

Development Consent

Section 4.38 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 11 October 2017, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney

2018

File: OBJ17/06869

SCHEDULE 1

Application No: SSD 8448
Applicant: Sovechles Nominees Pty Ltd
Consent Authority: Minister for Planning
Site: 130 Cormorant Road, Kooragang
Lot 1 DP 1195449
Development: Liquified petroleum gas storage and distribution facility

Modifications

MOD 1 – Approved 20 October 2020

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DEFINITIONS

Applicant	Sovechles Nominees Pty Ltd, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
Certifying Authority	A person who is authorised by or under the former section 109D of the EP&A Act to issue Part 4A certificates
CEMP	Construction Environmental Management Plan
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent
Council	Newcastle City Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising earthworks, construction and operation, as modified by the conditions of this consent
Development layout	The plans at Appendix 1 of this consent
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
EIS	The Environmental Impact Statement titled 'New LPG Storage Facility, 130 Cormorant Road, Kooragang (Part Lot 1 DP 1195449), Environmental Impact Statement', prepared by RPS Australia East Pty Ltd dated 22 August 2017, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Evening	The period from 6 pm to 10 pm
Fibre ready facility	As defined in Section 372W of the Telecommunications Act 1997
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
LPG	Liquified petroleum gas

Material harm	Is harm that: - involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or - results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces, or delegate
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Modification Assessments	The document assessing the environmental impact of a proposed modification of this consent and any other information submitted with the following modification applications made under the EP&A Act: a) SSD-8448-Mod-1, prepared by Metroplan Services and dated 3 August 2020
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OEH	NSW Office of Environment and Heritage
OEMP	Operational Environmental Management Plan
Operation	The receipt, storage and distribution of LPG at the facility upon completion of construction
PCA	Principal Certifying Authority in accordance with the EP&A Act
PHA	Preliminary Hazard Analysis, prepared by Arriscar Pty Ltd, dated 10 July 2017
Planning Secretary	Secretary of the Department, or delegate
POEO Act	Protection of the Environment Operations Act 1997
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled "Aboriginal cultural heritage consultation requirements for proponents 2010" (DECCW)
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Response to submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
RMS	NSW Roads and Maritime Services
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
Site	The land defined in Appendix 1
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2
PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. 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.

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the EIS and Response to Submissions;
 - (d) in accordance with Modification Assessments;
 - (e) in accordance with the Development Layout in Appendix 1; and
 - (f) in accordance with the management and mitigation measures in Appendix 2.
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (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
 - (b) the implementation of any actions or measures contained in any such document referred to in Condition A3(a).
- A4. 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.

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.

LIMITS OF CONSENT

Lapsing

- A5. 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.

LPG Storage

- A6. The storage of LPG on-site at any given time must not exceed 178 tonnes.

NOTIFICATION OF COMMENCEMENT

- A7. 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:
- (a) construction;
 - (b) operation; and
 - (c) cessation of operations.
- A8. 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 commencement of each stage, of the date of commencement and the development to be carried out in that stage.

EVIDENCE OF CONSULTATION

- A9. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - (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.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- A10. With the approval of the Planning Secretary, the Applicant may:
- (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);
 - (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
 - (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).
- A11. 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.
- A12. 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.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A13. 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.
- A14. 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.

DEMOLITION

- A15. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

STRUCTURAL ADEQUACY

- A16. 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.

Note:

- 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.

COMPLIANCE

- A17. 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.

DEVELOPMENT CONTRIBUTIONS

- A18. 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.

OPERATION OF PLANT AND EQUIPMENT

- A19. 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.

EXTERNAL WALLS AND CLADDING

- A20. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

- A21. 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.
- A22. 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.

UTILITIES AND SERVICES

- A23. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- A24. 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*.
- A25. 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:
- (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
 - (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.
- A26. The Applicant must demonstrate that the carrier has confirmed in writing they are satisfied that the fibre ready facilities are fit for purpose.

WORKS AS EXECUTED PLANS

- A27. 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.

APPLICABILITY OF GUIDELINES

- A28. 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.
- A29. 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.

ADVISORY NOTES

- AN1. 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.

PART B SPECIFIC ENVIRONMENTAL CONDITIONS

HAZARDS AND RISK

Terms of Approval

- B1. The Applicant must implement all recommendations listed in the PHA.
- B2. 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.

Pre-construction

- B3. At least one month prior to the commencement of construction of the development (except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as the Planning Secretary may agree, the Applicant must prepare and submit for the approval of the Planning Secretary the studies set out under subsections (a) to (d) below (the pre-construction studies). Construction, other than of preliminary works, must not commence until approval has been given by the Planning Secretary and, with respect to the Fire Safety Study, approval has also been given by Fire and Rescue NSW.
- (a) A **Fire Safety Study** for the development. This study must cover the relevant aspects of the *Department's Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study Guidelines'* and the *New South Wales Government's Best Practice Guidelines for Contaminated Water Retention and Treatment Systems* (NSW HMPCC, 1994). The study must also be submitted to Fire and Rescue NSW for approval.
 - (b) A **Hazard and Operability Study** for the development, chaired by a qualified person, independent of the development, approved by the Planning Secretary prior to the commencement of the study. The study must be carried out in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 8, 'HAZOP Guidelines'*. The study report must be accompanied by a program for the implementation of all recommendations made in the report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented.
 - (c) A **Final Hazard Analysis** of the development, prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'*. The Final Hazard Analysis must:
 - (i) report on the implementation of the recommendations under Condition B1; and
 - (ii) develop a Risk Reduction Program to minimise the risk to the adjoining land.
 - (d) A **Construction Safety Study**, prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 7 'Construction Safety'*. For developments in which the construction period exceeds six months, the commissioning portion of the Construction Safety Study may be submitted two months prior to commencement of commissioning.

Pre-commissioning

- B4. The Applicant must develop and implement the plans and systems set out under subsections (a) to (b) below. 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 documentation describing those plans and systems. Commissioning must not commence until approval has been given by the Planning Secretary.
- (a) a consolidated comprehensive Emergency Plan and detailed emergency procedures for all developments within Lot 1 DP 1195449. The Emergency Plan must include consideration of the safety of all people outside of the development who may be at risk from the development. The plan must address evacuation procedures for the neighbouring facilities occupying Lot 1 DP 1195449. The plan must be prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'* and in consultation with the neighbouring facilities occupying Lot 1 DP 1195449.
 - (b) a document setting out a comprehensive Safety Management System, covering all on-site operations and associated transport activities involving hazardous materials. The document must clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. Records must be kept on-site and must be available for inspection by Planning Secretary upon request. The Safety Management System must be developed in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'*.

Pre-startup

- B5. One month prior to the commencement of operation of the development, the Applicant must submit to the Planning Secretary, a Pre-Startup Compliance Report detailing compliance with conditions B3 and B4 on this consent, including:
- (a) dates of study/plan/system submission, approval, commencement of construction and commissioning;
 - (b) actions taken or proposed, to implement recommendations made in the studies/plans/systems; and

- (c) responses to any requirement imposed by the Planning Secretary under Condition A2(b).

Post-startup

- B6. Three months after the commencement of operation of the development, the Applicant must submit to the Planning Secretary, a Post-Startup Compliance Report verifying that:
- (a) the Emergency Plan required under Condition B4(a) is effectively in place and that at least one emergency exercise has been conducted; and
 - (b) the Safety Management System required under Condition B4(b) has been fully implemented and that records required by the system are being kept.

Hazard Audit

- B7. Within twelve months after the commencement of 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:
- (a) be carried out at the Applicant's expense by a qualified person or team, who have been approved by the Planning Secretary and are independent of the development;
 - (b) be carried out in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit Guidelines'*;
 - (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
 - (d) report on the implementation of the Risk Reduction Program required under Condition B3.
- B8. 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.

Further Requirements

- B9. 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: Environmental Protection – Participants Manual'* if the chemicals are liquids.
- B10. 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.

Dangerous Goods

- B11. 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).
- B12. 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.

TRAFFIC AND ACCESS

Construction Traffic Management Plan

- B13. 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.

Roadworks and Access

- B14. 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. All road works associated with the development must be undertaken at full cost to the Applicant.

- B16. 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 AUSTROADS guidelines.
- B17. 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.

Parking

- B18. 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.

Operational Traffic Management Plan

- B19. Prior to the commencement of operation, the Applicant must prepare an Operational Traffic Management Plan for the development to the 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;
 - (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 program to monitor the effectiveness of these measures.
- B20. The Applicant must:
- (a) not commence operation until the Operational Traffic Management Plan required by Condition B19 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the Operational Traffic Management Plan approved by the Planning Secretary for the duration of operation.

Operating Conditions

- B21. The Applicant must ensure:
- (a) the development does not result in any vehicles queuing on the public road network;
 - (b) all vehicles enter and exit the site in a forward direction;
 - (c) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;
 - (d) all vehicles are wholly contained on site before being required to stop;
 - (e) all loading and unloading of materials is carried out on-site;
 - (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
 - (g) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

SOILS, WATER QUALITY AND HYDROLOGY

Imported Soil

- B22. The Applicant must:
- (a) ensure that only VENM or ENM is brought onto the site;
 - (b) keep accurate records of the volume and type of fill to be used; and
 - (c) make these records available to the Department upon request.

Erosion and Sediment Control

- B23. 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.

Stormwater Management System

- B24. Prior to the commencement of operation, the Applicant must design, install and operate a stormwater management system for the development. The system must:
- (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. 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.

Water Management Plan

- ~~B26. 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.~~
- ~~B27. The Applicant must:~~
- ~~(a) not commence operation until the Water Management Plan required by Condition B26 is approved by the Planning Secretary; and~~
 - ~~(b) implement the most recent version of the Water Management Plan approved by the Planning Secretary for the duration of the development.~~

Groundwater Management

- B28. If groundwater is encountered during construction, the Applicant must obtain all necessary licences or, if required, approval from DoI.
- B29. 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:
- (a) define the triggers that activate the Groundwater Contingency Plan;
 - (b) identify the protocols that will be implemented should the Groundwater Contingency Plan be triggered, including the preparation of a Groundwater Management Plan;
 - (c) identify all potential groundwater licences or approvals that may be required should the Groundwater Contingency Plan be triggered;
 - (d) define the timeframes for:
 - (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.

- B30. The Applicant must:
- (a) not commence construction until the Groundwater Contingency Plan required by Condition B29 is approved 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.

ABORIGINAL HERITAGE

- B31. 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*.
- B32. 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.

Unexpected Finds Protocol

- B33. 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.
- B34. 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*.

AIR QUALITY

Dust Minimisation

- B35. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- B36. 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.

Odour Management

- B37. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

NOISE

Hours of Work

- B38. The Applicant must comply with the hours detailed in Table 1.

Table 1 Hours of Work

Activity	Day	Time
Earthworks and construction	Monday – Friday	7 am to 6 pm
	Saturday	8 am to 1 pm
Operation	Monday – Saturday	8 am – 5:30 pm

- B39. 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.

WASTE MANAGEMENT

Statutory Requirements

- B40. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.

- B41. 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) and dispose of all wastes to a facility that may lawfully accept the waste.
- B42. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.
- B43. The collection of waste generated during operation of the development must be undertaken between 7 am to 10 pm Monday to Friday.

CONTAMINATION

- B44. 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.

VISUAL AMENITY

Landscaping

- B45. The Applicant must ensure landscaping works are completed in accordance with the plans identified in Table 2.

Table 2 Landscape Plans

Drawing No.	Revision	Name of Plan	Author
L - 01	DA2	Landscape Site Plan	RJ Sinclair Pty Ltd
L - 02	DA2	Landscape Bedding Plans	RJ Sinclair Pty Ltd

Lighting

- B46. 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.
- B47. The Applicant must ensure adequate lighting is provided for after-hours access by tanker drivers.

Signage and Fencing

- B48. 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.*
- B49. 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.

MOSQUITO MANAGEMENT

- B50. 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.

PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Management Plan Requirements

- C1. 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;
 - (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;
 - (e) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (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
 - (g) a protocol for periodic review of the plan.

Note: The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C2. 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.
- C3. As part of the CEMP required under Condition C2 of this consent, the Applicant must include the following:
- (a) Construction Traffic Management Plan (see Condition B13);
 - (b) Erosion and Sediment Control (see Condition B23);
 - (c) Mosquito Management Plan (see Condition B50); and
 - (d) Groundwater Contingency Plan (see Condition B29).
- C4. The Applicant must:
- (a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and
 - (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.

OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

- C5. 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. As part of the OEMP required under Condition C5 of this consent, the Applicant must include the following:
- (a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (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
- (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~~
 - (iii) Mosquito Management Plan (see Condition B50).

C7. The Applicant must:

- (a) not commence operation until the OEMP is approved by the Planning Secretary; and
- (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).

REVISION OF STRATEGIES, PLANS AND PROGRAMS

C8. Within three months of:

- (a) the submission of an incident report under Condition C10;
- (b) the submission of an Independent Audit under Condition C17;
- (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.

C9. 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.

REPORTING AND AUDITING

Incident Notification, Reporting and Response

C10. 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.

Non-Compliance Notification

C11. 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.

C12. 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 non-compliance.

C13. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Compliance Reporting

C14. 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.

C15. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).

C16. 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.

Independent Audit

C17. 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.

- C18. 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).
- C19. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under Condition C18 of this consent;
 - (b) submit the response to the Department; and
 - (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.

Monitoring and Environmental Audits

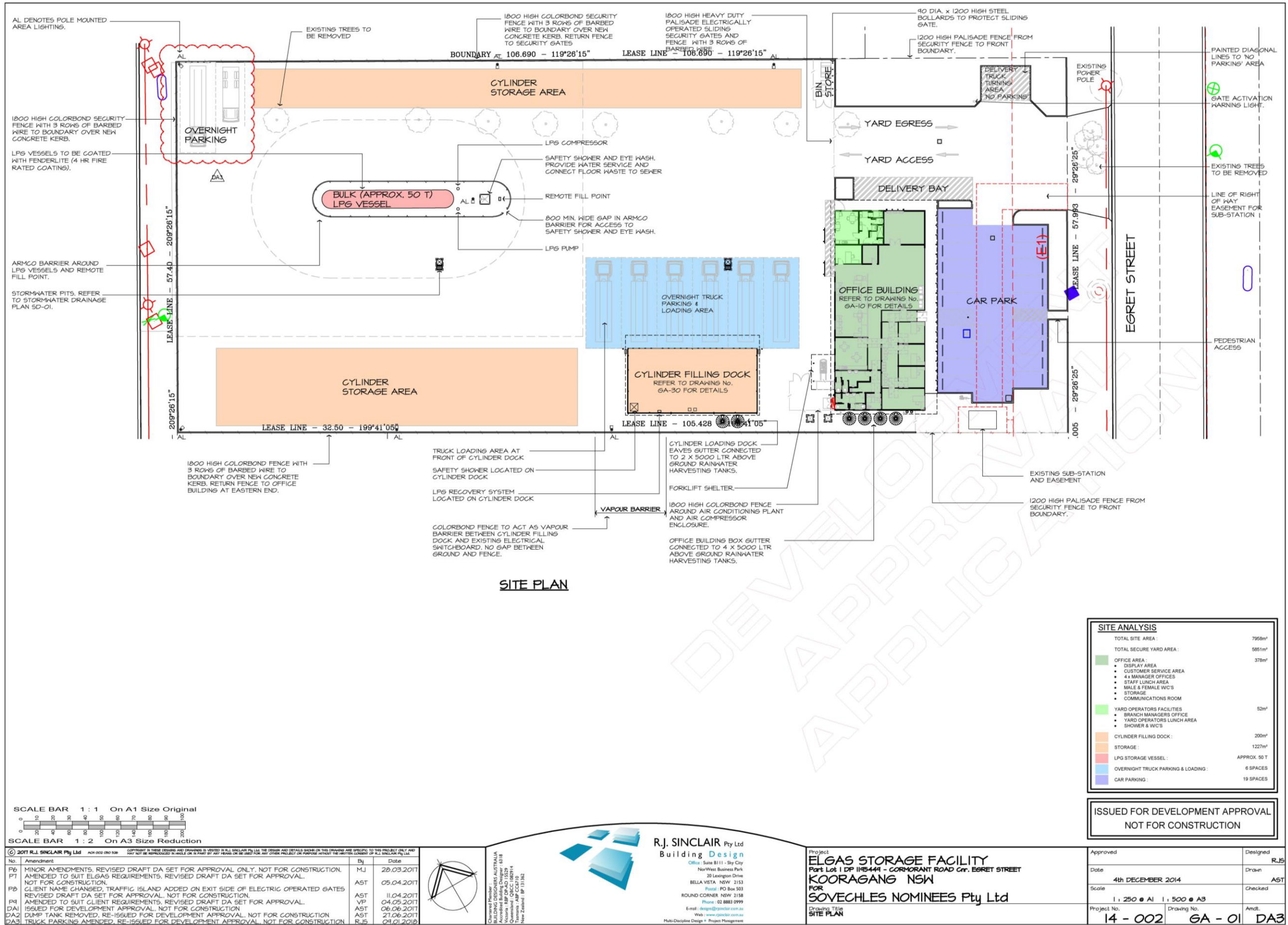
- C20. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.

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.

ACCESS TO INFORMATION

- C21. At least 48 hours before the commencement of construction until the completion of all works under this consent, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available:
 - (i) the documents referred to in Condition A2 of this consent and the final layout plans for the development;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) contact details to enquire about the development or to make a complaint;
 - (v) the Compliance Reporting of the development;
 - (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;
 - (vii) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

APPENDIX 1 DEVELOPMENT LAYOUT PLAN



APPENDIX 2 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES

Mitigation Measures	
1. General	
A site-specific Construction and Environmental Management Plan (CEMP) will be prepared and implemented to ensure that the commitments made within the EIS are fully implemented and complied with. The EMP will establish the framework for managing and mitigating the potential environmental impacts of the development over the life of the operation.	
2. Hazards and Risk	
The potential hazards and risks will be managed through the adoption of the following measures arising from the PHA:	
■ Ensure that night time surveillance patrol of the site includes the parked Bobtail area to detect possible presence of LPG Gas (can be detected by odour). This activity is to be included in the procedures; ■ The cylinder storage and stacking arrangements on site must comply with Figure 4 Table 2 of the PHA report, to ensure compliance with target risk levels; ■ The stacking of cylinder cages must not exceed 2 high for 8.5 and 15-18kg cylinders; ■ A hazardous area classification diagram must be prepared for the site during detailed design; ■ Tanker loading/unloading liquid and vapour hoses and cylinder filling hoses must be pressure tested annually; ■ Adequate lighting is to be provided for after-hours access by tanker drivers; ■ A traffic management system must be developed on site to prevent vehicle collisions; ■ All cylinder storage areas, tanker loading/unloading area and Bobtail parking areas must be clearly marked; ■ Appropriate workplace safety signs and Hazmat signs are to be installed on site as required by the codes; ■ Ongoing inspection and maintenance of the integrity of the concrete yard area; ■ Inspection and maintenance program to ensure mechanical integrity of the plant and equipment to minimise accidental releases.	
3. Soil and Water	
Earthworks	All long-term excavations should either be supported by properly designed and constructed retaining walls or alternatively battered at 2H:1V or flatter.
Fill	Site preparation for the placement of fill should include the following: ■ Removal of any existing topsoil and deleterious soils together with any surface vegetation, eg, grass/weeds, and heavily root affected soils, to expose a clean sand subgrade; ■ Proof rolling of the exposed sand subgrade; ■ Clean sand fill should be used for any proposed filling at the site; and ■ Observation and monitoring of existing adjacent development and structures for any signs of settlement or distress should be undertaken in conjunction with any proposed proof rolling and compaction.
Acid Sulphate Soils	An acid sulphate soil management plan should be required for all excavations that disturb the clay soils at the site (typically at depths below 3m).
Erosion and Sediment Control	Erosion and Sediment Control details are to be as per the submitted drawings 14-002 CMP01 DA1 and 14-002 CMP02 DA1 prepared by RJ Sinclair Pty Ltd dated 13th March 2015. The site should be securely fenced during construction and should include a perimeter siltation fence and material stockpile areas.

Mitigation Measures	
Stormwater Management	Proposed stormwater drainage details are to be as per the submitted drawings 14-002 SD01 DA1 dated April 2015, 14-002 SD02 DA01 dated April 2015 and 14-002 SD03 DA1 dated April 2017, prepared by RJ Sinclair Pty Ltd and shall connect to the existing stormwater infrastructure for Lot 1.
Potential Impacts to Surface Water, Ground Water and Soils	The following design and operational measures for preventing LPG release into the soil or ground water table should include the following: ■ Tank and pipework design to required Australian Standards for integrity (AS 1210 for vessel and AS 1596 for pipework); ■ Emergency shutdown (ESD) system to minimise LPG releases; ■ Concrete paving of the entire yard, which prevents LPG ingress into ground; ■ Inspection and maintenance program to ensure mechanical integrity of the plant and equipment to minimise accidental releases; ■ Only large LPG releases that are downward oriented and impinge on the ground can form a liquid pool with a potential for ground penetration (approximately 22% of the release); and ■ The ground is to be paved with concrete, which prevents ingress of LPG.
4. Traffic and Transport	
■ Left turn only on to Cormorant Road be reviewed to ensure the safe operation of this intersection through the physical restriction of right turn movements; and ■ The right hand turn onto Egret Street shall be monitored over time.	
5. Air Quality and Odour	
■ Cylinders that are found of to be 'out of test' are re-tested. If a cylinder fails the test, it is destroyed on site by hydraulic hole punching and placed in a separate dedicated yard for disposal. ■ Prior to retest, the LPG is recovered into the recovery manifold and the cylinder valve is removed. Due to the nature of this operation no gas/vapour is released therefore no odour will be present. ■ Bulk LPG transfer/delivery should occur in accordance with AS/NZS 60079.10.1:2009 "Explosive Atmospheres" ■ Cylinder filling should occur in accordance with AS/NZS 1596:2014 "The Storage and Handling of LPG Gas"	
6. Noise and Vibration	
■ No mitigation measures required.	
7. Waste Management	
■ Ordering will be limited to only the required amount of materials; ■ Materials will be segregated to maximise reuse and recycling; ■ Routine checks would be undertaken of waste sorting and storage areas for cleanliness, hygiene and OH&S issues, and contaminated waste materials; ■ Separate skips and recycling bins will be provided for effective waste segregation and recycling purposes; ■ Training and awareness will be undertaken for site staff and contractors; ■ Contaminated waste will be managed, transported, and disposed of in accordance with EPA requirements; ■ Off-site waste disposal will be transported and disposed of in accordance with licensing requirements; ■ Assessment of suspicious potentially contaminated materials, hazardous materials and liquid wastes will be undertaken; and ■ Regular monitoring, inspection and reporting requirements will be undertaken.	
8. Biodiversity	
■ Perimeter landscaping along the Egret Street frontage in the vicinity of the car park and office building shall be constructed as per the drawing 14-002 L01 DA2, 14-002 L02 DA2 dated April 2014, prepared by RJ Sinclair Pty Ltd.	
9. Heritage	
■ All relevant personnel, contractors and subcontractors should be made aware of their statutory obligations for heritage under the <i>National Parks and Wildlife Act 1974</i> at the site induction stage.	

Mitigation Measures

- If unrecorded Aboriginal object/s are identified in the project area during works, then all works in the immediate area must cease and the area should be cordoned off. OEH must be notified by ringing the Enviroline 131 555 so that the site can be adequately assessed and managed.
- In the unlikely event that skeletal remains are identified, work must cease immediately in the vicinity of the remains and the area must be cordoned off. The proponent must contact the local NSW Police who will make an initial assessment as to whether the remains are part of a crime scene or possible Aboriginal remains. If the remains are thought to be Aboriginal, OEH must be contacted by ringing the Enviroline 131 555. An OEH officer will determine if the remains are Aboriginal or not; and a management plan must be developed in consultation with the relevant Aboriginal stakeholders before works recommence.

APPENDIX 3 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under Condition C10 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (a) identify the development and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the applicant became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of consent;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action(s) that will be taken in relation to the incident; and
 - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident