

Project Approval

Section 75J of the *Environmental Planning and Assessment Act 1979*

Under the Minister for Planning and Infrastructure's delegation of 14 September 2011, I approve the Project application referred to in Schedule 1, subject to the conditions in Schedules 2 to 5.

These conditions are required to:

- prevent and/or minimise 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 Project.



Richard Pearson
Deputy Director-General
Development Assessment & Systems Performance

Sydney

8 June

2012

SCHEDULE 1

Application Number:	08_0130
Proponent:	Marstel Terminals Newcastle Pty Ltd (Marstel)
Approval Authority:	Minister for Planning & Infrastructure
Land:	Part of Lot 33 DP 1116571 as shown on the figures in Appendix 1
Project:	Marstel Bulk Liquids Fuel Storage Facility

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SCHEDULE 2 DEFINITIONS

Approval	The Minister's approval of the Project (Project Application No. 08_0130)
BCA	Building Code of Australia
Bulk Liquids Precinct	The area described in the EA for the Mayfield Concept Plan and as shown in red outline on Figure 3 in Appendix 3
Construction access route	As shown on Figure 4 in Appendix 4
Council	Newcastle City Council
CSMP	<i>Contaminated Site Management Plan: Intertrade Industrial Park, Closure Area of Former Steelworks Site Mayfield</i> , prepared by Hunter Development Corporation, April 2009
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Infrastructure or its successors in title
Director-General	Director-General of the Department, or delegate
EA	Environmental Assessment titled <i>Bulk Fuel Storage Facility, Environmental Assessment</i> prepared by AECOM, November 2011
ENM	Excavated Natural Material
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPA	Environment Protection Authority
EPL	Environment Protection Licence issued under the POEO Act
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build
HDC	Hunter Development Corporation
Incident	An incident causing or threatening material harm to the environment, and/or an exceedance of limits or criteria in this approval or other statutory licences, permits and/or approvals
Land	In general, the definition of land is consistent with the definition in the EP&A Act.
M4	Mayfield No. 4 Berth, as shown in orange hatching on Figure 3 in Appendix 3
Mayfield Concept Plan	The development as described in the document titled <i>Environmental Assessment Mayfield Site Port-Related Activities Concept Plan</i> prepared by AECOM, July 2010; <i>Submissions Report Mayfield Site Port-Related Activities Concept Plan</i> prepared by AECOM, December 2010; and as shown on Figure 3 in Appendix 3
Minister	Minister for Planning and Infrastructure, or delegate
Mitigation	Activities associated with reducing the impacts of the Project
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NPC	Newcastle Port Corporation
NOW	NSW Office of Water
OEH	Office of Environment and Heritage
Operational access route	As shown on Figure 5 in Appendix 4
POEO Act	<i>Protection of the Environment Operations Act, 1997</i>
POEO Regulation	<i>Protection of the Environment Operations (Waste) Regulation, 2005</i>
Project	The development as described in Schedule 1, the EA and Submissions Report
Proponent	Marstel Terminals Newcastle Pty Ltd (Marstel), or its successors in title
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc.
RAP	Remediation Action Plan for the Former BHP Mayfield Closure Site, prepared by SKM, September 2004
Reasonable	Reasonable relates to the application of judgment 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
Remediation	Works carried out in accordance with the approved Voluntary Remediation Agreement, RAP and CSMP
RLMC	Regional Land Management Corporation (now HDC)

RMS	NSW Roads and Maritime Services
Site	The land referred to in Schedule 1 and as shown in red outline on Figure 1 in Appendix 1
Site Auditor	A site auditor accredited by the EPA under the <i>Contaminated Land Management Act 1997</i>
Statement of Commitments	The Proponent's Statement of Commitments included in the Submissions Report dated 23 April 2012 (see Appendix 2)
Submissions Report	The Proponent's response to issues raised in submissions, contained in the document titled <i>Bulk Fuel Storage Facility, Mayfield - Submissions Report</i> prepared by AECOM, 23 April 2012
Utility	Any infrastructure or service associated with water supply, sewerage, electricity supply, telecommunications or gas supply
VENM	Virgin Excavated Natural Material
VRA	Voluntary Remediation Agreement issued to RLMC under the <i>Contaminated Land Management Act 1997</i> on 14 September 2005

SCHEDULE 3 GENERAL ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

1. The Proponent must implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or decommissioning of the Project.

Terms of Approval

2. The Proponent must carry out the Project generally in accordance with the:
 - a) EA;
 - b) Submissions Report;
 - c) Statement of Commitments; and
 - d) conditions of this approval.

Notes:

- *The general layout of the Project is shown in Appendix 1; and*
- *The statement of commitments is reproduced in Appendix 2.*

3. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.
4. The Proponent must comply with all reasonable requirements of the Director-General arising from the Department's assessment of:
 - a) any reports, strategies, plans, programs, reviews, audits or correspondence that are submitted in accordance with this approval; and
 - b) the implementation of any actions or measures contained in these documents.

Limits on Approval

5. The Proponent shall not receive, store and dispatch more than:
 - a) 264 million litres of diesel a year; and
 - b) 36 million litres of biodiesel a year.

Statutory Requirements

6. The Proponent must ensure that all necessary licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the Project. No condition of this approval removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals.

Other Consents and Approvals

7. Nothing in this approval will impact on the following consents/approvals:
 - a) PA 12/001 issued under Section 111 of the EP&A Act dated 20 February 2012;
 - b) DA 293-08-00 as modified issued under Section 80 of the EP&A Act dated 6 April 2001; and
 - c) any other consents or approvals issued under the EP&A Act.

Structural Adequacy

8. The Proponent must ensure that any new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.

Notes:

- *Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for any building works.*
- *Part 8 of the EP&A Regulation sets out the detailed requirements for the certification of a Project.*

Protection of Public Infrastructure

9. The Proponent must:
 - a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the Project; and

- b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the Project.

Utilities

- 10. Prior to the construction of any utility works, the Proponent must obtain relevant approvals from service providers.

Operation of Plant and Equipment

- 11. The Proponent must ensure that any plant and equipment used on site, or in connection with the Project is:
 - a) maintained in a proper and efficient condition; and
 - b) operated in a proper and efficient manner.

Staged Submission of Strategies, Plans or Programs

- 13. With the written approval of the Director-General, the Proponent may submit any strategy, plan or program required by this approval on a progressive basis.

Development Contribution

- 14. Prior to the commencement of operation, the Proponent shall pay contributions to a maximum amount of \$300,000 in accordance with Council's *Section 94A Development Contributions Plan 2009*, dated March 2011, in consultation with Council, and to the satisfaction of the Director-General.

Note: This contribution is subject to indexation to reflect quarterly variations in the Consumer Price Index All Group Index Number for Sydney, as published by the Australian Bureau of Statistics.

Dispute Resolution

- 15. In the event that a dispute arises between the Proponent and Council or a public authority other than the Department, in relation to a specification or requirement applicable under this approval, the matter must be referred by either party to the Director-General, or if not resolved, to the Minister, whose determination of the dispute shall be final and binding to all parties. For the purpose of this condition, 'public authority' has the same meaning as provided under Section 4 of the Act.
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SCHEDULE 4 SPECIFIC ENVIRONMENTAL CONDITIONS

CONTAMINATION AND REMEDIATION

Statutory Requirements

1. The Proponent shall carry out the Project in accordance with the requirements of the:
 - a) VRA;
 - b) RAP; and
 - c) CSMP.
2. Prior to commencement of any works, the Proponent shall provide written evidence to the Director-General from the Site Auditor confirming that all construction works associated with the project meets the requirements of the documents listed in Condition 1 above.
3. Prior to commencement of operation, the Proponent shall provide written evidence to the Director-General from the Site Auditor confirming that all works associated with the project have been constructed in accordance with the requirements of the documents listed in Condition 1 above.

Human Health Risk

4. The Proponent shall prepare and implement a Human Health Risk Assessment to the satisfaction of NSW Health. The assessment shall:
 - a) be prepared in consultation with the Site Auditor, EPA and NPC and be submitted prior to commencement of construction of any buildings on the site;
 - b) be prepared in accordance with the requirements of the VRA;
 - c) assess the risks to human health posed by potential ingress of volatile vapours into buildings and confined spaces; and
 - d) include an environmental site management or contingency plan to address any identified risk of harm.

Imported Soil

5. The Proponent shall:
 - a) ensure that only VENM or ENM or other material approved in writing by the EPA or the Site Auditor is used as fill on the site;
 - b) keep accurate records of the volume and type of fill to be used on site; and
 - c) make these records available to NPC and the Department upon request.

SOIL AND WATER

Water Licences

6. The Proponent is required to obtain the necessary water licences for the Project under the *Water Act 1912* and/or the *Water Management Act 2000*.

Note: Licences are required for groundwater bores, excavations that may intercept groundwater, dewatering activities and extraction or interception of surface water.

Discharge Limits

7. The Proponent shall ensure that all water discharges from the site comply with the:
 - a) discharge limits (both volume and quality) set for the project in any EPL; or
 - b) the relevant provisions of the POEO Act.

Bunding and Storage of Liquids

8. The Proponent shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or the EPA's *Environmental Protection Manual: Technical Bulletin Bunding and Spill Management*.

Stormwater and Drainage System

9. The Proponent shall design and maintain the stormwater and drainage system for the project in consultation with HDC to the satisfaction of NPC.

Stormwater and Drainage Management Plan

10. The Proponent shall prepare and implement a Stormwater and Drainage Management Plan for the project to the satisfaction of the Director-General. This plan must be prepared in consultation with NPC, HDC and the Site Auditor and be submitted to the Director-General for approval prior to carrying out any works on site. The Plan must:
- be prepared in accordance with OEH's *Managing Urban Stormwater* publication any other relevant guidelines;
 - show what stormwater, treatment and control infrastructure will be installed as part of the stormwater and drainage system for the project and how it will integrate with other stormwater and drainage systems in the area;
 - describe the measures that will be implemented to maintain this infrastructure over time;
 - include a program to monitor stormwater quality and quantity; and
 - include a strategy to integrate the stormwater management system with the broader system to be provided by NPC for the Mayfield Concept Plan area.

Notes:

- Condition 10(e) only applies if the Mayfield Concept Plan (09_0096) is approved.
- The intent of condition 10(e) is to ensure coordinated delivery of infrastructure across the Mayfield Concept Plan area.

Water Management Plan

11. The Proponent shall prepare and implement a Water Management Plan for the Project to the satisfaction of the Director-General. This plan must be prepared in consultation with NPC, HDC, NOW, EPA and the Site Auditor and be submitted to the Director-General for approval prior to carrying out any works on site. The Plan must include:
- procedures for the prevention and management of spills and leaks from the Project, including the M4 berth, pipeline and fuel storage facility;
 - a surface and groundwater monitoring program to measure the quality and quantity of water discharges from the site; and
 - a surface and groundwater response plan, including remedial actions and procedures that will be followed in the event of an incident.

TRAFFIC AND ACCESS

Traffic Movements

12. The Proponent shall:
- keep accurate records of:
 - the number of truck movements to and from the site; and
 - the volume of diesel and biodiesel that is received, stored and dispatched.
 - make these records available in its Annual Review.

Construction Access Route

13. The Proponent shall prepare and submit a road condition report for the component of the construction access route that will be utilised primarily by the Project. The report shall:
- be prepared in consultation with HDC and NPC;
 - be submitted to the Director-General prior to commencement of any works; and
 - provide details, including photographic evidence, of the condition of the road infrastructure prior to commencement of any works.
14. The Proponent shall repair, or pay the full costs associated with repairing the construction access route that is damaged by the Project.

Operational Access Route

15. If the operational access route is not completed prior to commencement of operation, the Proponent must obtain the approval of the Director-General, prior to using the construction access route for operational vehicles.

In seeking to obtain this approval, the Proponent must submit a report to the Director-General which includes:

- evidence of appropriate consultation with NPC, HDC, NCC and adjacent landowners, where relevant;
- the expected duration of use of the construction access route for operational vehicles;
- the nature and extent of any road upgrade works required to enable operational traffic to use the route, including widening, resurfacing, street lighting and/or traffic management works;

- d) evidence that all relevant approvals for these road upgrade works have been obtained, if required, and implemented to the satisfaction of NPC; and
- e) update and resubmit the Traffic Management Plan required by condition 16 to include additional procedures to manage operational traffic using the construction access route.

Traffic Management Plan

16. The Proponent shall prepare and implement a Traffic Management Plan to the satisfaction of the Director-General. The plan must:
- a) be submitted to the Director-General for approval prior to commencement of construction;
 - b) be prepared in consultation with NPC, HDC, Council and RMS;
 - c) detail construction and operational vehicle routes, access arrangements and coordination with other developments in the Mayfield Concept Plan area;
 - d) include details of driver training awareness to minimise noise, in particular from reversing alarms and compression braking;
 - e) detail procedures for managing operational traffic, including adherence to the *Australian Code for Transport of Dangerous Goods by Road and Rail*, January 1998 or its latest version.

Access and Parking

17. The Proponent must ensure that all internal roads and parking (including driveways, grades, lighting, aisle widths, aisle lengths, turning paths, sight distance requirements and parking bay dimensions) associated with the Project are designed and constructed in accordance with the latest versions of the Australian Standards 2890.1:2004 and 2890.2:2002, and AUSTROADS for heavy vehicle usage.

HAZARDS

18. The Proponent must prepare and implement a Fire Safety Study, prior to construction of the Project. This plan must:
- a) cover the relevant aspects of the Department's *Hazardous Industry Planning Advisory Paper No. 2 – Fire Safety Study Guidelines* and the *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*;
 - b) be prepared in consultation with adjacent landowners, including OneSteel; and
 - c) meet the requirements of NSW Fire and Rescue.

Note: Construction, other than of preliminary works that are outside the scope of the Fire Safety Study, shall not commence until the study recommendations have been considered, and where appropriate, acted upon.

19. The Proponent shall prepare and implement an Emergency Plan for the Project, including the fuel transfer activities at the M4 berth, prior to operation. The plan shall:
- a) be prepared in consultation with NPC;
 - b) be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 1 – Emergency Planning*; and
 - c) detail the emergency procedures for the Project.
20. The Proponent shall contribute to, in so far as it relates to the Project, preparation of the following plans and audits for the Mayfield Concept Plan, in consultation with NPC:
- a) a Port Emergency Response Plan, consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 1 – Emergency Planning*;
 - b) a Safety Management System, consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 9 – Safety Management*; and
 - c) hazard audits, consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 5 – Hazard Audit Guidelines*.

Notes:

- Condition 20 only applies if the Mayfield Concept Plan (09_0096) is approved.
- The intent of the condition is to ensure any cumulative hazard issues across the Mayfield Concept Plan area are identified and managed.
- The relative contribution by the Proponent and timing shall be determined in consultation with NPC, to the satisfaction of the Director-General.

UTILITIES AND SERVICES

21. Prior to commencement of operation, the Proponent shall prepare and implement a Utilities and Services Plan to the satisfaction of the Director-General. The plan must:
- a) be prepared in consultation with relevant utility and service providers and adjacent landowners, where relevant;

- b) include an implementation schedule which shows how all essential utilities and services are to be provided to the site;
- c) provide a copy of all necessary approvals from relevant utility and service providers showing that access to these utilities and services is available and secured; and
- d) include a strategy to integrate all utilities and services with the broader system to be provided by NPC for the Mayfield Concept Plan.

Notes:

- Condition 21(d) only applies if the Mayfield Concept Plan (09_0096) is approved.
- The intent of condition 21(d) is to ensure coordinated delivery of infrastructure across the Mayfield Concept Plan area.

NOISE AND VIBRATION

Construction Noise

22. The Proponent must ensure that all reasonable and feasible management and mitigation measures are employed so that construction noise generated by the Project meets the construction noise goals in Table 1.

Table 1: Construction Noise Criteria dB(A)

Location		LAeq(15min)
R1, R2, R3, R4, R7, R8	Mayfield	53
R5	Carrington	54
R9	Mayfield East Public School	55

Notes:

- To identify the locations referred to in Table 1, see Figure 6 in Appendix 5.
- Noise generated by the Project is to be measured in accordance with the Interim Construction Noise Guideline.

Operational Noise

23. The Proponent must ensure that operational noise generated by the Project does not exceed the criteria in Table 2.

Table 2: Operational Noise Criteria dB(A)

Location		Day	Evening	Night	
		LAeq(15min)	LAeq(15min)	LAeq(15min)	LA1(1min)
R1, R2, R3, R4, R7, R8	Mayfield	35	35	35	52
R5	Carrington	35	35	35	54
186 Fullerton Road	Stockton	35	35	35	66
R9	Mayfield East Public School	35	N/A	N/A	N/A

Notes:

- To identify the locations referred to in Table 2, see Figure 6 in Appendix 5.
- Noise generated by the Project is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions), of the NSW Industrial Noise Policy.

Sound Power Limits

24. The Proponent must ensure that operational noise generated by the Project does not exceed the sound power limits in Table 3 or the maximum sound power levels required by the Mayfield Concept Plan, whichever is the lesser.

Table 3: Project Sound Power Limits dB(A)

Day	Evening	Night
LAeq(period)	LAeq(period)	LAeq(period)
97	96	96

Notes:

- The requirement to meet the sound power levels required by the Mayfield Concept Plan only applies if the Mayfield Concept Plan (09_0096) is approved.

Noise Verification

25. Within 6 months of commencement of operations, the Proponent shall carry out a noise verification program to the satisfaction of the Director-General. The program must confirm the sound power levels are as predicted in the EA and shall be used to update the Mayfield Concept Plan Site Noise Model.

Notes:

- The requirement to use verified sound power levels to update the Mayfield Concept Plan Site Noise Model only applies if the Mayfield Concept Plan (09_0096) is approved.
- The sound power levels are to be derived in a manner consistent with the methodology used in the preparation of the Mayfield Concept Plan.

Construction and Operation Hours

26. The Proponent must comply with the hours of construction and operation in Table 4, unless otherwise agreed to in writing by the Director-General.

Table 4: Site Operating Hours

Activity	Day	Hours
Construction	Monday - Friday	7am – 6pm
	Saturday	7am – 3pm
	Sunday & Public Holidays	Nil
Operation	Monday – Sunday	24 hours

Note: Construction activities are permitted to take place outside of these hours provided they are inaudible from surrounding receivers.

Operating Conditions

27. The Proponent shall implement best practice noise and vibration management, including all reasonable and feasible measures to minimise noise and vibration emissions of the Project to the satisfaction of the Director-General.

Noise Management Plan

28. The Proponent must prepare and implement a Noise Management Plan for the Project to the satisfaction of the Director-General. This plan must:
- be prepared by a suitably qualified expert, in accordance with EPA Guidelines;
 - be submitted to the Director-General for approval prior to carrying out any works on site;
 - describe the measures that would be implemented to ensure compliance with the relevant conditions of this approval;
 - include a noise monitoring program to measure the performance of the Project against the relevant conditions of this approval;
 - detail procedures to receive, record and respond to complaints;
 - describe the contingencies that would be implemented, and the timing for implementation, should non compliances be detected; and
 - describe a protocol that has been agreed with NPC for the provision of input into the broader Mayfield Concept Plan Site Noise Model required under the Mayfield Concept Plan.

Notes:

- The monitoring requirements of condition 27(d) could be satisfied by the monitoring network required for the Mayfield Concept Plan, if sufficient justification is provided to the Director-General; and
- Condition 28(g) only applies if the Mayfield Concept Plan (09_0096) is approved.

AIR QUALITY & GREENHOUSE GAS

Odour

29. The Proponent must not cause or permit the emission of offensive odours from the site, as defined under Section 129 of the POEO Act.

Greenhouse Gas

30. The Proponent shall implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site to the satisfaction of the Director-General.

Air Quality Discharges

31. The Proponent must comply with all load limits, air quality criteria and air quality monitoring requirements as specified in the EPL for the site.

Dust Mitigation Measures

32. The Proponent must design, construct, operate and maintain the Project in a manner that minimises or prevents the emission of dust from the site and complies with any monitoring requirements in the EPL.

Operating Conditions

33. The Proponent shall:
- implement best practice air quality management, including all reasonable and feasible measures to minimise offsite odour, fume and dust emissions of the Project;
 - minimise any visible off-site air pollution; and
 - minimise the surface disturbance on site, to the satisfaction of the Director-General.

Air Quality and Greenhouse Gas Management Plan

34. The Proponent must prepare and implement an Air Quality and Greenhouse Gas Management Plan for the Project to the satisfaction of the Director-General. This plan must:
- be submitted to the Director-General for approval prior to carrying out any works on site;
 - describe the measures that would be implemented to ensure compliance with the relevant conditions of this approval;
 - include an air monitoring program to measure the performance of the Project against the relevant conditions of this approval;
 - describes a protocol that has been agreed with NPC for the provision of input to the broader site air quality model required under the Mayfield Concept Plan.

Notes:

- The monitoring requirements of condition 30(c) could be satisfied by the monitoring network required for the Mayfield Concept Plan, if sufficient justification is provided; and*
- Condition 30(d) only applies if the Mayfield Concept Plan (09_0096) is approved.*

Energy Efficiency Plan

35. Prior to commencement of construction, the Proponent shall prepare and implement an Energy Efficiency Plan to the satisfaction of the Director-General. The plan shall:
- describe the measures to be implemented to minimise energy use on the site including energy consumption levels, predicted energy savings and options for alternative energy sources including solar power generation, potential for third party access to roofs for solar generation, and co-generation; and
 - include a program for monitoring the effectiveness of these measures, and a protocol for the periodic review of the plan.

VISUAL AMENITY

Design and Landscaping

36. The Proponent must prepare and implement design and landscape management plan for the project to the satisfaction of the Director-General. The plan must be prepared in consultation with NPC and be submitted to the Director-General for approval prior to construction. The Plan must:
- demonstrate the building treatments are of sufficient design quality to minimise the visual impacts of the project, and include a variety of materials and external finishes;
 - illustrate the location, species and mature heights of plants to be established on site;
 - provide for the maintenance of the landscaping on site; and
 - illustrate how the design of the buildings would integrate with the landscaping proposed, ensuring landscaping is used to minimise views of the site.

Construction Materials

37. Where possible the Proponent must utilise building materials that will minimise the potential visibility of the Project (ie. use of non-reflective materials).

Lighting

38. The Proponent shall ensure that any lighting associated with the Project:

- a) complies with the latest version of Australian Standard *AS 4282(INT)-Control of Obtrusive Effects of Outdoor Lighting*; 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.

Signage

- 39. The Proponent must not install any advertising signs on site without the written approval of the Director-General.

WASTE

- 40. The Proponent shall ensure that all waste generated on the site during construction and operation of the Project is stored, handled and disposed of in accordance with the EPA's *Waste Classification Guidelines*.

SCHEDULE 5 ENVIRONMENTAL MANAGEMENT, REPORTING & AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

1. The Proponent must prepare and implement an Environmental Management Strategy for the Project to the satisfaction of the Director-General. This strategy must be submitted to the Director-General prior to commencement of construction, and:
 - a) provide the strategic context for environmental management of construction and operation of the Project;
 - b) identify the statutory requirements that apply to the Project;
 - c) describe in general how the environmental performance of the Project would be monitored and managed;
 - d) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the Project;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise in relation to operations at the Project;
 - respond to any non-compliance;
 - manage cumulative impacts;
 - respond to emergencies; and
 - e) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the Project.

Management Plan Requirements

2. The Proponent must ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines, and include:
 - a) detailed baseline data;
 - b) a description of:
 - the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - any relevant limits or performance measures/criteria; and
 - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the Project or any management measures;
 - c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
 - d) a program to monitor and report on the:
 - impacts and environmental performance of the Project; and
 - effectiveness of any management measures (see c) above);
 - e) a contingency plan to manage any unpredicted impacts and their consequences;
 - f) a program to investigate and implement ways to improve the environmental performance of the Project over time;
 - g) a protocol for managing and reporting any:
 - incidents;
 - complaints;
 - non-compliances with statutory requirements; and
 - exceedances of the relevant limits and/or performance measures / criteria; and
 - h) a protocol for periodic review of the plan.

Construction Environmental Management Plan

3. The Proponent must prepare and implement a Construction Environmental Management Plan for the Project to the satisfaction of the Director-General. The Plan must:
 - a) be submitted to the Director-General for approval prior to commencement of any works on site;
 - b) include:
 - an erosion and sediment control plan;
 - a soil and water management plan;
 - a traffic management plan;
 - a noise and vibration management plan;
 - an air quality (dust) management plan;
 - a heritage management plan;
 - a utilities and services provision plan; and
 - a waste management plan.

REPORTING AND AUDITING

Pre-Construction Compliance

4. Prior to the commencement of construction, the Proponent must certify in writing to the Director-General that all the relevant conditions of this approval have been complied with and advise the Director-General of the planned construction commencement date.

Pre-Operation Compliance

5. Prior to the commencement of operations, the Proponent must submit 'work as executed' plans to the Department for all the development associated with the Project. These plans must be prepared by a suitably qualified and experienced expert, and include plans showing the 'work as executed' plans laid over the approved plans to demonstrate that the Project has been carried out in accordance with the approved plans.

Compliance Tracking Program

6. The Proponent shall prepare and implement a program to track the compliance status of the Project against the conditions of this approval. The program shall be submitted to the Director-General every 3 months, or as otherwise requested in writing by the Director-General.

Incident Reporting

7. The Proponent shall notify the Director-General and any other relevant agencies of any incident or potential incident with actual or potential significant off-site impacts on people or the biophysical environment associated with the Project as soon as practicable after the Proponent becomes aware of the incident.
8. Within 6 days of notifying the incident, the Proponent must provide a written report to the Department, EPA and NPC that:
 - a) describes the date, time, and nature of the incident;
 - b) identifies the cause, or likely cause, of the incident; and
 - c) describes what action has been taken to date address the incident and what actions are proposed to be implemented in the future to either address the consequences of the incident or avoid a recurrence of the incident.

Annual Review

9. One year after the commencement of operation, and annually thereafter, the Proponent must review the environmental performance of the Project to the satisfaction of the Director-General. This review must:
 - a) describe the operations that were carried out in the past year;
 - b) analyse the monitoring results and complaints records of the Project over the past year, which includes a comparison of these results against the
 - relevant statutory requirements, limits or performance measures/criteria;
 - monitoring results of previous years; and
 - relevant predictions in the EA;
 - c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
 - d) identify any trends in the monitoring data over the life of the Project; and
 - e) describe what measure will be implemented over the next year to improve the environmental performance of the Project.

Independent Audit

10. Within 1 year of the commencement of operations, and every 3 years thereafter, unless the Director-General directs otherwise, the Proponent must commission and pay the full cost of an Independent Environmental Audit of the Project. This audit must:
 - a) be carried out by a suitably qualified, experienced and independent audit team whose appointment has been endorsed by the Director-General;
 - b) include consultation with EPA and NPC;
 - c) assess the environmental performance of the Project, and its effects on the surrounding environment;
 - d) determine whether the Project is complying with the relevant standards, performance measures and statutory requirements;
 - e) review the adequacy of the Environmental Management Strategy for the Project, compliance with the requirements of this approval, and any other licences and approvals; and, if necessary,

- f) recommend measures or actions to improve the environmental performance of the Project, and/or any plan/program required under this approval.
11. Within 3 months of commissioning the audit, or as otherwise agreed by the Director-General, the Proponent must submit a copy of the audit report to both EPA and the Director-General with a response to any recommendations contained in the audit report.

Revisions to Strategies, Plans and Programs

12. Within 3 months of the submission of an:
- a) audit under condition 10 of schedule 5;
 - b) incident report under condition 8 of schedule 5;
 - c) annual review under condition 9 of schedule 5; and/or
 - d) a modification to this approval,
- the Proponent must review, and if necessary revise, the strategies, plans, and programs required under this approval to the satisfaction of the Director-General.

Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the Project.

Access to Information

13. From the commencement of the construction of the Project, the Proponent must make the following information publicly available on its website as it is progressively required by the approval:
- a) a copy of all current statutory approvals;
 - b) a copy of the current plans and programs required under this approval;
 - c) a summary of the monitoring results of the Project, which have been reported in accordance with the various plans and programs approved under the conditions of this approval;
 - d) a complaints register, which is to be updated on a monthly basis;
 - e) a copy of the Annual Reviews (over the last 5 years);
 - f) a copy of any Independent Environmental Audit, and the Proponent's response to the recommendations in any audit; and
 - g) any other matter required by the Director-General.

Community Consultation Strategy

14. The Proponent shall contribute to the Community Communication Strategy required for the Mayfield Concept Plan. The level and timing of this contribution by the Proponent and timing shall be determined in consultation with NPC to the satisfaction of the Director-General.

Note: This condition only applies if the Mayfield Concept Plan (09_0096) is approved.

APPENDIX 1: PROJECT LAYOUT PLANS





Figure 2: Storage facility

APPENDIX 2: STATEMENT OF COMMITMENTS

Environmental Issues	Commitments
Management Plan	<ul style="list-style-type: none"> - Prior to construction, Construction methodology in accordance with the CSMP shall be approved by the EPA appointed site auditor (Environ). Works are to be validated during the construction period as required by the site auditor. - Prior to operation, Marstel would prepare an Emergency Plan for the Proposed Facility (to be available onsite) and a Wharf Emergency Plan (available at the wharf) in consultation with the NSW Fire Brigade, NPC and NSW Maritime. These plans are to include: <ul style="list-style-type: none"> • Spill response procedures. • Fire response procedures. • Response procedures for other identified environmental impacts. • Procedures for emergency drills/exercises. - Prior to operation, Marstel would prepare a Fire Safety Study prepared in accordance with the FRNSW Policy No. 1. - Prior to operation, a Site Management Plan shall be developed in consultation with OEH that would detail the ongoing monitoring and environmental management requirements for the Proposed Facility. - Eight weeks prior to the first vessel entering the port, a Port Operations Management Plan shall be developed in consultation with NPC. - A Tank Farm Bunding Detailed Design and Construction Report shall be provided prior to the commencement of construction as per OEH requirements. - Specific mitigation measures to manage the risks of fire and/or explosion resulting from tank and/or pipeline incidents are outlined in section 7.2. - An inspection and maintenance schedule for all critical components of the Proposed Facility would be prepared as part of an Operational Management Plan for the site.
Hazards and Risks	<ul style="list-style-type: none"> - All ship movements and fuel unloading shall be undertaken in accordance with procedures outlined in ISGOTT and the safeguards outlined in Table 10 and coordinated to compounding cumulative risk. - The proponent shall install a 50 kg dry powder extinguisher on wheels. - The proponent shall install a fire water tank and fire hydrants within 60 m of the fuel transfer location. Fire monitors with foam generation installed near to fuel storage and transfer points. - The proponent shall implement a fuel transfer procedure in which an inspection of the pipeline route would be conducted. - The proponent shall install a fire monitor at a minimum of 29 m from the wharf hose connection point. - Plant maintenance schedules shall include the following: <ul style="list-style-type: none"> • Annual testing of fire detectors at the site. • Weekly tests of the fire pump systems and foam activation valves. - Wharf area where fuel lines located is bunded to prevent direct spills to the Hunter River. - Spill containment boom are available to be deployed around the ship and wharf for all delivery/transfer operations. - Spill kits available. - Detailed operations and maintenance procedures will be written to deal with any potential spill and containment. - Ship is tied with two lines at every tie point.

Environmental Issues	Commitments
	<ul style="list-style-type: none"> - Pipeline fully welded, non-destructive tested, designed to withstand full pressure, pigged after each delivery, painted to prevent external corrosion. - Pipeline transfer fully monitored by ship and shore facilities (i.e. pressure, flow, etc).
Surface Water Management	<p><i>Construction</i></p> <ul style="list-style-type: none"> - The proponent shall prepare and implement a Construction Environmental Management Plan (CEMP) which shall include a detailed Erosion and Sediment Control Plan (ESCP). <p><i>Operation</i></p> <ul style="list-style-type: none"> - The proponent shall prepare a stormwater management system that is designed and implemented to capture stormwater from the Site, to prevent leaks and spills from occurring and to facilitate the discharge of clean stormwater to the Hunter River. - Surface water shall be managed in accordance with the stormwater management plan developed for the Site. - The proponent shall implement an inspection and testing program of the stormwater system as detailed in the stormwater management plan. - Pipeworks, fuel storage and tanker/loading areas fully bunded. - Tanks monitored during filling by ship and shore, levelling alarms fitted. - Tanks regularly inspected for corrosion and leaks. Water build up in tanks regularly drained to prevent internal corrosion. - Tank level monitoring conducted at all times to identify rapid leaks. - Stormwater transfer will only be conducted when the Facility is staffed and operations can be continually monitored. - NPC agreement regarding overland flow paths and management of flood events would be obtained prior to the start of construction
Groundwater	<ul style="list-style-type: none"> - A CLAYMAX liner shall be installed over the Site (non-concreted areas) to create an impervious seal across the Site. The installation is to be validated by the site auditor. - The proponent shall prepare and implement a Site Management Plan (SMP) which shall include a schedule for groundwater sampling for pH, EC, TPH, BTEX, metals and other-parameters.
Soil	<ul style="list-style-type: none"> - Excavation, classification, treatment and disposal of Potential Acid Sulphate Soils and contaminated materials shall be undertaken in accordance with requirements detailed in the CEMP and CSMP. - All works to be undertaken onsite would comply with the existing Contaminated Site Management Plan relevant to the Site. - There is to be no transportation of material from below the VENM capping layer without prior approval from OEH. - Material imported to the Site shall be classified in accordance with NSW EPA (December 1994) prior to receipt. - Ongoing soils management will include any applicable actions as required by the CSMP.
Air Quality	<ul style="list-style-type: none"> - Dust mitigation strategies shall be implemented as part of the CEMP and shall include: <ul style="list-style-type: none"> • Disturbed surfaces would be stabilised as soon as practical. • All vehicles leaving the Site would not have excessive soil on their tyres which may fall onto the roadways creating dust emissions. • Roadways are to be kept clean during construction and operation. • Any stockpiled material would be sprayed with water during times of high wind.

Environmental Issues	Commitments
Noise and Vibration	<ul style="list-style-type: none"> Noise and vibration is to be managed in accordance with the management and mitigation strategies included in Section 7.0 of the NVIA.
Traffic and Transport	<ul style="list-style-type: none"> Off street car parking shall be available to staff and visitors during normal operations. All trucks shall enter and exit the Site via left in and right out configuration. Truck turning paths will be provided to NPC to justify proposed driveway dimensions.
Visual Landscaping and Entry	<ul style="list-style-type: none"> Landscaping in the vicinity of the car park and office/workshop area shall be undertaken with suitable native species in consultation with NCC. NPC agreement regarding the site landscaping, entry driveway, car park setback and security fencing would be obtained prior to the start of construction. The Site shall remain clean and free of rubbish or debris as a result of operations. Plantings on the Site are to comprise a mixture of native species endemic to the area.
Waste Management	<ul style="list-style-type: none"> Purchasing requirements for construction shall be such that products purchased for the Site would align with site demands to avoid wastage of unwanted products. The proponent shall implement a system for recycled paper, cardboard, glass and plastics. Bins shall be collected by a waste management contractor on a regular basis. Recycling of waste material shall be maximised wherever possible during operation of the Proposed Facility.
Indigenous and Non-Indigenous Heritage	<ul style="list-style-type: none"> Monitoring of the Site shall be undertaken in the event natural soil profiles are to be excavated.
Security	<ul style="list-style-type: none"> A comprehensive security system shall be installed onsite and shall include monitoring of all fences and entry/exit points to the Site. Gantry area is under closed circuit television (CCTV) surveillance at all times, with screens in the main site office.
Soils and Landform	<ul style="list-style-type: none"> The proponent shall minimise the erosion and potential discharge of sediments from the Site as outlined above for Surface Water and Groundwater.
Landowner and Neighbours	<ul style="list-style-type: none"> The approval of NSW Maritime would be sought prior to construction of the wharf line. Marstel will provide OneSteel with formal notification of all fuel tanker deliveries via M4 berth and proposed operating times of fuel being transported to the storage tank facility.

APPENDIX 3: MAYFIELD CONCEPT PLAN AREA



Figure 3: Mayfield Concept Plan Area

APPENDIX 4: CONSTRUCTION AND OPERATIONAL ACCESS ROUTES



Figure 4: Construction access route



Figure 5: Operational access route

APPENDIX 5: NOISE RECEIVER LOCATIONS



Figure 6: Noise receiver locations