

59375

L001 (SSD 8448 Elgas Kooragang Independent Environmental Audit Program) Rev 0

27 July 2020

Sovechles Nominees Pty Ltd
69 Scenic Drive
Merewether NSW 2291
Via email: mitch_sovechles@bigpond.com

Attention: Mitchell Sovechles

Independent Environmental Audit Program – SSD 8448 Elgas Kooragang, 130 Cormorant Road Kooragang NSW (Lot 1 DP 1195449)

Mitchell,

JBS&G t/a Consentium (Consentium) has been engaged by Sovechles Nominees Pty Ltd (the client) to prepare an independent environmental audit program for a new LPG storage and distribution facility being constructed for Elgas at 130 Cormorant Road Kooragang NSW (Lot 1 DP 1195449) (the site).

In accordance with the State Significant Development (SSD) development consent for the site (SSD 8448), independent environmental audits are required to be completed in line with *Independent Audit Methodology and Independent Audit Post Approval Requirements* (Department of Planning and Environment 2018). SSD 8448 consent condition C17 requires the preparation of an Independent Audit Program in accordance with Department (2018) and submission to the Department no later than 4 weeks before the date notified for commencement of operation. You have advised a date for commencement of operation of 1 September 2020.

Based on a planned commencement date of operation of 1 September 2020, and in accordance with condition C17 of SSD 8448 consent and *Independent Audit Post Approval Requirements* (Department of Planning and Environment, 2018), independent environmental audits for the operation stages are proposed to be undertaken as outlined in **Table A**.

Table A: Independent Audit Program

Audit	Requirement Frequency	Timeframe*
Initial Independent Audit	Within 52 weeks of the notified commencement date of operation	30 August 2021
Independent Audits during operation phase of the development	At intervals no greater than three years	To be confirmed

*The timeframe indicated includes completion of all audit activities, including scope development, audit inspection and interview, document review, and submission of final Audit Report (including client response to audit findings) to the Department of Planning, Industry and Environment. The exact timing for independent audits during the operation phase will be confirmed following completion of construction.

The initial independent audit will occur after commencement of operation and will include a review of all conditions including environmental management plans to ensure compliance with current NSW Government Environmental Management Systems Guidelines. A site inspection and interview with relevant project environmental management personnel will be undertaken to inspect project environmental controls. An initial independent audit report (IAR) will be prepared documenting the findings of the audit and providing recommendations for the improvement and regulatory compliance of environmental management for the development.



The applicant is required to make each Independent Audit Report publicly available within 60 days after submission to the Department of Planning, Infrastructure and Environment.

Further independent audits are required at intervals no greater than three years of the commencement of operation. The dates for independent audits during the operation phase, following initial independent audit, are yet to be determined.

An Independent Audit Table that identifies the matters to be audited is provided in **Attachment B**. As per the requirements of Department of Planning and Environment (2018), the Independent Audit Table has been prepared based on the development consent conditions.

Should you require clarification, please contact the undersigned on 02 8245 0300 or by email greg.brickle@consentium.com.au.

Yours sincerely:

Greg Brickle
Principal
JBS&G Australia Pty Ltd
t/a Consentium

Christine Louie
Principal
JBS&G Australia Pty Ltd
t/a Consentium

Attachments:

- A) Limitations
- B) Independent Audit Table



Attachment A – Limitations

The work was conducted, and this report prepared, for use by the client who has commissioned the works in accordance with the defined project brief / scope herein, within time and budgetary constraints, and in reliance on certain data and information made available to JBS&G Australia Pty Ltd, trading as Consentium. The report has been prepared using accepted procedures and practices of the consulting profession at the time it was prepared.

The advice herein relates only to this project and all results, conclusions and recommendations made are based on the information obtained and available (from the client and other parties) at the time of report preparation and submission to the client. Consentium accepts no liability for use or interpretation by any person or body other than the client who commissioned the works. Use of the report for any other purpose, should be undertaken with caution and with reliance on a competent person with experience in environmental investigations, stakeholder and community engagement, communications, reputation management and regulatory permitting. Unless otherwise stated in the report, the report should not be relied upon by other parties, who should make their own enquires and obtain independent advice in relation to such matters. No responsibility is accepted for use of any part of this report in any other context or for any other purpose or by third parties.

Should further data / information be obtained that differs from the data / information on which the report conclusions and recommendations are based, then the conclusions and recommendations would need to be reviewed and may need to be revised.

This report may contain confidential material and must not be provided to third parties without the prior approval of the client. The report should only ever be provided in its complete form and must not be altered by any person or body other than Consentium.



Attachment B – Independent Audit Table

Independent Audit Table – Elgas Kooragang, 130 Cormorant Road Kooragang NSW 2304 (Lot 1 DP 1195449)
Site Address: 130 Cormorant Road Kooragang NSW 2304 (Lot 1 DP 1195449)

Date:
Development Application No. SSD 8448

Applicant: Sovechles Nominees Pty Ltd

Audit Team Members:
Site Representatives:

ID	CONDITION HEADING	CONSENT CONDITION	MONITORING METHODOLOGY	COMMENTS / OBSERVATIONS / SUPPORTING DOCUMENTATION	COMPLIANCE STATUS ¹	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS ACTIONS (A) = Address Non-compliances RECOMMENDATIONS (R) = Address Observation
PART A - ADMINISTRATIVE CONDITIONS						
A1	Obligation to minimise harm to environment	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.	Site inspection, interview, CEMP and records			
A2	Terms of Consent	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) accordance with the Development Layout in Appendix 1; and e) in accordance with the management and mitigation measures in Appendix 2.	Site inspection, interview, CEMP and records			
A3	Terms of Consent	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).	Site interview and records			
A4	Terms of Consent	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. <i>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.</i>	Site interview and records			
A5	Limits of Consent	Lapsing 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.	N/A			
A6	Limits of Consent	LPG Storage The storage of LPG on-site at any given time must not exceed 178 tonnes.	Site interview and records			

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A7	Notification of Commencement	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.	Site interview and records			
A8	Notification of Commencement	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.	Site interview and records			
A9	Evidence of Consultation	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.	Site interview and records Response from Planning Secretary			
A10	Staging, Combining and Updating Strategies, Plans or Programs	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).	Site interview and records			
A11	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.	Site interview and records			
A12	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.	Site interview and records			
A13	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.	Site interview and records			
A14	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. <i>Note: This condition does not apply to any damage to roads caused as a result of general road usage.</i>	Site interview and records			
A15	Demolition	All demolition must be carried out in accordance with Australian Standard AS 2601-2001 The Demolition of Structures (Standards Australia, 2001).	Site interview and records			

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A16	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. <i>Note:</i> <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. 	Site interview and records			
A17	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.	Site interview and records			
A18	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.	Site interview and records			
A19	Operation Of Plant And Equipment	All plant and equipment used on site, or to monitor the performance of the development must be: <ul style="list-style-type: none"> a) maintained in a proper and efficient condition; and b) operated in a proper and efficient manner. 	Site interview and records			
A20	External Walls and Cladding	The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.	Site interview and records			
A21	External Walls and Cladding	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.	Site interview and records Response from Certifier			
A22	External Walls and Cladding	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.	Site interview and records			
A23	Utilities and Services	Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.	Site interview and records			
A24	Utilities and Services	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.	Site interview and records			
A25	Utilities and Services	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: <ul style="list-style-type: none"> 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. 	Site interview and records Response from Certifier			
A26	Utilities and Services	The Applicant must demonstrate that the carrier has confirmed in writing they are satisfied that the fibre ready facilities are fit for purpose.	Site interview and records			
A27	Work As Executed Plans	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.	Site interview and records Response from Surveyor			
A28	Applicability of Guidelines	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.	N/A			

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A29	Applicability of Guidelines	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.	N/A			
AN1	Advisory Notes	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.	N/A			
PART B – SPECIFIC ENVIRONMENTAL CONDITIONS						
Hazards And Risks						
B1	Terms of Approval	The Applicant must implement all recommendations listed in the PHA.	Site interview and records			
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	Site interview and records			
B3	Pre-Construction	<p>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.</p> <p>a) A Fire Safety Study for the development. This study must cover the relevant aspects of the Department's <i>Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study Guidelines'</i> and the <i>New South Wales Government's Best Practice Guidelines for Contaminated Water Retention and Treatment Systems</i> (NSW HMPCC, 1994). The study must also be submitted to Fire and Rescue NSW for approval.</p> <p>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 <i>Hazardous Industry Planning Advisory Paper No. 8, 'HAZOP Guidelines'</i>. 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.</p> <p>c) A Final Hazard Analysis of the development, prepared in accordance with the Department's <i>Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'</i>. The Final Hazard Analysis must:</p> <ul style="list-style-type: none"> (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. <p>d) A Construction Safety Study, prepared in accordance with the Department's <i>Hazardous Industry Planning Advisory Paper No. 7 'Construction Safety'</i>. 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.</p>	Site interview and records Fire Safety Study Response from Planning Secretary Response from Fire and Rescue NSW Hazard and Operability Study Final Hazard Analysis Construction Safety Study Responses from Planning Secretary			

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B4	Pre-Commissioning	<p>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.</p> <p>a) a consolidated comprehensive Emergency Plan and detailed emergency procedures for all developments within Lot 1 DP1195449. 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 DP1195449. 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 the 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 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 <i>Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'</i>.</p>	<p>Site interview and records Emergency Plan Safety Management System Responses from Planning Secretary</p>			
B5	Pre-Startup	<p>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:</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>	<p>Site interview and records Pre-Startup Compliance Report Response from Planning Secretary</p>			
B6	Post-Startup	<p>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:</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>	<p>Site interview and records Post Startup Compliance Report Response from Planning Secretary</p>			
B7	Hazard Audit	<p>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:</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 and are independent of the development;</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>	<p>Site interview and records</p>			

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B8	Hazard Audit	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.	Site interview and records Hazard Audit Report Response from Planning Secretary			
B9	Further Requirements	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 ' <i>Storing and Handling of Liquids: the Environmental Protection - Participants Manual</i> ' if the chemicals are liquids.	Site Inspection, site interview and records			
B10	Further Requirements	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.	N/A			
B11	Dangerous Goods	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 <i>Authorised Officers: Bunding and Spill Management- technical bulletin</i> (EPA, 1997).	Site Inspection, site interview and records			
B12	Dangerous Goods	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	N/A			
Traffic and Access						
B13	Construction Traffic Management Plan	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.	Site interview and records Construction Traffic Management Plan			
B14	Roadworks and Access	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).	Site interview and records			
B15	Roadworks and Access	All road works associated with the development must be undertaken at full cost to the Applicant.	Site interview and records			
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 AUSTROADS guidelines.	Site interview and records			
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.	Site interview and records Response from Roads Authority			
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.	Site inspection, site interview and records			
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 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;	Site interview and records Operational Traffic Management Plan Response from Planning Secretary			

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		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	Operational Traffic Management Plan	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.	Site interview and records			
B21	Operating Conditions	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.	Site interview and records			
Soils, Water Quality and Hydrology						
B22	Imported Soil	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.	Site interview and records			
B23	Erosion and Sediment Control	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 <i>Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book</i> (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP required by Condition C2.	Site interview and records CEMP			
B24	Stormwater Management System	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 <i>Australian Rainfall and Runoff</i> (Engineers Australia, 2016) and <i>Managing Urban Stormwater: Council Handbook</i> (EPA, 1997) guidelines.	Site inspection, site interview and records			
B25	Stormwater Management System	The Applicant must ensure the stormwater management system is identified and sign-posted in accordance with Council's <i>Stormwater and Water Efficiency for Development Technical Manual</i> . Details must be included in the application for a Construction Certificate.	Site inspection, site interview and records			

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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.	Site interview and records Water Management Plan OEMP Response from Planning Secretary			
B27	Water Management Plan	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.	Site interview and records Water Management Plan Response from Planning Secretary			
B28	Groundwater Management	If groundwater is encountered during construction, the Applicant must obtain all necessary licences or, if required, approval from DOI.	Site interview and records			
B29	Groundwater Management	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.	Site interview and records Groundwater Contingency Plan CEMP Response from Planning Secretary			
B30	Groundwater Management	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.	Site interview and records Groundwater Contingency Plan Response from Planning Secretary			
Aboriginal Heritage						
B31	Aboriginal Heritage	The Applicant must ensure all staff are aware of their statutory obligations for heritage under the <i>National Parks and Wildlife Act 1974</i> and the <i>Heritage Act 1977</i> .	Site interview and records			
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.	Site inspection, site interview and records			
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.	Site interview and records			

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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 <i>National Parks and Wildlife Act 1974</i> .	Site interview and records			
Air Quality						
B35	Dust Minimisation	The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.	Site interview and records			
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.	Site interview and records			
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).	Site interview and records			
Noise						
B38	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	Site interview and records			
B39	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.	Site interview and records			
Waste Management						
B40	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.	Site interview and records			
B41	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 <i>Waste Classification Guidelines Part 1: Classifying Waste</i> (EPA, 2014) and dispose of all wastes to a facility that may lawfully accept the waste.	Site interview and records			
B42	Statutory Requirements	Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.	Site interview and records			
B43	Statutory Requirements	The collection of waste generated during operation of the development must be undertaken between 7 am to 10 pm Monday to Friday.	Site interview and records			
Contamination						
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.	Site interview and records CEMP			

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Visual Amenity						
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	Site inspection, site interview and records			
B46	Lighting	The Applicant must ensure the lighting associated with the development: a) complies with the latest version of AS 4282-1997 - <i>Control of the obtrusive effects of outdoor lighting</i> (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.	Site interview and records			
B47	Lighting	The Applicant must ensure adequate lighting is provided for after-hours access by tanker drivers.	Site inspection, site interview and records			
B48	Signage and Fencing	All signage and fencing must be erected in accordance with the development plans included in the EIS. <i>Note: This condition does not apply to temporary construction and safety related signage and fencing.</i>	Site inspection, site interview and records EIS			
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.	Site inspection, site interview and records			
Mosquito Management						
B50		The Applicant must implement the <i>Mosquito Management Plan - Proposed Elgas Facility</i> , 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.	Site inspection, site interview and records Mosquito Management Plan			
PART C – ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING						
Environmental Management						
C1	Environmental 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; 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;	Site interview and records Environmental Management Plans			

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		<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> (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. 				
C2	Construction Environmental Management Plan	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.	Site interview and records CEMP Response from Planning Secretary			
C3	Construction Environmental Management Plan	As part of the CEMP required under Condition C2 of this consent, the Applicant must include the following: <ul style="list-style-type: none"> 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). 	Site interview and records CEMP Construction Traffic Management Plan Erosion and Sediment Control Mosquito Management Plan Groundwater Contingency Plan			
C4	Construction Environmental Management Plan	The Applicant must: <ul style="list-style-type: none"> 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. 	Site interview and records CEMP Response from Planning Secretary			
C5	Operational Environmental Management Plan	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.	Site interview and records OEMP Response from Planning Secretary			
C6	Operational Environmental Management Plan	As part of the OEMP required under Condition CS of this consent, the Applicant must include the following: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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). 	Site interview and records OEMP			
C7	Operational Environmental Management Plan	The Applicant must: <ul style="list-style-type: none"> 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). 	Site interview and records OEMP Response from Planning Secretary			

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C8	Revision of Strategies, Plans and Programs	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.	Site interview and records			
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. <i>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.</i>	Site interview and records			
Reporting and Auditing						
C10	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.	Site interview and records			
C11	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.	Site interview and records			
C12	Non-Compliance Notification	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.	Site interview and records			
C13	Non-Compliance Notification	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance	N/A			
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.	Site interview and records Compliance Monitoring and Reporting Program Correspondence with Planning Secretary/DPIE			
C15	Compliance Reporting	Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).	Site interview and records			
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.	Site interview and records Correspondence with Planning Secretary/DPIE Applicant web-site			
C17	Independent Audit	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.	Site interview and records Independent Audit Program Correspondence with Planning Secretary/DPIE			
C18	Independent Audit	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).	Site interview and records			

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C19	Independent Audit	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.	Site interview and records Correspondence with Planning Secretary/DPIE Applicant web-site			
C20	Monitoring and Environmental Audits	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. <i>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.</i>	N/A			
Access to Information						
C21	Access to Information	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.	Site interview and records Applicant web-site			