

# Sovechles Nominees

Kooragang LPG Facility

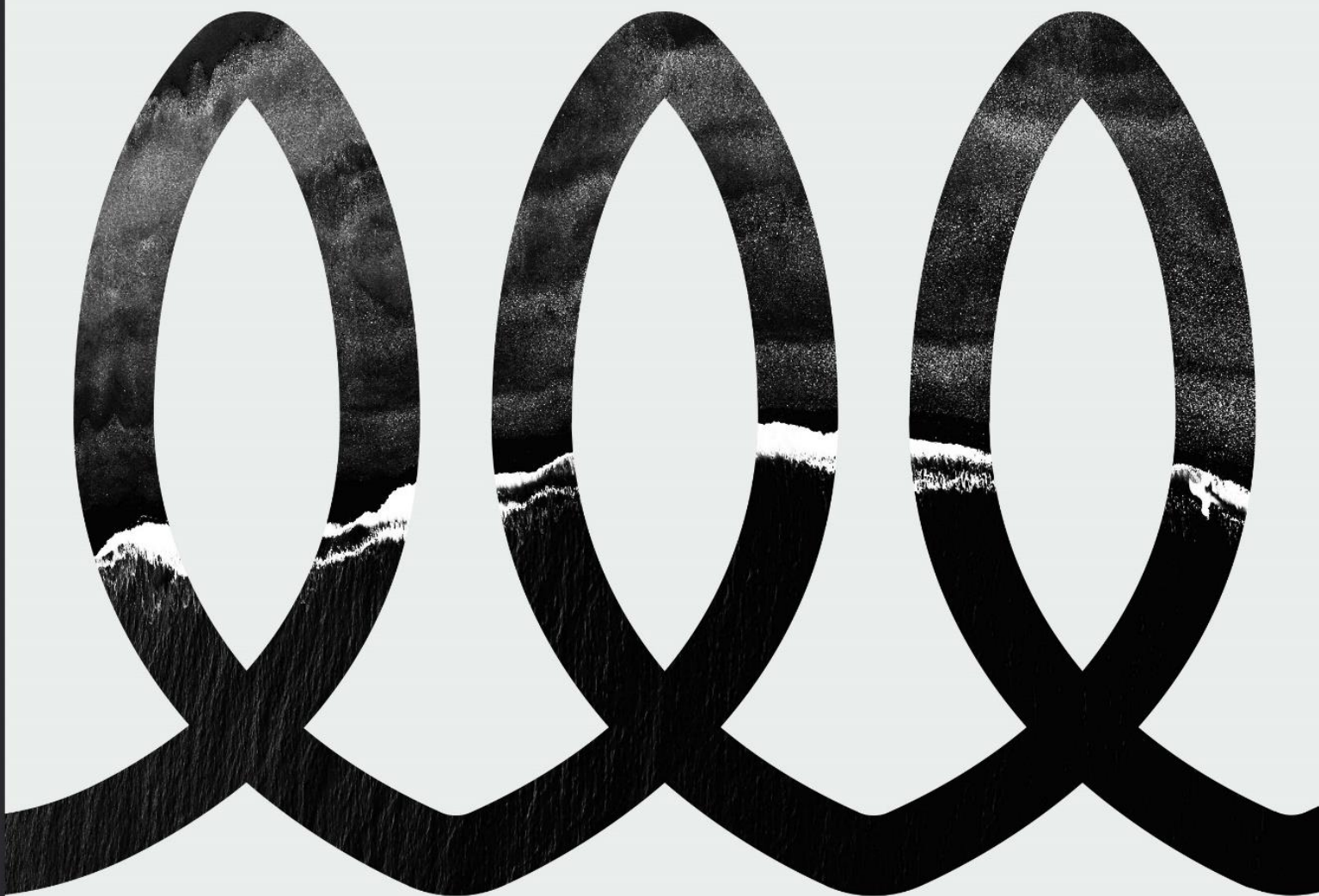
Independent Environmental Audit

**12 November 2020**

**Consentium**

**Project Number: 59375, Reference Number 133,100**

Commercial-in-confidence



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## Abbreviations

Term	Definition
AS	Australian Standard
CEMP	Construction Environmental Management Plan
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
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.

In accordance with Schedule 2, Part A condition A3 for State Significant Development (SSD) 8448, the Planning Secretary has issued written direction requesting that an Independent Audit of the development be carried out for the pre-construction and construction phases and submitted by close of business of 13 November 2020. 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 pre-construction and construction phases of the development. The adequacy of environmental management strategies and plans were also assessed.

The project was assessed to be non-compliant with nine conditions. Recommendation was made for one compliant consent condition. No actions are required to address the non-compliant conditions which relate to the pre-construction and construction phases of the development. No evidence of detrimental impact to the environment was identified.

The findings and recommendations for this independent audit are documented in this audit report. Overall, notwithstanding the recommendation identified, the environmental management system and plans currently in place have been adequate in addressing environmental management of the project. Consideration of improving public access to project documentation is recommended as the development moves into the operational phase.



# 1. Introduction

## 1.1 Background

JBS&G Australia Pty Ltd trading as Consentium was engaged by Sovechles Nominees Pty Ltd (the client) to undertake an independent audit of development works for the pre-construction and construction of the Kooragang LPG storage facility. The facility will be 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 which is included as part of the Independent Audit Table (**Appendix A**). On 20 October 2020, Modification 1 of Development Consent SSD 8448 was granted by the Minister for Planning and Public Spaces. The amended consent conditions are reflected in the Independent Audit Table.

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

The proposed development involves construction and operation of a LPG facility, comprising:

- 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 application was made to DPIE by the client for extension of the date for submission of the Independent Audit Report. On 29 October 2020, the Planning Secretary granted an extension of time until COB 13 November 2020 for submission of the report.

This audit constitutes the pre-construction and construction independent audit for the development as outlined in the Independent Audit Program<sup>2</sup>.

## 1.2 Audit Team

The Consentium audit team comprised of Ms Christine Louie and Mr Sam Pathammavong.

Christine Louie (Lead Independent Auditor) is an environmental consultant experienced in leading and conducting environmental audits and a Certified Exemplar Global EMS Auditor (132320). Sam Pathammavong (Audit Team Member), a Principal environmental consultant with extensive experience in environmental assessment and approvals, provided technical overview of this independent audit.

Approval of the proposed audit team, with an alternative lead auditor, 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>3</sup> on 21 August 2020. Subsequent to this approval, the audit team was amended and approval of the amended team was provided by the Planning Secretary on 10 September 2020. Copies of the audit team approvals are included in **Appendix B**.

## 1.3 Audit Objectives

The objectives of the works were to undertake an Independent Audit in accordance with the written direction of the Planning Secretary<sup>1</sup> focussing on compliance during the pre-construction and construction phases of the development.

## 1.4 Audit Scope

An independent audit was undertaken in accordance with Department (2018) *Independent Audit, Post Approval Requirements June 2018*<sup>4</sup> to assess the environmental compliance of the Kooragang LPG facility development during the pre-construction and construction phases 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 various environmental management plans and monitoring

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

<sup>3</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, Industry and Environment.

<sup>4</sup> Department (2018) *Independent Audit Post Approval Requirements*, June 2018, NSW Department of Planning and Environment





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 pre-construction phase (following issue of development consent) and construction phase until the end of the audit reporting period on 21 October 2020. A revised date for commencement of operation had not been advised and operation had not commenced at that time.



## 2. Audit Methodology

### 2.1 Selection and Endorsement of Audit Team

The audit was conducted by Ms Christine Louie (Lead Auditor) and Sam Pathammavong (Audit Team Member). Approval of the Audit Team for the Kooragang LPG facility development was provided by DPIE on 10 September 2020. 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:

- a) assessment of compliance with:
  - conditions of development consent SSD 8448 for the duration of the pre-construction and construction phases;
  - all post approval documents prepared to satisfy the conditions of consent, including assessment of the implementation of Environmental Management Plan and sub-plans;
  - any environmental licences and approvals;
- b) 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;
- c) high level review of the project's environmental management systems and the implementation of the systems; and
- d) high level assessment of whether Environmental Management Plans and sub-plans are adequate.

No independent audits have previously been conducted for the Kooragang LPG facility development.

### 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, photographs 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 made available via email.

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 29 September 2020 with the following personnel:



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

## 2.5 Site Inspection

An inspection of the Kooragang LPG facility development site was also undertaken on Tuesday 29 September 2020 and included a walk over around the perimeter of the site and within the depot yard. At the time of the site inspection, the facility had been constructed and was in a tidy and ordered state.

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 during the pre-construction and construction phases 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.

#### 3.2 Compliance Performance

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

Out of a total of 100 development consent conditions, 38 conditions have not been triggered. Of the consent conditions that have been triggered, nine non-compliances were identified. Recommendation was made for one consent condition that was compliant.

A summary of the main findings and recommendations are presented in **Table 3.1**.

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

Approval (ID)	Audit Findings and Recommendations	Compliance Status
Terms of Consent Condition A2	No actions are required in response to non-compliant conditions. Action: None required.	Non-compliant
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.	Non-compliant
Pre-construction Condition B3	Evidence of approval of the Fire Safety Study by FRNSW was not available. Action: None required.	Non-compliant
Groundwater Management Condition B29	The Groundwater & 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.	Non-compliant
Groundwater Management Condition B30	Groundwater & Soil Contingency Plan was not submitted to the Planning Secretary. As construction is complete, the plan is no longer required. Action: None required.	Non-compliant
Contamination Condition B44	The Groundwater & Soil Contingency Plan does not state any requirements for the disposal of contaminated soil. As construction is complete, the plan is no longer required. Action: None required.	Non-compliant
Environmental Management Plan Requirements Condition C1	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. As construction is complete, no action is required in relation to environmental management plans for the construction phase. Action: None required.	Non-compliant



Approval (ID)	Audit Findings and Recommendations	Compliance Status
Construction environmental management plan Condition C2	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.  As construction is complete, no action is required in relation to environmental management plans for the construction phase. Action: None required.	Non-compliant
Construction environmental management plan Condition C4	The CEMP was not submitted to the Planning Secretary for approval.  As construction is complete, no action is required in relation to environmental management plans for the construction phase. Action: None required.	Non-compliant
Access to Information Condition C21	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.  Recommendation: Consideration should be given to how to improve public access to documents that are not available on the Planning Portal.	Compliant

### 3.3 Non-compliances

Nine non-compliances were identified for the pre-construction and construction phases of the development. As the majority of the non-compliances relate to environmental management plans for the construction phase which is now complete, no actions are required for the associated non-compliant consent conditions.

### 3.4 Previous Audit Recommendations

No previous independent audits have been undertaken.

### 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 a Construction Environmental Management Plan (CEMP) are stated in consent conditions C2 through C4 with specific consent conditions addressing requirements for the following environmental management sub-plans:

- Construction Traffic Management Plan (condition B13);
- Erosion and Sediment Control (condition B23);
- Mosquito Management Plan (condition B50); and
- Groundwater Contingency Plan (condition B29).

A CEMP<sup>5</sup> comprised of the four management plans listed above has been prepared. A separate Construction Safety Study<sup>6</sup> prepared as a pre-construction document and comprised mainly of a Work Health & Safety Management Plan<sup>7</sup> was reported as being adopted as the CEMP. While the individual management sub-plans do not meet all the management plan requirements as required by consent

<sup>5</sup> ELGAS LPG Gas Storage Facility 130 Cormorant Rd Kooragang Construction Environmental Management Plan, dated September 2019. Brown Commercial Building (2019).

<sup>6</sup> Elgas LPG Gas Storage Facility 130 Cormorant Rd Kooragang Construction Safety Study, September 2019. Brown Commercial Building (2019).

<sup>7</sup> Work Health & Safety Management Plan, Elgas Kooragang Island, 130 Cormorant Rd Kooragang Island. Document number BC0090, 10/9/19. Brown Commercial Building Pty Ltd (2019).



condition C1, the combined management plans referenced above provided a management framework that was sufficient to mitigate potential environmental and human health risks associated with the construction works.

### 3.5.2 Environmental Management System

The combined Construction Safety Study and CEMP provided the framework for environmental management for the construction phase of the project.

Responsibility for environmental management was not clearly identified in the management plans and appeared to have been within the scope of the site manager and WHS officer roles.

The various environmental management documents generally provided measures for minimisation and management of impacts. However, there was a lack of identification of responsibilities particularly in the instance of an incident and lack of programs for monitoring and reporting within the management plans.

### 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 other than for the audit to focus on compliance during the pre-construction and construction phases of the development.

Stakeholder consultation has been undertaken by the client during the pre-construction and construction phases 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.

On 4 August 2020, the Department issued a penalty notice to Sovechles Nominees Pty Ltd 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. Details of the breach of the EP&A Act are as follows:

- failure to prepare a CEMP to the satisfaction of the Planning Secretary – non-compliance with consent condition C2; and
- commencement of construction of the development without a CEMP approved by the Planning Secretary – non-compliance with consent condition C4.

A penalty fine in the amount of \$15,000 was issued by the Department to Sovechles Nominees Pty Ltd. The Planning Secretary also requested that an Independent Audit focussing on compliance during the pre-construction and construction phases of the development be carried out and submitted to the Department by COB 31 October 2020. An auditor endorsement request was required to be submitted to the Department by COB 21 August 2020.

Sovechles Nominees Pty Ltd has responded to the Department's enforcement actions as follows:

- Payment of the penalty fine;
- Submission of independent auditor endorsement request on 18 August 2020; and



- Undertaking of this independent audit.

Sovechles Nominees Pty Ltd had previously responded in a timely manner to the Department during the investigation of the breach of consent conditions and has undertaken actions in accordance with the requirements of the penalty notice.

The date for submission of the Independent Audit Report was subsequently extended to COB 13 November 2020.

### 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 construction phase of the development. The impacts 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 construction 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. Mitigation measures for the construction phase included preparation of a hazardous area classification diagram for the site during detailed design. All other mitigation measures were related to site management and were incorporated into the design of the facility.
- Soil and water – mitigation measures to minimise likely impacts on soil or water included measures for management of earthworks, fill, acid sulphate soils, erosion and sediment control, stormwater management and prevention of release of LPG into the soil or groundwater table.
- 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 as management measures.
- 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 were proposed to minimise LPG emissions.
- Noise and Vibration – construction noise was predicted to be related to use of an excavator, crane and grader, and trucks and light vehicles delivering materials and equipment. Limited vibration impact was predicted in relation to the installation of a small number of piles for the site building and tank foundation. Mitigation measures proposed included the construction of the development in accordance with the project drawings in Appendix 1 of the EIS. The hours of construction were within the standard hours recommended in the NSW EPA *Interim Construction Noise Guidelines* and no complaints were reported to have been received during the construction of the facility.
- Waste management – waste generated during construction activities was proposed to be separated with the use of dedicated skips removed within 24 hours of reaching capacity. Waste management measures including limited ordering of materials; training; regular monitoring and inspection; and disposal of materials in accordance with licensing requirements. Wastes generated during construction were recycled and/or disposed of appropriately off-site.

<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).

<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).



### **3.10 Assessment of Environmental Management**

While there was no formal CEMP approved by the Planning Secretary and lack of identification of clear responsibilities for environmental management, the implementation of various environmental management plans during the construction phase of the development which overall formed the environmental management system, appear to have generally managed potential impacts in an adequate manner.





## 4. Recommendations

Based on an evaluation of compliance with the conditions of consent of SSD 8448, nine non-compliances were identified. The following recommendation should be undertaken to improve environmental management practises:

- consideration should be given to how to improve public access to documents that are not available on the Planning Portal.



## 5. Conclusion

An independent audit has been undertaken following the commencement of construction of a LPG facility in Kooragang. The pre-construction and construction phase audit was required under Condition A3 of Development Consent SSD 8448 at the request of the Planning Secretary.

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.

This audit addressed development activities undertaken during the pre-construction and construction phases. No previous independent environmental audit has been conducted at the site.

The Construction Environmental Management Plan, Construction Safety Study and associated sub-plans forming the Environmental Management System have been reviewed and assessed as lacking in clear identification of responsibilities for environmental management and programs for monitoring and reporting.

Audit of compliance with SSD 8448 conditions was undertaken. Nine non-compliances were identified relating to the pre-construction and construction phases with no actions required to be undertaken. Recommendation was made for improvement for one compliant condition. No evidence of detrimental impact to the environment was identified as a result of 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 and recommendation identified, the environmental management system and plans currently in place have been adequate in addressing environmental management of the project. Consideration of improving public access to project documentation is recommended as the development moves into the operational phase.



## 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, trading as Consentium. The report has been prepared using accepted procedures and practices of the consulting profession at the time it was prepared.

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

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

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



## 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)

**Date:** November 2020

**Development Application No.** SSD 8448

**Applicant:** Sovechles Nominees Pty Ltd

**Audit Team Members:** Christine Louie

**Site Representatives:** Mitchell Sovechles, Sovechles Nominees

Patrick Egan, Elgas

Andrew Biller, Metroplan Services

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>Work Health &amp; Safety Management Plan, Elgas Kooragang Island, 130 Cormorant Rd Kooragang Island. Document number BC0090, 10/9/19. Brown Commercial Building Pty Ltd (2019).</li> <li>Groundwater &amp; Soil Contingency Plan, Elgas LPG Gas Storage Facility, 130 Cormorant Rd Kooragang, September 2019. Brown Commercial Building (2019).</li> <li>Elgas Kooragang LPG Depot Fire Safety Study, Doc. No.: J-000388-FSS Revision: 0, 25 October 2019. Arriscar Pty Limited (2019).</li> <li>Hazard and Operability Study for Proposed Elgas LPG Depot at Kooragang, NSW, Doc. No.: J-000388-ELG-KOO-HAZOP-001 Revision: 1, 28 October 2019. Arriscar Pty Limited (2019)</li> <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. Various management plans were developed prior to construction of the development. Specifically, the Work Health &amp; Safety Management Plan included the builder's environmental policy outlining commitment to prevent or minimise harm to the environment. No issues relating to impacts to the environment were identified during the construction phase by the Applicant.</p>	Compliant	
A2	<b>Terms of Consent</b>	The development may only be carried out: <ol style="list-style-type: none"> <li>in compliance with the conditions of this consent;</li> <li>in accordance with all written directions of the Planning Secretary;</li> <li>in accordance with the EIS and Response to Submissions;</li> <li>in accordance with Modification Assessments;</li> <li>accordance with the Development Layout in Appendix 1; and</li> <li>in accordance with the management and mitigation measures in Appendix 2.</li> </ol>	Refer to non-compliant consent conditions following.	Non-compliant	Refer to non-compliant conditions following. No action required.

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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: <ol style="list-style-type: none"> <li>the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and</li> <li>the implementation of any actions or measures contained in any such document referred to in Condition A3(a).</li> </ol>	<ul style="list-style-type: none"> <li>Letter to Sovechles Nominees Pty Ltd, Penalty Notice Breach of Section 4.2 of the Environmental Planning and Assessment Act 1979, 04/08/2020 (NSW Department of Planning, Industry &amp; Environment).</li> </ul> <p>DPIE letter of 4/8/20 requested that an Independent Audit of the development be carried out by COB 31 October 2020 focussing on the pre-construction and construction phases of the development. An extension of time was granted by DPIE on 29/10/20 until COB 13 November 2020 for submission of the Independent Audit report.</p>	-	
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. <p><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></p>	No inconsistencies identified.	Not triggered	
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> </ul> <p>Construction of development commenced on 16/12/19.</p>	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: <ol style="list-style-type: none"> <li>construction;</li> <li>operation; and</li> <li>cessation of operations.</li> </ol>	<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> </ul> <p>Commencement of construction occurred on 16/12/19.</p> <p>Operation had not commenced during the audit period.</p>	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	

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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 correspondence with DBYD admin Jemena stating that no Jemena gas assets are located within the site, 2 September 2019, Brownbuild.</li> <li>Email correspondence with Hunter Water Corporation Assessment and Review Team, Development Services, 25 November 2019, Brownbuild. Section 50 certificate enclosed.</li> <li>Email correspondence with Hunter Water Corporation Plumbing &amp; Trade Waste Compliance, 19 December 2019, Brownbuild. Hydraulic Assessment letter enclosed.</li> <li>FRNSW written report application for review of Fire Safety Study</li> </ul> <p>Consultation was required to be undertaken for the obtaining of relevant approvals from utility providers. Consultation was undertaken with FRNSW for the Fire Safety Study (condition B3a) prior to submission of documentation to the Planning Secretary. Conditions A9 a) and A9 b) i) met.</p> <p>No disagreements in relation to these items were reported by the applicant.</p>	Compliant	
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.	<ul style="list-style-type: none"> <li>Email correspondence with DBYD admin Jemena stating that no Jemena gas assets are located within the site, 2 September 2019, Brownbuild.</li> </ul> <p>The Applicant advises that connection to sewer and water were to existing services and no additional provisions for access were required.</p>	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>	<ul style="list-style-type: none"> <li>Letter to BCA Certifiers Australia Pty Ltd, Protection of Public Infrastructure (Condition A14) Re: 130 Cormorant Road, Kooragang – Elgas Storage Facility dated 28 April 2020, Brownbuild Commercial Building Pty Ltd.</li> </ul> <p>Letter confirming that development had no impacts on public infrastructure.</p>	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).	<ul style="list-style-type: none"> <li>Letter to BCA Certifiers Australia Pty Ltd, Demolition Works (Condition A15) Re: 130 Cormorant Road, Kooragang – Elgas Storage Facility dated 28 April 2020, Brownbuild Commercial Building Pty Ltd.</li> </ul> <p>Letter confirming that no demolition works were undertaken as part of the development.</p>	Not triggered	

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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, 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.</li> </ul> <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>	Compliant	
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, Standard No. 3, 4 &amp;5, FR-BCB06, updated July 2018. Brown Commercial Building Pty Limited.</li> </ul> <p>All site personnel are inducted into the requirements for working at the site. A completed form was provided for review. Compliance with the requirements of the consent conditions is one of the items on the checklist.</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: <ol style="list-style-type: none"> <li>maintained in a proper and efficient condition; and</li> <li>operated in a proper and efficient manner.</li> </ol>	<ul style="list-style-type: none"> <li>Work Health &amp; Safety Management Plan, Elgas Kooragang Island, 130 Cormorant Rd Kooragang Island. Document number BC0090, 10/9/19. Brown Commercial Building Pty Ltd (2019).</li> <li>PR-BCB05 Plant Register, updated July 2018. Brown Commercial Building.</li> </ul> <p>WHS Management Plan includes strategies for plant management including inspection and monitoring of equipment.</p> <p>Completed Safety Check / Report for excavator viewed. Checklist was completed for all equipment brought on-site and includes provisions for weekly and monthly checks of equipment. 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.	<ul style="list-style-type: none"> <li>Certificate of Conformity for external walls of office building, 130 Cormorant Road, Kooragang – Elgas Storage Facility, Scyon Matrix Panels and Fixing System. Certificate number: CM40224 Rev3, 7 May 2020, Brown Commercial Building Pty Ltd.</li> <li>Letter to BCA Certifiers Australia Pty Ltd, External Wall Construction Re: 130 Cormorant Road, Kooragang – Elgas Storage Facility dated 7 May 2020, Brownbuild Commercial Building Pty Ltd.</li> </ul>	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	<ul style="list-style-type: none"> <li>Certificate of Conformity for external walls of office building, 130 Cormorant Road, Kooragang – Elgas Storage Facility, Scyon Matrix Panels and Fixing System. Certificate number: CM40224 Rev3, 7 May 2020, Brown Commercial Building Pty Ltd.</li> </ul>	Compliant	



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		claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.	<ul style="list-style-type: none"> <li>Letter to BCA Certifiers Australia Pty Ltd, External Wall Construction Re: 130 Cormorant Road, Kooragang – Elgas Storage Facility dated 7 May 2020, Brownbuild Commercial Building Pty Ltd.</li> </ul> <p>Letter to certifying authority stating that the construction of external walls to the office building was completed in accordance with relevant Australian Standards, manufacturers recommendations and BCA requirements as per the attached certification.</p>		
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.	<ul style="list-style-type: none"> <li>Email from Mitchell Sovechles of 29/5/20 to DPIE providing copy of certificate of conformity and correspondence to certifying authority from Brown Commercial Building Pty Ltd</li> </ul>	Non-compliant	No evidence available of provision of documentation to the Planning Secretary within the seven day period of acceptance by the CA. No action required.
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.	<ul style="list-style-type: none"> <li>Email correspondence with DBYD admin Jemena stating that no Jemena gas assets are located within the site, 2 September 2019, Brownbuild.</li> </ul> <p>The Applicant advises that connection to sewer and water were to existing services and no additional provisions for access were required.</p>	Compliant	
A24	<b>Utilities and Services</b>	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	<b>Utilities and Services</b>	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>	<ul style="list-style-type: none"> <li>Screenshot of NBN Co web-site <a href="https://www.nbnco.com.au/results/V2-CT">https://www.nbnco.com.au/results/V2-CT</a> confirming NBN/fibre ready services active on site, accessed 27/11/19.</li> </ul> <p>NBN/fibre ready services includes provision of telephone telecommunications.</p>	Compliant	
A26	<b>Utilities and Services</b>	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	<b>Work As Executed Plans</b>	Before the issue of the final Occupation Certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the PCA.	<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	<b>Applicability of Guidelines</b>	References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.	Noted	-	
A29	<b>Applicability of Guidelines</b>	However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.	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	<b>Advisory Notes</b>	All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.	Noted	-	

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<b>PART B – SPECIFIC ENVIRONMENTAL CONDITIONS</b>					
<b>Hazards And Risks</b>					
B1	<b>Terms of Approval</b>	The Applicant must implement all recommendations listed in the PHA.	<ul style="list-style-type: none"> <li>Proposed Elgas LPG Depot, Kooragang, NSW Preliminary Hazard Analysis, Doc. No. J-000250-ELG-PHA Revision: 0, 10 July 2017, Arriscar Pty Limited.</li> <li>Hazardous Areas Classification and Delineation Elgas Storage Facility, Drawing No. E – 004, August 2019. Monaghan Electrical Pty Ltd.</li> <li>Elgas Newcastle (Kooragang) Emergency Plan, ELGNEW-HSE-115, V 1.3 September 2020.</li> <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 phase have been implemented.</p>	Compliant	
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</p>	<ul style="list-style-type: none"> <li>Elgas LPG Gas Storage Facility 130 Cormorant Rd Kooragang Construction Safety Study, September 2019. Brown Commercial Building (2019).</li> <li>Elgas Kooragang LPG Depot Fire Safety Study, Doc. No.: J-000388-FSS Revision: 0, 25 October 2019. Arriscar Pty Limited (2019).</li> <li>Hazard and Operability Study for Proposed Elgas LPG Depot at Kooragang, NSW, Doc. No.: J-000388-ELG-KOO-HAZOP-001 Revision: 1, 28 October 2019. Arriscar Pty Limited (2019)</li> <li>Proposed Elgas LPG Depot, Kooragang, NSW Final Hazard Analysis, Doc. No.: J-000388-KOO-FHA Revision: 0, 1 November 2019. Arriscar Pty Limited (2019)</li> <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>Letter to Sovechles Nominees Pty Ltd, Subject: Liquefied petroleum gas storage and distribution facility, Kooragang (SSD 8448) – Pre-construction Studies, dated 10/12/19 from Planning Secretary's Nominee. Letter advised of approval of the pre-construction studies subject to the following: <ul style="list-style-type: none"> <li>Fire Safety Study – subject to approval by FRNSW</li> <li>Hazard and Operability Study – subject to implementation of all actions arising from the study – an updated action plan was required by the Department.</li> <li>Final Hazard Analysis – subject to implementation of all outstanding recommendations from the PHA, FSS and HAZOP studies in a timely manner – an updated action plan was required by the Department.</li> <li>Construction Safety Study – approved subject to implementation of all safety measures outlined in the study.</li> </ul> </li> <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.</li> </ul>	Non-compliant	Evidence of approval of Fire Safety Study by FRNSW not available. No action required.

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		period exceeds six months, the commissioning portion of the Construction Safety Study may be submitted two months prior to commencement of commissioning.	<ul style="list-style-type: none"> <li>Elgas Kooragang Depot Pre-Start Up Compliance Report, 15/05/2020. Elgas National Technical (2020). Compliance Report provides status of actions recommended in pre-construction studies and an updated action plan.</li> </ul> <p>Sovechles Nominees has contacted FRNSW at various times in relation to acceptance of the Fire Safety Study but no response has been forthcoming from FRNSW.</p> <p>Construction commenced on 16/12/19.</p>		
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 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>		Not triggered	
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>		Not triggered	
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>		Not triggered	

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B7	<b>Hazard Audit</b>	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: <ul style="list-style-type: none"> <li>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;</li> <li>b) be carried out in accordance with the Department's <i>Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit Guidelines'</i>;</li> <li>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</li> <li>d) report on the implementation of the Risk Reduction Program required under Condition B3.</li> </ul>		Not triggered	
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: <ul style="list-style-type: none"> <li>a) the requirements of all relevant Australian Standards; and</li> <li>b) the NSW EPA's <i>'Storing and Handling of Liquids: the Environmental Protection - Participants Manual'</i> if the chemicals are liquids.</li> </ul>	<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.</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: <ul style="list-style-type: none"> <li>a) all relevant Australian Standards;</li> <li>b) for liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and</li> <li>c) the Environment Protection Manual for <i>Authorised Officers: Bunding and Spill Management- technical bulletin</i> (EPA, 1997).</li> </ul>	<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 Ref. no. NDG200406), 24 September 2020. NSW Fire + Rescue (2020).</li> </ul> <p>Letter from FRNSW provides approval for implementation of the Emergency Plan.</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.	<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>• Email to certifier including Traffic Management Plan for Construction Certificate, dated 29/11/19. Brownbuild.</li> </ul> <p>Traffic Management Plan outlines construction traffic access and signage.</p>	Compliant	

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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 facilities Off-street commercial vehicle facilities (Standards Australia, 2002).	<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> <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. 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>	Compliant	
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 undertaken 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 AUSTROADS 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>	Compliant	
B19	<b>Operational Traffic Management Plan</b>	Prior to the commencement of operation, the Applicant must prepare an Operational Traffic Management Plan for the development to the satisfaction of the Planning Secretary. The plan must form part of the OEMP required by Condition C5 and must: <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>		Not triggered	

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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.		Not triggered	
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.		Not triggered	
<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.	<ul style="list-style-type: none"> <li>Compliance Certificate – Design Civil/Stormwater, Elgas Storage Facility 130 Cormorant Road, Kooragang for sediment and erosion control, stormwater drainage including on-site detention, external pavement and bulk earthworks, ref: 9935-005-ccdc issued to Brown Commercial Building, 15 November 2019, Eclipse Consulting Engineers Pty Ltd.</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>Compliance Certificate certifies that civil/stormwater design has been undertaken in accordance with the Blue Book Management Urban Stormwater 2004 – Soils and Construction 4<sup>th</sup> edition and nominated Australian Standards and City of Newcastle Council guidelines.</p>	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.		Not triggered	
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.		Not triggered	

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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>	<ul style="list-style-type: none"> <li>Groundwater &amp; Soil Contingency Plan, Elgas LPG Gas Storage Facility, 130 Cormorant Rd Kooragang, September 2019. Brown Commercial Building (2019).</li> </ul> <p>The Groundwater &amp; Soil Management Contingency Plan addresses condition B29 items a) and b). However, following triggering of the activation of the plan, there is no requirement to prepare a Groundwater Management Plan. Items c) and d) have not been addressed in the plan.</p>	Non-compliant	The Groundwater & Soil Contingency Plan does not meet all the requirements under condition B29. As construction is complete, the plan is no longer required and no action is required.
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>	<ul style="list-style-type: none"> <li>Groundwater &amp; Soil Contingency Plan, Elgas LPG Gas Storage Facility, 130 Cormorant Rd Kooragang, September 2019. Brown Commercial Building (2019).</li> </ul>	Non-compliant	Groundwater & Soil Contingency Plan was not submitted to the Planning Secretary. Construction is complete. No action required.
<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, Standard No. 3, 4 &amp; 5, FR-BCB06, updated July 2018. Brown Commercial Building Pty Limited.</li> </ul> <p>A completed form was provided for review. Understanding of obligations regarding Aboriginal Heritage and any unexpected finds is one of the items on the checklist.</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.	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 were encountered on-site during construction.	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	
<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.	<ul style="list-style-type: none"> <li>Email correspondence from Brown Commercial Building Pty Ltd to Sovechles Nominees, Elgas Storage Facility – Conditions B35 &amp; B36 Dust Minimisation, dated 16 October 2020.</li> <li>Site photos provided by Sovechles Nominees showing construction of trenches and main building.</li> </ul>	Compliant	

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			Email correspondence from Brown Commercial Building stated that no major earthworks were required at the site due to existing site levels therefore minimising dust generation. Ground conditions comprise of very sandy soil (no dust generated when moved). No large stockpiles of fill were generated at the site and placement of pavement on-site commenced eight weeks into the six month build process. No complaints were received from authorities or adjacent land owners during the construction phase.  Photos taken during construction do not show any generation of dust.		
B36	<b>Dust Minimisation</b>	During construction, the Applicant must ensure that: a) exposed surfaces and stockpiles are suppressed by regular watering; b) all trucks entering or leaving the site with loads have their loads covered; c) trucks associated with the development do not track dirt onto the public road network; d) public roads used by these trucks are kept clean; and e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.	Photos taken at various stages of construction of the development were provided by the applicant. The construction site appeared to be in tidy and no signs of dust generation were evident in the photos.  The applicant advised that no issues with dust generation were encountered during the construction works.	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).	The applicant advises that no odours were generated during construction works.	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-Saturday: 8 am to 5.30 pm	<ul style="list-style-type: none"> <li>Work Health &amp; Safety Management Plan, Elgas Kooragang Island, 130 Cormorant Rd Kooragang Island. Document number BC0090, 10/9/19. Brown Commercial Building Pty Ltd (2019).</li> </ul> <p>The hours of work specified for construction in the WHS Management Plan are the same as in Table 1.</p> <p>The Applicant advises that no work was undertaken outside of the specified work hours.</p>	Compliant	
B39	<b>Hours of Work</b>	Works outside of the hours identified in Condition B38 may be undertaken in the following circumstances: a) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or b) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.	<ul style="list-style-type: none"> <li>Letter to BCA Certifiers Australia Pty Ltd, Hours of Work (Condition B39) Re: 130 Cormorant Road, Kooragang – Elgas Storage Facility dated 28 April 2020, Brown Commercial Building Pty Ltd.</li> </ul> <p>Letter stating that there were no requirements for any out of hours works to be undertaken during the development.</p>	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.	<ul style="list-style-type: none"> <li>Project Wrap Report, Brown Commercial – 1 Egret Street Kooragang (ELGAS Depot) prepared by Clean Valley (Aust) Pty Ltd.</li> </ul> <p>As of 15/5/20, 0 T of waste was recycled at source, 10.078 T recycled off-site and 2.587 T was sent to landfill. Materials were recycled at Concrush (EPA licence 13351), SCE Recycling (EPA Licence 12764) or Benedict Recycling (EPL 20771). All recycling facilities are licensed to accept general solid waste for recycling.</p>	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 liquid or non-liquid waste required classification during construction.	Compliant	
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	



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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.		Not triggered	
<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.	<ul style="list-style-type: none"> <li>Groundwater &amp; Soil Contingency Plan, Elgas LPG Gas Storage Facility, 130 Cormorant Rd Kooragang, September 2019. Brown Commercial Building (2019).</li> </ul> <p>The Groundwater &amp; Soil Contingency Plan forms part of the CEMP. The plan does not state any requirements for the disposal of contaminated soil.</p>	Non-compliant.	The procedure for management of unexpected soil contamination does not include any provisions for the disposal of contaminated material. Construction is complete. No action required.
<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>	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 confirms that all external lighting will be 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>	The EIS drawings show fencing to be 1800 high Colorbond security with three rows of barbed wire along three sides with 1800 high heavy duty palisade electrically operated sliding security gates along eastern boundary. EIS drawings show Elgas signage and safety signage on the eastern security gate. Observations during the site inspection were that fencing and signage were installed as per the EIS drawings.	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.	Steel perimeter fencing of at least 2.1 m was observed during the site inspection to have been installed around the LPG storage compound.	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, dated 16 November 2019 prepared by Craig Cable (2019).</li> <li>Letter to Sovechles Nominees, Mosquito Management Plan (Condition B50) RE: 130 Cormorant Road, Kooragang – Elgas Storage Facility, 16 October 2020. Brown Commercial Building Pty Ltd.</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
			The letter of 16/10/20 issued by the builder confirmed that all site personnel were made aware of the Mosquito Management Plan which was implemented during the construction phase of the development.		
<b>PART C – ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING</b>					
<b>Environmental Management</b>					
C1	<b>Management Plan Requirements</b>	Management plans required under this consent must be prepared in accordance with relevant guidelines, and include: <ol style="list-style-type: none"> <li>a) details of:                             <ol 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> </ol> </li> <li>b) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;</li> <li>c) a program to monitor and report on the:                             <ol 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> </ol> </li> <li>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;</li> <li>e) a program to investigate and implement ways to improve the environmental performance of the development over time;</li> <li>f) a protocol for managing and reporting any:                             <ol 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> </ol> </li> <li>g) a protocol for periodic review of the plan.</li> </ol>	<ul style="list-style-type: none"> <li>• Work Health &amp; Safety Management Plan, Elgas Kooragang Island, 130 Cormorant Rd Kooragang Island. Document number BC0090, 10/9/19. Brown Commercial Building Pty Ltd (2019).</li> <li>• ELGAS LPG Gas Storage Facility 130 Cormorant Rd Kooragang Construction Environmental Management Plan, dated September 2019. Brown Commercial Building.</li> <li>• Traffic Management Plan No. 0051736274, Brown Building Cormorant Rd, Kooragang prepared by Gateshead Traffic Solutions Pty Ltd</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> <li>• Mosquito Management Plan, Elgas LPG Storage Facility 130 Cormorant Road Kooragang, dated 16 November 2019 prepared by Craig Cable (2019).</li> <li>• Groundwater &amp; Soil Contingency Plan, Elgas LPG Gas Storage Facility, 130 Cormorant Rd Kooragang, September 2019. Brown Commercial Building (2019).</li> </ul> <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>The Traffic Management Plan was brief and did not provide any contingency measures.</p> <p>The above environmental management plans generally do not include provisions for management of incidents or complaints.</p>	Non-compliant	Construction is complete. No action required in relation to environmental management plans for the construction phase.
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.	<ul style="list-style-type: none"> <li>• Elgas LPG Gas Storage Facility 130 Cormorant Rd Kooragang Construction Safety Study, September 2019. Brown Commercial Building (2019).</li> <li>• ELGAS LPG Gas Storage Facility 130 Cormorant Rd Kooragang Construction Environmental Management Plan, dated September 2019. Brown Commercial Building.</li> <li>• Work Health &amp; Safety Management Plan, Elgas Kooragang Island, 130 Cormorant Rd Kooragang Island. Document number BC0090, 10/9/19. Brown Commercial Building Pty Ltd (2019).</li> <li>• Letter to DPIE, Re: Elgas Liquefied Petroleum (sic) Gas Storage and Distribution Facility – 130 Cormorant Road Kooragang (Lot 1 DP 1195449) SSD 8448 – Alleged Breach of Section 4.2 of the Environmental Planning and Assessment Act 1979, 24 July 2020. MetroPlan Services (2020).</li> </ul> <p>The Construction Environmental Management Plan comprises mainly of the four documents specified in Condition C3.</p> <p>In response to a show cause request relating to commencement of construction without a CEMP approved by the Planning Secretary, the Construction Safety Study approved by the Planning Secretary prior to construction commencement was stated as being understood to cover the</p>	Non-compliant	Construction is complete. No action required.

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>requirements of a CEMP and hence a formal separate CEMP was not considered to be required.</p> <p>Both 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>		
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> <p>a) Construction Traffic Management Plan (see Condition B13);  b) Erosion and Sediment Control (see Condition B23);  c) Mosquito Management Plan (see Condition B50); and  d) Groundwater Contingency Plan (see Condition B29).</p>	<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>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> <li>Mosquito Management Plan, Elgas LPG Storage Facility 130 Cormorant Road Kooragang, dated 16 November 2019 prepared by Craig Cable (2019).</li> <li>Groundwater &amp; Soil Contingency Plan, Elgas LPG Gas Storage Facility, 130 Cormorant Rd Kooragang, September 2019. Brown Commercial Building (2019).</li> </ul> <p>The CEMP is comprised of the above documents. Refer to conditions B13, B23, B50 and B29 for specific comments on the respective management plans.</p>	Compliant	
C4	<b>Construction Environmental Management Plan</b>	<p>The Applicant must:</p> <p>a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and  b) carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.</p>	<ul style="list-style-type: none"> <li>Elgas LPG Gas Storage Facility 130 Cormorant Rd Kooragang Construction Safety Study, September 2019. Brown Commercial Building (2019).</li> <li>ELGAS LPG Gas Storage Facility 130 Cormorant Rd Kooragang Construction Environmental Management Plan, dated September 2019. Brown Commercial Building.</li> </ul> <p>The CEMP was not submitted to the Planning Secretary for approval.</p>	Non compliant	Construction is complete. No action required.
C5	<b>Operational Environmental Management Plan</b>	<p>The Applicant must prepare an Operational Environmental Management Plan (OEMP) in accordance with the requirements of Condition C1 and to the satisfaction of the Planning Secretary.</p>		Not triggered	
C6	<b>Operational Environmental Management Plan</b>	<p>As part of the OEMP required under Condition C5 of this consent, the Applicant must include the following:</p> <p>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).</p>		Not triggered	
C7	<b>Operational Environmental Management Plan</b>	<p>The Applicant must:</p> <p>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).</p>		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
C8	<b>Revision of Strategies, Plans and Programs</b>	Within three months of: a) the submission of an incident report under Condition C10; b) the submission of an Independent Audit under Condition C17; c) the approval of any modification of the conditions of this consent; or d) the issue of a direction of the Planning Secretary under Condition A2(b) which requires a review, the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.		Not triggered	
C9	<b>Revision of Strategies, Plans and Programs</b>	If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review. <i>Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.</i>		Not triggered	
<b>Reporting and Auditing</b>					
C10	<b>Incident Notification, Reporting and Response</b>	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.	No incidents identified.	Not triggered	
C11	<b>Non-Compliance Notification</b>	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.	No non-compliances other than those notified by DPIE were identified by the Applicant.	Not triggered	
C12	<b>Non-Compliance Notification</b>	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.		Not triggered	
C13	<b>Non-Compliance Notification</b>	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance		Not triggered	
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> <p>DP&amp;E letter of 7/8/20 notes that the latest notified date of commencement of operation was 1/9/20 and that the Compliance Monitoring and Reporting Program (CMRP) should have been submitted to the Department by no later than 27 July 2020. The CMRP was recorded as being submitted on 5/8/20 by DP&amp;E. DP&amp;E regarded the submission of the CMRP to be a non-compliance.</p> <p>Sovechles Nominees and Elgas confirmed that operation of the facility scheduled for 1/9/20 aborted and that a new date for commencement of</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
			operation would be set pending outcome of modification application SSD-8448-Mod-1.		
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).	First Compliance Report due within 52 weeks of date of notified date of operation.	Not triggered	
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.		Not triggered	
C17	<b>Independent Audit</b>	No later than 4 weeks before the date notified for the commencement of operation, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department.	<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>	This audit forms the independent audit for pre-construction and construction stages of the development.	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>	This audit is the first independent audit for the site.	Not triggered	
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 or the environmental management or impact of the development.</i>	Noted	-	
<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: <ol style="list-style-type: none"> <li>make the following information and documents (as they are obtained or approved) publicly available:                             <ol style="list-style-type: none"> <li>the documents referred to in Condition A2 of this consent and the final layout plans for the development;</li> <li>all current statutory approvals for the development;</li> <li>all approved strategies, plans and programs required under the conditions of this consent;</li> <li>contact details to enquire about the development or to make a complaint;</li> <li>the Compliance Reporting of the development;</li> <li>audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;</li> <li>any other matter required by the Planning Secretary; and</li> </ol> </li> <li>keep such information up to date, to the satisfaction of the Planning Secretary.</li> </ol>	<p>The Applicant advises that all EIS documentation and response 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></p> <p>The Applicant advises that the builder (Brownbuild Commercial Building Pty Ltd) was in possession of copies of all DA documents, approvals, safety documentation and drawings during construction and that the documents were available at the site. No issues or incidents occurred during construction and no complaints were received from stakeholders including local businesses, authorities or agencies including RMS, Council, Hunter Water, EPA or Ausgrid.</p> <p>Elgas advises that all supporting pre-construction documentation were made available to the Applicant and that no communication was received from the general public during the construction phase.</p> <p>Items v) and vii) have not been triggered.</p>	Compliant	Documentation is available to the public on the Planning Portal or through visiting the site. Not all documentation is available remotely on the Planning Portal. (R): Consideration should be given to how public access is made to documents that are not available on the Planning Portal.



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



Mitchell Sovechles  
Director  
Sovechles Nominees Pty Ltd  
C/- Cutcher and Neale  
23-25 Bolton Street  
Newcastle, NSW, 2300

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

21/08/2020

Dear Mr Sovechles

**ELGAS Kooragang LPG Storage and Distribution Facility (SSD-8448)  
Auditor Endorsement Request**

Reference is made to your request (SSD-8448-PA-15) for the Secretary's endorsement of suitably qualified, experienced and independent persons to conduct an Independent Audit of the ELGAS Kooragang LPG Storage and Distribution Facility (the project), submitted to the Department of Planning, Industry and Environment (the Department) on 18 August 2020, as directed by the Planning Secretary on 4 August 2020.

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

- Greg Brickle (Lead Auditor);
- Christine Louie (Technical Support and QA/QC review); and
- Rachel Grey (Audit Assistant)

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.

If 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



Mitchell Sovechles  
Director  
Sovechles Nominees Pty Ltd  
C/- Cutcher and Neale  
23-25 Bolton Street  
Newcastle, NSW, 2300

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

10/09/2020

Dear Mr Sovechles

**ELGAS Kooragang LPG Storage and Distribution Facility (SSD-8448)  
2020 IA Audit Team Amendment**

Reference is made to your request (SSD-8448-PA-15) for the Secretary's endorsement of suitably qualified, experienced and independent persons to conduct an Independent Audit of the ELGAS Kooragang LPG Storage and Distribution Facility (the project), submitted to the Department of Planning, Industry and Environment (the Department) on 18 August 2020, as directed by the Planning Secretary on 4 August 2020.

Reference is also made to your request (SSD-8448-PA-18) submitted to the Department on 9 September 2020 to amend the Secretary endorsed audit team as outlined below:

- Christine Louie (Lead Auditor);
- Sam Pathammavong (Technical Support and QA/QC review); and
- Rachel Gray (Audit Assistant).

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

If 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

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## Independent Auditor Declaration Form

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

**Consent Number** SSD 8448

**Description of Project** Site preparation, removal of trees, installation of services and drainage infrastructure and construction and operation of a LPG facility, including bulk storage vessel, cylinder storage area, overnight truck parking and loading area, cylinder fill dock, office building and associated car park (Ref: *Environmental Impact Statement, New LPG Storage Facility, 130 Cormorant Road, Kooragang (Part Lot 1 DP 1195449), RPS Australia East Pty Ltd, Report: PR136556, 22 August 2017.*)

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

**Proponent** Sovechles Nominees Pty Ltd

**Title of Audit** LPG Storage and Distribution Facility, 130 Cormorant Road, Kooragang NSW (Lot 1 DP 1195449)  
Independent Audit

**Date** 5 November 2020

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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 Pty Ltd t/a Consentium

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

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## Independent Auditor Declaration Form

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

**Consent Number** SSD 8448

**Description of Project** Site preparation, removal of trees, installation of services and drainage infrastructure and construction and operation of a LPG facility, including bulk storage vessel, cylinder storage area, overnight truck parking and loading area, cylinder fill dock, office building and associated car park (Ref: *Environmental Impact Statement, New LPG Storage Facility, 130 Cormorant Road, Kooragang (Part Lot 1 DP 1195449), RPS Australia East Pty Ltd, Report: PR136556, 22 August 2017.*)

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

**Proponent** Sovechles Nominees Pty Ltd

**Title of Audit** LPG Storage and Distribution Facility, 130 Cormorant Road, Kooragang NSW (Lot 1 DP 1195449)  
Independent Audit

**Date** 5 November 2020

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:

- 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** Sam Pathammavong

**Signature**



**Qualification** Exemplar Global Certified Auditor No. 203502

**Company** JBS&G Pty Ltd t/a Consentium

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



## Appendix D Site Inspection Photographs

**PHOTO 1 – ENTRY TO SITE PRIOR TO CONCRETING**

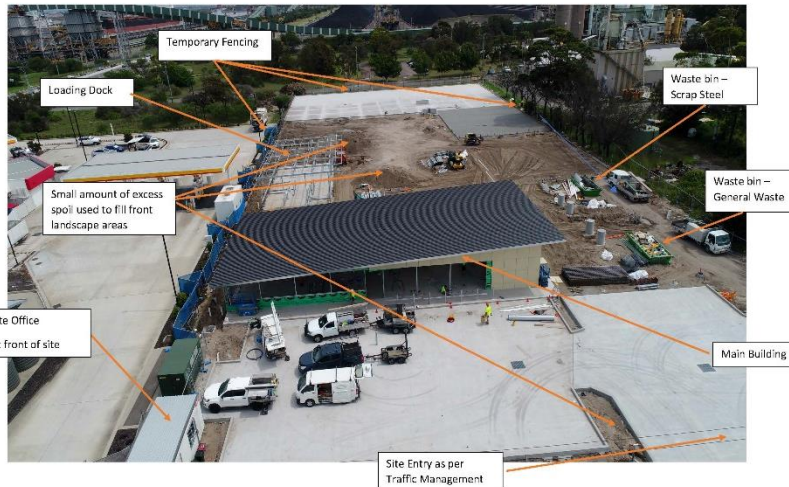


**PHOTO 2 – TRENCHING FOR INSTALLATION OF ELECTRICAL SERVICES**



**PHOTO 3 – THREE MONTHS INTO CONSTRUCTION**

Elgas Facility Under Construction located at rear of Lot 1, 130 Cormorant Road, Kooragang.



**PHOTO 4 – VIEW OF STORAGE AREA AT COMPLETION OF CONSTRUCTION**



Job No: 59375

Client: Sovechles Nominees Pty Ltd

Version: R01 Rev A      Date: 19/10/2020

Drawn By: CL      Checked By: SP

Not to Scale

Coord. Sys n/a

**Independent Audit  
Kooragang LPG Storage Facility  
130 Cormorant Road Kooragang**

**PHOTO 5 – SITE EMERGENCY PLAN**



**PHOTO 6 – COMPLETED CARPARK AND STORMWATER DRAINAGE PIT**



**PHOTO 7 – CONSTRUCTED SITE**



**PHOTO 8 – NEIGHBOURING SITE**



Job No: 59375

Client: Sovechles Nominees Pty Ltd

Version: R01 Rev A      Date: 19/10/2020

Drawn By: CL      Checked By: SP

Not to Scale

Coord. Sys n/a

**Independent Audit  
Kooragang LPG Storage Facility**

**130 Cormorant Road Kooragang**



## Appendix E Consultations

**From:** [Joel Curran](#)  
**To:** [Christine Louie](#)  
**Subject:** RE: SSD 8448 - 130 Cormorant Road Kooragang  
**Date:** Monday, 28 September 2020 11:42:43 AM  
**Attachments:** [image006.png](#)  
[image008.wmz](#)  
[image002.png](#)

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

Hi Christine

No specific issues. Just the noted 'focus on compliance during the pre-construction and construction phases of the development'.

Regards

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

Compliance | 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)



**Planning,  
Industry &  
Environment**

*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](#).***

---

**From:** Christine Louie <[christine.louie@consentium.com.au](mailto:christine.louie@consentium.com.au)>  
**Sent:** Monday, 28 September 2020 11:03 AM  
**To:** DPE PSVC Compliance Mailbox <[compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)>  
**Cc:** Joel Curran <[Joel.Curran@planning.nsw.gov.au](mailto:Joel.Curran@planning.nsw.gov.au)>  
**Subject:** SSD 8448 - 130 Cormorant Road Kooragang

Good Morning,

Consentium is undertaking an Independent Environmental Audit for the liquified petroleum gas storage and distribution facility development undertaken at 130 Cormorant Road Kooragang (Lot 1 DP 1195449) as per the Planning Secretary's request (dated 4/8/20). The audit will focus on compliance during the pre-construction and construction phases of the development.

In accordance with *Independent Audit Post Approval Requirements* (Department 2018), the auditor is required to consult with the Department and other agencies and stakeholders to obtain their input into the scope of the audit. Please advise if the Department has any specific comments regarding environmental issues relating to the development that the Department would like to be considered as part of the independent audit.



Regards,

Christine Louie | Principal Consultant | Consentium  
0423 539 373 | [christine.louie@consentium.com.au](mailto:christine.louie@consentium.com.au)  
Level 1, 50 Margaret Street, Sydney NSW 2000 | [consentium.com.au](http://consentium.com.au)




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0	1	Mitchell Sovechles, Sovechles Nominees	12 November 2020

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		Name	Name	Signature	Date
0	Christine Louie	Sam Pathammavong	Christine Louie		12 November 2020

