning Secretary under Condition A2(b)</p>	Pre-start up	Compliant	

Unique ID	Compliance Requirement	Development Phase	Status	Evidence and Comments
B6	<p>Post-start up</p> <p>Three months after the commencement of operation of the development, the Applicant must submit to the Planning Secretary a post start up compliance report verifying that:</p> <p>(a) the Emergency Plan required under Condition B4(a) is effectively in place and that at least one emergency exercise has been conducted; and</p> <p>(b) The Safety Management System required under Condition B4(b) has been fully implemented and that records required by the system are being kept</p>	Post-start up	Compliant	Post-start up compliance report verifying Emergency Plan and Safety Management System submitted to DPIE in January 2021
B7	<p>Hazard Audit</p> <p>Within 12 months after the commencement of the operation and every three years thereafter, or at such intervals as the Planning Secretary may agree, the Applicant must carry out a comprehensive Hazard Audit of the development. The Audits must:</p> <p>(a) be carried out at the Applicant's expense by a qualified person or team who have been approved by the Planning Secretary;</p> <p>(b) be carried out in accordance with the Department's <i>Hazardous Industry Planning Advisory Paper No 5 Hazard Audit Guidelines</i></p> <p>(c) include a review of the site Safety Management System and a review of all entries made in the incident register since the previous audit: and</p> <p>(d) report on the implementation of the Risk Reduction Program required under Condition B3.</p>	Post-start up	Not triggered	In e-mail dated 2 November 2021, DPIE have agreed to 12 month extension allowing submission of Hazard Audit by 31 October 2022.
B8	<p>Hazard Audit</p> <p>Within one month of completing each audit carried out in accordance with Condition B7, the applicant must submit a report to the satisfaction of the Planning Secretary for approval. The audit report must be accompanied by a program for the implementation of all recommendations made in the audit report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented.</p>	Post-start up	Not Triggered	

Unique ID	Compliance Requirement	Development Phase	Status	Evidence and Comments
B9	<p>Further Requirements</p> <p>The Applicant must store all chemicals, fuels and oils used on-site in accordance with: a) the requirements of all relevant Australian Standards; and b) the NSW EPA's 'Storing and Handling of Liquids: the Environmental Protection - Participants Manual' if the chemicals are liquids.</p>	Post-start up	Compliant	
B10	<p>Further Requirements</p> <p>In the event of an inconsistency between the requirements of conditions B9(a) and B9(b), the most stringent requirement must prevail to the extent of the inconsistency.</p>	Post – start up	Compliant	
B11	<p>Dangerous Goods</p> <p>Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with: a) all relevant Australian Standards; b) for liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and c) the Environment Protection Manual for Authorised Officers: Bunding and Spill Management- technical bulletin (EPA, 1997)</p>	Operation	Compliant	
B12	<p>Dangerous Goods</p> <p>In the event of an inconsistency between the requirements of conditions B11(a) to B11(c), the most stringent requirement must prevail to the extent of the inconsistency.</p>	Operation	Compliant	
B13	<p>Construction Traffic Management Plan</p> <p>The Applicant must prepare a Construction Traffic Management Plan for the development which details road safety and network efficiency measures and heavy vehicle routes, access and parking arrangements. Details must be included in the application for a Construction Certificate</p>	Construction	Compliant	
B14	<p>Roadworks and Access</p>	At all times	Compliant	

Unique ID	Compliance Requirement	Development Phase	Status	Evidence and Comments
	The Applicant must ensure internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of AS 2890.1:2004 Parking facilities Off-street car parking (Standards Australia, 2004) and AS 2890.2:2002 Parking facilities Off-street commercial vehicle facilities (Standards Australia, 2002).			
B15	Roadworks and Access All road works associated with the development must be undertaken at full cost to the Applicant.	Construction	Complaint	
B16	Roadworks and Access The Applicant must ensure the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTRROADS guidelines.	Construction	Compliant	
B17	Roadworks and Access The Applicant must submit design plans to the satisfaction of the relevant roads authority which demonstrate that the proposed accesses to the development are designed to accommodate the turning path of a B-Double tanker	Construction	Compliant	
B18	Parking The Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the development does not utilise public and residential streets or public parking facilities	Post-start-up	Complaint	
B19	Operational Traffic Management Plan Prior to the commencement of operation, the Applicant must prepare an Operational Traffic Management Plan for the development to the	Pre-start up	Compliant	

Unique ID	Compliance Requirement	Development Phase	Status	Evidence and Comments
	<p>satisfaction of the Planning Secretary. The plan must form part of the OEMP required by Condition C5 and must: a) be prepared by a suitably qualified and experienced person(s); b) be prepared in consultation with Port of Newcastle; c) describe how the requirements of Condition B21 will be met;</p> <p>d) detail the on-site traffic control measures to prevent vehicular collision and control the manoeuvring of vehicles in designated areas; e) detail the measures that are to be implemented to ensure road safety and network efficiency during operation; f) detail heavy vehicle routes, access, parking arrangements and pedestrian management; g) include a Driver Code of Conduct to: (i) minimise the impacts on the local and regional road network; (ii) minimise conflicts with other road users; (iii) minimise road traffic noise; and (iv) ensure truck drivers use specified routes; h) include a pro gram to monitor the effectiveness of these measures.</p>			
B20	<p>Operational Traffic Management Plan</p> <p>The Applicant must:</p> <p>(a) not commence operation until the Operational Traffic Management Plan required by Condition B19 is approved by the Planning Secretary; and</p> <p>(b) implement the most recent version of the Operational Traffic Management Plan approved by the Planning Secretary for the duration of the operation.</p>	Pre-start up	Compliant	
B21	<p>Operating Conditions</p> <p>The Applicant must ensure:</p> <p>a) the development does not result in any vehicles queuing on the public road network;</p> <p>b) all vehicles enter and exit the site in a forward direction;</p>	Operation	Compliant	

Unique ID	Compliance Requirement	Development Phase	Status	Evidence and Comments
	<p>c) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;</p> <p>d) all vehicles are wholly contained on site before being required to stop;</p> <p>e) all loading and unloading of materials is carried out on-site;</p> <p>f) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network; and</p> <p>g) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times</p>			
B22	<p>Imported Soil</p> <p>The Applicant must:</p> <p>a) ensure that only VENM or ENM is brought onto the site;</p> <p>b) keep accurate records of the volume and type of fill to be used; and</p> <p>c) make these records available to the Department upon request</p>	Construction	Compliant	
B23	<p>Erosion and Sediment Control</p> <p>Prior to the commencement of any construction or other surface disturbance the Applicant must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP required by Condition C2</p>	Construction	Compliant	
B24	<p>Stormwater Management System</p> <p>Prior to the commencement of operation, the Applicant must design, install and operate a stormwater management system for the development. The system must:</p>	Operation	Compliant	

Unique ID	Compliance Requirement	Development Phase	Status	Evidence and Comments
	a) be designed by a suitably qualified and experienced person(s); b) be generally in accordance with the conceptual design in the EIS; c) be designed to meet the stormwater quantity and water quality criteria within the Newcastle Development Control Plan 2012; d) be in accordance with applicable Australian Standards; and e) ensure that the system capacity has been designed in accordance with Australian Rainfall and Runoff (Engineers Australia , 2016) and Managing Urban Stormwater: Council Handbook (EPA, 1997) guidelines			
B25	Stormwater Management System The Applicant must ensure the stormwater management system is identified and sign-posted in accordance with Council's Stormwater and Water Efficiency for Development Technical Manual. Details must be included in the application for a Construction Certificate.	Operation	Compliant	
B26	Water Management Plan Prior to the commencement of operation, the Applicant must prepare a Water Management Plan to the satisfaction of the Planning Secretary. The Water Management Plan must form part of the OEMP required by Condition C5. The Water Management Plan must: a) be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary; b) be prepared in consultation with DOI; c) detail water use, metering, disposal and management on-site; d) detail the management of wastewater streams on-site; and e) contain a Groundwater Monitoring Plan which includes: (i) baseline data on groundwater levels and quality; and (ii) a program to monitor groundwater levels and quality.	Pre-start up	Not triggered	S4.55 modification approved to delete this condition on 20 October 2020.

Unique ID	Compliance Requirement	Development Phase	Status	Evidence and Comments
B27	<p>Water Management Plan</p> <p>The Applicant must:</p> <p>(a) not commence operation until the Water Management Plan required by Condition B26 is approved by the Planning Secretary; and</p> <p>(b) implement the most recent version of the Water Management Plan approved by the Planning Secretary for the duration of the development.</p>	Pre-start up	Not triggered	S4.55 modification approved to delete this condition on 20 October 2020.
B28	<p>Groundwater Management</p> <p>If groundwater is encountered during construction, the Applicant must obtain all necessary licences or, if required, approval from DOI</p>	Construction	Compliant	
B29	<p>Groundwater Management</p> <p>Prior to the commencement of construction, the Applicant must prepare a Groundwater Contingency Plan to the satisfaction of the Planning Secretary. The Groundwater Contingency Plan must form part of the CEMP required by Condition C2. The Groundwater Contingency Plan must:</p> <p>a) define the triggers that activate the Groundwater Contingency Plan;</p> <p>b) identify the protocols that will be implemented should the Groundwater Contingency Plan be triggered, including the preparation of a Groundwater Management Plan;</p> <p>c) identify all potential groundwater licences or approvals that may be required should the Groundwater Contingency Plan be triggered;</p> <p>d) define the timeframes for:</p> <p>(i) notifying DOI if the Groundwater Contingency Plan is triggered; (ii) implementing the protocols under paragraph (b) above; and (iii) submitting the Groundwater Management Plan to DOI.</p>	Pre-construction	Compliant	
B30	<p>Groundwater Management</p> <p>The Applicant must: a) not commence construction until the Groundwater Contingency Plan required by Condition B29 is approved</p>	Pre-construction	Compliant	

Unique ID	Compliance Requirement	Development Phase	Status	Evidence and Comments
	by the Planning Secretary; and b) implement the most recent version of the Groundwater Contingency Plan approved by the Planning Secretary for the duration of the development.			
B31	Aboriginal Heritage The Applicant must ensure all staff are aware of their statutory obligations for heritage under the National Parks and Wildlife Act 1974 and the Heritage Act 1977.	At all times	Compliant	
B32	Aboriginal Heritage Prior to the commencement of operation, the Applicant must install a plaque which acknowledges the past occupation of the area by Awabakal and Worimi peoples.	Pre-start up	Compliant	
B33	Unexpected Finds Protocol If any item or object of Aboriginal heritage significance is identified on site: a) all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately; b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and c) the OEH must be contacted immediately	Construction	Compliant	
B34	Unexpected Finds Protocol Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the National Parks and Wildlife Act 1974.	Construction	Compliant	
B35	Dust Minimisation The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.	Construction	Compliant	

Unique ID	Compliance Requirement	Development Phase	Status	Evidence and Comments
B36	Dust Minimisation During construction, the Applicant must ensure that: a) exposed surfaces and stockpiles are suppressed by regular watering; b) all trucks entering or leaving the site with loads have their loads covered; c) trucks associated with the development do not track dirt onto the public road network; d) public roads used by these trucks are kept clean; and e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.	Construction	Compliant	
B37	Odour Management The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).	At all times	Compliant	
B38	Noise – Hours of Work The Applicant must comply with the hours detailed in Table 1. Table 1 Hours of Work Earthworks and construction: Monday-Friday: 7 am to 6 pm Saturday: 8 am to 1 pm Operation: Monday-Saturday: 8 am to 5.30 pm	At all times	Compliant	S4.55 modification approved on 6 August 2021 to operate Monday to Sunday 24 hours.
B39	Noise – Hours of Work Works outside of the hours identified in Condition B38 may be undertaken in the following circumstances: a) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or b) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm	At all times	Compliant	S4.55 modification approved on 6 August 2021 to operate Monday to Sunday 24 hours.
B40	Waste Management – Statutory Requirements All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials	At all times	Compliant	
B41	Waste Management – Statutory Requirements The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of EPA's Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014)	At all times	Compliant	

Unique ID	Compliance Requirement	Development Phase	Status	Evidence and Comments
	and dispose of all wastes to a facility that may lawfully accept the waste.			
B42	Waste Management – Statutory Requirements Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.	At all times	Compliant	
B43	Waste Management – Statutory Requirements The collection of waste generated during operation of the development must be undertaken between 7 am to 10 pm Monday to Friday	At all times	Compliant	
B44	Contamination Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the of the CEMP in accordance with Condition C2 and must ensure any material identified as contaminated must be disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site	Construction	Compliant	
B45	Landscaping The Applicant must ensure landscaping works are completed in accordance with the plans identified in Table 2. Table 2 Landscape Plans Drawing No. L-01, Revision DA2: Landscape Site Plan, RJ Sinclair Pty Ltd Drawing No. L-02, Revision DA2: Landscape Bedding Plans, RJ Sinclair Pty Ltd	Construction	Compliant	
B46	Lighting The Applicant must ensure the lighting associated with the development: a) complies with the latest version of AS 4282-1997 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); and b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network	Operation	Compliant	
B47	Lighting The Applicant must ensure adequate lighting is provided for afterhours access by tanker drivers	Operation	Compliant	

Unique ID	Compliance Requirement	Development Phase	Status	Evidence and Comments
B48	Signage and Fencing All signage and fencing must be erected in accordance with the development plans included in the EIS. Note: This condition does not apply to temporary construction and safety related signage and fencing	Operation	Compliant	
B49	Signage and Fencing The Applicant must install a masonry or metal clad fence with a minimum height of 2.1 m around the perimeter of all open storage and work areas.	Operation	Complaint	
B50	Mosquito Management The Applicant must implement the Mosquito Management Plan - Proposed Elgas Facility, prepared for Sovechles Nominees Pty Ltd, for the duration of the construction and operation of the development to minimise breeding sites for nuisance biting and disease transmitting mosquitos.	At all times	Compliant	
PART C- ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING				
C1	Environmental Management Plan Requirements Management plans required under this consent must be prepared in accordance with relevant guidelines, and include: a) details of: (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions); (ii) any relevant limits or performance measures and criteria; and (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures; b) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria; c) a program to monitor and report on the: (i) impacts and environmental performance of the development; (ii) effectiveness of the management measures set out pursuant to paragraph (b) above;	At all times	Compliant	

Unique ID	Compliance Requirement	Development Phase	Status	Evidence and Comments
	<p>d) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;</p> <p>e) a program to investigate and implement ways to improve the environmental performance of the development over time;</p> <p>f) a protocol for managing and reporting any: (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria); (ii) complaint; (iii) failure to comply with statutory requirements; and</p> <p>g) a protocol for periodic review of the plan.</p>			
C2	<p>Construction Environmental Management Plan</p> <p>The applicant must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of Condition C1 and to the satisfaction of the Planning Secretary.</p>	Pre-construction	Non - compliant	Sovechles Nominees served with Alleged Breach Notice dated 21/07/2020, matter resolved.
C3	<p>Construction Environmental Management Plan</p> <p>As part of the CEMP required under Condition C2 of this consent, the Applicant must include the following:</p> <p>a) Construction Traffic Management Plan (see Condition B13);</p> <p>b) Erosion and Sediment Control (see Condition B23);</p> <p>c) Mosquito Management Plan (see Condition B50); and</p> <p>d) Groundwater Contingency Plan (see Condition B29).</p>	Pre-construction	Non - compliant	Sovechles Nominees served with Alleged Breach Notice dated 21/07/2020, matter resolved.
C4	<p>Construction Environmental Management Plan</p> <p>The Applicant must:</p> <p>a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and</p> <p>b) carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.</p>	Pre-construction	Non - compliant	Sovechles Nominees served with Alleged Breach Notice dated 21/07/2020, matter resolved.
C5	<p>Operational Environmental Management Plan</p>	Pre-start up	Compliant	

Unique ID	Compliance Requirement	Development Phase	Status	Evidence and Comments
	The applicant must prepare an Operational Environmental Management plan (OEMP) in accordance with the requirements of Condition C1 and to the satisfaction of the Planning Secretary.			
C6	<p>Operational Environmental Management Plan</p> <p>As part of the OEMP required under Condition C5 of this consent, the Applicant must include the following:</p> <p>a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;</p> <p>b) describe the procedures that would be implemented to: (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development; (ii) receive, handle, respond to, and record complaints; (iii) resolve any disputes that may arise; (iv) respond to any non-compliance; (v) respond to emergencies; and</p> <p>c) include the following environmental management plans: (i) Operational Traffic Management Plan (see Condition B19); (ii) Flood Emergency Response; (iii) Water Management Plan (see Condition B26); and (iv) Mosquito Management Plan (see Condition B50).</p>	Pre-start up	Complaint	
C7	<p>Operational Environmental Management Plan</p> <p>The Applicant must:</p> <p>(a) not commence operation until the OEMP is approved by the Planning Secretary; and</p> <p>(b) operate the development in accordance with the OEMP approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time).</p>	Pre-start up	Non-Compliant	ELGAS served with penalty notice dated 9 March 2021.
C8	<p>Revision of Strategies, Plans and Programs</p> <p>Within three months of:</p> <p>a) the submission of an incident report under Condition C10;</p> <p>b) the submission of an Independent Audit under Condition C17;</p>	Operation	Compliant	Updated OEMP lodged with DPIE on 5 November 2021 following approval of S4.55 modification by DPIE on 6

Unique ID	Compliance Requirement	Development Phase	Status	Evidence and Comments
	c) the approval of any modification of the conditions of this consent; or d) the issue of a direction of the Planning Secretary under Condition A2(b) which requires a review, the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.			August 2021 to operate 24 hrs 7 days a week.
C9	Revision of Strategies, Plans and Programs If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review. Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.	Operation	Compliant	
C10	Reporting and Auditing - Incident Notification, Reporting and Response The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident. Subsequent notification requirements must be given and reports submitted in accordance with the requirements set out in Appendix 3.	Post-start up	Compliant	
C11	Reporting and Auditing – Non-Compliance Notification The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance.	Post-start up	Compliant	
C12	Reporting and Auditing – Non-Compliance Notification	Post-start up	Compliant	

Unique ID	Compliance Requirement	Development Phase	Status	Evidence and Comments
	A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the noncompliance.			
C13	Reporting and Auditing – Non-Compliance Notification A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	Post-start up	Compliant	
C14	Compliance Reporting No later than 6 weeks before the date notified for the commencement of operation, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department.	Pre-start up	Compliant	Sovechles Nominees served with Warning Letter by DPIE on 12 August 2020 regarding failure to submit a Compliance Monitoring and Reporting Program before commencement of operations. Compliance Monitoring and Reporting Program submitted to DPIE in August 2020.
C15	Compliance Reporting Compliance Reports of the project must be carried out in accordance with Compliance Reporting Post Approval Requirements (Department 2018).	Operation	Compliant	This report
C16	Compliance Reporting The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department in writing at least 7 days before this is done.	Operation	Not triggered	

Unique ID	Compliance Requirement	Development Phase	Status	Evidence and Comments
C17	<p>Independent Audit</p> <p>No later than 4 weeks before the date notified for the commencement of operation, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department.</p>	Operation	Compliant	
C18	<p>Independent Audit</p> <p>Independent Audits of the development must be carried out in accordance with: a) the Independent Audit Program submitted to the Department under Condition C17 of this consent; and b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).</p>	Operation	Not-triggered	On 20 October 2021 DPIE agreed to extend submission date of IA to 23 November 2021.
C19	<p>Independent Audit</p> <p>In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:</p> <p>a) review and respond to each Independent Audit Report prepared under Condition C18 of this consent;</p> <p>b) submit the response to the Department; and</p> <p>c) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Department and notify the Department in writing at least 7 days before this is done</p>	Operation	Not triggered	
C20	<p>Monitoring and Environmental Audits</p> <p>Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification,</p>	At all times	Compliant	

Unique ID	Compliance Requirement	Development Phase	Status	Evidence and Comments
	<p>reporting and response, non-compliance notification and independent environmental auditing.</p> <p>Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.</p>			
C21	<p>Access to Information</p> <p>At least 48 hours before the commencement of construction until the completion of all works under this consent, the Applicant must:</p> <p>a) make the following information and documents (as they are obtained or approved) publicly available:</p> <p>(i) the documents referred to in Condition A2 of this consent and the final layout plans for the development;</p> <p>(ii) all current statutory approvals for the development;</p> <p>(iii) all approved strategies, plans and programs required under the conditions of this consent;</p> <p>(iv) contact details to enquire about the development or to make a complaint;</p> <p>(v) the Compliance Reporting of the development;</p> <p>(vi) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;</p> <p>(vii) any other matter required by the Planning Secretary; and</p>	Construction	Compliant	

Unique ID	Compliance Requirement	Development Phase	Status	Evidence and Comments
	b) keep such information up to date, to the satisfaction of the Planning Secretary.			

3. NON-COMPLIANCES

The following non-compliances have been identified during the reporting period:

Unique ID	Details of non-compliance	Relevant agency	Proposed Action
C2, C3 and C4	Construction Environmental Management Plan	DPIE	Applicant served with Alleged Breach Notice dated 21/07/2020. Matter resolved.
C7	Operation commenced prior to OEMP being approved by the Planning Secretary	DPIE	ELGAS served with penalty notice dated 9 March 2021. Matter resolved.
C14	Submission of Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018)	DPIE	Compliance Monitoring and Reporting Program submitted to DPIE in August 2020.

4. PREVIOUS REPORT ACTIONS

There are no previous report actions.

5. INCIDENTS

No incidents occurred during the reporting period.

6. COMPLAINTS


No complaints were received during the reporting period.

COMPLIANCE REPORT DECLARATION FORM

Project Name:	ELGAS Liquefied Petroleum Gas Storage and Distribution Facility
Project application Number	SSD 8448
Project Address	130 Cormorant Road Kooragang (Lot 1 DP 1195449)
Proponent	Sovechles Nominees Pty Ltd
Title of Compliance Report	Compliance Monitoring and Reporting Program Report – Commencement of Operations
Date	8 November 2021

I declare that I have reviewed relevant evidence and prepared the contents of this Compliance Report and to the best of my knowledge:

- the Compliance Report has been prepared in accordance with all relevant conditions of consent;
- the Compliance Report has been prepared in accordance with the Compliance Reporting Post Approval Requirements;
- the findings of the Compliance Report are reported truthfully, accurately and completely;
- due diligence and professional judgement have been exercised in preparing the Compliance Report; and
- the Compliance Report is an accurate summary of the compliance status of the development.

Name of Authorised Reporting Officer	Andrew Biller
Title	Director
Signature	
Qualification	BSoc Sci, Master of City and Regional Planning
Company	Metroplan Services Pty Ltd
Company Address	265 King Street Newcastle NSW 2300