



## NGP No. 2 Investments

Kooragang LPG Facility SSD 8448

Independent Environmental Audit

23 May 2022

Project Number: 63049, Reference Number 145,210

Commercial-in-confidence  
JBS&G

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## Abbreviations

Term	Definition
AS	Australian Standard
COB	Close of business
DoPE	Department of Planning and Environment
DPIE	Department of Planning Infrastructure and Environment
EIS	Environmental Impact Statement
EMP	Environmental Management Plan
EP&A	Environment Protection and Assessment
IA	Independent Audit
LPG	Liquefied petroleum gas
NSW	New South Wales
OEMP	Operation Environmental Management Plan
SSD	State Significant Development

## Executive Summary

Approval for the development of a liquefied petroleum gas (LPG) storage and distribution facility at Kooragang was granted as development consent SSD 8448 to Sovechles Nominees by the Minister for Planning on 23 November 2018. The development comprises of construction and operation of a LPG facility for bulk and cylinder distribution, office building and associated car park.

Schedule 2 Condition C18 for State Significant Development (SSD) 8448 requires Independent Audits of the development. An independent audit has been undertaken in accordance with the Department of Planning and Environment (2018) *Independent Audit Post Approval Requirements*. The audit has assessed the environmental performance and compliance status of the operation phase of the development for the period since the end of the initial independent audit reporting period (21 October 2020) until the end of the operation phase reporting period on 12 November 2021. The adequacy of environmental management strategies and plans were also assessed.

The project was assessed to be non-compliant with six conditions with all non-compliances being of an administrative nature. No actual detrimental impact has occurred as a result of any non-compliance with the consent conditions.

The findings and recommendations for this independent audit are documented in this audit report. Overall, notwithstanding the non-compliances identified, the audit determined that the environmental management system and plans currently in place are generally adequate in addressing environmental management of the project.

# 1. Introduction

## 1.1 Background

JBS&G Australia Pty Ltd was engaged by Sovechles Nominees Pty Ltd (the client) to undertake an independent audit of the development works for the Kooragang liquefied petroleum gas (LPG) storage and distribution facility. The facility is being operated by Elgas Limited (Elgas).

Approval for construction and operation of a liquefied petroleum gas storage and distribution facility in Kooragang was granted to Sovechles Nominees under Section 4.38 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) on 23 November 2019 by the NSW Minister for Planning. Conditions of consent are provided in SSD 8448. On 20 October 2020, Modification 1 of Development Consent SSD 8448 was granted by the Minister for Planning and Public Spaces. On 6 August 2021, Modification 2 of Development Consent SSD 8448 was granted by the Minister for Planning and Public Spaces. The consent conditions of SSD 8448 including Modification 1 and Modification 2 are reflected in the Independent Audit Table (**Appendix A**).

The project site is defined as Lot 1 in DP 1195449, located at 130 Cormorant Road, Kooragang NSW.

The development comprises construction and operation of a LPG facility, including the following:

- bulk storage vessel;
- cylinder storage area;
- overnight truck parking and loading area;
- cylinder filling dock;
- associated infrastructure;
- office building; and
- car park.

Schedule 2 Part C of Development Consent SSD 8448 requires Independent Audit (IA) of the project as follows:

- Condition C17 – No later than 4 weeks before the date notified for the commencement of operation an Independent Audit Program prepared in accordance with the *Independent Audit Post Approval Requirements* (Department 2018) must be submitted to the Department.
- Condition C18 - Independent Audits of the development must be carried out in accordance with:
  - a) the Independent Audit Program submitted to the Department under Condition C17 of this consent; and
  - b) the requirements for an Independent Audit Methodology and Independent Audit Report in the *Independent Audit Post Approval Requirements* (Department 2018).
- Condition C19 - In accordance with the specific requirements in the *Independent Audit Post Approval Requirements* (Department 2018), the Applicant must:
  - a) review and respond to each Independent Audit Report prepared under Condition C18 of this consent;
  - b) submit the response to the Department; and

- c) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Department and notify the Department in writing at least 7 days before this is done.

In accordance with Schedule 2, Part A condition A3 for SSD 8448, the Planning Secretary issued written direction<sup>1</sup> on 4 August 2020 requesting the following:

- an Independent Audit of the development be carried out and submitted to the Department by close of business (COB) of 31 October 2020;
- the Independent Audit is to be carried out in accordance with the Department's *Independent Audit Post Approval Requirements* (Department 2018);
- the Independent Audit is to focus on compliance during the pre-construction and construction phases of the development; and
- an auditor endorsement request is to be submitted to the Department by COB 21 August 2020.

An extension of time to COB 23 November 2020 was granted by the Planning Secretary for submission of an Independent Report. An Independent Audit focusing on the pre-construction and construction phases of the development was completed on 12 November 2020<sup>2</sup>.

This audit constitutes the second independent audit for the development as outlined in the Independent Audit Program<sup>3</sup>. Due to the impact of COVID-19 on workplaces, Department of Planning, Industry and Environment (DPIE, now Department of Planning and Environment) agreed to extend the due date of the second independent audit to 23 November 2021. This report forms Revision 1 of the second independent audit report which has been amended following feedback from Department of Planning and Environment (DoPE).

## 1.2 Audit Team

The audit team comprised of Ms Christine Louie and Mr Dominic Hoban.

Christine Louie conducted the audit as the Lead Independent Auditor and is a Certified Exemplar Global EMS Auditor (132320). Dominic Hoban is an experienced environmental consultant who provided assistance throughout the independent audit.

Approval of the audit team as being suitably qualified, experienced and independent persons to conduct an independent audit of the Kooragang LPG facility was provided by the Planning Secretary of the NSW DPIE<sup>4</sup> on 6 September 2021 (**Appendix B**).

## 1.3 Audit Objectives

The objectives of the works were to undertake an Independent Audit in accordance with Condition C18 of development consent SSD 8448 issued by the Minister for Planning to assess the environmental performance and compliance status of the project.

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<sup>1</sup> *Penalty Notice – Breach of Section 4.2 of the Environmental Planning and Assessment Act 1979, 4/8/2020*, Department of Planning, Industry & Environment.

<sup>2</sup> *Kooragang LPG Facility Independent Environmental Audit*, Ref: 133,100, Rev 0, 12 November 2020. (Consentium 2020b)

<sup>3</sup> *Independent Environmental Audit Program – SSD 8448 Kooragang LPG Facility, 130 Cormorant Road Kooragang NSW (Lot 1 DP 1195449)*, Ref: 59375 - 131,847, L003 (SSD 8448 Kooragang LPG Facility Independent Audit Program) Rev 0, 17 August 2020. (Consentium 2020a)

<sup>4</sup> DPIE, DoPE, Department, Planning Secretary, Minister for Planning and Public Spaces and Secretary of the Department have been used interchangeably throughout this report. All references refer to the NSW Government entity now known as Department of Planning and Environment.

#### **1.4 Audit Scope**

An independent audit was undertaken in accordance with Department (2018) *Independent Audit, Post Approval Requirements June 2018*<sup>5</sup> to assess the environmental compliance of the Kooragang LPG facility development during the operation phase with the conditions of Development Consent SSD 8448 under the *Environmental Planning and Assessment Act 1979*.

The independent audit involved desktop review of available information relating to the development consent approval conditions including environmental management plans and monitoring records; site inspection; interviews with development personnel; and preparation of this independent audit report detailing the findings of the audit.

#### **1.5 Audit Period**

This independent audit addresses development activities undertaken during the operation phase since the end of the previous independent audit reporting period (21 October 2020) until the end of the operation phase audit reporting period on 12 November 2021.

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<sup>5</sup> Department (2018) *Independent Audit Post Approval Requirements*, June 2018, NSW Department of Planning and Environment

## 2. Audit Methodology

### 2.1 Selection and Endorsement of Audit Team

The audit was conducted by Ms Christine Louie (Lead Auditor) and Dominic Hoban (Assistant Auditor). Approval of the Audit Team for the Kooragang LPG facility development was provided by DPIE on 6 September 2021. A copy of the approval is provided in **Appendix B**.

The Independent Audit Declarations for the audit team are provided in **Appendix C**.

### 2.2 Independent Audit Scope Development

In accordance with Department (2018), the scope of the audit included the following:

1. assessment of compliance with:
  - conditions of development consent SSD 8448 for the duration of the operation phase;
  - all post approval documents prepared to satisfy the conditions of consent, including assessment of the implementation of Environmental Management Plan and sub-plans;
2. assessment of the environmental performance of the development including an assessment of:
  - actual impacts compared to predicted impacts documented in the environmental impact assessment;
  - the physical extent of the development in comparison with the approved boundary, and any potential off-site impacts;
  - incidents, non-compliances and complaints that occurred or were made during the audit period;
  - the performance of the development and environmental issues identified through consultation;
  - feedback received from the Department, and other agencies and stakeholders on the environmental performance of the project during the audit period;
3. high level review of the project's environmental management systems and the implementation of the systems; and
4. high level assessment of whether Environmental Management Plans and sub-plans are adequate.

One independent audit has previously been completed for the Kooragang LPG facility development on 12 November 2020.

### 2.3 Compliance Evaluation

Assessment of compliance with the conditions of consent of SSD 8448 was undertaken through evidence-based evaluation including review of verifiable evidence such as site records, environmental management plans and sub-plans, and other project documents.

Evaluation of the adequacy of post approval documents and compliance with development consent conditions was also undertaken. Environmental monitoring records were reviewed as part of the evaluation.

Site records and documents were viewed prior to and following a site interview with an inspection of the site undertaken on the same day. Project documents were viewed during the site inspection or made available via email post site interview.

The assessment of compliance with development consent SSD 8448 is presented in the Independent Audit Table in **Appendix A**.

## 2.4 Site Interview

Interview was conducted, as part of the independent audit, on Tuesday 21 September 2021 with the following personnel:

- Mitchell Sovechles, Director (Sovechles Nominees Pty Ltd)
- Patrick Egan, Depot Operations Manager (Elgas).

## 2.5 Site Inspection

An inspection of the Kooragang LPG facility development site was also undertaken on Tuesday 21 September 2021 and included a walk over around the perimeter of the site and within the depot yard.

Photos of the site taken during the site inspection are presented in **Appendix D**.

## 2.6 Consultation

Consultation was undertaken with the following project stakeholders as part of the independent audit to obtain input into the scope of the audit:

- Department of Planning, Industry & Environment – Joel Curran, Senior Compliance Officer

Copies of the consultation correspondence are provided in **Appendix E**.

Stakeholder consultation was undertaken by the client post-construction through ongoing engagement with DPIE and other authorities as required.

## 2.7 Compliance Status Descriptors

The compliance status descriptors used to record the level of compliance of the Kooragang LPG facility development with the conditions of Development Consent SSD 8448 are summarised in **Table 2.1** below.

**Table 2.1: Compliance Status Descriptors**

Status	Description
Compliant	The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit.
Non-compliant	The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with, within the scope of the audit.
Not triggered	A requirement has an activation or timing trigger that has not been met during the temporal scope of the audit being undertaken (may be a retrospective or future requirement), therefore an assessment of compliance is not relevant.

### 3. Audit Findings

#### 3.1 Document Review

Documents reviewed as part of the independent audit are listed in the Independent Audit Table (**Appendix A**). The documents included environmental management plans, Environmental Impact Statement, third party assessments/certifications and reports, and email/letter correspondence. Findings in relation to compliance with the Development Consent conditions and subsequent Modifications have been documented in the Independent Audit Table where relevant.

#### 3.2 Audit Compliance Performance

Compliance of the development was assessed against the Development Consent conditions of SSD 8448, Modification 1 and Modification2 applicable to the operation phase of the project, and the audit findings are presented in **Appendix A**.

Out of a total of 100 development consent conditions, 33 conditions have not been triggered. Of the consent conditions that have been triggered, six non-compliances were identified. Recommendation was made for one consent condition that was compliant.

A summary of the main findings is presented in **Table 3.1**.

**Table 3.1: Summary of Audit Compliance with Development Consent Conditions**

Approval (ID)	Audit Findings and Recommendations	Compliance Status
Terms of Consent Condition A2	Non-compliant conditions. Action: None required.	Non-compliant
Operational Environmental Management Plan Condition C7	DPIE determined that operations commenced prior to approval of the Operational Environmental Management Plan. Action: None required.	Non-compliant
Revision of Strategies, Plans and Programs C8	A review of strategies, plans and programs was not conducted/advised of to the Department within three months of submission of the independent audit report completed October 2020 nor the approval of Modification 1. Action: Ensure that a review of strategies, plans and programs is undertaken for all future occurrences listed under items a) to d) and notified to the Department as required by condition C8.	Non-compliant
Compliance Reporting Condition C16	Pre-start up and post-start up compliance reports are not publicly available. Action: Pre-start up and post-start up Compliance Reports to be made available on project web-site.	Non-compliant
Independent Audits Condition C19	The applicant response to the initial Independent Audit is not publicly available. Action: Applicant response to initial Independent Audit to be made available on project web-site.	Non-compliant
Access to Information Condition C21	Pre-start up and post-start up compliance reports and applicant response to initial Independent Audit are not publicly available. Action: Pre-start up and post-start up Compliance Reports and applicant response to Independent Audit to be made available on project web-site.	Non-compliant

#### 3.3 Non-compliances

Six non-compliances were identified during the Independent Audit for the operational phase of the development.

The non-compliances identified were generally of an administrative nature relating to a lack of review of plan, strategies and programs for the development, and project documentation not being publicly available.

### 3.4 Previous Audit Recommendations

The initial independent environmental audit (Consentium 2020) identified nine non-compliances. As the pre-construction and construction phases of the development had been completed at the time of the independent audit, no action was required to be taken.

A recommendation was made for one compliant consent condition to improve public access to information on the development.

The Applicant provided responses to the findings and recommendation of the initial independent audit. A summary of the applicant responses to the findings and recommendations are presented in **Table 3.2**.

**Table 3.2: Status of Previous Audit Actions and Recommendations**

Approval (ID)	Audit Findings and Recommendations	Applicant Response and Action	Status
Terms of Consent Condition A2	No actions are required in response to non-compliant conditions. Action: None required.	Please refer to individual responses below.	N/A
External Walls and Cladding Condition A22	No evidence was available of provision of documentation to the Planning Secretary within the seven day period of acceptance by the Certifying Authority. Action: None required.	The builder, Brown Building, sent all the required documentation for the external wall construction to the Private Certifier Authority (BCA Solutions) on the 7.5.20 as per Consent Condition A21 and the Auditor has assessed this as compliant. Consent Condition A22 requires the Applicant to provide a copy of the documentation given to the PCA under A21 to the Planning Secretary within 7 days of it being sent to the PCA. The Applicant emailed a copy of the relevant information to DPIE on the 29.5.20. Both the PCA & the DPIE have accepted the documentation sent by the builder (relating to the cladding) but although we have contacted and emailed the PCA direct on numerous occasions, we have not been able to get confirmation (from the PCA) to confirm exactly what date they accepted the documentation, therefore we haven't been able to supply evidence of this date to the Auditor. The Auditor has then deemed this condition as non-compliant, even though both the certifier and the DPIE have received and accepted the data sent to them.	N/A

Approval (ID)	Audit Findings and Recommendations	Applicant Response and Action	Status
Pre-construction Condition B3	<p>Evidence of approval of the Fire Safety Study by FRNSW was not available.</p> <p>Action: None required.</p>	<p>As the Applicant we sent the relevant documentation to Fire &amp; Rescue NSW as required on the 6.11.2019.</p> <p>Fire &amp; Rescue NSW sent an email reply on the 11.11.2019 and acknowledged receipt of our application and supplied the following reference numbers:            Project Reference: FRN17/953            Job Number: BFS19/3651 (8000009443)</p> <p>We have sent 4 follow up emails to Fire &amp; Rescue NSW on the 18.11.2019, 14.5.2020, 27.10.2020 &amp; 12.11.2020 and also made 3 phone calls on 9742 7434 where we left voice messages quoting the project reference and Job number seeking their final position and to date we have not had a reply.</p> <p>The Auditor has cited copies of these email communications but has assessed this part of the condition as Non-complaint. As the Applicant we have exhausted every avenue. To date Fire &amp; Rescue have not replied to our emails or returned our phone calls.</p> <p>In addition to the above the Certifier has issued the applicable Fire Safety Schedule &amp; Certificates as part of the certifying process and we have also sent copies of these onto Fire &amp; Rescue NSW on the 21.5.2020.</p> <p>I can also confirm that Elgas as the site operator has been in contact with Fire &amp; Rescue NSW for a mandatory site inspection. This has been completed and a full review of their operation and Emergency procedures was actioned and Fire &amp; Rescue NSW have issued a formal communication on the 24.9.2020 approving the Elgas Fire and Emergency plan and this has been acknowledged by the Auditor.</p> <p>Fire &amp; Rescue NSW issued a Safe Work reference number: NDG2000406</p>	N/A

Approval (ID)	Audit Findings and Recommendations	Applicant Response and Action	Status
Groundwater Management Condition B29	<p>The Groundwater &amp; Soil Contingency Plan (which forms part of the CEMP) does not meet conditions B29c and B29d applicable if the Groundwater Contingency Plan is triggered. As construction is complete, the plan is no longer required. Action: None required.</p>	<p>The Builder as part of their contract supplied all their own relevant operational and management plans and a Groundwater &amp; Soil Contingency Plan (which formed part of the CEMP) was included. The Auditor has assessed that because this particular plan doesn't 'spell out' every action required the plan doesn't meet conditions B29c and B29d which become applicable if the Groundwater Contingency Plan is triggered.</p> <p>As the Applicant, I am confident that if Groundwater was intercepted, the appropriate measures would have been actioned as the Plan clearly states that if Groundwater was intercepted on the site, works were to stop, report the issue to management and an impact investigation needs to be conducted by an engineer or specialist in groundwater management before any further works can proceed.</p> <p>Part of this investigation would include the requirements detailed in item B29c &amp; B29d as this would fall within the responsibility of the specialist being engaged.</p> <p>In addition to the above, there were site specific Environmental, Geotech &amp; Groundwater assessments completed prior to the build and these specialists' reports were all included in the EIS lodged with the original development application. These reports confirmed that the groundwater is located between 2.2m to 3m and the footings will be positioned at 1.3m which is well above the level of the Groundwater and also confirms there would be no adverse effects on groundwater during construction. These findings have been accepted by the relevant authorities during the application process.</p> <p>I can also confirm that no Groundwater was intercepted at any time during the entire build.</p>	N/A

Approval (ID)	Audit Findings and Recommendations	Applicant Response and Action	Status
Groundwater Management Condition B30	<p>Groundwater &amp; Soil Contingency Plan was not submitted to the Planning Secretary.</p> <p>As construction is complete, the plan is no longer required.</p> <p>Action: None required.</p>	<p>A Construction Environmental Management Plan (CEMP) which included a Groundwater &amp; Soil Contingency Plan was completed but not submitted to the planning secretary. The DPIE issued a show cause notice to the applicant on the 21.7.2020. The applicant supplied a formal response to the Department on the 24.7.2020. After reviewing the response the Department issued a Penalty Notice on the 4.8.2020 to the Applicant for failing to comply with Schedule 2 Part C, Conditions C2 &amp; C4 of SSD8448 by failing to prepare a CEMP to the satisfaction of the Planning Secretary and commencing construction without a CEMP approved by the Planning Secretary. The Applicant paid the fine.</p>	N/A
Contamination Condition B44	<p>The Groundwater &amp; Soil Contingency Plan does not state any requirements for the disposal of contaminated soil.</p> <p>As construction is complete, the plan is no longer required.</p> <p>Action: None required.</p>	<p>The Builder supplied their own Groundwater &amp; Soil Contingency Plan (which formed part of the CEMP). The Auditor has assessed that because the plan does not state any requirements for the disposal of contaminated soil, the condition is not met. If any contamination was found we are of the belief the contingency plan would more than suffice as it clearly states that if any contamination in the soil is found on site, the works are to stop and an impact investigation would need to be conducted by an environmental engineer with no further works to proceed. As the Applicant (not the builder) I am confident that if any contamination in the soil was found the Groundwater &amp; Soil Contingency Plan in place would have met all the required conditions as engaging a specialist and reporting to the relevant authorities (as detailed in the plan) confirms this. In addition to these actions, in the EIS that was lodged with the development application all the Environmental, Geotech &amp; Groundwater reports indicated there would be no adverse effects on the soil or groundwater during construction as the development and footings will be positioned well above the level of the Groundwater. These findings have been accepted by the relevant authorities and the DPIE. The proposed contingency plan was put in place for managing any unforeseen adverse impacts on surface and or groundwater quality. I can also confirm that no Groundwater was intercepted at any time during the entire build.</p>	N/A

Approval (ID)	Audit Findings and Recommendations	Applicant Response and Action	Status
Environmental Management Plan Requirements Condition C1	<p>The WHS Management Plan forms a portion of the Construction Safety Study which was adopted as the Environmental Management Plan during construction of the development. The WHS Management Plan does not appear to have been kept up to date during construction and has not included contact details of the site supervisor. References are made to forms which were provided separate to the WHS Management Plan.</p> <p>As construction is complete, no action is required in relation to environmental management plans for the construction phase.</p> <p>Action: None required.</p>	<p>A Construction Environmental Management Plan (CEMP) and supporting documentation were used and implemented by the builder during construction as confirmed by the Auditor, but the CEMP documentation was not sent to the Planning Secretary for approval as required.</p> <p>The DPIE issued a show cause notice to the applicant on the 21.7.2020. The applicant supplied a formal response to the Department on the 24.7.2020. After reviewing the response the Department issued a Penalty Notice on the 4.8.2020 to the Applicant for failing to comply with Schedule 2 Part C, Conditions C2 &amp; C4 of SSD8448 by failing to prepare a CEMP to the satisfaction of the Planning Secretary and commencing construction without a CEMP approved by the Planning Secretary. The Applicant paid the fine.</p>	N/A
Construction environmental management plan Condition C2	<p>The Construction Safety Study and Construction Environmental Management Plan do not address all the requirements of condition C1. The Construction Environmental Management Plan was not approved by the Planning Secretary.</p> <p>As construction is complete, no action is required in relation to environmental management plans for the construction phase.</p> <p>Action: None required.</p>	<p>A Construction Environmental Management Plan (CEMP) and supporting documentation were used and implemented by the builder during construction as confirmed by the Auditor, but the CEMP documentation was not sent to the Planning Secretary for approval as required.</p> <p>The DPIE issued a show cause notice to the applicant on the 21.7.2020. The applicant supplied a formal response to the Department on the 24.7.2020. After reviewing the response the Department issued a Penalty Notice on the 4.8.2020 to the Applicant for failing to comply with Schedule 2 Part C, Conditions C2 &amp; C4 of SSD8448 by failing to prepare a CEMP to the satisfaction of the Planning Secretary and commencing construction without a CEMP approved by the Planning Secretary. The Applicant paid the fine.</p>	N/A

Approval (ID)	Audit Findings and Recommendations	Applicant Response and Action	Status
Construction environmental management plan Condition C4	<p>The CEMP was not submitted to the Planning Secretary for approval.</p> <p>As construction is complete, no action is required in relation to environmental management plans for the construction phase.</p> <p>Action: None required.</p>	<p>A Construction Environmental Management Plan (CEMP) and supporting documentation were used and implemented by the builder during construction as confirmed by the Auditor, but the CEMP documentation was not sent to the Planning Secretary for approval as required.</p> <p>The DPIE issued a show cause notice to the applicant on the 21.7.2020. The applicant supplied a formal response to the Department on the 24.7.2020. After reviewing the response the Department issued a Penalty Notice on the 4.8.2020 to the Applicant for failing to comply with Schedule 2 Part C, Conditions C2 &amp; C4 of SSD8448 by failing to prepare a CEMP to the satisfaction of the Planning Secretary and commencing construction without a CEMP approved by the Planning Secretary. The Applicant paid the fine.</p>	N/A
Access to Information Condition C21	<p>Project documentation is available to the public on the DPIE Planning Portal or through visiting the site although not all documentation required under the consent condition is available remotely on the Planning Portal.</p> <p>Recommendation: Consideration should be given to how to improve public access to documents that are not available on the Planning Portal.</p>	<p>We note the recommendation in relation to improving public access to documents that are available on the planning portal. For all future projects we have decided that in addition to having all the relevant documentation available on site, with the builder, and in the public domain, we will create a specific website to advertise all Project documentation.</p> <p>As the Applicant I can also confirm that there was no contact direct or indirect from any local business, resident, community member or any group requiring any information or documentation relating to this development at any time during the entire build.</p>	Closed out

### 3.5 Environmental Management

#### 3.5.1 Environmental Management Plans

Development consent condition C1 specifies requirements for environmental management plans for the development. Specific requirements for an Operational Environmental Management Plan (OEMP) are stated in consent conditions C5 through C7 with specific consent conditions addressing requirements for the following environmental management sub-plans:

- Operational Traffic Management Plan (condition B19);
- Flood Emergency Response Plan (condition C6); and
- Mosquito Management Plan (condition B50).

An OEMP<sup>6</sup> including the three management plans listed above has been prepared. Also included in the OEMP is a Safety Management System, Emergency Plan and Water Management Statement for the operation of the site.

The OEMP has been reviewed against the NSW Government *Post Approval Guidance Environmental Management Plan Guideline*<sup>7</sup> and adequately addresses the requirements of the guideline.

### 3.5.2 Environmental Management System

The Operational Environmental Management Plan outlines the environmental management risks, responsibilities and measures associated with operation of the Kooragang LPG facility by Elgas. The OEMP includes an outline of the Elgas Environmental Management System (EMS) for the operation of the site.

The EMS is accessed digitally via Elgas' intranet and includes requirements and responsibilities for the management of environmental impacts associated with the design, operation and maintenance of Elgas facilities. All workers are responsible for identifying, assessing, documenting and managing environmental hazards. The provisions included in the EMS are:

- Management commitment;
- Environmental risk assessment;
- Change management;
- Plant design and engineering;
- Safety and health;
- Systems of work;
- Operations;
- Maintenance;
- Contractors;
- Training; documentation;
- Environment;
- Emergencies;
- Security;
- Review and improvement;
- Templates;
- Safety management; and
- Site specific details for facilities.

The EMS is considered sufficiently comprehensive and addresses areas of environmental management for the facility.

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<sup>6</sup> ELGAS LPG Gas Storage Facility 130 Cormorant Rd Kooragang Environmental Management Plan, dated August 2020. Document number: 165-ELNEW\_EMP\_Environmental Management Plan

<sup>7</sup> Post Approval Guidance Environmental Management Plan Guideline, - Guideline for Infrastructure Projects, dated April 2020. Reference: DOC20/277703. NSW Department of Planning, Industry and Environment

### 3.6 Consultation Outcomes

As part of the independent audit, input into the scope of the audit was sought from the following project stakeholders:

- Department of Planning, Industry & Environment – Joel Curran, Senior Compliance Officer

Documentation detailing consultation is provided in **Appendix E**.

DPIE had no requirements regarding specific issues to be addressed as part of the independent audit.

Stakeholder consultation has been undertaken by the client during the operation phase through ongoing engagement with DPIE and other relevant authorities as required.

### 3.7 Community Complaints

No complaints were reported at the site.

It was noted that the site is located in an industrial area with the closest local community being occupiers and visitors of the adjacent service station.

### 3.8 Incidents and Enforcement Actions

No incidents have been reported at the site during the audit period.

On 9 March 2021, the Department issued a penalty notice to ELGAS Limited, as the Applicant for the development, in relation to an offence against Section 4.2 of the EP&A Act for carrying out development not in accordance with the conditions of development consent. The notice stated that ELGAS had failed to comply with Schedule 2, Part C, Condition C7 of SSD 8448 as modified by commencing operations at the ELGAS Kooragang Island development prior to having an Operational Environmental Management Plan (OEMP) approved by the Planning Secretary.

The Department determined that operation of the facility had commenced on 8 October 2020 prior to the approval of the OEMP. The OEMP was approved by the Planning Secretary on 23 October 2020 (effective from 20 October 2020 following approval of SSD 8448 Mod 1).

A penalty fine in the amount of \$15,000 was issued by the Department to Elgas Limited, determined to be the Applicant as defined in the consent conditions.

Elgas was determined by the Department to have co-operated during the investigation process and took self-regulatory action to shut down operations once it became aware that commencement of elements of the development that could be inconsistent with the development consent. No known harm to the environment was considered to have occurred as a result of the breach.

The actions of the Applicant in response to the two enforcement actions (dated 4 August 2020 and 9 March 2021) undertaken for carrying out development not in accordance with the conditions of development consent are considered to have been appropriate and timely to address the breaches once notified. The non-compliances were associated with the development and approval of environmental management plans for the construction and operation phases of the development which have since been addressed. Details of the enforcement actions as well as environmental management documentation have been made publicly available on the Elgas web-site.

### 3.9 Assessment of Environmental Impacts

Potential adverse environmental impacts and proposed mitigation measures were identified in the Environmental Impacted Statement (EIS)<sup>8</sup> for the operation phase of the development. The impacts

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<sup>8</sup> *New LPG Storage Facility, 130 Cormorant Road, Kooragang (Part Lot 1 DP 1195449) Environmental Impact Statement*. Report Number: PR136556, Version/date: 22/08/2017. RPS Australia East Pty Ltd (2017).

identified were related to hazards and risk; soil and water; traffic and transport; air quality and odour; noise and vibration; and waste management.

The environmental impacts and proposed mitigation measures identified in the EIS (RPS Australia East Pty Ltd 2017) for the operation phase of the project were:

- Hazards and risk – the Preliminary Hazard Analysis<sup>9</sup> prepared for the proposed development considered that the hazards and risks associated with the development could be appropriately managed using mitigation measures. Hazards were identified for operations at the site associated with LPG unloading, storage and cylinder filling/loadout. Mitigation measures for the operation of the facility relate to night time surveillance patrol, cylinder storage and stacking, tanker loading/unloading and cylinder hoses pressure testing, lighting, signage and traffic management.

A Hazard Audit for the operation of the facility is required to be undertaken within twelve months of commencement of operation under condition B7 of SSD 8448. An extension for completion of the Hazard Audit was approved by DPIE for October 2022.

- Soil and water – mitigation measures to minimise likely impacts on soil or water include stormwater management and prevention of release of LPG into the soil or groundwater table. Measures have been incorporated into the design of the facility and emergency procedures included within the EMS.
- Traffic and transport – increased vehicle movements for light and heavy vehicles identified for the operation phase of the development were concluded to have minimal impact on the surrounding road network. Monitoring and review of turning into Cormorant Road and Egret Street were recommended to be undertaken.

The Operational Traffic Management Plan included within the OEMP incorporates measures for traffic management.

- Air Quality and Odour – the development was assessed to have no detrimental effect on air quality and emissions. Mitigation measures for the management of LPG vessel handling in accordance with relevant Australian Standards were proposed to minimise LPG emissions.
- Noise and Vibration – operational noise impact was assessed to meet the nominated noise criteria at all surrounding premises and comply with the EPA Industrial Noise Policy at all noise sensitive receiver locations. No mitigation measures were recommended.
- Waste management – waste generated during operation was identified to comprise general solid waste, recyclables, used toner cartridges, and cardboard/paper. Waste management measures including limited ordering of materials; segregation to increase reuse and recycling; training; regular monitoring and inspection; and disposal of materials in accordance with licensing/EPA requirements.

Wastes generated during operation are recycled and/or disposed of appropriately off-site. General waste bins collected frequently.

Limited adverse impacts were identified for the operation of the LPG facility. Management measures as identified in the EIS to mitigate any potential impacts have been implemented at the site and no

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<sup>9</sup> Proposed Elgas LPG Depot, Kooragang, NSW Preliminary Hazard Analysis, Doc. No. J-000250-ELG-PHA Revision: 0, 10 July 2017, Arriscar Pty Limited (2017).

detrimental environmental impacts have been identified as part of the facility operation. The constructed facility is contained within the approved site boundary.

### **3.10 Assessment of Environmental Management and Performance**

The implementation of an environmental management system for the operation of the Elgas LPG facility including an OEMP and associated sub-plans combined with procedures for hazardous materials management, traffic management and emergency response, and the implementation of management measures identified in the EIS adequately manages potential and actual environmental impacts associated with the operation of the facility. No detrimental environmental impacts associated with the operation of the facility have been identified.

Following from the previous independent audit, project documentation has been made publicly available via the Elgas web-site compliant with development consent condition C21. Maintenance of the currency of documentation available on the web-site is required.

## 4. Recommendations

Based on an evaluation of compliance with the conditions of consent of SSD 8448, six non-compliances were identified. The following actions should be undertaken to address consent condition non-compliances (as presented in **Table 3.1**):

- Ensure that a review of strategies, plans and programs is undertaken for all future occurrences listed under items a) to d) and notified to the Department as required by condition C8.
- Pre-start up and post-start up Compliance Reports and applicant response to the initial Independent Audit to be made available on the project web-site <https://www.elgas.com.au/welcome-to-elgas/elgas-environmental-monitoring-data/newcastle-depot-kooragang-nsw/>.

## 5. Conclusion

An independent audit has been undertaken following the commencement of operation of a LPG facility in Kooragang. The operational phase audit was required under Condition C18 of Development Consent SSD 8448.

The audit assessed the environmental compliance of the project against the conditions of the development consent and the adequacy of management strategies and plans currently in place. Project documentation and records provided by the client were reviewed and a site inspection was conducted as part of the audit.

A previous environmental audit was completed for the pre-construction and construction phases of the development. This audit addresses activities undertaken during the operation of the development.

The Operation Environmental Management Plan and associated sub-plans forming the Environmental Management System have been reviewed and assessed as adequate to address the requirements under the development consent.

Audit of compliance with SSD 8448 conditions was undertaken. Six non-compliances were identified relating to the operation phase with all non-compliances being of an administrative nature. No actual detrimental impact has occurred as a result of any non-compliance with the consent conditions.

The audit was conducted in accordance with DoPE (2018) *Independent Audit Post Approval Requirements*. Overall, notwithstanding the non-compliances, the environmental management system and plans currently in place are generally adequate in addressing environmental management of the project.

## 6. Limitations

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

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

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

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

## Appendix A Independent Audit Table

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

Site Address: 130 Cormorant Road Kooragang NSW 2304 (Lot 1 DP 1195449)

Development Application No. SSD 8448

Applicant: Sovechles Nominees Pty Ltd

Audit Team Members: Christine Louie, Dominic Hoban

Site Representatives: Mitchell Sovechles (Sovechles Nominees), Patrick Egan (Elgas)

Date: May 2022

ID	CONDITION HEADING	CONSENT CONDITION	COMMENTS / OBSERVATIONS / SUPPORTING DOCUMENTATION	COMPLIANCE STATUS <sup>1</sup>	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS ACTIONS (A) = Address Non-compliances RECOMMENDATIONS (R) = Address Observation
<b>PART A - ADMINISTRATIVE CONDITIONS</b>					
A1	<b>Obligation to minimise harm to environment</b>	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.	<ul style="list-style-type: none"> <li>Traffic Management Plan No. 0051736274, Brown Building Cormorant Rd, Kooragang prepared by Gateshead Traffic Solutions Pty Ltd</li> <li>Mosquito Management Plan, Elgas LPG Storage Facility 130 Cormorant Road Kooragang, dated 16 November 2019 prepared by Craig Cable (2019).</li> <li>Sediment &amp; Erosion Control Plan, Proposed Development 130 Cormorant Rd, Kooragang for Brown Commercial Building, Project No. 9935 Drg No. C02-C Rev C dated 2/12/19, Eclipse Consulting Engineers. Stamped As-built.</li> </ul> <p>Construction of the development has been completed.</p> <p>No changes since previous audit.</p>	Compliant	
A2	<b>Terms of Consent</b>	The development may only be carried out: a) in compliance with the conditions of this consent; b) in accordance with all written directions of the Planning Secretary; c) in accordance with the EIS and Response to Submissions; d) in accordance with Modification Assessments; e) accordance with the Development Layout in Appendix 1; and f) in accordance with the management and mitigation measures in Appendix 2.	Refer to non-compliant consent conditions following.	Non-compliant	Refer to non-compliant conditions following. No action required.
A3	<b>Terms of Consent</b>	Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to: a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and b) the implementation of any actions or measures contained in any such document referred to in Condition A3(a).	No written directions were made by the Planning Secretary during the audit period.	Not triggered	
A4	<b>Terms of Consent</b>	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.	No inconsistencies identified.	Not triggered	

ID	CONDITION HEADING	CONSENT CONDITION	COMMENTS / OBSERVATIONS / SUPPORTING DOCUMENTATION	COMPLIANCE STATUS <sup>1</sup>	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS ACTIONS (A) = Address Non-compliances RECOMMENDATIONS (R) = Address Observation
		<i>Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction of the Planning Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.</i>			
A5	<b>Limits of Consent</b>	<b>Lapsing</b> 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.	<ul style="list-style-type: none"> <li>Letter to The Secretary, NSW Department of Planning and Environment dated 26<sup>th</sup> May 2020, Sovechles Nominees Pty Ltd the trustee for Kooragang Property Trust (emailed 29/5/20) advising of construction commencement on 16/12/19.</li> <li>Email confirmation for the notification of commencement of operation, dated 19/06/2020. Notification of commencement of operation email sent on the 29/05/2021.</li> </ul>	Compliant	
A6	<b>Limits of Consent</b>	<b>LPG Storage</b> The storage of LPG on-site at any given time must not exceed 178 tonnes.	<ul style="list-style-type: none"> <li>Environmental Management Plan, Elgas Newcastle, 165-ELNEW_EMP_Environmental Management Plan, version 1.2 dated 6/8/20, Elgas.</li> </ul> <p>EMP cites 100 kL stored in above ground bulk tank on-site which is equivalent to approximately 51 tonnes.</p>	Compliant	
A7	<b>Notification of Commencement</b>	The date of commencement of each of the following phases of the development must be notified to the Department in writing, at least one month before that date: a) construction; b) operation; and c) cessation of operations.	<ul style="list-style-type: none"> <li>Letter to The Secretary NSW Department of Planning re: Proposed Development Elgas Facility SSD 8448. Copies of Fire Safety Study, Hazard and Operability Study, Final Hazard Analysis and Construction Safety Study submitted to DPIE via email by Mitchell Sovechles on 1/11/19. Letter and email requested approval of documents provided and that commencement of construction was subject to acceptance of submitted documents by DPIE.</li> <li>Construction Certificate No. 00002632, 130 Cormorant Road Kooragang 2304 Lot 1/ DP1195449, DA No. SSD 8448. Issued 5/12/19 for single storey office building, LPG storage building, loading dock and associated car parking. BCA Certifiers (Aust) Pty Ltd.</li> <li>Letter to The Secretary, NSW Department of Planning and Environment dated 26<sup>th</sup> May 2020, Sovechles Nominees Pty Ltd the trustee for Kooragang Property Trust (emailed 29/5/20) advising of construction commencement on 16/12/19.</li> <li>Email confirmation for the notification of commencement of operation, dated 19/06/2020. Notification of commencement of operation email sent on the 29/05/2021.</li> </ul>	Compliant	
A8	<b>Notification of Commencement</b>	If the construction or operation of the development is to be staged, the Department must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.	Development is not staged.	Not triggered	
A9	<b>Evidence of Consultation</b>	Where conditions of this consent require consultation with an identified party, the Applicant must: a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and b) provide details of the consultation undertaken including: (i) the outcome of that consultation, matters resolved and unresolved; and (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.	<ul style="list-style-type: none"> <li>Email from Elgas to Sovechles Nominees, dated 7 August 2020, Titled: Development Consent Requirements – Elgas Facility.</li> </ul> <p>Email shows consultation with Mary Ellen Trimble (Industry Assessments   Department of Planning, Industry and Environment) in relation to the OEMP and OTMP.</p>	Compliant	

ID	CONDITION HEADING	CONSENT CONDITION	COMMENTS / OBSERVATIONS / SUPPORTING DOCUMENTATION	COMPLIANCE STATUS <sup>1</sup>	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS ACTIONS (A) = Address Non-compliances RECOMMENDATIONS (R) = Address Observation
A10	<b>Staging, Combining and Updating Strategies, Plans or Programs</b>	With the approval of the Planning Secretary, the Applicant may: a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program); b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).	No strategies, plans or programs have been staged.	Not triggered	
A11	<b>Staging, Combining and Updating Strategies, Plans or Programs</b>	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.		Not triggered	
A12	<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.		Not triggered	
A13	<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.	No changes since previous Audit	Compliant	
A14	<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. <i>Note: This condition does not apply to any damage to roads caused as a result of general road usage.</i>	No change since previous Audit	Not triggered	
A15	<b>Demolition</b>	All demolition must be carried out in accordance with Australian Standard AS 2601-2001 The Demolition of Structures (Standards Australia, 2001).	No changes since previous Audit	Not triggered	
A16	<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. <i>Note:</i> <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>	<ul style="list-style-type: none"> <li>Construction Certificate No. 00002632, 130 Cormorant Road Kooragang 2304 Lot 1/ DP1195449, DA No. SSD 8448. Issued 5/12/19 for single storey office building, LPG storage building, loading dock and associated car parking. BCA Certifiers (Aust) Pty Ltd.</li> <li>Letter to BCA Certifiers Australia Pty Ltd, Balustrade Installation Certificate Re: 130 Cormorant Road, Kooragang – Elgas Storage Facility dated 28 April 2020, Brownbuild Commercial Building Pty Ltd.</li> <li>Compliance Certificate – Construction Structural, Elgas Storage Facility 130 Cormorant Road, Kooragang for concrete footings to store building &amp; cylinder filling dock, concrete waffle slab to office building, concrete slab on ground to store building, structural steel floor framing &amp; columns to cylinder filling dock,</li> </ul>	Compliant	

ID	CONDITION HEADING	CONSENT CONDITION	COMMENTS / OBSERVATIONS / SUPPORTING DOCUMENTATION	COMPLIANCE STATUS <sup>1</sup>	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS ACTIONS (A) = Address Non-compliances RECOMMENDATIONS (R) = Address Observation
			<p>and structural steel roof framing to office, store building &amp; cylinder filling dock ref: 9935-010-cccs issued to Brown Commercial Building, 1 May 2020, Eclipse Consulting Engineers Pty Ltd.</p> <p>Balustrade installation work certified as being undertaken in accordance with details provided in Structural Documentation for the project. Compliance certificate based on various Australian Standards and Building Code of Australia BCA/NCC 2019 Part B1: Structural Provisions.</p> <ul style="list-style-type: none"> <li>Final Occupation Certificate No. 00002632, 130 Cormorant Road Kooragang 2304 Lot 1/ DP1195449, DA No. SSD 8448. Issued 21/05/2020 for single storey office building, Storage building and loading dock and associated car parking. BCA Certifiers (Aust) Pty Ltd.</li> </ul>		
A17	<b>Compliance</b>	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.	<ul style="list-style-type: none"> <li>Site Induction Acknowledgement, Newcastle Depot (Sept 2021) ELGAS Newcastle Depot</li> </ul> <p>All site personnel are inducted into the requirements for working at the site. A completed form was provided for review. Items covered in the induction cover all relevant aspects of this consent</p>	Compliant	
A18	<b>Development Contributions</b>	Before the issue of a construction certificate for any part of the development, a payment of a levy of 1% of the proposed cost of carrying out the development must be paid to Council under section 7.12 of the EP&A Act.	<ul style="list-style-type: none"> <li>Tax Invoice for s7.12 levy – Part A dated 26/11/19 issued by City of Newcastle</li> <li>Receipt for s7.12 levy – Part A dated 27/11/19 issued by City of Newcastle</li> </ul> <p>s7.12 paid to Council prior to issue of construction certificate.</p>	Compliant	
A19	<b>Operation Of Plant And Equipment</b>	All plant and equipment used on site, or to monitor the performance of the development must be: <ul style="list-style-type: none"> <li>a) maintained in a proper and efficient condition; and</li> <li>b) operated in a proper and efficient manner.</li> </ul>	<ul style="list-style-type: none"> <li>ELGAS Operations and Safety Management System website (screenshot)</li> <li>ELGAS Maintenance Application Portal (EMAP) screenshot</li> </ul> <p>Screenshot of plant equipment maintenance records register. Ten assets shown for the Kooragang site with maintenance dates for each equipment item. EMAP platform viewed by Auditor during site inspection.</p> <p>The Elgas Operations and Safety Management System provides a comprehensive register of plant and equipment maintenance. Conditions A19 a) and A19 b) met.</p>	Compliant	
A20	<b>External Walls and Cladding</b>	The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.	No changes since previous Audit	Compliant	
A21	<b>External Walls and Cladding</b>	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.	No changes since previous Audit	Compliant	
A22	<b>External Walls and Cladding</b>	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.	The relevant works were assessed during the previous audit.	Not Triggered	
A23	<b>Utilities and Services</b>	Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.		Not Triggered	

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A24	Utilities and Services	Before the commencement of operation of the development, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 50 of the Hunter Water Act 1991.	<ul style="list-style-type: none"> <li>Certificate of Compliance – for Plumbing and Drainage Work, 130 Cormorant Street Kooragang for work completed 29/4/20, Reference No. AA201938006. NSW Fair Trading.</li> </ul>	Compliant	
A25	Utilities and Services	Before the issue of a Subdivision or Construction Certificate for any stage of the development the Applicant (whether or not a constitutional corporation) is to provide evidence, satisfactory to the Certifying Authority, that arrangements have been made for: <ol style="list-style-type: none"> <li>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</li> <li>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.</li> </ol>	No changes since previous Audit	Compliant	
A26	Utilities and Services	The Applicant must demonstrate that the carrier has confirmed in writing they are satisfied that the fibre ready facilities are fit for purpose.	<ul style="list-style-type: none"> <li>Email from Elgas Infrastructure Manager confirming that NBN services were connected as of 19/5/20</li> </ul>	Compliant	
A27	Work As Executed Plans	Before the issue of the final Occupation Certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the PCA.	<ul style="list-style-type: none"> <li>Proposed Development 130 Cormorant Rd, Kooragang, For Brown Commercial Building, Stormwater Drainage Plan. Work as Executed information shown in red as surveyed 5 May 2020 by Delfs Lascelles Consulting Surveyors.</li> </ul>	Compliant	
A28	Applicability of Guidelines	References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.	Noted	-	
A29	Applicability of Guidelines	However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.	No documentation has been provided indicating that the Planning Secretary has requested the compliance with any updated or revised guidelines or Standards in it's directions to the Applicant.	Not triggered	
AN1	Advisory Notes	All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.	Noted. Advised by the Applicant as being undertaken.	-	
<b>PART B – SPECIFIC ENVIRONMENTAL CONDITIONS</b>					
<b>Hazards And Risks</b>					
B1	Terms of Approval	The Applicant must implement all recommendations listed in the PHA.	<ul style="list-style-type: none"> <li>Letter to Sovechles Nominees Pty Ltd, Re: ELGAS Action &amp; Status as per recommendations from: Arriscar (10 July 2017, 25 October 2019, 28 October 2019), dated 30 October 2020 from Elgas Limited. Letter provided status of actions taken in response to Arriscar recommendations with no outstanding items.</li> </ul> <p>Elgas advises (email correspondence with Sovechles Nominees dated 28/9/20) that all PHA recommendations applicable to the construction and operational phases have been implemented.</p>	Compliant	

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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	Aerial photography and maps indicate that the 5 per million per year individual fatality risk contour encroaches slightly on the Coles Express service station site as discussed in the PHA. No other commercial development is located within the risk contour.	Compliant	
B3	<b>Pre-Construction</b>	<p>At least one month prior to the commencement of construction of the development (except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as the Planning Secretary may agree, the Applicant must prepare and submit for the approval of the Planning Secretary the studies set out under subsections (a) to (d) below (the pre-construction studies). Construction, other than of preliminary works, must not commence until approval has been given by the Planning Secretary and, with respect to the Fire Safety Study, approval has also been given by Fire and Rescue NSW.</p> <p>a) A <b>Fire Safety Study</b> for the development. This study must cover the relevant aspects of the Department's <i>Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study Guidelines'</i> and the <i>New South Wales Government's Best Practice Guidelines for Contaminated Water Retention and Treatment Systems</i> (NSW HMPCC, 1994). The study must also be submitted to Fire and Rescue NSW for approval.</p> <p>b) A <b>Hazard and Operability Study</b> for the development, chaired by a qualified person, independent of the development, approved by the Planning Secretary prior to the commencement of the study. The study must be carried out in accordance with the Department's <i>Hazardous Industry Planning Advisory Paper No. 8, 'HAZOP Guidelines'</i>. The study report must be accompanied by a program for the implementation of all recommendations made in the report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented.</p> <p>c) A <b>Final Hazard Analysis</b> of the development, prepared in accordance with the Department's <i>Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'</i>. The Final Hazard Analysis must:</p> <ol style="list-style-type: none"> <li>report on the implementation of the recommendations under Condition B1; and</li> <li>develop a Risk Reduction Program to minimise the risk to the adjoining land.</li> </ol> <p>d) A <b>Construction Safety Study</b>, prepared in accordance with the Department's <i>Hazardous Industry Planning Advisory Paper No. 7 'Construction Safety'</i>. For developments in which the construction period exceeds six months, the commissioning portion of the Construction Safety Study may be submitted two months prior to commencement of commissioning.</p> <p>e)</p>	No changes since previous Audit	Not triggered	
B4	<b>Pre-Commissioning</b>	<p>The Applicant must develop and implement the plans and systems set out under subsections (a) to (b) below. No later than two months prior to the commencement of commissioning of the development, or within such further period as the Planning Secretary may agree, the Applicant must submit for the approval of the Planning Secretary documentation describing those plans and systems. Commissioning must not commence until approval has been given by the Planning Secretary.</p> <p>a) a consolidated comprehensive Emergency Plan and detailed emergency procedures for all developments within Lot 1 DP1195449. The Emergency Plan must include consideration of the safety of all people outside of the development who may be</p>	<ul style="list-style-type: none"> <li>Approval of OEMP Letter dated, 23 October 2020, titled: <i>Kooragang LPG Storage Facility (SSD 8448) Approval of the Operational Environmental Management Plan</i>, approval of the OEMP is effective from 20 October 2020, from Planning Secretary delegate, DPIE.</li> <li><i>Safety Management System Element 12 – Environmental Management – Dated October 2019 – ELGGEN-HSE-114 – Environmental Management, V2.0, ELGAS 2019</i></li> <li><i>Newcastle (Kooragang) Emergency Plan, Dated November 2021, ELGNEW-HSE ELGAS Newcastle (Kooragang) Emergency Plan (V1.3 November 2021), ELGAS 2021</i></li> </ul>	Compliant	

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		<p>at risk from the development. The plan must address evacuation procedures for the neighbouring facilities occupying Lot 1 DP1195449. The plan must be prepared in accordance with the Department's <i>Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'</i> and in consultation with the neighbouring facilities occupying Lot 1 DP 1195449.</p> <p>b) a document setting out a comprehensive Safety Management System, covering all on-site operations and associated transport activities involving hazardous materials. The document must clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. Records must be kept on-site and must be available for inspection by Planning Secretary upon request. The Safety Management System must be developed in accordance with the Department's <i>Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'</i>.</p>	<p>The Emergency Plan was reviewed by Fire and Rescue NSW and considered to be consistent with <i>AS 3745-2010 Planning for emergencies in facilities</i> and satisfies obligations under clause 631 of the <i>Work Health and Safety Regulation 2017</i>. The Emergency Plan and Safety Management System forms part of the OEMP. The Environmental Management Plan was submitted to DPIE on 8 August 2020 but approval was pending submission of a Water Management Plan under consent condition B26 (modification application had not been approved at that time).</p>		
B5	<b>Pre-Startup</b>	<p>One month prior to the commencement of operation of the development, the Applicant must submit to the Planning Secretary, a Pre-Startup Compliance Report detailing compliance with conditions B3 and B4 on this consent, including:</p> <p>a) dates of study/plan/system submission, approval, commencement of construction and commissioning;</p> <p>b) actions taken or proposed, to implement recommendations made in the studies/plans/systems; and</p> <p>c) responses to any requirement imposed by the Planning Secretary under Condition A2(b).</p>	<ul style="list-style-type: none"> <li>Elgas Kooragang Depot Pre-Start Up Compliance Report, 15/05/2020. Elgas National Technical (2020).</li> <li>Email from DPIE, dated 21/07/2020, Titled: SSD8448 – Elgas Kooragang Island – Recent emails and comments on the development's operational management plans. Email recognises the submission of a Pre-start up compliance report to DPIE on the 15/05/2020 – DPIE reviewed the pre-start up compliance report and had no comments to provide.</li> </ul>	Compliant	
B6	<b>Post-Startup</b>	<p>Three months after the commencement of operation of the development, the Applicant must submit to the Planning Secretary, a Post-Startup Compliance Report verifying that:</p> <p>a) the Emergency Plan required under Condition B4(a) is effectively in place and that at least one emergency exercise has been conducted; and</p> <p>b) the Safety Management System required under Condition B4(b) has been fully implemented and that records required by the system are being kept.</p>	<ul style="list-style-type: none"> <li>Post-start up Compliance report – Elgas liquified Petroleum Gas Storage and Distribution Facility (SSD8448), 130 Cormorant Road Kooragang (Lot1 DP1195449), January 2021 Metroplan Services</li> <li>Lodgement confirmation from DPIE – Elgas Storage Facility Kooragang – SSD-8848-PA-21.</li> <li>Email from DPIE, dated 12/1/2021, Titled: Elgas Storage Facility Kooragang – (SSD-8448-PA-21). Email confirmed recent application for Elgas Storage Facility Kooragang (SSD-8448-PA-21).</li> </ul> <p>The Post Startup Compliance Report reported that operation commenced on 23 October 2020. The Post Startup Compliance Report was submitted to DPIE within three months of the reported operation commencement date and addressed items a) and b).</p>	Compliant	
B7	<b>Hazard Audit</b>	<p>Within twelve months after the commencement of operation and every three years thereafter, or at such intervals as the Planning Secretary may agree, the Applicant must carry out a comprehensive Hazard Audit of the development. The audits must:</p> <p>a) be carried out at the Applicant's expense by a qualified person or team, who have been approved by the Planning Secretary and are independent of the development;</p> <p>b) be carried out in accordance with the Department's <i>Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit Guidelines'</i>;</p> <p>c) include a review of the site Safety Management System and a review of all entries made in the incident register since the previous audit; and</p> <p>d) report on the implementation of the Risk Reduction Program required under Condition B3.</p>	<ul style="list-style-type: none"> <li>Approval of Hazard Auditor Mr. Chris King of BOC limited -Email from DPIE to Sovechles Nominees, dated 22/09/2021, Titled: Approval of 2021 Hazard Auditor – Elgas Kooragang Island (SSD 8448)</li> <li>Submission of Hazard Audit Extension Request to DPIE. Email, dated 6 October 2021, Titled: SSD 8448 – 130 Cormorant Road Kooragang – Liquified Petroleum Gas Storage and Distribution Facility – Condition B7 Hazard Audit.</li> <li>Email response from DPIE representative Joel Curran with confirmation of extension of Hazard Audit by 12 months. Email dated 2/11/2021</li> </ul> <p>Due date for Hazard Audit has been extended to end of October 2022.</p>	Not triggered	

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B8	<b>Hazard Audit</b>	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.		Not triggered	
B9	<b>Further Requirements</b>	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.	<ul style="list-style-type: none"> <li>Letter to Elgas Ltd, RE: Notification of Hazardous Chemicals on Premises, PREMISES: 130 Cormorant Rd, Kooragang NSW 2304, Australia, NDG200406, 29 June 2020. SafeWork NSW (2020).</li> <li>Elgas Newcastle (Kooragang) Emergency Plan, ELGNEW-HSE-115, V 1.3 September 2020.</li> </ul> <p>The Emergency Plan lists dangerous goods stored on-site as LPG gas and paint aerosol cans stored in flame safe cabinets in the dock and a site shed. Observations made during the site inspection noted LPG gas as being the main chemical stored at the facility with minor quantities of aerosol paints stored in a chemical cabinet.</p>	Compliant	
B10	<b>Further Requirements</b>	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.	Noted	Not triggered	
B11	<b>Dangerous Goods</b>	Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with: a) all relevant Australian Standards; b) for liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and c) the Environment Protection Manual for <i>Authorised Officers: Bunding and Spill Management- technical bulletin</i> (EPA, 1997).	<ul style="list-style-type: none"> <li>Letter to Elgas Ltd, RE: Notification of Hazardous Chemicals on Premises, PREMISES: 130 Cormorant Rd, Kooragang NSW 2304, Australia, NDG200406, 29 June 2020. SafeWork NSW (2020).</li> <li>Elgas Newcastle (Kooragang) Emergency Plan, ELGNEW-HSE-115, V 1.3 September 2020.</li> <li>Letter to Elgas Limited, Re: Review of emergency plan for Elgas Newcastle, 130 Cormorant Road, Kooragang Island (SafeWork NSW Ref. no. NDG200406), 24 September 2020. NSW Fire + Rescue (2020).</li> <li>Notification of Schedule 15 chemicals, Elgas Newcastle Part Lot 1 DP 1195449 130 Cormorant Road Kooragang NSW 2204 (SafeWork NSW Ref. no. 20-321 2020/010466), 24 February 2021. SafeWork NSW.</li> </ul> <p>Letter from FRNSW provides approval for implementation of the Emergency Plan. SafeWork NSW determined the site not to be a major hazard facility.</p> <p>Observations made during the site inspection noted LPG gas as being the main chemical stored at the facility with minor quantities of aerosol paints stored in a chemical cabinet.</p>	Compliant	
B12	<b>Dangerous Goods</b>	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	No inconsistencies identified.	Not triggered	
<b>Traffic and Access</b>					
B13	<b>Construction Traffic Management Plan</b>	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.	Construction phase was not audited during this audit period.	Not triggered	
B14	<b>Roadworks and Access</b>	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	<ul style="list-style-type: none"> <li>Compliance Certificate – Construction Civil/Stormwater, Elgas Storage Facility 130 Cormorant Road, Kooragang for sediment and erosion control, stormwater drainage including on-site detention, external pavement and access and parking, ref: 9935-010-cccc issued to Brown Commercial Building, 8 May 2020, Eclipse Consulting Engineers Pty Ltd.</li> </ul>	Compliant	

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		facilities Off-street commercial vehicle facilities (Standards Australia, 2002).	<ul style="list-style-type: none"> <li>Letter to BCA Certifiers Australia Pty Ltd, Roadworks &amp; Access Re: 130 Cormorant Road, Kooragang – Elgas Storage Facility dated 15 May 2020, Brownbuild Commercial Building Pty Ltd.</li> </ul> <p>Compliance Certificate based on various guidelines including AS/NZS 2890.1:2004 and AS2890.2:2002.</p> <p>Letter stating that internal roads, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions associated with the development have been constructed in accordance with A2890.1:2004 (sic) Parking Facilities (off-street parking) and AS290.2.2002 Parking Facilities (off-street commercial vehicle facilities).</p>		
B15	<b>Roadworks and Access</b>	All road works associated with the development must be undertaken at full cost to the Applicant.	The Applicant advises that all road works associated with the development were undertake at the Applicant's cost.	Compliant	
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 AUSTRROADS guidelines.	<ul style="list-style-type: none"> <li>B-Double Tanker Truck Turning, Lot 1 Cormorant Road Kooragang, DWG No: 10, Revision 1, 29/4/20.</li> </ul> <p>Swept path of B-double designed in accordance with Austroads 2013 (AU).</p>	Compliant	
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.	<ul style="list-style-type: none"> <li>Letter to NSW Department of Planning &amp; Environment Industry Assessments, Cormorant Road (B63): SSD 8448, Kooragang Liquefied Petroleum Gas ('LPG') Storage Facility, Part Lot: 1 DP: 1195449, 130 Cormorant Road, Kooragang from NSW Roads &amp; Maritime Services. CR 2017/004317, SF2013/170831, KAP, 16 April 2018.</li> </ul> <p>Letter advises that Roads and Maritime has no objection to or requirements for the development. Matters referred to DPE for determination included vehicle entry and exit direction, and manoeuvring of services vehicles.</p>	Compliant	
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.	<ul style="list-style-type: none"> <li>Construction Certificate Proposed Site Plan Drawing No. 01 Revision 6, 28/11/19. Brownbuild Commercial Building.</li> </ul> <p>Parking details provided on site plan include parking for site personnel in front of office building and for trucks in front of cylinder filling dock.</p> <p>Cormorant Road was observed to be free of parked cars and trucks during the site inspection.</p>	Compliant	
B19	<b>Operational Traffic Management Plan</b>	<p>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:</p> <ol style="list-style-type: none"> <li>be prepared by a suitably qualified and experienced person(s);</li> <li>be prepared in consultation with Port of Newcastle;</li> <li>describe how the requirements of Condition B21 will be met;</li> <li>detail the on-site traffic control measures to prevent vehicular collision and control the manoeuvring of vehicles in designated areas;</li> <li>detail the measures that are to be implemented to ensure road safety and network efficiency during operation;</li> <li>detail heavy vehicle routes, access, parking arrangements and pedestrian management;</li> <li>include a Driver Code of Conduct to: <ol style="list-style-type: none"> <li>minimise the impacts on the local and regional road network;</li> <li>minimise conflicts with other road users;</li> <li>minimise road traffic noise; and</li> <li>ensure truck drivers use specified routes;</li> </ol> </li> <li>include a program to monitor the effectiveness of these measures.</li> </ol>	<ul style="list-style-type: none"> <li>Operational Traffic Management Plan, Elgas Depot – 130 Cormorant Road Kooragang NSW, V1.2 06/08/2020, SOP_300_008_Depot_Traffic Management Plan</li> <li>Letter to Sovechles Nominees Pty Ltd dated 28/8/20 from DPIE. Elgas LPG Storage Facility Operational Management Plan (SSD-8448). Approval of Operational Traffic Management Plan, Flood Emergency Response and Mosquito Management Plan.</li> <li>Operational Traffic Management Plan, prepared by Elgas Pty Ltd, 2 November 2021, Version 1.3.</li> </ul> <p>The Operational Traffic Management Plan addresses conditions a) to h)</p>	Compliant	

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B20	<b>Operational Traffic Management Plan</b>	The Applicant must: a) not commence operation until the Operational Traffic Management Plan required by Condition B19 is approved by the Planning Secretary; and b) implement the most recent version of the Operational Traffic Management Plan approved by the Planning Secretary for the duration of operation.	<ul style="list-style-type: none"> <li>Letter to Sovechles Nominees Pty Ltd dated 28/8/20 from DPIE. Elgas LPG Storage Facility Operational Management Plan (SSD-8448). Approval of Operational Traffic Management Plan, Flood Emergency Response and Mosquito Management Plan.</li> <li>Operational Traffic Management Plan, prepared by Elgas Pty Ltd, 2 November 2021, Version 1.3.</li> </ul> <p>The Operational Traffic Management Plan was approved prior to commencement of operation. Version 1.3 of the Traffic Management Plan had not been accepted by the Planning Secretary at the time of completion of this audit.</p>	Compliant	
B21	<b>Operating Conditions</b>	The Applicant must ensure: a) the development does not result in any vehicles queuing on the public road network; b) all vehicles enter and exit the site in a forward direction; c) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site; d) all vehicles are wholly contained on site before being required to stop; e) all loading and unloading of materials is carried out on-site; f) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network; and g) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.	<ul style="list-style-type: none"> <li>Operational Traffic Management Plan, Elgas Depot – 130 Cormorant Road Kooragang NSW, V1.2 06/08/2020, SOP_300_008_Depot_Traffic Management Plan</li> <li>Operational Traffic Management Plan, prepared by Elgas Pty Ltd, 2 November 2021, Version 1.3.</li> </ul> <p>Conditions a) to g) observed to be compliant during site inspection – see photos.</p>	Compliant	
<b>Soils, Water Quality and Hydrology</b>					
B22	<b>Imported Soil</b>	The Applicant must: a) ensure that only VENM or ENM is brought onto the site; b) keep accurate records of the volume and type of fill to be used; and c) make these records available to the Department upon request.	<ul style="list-style-type: none"> <li>Letter to BCA Certifiers Australia Pty Ltd, Imported Soil (Condition B22) Re: 130 Cormorant Road, Kooragang – Elgas Storage Facility dated 28 April 2020, Brownbuild Commercial Building Pty Ltd.</li> </ul> <p>Letter confirming that no fill was brought onto site for development works.</p>	Not triggered	
B23	<b>Erosion and Sediment Control</b>	Prior to the commencement of any construction or other surface disturbance the Applicant must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the <i>Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book</i> (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP required by Condition C2.	The facility had already been constructed on engagement of the auditor. The previous audit confirmed that the Compliance Certificate certified that civil/stormwater design has been undertaken in accordance with the <i>Blue Book Management Urban Stormwater 2004 – Soils and Construction</i> 4th edition and nominated Australian Standards and City of Newcastle Council guidelines.	Compliant	
B24	<b>Stormwater Management System</b>	Prior to the commencement of operation, the Applicant must design, install and operate a stormwater management system for the development. The system must: a) be designed by a suitably qualified and experienced person(s); b) be generally in accordance with the conceptual design in the EIS; c) be designed to meet the stormwater quantity and water quality criteria within the Newcastle Development Control Plan 2012; d) be in accordance with applicable Australian Standards; and e) ensure that the system capacity has been designed in accordance with <i>Australian Rainfall and Runoff</i> (Engineers Australia, 2016) and <i>Managing Urban Stormwater: Council Handbook</i> (EPA, 1997) guidelines.	Stormwater management connected to adjacent Shell site <ul style="list-style-type: none"> <li>As built drawings</li> <li>Compliance Certificate – Design CIVIL/STORMWATER, 15 November 2019, Eclipse Consulting Engineers, Ref:9935-005-ccdc</li> </ul> <p>B24 conditions a) to e) are satisfied</p>	Compliant	
B25	<b>Stormwater Management System</b>	The Applicant must ensure the stormwater management system is identified and sign-posted in accordance with Council's <i>Stormwater and Water Efficiency for Development Technical Manual</i> . Details must be included in the application for a Construction Certificate.	<ul style="list-style-type: none"> <li>Construction Certificate No. 00002632, 130 Cormorant Road Kooragang 2304 Lot 1/ DP1195449, DA No. SSD 8448. Issued 5/12/19 for single storey office building, LPG storage building, loading dock and associated car parking. BCA Certifiers (Aust) Pty Ltd.</li> </ul>	Compliant	

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B28	<b>Groundwater Management</b>	If groundwater is encountered during construction, the Applicant must obtain all necessary licences or, if required, approval from DOI.	<ul style="list-style-type: none"> <li>Letter to BCA Certifiers Australia Pty Ltd, Groundwater Management (Condition B28) Re: 130 Cormorant Road, Kooragang – Elgas Storage Facility dated 28 April 2020, Brownbuild Commercial Building Pty Ltd.</li> </ul> <p>Letter confirming that no groundwater was encountered during the development works.</p>	Not triggered	
B29	<b>Groundwater Management</b>	<p>Prior to the commencement of construction, the Applicant must prepare a Groundwater Contingency Plan to the satisfaction of the Planning Secretary. The Groundwater Contingency Plan must form part of the CEMP required by Condition C2. The Groundwater Contingency Plan must:</p> <ol style="list-style-type: none"> <li>define the triggers that activate the Groundwater Contingency Plan;</li> <li>identify the protocols that will be implemented should the Groundwater Contingency Plan be triggered, including the preparation of a Groundwater Management Plan;</li> <li>identify all potential groundwater licences or approvals that may be required should the Groundwater Contingency Plan be triggered;</li> <li>define the timeframes for: <ol style="list-style-type: none"> <li>notifying DOI if the Groundwater Contingency Plan is triggered;</li> <li>implementing the protocols under paragraph (b) above; and</li> <li>submitting the Groundwater Management Plan to DOI.</li> </ol> </li> </ol>	No changes since previous Audit	Not triggered	
B30	<b>Groundwater Management</b>	<p>The Applicant must:</p> <ol style="list-style-type: none"> <li>not commence construction until the Groundwater Contingency Plan required by Condition B29 is approved by the Planning Secretary; and</li> <li>implement the most recent version of the Groundwater Contingency Plan approved by the Planning Secretary for the duration of the development.</li> </ol>		Not triggered	
<b>Aboriginal Heritage</b>					
B31	<b>Aboriginal Heritage</b>	The Applicant must ensure all staff are aware of their statutory obligations for heritage under the <i>National Parks and Wildlife Act 1974</i> and the <i>Heritage Act 1977</i> .	<ul style="list-style-type: none"> <li>Site Induction Acknowledgement, Newcastle Depot (Sept 2021) ELGAS Newcastle Depot</li> </ul> <p>A completed form was provided for review. Acknowledgement that the site is built on the Traditional land of the Awabakal and Worimi peoples one of the checks.</p>	Compliant	
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.	A plaque has been installed and was observed in place during the site inspection, see photos	Compliant	
B33	<b>Unexpected Finds Protocol</b>	<p>If any item or object of Aboriginal heritage significance is identified on site:</p> <ol style="list-style-type: none"> <li>all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;</li> <li>a 10 m wide buffer area around the suspected item or object must be cordoned off; and</li> <li>the OEH must be contacted immediately.</li> </ol>	The applicant advises that no items of Aboriginal heritage significance have been encountered	Not triggered	
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 <i>National Parks and Wildlife Act 1974</i> .		Not triggered	

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<b>Air Quality</b>					
B35	<b>Dust Minimisation</b>	The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.	Site is either paved or landscaped – there is no risk of dust generation.	Compliant	
B36	<b>Dust Minimisation</b>	During construction, the Applicant must ensure that: <ul style="list-style-type: none"> <li>a) exposed surfaces and stockpiles are suppressed by regular watering;</li> <li>b) all trucks entering or leaving the site with loads have their loads covered;</li> <li>c) trucks associated with the development do not track dirt onto the public road network;</li> <li>d) public roads used by these trucks are kept clean; and</li> <li>e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.</li> </ul>	No changes since last audit	Compliant	
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).	<ul style="list-style-type: none"> <li>• Proposed LPG Depot, Kooragang, NSW Odour Impact and Greenhouse Gas Emission Study, 26 February 2018, Arriscar Pty Limited, Doc. No.: J-000030-ELG-OU Revision 0</li> </ul> <p>The study found that the odour impact from the proposed depot operations would not be significant and satisfies the NSW EPA targets. No odours were observed at the time of the site inspection.</p>	Compliant	
<b>Noise</b>					
B38	<b>Hours of Work</b>	The Applicant must comply with the hours detailed in Table 1.  <b>Table 1</b> Hours of Work  Earthworks and construction: Monday-Friday: 7 am to 6 pm Saturday: 8 am to 1 pm  Operation: Monday-Sunday: 24 hours	<ul style="list-style-type: none"> <li>• Modification 2 of Development Consent SSD-8448-Mod-2, dated 6/08/2021, ref: EF21/8598.</li> </ul>	Compliant	
B39	<b>Hours of Work</b>	Works outside of the hours identified in Condition B38 may be undertaken in the following circumstances: <ul style="list-style-type: none"> <li>a) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or</li> <li>b) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.</li> </ul>	<ul style="list-style-type: none"> <li>• The Applicant advises that no work was undertaken outside of the specified operations work hours prior to MOD 2</li> </ul>	Compliant	
<b>Waste Management</b>					
B40	<b>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.	Elgas reports that all wastes are taken off-site to licensed waste management facilities. Waste streams are separated into: <ul style="list-style-type: none"> <li>• General waste</li> <li>• Cardboard recycling</li> <li>• Secure waste</li> <li>• Scrap metal</li> </ul> Waste management records were provided for viewing by Elgas.	Compliant	
B41	<b>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 <i>Waste Classification Guidelines Part 1: Classifying Waste</i> (EPA, 2014) and dispose of all wastes to a facility that may lawfully accept the waste.	The Applicant advises that no wastes requiring classification have been disposed of off-site.	Not triggered	

ID	CONDITION HEADING	CONSENT CONDITION	COMMENTS / OBSERVATIONS / SUPPORTING DOCUMENTATION	COMPLIANCE STATUS <sup>1</sup>	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS ACTIONS (A) = Address Non-compliances RECOMMENDATIONS (R) = Address Observation
B42	<b>Statutory Requirements</b>	Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.	The Applicant advises that no wastes were received at the site.	Not triggered	
B43	<b>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.	ELGAS confirmed general wastes are collected between the appropriate Example: General waste bin collected at 9:05am 08/09/2021.	Compliant	
<b>Contamination</b>					
B44	<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.	No changes since previous Audit	Not Triggered	
<b>Visual Amenity</b>					
B45	<b>Landscaping</b>	The Applicant must ensure landscaping works are completed in accordance with the plans identified in Table 2.  <b>Table 2</b> 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	<ul style="list-style-type: none"> <li>Letter to BCA Certifiers Australia Pty Ltd, Landscaping Installation Certificate Re: 130 Cormorant Road, Kooragang – Elgas Storage Facility dated 28 April 2020, Brownbuild Commercial Building Pty Ltd.</li> </ul> <p>Letter stated that landscaping works undertaken at the site complies with all details referenced in the relevant documentation for the project.</p> <p>Landscaping observed during site inspection – see photos.</p>	Compliant	
B46	<b>Lighting</b>	The Applicant must ensure the lighting associated with the development: a) complies with the latest version of AS 4282-1997 - <i>Control of the obtrusive effects of outdoor lighting</i> (Standards Australia, 1997); and b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.	<ul style="list-style-type: none"> <li>Certification of Essential Services, Certification of Electrical Work Brown Commercial Building, Elgas storage facility, 130 Cormorant Rd Kooragang NSW, 27 April 2020, Todd Bowd Electrical Services Pty.</li> </ul> <p>Certificate stated that essential services have been installed in accordance with standards including control of external lighting (AS/NZS 4282-1997) and that installed in accordance with BCA requirements and complies with AS 3000.</p> <p>It is noted that the development is located in an industrial setting</p>	Compliant	
B47	<b>Lighting</b>	The Applicant must ensure adequate lighting is provided for after-hours access by tanker drivers.	<ul style="list-style-type: none"> <li>Certification of Essential Services, Certification of Electrical Work Brown Commercial Building, Elgas storage facility, 130 Cormorant Rd Kooragang NSW, 27 April 2020, Todd Bowd Electrical Services Pty.</li> </ul> <p>Certificate states that external lighting has been installed in accordance with AN/NZS 1158.3.1-2018 Pedestrian lighting. The Applicant confirmed during the site interview that all external lighting is on during non-daylight hours ensuring sufficient lighting for tanker drivers.</p>	Compliant	
B48	<b>Signage and Fencing</b>	All signage and fencing must be erected in accordance with the development plans included in the EIS. <i>Note: This condition does not apply to temporary construction and safety related signage and fencing.</i>	No changes since previous audit.	Compliant	
B49	<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.	No changes since previous audit.	Compliant	
<b>Mosquito Management</b>					
B50		The Applicant must implement the <i>Mosquito Management Plan - Proposed Elgas Facility</i> , prepared for Sovechles Nominees Pty Ltd, for the duration of the construction and operation of the development to minimise breeding sites for nuisance biting and disease transmitting mosquitos.	<ul style="list-style-type: none"> <li>Mosquito Management Plan, Elgas LPG Storage Facility 130 Cormorant Road Kooragang, V1.2, dated August 2020 prepared by Craig Cable.</li> <li>Approval of Mosquito Management Plan. Letter dated 28 August 2020, Titled: Elgas LPG Storage Facility Operational Environmental Management Plan (SSD-</li> </ul>	Compliant	

ID	CONDITION HEADING	CONSENT CONDITION	COMMENTS / OBSERVATIONS / SUPPORTING DOCUMENTATION	COMPLIANCE STATUS <sup>1</sup>	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS ACTIONS (A) = Address Non-compliances RECOMMENDATIONS (R) = Address Observation
			<p>8448). The department has reviewed and approved the Mosquito Management Plan, prepared by Craig Cable, dated August 2020, Version 1.</p> <ul style="list-style-type: none"> <li>Mosquito Management Plan, prepared by Craig Cable, dated November 2021, Version 1.3.</li> </ul> <p>The Mosquito Management Plan concluded that measures are in place to reduce mosquito breeding sites and noted that the majority of the site is paved with staff generally employed indoors.</p>		
<b>PART C – ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING</b>					
<b>Environmental Management</b>					
C1	<b>Management Plan Requirements</b>	<p>Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:</p> <p>a) details of:</p> <ul style="list-style-type: none"> <li>(i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);</li> <li>(ii) any relevant limits or performance measures and criteria; and</li> <li>(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;</li> </ul> <p>b) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;</p> <p>c) a program to monitor and report on the:</p> <ul style="list-style-type: none"> <li>(i) impacts and environmental performance of the development;</li> <li>(ii) effectiveness of the management measures set out pursuant to paragraph (b) above;</li> </ul> <p>d) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;</p> <p>e) a program to investigate and implement ways to improve the environmental performance of the development over time;</p> <p>f) a protocol for managing and reporting any:</p> <ul style="list-style-type: none"> <li>(i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);</li> <li>(ii) complaint;</li> <li>(iii) failure to comply with statutory requirements; and</li> </ul> <p>g) a protocol for periodic review of the plan.</p>	<ul style="list-style-type: none"> <li>Environmental Management Plan, Elgas Newcastle, V 1.3 November 2021, 165-ELNEW_EMP_Environmental Management Plan V1.3, Elgas</li> <li>ELGAS Safety Management System Element 12 – Environmental Management, V2 October 2019.</li> <li>ELGAS Newcastle (Kooragang) Emergency Plan, v1.4 November 2021.</li> <li>Operational Traffic Management Plan, prepared by Elgas Pty Ltd, 2 November 2021, Version 1.3.</li> <li>ELGAS Newcastle Flood Emergency Response Plan, Version 1.0, 6/8/20. Elgas.</li> <li>Mosquito Management Plan, prepared by Craig Cable, dated November 2021, Version 1.3.</li> </ul> <p>Conditions C1 a) to g) have been addressed.</p>	Compliant	
C2	<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.	No changes since previous Audit	Not Triggered	
C3	<b>Construction Environmental Management Plan</b>	<p>As part of the CEMP required under Condition C2 of this consent, the Applicant must include the following:</p> <ul style="list-style-type: none"> <li>a) Construction Traffic Management Plan (see Condition B13);</li> <li>b) Erosion and Sediment Control (see Condition B23);</li> <li>c) Mosquito Management Plan (see Condition B50); and</li> <li>d) Groundwater Contingency Plan (see Condition B29).</li> </ul>	No changes since previous Audit	Compliant	
C4	<b>Construction Environmental Management Plan</b>	<p>The Applicant must:</p> <ul style="list-style-type: none"> <li>a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and</li> </ul>	No changes since previous Audit	Not Triggered	

ID	CONDITION HEADING	CONSENT CONDITION	COMMENTS / OBSERVATIONS / SUPPORTING DOCUMENTATION	COMPLIANCE STATUS <sup>1</sup>	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS ACTIONS (A) = Address Non-compliances RECOMMENDATIONS (R) = Address Observation
		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.			
C5	<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.	<ul style="list-style-type: none"> <li>Environmental Management Plan, Elgas Newcastle, August 2020, 165-ELNEW_EMP_Environmental Management Plan</li> <li>Approval of OEMP from DPIE: Kooragang Storage Facility (SSD 8448) Approval of the Operational Environmental Management Plan, 23 October 2020</li> <li>Environmental Management Plan, Elgas Newcastle, v1.3 November 2021, 165-ELNEW_EMP_Environmental Management Plan</li> </ul>	Compliant	
C6	<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 and environmental performance of the development; (ii) receive, handle, respond to, and record complaints; (iii) resolve any disputes that may arise; (iv) respond to any non-compliance; (v) respond to emergencies; and c) include the following environmental management plans: (i) Operational Traffic Management Plan (see Condition B19); (ii) Flood Emergency Response; and (iii) Mosquito Management Plan (see Condition B50).	<ul style="list-style-type: none"> <li>Environmental Management Plan, Elgas Newcastle, August 2020, 165-ELNEW_EMP_Environmental Management Plan</li> <li>Approval of OEMP. Letter dated 28 August 2020, Titled: Elgas LPG Storage Facility Operational Environmental Management Plan (SSD-8448). The department has reviewed and approved:</li> <li>Operational Traffic Management Plan, prepared by Elgas Pty Ltd, August 2020, Version 1.2;</li> <li>Flood Emergency Response Plan, prepared by Elgas Pty Ltd, August 2020, Version 1.0; and</li> <li>Mosquito Management Plan, prepared by Craig Cable, dated August 2020, Version 1.</li> <li>Environmental Management Plan, Elgas Newcastle, v1.3 November 2021, 165-ELNEW_EMP_Environmental Management Plan <ul style="list-style-type: none"> <li>Operational Traffic Management Plan, prepared by Elgas Pty Ltd, 2 November 2021, Version 1.3.</li> <li>Mosquito Management Plan, prepared by Craig Cable, dated November 2021, Version 1.3.</li> </ul> </li> </ul> <p>OEMP includes items outlined in a) through c)</p>	Compliant	
C7	<b>Operational Environmental Management Plan</b>	The Applicant must: a) not commence operation until the OEMP is approved by the Planning Secretary; and b) operate the development in accordance with the OEMP approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time).	<ul style="list-style-type: none"> <li>Letter: Kooragang LPG Storage Facility (SSD 8448) Approval of the Operational Environmental Management Plan, dated 23 October 2020. DPIE.</li> <li>Letter: Notice to Furnish Information and Records, DPIE, 29/09/2021. DPIE investigating officer found operation activities occurring onsite prior to the approval of the OEMP Sovechles Nominees Pty Ltd and ELGAS to furnish existing records of operation to the investigation office.</li> <li>Letter: Penalty Notice, DPIE, 09/03/2021 The Department determined ELGAS committed an offence against section 4.2 of the Environmental Planning and Assessment Act 1979 (Act) by failing to comply with condition C7 of SSD-8448. It was determined that operation of the facility had commenced on 8 October 2020 prior to the approval of the OEMP, which was on the 23 October 2020 (effective from 20 October 2020).</li> </ul> <p>The Operational Environmental Management Plan was approved by DIE effective on 20/10/20 when SSD-8448-Mod-1 was approved. DPIE determined that operations of the ELGAS facility commenced before the approval of the OEMP.</p>	Non-Compliant	No actions required

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C8	<b>Revision of Strategies, Plans and Programs</b>	<p>Within three months of:</p> <p>a) the submission of an incident report under Condition C10;</p> <p>b) the submission of an Independent Audit under Condition C17;</p> <p>c) the approval of any modification of the conditions of this consent; or</p> <p>d) the issue of a direction of the Planning Secretary under Condition A2(b) which requires a review,</p> <p>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>	<ul style="list-style-type: none"> <li>Letter: to Sovechles Nominees Pty Ltd Re: SSD-8448 Mod 2 Review, dated 3 November 2021. Elgas Limited.</li> <li>Letter: to DPIE RE: SSD 8448 – 130 Cormorant Road Kooragang – Liquefied Petroleum Gas Storage &amp; Distribution Facility – Condition C8 – Review of Strategies Plans and Programs., dated 5 November 2021. Sovechles Nominees Pty Ltd.</li> <li>Environmental Management Plan, Elgas Newcastle, v1.3 November 2021, 165-ELNEW_EMP_Environmental Management Plan</li> </ul> <p>A review of strategies, plans and programs was not conducted/advised of to the Department within three months of submission of the independent audit report completed October 2020 nor the approval of Modification 1.</p> <p>A review of strategies, plans and programs was undertaken following Mod 2 of SSD 8448. The Environmental Management Plan, Depot Traffic Management Plan and Emergency Plan were reviewed. The Environmental Management Plan was revised.</p>	Non-compliant	(A): Ensure that a review of strategies, plans and programs is undertaken for all future occurrences listed under a) to d) and notified to the Department as required by condition C8.
C9	<b>Revision of Strategies, Plans and Programs</b>	<p>If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.</p> <p><i>Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.</i></p>	<p>A review of strategies, plans and programs was undertaken following Mod 2 of SSD 8448 (6 August 2021). The Environmental Management Plan, Depot Traffic Management Plan and Emergency Plan were reviewed with notification to DPIE on 28 September 2021. The Environmental Management Plan was revised and submitted to DPIE on 5 November 2021.</p>	Compliant	
<b>Reporting and Auditing</b>					
C10	<b>Incident Notification, Reporting and Response</b>	<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>	No incidents identified.	Not triggered	
C11	<b>Non-Compliance Notification</b>	<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>	No non-compliances other than those notified by DPIE were identified by the Applicant.	Not triggered	
C12	<b>Non-Compliance Notification</b>	<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>		Not triggered	
C13	<b>Non-Compliance Notification</b>	<p>A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance</p>		Not triggered	

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C14	<b>Compliance Reporting</b>	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.	<ul style="list-style-type: none"> <li>Elgas Liquefied Petroleum Gas Storage and Distribution Facility 130 Cormorant Road Kooragang (Lot 1 DP 1195449), Compliance Monitoring and Reporting Program prepared by Metroplan Services, 3 August 2020.</li> <li>Email from <a href="mailto:no-reply@majorprojects.planning.nsw.gov.au">no-reply@majorprojects.planning.nsw.gov.au</a> confirming lodgement of Compliance Monitoring and Reporting Program in response to condition C14 dated 4 August 2020.</li> <li>Letter to Sovechles Nominees Pty Ltd, ELGAS Kooragang LPG Storage and Distribution Facility (SSD-8448) Compliance Monitoring and Reporting Program, 07/08/2020 (NSW Department of Planning &amp; Environment).</li> <li>Email correspondence between Mitchell Sovechles and DPIE, Re: DPIE response and follow up Re- SSD8448 – Proposed Elgas Facility Kooragang NSW, dated 3/9/20.</li> </ul>	Compliant	
C15	<b>Compliance Reporting</b>	Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).	<ul style="list-style-type: none"> <li>Elgas Kooragang Depot Pre-Start Up Compliance Report, 15/05/2020. Elgas National Technical (2020).</li> <li>Post-start up Compliance report – Elgas liquefied Petroleum Gas Storage and Distribution Facility (SSD8448), 130 Cormorant Road Kooragang (Lot1 DP1195449), January 2021 Metroplan Services</li> <li>Compliance report – Elgas liquefied Petroleum Gas Storage and Distribution Facility (SSD8448), 130 Cormorant Road Kooragang (Lot1 DP1195449) Condition C15 Compliance Report, 19 October 2021 Metroplan Services</li> </ul>	Compliant	
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.	<p>Compliance report is on the website: <a href="https://www.elgas.com.au/welcome-to-elgas/elgas-environmental-monitoring-data/newcastle-depot-kooragang-nsw/">https://www.elgas.com.au/welcome-to-elgas/elgas-environmental-monitoring-data/newcastle-depot-kooragang-nsw/</a></p> <p>Pre-start up and post-start up compliance reports are not available on the web-site.</p>	Non-compliant	(A) Pre-start up and post-start up Compliance Reports to be made available on project web-site.
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.	<ul style="list-style-type: none"> <li>Independent Environmental Audit Program – SSD 8448 Elgas Kooragang, 130 Cormorant Road Kooragang NSW (Lot 1 DP 1195449), L001 (SSD 8448 Elgas Kooragang Independent Environmental Audit Program) Rev 0, dated 27 July 2020, Consentium.</li> </ul>	Compliant	
C18	<b>Independent Audit</b>	Independent Audits of the development must be carried out in accordance with: <ol style="list-style-type: none"> <li>the Independent Audit Program submitted to the Department under Condition C17 of this consent; and</li> <li>the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).</li> </ol>	<ul style="list-style-type: none"> <li>Kooragang LPG Facility Independent Environmental Audit, Ref: 133,100, 12 November 2020. Consentium.</li> </ul>	Compliant	
C19	<b>Independent Audit</b>	In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must: <ol style="list-style-type: none"> <li>review and respond to each Independent Audit Report prepared under Condition C18 of this consent;</li> <li>submit the response to the Department; and</li> <li>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.</li> </ol>	<p>Response to initial audit provided:</p> <ul style="list-style-type: none"> <li>Letter Sovechles Nominees to DPIE, Re: Audit Report Pre-Construction and Construction, dated 12 November 2020.</li> </ul> <p>The applicant response to the initial audit is not available on the web-site.</p>	Non-compliant	(A): Applicant response to initial Independent Audit to be made available on project web-site.
C20	<b>Monitoring and Environmental Audits</b>	Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing. <i>Note: For the purposes of this condition, as set out in the EP&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</i>	Noted	-	

ID	CONDITION HEADING	CONSENT CONDITION	COMMENTS / OBSERVATIONS / SUPPORTING DOCUMENTATION	COMPLIANCE STATUS <sup>1</sup>	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS ACTIONS (A) = Address Non-compliances RECOMMENDATIONS (R) = Address Observation
		<i>or the environmental management or impact of the development.</i>			
<b>Access to Information</b>					
C21	<b>Access to Information</b>	At least 48 hours before the commencement of construction until the completion of all works under this consent, the Applicant must: a) make the following information and documents (as they are obtained or approved) publicly available: (i) the documents referred to in Condition A2 of this consent and the final layout plans for the development; (ii) all current statutory approvals for the development; (iii) all approved strategies, plans and programs required under the conditions of this consent; (iv) contact details to enquire about the development or to make a complaint; (v) the Compliance Reporting of the development; (vi) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report; (vii) any other matter required by the Planning Secretary; and b) keep such information up to date, to the satisfaction of the Planning Secretary.	The Applicant advises that all EIS documentation and responses to submissions were available to the public (via Planning Portal). <a href="https://www.planningportal.nsw.gov.au/major-projects/project/5271">https://www.planningportal.nsw.gov.au/major-projects/project/5271</a>  Documentation is available to the public on the Planning Portal or through visiting the site. <a href="https://www.elgas.com.au/welcome-to-elgas/elgas-environmental-monitoring-data/newcastle-depot-kooragang-nsw/">https://www.elgas.com.au/welcome-to-elgas/elgas-environmental-monitoring-data/newcastle-depot-kooragang-nsw/</a>  Project information available on web-site: <a href="https://www.elgas.com.au/welcome-to-elgas/elgas-environmental-monitoring-data/newcastle-depot-kooragang-nsw/">https://www.elgas.com.au/welcome-to-elgas/elgas-environmental-monitoring-data/newcastle-depot-kooragang-nsw/</a>  See conditions C16 and C19. Pre-start up and post-start up compliance reports are not available on the web-site. The applicant response to the initial audit is not available on the web-site.	Non-compliant	(A): Pre-start up and post-start up Compliance Reports and applicant response to Independent Audit to be made available on project web-site.

## **Appendix B Planning Secretary Independent Audit Team Approval**



Mitchell Sovechles  
Director  
Sovechles Nominees Pty Ltd

By email only: [mitch\\_sovechles@bigpond.com](mailto:mitch_sovechles@bigpond.com)

06/09/2021

Dear Mr Sovechles

**Elgas Storage Facility Kooragang (SSD-8448)  
Auditor endorsement IA2**

Reference is made to your post approval matter, SSD-8448-PA-24, request for the Secretary's endorsement of suitably qualified, experienced, and independent persons to prepare the second Independent Audit (IA2) of the Elgas Storage Facility Kooragang, submitted to the Department of Planning, Industry and Environment (the Department) on 2 September 2021.

The Department has reviewed the nominations and information you have provided and is satisfied that these experts are suitably qualified and experienced. Consequently, I can advise that the Secretary approves the appointment of expert name to prepare the document name.

In accordance with the Departments *Independent Audit Post Approval Requirements* (June 2018), the Planning Secretary has agreed to the following audit team:

- Christine Louie (Lead Auditor)
- Lana Assaf (Technical Support and QA/QC)
- Dominic Hoban (Assistant Auditor)

Please ensure this correspondence is appended to the Independent Audit Report.

The Independent Audit must be prepared, undertaken, and finalised in accordance with the Departments *Independent Audit Post Approval Requirements* (June 2018). Note that in accordance with Section 4.3 of the Departments *Independent Audit Post Approval Requirements* (June 2018), Sovechles Nominees Pty Ltd must review and respond to all auditor recommendations and opportunities for improvement. In relation to non-compliances, the response must set out the actions and the timing of such actions that are to be taken in response to each non-compliance. Failure to meet these requirements will require revision and resubmission.

The Department reserves the right to request an alternate auditor or audit team for future audits.

Should you wish to discuss the matter further, please contact Joel Curran, Senior Compliance Officer on (02) 4904 2702 or [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)

Yours sincerely

Heidi Watters  
Team Leader Northern  
Compliance  
As nominee of the Planning Secretary

## Appendix C Independent Audit Declaration Forms

## Independent Audit Declaration Form

**Project Name** Liquefied petroleum gas storage and distribution facility, 130 Cormorant Road, Kooragang, NSW

**Consent Number** SSD 8448

**Description of Project** Liquefied petroleum gas storage and distribution facility.

**Project Address** 130 Cormorant Road Kooragang NSW (Lot 1 DP 1195449)

**Proponent** Sovechles Nominees Pty Ltd

**Title of Audit** LPG Storage and Distribution Facility, 130 Cormorant Drive, Kooragang NSW

(Lot 1 DP 1195449) Independent Audit

**Date** 9 November 2021

I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:

- the audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Post Approval Requirements (Department 2018)*;
- the findings of the audit are reported truthfully, accurately and completely;
- I have exercised due diligence and professional judgement in conducting the audit;
- I have acted professionally, objectively and in an unbiased manner;
- I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

- a) Under section 10.6 of the Environmental Planning and Assessment Act 1979 a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- b) The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

**Name of Auditor** Christine Louie

**Signature**



**Qualification** Exemplar Global Certified Auditor No. 132320

**Company** JBS&G Australia Pty Ltd

**Company Address** Level 1, 50 Margaret Street Sydney NSW 2000

## Independent Audit Declaration Form

**Project Name** Liquefied petroleum gas storage and distribution facility, 130 Cormorant Road, Kooragang, NSW

**Consent Number** SSD 8448

**Description of Project** Liquefied petroleum gas storage and distribution facility.

**Project Address** 130 Cormorant Road Kooragang NSW (Lot 1 DP 1195449)

**Proponent** Sovechles Nominees Pty Ltd

**Title of Audit** LPG Storage and Distribution Facility, 130 Cormorant Drive, Kooragang NSW

(Lot 1 DP 1195449) Independent Audit

**Date** 9 November 2021

I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:

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- I have acted professionally, objectively and in an unbiased manner;
- I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

- c) Under section 10.6 of the Environmental Planning and Assessment Act 1979 a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- d) The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

**Name of Auditor** Lana Assaf

**Signature** 

**Qualification** Certified Environmental Practitioner No 1353

**Company** JBS&G Australia Pty Ltd

**Company Address** Level 1, 50 Margaret Street Sydney NSW 2000

## Independent Audit Declaration Form

**Project Name** Liquefied petroleum gas storage and distribution facility, 130 Cormorant Road, Kooragang, NSW

**Consent Number** SSD 8448

**Description of Project** Liquefied petroleum gas storage and distribution facility.

**Project Address** 130 Cormorant Road Kooragang NSW (Lot 1 DP 1195449)

**Proponent** Sovechles Nominees Pty Ltd

**Title of Audit** LPG Storage and Distribution Facility, 130 Cormorant Drive, Kooragang NSW

(Lot 1 DP 1195449) Independent Audit

**Date** 9 November 2021

I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:

- the audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Post Approval Requirements (Department 2018)*;
- the findings of the audit are reported truthfully, accurately and completely;
- I have exercised due diligence and professional judgement in conducting the audit;
- I have acted professionally, objectively and in an unbiased manner;
- I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

- e) Under section 10.6 of the Environmental Planning and Assessment Act 1979 a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- f) The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

**Name of Auditor** Dominic Hoban

**Signature**



**Qualification** Environmental Consultant/Assistant Auditor

**Company** JBS&G Australia Pty Ltd

**Company Address** Level 1, 50 Margaret Street Sydney NSW 2000

## Appendix D Site Inspection Photographs





Photo 5: Entrance into depot – signs erected on fencing.



Photo 6: landscaped area on the boundary of the site.



Photo 7: Photo of the entrance into site.

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Source:			
	Original Issue -		
Rev	Description	Drn.	Date

**JBS&G** Appendix: D

Client: Sovechles Nominees

Project: Elgas

Job No: 61139

File Name: 21 September 2021

## Appendix E Consultations

**From:** [Joel Curran](#)  
**To:** [Christine Louie](#)  
**Subject:** RE: SSD 8448 130 Cormorant Road Kooragang  
**Date:** Thursday, 16 September 2021 9:48:28 AM

---

**\*\*\*[EXTERNAL EMAIL] Stop and think before opening attachments, clicking or responding.\*\*\***

Hi Christine

The Department has no comments on the scope of the second Independent Audit of SSD-8448 at this time.

Regards

**Joel Curran**  
**Senior Compliance Officer**

Planning & Assessment | Department of Planning, Industry and Environment

**T** 02 4904 2702 | **M** 0412 323 331 | **E** [joel.curran@planning.nsw.gov.au](mailto:joel.curran@planning.nsw.gov.au)

PO Box 1226 | Newcastle NSW 2300

Please direct all email correspondence to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)

[www.dpie.nsw.gov.au](http://www.dpie.nsw.gov.au)



*The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.*

***If you are submitting a compliance document or request as required under the conditions of consent or approval, please note that the Department is no longer accepting lodgement via [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au).***

***The Department has recently upgraded the Major Projects Website to improve the timeliness and transparency of its post approval and compliance functions. As part of this upgrade, proponents are now requested to submit all post approval and compliance documents online, via the Major Projects Website. To do this, please refer to the instructions available [here](#).***

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**From:** Christine Louie <[clouie@jbsg.com.au](mailto:clouie@jbsg.com.au)>  
**Sent:** Wednesday, 15 September 2021 10:44 AM  
**To:** DPE PSVC Compliance Mailbox <[compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)>  
**Subject:** SSD 8448 130 Cormorant Road Kooragang

Attention: Joel Curran, Senior Compliance Officer

Good Morning,

JBS&G Australia Pty Ltd has been engaged by Sovechles Nominees Pty Ltd to undertake an Independent Audit for the development undertaken at 130 Cormorant Road Kooragang.

State Significant Development (SSD) consent granted for the site (SSD 8448) Condition C18

requires an independent audit to be undertaken in accordance with *Independent Audit Post Approval Requirements* (Department 2018). The requirements include consultation with the Department to obtain input into the scope of the audit. Please advise if the Department has any comments regarding environmental issues relating to the project that the Department would like to be considered as part of the independent audit.

Regards,

**Christine Louie** | Principal | JBS&G

Sydney | Melbourne | Adelaide | Perth | Brisbane | Canberra | Newcastle | Darwin | Wollongong | Bunbury | Hobart

Level 1, 50 Margaret Street, Sydney NSW 2000

T: 02 8245 0300 | M: 0423 539 373 | [clouie@jbsg.com.au](mailto:clouie@jbsg.com.au) | | W: [www.jbsg.com.au](http://www.jbsg.com.au)

**[Contaminated Land](#) | [Groundwater Remediation](#) | [Approvals and Assessments](#) | [Auditing and Compliance](#) | [Hygiene and Hazardous Materials](#) | [Due Diligence and Liability](#) | [Fire Management Planning](#) | [Stakeholder and Risk Management](#)**

JBS&G acknowledges the Traditional Owners and custodians on the land we walk, work and live. We pay respect to their cultures, Elders past and present, and in the spirit of reconciliation, we commit to working together for our shared future.

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		Name	Name	Signature	Date
1	Dominic Hoban	Christine Louie	Christine Louie		23 May 2022

