



Metroplan Services

# **ELGAS LIQUIFIED PETROLEUM GAS STORAGE AND DISTRIBUTION FACILITY**

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

## **COMPLIANCE MONITORING AND REPORTING PROGRAM**

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

**For submission to:**

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

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# 1. INTRODUCTION

## 1.1 Background

On 23 November 2018 the Minister for Planning approved a development application for the construction and operation of a liquified petroleum gas storage and distribution facility at 130 Cormorant Road Kooragang (Lot 1 DP 1195449) – State Significant Development (SSD) 8448, subject to conditions. Condition C14 of the consent set out that:

*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.*

The facility has since been constructed and is to be run by ELGAS. ELGAS is Australia's largest marketer of LPG, with a local presence across more than 40 service centres. ELGAS deliver and exchange gas bottles and offer a refilling service to homes and businesses across all of Newcastle, Lake Macquarie, Hunter Valley regions including Muswellbrook, Singleton, Maitland, Cessnock, Nelson Bay surrounding areas. They currently service and supply 12,000 domestic and 3,000 commercial customers.

This Compliance Monitoring and Reporting Program has been prepared in accordance with the NSW Department of Planning, Industry and Environment Compliance Reporting Post Approval Requirements (June 2018) and associated Fact Sheet to address the requirements of condition C14.

## 1.2 Operations

The following operations are to be performed at the depot:

- LPG (propane) is delivered by single or B-double road tankers from the ELGAS Cavern facility at Port Botany. The LPG is transported in a liquefied state;
- The product is unloaded from an unloading bay into a storage tank using a gas compressor;
- LPG from the storage tank is loaded onto 6-9 tonne road tankers (Bobtails) using the depot pump;
- Cylinder filling occurs for the delivery to customers (8.5, 15, 18, 45 kg cylinders).

In terms of product movement, the following is envisaged:

- B Double Tanker- 5 deliveries per week;
- Bobtails (6 and 9 tonnes) – distribution 3 per day Monday to Friday; and
- Cylinder trucks (Flat top) – 5 per day;
- B-Double line-haul cylinder distribution – 5 per week.

Total truck movements per day will be 20 (10 inbound and 10 outbound).

In terms of staffing, the following is envisaged:

- The office building is to be staffed during the day time Monday to Friday. The maximum number of staff in the main office will be up to 9. A small number of staff may work on Saturdays on an as needs basis.
- Tanker unloading will usually occur during daylight hours. The frequency of tanker loading and unloading activities vary during summer and winter. Tanker unloading is performed by the tanker driver (contractor to ELGAS). Bobtail loading is carried out by ELGAS Drivers.
- There will be a total of 8 drivers for the Bobtails as well as cylinder flat top trucks.

- Cylinder filling is to be carried out by ELGAS Employees, with two people being involved in each cylinder filling operation.
- Maintenance contractors are not permanently present, but will be available on call for pre-arranged preventative maintenance.

## 2. COMPLIANCE TABLE

Table 1 below identifies the monitoring or compliance requirements in the conditions of consent that must be fulfilled during each phase of the development, sets out the compliance monitoring methodology that must be used to assess compliance with each requirement and the type of data or evidence that is to be collected to assess whether compliance has been achieved.

**Table 1: Compliance Table**

Unique ID	Compliance Requirement	Development Phase	Monitoring Methodology	Evidence and Comments
<b>Part A – ADMINISTRATIVE CONDITIONS</b>				
A1	<p><b>Obligation to minimise harm to environment</b></p> <p>In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.</p>	At all times	Ongoing incident notification and reporting requirements, compliance reporting and site audit requirements.	Preparation of OEMP and independent audit, site records.
A2	<p><b>Terms of Consent</b></p> <p>The development may only be carried out:</p> <ul style="list-style-type: none"> <li>a) in compliance with the conditions of this consent;</li> <li>b) in accordance with all written directions of the Planning Secretary;</li> <li>c) in accordance with the EIS and Response to Submissions;</li> <li>d) accordance with the Development Layout in Appendix 1; and</li> <li>e) in accordance with the management and mitigation measures in Appendix 2.</li> </ul>	At all times	Ongoing incident notification and reporting requirements, compliance reporting requirements.	Preparation of OEMP and independent audit, site records.
A3	<p><b>Terms of Consent</b></p> <p>Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:</p> <ul style="list-style-type: none"> <li>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</li> <li>b) the implementation of any actions or measures contained in any such document referred to in Condition A3(a).</li> </ul>	At all times	Ongoing incident notification and reporting requirements, compliance reporting requirements.	Preparation of OEMP and independent audit, site records.

Unique ID	Compliance Requirement	Development Phase	Monitoring Methodology	Evidence and Comments
A4	<p><b>Terms of Consent</b></p> <p>The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.</p> <p>Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction of the Planning Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.</p>	At all times	Ongoing auditing and compliance reporting requirements.	Preparation of OEMP and independent audit, site records.
A5	<p><b>Limits of Consent - Lapsing</b></p> <p>This consent lapses five years after the date from which it operates unless the development has physically commenced on the land to which the consent applies before that date.</p>	Construction	Site inspection	Occupation certificate granted.
A6	<p><b>Limits of Consent - LPG Storage</b></p> <p>The storage of LPG on-site at any given time must not exceed 178 tonnes.</p>	At all times	Site inspection	Site Audit
A7	<p><b>Notification of Commencement</b></p> <p>The date of commencement of each of the following phases of the development must be notified to the Department in writing, at least one month before that date:</p> <p>a) construction; b) operation; and c) cessation of operations</p>	Construction and operation	Written notification	<p>Commencement Dates</p> <p>a) Construction: 16.12.2019 b) Operation: 1.9.2020 c) Cessation: N/A</p>
A8	<p><b>Notification of Commencement</b></p> <p>If the construction or operation of the development is to be staged, the Department must be notified in writing at least one month before the</p>	Not staged		

Unique ID	Compliance Requirement	Development Phase	Monitoring Methodology	Evidence and Comments
	commencement of each stage, of the date of commencement and the development to be carried out in that stage.			
A9	<p><b>Evidence of Consultation</b></p> <p>Where conditions of this consent require consultation with an identified party, the Applicant must:</p> <p>a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and</p> <p>b) provide details of the consultation undertaken including: (i) the outcome of that consultation, matters resolved and unresolved; and (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.</p>	No consultation required with identified parties other than the Secretary		
A10	<p><b>Staging, Combining and Updating Strategies, Plans or Programs</b></p> <p>With the approval of the Planning Secretary, the Applicant may:</p> <p>a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);</p> <p>b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and</p> <p>c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development</p>	Noted		
A11	<p><b>Staging, Combining and Updating Strategies, Plans or Programs</b></p> <p>If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.</p>	Noted		

Unique ID	Compliance Requirement	Development Phase	Monitoring Methodology	Evidence and Comments
A12	<p><b>Staging, Combining and Updating Strategies, Plans or Programs</b> If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.</p>	Noted		
A13	<p><b>Protection of Public Infrastructure</b> Before the commencement of construction, the Applicant must consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure</p>	Construction	Consultation with relevant owners and service providers.	Site inspection and construction records. No known issues.
A14	<p><b>Protection of Public Infrastructure</b> Unless the Applicant and the applicable authority agree otherwise, the Applicant must: a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development. Note: This condition does not apply to any damage to roads caused as a result of general road usage</p>	Construction	Consultation with relevant owners and service providers.	Site inspection and construction records. No known issues.
A15	<p><b>Demolition</b> All demolition must be carried out in accordance with Australian Standard AS 2601-2001 The Demolition of Structures (Standards Australia, 2001)</p>	N/A		Site was previously vacant.
A16	<p><b>Structural Adequacy</b> All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA. Note:</p>	Construction	Site inspection.	Occupation certificate granted.

Unique ID	Compliance Requirement	Development Phase	Monitoring Methodology	Evidence and Comments
	<ul style="list-style-type: none"> <li>Under Part 6 of the EP&amp;A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.</li> <li>Part 8 of the EP&amp;A Regulation sets out the requirements for the certification of the development</li> </ul>			
A17	<p><b>Compliance</b></p> <p>The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.</p>	At all times	Ongoing auditing and compliance reporting requirements.	Preparation of OEMP and independent audit, site records.
A18	<p><b>Development Contributions</b></p> <p>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&amp;A Act.</p>	Construction	Prior to issue of CC	Payment made to NCC on 26.11.2019 R/No. 2019/0194 \$19,262.01.
A19	<p><b>Operation of plant and equipment</b></p> <p>All plant and equipment used on site, or to monitor the performance of the development must be: a) maintained in a proper and efficient condition; and b) operated in a proper and efficient manner.</p>	At all times	Ongoing auditing and compliance reporting requirements.	Preparation of OEMP and independent audit, site records.
A20	<p><b>External Walls and Cladding</b></p> <p>The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.</p>	Construction	Site inspection	Occupation certificate granted.
A21	<p><b>External Walls and Cladding</b></p> <p>Before the issue of a Construction Certificate and an Occupation Certificate, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.</p>	Construction	Site inspection	Occupation certificate granted.

Unique ID	Compliance Requirement	Development Phase	Monitoring Methodology	Evidence and Comments
A22	<p><b>External Walls and Cladding</b></p> <p>The Applicant must provide a copy of the documentation given to the Certifying Authority under Condition A21 to the Planning Secretary within seven days after the Certifying Authority accepts it</p>	Construction	Construction documentation provided to Secretary	Sent 29.5.2020
A23	<p><b>Utilities and Services</b></p> <p>Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.</p>	Construction	Relevant approvals obtained from owners and service providers.	Construction records
A24	<p><b>Utilities and Services</b></p> <p>Before the commencement of operation of the development, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 50 of the Hunter Water Act 1991.</p>	Operation	Hunter Water S50 Certificate	Site records
A25	<p><b>Utilities and Services</b></p> <p>Before the issue of a Subdivision or Construction Certificate for any stage of the development the Applicant (whether or not a constitutional corporation) is to provide evidence, satisfactory to the Certifying Authority, that arrangements have been made for:</p> <p>a) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project to enable fibre to be readily connected to any premises that is being or may be constructed on those lots; and</p> <p>b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier</p>	Construction	Documentation provided to Certifier	Construction records
A26	<p><b>Utilities and Services</b></p> <p>The Applicant must demonstrate that the carrier has confirmed in writing they are satisfied that the fibre ready facilities are fit for purpose</p>	Construction	Correspondence from carrier	Construction records

Unique ID	Compliance Requirement	Development Phase	Monitoring Methodology	Evidence and Comments
A27	<b>Work As Executed Plans</b> 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	Construction	WAE plans	Construction records
A28	<b>Applicability of Guidelines</b> 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.	Noted		
A29	<b>Applicability of Guidelines</b> 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.	Noted		
AN1	<b>Advisory Notes</b> 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.	Noted		
<b>Part B – SPECIFIC ENVIRONMENTAL CONDITIONS</b>				
B1	<b>Terms of Approval</b> The Applicant must implement all recommendations listed in the PHA.	Construction and operation	Ongoing monitoring of OEMP and Site Audit.	Site Audit and OEMP
B2	<b>Terms of Approval</b> No commercial development on Lot 1 DP 1195449 shall be located within the 5 per million per year individual fatality risk contour shown in Figure 5 of the PHA	Construction	Ongoing monitoring of OEMP and Site Audit.	Site Audit and OEMP

Unique ID	Compliance Requirement	Development Phase	Monitoring Methodology	Evidence and Comments
B3	<p><b>Pre-Construction</b></p> <p>At least one month prior to the commencement of construction, the Applicant must prepare and submit for the approval of the Planning Secretary the following studies:</p> <p>(a) A <b>Fire Safety Study</b> prepared in accordance with the Department's <i>Hazardous Industry Advisory Paper No 2 Fire Safety Study Guidelines</i> and the <i>NSW Government's Best Practice Guidelines for Contaminated Water Retention and Treatment Systems</i>;</p> <p>(b) A <b>Hazard Operability Study</b> for the development chaired by a suitably qualified person independent of the development. The study must be carried out in accordance with the Department's <i>Hazardous Industry Advisory Paper No 8 HAZOP Guidelines</i>;</p> <p>(c) A <b>Final Hazard Analysis</b> of the development, prepared in accordance with the Department's <i>Hazardous Industry Advisory Paper No 6 Hazard Analysis</i>. The final Hazard Analysis must</p> <p>(i) report on the implementation of the recommendation under Condition B1; and</p> <p>(ii) develop a Risk Reduction Program to minimise the risk to adjoining land.</p> <p>(d) A <b>Construction Safety Study</b> prepared in accordance with the Department's <i>Hazardous Industry Advisory Paper No 7 Construction Safety</i></p>	Pre-construction	Secretary approval.	Approval letter obtained from the Secretary dated 10 December 2019.
B4	<p><b>Pre-Commissioning</b></p> <p>No later than two months prior to the commencement of commissioning of the development, or within such further period as the Planning Secretary may agree, the applicant must submit for the approval of the Planning Secretary plans and systems as set out under subsections (a) and (b) below. Commissioning must not commence until approval has been given by the Planning Secretary.</p> <p>(a) a consolidated comprehensive Emergency Plan and detailed emergency procedures for all developments within Lot 1 DP 1195449. The plan must address evacuation procedures for neighbouring</p>	Pre-start up	Secretary approval.	Approval letter from the Secretary dated 5 May 2020.

Unique ID	Compliance Requirement	Development Phase	Monitoring Methodology	Evidence and Comments
	<p>facilities occupying Lot 1 DP 1195449. The Plan must be prepared in accordance with the Department's <i>Hazardous Industry Planning Advisory Paper No 1 Emergency Planning</i> and in consultation with neighbouring facilities occupying Lot 1 DP 1195449.</p> <p>(b) a document setting out a comprehensive safety management system, covering all on site operations and associated transport activities involving hazardous materials. The safety management system must be developed in accordance with the Department's <i>Hazardous Industry Planning Advisory Paper No 9 Safety Management</i></p>			
B5	<p><b>Pre-start up</b> One month prior to the commencement of operation, the Applicant must submit to the Planning Secretary, a Pre-Start up Compliance Report detailing compliance with conditions B3 and B4 on this consent including:</p> <p>(a) dates of study/plan/system submission, approval, commencement of construction and commissioning (b) actions taken or proposed to implement recommendations made in the studies/plans/systems, and (c) responses to any requirement imposed by the Planning Secretary under Condition A2(b)</p>	Pre-start up	Secretary approval	Approval letters obtained from the Secretary as per above.
B6	<p><b>Post-start up</b> Three months after the commencement of operation of the development, the Applicant must submit to the Planning Secretary a post start up compliance report verifying that:</p> <p>(a) the Emergency Plan required under Condition B4(a) is effectively in place and that at least one emergency exercise has been conducted; and (b) The Safety Management System required under Condition B4(b) has been fully implemented and that records required by the system are being kept</p>	Post-start up	Future post-start up compliance report to include evidence of emergency exercise and implementation of safety management system.	Not yet triggered - future compliance report due 3 months after commencement date – 1 September 2020

Unique ID	Compliance Requirement	Development Phase	Monitoring Methodology	Evidence and Comments
B7	<p><b>Hazard Audit</b></p> <p>Within 12 months after the commencement of the operation and every three years thereafter, or at such intervals as the Planning Secretary may agree, the Applicant must carry out a comprehensive Hazard Audit of the development. The Audits must:</p> <p>(a) be carried out at the Applicant's expense by a qualified person or team who have been approved by the Planning Secretary;</p> <p>(b) be carried out in accordance with the Department's <i>Hazardous Industry Planning Advisory Paper No 5 Hazard Audit Guidelines</i></p> <p>(c) include a review of the site Safety Management System and a review of all entries made in the incident register since the previous audit: and</p> <p>(d) report on the implementation of the Risk Reduction Program required under Condition B3.</p>	Post-start up	Hazard Audits and review of safety management system to be included in future reports.	Not yet triggered. Hazard Audit due 52 weeks post commencement, then every 3 years thereafter.
B8	<p><b>Hazard Audit</b></p> <p>Within one month of completing each audit carried out in accordance with Condition B7, the applicant must submit a report to the satisfaction of the Planning Secretary for approval. The audit report must be accompanied by a program for the implementation of all recommendations made in the audit report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented.</p>	Post-start up	Secretary approval	Not yet triggered. Hazard Audit due 52 weeks post commencement, then every 3 years thereafter.
B9	<p><b>Further Requirements</b></p> <p>The Applicant must store all chemicals, fuels and oils used on-site in accordance with: a) the requirements of all relevant Australian Standards; and b) the NSW EPA's 'Storing and Handling of Liquids: the Environmental Protection - Participants Manual' if the chemicals are liquids</p>	Post-start up	Hazard Audits and review of safety management system to be included in future reports.	

Unique ID	Compliance Requirement	Development Phase	Monitoring Methodology	Evidence and Comments
B10	<p><b>Further Requirements</b></p> <p>In the event of an inconsistency between the requirements of conditions B9(a) and B9(b), the most stringent requirement must prevail to the extent of the inconsistency.</p>	Noted		
B11	<p><b>Dangerous Goods</b></p> <p>Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with: a) all relevant Australian Standards; b) for liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and c) the Environment Protection Manual for Authorised Officers: Bunding and Spill Management- technical bulletin (EPA, 1997)</p>	Operation	Hazard Audits and review of safety management system to be included in future reports.	
B12	<p><b>Dangerous Goods</b></p> <p>In the event of an inconsistency between the requirements of conditions B11(a) to B11(c), the most stringent requirement must prevail to the extent of the inconsistency.</p>	Noted		
B13	<p><b>Construction Traffic Management Plan</b></p> <p>The Applicant must prepare a Construction Traffic Management Plan for the development which details road safety and network efficiency measures and heavy vehicle routes, access and parking arrangements. Details must be included in the application for a Construction Certificate</p>	Construction	Details provided to Certifier at CC stage.	Site records. No known issues.
B14	<p><b>Roadworks and Access</b></p> <p>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</p>	At all times	Site inspection.	Occupation certificate granted.

Unique ID	Compliance Requirement	Development Phase	Monitoring Methodology	Evidence and Comments
	facilities Off-street commercial vehicle facilities (Standards Australia, 2002).			
B15	<b>Roadworks and Access</b> All road works associated with the development must be undertaken at full cost to the Applicant.	Construction	Completed	Site records
B16	<b>Roadworks and Access</b> 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.	At all times	Site inspection	Site records
B17	<b>Roadworks and Access</b> The Applicant must submit design plans to the satisfaction of the relevant roads authority which demonstrate that the proposed accesses to the development are designed to accommodate the turning path of a B-Double tanker	Construction	Response from roads authority	Site records
B18	<b>Parking</b> The Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the development does not utilise public and residential streets or public parking facilities	Post start-up	Site inspection	Site records and approved drawings.
B19	<b>Operational Traffic Management Plan</b> Prior to the commencement of operation, the Applicant must prepare an Operational Traffic Management Plan for the development to the satisfaction of the Planning Secretary. The plan must form part of the OEMP required by Condition C5 and must: a) be prepared by a suitably qualified and experienced person(s); b) be prepared in consultation with Port of Newcastle; c) describe how the requirements of Condition B21 will be met;  d) detail the on-site traffic control measures to prevent vehicular collision and control the manoeuvring of vehicles in designated areas; e) detail the measures that are to be implemented to ensure road	Pre-start up	Secretary approval	Submitted on 15 July 2020.

Unique ID	Compliance Requirement	Development Phase	Monitoring Methodology	Evidence and Comments
	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	<p><b>Operational Traffic Management Plan</b></p> <p>The Applicant must:</p> <p>(a) not commence operation until the Operational Traffic Management Plan required by Condition B19 is approved by the Planning Secretary; and</p> <p>(b) implement the most recent version of the Operational Traffic Management Plan approved by the Planning Secretary for the duration of the operation.</p>	Pre-start up	Secretary approval	Submitted on 15 July 2020.
B21	<p><b>Operating Conditions</b></p> <p>The Applicant must ensure:</p> <p>a) the development does not result in any vehicles queuing on the public road network;</p> <p>b) all vehicles enter and exit the site in a forward direction;</p> <p>c) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;</p> <p>d) all vehicles are wholly contained on site before being required to stop;</p> <p>e) all loading and unloading of materials is carried out on-site;</p>	Operation	Site inspection	Site records and approved drawings.

Unique ID	Compliance Requirement	Development Phase	Monitoring Methodology	Evidence and Comments
	<p>f) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network; and</p> <p>g) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times</p>			
B22	<p><b>Imported Soil</b></p> <p>The Applicant must:</p> <p>a) ensure that only VENM or ENM is brought onto the site;</p> <p>b) keep accurate records of the volume and type of fill to be used; and</p> <p>c) make these records available to the Department upon request</p>	Construction		Site records
B23	<p><b>Erosion and Sediment Control</b></p> <p>Prior to the commencement of any construction or other surface disturbance the Applicant must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP required by Condition C2</p>	Construction		Site records
B24	<p><b>Stormwater Management System</b></p> <p>Prior to the commencement of operation, the Applicant must design, install and operate a stormwater management system for the development. The system must:</p> <p>a) be designed by a suitably qualified and experienced person(s);</p> <p>b) be generally in accordance with the conceptual design in the EIS;</p> <p>c) be designed to meet the stormwater quantity and water quality criteria within the Newcastle Development Control Plan 2012;</p>	Operation		Construction and site records

Unique ID	Compliance Requirement	Development Phase	Monitoring Methodology	Evidence and Comments
	d) be in accordance with applicable Australian Standards; and e) ensure that the system capacity has been designed in accordance with Australian Rainfall and Runoff (Engineers Australia , 2016) and Managing Urban Stormwater: Council Handbook (EPA, 1997) guidelines			
B25	<b>Stormwater Management System</b> The Applicant must ensure the stormwater management system is identified and sign-posted in accordance with Council's Stormwater and Water Efficiency for Development Technical Manual. Details must be included in the application for a Construction Certificate.	Operation	Site inspection	Site records
B26	<b>Water Management Plan</b> Prior to the commencement of operation, the Applicant must prepare a Water Management Plan to the satisfaction of the Planning Secretary. The Water Management Plan must form part of the OEMP required by Condition C5. The Water Management Plan must: a) be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary; b) be prepared in consultation with DOI; c) detail water use, metering, disposal and management on-site; d) detail the management of wastewater streams on-site; and e) contain a Groundwater Monitoring Plan which includes: (i) baseline data on groundwater levels and quality; and (ii) a program to monitor groundwater levels and quality.	Pre-start up	Secretary approval	S4.55 application submitted to delete this condition.
B27	<b>Water Management Plan</b> The Applicant must:  (a) not commence operation until the Water Management Plan required by Condition B26 is approved by the Planning Secretary; and	Pre-start up	Secretary approval	S4.55 application submitted to delete this condition.

Unique ID	Compliance Requirement	Development Phase	Monitoring Methodology	Evidence and Comments
	(b) implement the most recent version of the Water Management Plan approved by the Planning Secretary for the duration of the development.			
B28	<b>Groundwater Management</b> If groundwater is encountered during construction, the Applicant must obtain all necessary licences or, if required, approval from DOI	Construction		Site records. Groundwater not encountered.
B29	<b>Groundwater Management</b> 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.	Pre-construction	Secretary approval	Builder's site records.
B30	<b>Groundwater Management</b> 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.	Pre-construction	Secretary approval	Builder's site records.

Unique ID	Compliance Requirement	Development Phase	Monitoring Methodology	Evidence and Comments
B31	<b>Aboriginal Heritage</b> The Applicant must ensure all staff are aware of their statutory obligations for heritage under the National Parks and Wildlife Act 1974 and the Heritage Act 1977.	At all times	Ongoing	Builder's site records.
B32	<b>Aboriginal Heritage</b> Prior to the commencement of operation, the Applicant must install a plaque which acknowledges the past occupation of the area by Awabakal and Worimi peoples.	Pre-start up	Site inspection	Completed 16.6.2020
B33	<b>Unexpected Finds Protocol</b> If any item or object of Aboriginal heritage significance is identified on site: a) all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately; b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and c) the OEH must be contacted immediately	Construction		Builder's site records.
B34	<b>Unexpected Finds Protocol</b> Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the National Parks and Wildlife Act 1974.	Construction		Builder's site records.
B35	<b>Dust Minimisation</b> The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.	Construction		Site records
B36	<b>Dust Minimisation</b> During construction, the Applicant must ensure that: a) exposed surfaces and stockpiles are suppressed by regular watering; b) all trucks entering or leaving the site with loads have their loads covered; c) trucks associated with the development do not track dirt onto the public road network; d) public roads used by these trucks are kept clean; and e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.	Construction		Builder's site records.

Unique ID	Compliance Requirement	Development Phase	Monitoring Methodology	Evidence and Comments
B37	<b>Odour Management</b> The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).	At all times	Site inspection	Site records
B38	<b>Noise – Hours of Work</b> 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	Construction		Site records
B39	<b>Noise – Hours of Work</b> 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	Construction		Site records
B40	<b>Waste Management – Statutory Requirements</b> All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials	At all times	Ongoing monitoring	Site records
B41	<b>Waste Management – Statutory Requirements</b> The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of EPA's Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014) and dispose of all wastes to a facility that may lawfully accept the waste.	At all times	Ongoing monitoring	Site records
B42	<b>Waste Management – Statutory Requirements</b> Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.	At all times	Ongoing monitoring	Site records
B43	<b>Waste Management – Statutory Requirements</b> The collection of waste generated during operation of the development must be undertaken between 7 am to 10 pm Monday to Friday	At all times	Ongoing monitoring	Site records

Unique ID	Compliance Requirement	Development Phase	Monitoring Methodology	Evidence and Comments
B44	<p><b>Contamination</b> 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</p>	Construction		Builder's site records.
B45	<p><b>Landscaping</b> 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</p>	Construction	As per approved plans	Builder's site records. Occupation Certificate granted
B46	<p><b>Lighting</b> The Applicant must ensure the lighting associated with the development: a) complies with the latest version of AS 4282-1997 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); and b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network</p>	Operation	Site inspection	Site inspection and site records
B47	<p><b>Lighting</b> The Applicant must ensure adequate lighting is provided for afterhours access by tanker drivers</p>	Operation	Site inspection	Site inspection and site records
B48	<p><b>Signage and Fencing</b> All signage and fencing must be erected in accordance with the development plans included in the EIS. Note: This condition does not apply to temporary construction and safety related signage and fencing</p>	Operation	Site inspection	Site records and approved plans
B49	<p><b>Signage and Fencing</b> 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.</p>	Operation	Site inspection	Site records.

Unique ID	Compliance Requirement	Development Phase	Monitoring Methodology	Evidence and Comments
B50	<p><b>Mosquito Management</b>            The Applicant must implement the Mosquito Management Plan - Proposed Elgas Facility, prepared for Sovechles Nominees Pty Ltd, for the duration of the construction and operation of the development to minimise breeding sites for nuisance biting and disease transmitting mosquitos.</p>	At all times		Site records.
<b>PART C- ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING</b>				
C1	<p><b>Environmental Management Plan Requirements</b>            Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:            a) details of: (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions); (ii) any relevant limits or performance measures and criteria; and (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;            b) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;            c) a program to monitor and report on the: (i) impacts and environmental performance of the development; (ii) effectiveness of the management measures set out pursuant to paragraph (b) above;            d) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;            e) a program to investigate and implement ways to improve the environmental performance of the development over time;            f) a protocol for managing and reporting any: (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria); (ii) complaint; (iii) failure to comply with statutory requirements; and            g) a protocol for periodic review of the plan.</p>	At all times	Submission of relevant management plans at required intervals	OEMP submitted 15 July 2020

Unique ID	Compliance Requirement	Development Phase	Monitoring Methodology	Evidence and Comments
C2	<p><b>Construction Environmental Management Plan</b> The applicant must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of Condition C1 and to the satisfaction of the Planning Secretary.</p>	Pre-construction	Secretary approval	Not Submitted. A formal request has been lodged with the Department on the 24.7.2020 relating to this matter.
C3	<p><b>Construction Environmental Management Plan</b> As part of the CEMP required under Condition C2 of this consent, the Applicant must include the following: a) Construction Traffic Management Plan (see Condition B13); b) Erosion and Sediment Control (see Condition B23); c) Mosquito Management Plan (see Condition B50); and d) Groundwater Contingency Plan (see Condition B29).</p>	Pre-construction		As per C2
C4	<p><b>Construction Environmental Management Plan</b> The Applicant must: a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and b) carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.</p>	Pre-construction	Secretary approval	As per C2
C5	<p><b>Operational Environmental Management Plan</b> 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.</p>	Pre-start up	Secretary approval	OEMP Submitted on 15 July 2020.
C6	<p><b>Operational Environmental Management Plan</b> As part of the OEMP required under Condition C5 of this consent, the Applicant must include the following: a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development; b) describe the procedures that would be implemented to: (i) keep the local community and relevant agencies informed about the operation</p>	Pre-start up	Secretary approval	OEMP Submitted on 15 July 2020.

Unique ID	Compliance Requirement	Development Phase	Monitoring Methodology	Evidence and Comments
	<p>and environmental performance of the development; (ii) receive, handle, respond to, and record complaints; (iii) resolve any disputes that may arise; (iv) respond to any non-compliance; (v) respond to emergencies; and</p> <p>c) include the following environmental management plans: (i) Operational Traffic Management Plan (see Condition B19); (ii) Flood Emergency Response; (iii) Water Management Plan (see Condition B26); and (iv) Mosquito Management Plan (see Condition B50).</p>			
C7	<p><b>Operational Environmental Management Plan</b> The Applicant must:</p> <p>(a) not commence operation until the OEMP is approved by the Planning Secretary; and</p> <p>(b) operate the development in accordance with the OEMP approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time).</p>	Pre-start up	Secretary approval	Noted, OEMP Submitted 15 July 2020.
C8	<p><b>Revision of Strategies, Plans and Programs</b> Within three months of:</p> <p>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.</p>	Post-start up	Review and revise as required	Not triggered, provide as required
C9	<p><b>Revision of Strategies, Plans and Programs</b> 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</p>	Post-start up	Review and revise as required	Not triggered, provide as required

Unique ID	Compliance Requirement	Development Phase	Monitoring Methodology	Evidence and Comments
	Secretary for approval within six weeks of the review. Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.			
C10	<p><b>Reporting and Auditing - Incident Notification, Reporting and Response</b></p> <p>The Department must be notified in writing to <a href="mailto:compliance@planning.nsw.gov.au">compliance@planning.nsw.gov.au</a> 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.</p>	Post-start up	Ongoing incident monitoring	Not triggered, provide as required
C11	<p><b>Reporting and Auditing – Non-Compliance Notification</b></p> <p>The Department must be notified in writing to <a href="mailto:compliance@planning.nsw.gov.au">compliance@planning.nsw.gov.au</a> within seven days after the Applicant becomes aware of any non-compliance.</p>	Post-start up	Ongoing incident and compliance monitoring	Not triggered, provide as required
C12	<p><b>Reporting and Auditing – Non-Compliance Notification</b></p> <p>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.</p>	Post-start up	Ongoing incident and compliance monitoring	Not triggered, provide as required
C13	<p><b>Reporting and Auditing – Non-Compliance Notification</b></p> <p>A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.</p>	Noted		
C14	<b>Compliance Reporting</b>			This program/document

Unique ID	Compliance Requirement	Development Phase	Monitoring Methodology	Evidence and Comments
	No later than 6 weeks before the date notified for the commencement of operation, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department.	Pre-start up	Submission of Compliance Monitoring Program	
C15	<b>Compliance Reporting</b> Compliance Reports of the project must be carried out in accordance with Compliance Reporting Post Approval Requirements (Department 2018).	Noted	Submission of compliance reports	Not triggered. Compliance report due within 52 weeks of notified date of commencement – 1 September 2020
C16	<b>Compliance Reporting</b> 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.	Noted	Make compliance report publicly available	Not triggered
C17	<b>Independent Audit</b> 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.	Pre-start up	Submission of Independent Audit Program	Independent Audit Program submitted 29 July 2020
C18	<b>Independent Audit</b> 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).	Operation	Submission of Independent Audit	Not triggered. Initial Independent Audit due within 52 weeks of notified date of commencement – 1 September 2020
C19	<b>Independent Audit</b>	Operation		

Unique ID	Compliance Requirement	Development Phase	Monitoring Methodology	Evidence and Comments
	<p>In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:</p> <p>a) review and respond to each Independent Audit Report prepared under Condition C18 of this consent;</p> <p>b) submit the response to the Department; and</p> <p>c) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Department and notify the Department in writing at least 7 days before this is done</p>		Response to Independent Audit	Not triggered. Applicant to action following initial audit.
C20	<p><b>Monitoring and Environmental Audits</b></p> <p>Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&amp;A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.</p> <p>Note: For the purposes of this condition, as set out in the EP&amp;A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.</p>	Noted	Ongoing monitoring and incident response	
C21	<p><b>Access to Information</b></p> <p>At least 48 hours before the commencement of construction until the completion of all works under this consent, the Applicant must:</p> <p>a) make the following information and documents (as they are obtained or approved) publicly available:</p>	Noted		

Unique ID	Compliance Requirement	Development Phase	Monitoring Methodology	Evidence and Comments
	<p>(i) the documents referred to in Condition A2 of this consent and the final layout plans for the development;</p> <p>(ii) all current statutory approvals for the development;</p> <p>(iii) all approved strategies, plans and programs required under the conditions of this consent;</p> <p>(iv) contact details to enquire about the development or to make a complaint;</p> <p>(v) the Compliance Reporting of the development;</p> <p>(vi) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;</p> <p>(vii) any other matter required by the Planning Secretary; and</p> <p>b) keep such information up to date, to the satisfaction of the Planning Secretary.</p>			

#### 4. COMPLIANCE MONITORING AND REPORTING SCHEDULE

Table 2 below sets out the required frequency of compliance monitoring and reporting.

**Table 2 Minimum Frequency of Compliance Reporting**

Compliance Report	Phase	Timing	Minimum Frequency/Comment	Indicative date
Operation Compliance Report	Operation	Reporting required for duration of operation	At intervals no greater than 52 weeks from the date of commencement of operation	Not later than 1 Sept 2021
Post - Decommissioning Report	Decommissioning	Report to be submitted to the Planning Secretary within 12 weeks of completion of decommissioning	Single report	To be advised

## **BIBLIOGRAPHY**

NSW Department of Planning and Environment Compliance Reporting Post Approval Requirements June 2020

RPS EIS for New LPG Storage Facility, 130 Cormorant Road Kooragang (Part Lot 1 DP 1195449) - 22 August 2017