

26 November 2021

The Secretary
NSW Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2000

Att: Heidi Watters

**Re: Proponent's Responses - Independent Environmental Audit Report
Elgas LPG Facility
SSD 8448
Part Lot 1 DP 1195449
130 Cormorant Road, Kooragang NSW.**

Background

On 23 November 2018 consent was granted for a Liquified Petroleum Gas Storage and Distribution Facility at 130 Cormorant Road Kooragang (SSD 8448).

Condition C18 of the consent requires Independent Audits of the development to be carried out in accordance with the Independent Audit Program submitted to the Department.

A previous Environmental Audit was completed for the pre-construction and construction phases of the development.

With the approval of the Department, Sovechles Nominees Pty Ltd engaged JBS&G Australia Pty Ltd to prepare an Independent Audit relating to activities undertaken during the operation of the development. The Independent Audit has been prepared in accordance with the requirements of Condition C18 and the Department of Planning and Environment (2018) *Independent Audit Post Approval Requirements*.

The audit has assessed the environmental performance and compliance status of the operation phase of the development for the period since the completion of initial independent audit on 12 November 2020 until 12 November 2021. The Operation Environmental Management Plan and associated sub-plans forming the Environmental Management System were also assessed, along with compliance of the development against the Development Consent conditions of SSD8448, Modification 1 and Modification 2 applicable to the operation phase of the project.

The audit has indentified six non-compliances relating to the operation phase, with all non-compliances being of an administrative nature. No actual detrimental impact to the environment has occurred as a result of any non-compliance with the consent conditions during the reporting period.

Based on an evaluation of compliance with the conditions of consent of SSD 8448 and the six non-compliances identified, the following action are recommended to be undertaken to address the non-compliances (as presented in Table 3.1 of Consentium Audit report):

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

The Independent Audit report concluded, that:

“Overall, notwithstanding the recommendations and action 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.”

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

Applicant’s Response

As set out in Part 4.3 of Department of Planning and Environment (2018) *Independent Audit Post Approval Requirements*, the proponent is required to submit their response to the audit findings to the Department in a separate document. The Summary Table below sets out the audit findings and recommendations contained in the Consentium Audit report, with an additional column added to include Applicant Response.

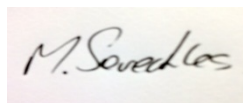
Summary of Audit Compliance with Development Consent Conditions

Approval (ID)	Audit Findings and Recommendations	Compliance Status	Applicant Response
Terms of Consent Condition A2	Non-compliant conditions. Action: None required.	Non-compliant	Noted, no action required
Operational Environmental Management Plan Condition C7	DPIE determined that operations commenced prior to approval of the Operational Environmental Management Plan. Action: None required.	Non-compliant	Noted, no action required
Revision of Strategies, Plans and Programs C8	A review of strategies, plans and programs was not conducted/advised of to the Department within three months of submission of the independent audit report completed October 2020 nor the approval of Modification 1. Action: Ensure that a review of strategies, plans and programs is undertaken for all future occurrences listed under items a) to d) and notified to the Department as required by condition C8	Non-compliant	Noted, applicant to ensure that a review of strategies, plans and programs is undertaken for all future occurrences listed under items a) to d) and notified to the Department as required by condition C8

Compliance Reporting Condition C16	Pre-start up and post-start up compliance reports are not publicly available. Action: Pre-start up and post-start up Compliance Reports to be made available on project web-site.	Non-compliant	Noted, applicant to ensure Pre-start up and post-start up Compliance Reports are made available on project web-site.
Independent Audits Condition C19	The applicant response to the initial Independent Audit is not publicly available. Action: Applicant response to initial Independent Audit to be made available on project web-site.	Non-compliant	Noted, applicant to ensure initial Independent Audit to be made available on project web-site.
Access to Information Condition C21	Pre-start up and post-start up compliance reports and applicant response to initial Independent Audit are not publicly available. Action: Pre-start up and post-start up Compliance Reports and applicant response to Independent Audit to be made available on project web-site.	Non-compliant	Noted, applicant to ensure pre-start up and post-start up Compliance Reports and applicant response to Independent Audit to be made available on project web-site

We trust that this letter comprehensively addresses the Applicant response requirements as set out in Part 4.3 of Department of Planning and Environment (2018) *Independent Audit Post Approval Requirements*, and we note the opportunity for improvement in relation to public access to project documents. We also seek the Department's guidance with respect to the practical measures required to ensure we comply with the requirements of Condition C19 (c) - making each Independent Audit report and response publicly available no later than 60 days after submission to the Department.

Yours Faithfully



Mitchell Sovechles
Director
Sovechles Nominees Pty Ltd