



## **ELGAS KOORAGANG LPG FACILITY**

### **OPERATIONAL COMPLIANCE REPORT**

#### **FOR THE PERIOD**

**21 OCTOBER 2023 to 28 November 2024**

Application No:	SSD 8448
Original Applicant:	Sovechles Nominees Pty Ltd
Current Landowner:	NGP Investments (No.2) (CAN 001 495 343)
Property Manager:	Collier Real Estate Management Services
Current Occupier :	ELGAS
Consent Authority:	Minister for Planning
Site:	130 Cormorant Road, Kooragang Lot 1 DP 1195449
Development:	Liquefied Petroleum Gas Storage and Distribution Facility
Prepared by:	Patrick Egan ELGAS NSW Regional Depot Manager
	Jefferson Chung ELGAS NSW Technical Engineer

**Version Control**

PROJECT APPLICATION NUMBER: **SSD 8448**

<b>Revision</b>	<b>Date</b>	<b>Reason for Issue</b>	<b>Name and Title of Person Providing Declaration for the Compliance Report</b>
Draft 0	September 29, 2023	Draft for internal review	
Draft 1	October 19, 2023	First draft for discussion and clarification of administrative issues	
Draft 2	October 27, 2023	For Elgas review	
Issue 1	October 30, 2023	Issued without alteration	Bill Callan
Issue 2	November 28, 2024	Adapted to ELGAS format	Patrick Egan

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## Executive Summary

Development Consent for the Kooragang LPG Facility (SSD 8448) was granted subject to Conditions of Consent, including Condition C15, which requires Compliance Reporting of the development. This report covers the annual Operational Compliance Audit covering the approximately 12-month period from the last such Audit, '*OPERATIONAL COMPLIANCE REPORT FOR THE PERIOD 21 OCTOBER 2022 to 20 OCTOBER 2023*' by Premier Engineering Services Pty Ltd, to October 2023. This report takes the form of a review of the recommendations and findings of the last report, with these being inserted into the existing text, so that a continuous record of review is maintained.

Last year's audit finds two non-compliances relating to the timing of reporting, responses to reporting and publication in a publicly accessible fashion, as required by Consent Condition C16 and C19. During the course of that audit, and as a result of this finding, Elgas has taken the initiative to prepare a program (tabulation) of report due dates, responses, notifications and publication dates. The two items have been closed.

With guidance received from NSW Department of Planning, Housing and Infrastructure Compliance Team, September 2024, this annual Compliance Audit '*OPERATIONAL COMPLIANCE REPORT FOR THE PERIOD 21 OCTOBER 2023 to 28 NOVEMBER 2024*' has been conducted and compiled by ELGAS.

At the time of this Operational Compliance Audit there has been NIL Non-Compliance items reported.

Additionally, written direction (NSW Planning ref: SSD-8448-PA-38) received from the Planning Secretary dated 25/06/2024 requested the following information to be completed in 2024 compliance report:

1. Summarise activities that occurred during the reporting period, including compliance with general operational criteria (such as operation hours and storage of approved materials).
2. A figure to illustrate the development on a regional and local context.
3. Summarise the total non-compliant conditions, this may include use of a table.
4. Identify and update corrective/improvement actions from the previous compliance report.
5. A declaration by an authorised reporting officer.

Per Schedule 2, Condition A3 comments in this report, the above five items have been included in the 2024 Operational Compliance Report.

## 1 Introduction

### Overview of the Project

Site Address: 130 Cormorant Road, Kooragang NSW

#### Project Activities

- Storage of bulk LPG (receipt by bulk road tanker)
- Distribution of bulk LPG by road tanker
- Filling of LPG cylinders
- Distribution of LPG cylinders by truck
- Receipt of empty cylinders for refilling
- Associated sales activities.

All activities on the site during this audit period related to normal operations only. No construction or demolition occurred during this period.

The Site Layout and surrounding areas is shown in Appendix A

### Elgas Personnel

Personnel who are responsible for the environmental/compliance management of the development:

- Pat Egan – ELGAS Regional Depot Manager, Northern New South Wales  
Mobile 0401 987 757
- Lewis Nottidge - National Technical Manager Mobile 0401 987 534
- Chris Beston – Head of SHEQ ELGAS Region South Pacific Mobile 0438 041 332
- David Russell - Customer Service Manager: Newcastle/Hunter Valley Mobile 0429 636 054

### Audit Information

This audit was carried out by Patrick Egan (ELGAS NSW Depot Operations Manager) and Jefferson Chung (ELGAS NSW Technical Engineer) with the assistance of Lewis Nottidge (ELGAS National Technical Manager).

This audit report follows as far as practicable the guidelines set out in the current requirements of “Compliance Reporting – Post Approval Requirements, NSW Department of Planning, Industry and Environment May 2020”.

## 2 Summary of Project Activities During Reporting Period

Project activities during the reporting period of 21 October 2023 to 28 November 2024 include:

- Operational Hours
  - Hour of operations have been maintained per condition B38
  - Monday to Sunday 24 Hours, no change.
- Dangerous Goods (LPG) Management
  - Dangerous Goods management per condition A6 & B11
  - Management Month to Month
- Annual Internal Elgas Depot Audit Program
  - Completed 18/03/2024
- Elgas Annual Preventive Maintenance
  - Managed via EMAP & Local Management per Condition A19

## 3 Facility and Surrounds

### 3.1 Facility Location and Surrounding Land Uses

The Elgas LPG depot is located on part of 130, Cormorant Road, Kooragang, NSW. The site covers approximately 7500m (55 metres x 138 metres).

There is an existing Shell Service Centre (gasoline and diesel) retail outlet and a car wash facility on Part of 130 Cormorant Road. The ELGAS site is on the northern part of 130 Cormorant Road, with vehicle access and exit located on Egret Street.

The site and the existing service centre site are leased from the Port of Newcastle by from NGP Investments (No.2) (CAN 001 495 343) (the current proponent).

Elgas sub-lease part of Lot 1 from NGP Investments (No.2) (CAN 001 495 343) (the proponent) for the Depot and operate the Depot.

A location map is show in Figure 1.



Figure 1. Elgas Kooragang LPG Depot Location Map

### 3.2 Immediate Neighbours

The immediate neighbours are:

- Boral Concrete. (North)
- Shell Service Station, Food Outlets and Car Wash Facility (South).
- South channel of the Hunter River and the Port Waratah Coal Services (PWCS) loading terminal (South of service station across Cormorant Road)
- Across Egret Street the BOC facility for industrial gases (East)
- Across Egret Street the Sims Metal facility for metal waste management (East)
- Vacant land leased by Boral Concrete (West)

## 4 Previous Action Reports

Comments from previous Compliance Report:

Two non-compliances are identified. Condition C16 required the publication of the 2022 Operational Compliance Report (i.e., last year's edition of this report) no later than 60 days after submission of the Report to the Department. The actual time taken was approximately 90 days. Condition C19 required a response to the same Report. That Report found no non-compliances, so this may or may not explain the lack of response. However, a response was required and was not forthcoming.

Neither of these non-compliances have any impact on the safe and proper operation of the site – they are entirely related to paperwork of an administrative nature. The scope of this report is to identify these non-compliances. However, the act of investigation revealed a number of issues which impact on how they occurred and how they can be prevented. Therefore, the following comments are offered for consideration and implementation or rejection:

1. When these issues were first discussed during site visit, reference was made to the approved Compliance Monitoring and Reporting Program described in Condition C14. As recorded in our comments in the Independent Audit Table below, this was of no help. Elgas has taken the initiative to commence preparation of a tabulation of when reports, reviews, responses and notifications are required by the Consent Conditions.
2. There are many entities involved in Compliance reporting arena:
  - a. The original Applicant
  - b. The current site owner (presumably the inheritor of the “Applicant” status)
  - c. The Applicant’s former Property Manager
  - d. The Applicant’s current Property Manager
  - e. The site tenant Elgas

Consent Conditions are directed at the “Applicant”. However, virtually all actions, responses and initiatives are Elgas responsibility. Hence the suggestion above to support the Elgas initiative to prepare an agreed table of requirements. It is recognized that this may well require some accommodation from the other parties and the Department. This would greatly alleviate the frustration and loss of productivity involved in trying to navigate the current situation.



Corrective actions against non-compliance from 2023 Compliance Report					
Source	Condition Number	Action Proposed	Proposed Completion Date	Status	Action Completed
REPORT 2023 Operational Compliance Audit-Report Issue 1 301023	C16	Publication of Operation 2022 Compliance Report no later than 60 days after submission of the report to the Department.	December 2023	Closed 07.11.23	2023 Compliance Report published on ELGAS Website prior 20.12.24  ELGAS Notification – Non-Compliance per REPORT 2023 Operational Compliance Audit SSD 8448 (Oct 2023) submitted via Major Projects portal 07.11.23  Refer: SSD-8448-PA-38
REPORT 2023 Operational Compliance Audit-Report Issue 1 301023	C19	A publication of the response to the findings is to be issued and provided to the Department.	December 2023	Closed 07.11.23	2023 Compliance Report published on ELGAS Website prior 20.12.24  ELGAS Notification – Non-Compliance per REPORT 2023 Operational Compliance Audit SSD 8448 (Oct 2023) submitted via Major Projects portal 07.11.23  Refer: SSD-8448-PA-38

Recommendations for improvement					
Source	Condition Number	Action Proposed	Proposed Completion Date	Status	Action Completed
REPORT 2023 Operational Compliance Audit-Report Issue 1 301023	C14	Elgas to commence preparation of a tabulation of when reports, reviews, responses and notifications are required by the Consent Conditions.	December 2023	Closed 07.11.23	Tabulation Completed for local use
REPORT 2022 Operational Compliance Audit-Report Issue 1 301023	N/A	2022 Report recommended that all communication be centralized with Elgas as the main actor in control of circumstances on the site	Open	Closed 25.10.24	Patrick Egan (ELGAS) Approved SSD 8448 Project Applicant  25.10.24

## 5 Compliance Status Summary (this audit – 2024)

NIL Non-Compliance items reported at time of this Compliance Audit – 2024.

The Audit Table (Appendix C) uses the Compliance Status Descriptors described in the Post Approval Requirements.

### 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.

## **6 Incidents**

No incidents were reported in this audit period. This is confirmed by documentation (email, dated 19/11/24) from the HSE Manager ELGAS Region South Pacific, Mr Chris Beston:

This document covered the period up to the initiation of this audit. Discussions with management have confirmed that no incidents have occurred between 21 October 2023 and the present date.

## **7 Complaints**

Management reports that no complaints were received during this reporting period.

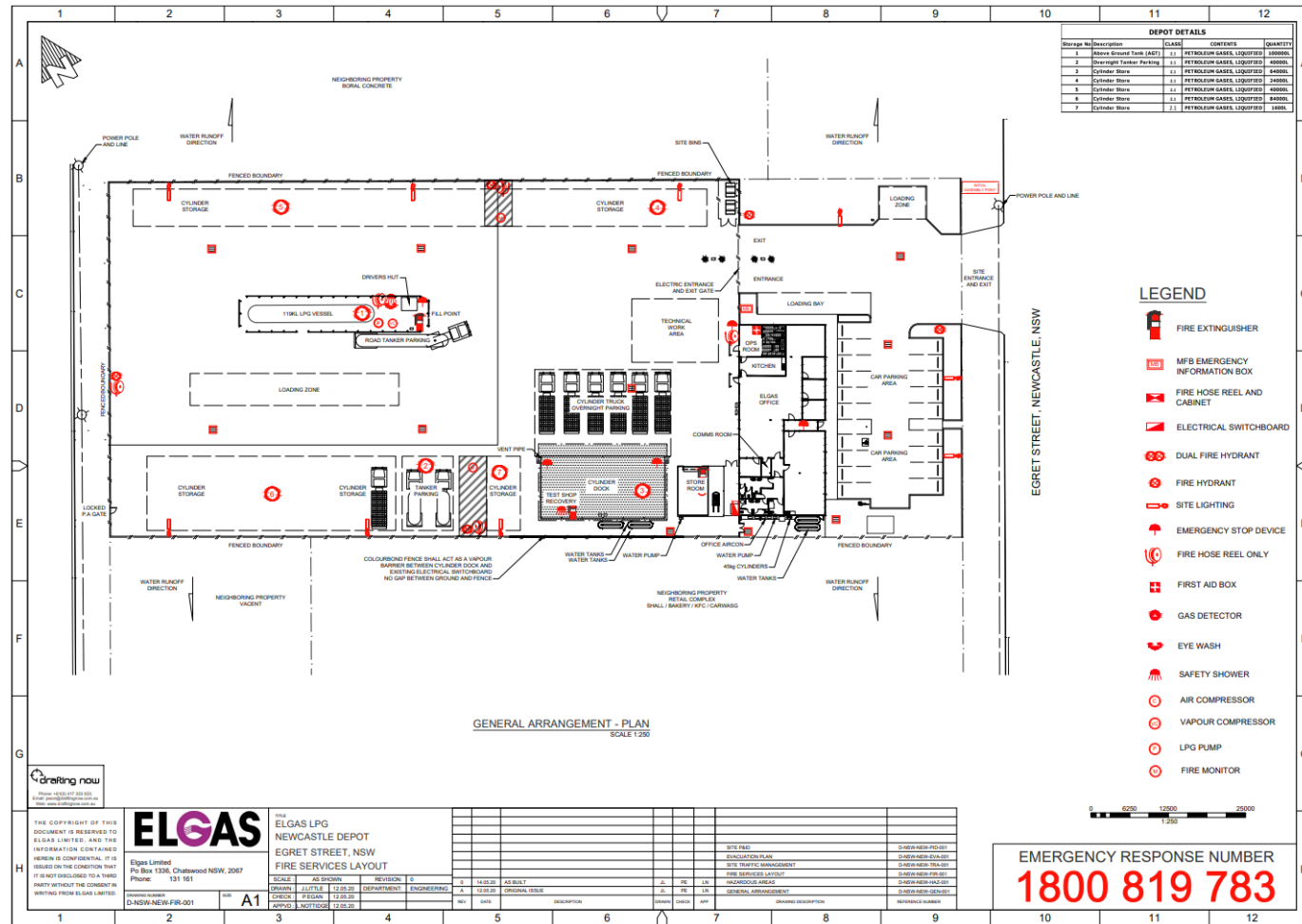
## **8 Declaration**

A Declaration signed by the Authorised Reporting Officer is attached as Appendix D.

## **9 Glossary**

A glossary of abbreviations and terms is attached as Appendix E.

# Appendix A. Site Plan



## **Appendix B.      Audit Team Members**

**Patrick Egan**

ELGAS NSW Depot Operations Manager

**Jefferson Chung**

ELGAS NSW Technical Engineer

**Lewis Nottidge**

ELGAS National Technical Manager

## Appendix C. Compliance Table

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
<b>PART A – ADMINISTRATIVE CONDITIONS</b>				
A1	<p><b>Obligation to minimise harm to environment.</b></p> <p>In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.</p>	At all times	<p><b>2021 -</b></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>• Mosquito Management Plan, Elgas LPG Storage Facility 130 Cormorant Road Kooragang</li> <li>• Sediment &amp; Erosion Control Plan, Proposed Development 130 Cormorant Rd, Kooragang for Brown Commercial Building, Project No. 9935 Drg No. C02-C Rev C dated 2/12/19, Eclipse Consulting Engineers. Stamped As-built.</li> </ul> <p>Construction of the development has been completed.</p> <p><b>2022 -</b> There have been no changes to these issues since previous audit</p> <p><b>2023 -</b> There have been no changes to these issues since previous audit</p> <p><b>2024 -</b> There have been no changes to these issues since previous audit</p>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
A2	<p><b>Terms of Consent</b></p> <p>The development may only be carried out:</p> <ul style="list-style-type: none"> <li>a. in compliance with the conditions of this consent;</li> <li>b. in accordance with all written directions of the Planning Secretary;</li> <li>c. in accordance with the EIS and Response to Submissions;</li> <li>d. in accordance with Modification Assessments;</li> <li>e. accordance with the Development Layout in Appendix A; and</li> </ul> <p>in accordance with the management and mitigation measures in Appendix B.</p>	At all times	<p><b>2021</b> - Refer to non-compliant consent conditions following. The 2021 audit recorded this Condition as Non-compliant, with a comment: "Refer to non-compliant conditions following. No action required."</p> <p><b>2022</b> - Those non-compliances have been closed out and no new non-compliances have arisen.</p> <p><b>2023</b> - No new non-compliances have arisen.</p> <p><b>2024</b> - No new non-compliances have arisen.</p>	Compliant
A3	<p>Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:</p> <ul style="list-style-type: none"> <li>a. the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and</li> <li>b. the implementation of any actions or measures contained in any such document referred to in Condition A3(a).</li> </ul>	At all times	<p><b>2021</b> - No written directions were made by the Planning Secretary during the audit period.</p> <p><b>2022</b> - No written directions were made by the Planning Secretary during the audit period.</p> <p><b>2023</b> - No written directions were made by the Planning Secretary during the audit period</p> <p><b>2024</b> – Written direction (NSW Planning ref: SSD-8448-PA-38) received from the Planning Secretary dated 25/06/2024 requesting the following information to be completed in 2024 compliance report:</p> <ol style="list-style-type: none"> <li>1. Summarise activities that occurred during the reporting period, including compliance with general operational criteria (such as operation hours and storage of approved materials).</li> <li>2. A figure to illustrate the development on a regional and local context.</li> </ol>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			3. Summarise the total non-compliant conditions, this may include use of a table. 4. Identify and update corrective/improvement actions from the previous compliance report. 5. A declaration by an authorised reporting officer.  The above five items have been included in the 2024 compliance report.	
A4	<p>The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.</p> <p>Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction of the Planning Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.</p>	At all times	<p><b>2021</b> - No inconsistencies identified.</p> <p><b>2022</b> - No inconsistencies identified.</p> <p><b>2023</b> - No inconsistencies identified.</p> <p><b>2024</b> - No inconsistencies identified.</p>	Compliant
A5	<p><b>Limits of Consent – Lapsing</b></p> <p>This consent lapses five years after the date from which it operates unless the development has physically commenced on the land to which the consent applies before that date</p>	Expired	<p><b>2021</b> -</p> <ul style="list-style-type: none"> <li>Letter to The Secretary, NSW Department of Planning and Environment dated 26th May 2020, Sovechles Nominees Pty Ltd the trustee for Kooragang Property Trust (emailed 29/5/20) advising of construction commencement on 16/12/19.</li> <li>Email confirmation for the notification of commencement of operation, dated</li> </ul>	Compliant



CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<p>19/06/2020. Notification of commencement of operation email sent on the 29/05/2021.</p> <p><b>2022</b> - Condition A5 has expired.</p> <p><b>2023</b> – No further comment required.</p> <p><b>2024</b> – No further comment required.</p>	
A6	<p><b>Limits of Consent - LPG Storage</b></p> <p>The storage of LPG on-site at any given time must not exceed 178 tonnes.</p>	At all times	<p><b>2021</b> - Environmental Management Plan, Elgas Newcastle, 165- ELNEW_EMP_Environmental Management Plan, version 1.2 dated 6/8/20, Elgas.</p> <p>EMP cites 100 kL stored in above ground bulk tank on-site which is equivalent to approximately 51 tonnes.</p> <p><b>2022</b> - Latest daily inventory manifest was sighted and total LPG on site was under the 178 tonnes. Actual inventory on August 30, 2022, was 170 tonnes.</p> <p><b>2023</b> - Current inventory listing (dated 4/10/23) showed a total of 349531 litres, equivalent to 178 tonnes (actual mass of LPG is less because this calculation assumes all storage ullage is used for liquid).</p> <p><b>2024</b> – Site maintains an ongoing Dangerous Goods (DG) Calculator to monitor site storage levels. The current inventory listing (dated 5/11/24) showed a total of 341152 litres, equivalent to 174 tonnes.</p>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
A7	<p><b>Notification of Commencement</b></p> <p>The date of commencement of each of the following phases of the development must be notified to the Department in writing, at least one month before that date:</p> <ul style="list-style-type: none"> <li>a. construction;</li> <li>b. operation; and</li> <li>c. cessation of operations.</li> </ul>	<ul style="list-style-type: none"> <li>a. Expired</li> <li>b. Expired</li> <li>c. At Decommissioning</li> </ul>	<p><b>2021 -</b></p> <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 26th May 2020, Sovechles Nominees Pty Ltd the trustee for Kooragang Property Trust (emailed 29/5/20) advising of construction commencement on 16/12/19.</li> <li>• Email confirmation for the notification of commencement of operation, dated 19/06/2020. Notification of commencement of operation email sent on the 29/05/2021.</li> </ul> <p><b>2022 -</b> No phases as indicated have initiated in this audit period. Operations are continuing as per design.</p>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<p><b>2023</b> - No phases as indicated have initiated in this audit period. Operations are continuing as per design</p> <p><b>2024</b> - No phases as indicated have initiated in this audit period. Operations are continuing as per design</p>	
A8	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.	Not applicable	<b>2021</b> - Development is not staged	Not Triggered
A9	<p>Where conditions of this consent require consultation with an identified party, the Applicant must:</p> <ul style="list-style-type: none"> <li>a. consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and</li> <li>b. provide details of the consultation undertaken including: <ul style="list-style-type: none"> <li>i. the outcome of that consultation, matters resolved and unresolved; and</li> <li>ii. details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved</li> </ul> </li> </ul>	At all times	<p><b>2021</b> - Email from Elgas to Sovechles Nominees, dated 7 August 2020, Titled: Development Consent Requirements – Elgas Facility. Email shows consultation with Mary Ellen Trimble (Industry Assessments  Department of Planning, Industry and Environment) in relation to the OEMP and OTMP.</p> <p><b>2022</b> - No consultations have been required.</p> <p><b>2023</b> - No consultations have been required.</p> <p><b>2024</b> - No consultations have been required.</p>	Complaint
A10	<p><b>Staging, Combining and Updating Strategies, Plans or Programs</b></p> <p>With the approval of the Planning Secretary, the Applicant may:</p> <ul style="list-style-type: none"> <li>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</li> </ul>	At all times	<p><b>2021</b> - No strategies, plans or programs have been staged.</p> <p><b>2022</b> - No change in this audit period.</p> <p><b>2023</b> - No change in this audit period.</p> <p><b>2024</b> - No change in this audit period.</p>	Not triggered

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	<p>to any future stages and the trigger for updating the strategy, plan or program);</p> <p>b. combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and</p> <p>c. update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development)</p>			
A11	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.	At all times		Not Triggered
A12	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.	At all times		Not Triggered
A13	<p><b>Protection of Public Infrastructure</b></p> <p>Before the commencement of construction, the Applicant must consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure</p>	Expired	<p><b>2021</b> - No changes since previous Audit</p> <p><b>2022</b> - This Condition is no longer relevant.</p> <p><b>2023</b> - As above</p> <p><b>2024</b> - As above</p>	Compliant
A14	Unless the Applicant and the applicable authority agree otherwise, the Applicant must:	At all times	<b>2021</b> - No change since previous Audit	Not Triggered

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	<p>a. repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and</p> <p>b. relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.</p> <p>Note: This condition does not apply to any damage to roads caused as a result of general road usage.</p>		<p><b>2022</b> - The development is complete, so this Condition will have relevance only in the case of future alterations or demolition.</p> <p><b>2023</b> - As above</p> <p><b>2024</b> - As above</p>	
A15	<p><b>Demolition</b></p> <p>All demolition must be carried out in accordance with Australian Standard AS 2601-2001 The Demolition of Structures (Standards Australia, 2001)</p>	At all times	<p><b>2021</b> - No changes since previous Audit</p> <p><b>2022</b> - No demolition has occurred in this audit period.</p> <p><b>2023</b> - No demolition has occurred in this audit period.</p> <p><b>2024</b> - No demolition has occurred in this audit period.</p>	Not Triggered
A16	<p><b>Structural Adequacy</b></p> <p>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.</p> <p>Note:</p> <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> </ul> <p>Part 8 of the EP&amp;A Regulation sets out the requirements for the certification of the development</p>	Expired	<p><b>2021</b> –</p> <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</li> </ul>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<p>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.</p> <p>Balustrade installation work certified as being undertaken in accordance with details provided in Structural Documentation for the project.</p> <p>Compliance certificate based on various Australian Standards and Building Code of Australia BCA/NCC 2019 Part B1: Structural Provisions.</p> <ul style="list-style-type: none"> <li>Final Occupation Certificate No. 00002632, 130 Cormorant Road Kooragang 2304 Lot 1/ DP1195449, DA No. SSD 8448. Issued 21/05/2020 for single storey office building, Storage building and loading dock and associated car parking. BCA Certifiers (Aust) Pty Ltd.</li> </ul> <p><b>2022</b> - No changes to any building structure have been made in this audit period.</p> <p><b>2023</b> - No changes to any building structure have been made in this audit period</p> <p><b>2024</b> - No changes to any building structure have been made in this audit period</p>	

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
A17	<p><b>Compliance</b></p> <p>The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.</p>	At all times	<p><b>2021</b> –</p> <ul style="list-style-type: none"> <li>Site Induction Acknowledgement, Newcastle Depot (Sept 2021) ELGAS Newcastle Depot</li> </ul> <p>All site personnel are inducted into the requirements for working at the site. A sample of completed forms was provided for review. Items covered in the induction cover all relevant aspects of this consent.</p> <p><b>2022</b> - The Safety Management System covers induction and work permit arrangements required before site and building access (by card) and work authorization are granted.</p> <p><b>2023</b> – Induction system is in place and confirmed by recent internal Elgas Depot Audit. Work Permits are authorised by Managers who are familiar with these consent conditions</p> <p><b>2024</b> – Induction system is in place and confirmed by recent internal Elgas Depot Audit. Work Permits are authorised by Managers who are familiar with these consent conditions</p>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
A18	<p><b>Development Contributions</b></p> <p>Before the issue of a construction certificate for any part of the development, a payment of a levy of 1% of the proposed cost of carrying out the development must be paid to Council under section 7.12 of the EP&amp;A Act</p>	Expired	<p><b>2021</b> –</p> <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> <p><b>2022</b> - No change.</p> <p><b>2023</b> – All proposed works under this Consent, except demolition, have been completed.</p> <p><b>2024</b> - No change.</p>	Compliant
A19	<p><b>Operation of Plant and Equipment</b></p> <p>All plant and equipment used on site, or to monitor the performance of the development must be:</p> <ol style="list-style-type: none"> <li>a. maintained in a proper and efficient condition; and</li> <li>b. operated in a proper and efficient manner</li> </ol>	At all times	<p><b>2021</b> –</p> <ul style="list-style-type: none"> <li>• ELGAS Operations and Safety Management System website (screenshot)</li> <li>• ELGAS Maintenance Application Portal (EMAP) screenshot Screenshot of plant equipment maintenance records register. Ten assets shown for the Kooragang site with maintenance dates for each equipment item.</li> </ul> <p>EMAP platform viewed by Auditor during site inspection.</p> <p>The Elgas Operations and Safety Management System provides a comprehensive register of plant and equipment maintenance.</p> <p>Conditions A19 a) and A19 b) met.</p>	Compliant



CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<p><b>2022</b> - The Elgas Operations and Safety Management System (nationally operated), viewed for this visit online and by screenshot, provides a comprehensive register of plant and equipment maintenance. Sample of critical assets shown for the Kooragang site with maintenance dates for each equipment item were sighted. Examples of assets sighted include tanks (via IRIS system which indicates a due date for the existing tank internal inspection in 2030), hoses (tested and tagged hoses also sighted during the depot inspection), six monthly fire system maintenance, forklift daily checklist, weekly depot checklist.</p> <p><b>2023</b> -The Elgas “EMAP” system was sighted live on screen. Various maintenance status issues were viewed including calibration of scales, hose testing and conductivity testing.</p> <p><b>2024</b> -The Elgas “EMAP” system was sighted live on screen. Various maintenance status issues were viewed including calibration of scales, hose testing and conductivity testing. Records kept on” EMAP” system and at branch level.</p>	

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
A20	<p><b>External Walls and Cladding</b></p> <p>The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA</p>	At all times	<p><b>2021</b> - No changes since previous Audit</p> <p><b>2022</b> - No modifications to the walls or cladding have been made.</p> <p><b>2023</b> - No modifications to the walls or cladding have been made.</p> <p><b>2024</b> - No modifications to the walls or cladding have been made.</p>	Compliant
A21	<p>Before the issue of a Construction Certificate and an Occupation Certificate, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.</p>	At all times	<p><b>2021</b> - No changes since previous Audit</p> <p><b>2022</b> - No modifications to the walls or cladding have been made.</p> <p><b>2023</b> - No modifications to the walls or cladding have been made.</p> <p><b>2024</b> - No modifications to the walls or cladding have been made.</p>	Compliant
A22	<p>The Applicant must provide a copy of the documentation given to the Certifying Authority under Condition A21 to the Planning Secretary within seven days after the Certifying Authority accepts it.</p>	At all times	<p><b>2021</b> - The relevant works were assessed during the previous audit.</p> <p><b>2022</b> - No modifications to the walls or cladding have been made.</p> <p><b>2023</b> - No modifications to the walls or cladding have been made</p> <p><b>2024</b> - No modifications to the walls or cladding have been made.</p>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
A23	<p><b>Utilities and Services</b></p> <p>Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.</p>	Expired	<p><b>2022</b> - The previous audit gave the status of this Condition as Not Triggered without comment. Refer below – A24 – A26.</p> <p><b>2023</b> – This condition has expired</p> <p><b>2024</b> – This condition has expired</p>	Compliant
A24	<p>Before the commencement of operation of the development, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 50 of the Hunter Water Act 1991.</p>	Expired	<p><b>2021</b> - Certificate of Compliance – for Plumbing and Drainage Work, 130 Cormorant Street Kooragang for work completed 29/4/20, Reference No. AA201938006. NSW Fair Trading.</p> <p><b>2022</b> - No change.</p> <p><b>2023</b> – This condition has expired</p> <p><b>2024</b> – This condition has expired</p>	Compliant
A25	<p>Before the issue of a Subdivision or Construction Certificate for any stage of the development the Applicant (whether or not a constitutional corporation) is to provide evidence, satisfactory to the Certifying Authority, that arrangements have been made for:</p> <ul style="list-style-type: none"> <li>a. the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project to enable fibre to be readily connected to any premises that is being or may be constructed on those lots; and</li> <li>b. the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.</li> </ul>	Expired	<p><b>2021</b> - No changes since previous Audit</p> <p><b>2022</b> - Refer comment below (in A26) re existence of NBN service.</p> <p><b>2023</b> – No further comment required.</p> <p><b>2024</b> – No further comment required.</p>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
A26	The Applicant must demonstrate that the carrier has confirmed in writing they are satisfied that the fibre ready facilities are fit for purpose.	Expired	<p><b>2021</b> - Email from Elgas Infrastructure Manager confirming that NBN services were connected as of 19/5/20</p> <p><b>2022</b> - No change.</p> <p><b>2023</b> – No further comment required.</p> <p><b>2024</b> – No further comment required.</p>	Compliant
A27	<p><b>Work As Executed Plans</b></p> <p>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</p>	Expired	<p><b>2021</b> - 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.</p> <p><b>2022</b> - No change.</p> <p><b>2023</b> - No change</p> <p><b>2024</b> - No change</p>	Compliant
A28	<p><b>Applicability of Guidelines</b></p> <p>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</p>	At all times	<p><b>2021</b> – Noted</p> <p><b>2022</b> – Noted</p> <p><b>2023</b> – Noted</p> <p><b>2024</b> – Noted</p>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
A29	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.	At all times	<p><b>2021</b> - 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.</p> <p><b>2022 – Noted</b></p> <p><b>2023 – Noted</b></p> <p><b>2024 – Noted</b></p>	Not Triggered
AN1	<p><b>Advisory Notes</b></p> <p>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</p>	At all times	<p><b>2021 – Noted</b></p> <p><b>2022</b> - An amended Acknowledgement of Notification of Hazardous Chemicals on Premises (SafeWork NSW) was sighted. The amendment triggering this revision was related to the change of “person responsible” – there were no changes to storages or inventories of hazardous chemicals.</p> <p><b>2023 –</b> There have been no changes to the Notification in this audit period</p> <p><b>2024 –</b> There have been no changes to the Notification in this audit period</p>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
<b>Hazards and Risk</b>				
B1	<p><b>Terms of Approval</b></p> <p>The Applicant must implement all recommendations listed in the PHA.</p>	At all times	<p><b>2021</b> - 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.</p> <p>Letter provided status of actions taken in response to Arriscar recommendations with no outstanding items.</p> <p>Elgas advises (email correspondence with Sovechles Nominees dated 28/9/20) that all PHA recommendations applicable to the construction and operational phases have been implemented.</p> <p><b>2022</b> - The PHA made ten recommendations. All of these, except one, were confirmed by observation or documentation during the course of this audit (and will be further scrutinized as part of the Hazard Analysis being conducted contemporaneously with this audit). The exception is the recommendation for night patrol personnel to detect presence of gas by smell (Recommendation 1 of the PHA). The actual arrangements in place vary slightly in procedure, although not in intent nor in conformity with the stated aim of the recommendation, which is to detect possible presence of LPG gas in the vicinity of the parked Bobtail truck and to ensure that this activity is included in the procedures. Procedures covering Pre- and Post-journey inspections were sighted, and the foreseen scenario is covered in Section 3-1 of the Emergency Plan approved by Fire and Rescue NSW. The established procedure details deployment of CCTV with intrusion feed to managers' phones and security company. Previous audits have found that</p>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<p>the current procedure is compliant, and this audit concurs. However, a recommendation is made elsewhere in this report to close out the issue formally.</p> <p><b>2023</b> – The issue of Recommendation 1 of the PHA was dealt with prior to the 2022 Audit. However, the 2022 Audit made a further suggestion to close out this issue within the Elgas Management of Change (MoC) system. This has now been completed and the MoC documentation sighted.</p> <p><b>2024</b> – No outstanding recommendations to be completed.</p>	
B2	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	At all times	<p><b>2021</b> - 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.</p> <p><b>2022</b> - No commercial development has occurred or is planned for this area.</p> <p><b>2023</b> - No commercial development has occurred or is planned for this area.</p> <p><b>2024</b> - No commercial development has occurred or is planned for this area.</p>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
B3	<p><b>Pre-Construction</b></p> <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 Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study Guidelines' and the New South Wales Government's Best Practice Guidelines for Contaminated Water Retention and Treatment Systems (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 Hazardous Industry Planning Advisory Paper No. 8, 'HAZOP Guidelines'.</p>	Expired	<p><b>2021</b> - No changes since previous Audit</p> <p><b>2022</b> - All of the documents listed in this Condition are in existence and were sighted. The essence of this condition is submission for approval by the Planning Secretary, and therefore the requirement is past tense and is therefore deemed to be compliant Note that the previous audit report described this condition as "Not triggered", perhaps by reference to obsolete relevance. The fact that the documents exist and have been actioned and audited (partly by this audit, partly by the contemporaneous Hazard Analysis) leads to the Compliant status noted adjacent.</p> <p><b>2023</b> – No further comment required.</p> <p><b>2024</b> – No further comment required.</p>	Compliant



CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	<p>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 Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'. The Final Hazard Analysis must:</p> <ol style="list-style-type: none"> <li>i. report on the implementation of the recommendations under Condition B1; and</li> <li>ii. 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 Hazardous Industry Planning Advisory Paper No. 7 'Construction Safety'. For developments in which the construction period exceeds six months, the commissioning portion of the Construction Safety Study may be submitted two months prior to commencement of commissioning.</p>			
B4	<p><b>Pre-Commissioning</b></p> <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</p>	Expired	<p><b>2021 –</b></p> <ul style="list-style-type: none"> <li>• Approval of OEMP Letter dated, 23 October 2020, titled: Kooragang LPG Storage Facility (SSD 8448) Approval of the Operational Environmental Management Plan, approval of the OEMP is effective from 20 October 2020.</li> </ul>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	<p>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 Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning' 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 Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'.</p>		<ul style="list-style-type: none"> <li>• Safety Management System Element 12 – Environmental Management – Dated October 2019 – ELGGEN-HSE-114 – Environmental Management, V2.0, ELGAS 2019</li> <li>• Newcastle (Kooragang) Emergency Plan, Dated November 2021, ELGNEW-HSE ELGAS Newcastle (Kooragang) Emergency Plan (V1.3 November 2021), ELGAS 2021</li> </ul> <p><b>2022</b> - Both documents mentioned here have relevance ongoing past pre-commissioning and are discussed further below – refer Condition B6.</p> <p><b>2023</b> – No issues arise regarding pre-commissioning, but both documents have ongoing significance – see B6 below.</p> <p><b>2024</b> – No issues arise regarding pre-commissioning, but both documents have ongoing significance – see B6 below.</p>	

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
B5	<p><b>Pre-Startup</b></p> <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> <ul style="list-style-type: none"> <li>A. dates of study/plan/system submission, approval, commencement of construction and commissioning;</li> <li>B. actions taken or proposed, to implement recommendations made in the studies/plans/systems; and</li> <li>C. responses to any requirement imposed by the Planning Secretary under Condition A2(b)</li> </ul>	Expired	<p><b>2021</b> –</p> <ul style="list-style-type: none"> <li>• Elgas Kooragang Depot Pre-Start Up Compliance Report, 15/05/2020. Elgas National Technical (2020).</li> <li>• Email from DPIE, dated 21/07/2020, Titled: SSD8448 – Elgas Kooragang Island – Recent emails and comments on the development’s operational management plans. Email recognizes the submission of a Pre-start up compliance report to DPIE on the 15/05/2020 – DPIE reviewed the pre-start up compliance report and had no comments to provide.</li> </ul> <p><b>2022</b> - No comment required as this condition related to pre-startup.</p> <p><b>2023</b> - No comment required as this condition related to pre-startup.</p> <p><b>2024</b> - No comment required as this condition related to pre-startup.</p>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
B6	<p><b>Post-Startup</b></p> <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> <ul style="list-style-type: none"> <li>A. the Emergency Plan required under Condition B4(a) is effectively in place and that at least one emergency exercise has been conducted; and</li> <li>B. the Safety Management System required under Condition B4(b) has been fully implemented and that records required by the system are being kept.</li> </ul>	Expired	<p><b>2021 –</b></p> <ul style="list-style-type: none"> <li>• Post-start up Compliance report – Elgas liquified Petroleum Gas Storage and Distribution Facility (SSD8448), 130 Cormorant Road Kooragang (Lot1 DP1195449), January 2021 Metroplan Services</li> <li>• Lodgement confirmation from DPIE – Elgas Storage Facility Kooragang – SSD- 8848-PA-21.</li> <li>• Email from DPIE, dated 12/1/2021, Titled: Elgas Storage Facility Kooragang – (SSD-8448-PA-21). Email confirmed recent application for Elgas Storage Facility Kooragang (SSD-8448-PA-21).</li> </ul> <p>The Post Startup Compliance Report reported that operation commenced on 23 October 2020. The Post Startup Compliance Report was submitted to DPIE within three months of the reported operation commencement date and addressed items a) and b).</p> <p><b>2022 -</b> The Emergency Plan was reviewed to confirm that the evacuation procedures for the adjoining site are considered, noting that the service station site has its own Emergency Plan. The Plan was tested (Fire and Rescue’s documentation of the exercise was sighted) and reviewed in November 2021, and reissued as Ver 1.4.</p> <p>The Safety Management System was reviewed in discussion with Elgas HSE Manager, Mr Chris Beston, who confirmed that the System is reviewed as required (a review is currently under way), and that the System has previously been audited to</p>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<p>HIPAP9. This discussion also covered the relationship of the company-wide Safety Management System to the site-specific aspects, including monthly safety meeting, weekly checklist and standard operating procedures. Documents relating to these activities, including records of activities, were sighted. (Refer also to Condition B7 below which requires review of the SMS also).</p> <p><b>2023</b> – The Emergency Plan has been reviewed again (June 2023), mainly to update Emergency Management roles. The updated plan was sighted.</p> <p>The 2022 Audit mentioned that the Safety Management System was under review and this has been completed. Although the review itself is not a response to these Consent Conditions, Mr Chris Beston, SHEQ Manager, Region South Pacific has provided a response to the 2022 Audit comment which summarises the System and how it fits into the corporate Safety regime. In particular, it includes a tabulation cross-referencing HIPAP9 elements with the equivalent elements in the Elgas SMS. As this is of significant relevance to the safety of this facility it is attached for information as Appendix F.</p> <p><b>2024</b> – The Emergency Plan <i>ELGNEW-HSE-115 ELGAS Newcastle (Kooragang) Emergency Plan (V1.6 November 2024)</i> has been reviewed (November 2024), mainly to update Emergency Management roles. The updated plan was sighted and advised by site management as active.</p>	

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
B7	<p><b>Hazard Audit</b></p> <p>Within twelve months after the commencement of operation and every three years thereafter, or at such intervals as the Planning Secretary may agree, the Applicant must carry out a comprehensive Hazard Audit of the development. The audits must:</p> <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 Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit Guidelines';</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>	3 yearly	<p><b>2021 -</b></p> <ul style="list-style-type: none"> <li>• Approval of Hazard Auditor Mr. Chris King of BOC limited -Email from DPIE to Sovechles Nominees, dated 22/09/2021, Titled: Approval of 2021 Hazard Auditor – Elgas Kooragang Island (SSD 8448)</li> <li>• Submission of Hazard Audit Extension Request to DPIE. Email, dated 6 October 2021, Titled: SSD 8448 – 130 Cormorant Road Kooragang – Liquified Petroleum Gas Storage and Distribution Facility – Condition B7 Hazard Audit.</li> <li>• Email response from DPIE representative Joel Curran with confirmation of extension of Hazard Audit by 12 months. Email dated 2/11/2021</li> </ul> <p>Due date for Hazard Audit has been extended to end of October 2022.</p> <p><b>2022 -</b> The Hazard Audit is being carried out contemporaneously with this audit and is therefore not included in scope.</p> <p>The classification “Not triggered” relates only to the response of this audit to the wording of Condition B7. The requirement for the Hazard Audit itself has been triggered.</p> <p><b>2023 –</b> As noted in the 2021 audit above, the due date for this report was extended to end of October 2022. The Hazard Audit Report was issued on October 19, 2022. A program for the implementation of the Report’s recommendations was also sighted (letter dated 8 February, 2023). In summary, the</p>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<p>Report made 17 recommendations, of which 12 had been fully actioned and closed out at the date of the site visit for this audit. The remaining five recommendations, requiring longer term rectification, were closed out on or before 19th October, 2023. In response to the listed points regarding this audit:</p> <ul style="list-style-type: none"> <li>A. The audit was carried out by an approved auditor.</li> <li>B. The Report cites HIPAP5 as a reference, and a review of the scope of the report would indicate that the main thrust of HIPAP5 is covered by the Report methodology (but note that the Report was not, in itself, audited as part of this audit).</li> <li>C. The Scope of the Report includes reference to the Safety Management System, in considerable detail. It also notes that the Incident Register contains no significant incidents.</li> <li>D. The Risk Reduction Program under Condition B3 has been subsumed by the implementation of the Safety Management System, so the intent of B3 d) is met. Note that a document prepared by Mr Chris Beston, Head of SHEQ, Region South Pacific, responding to the Hazard Audit Report, is attached as Appendix F.</li> </ul> <p><b>2024</b> – No changes, next hazard audit is scheduled for October 2025.</p>	

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
B9	<p><b>Further Requirements</b></p> <p>The Applicant must store all chemicals, fuels and oils used on-site in accordance with:</p> <ol style="list-style-type: none"> <li>the requirements of all relevant Australian Standards; and</li> <li>the NSW EPA's 'Storing and Handling of Liquids: the Environmental Protection – Participants Manual' if the chemicals are liquids.</li> </ol>	At all times	<p><b>2021 –</b></p> <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> <p><b>2022 -</b> The only chemicals stored on site are the LPG itself and a minor quantity of aerosols (for marking designated areas etc.). These are noted on the Hazardous Chemicals Register on the Chemalert System.</p> <p>The relevant Standard for LPG (AS/NZS1596) is reviewed as part of the Hazard Audit (refer Condition B7 above). There is no Australian Standard applicable to aerosols, which are safely stored in cabinets (one on the dock and one in the store). Aerosols are stored and used in quantities which can be regarded as household consumable quantities and therefore do not represent a significant risk on this site. There are no liquids stored on site which are within the scope of the EPA Participants Manual (which covers liquids requiring bunding).</p> <p><b>2023 –</b> It is noted that the Internal Depot Audit, a requirement of the Safety Management System, is essentially an audit of the facility against the</p>	Compliant



CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<p>requirements of AS/NZS1596. The 2023 Audit (dated 8/2/23) was sighted. One new chemical has been introduced to site, being gaseous nitrogen for purging of valves. Only two small cylinders are used (one on the cylinder dock plus one spare). These are technically covered by AS4332, but the requirements of that Standard are in any case far exceeded by site facilities. No action required.</p> <p><b>2024</b> - It is noted that the Internal Depot Audit, a requirement of the Safety Management System, is essentially an audit of the facility against the requirements of AS/NZS1596.</p> <p>The 2024 Audit (dated 18/03/24) was sighted. At the time of the Internal Depot Audit, Depot DG stocktake exceeded the limit. Since that moment, local management completed a re calculation of the site DG and noted the site was at 3% above the SafeWork NSW Notification NDG200406. The site continues to manage the DG levels monthly. At the time of this Compliance report the DG Calculator was sighted, and site remains within limits. Refer comments A6 above.</p>	
B10	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	At all times	<p><b>2021</b> - Noted</p> <p><b>2022</b> - No inconsistency has been identified.</p> <p><b>2023</b> - No inconsistency has been identified.</p> <p><b>2024</b> - No inconsistency has been identified.</p>	Not triggered

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
B11	<p><b>Dangerous Goods</b></p> <p>Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with:</p> <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 Authorised Officers: Bunding and Spill Management- technical bulletin (EPA, 1997).</li> </ul>	At all times	<p><b>2021 –</b></p> <ul style="list-style-type: none"> <li>• Letter to Elgas Ltd, RE: Notification of Hazardous Chemicals on Premises, PREMISES: 130 Cormorant Rd, Kooragang NSW 2304, Australia, NDG200406, 29 June 2020. SafeWork NSW (2020).</li> <li>• Elgas Newcastle (Kooragang) Emergency Plan, ELGNEW-HSE-115, V 1.3 September 2020.</li> <li>• Letter to Elgas Limited, Re: Review of emergency plan for Elgas Newcastle, 130 Cormorant Road, Kooragang Island (SafeWork NSW Ref. no. NDG200406), 24 September 2020. NSW Fire + Rescue (2020).</li> <li>• Notification of Schedule 15 chemicals, Elgas Newcastle Part Lot 1 DP 1195449 130 Cormorant Road Kooragang NSW 2204 (SafeWork NSW Ref. no. 20-321 2020/010466), 24 February 2021. SafeWork NSW.</li> </ul> <p>Letter from FRNSW provides approval for implementation of the Emergency Plan. SafeWork NSW determined the site not to be a major hazard facility.</p> <p><b>2022 -</b> Refer B9 above re comments on relevant Standards. No liquids requiring bunding are stored, so b) and c) are not relevant to this site.</p> <p><b>2023 –</b> Refer comments under B9 above.</p> <p><b>2024 –</b> Refer comments under B9 above.</p>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
B12	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.	At all times	<p><b>2021</b> - No inconsistencies identified.</p> <p><b>2022</b> - No inconsistency identified.</p> <p><b>2023</b> - No inconsistency identified.</p> <p><b>2024</b> - No inconsistency identified.</p>	Not triggered
<b>Traffic and Access</b>				
B13	<p><b>Construction Traffic Management Plan</b></p> <p>The Applicant must prepare a Construction Traffic Management Plan for the development which details road safety and network efficiency measures and heavy vehicle routes, access and parking arrangements. Details must be included in the application for a Construction Certificate.</p>	Expired	<p><b>2021</b> - Construction phase was not audited during this audit period.</p> <p><b>2022</b> - The classification “Not triggered” relates only to the fact that the issue is no longer relevant.</p> <p><b>2023</b> – No further comment required.</p> <p><b>2024</b> – No further comment required.</p>	Not triggered
B14	<p><b>Roadworks and Access</b></p> <p>The Applicant must ensure internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of AS 2890.1:2004 Parking facilities Off-street car parking (Standards Australia, 2004) and AS 2890.2:2002 Parking facilities Off-street commercial vehicle facilities (Standards Australia, 2002).</p>	At all times	<p><b>2021</b> –</p> <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>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<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> <p><b>2022</b> - No changes to roads or parking have occurred.</p> <p><b>2023</b> - No changes to roads or parking have occurred.</p> <p><b>2024</b> - No changes to roads or parking have occurred.</p>	
B15	All road works associated with the development must be undertaken at full cost to the Applicant.	Expired	<p><b>2021</b> - The Applicant advises that all road works associated with the development were undertake at the Applicant's cost.</p> <p><b>2022</b> - No further road works undertaken in this audit period.</p> <p><b>2023</b> - No further road works undertaken in this audit period.</p> <p><b>2024</b> - No further road works undertaken in this audit period.</p>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
B16	The Applicant must ensure the swept path of the longest vehicle entering and exiting the site, as well as maneuverability through the site, is in accordance with the relevant AUSTRROADS guidelines.	At all times	<p><b>2021</b> - B-Double Tanker Truck Turning, Lot 1 Cormorant Road Kooragang, DWG No: 10, Revision 1, 29/4/20. Swept path of B-double designed in accordance with Austroads 2013 (AU).</p> <p><b>2022</b> - Swept path diagram sighted.</p> <p><b>2023</b> - There have been no changes to truck fleet.</p> <p><b>2024</b> - There have been no changes to truck fleet.</p>	
B17	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.	Expired	<p><b>2021</b> - 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.</p> <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> <p><b>2022</b> - No modifications to access have been made.</p> <p><b>2023</b> – No change.</p> <p><b>2024</b> – No change.</p>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
B18	<p><b>Parking</b></p> <p>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.</p>	Expired	<p><b>2021</b> - Construction Certificate Proposed Site Plan Drawing No. 01 Revision 6, 28/11/19. Brownbuild Commercial Building. 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. Cormorant Road was observed to be free of parked cars and trucks during the site inspection.</p> <p><b>2022</b> - No changes to parking arrangements.</p> <p><b>2023</b> – No change.</p> <p><b>2024</b> – No change.</p>	Compliant
B19	<p><b>Operational Traffic Management Plan</b></p> <p>Prior to the commencement of operation, the Applicant must prepare an Operational Traffic Management Plan for the development to the satisfaction of the Planning Secretary. The plan must form part of the OEMP required by Condition C5 and must:</p> <ul style="list-style-type: none"> <li>A. be prepared by a suitably qualified and experienced person(s);</li> <li>B. be prepared in consultation with Port of Newcastle;</li> <li>C. describe how the requirements of Condition B21 will be met;</li> <li>D. detail the on-site traffic control measures to prevent vehicular collision and control the manoeuvring of vehicles in designated areas;</li> <li>E. detail the measures that are to be implemented to ensure road safety and network efficiency during operation;</li> </ul>	At all times	<p><b>2021</b> –</p> <ul style="list-style-type: none"> <li>• Operational Traffic Management Plan, Elgas Depot – 130 Cormorant Road Kooragang NSW, V1.2 06/08/2020, SOP_300_008_Depot_Traffic Management Plan</li> <li>• Letter to Sovechles Nominees Pty Ltd dated 28/8/20 from DPIE. Elgas LPG Storage Facility Operational Management Plan (SSD-8448). Approval of Operational Traffic Management Plan, Flood Emergency Response and Mosquito Management Plan.</li> <li>• Operational Traffic Management Plan, prepared by Elgas Pty Ltd, 2 November 2021, Version 1.3.</li> </ul> <p>The Operational Traffic Management Plan addresses conditions a) to h)</p>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	<p>F. detail heavy vehicle routes, access, parking arrangements and pedestrian management;</p> <p>G. include a Driver Code of Conduct to:</p> <ul style="list-style-type: none"> <li>I. minimise the impacts on the local and regional road network;</li> <li>II. minimise conflicts with other road users;</li> <li>III. minimise road traffic noise; and</li> <li>IV. ensure truck drivers use specified routes;</li> </ul> <p>H. include a program to monitor the effectiveness of these measures.</p>		<p><b>2022</b> - The Operational Traffic Management Plan was sighted. Some key points were discussed including use of Drive-Cam and GPS, and auditing procedure for trucks and drivers annually.</p> <p><b>2023</b> - No transport incidents were noted and no complaints were received in the audit period.</p> <p><b>2024</b> - No transport incidents were noted and no complaints were received in the audit period.</p>	
B20	<p>The Applicant must:</p> <ul style="list-style-type: none"> <li>a. not commence operation until the Operational Traffic Management Plan required by Condition B19 is approved by the Planning Secretary; and</li> <li>b. implement the most recent version of the Operational Traffic Management Plan approved by the Planning Secretary for the duration of operation.</li> </ul>	At all times	<p><b>2021</b> –</p> <ul style="list-style-type: none"> <li>• Letter to Sovechles Nominees Pty Ltd dated 28/8/20 from DPIE. Elgas LPG Storage Facility Operational Management Plan (SSD-8448). Approval of Operational Traffic Management Plan, Flood Emergency Response and Mosquito Management Plan.</li> <li>• Operational Traffic Management Plan, prepared by Elgas Pty Ltd, 2 November 2021, Version 1.3.</li> </ul> <p>The Operational Traffic Management Plan was approved prior to commencement of operation. Version 1.3 of the Traffic Management Plan had not been accepted by the Planning Secretary at the time of completion of this audit.</p> <p><b>2022</b> - Approval letter, to Trustee for the Kooragang Property Trust from DPIE, Mr. C. Ritchie, received, dated 14/12/21. (Note that the title of this letter refers only to approval of revised Operational Environmental Management Plan, but the body of the letter refers</p>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<p>also to approval of Operational Traffic Management Plan, Version 1.3).</p> <p><b>2023</b> – No changes to the Traffic Management Plan have been made.</p> <p><b>2024</b> – No changes to the Traffic Management Plan have been made.</p>	
B21	<p><b>Operating Conditions</b></p> <p>The Applicant must ensure:</p> <ol style="list-style-type: none"> <li>the development does not result in any vehicles queuing on the public road network;</li> <li>all vehicles enter and exit the site in a forward direction;</li> <li>heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;</li> <li>all vehicles are wholly contained on site before being required to stop;</li> <li>all loading and unloading of materials is carried out on-site;</li> <li>all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network; and</li> <li>the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.</li> </ol>	At all times	<p><b>2021</b> –</p> <ul style="list-style-type: none"> <li>Operational Traffic Management Plan, Elgas Depot – 130 Cormorant Road Kooragang NSW, V1.2 06/08/2020, SOP_300_008_Depot_Traffic Management Plan</li> <li>Operational Traffic Management Plan, prepared by Elgas Pty Ltd, 2 November 2021, Version 1.3.</li> </ul> <p>Conditions a) to g) observed to be compliant during site inspection – see photos.</p> <p><b>2022</b> - As a point of clarification, it has been assumed that Condition f) refers to construction activities. Loads of LPG cylinders are strapped in stillages and secured to the truck tray. Covers are not used for such loads. The trafficable areas of the site are completely concreted so post-construction dirt surfaces do not exist.</p> <p><b>2023</b> – No change.</p> <p><b>2024</b> – No change.</p>	Compliant



CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
<b>Soils, Water Quality and Hydrology</b>				
B22	<p><b>Imported Soil</b></p> <p>The Applicant must:</p> <ol style="list-style-type: none"> <li>ensure that only VENM or ENM is brought onto the site;</li> <li>keep accurate records of the volume and type of fill to be used; and</li> <li>make these records available to the Department upon request.</li> </ol>	Expired	<p><b>2021</b> - 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. Letter confirming that no fill was brought onto site for development works.</p> <p><b>2022</b> - No soil imported.</p> <p><b>2023</b> – No further comment required.</p> <p><b>2024</b> – No further comment required.</p>	Not triggered
B23	<p><b>Erosion and Sediment Control</b></p> <p>Prior to the commencement of any construction or other surface disturbance the Applicant must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP required by Condition C2.</p>	Expired	<p><b>2021</b> - No changes since previous audit.</p> <p><b>2022</b> - No construction or surface disturbance occurred in this audit period.</p> <p><b>2023</b> - No further road works undertaken in this audit period.</p> <p><b>2024</b> - No further road works undertaken in this audit period.</p>	Compliant
B24	<p><b>Stormwater Management System</b></p> <p>Prior to the commencement of operation, the Applicant must design, install and operate a stormwater management system for the development. The system must:</p> <ol style="list-style-type: none"> <li>be designed by a suitably qualified and experienced person(s);</li> <li>be generally in accordance with the conceptual design in the EIS;</li> </ol>	Expired	<p><b>2021</b> - Stormwater management connected to adjacent Shell site</p> <ul style="list-style-type: none"> <li>As built drawings</li> <li>Compliance Certificate – Design CIVIL/STORMWATER, 15 November 2019, Eclipse Consulting Engineers, Ref:9935-005-ccdc</li> </ul> <p>B24 conditions a) to e) are satisfied</p> <p><b>2022</b> - No alterations to stormwater arrangements have been made.</p>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	<p>C. be designed to meet the stormwater quantity and water quality criteria within the Newcastle Development Control Plan 2012;</p> <p>D. be in accordance with applicable Australian Standards; and</p> <p>E. ensure that the system capacity has been designed in accordance with Australian Rainfall and Runoff (Engineers Australia, 2016) and Managing Urban Stormwater: Council Handbook (EPA, 1997) guidelines.</p>		<p><b>2023</b> - No alterations to stormwater arrangements have been made. (It I noted that very heavy rains in April 2023 did not produce any stormwater dispersal issues for the site).</p> <p><b>2024</b> - No alterations to stormwater arrangements have been made.</p>	
B25	<p>The Applicant must ensure the stormwater management system is identified and sign-posted in accordance with Council's Stormwater and Water Efficiency for Development Technical Manual. Details must be included in the application for a Construction Certificate.</p>	Expired	<p><b>2021</b> - 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.</p> <p><b>2022</b> - No alterations to stormwater arrangements have been made.</p> <p><b>2023</b> - No alterations to stormwater arrangements have been made.</p> <p><b>2024</b> - No alterations to stormwater arrangements have been made.</p>	Compliant
B28	<p><b>Groundwater Management</b></p> <p>If groundwater is encountered during construction, the Applicant must obtain all necessary licences or, if required, approval from DOI.</p>	Expired	<p><b>2021</b> - 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.</p> <p>Letter confirming that no groundwater was encountered during the development works.</p>	Not triggered

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<p><b>2022</b> - No change in this audit period.</p> <p><b>2023</b> - No change in this audit period.</p> <p><b>2024</b> - No change in this audit period.</p>	
B29	<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> <ul style="list-style-type: none"> <li>A. define the triggers that activate the Groundwater Contingency Plan;</li> <li>B. identify the protocols that will be implemented should the Groundwater Contingency Plan be triggered, including the preparation of a Groundwater Management Plan;</li> <li>C. identify all potential groundwater licences or approvals that may be required should the Groundwater Contingency Plan be triggered;</li> <li>D. define the timeframes for:               <ul style="list-style-type: none"> <li>I. notifying DOI if the Groundwater Contingency Plan is triggered;</li> <li>II. implementing the protocols under paragraph (b) above; and</li> <li>III. submitting the Groundwater Management Plan to DOI.</li> </ul> </li> </ul>	Expired	<p><b>2021</b> - No changes since previous Audit</p> <p><b>2022</b> - As above.</p> <p><b>2023</b> - As above.</p> <p><b>2024</b> - As above.</p>	Not triggered

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
B30	<p>The Applicant must:</p> <ul style="list-style-type: none"> <li>a. not commence construction until the Groundwater Contingency Plan required by Condition B29 is approved by the Planning Secretary; and</li> <li>b. implement the most recent version of the Groundwater Contingency Plan approved by the Planning Secretary for the duration of the development.</li> </ul>	Expired	<p><b>2022</b> - As above.</p> <p><b>2023</b> – No further comment required.</p> <p><b>2024</b> – No further comment required.</p>	Not triggered
<b>Aboriginal Heritage</b>				
B31	<p><b>Aboriginal Heritage</b></p> <p>The Applicant must ensure all staff are aware of their statutory obligations for heritage under the National Parks and Wildlife Act 1974 and the Heritage Act 1977.</p>	At all times	<p><b>2021</b> - Site Induction Acknowledgement, Newcastle Depot (Sept 2021) ELGAS Newcastle Depot</p> <p>A completed form was provided for review. Acknowledgement that the site is built on the Traditional land of the Awabakal and Worimi peoples one of the checks.</p> <p><b>2022</b> - Site induction procedure covers heritage issues.</p> <p><b>2023</b> – It was observed that the issue of Aboriginal Heritage sits uneasily with the main thrust of the induction process which is aimed at specific safety outcomes relating to the hazards of the site. This tends to trivialise the issue of Aboriginal Heritage and place it out of context. It is therefore suggested that the acknowledgement of Aboriginal Heritage be removed from the induction checklist and be replaced by a form of words (similar to that on the Elgas website, and also used on the Department of Planning website) which should be prominently displayed at the top of the induction form, immediately under the Elgas logo.</p>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<p><b>2024</b> – Plaque remains installed at the main entrance to the administration building of the site. This remains the current form of Aboriginal awareness for all staff and visitors.</p>	
B32	<p>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.</p>	At all times	<p><b>2021</b> - A plaque has been installed and was observed in place during the site inspection, see photos</p> <p><b>2022</b> - Plaque sighted, prominently displayed at site entrance.</p> <p><b>2023</b> – Plaque in place.</p> <p><b>2024</b> – Plaque in place.</p>	Compliant
B33	<p><b>Unexpected Finds Protocol</b></p> <p>If any item or object of Aboriginal heritage significance is identified on site:</p> <ul style="list-style-type: none"> <li>a. all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;</li> <li>b. a 10 m wide buffer area around the suspected item or object must be cordoned off; and</li> <li>c. the OEH must be contacted immediately.</li> </ul>	At all times	<p><b>2021</b> - The applicant advises that no items of Aboriginal heritage significance have been encountered</p> <p><b>2022</b> - Noted.</p> <p><b>2023</b> - Noted.</p> <p><b>2024</b> - Noted.</p>	Not triggered
B34	<p>Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the National Parks and Wildlife Act 1974.</p>	At all times	<p><b>2022</b> - Noted.</p> <p><b>2023</b> – Noted.</p> <p><b>2024</b> - Noted.</p>	Not triggered

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
<b>Air Quality</b>				
B35	<p><b>Dust Minimisation</b></p> <p>The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.</p>	Expired	<p><b>2021</b> - Site is either paved or landscaped – there is no risk of dust generation.</p> <p><b>2022</b> - No change.</p> <p><b>2023</b> - No change.</p> <p><b>2024</b> - No change.</p>	Compliant
B36	<p>During construction, the Applicant must ensure that:</p> <ol style="list-style-type: none"> <li>exposed surfaces and stockpiles are suppressed by regular watering;</li> <li>all trucks entering or leaving the site with loads have their loads covered;</li> <li>trucks associated with the development do not track dirt onto the public road network;</li> <li>public roads used by these trucks are kept clean; and</li> <li>land stabilisation works are carried out progressively on site to minimise exposed surfaces.</li> </ol>	Expired	<p><b>2021</b> - No changes since last audit</p> <p><b>2022</b> - No longer relevant.</p> <p><b>2023</b> - No longer relevant.</p> <p><b>2024</b> - No longer relevant.</p>	Compliant
B37	<p><b>Odour Management</b></p> <p>The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).</p>	At all times	<p><b>2021</b> –</p> <ul style="list-style-type: none"> <li>Proposed LPG Depot, Kooragang, NSW Odour Impact and Greenhouse Gas Emission Study, 26 February 2018, Arriscar Pty Limited, Doc. No.: J-000030-ELG- OU Revision 0</li> </ul> <p>The study found that the odour impact from the proposed depot operations would not be significant and satisfies the NSW EPA targets. No odours were observed at the time of the site inspection.</p>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<p><b>2022</b> - No odours identified during this visit. A test release of the truck loading compressor during this visit failed to produce any discernible odour at ground level. (Wind sock is provided to indicate wind direction).</p> <p><b>2023</b> - No incidents or complaints were reported in this audit period.</p> <p><b>2024</b> - No incidents or complaints were reported in this audit period.</p>	
<b>Noise</b>				
B38	<p><b>Hours of Work</b></p> <p>The Applicant must comply with the hours detailed in Table 1.</p> <p><b>Table 1</b> Hours of Work</p> <p>Earthworks and construction: Monday-Friday: 7 am to 6 pm Saturday: 8 am to 1 pm</p> <p>Operation: Monday-Sunday: 24 hours</p>	At all times	<p><b>2021</b> - Modification 2 of Development Consent SSD-8448-Mod-2, dated 6/08/2021, ref: EF21/8598.</p> <p><b>2022</b> - No change in working hours since last audit.</p> <p><b>2023</b> - No change in working hours since last audit.</p> <p><b>2024</b> - No change in working Operations hours since last audit.</p>	Compliant
B39	<p>Works outside of the hours identified in Condition B38 may be undertaken in the following circumstances:</p> <ol style="list-style-type: none"> <li>for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or</li> <li>where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.</li> </ol>	At all times	<p><b>2021</b> - The Applicant advises that no work was undertaken outside of the specified operations work hours prior to MOD 2</p> <p><b>2022</b> - The previous audit classified this as Compliant. In any case, the issue is now obsolete given the current approved operating hours (24 hours per day, 7 day per week).</p> <p><b>2023</b> - Issue is obsolete.</p>	Not triggered

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			2024 – No change.	
<b>Waste Management</b>				
B40	<p><b>Statutory Requirements</b></p> <p>All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.</p>	At all times	<p><b>2021</b> - Elgas reports that all wastes are taken off-site to licensed waste management facilities. Waste streams are separated into:</p> <ul style="list-style-type: none"> <li>• General waste</li> <li>• Cardboard recycling</li> <li>• Secure waste</li> <li>• Scrap metal</li> </ul> <p>Waste management records were provided for viewing by Elgas.</p> <p><b>2022</b> - Normal disposal methods are employed for general waste, cardboard and secure waste. Scrap metal consists mainly of cylinder valves or condemned cylinders which are transferred to Sims Metal's adjacent facility.</p> <p><b>2023</b> - No change to waste classification nor disposal methods.</p> <p><b>2024</b> - No change to waste classification nor disposal methods.</p>	Compliant
B41	The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of EPA's Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014) and dispose of all wastes to a facility that may lawfully accept the waste.	At all times	<p><b>2021</b> - The Applicant advises that no wastes requiring classification have been disposed of off-site.</p> <p><b>2022</b> - No change.</p> <p><b>2023</b> - No change.</p> <p><b>2024</b> - No change.</p>	Not triggered



CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
B42	Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.	At all times	<p><b>2021</b> - The Applicant advises that no wastes were received at the site.</p> <p><b>2022</b> - Confirmed that no waste is received at this site.</p> <p><b>2023</b> – No change.</p> <p><b>2024</b> - No change.</p>	Not triggered
B43	The collection of waste generated during operation of the development must be undertaken between 7 am to 10 pm Monday to Friday.	At all times	<p><b>2021</b> - ELGAS confirmed general wastes are collected between the appropriate Example: General waste bin collected at 9:05am 08/09/2021.</p> <p><b>2022</b> - No change.</p> <p><b>2023</b> - No change.</p> <p><b>2024</b> - No change.</p>	Compliant
<b>Containment</b>				
B44	<p><b>Contamination</b></p> <p>Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the of the CEMP in accordance with Condition C2 and must ensure any material identified as contaminated must be disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site.</p>	Expired	<p><b>2021</b> - No changes since previous Audit</p> <p><b>2022</b> - No change in this audit period.</p> <p><b>2023</b> - No change in this audit period.</p> <p><b>2024</b> - No change in this audit period.</p>	Not Triggered

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
<b>Visual Amenity</b>				
B45	<p><b>Landscaping</b></p> <p>The Applicant must ensure landscaping works are completed in accordance with the plans identified in Table 2.</p> <p><b>Table 2</b> Landscape Plans Drawing No. L-01, Revision DA2: Landscape Site Plan, RJ Sinclair Pty Ltd</p> <p>Drawing No. L-02, Revision DA2: Landscape Bedding Plans, RJ Sinclair Pty Ltd</p>	Expired	<p><b>2021</b> - 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. Letter stated that landscaping works undertaken at the site complies with all details referenced in the relevant documentation for the project. Landscaping observed during site inspection – see photos.</p> <p><b>2022</b> - No changes to landscaping.</p> <p><b>2023</b> - No changes to landscaping.</p> <p><b>2024</b> - No changes to landscaping.</p>	Compliant
B46	<p><b>Lighting</b></p> <p>The Applicant must ensure the lighting associated with the development:</p> <p>a. complies with the latest version of AS 4282-1997 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); and is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.</p>	At all times	<p><b>2021</b> –</p> <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> <p><b>2022</b> - No complaints or comments about lighting have been received.</p>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<p><b>2023</b> - No complaints or comments about lighting have been received</p> <p><b>2024</b> - No complaints or comments about lighting have been received</p>	
B47	The Applicant must ensure adequate lighting is provided for after- hours access by tanker drivers.	At all times	<p><b>2021</b> –</p> <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. Certificate states that external lighting has been installed in accordance with AN/NZS 1158.3.1-2018 Pedestrian lighting. The Applicant confirmed during the site interview that all external lighting is on during non-daylight hours ensuring sufficient lighting for tanker drivers.</li> </ul> <p><b>2022</b> - Hazardous-zone compliant lighting observed to be in place at tanker loading area.</p> <p><b>2023</b> – No changes.</p> <p><b>2024</b> – No changes.</p>	Compliant
B48	<p><b>Signage and Fencing</b></p> <p>All signage and fencing must be erected in accordance with the development plans included in the EIS. Note: This condition does not apply to temporary construction and safety related signage and fencing.</p>	At all times	<p><b>2021</b> - No changes since previous audit.</p> <p><b>2022</b> - (As an observation, unrelated to consent compliance, it is noted that there has been no evidence of a break-in or attempted break-in at this site).</p> <p><b>2023</b> – No changes to fencing or signage.</p> <p><b>2024</b> – No changes to fencing or signage.</p>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
B49	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.	At all times	<p><b>2021</b> - No changes since previous audit.</p> <p><b>2022</b> - No change.</p> <p><b>2023</b> - No change.</p> <p><b>2024</b> – No changes.</p>	Compliant
<b>Mosquito Management</b>				
B50	<p><b>Mosquito Management</b></p> <p>The Applicant must implement the Mosquito Management Plan - Proposed Elgas Facility, prepared for Sovechles Nominees Pty Ltd, for the duration of the construction and operation of the development to minimise breeding sites for nuisance biting and disease transmitting mosquitos.</p>	At all times	<p><b>2021</b> –</p> <ul style="list-style-type: none"> <li>• Mosquito Management Plan, Elgas LPG Storage Facility 130 Cormorant Road Kooragang, V1.2, dated August 2020 prepared by Craig Cable.</li> <li>• Approval of Mosquito Management Plan. Letter dated 28 August 2020, Titled: Elgas LPG Storage Facility Operational Environmental Management Plan (SSD-8448). The department has reviewed and approved the Mosquito Management Plan, prepared by Craig Cable, dated August 2020, Version 1.</li> <li>• Mosquito Management Plan, prepared by Craig Cable, dated November 2021, Version 1.3.</li> </ul> <p>The Mosquito Management Plan concluded that measures are in place to reduce mosquito breeding sites and noted that the majority of the site is paved with staff generally employed indoors.</p> <p><b>2022</b> - No mosquito manifestations have been observed.</p> <p><b>2023</b> - No mosquito manifestations have been observed.</p>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<p><b>2024</b> - Mosquito Management Plan, prepared by Craig Cable, dated November 2021, Version 1. was reviewed 05.11.24. No changes were made. Mosquito Management Plan dated November 2024, Version 1.1 remains active. No mosquito manifestations have been observed during the reporting period.</p>	
<p><b>PART C – ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING</b></p>				
<p><b>Environmental Management</b></p>				
<p>C1</p>	<p><b>Management Plan Requirements</b></p> <p>Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:</p> <p>A. details of:</p> <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> <p>B. a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;</p> <p>C. a program to monitor and report on the:</p> <ol style="list-style-type: none"> <li>I. impacts and environmental performance of the development;</li> </ol>	<p>At all times</p>	<p><b>2021</b> –</p> <ul style="list-style-type: none"> <li>• Environmental Management Plan, Elgas Newcastle, V 1.3 November 2021, 165-ELNEW_EMP_Environmental Management Plan V1.3, Elgas</li> <li>• ELGAS Safety Management System Element 12 – Environmental Management, V2 October 2019.</li> <li>• ELGAS Newcastle (Kooragang) Emergency Plan, v1.4 November 2021</li> <li>• Operational Traffic Management Plan, prepared by Elgas Pty Ltd, 2 November 2021, Version 1.3.</li> <li>• ELGAS Newcastle Flood Emergency Response Plan, Version 1.0, 6/8/20. Elgas.</li> <li>• Mosquito Management Plan, prepared by Craig Cable, dated November 2021, Version 1.3.</li> </ul> <p>Conditions C1 a) to g) have been addressed.</p> <p><b>2022</b> - The management plans required are evidenced by the existence of relevant documentation covering each point of Condition C1, i.e., items a) to g). These issues cover the whole</p>	<p>Compliant</p>

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	<p>II. effectiveness of the management measures set out pursuant to paragraph (b) above;</p> <p>D. a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;</p> <p>E. a program to investigate and implement ways to improve the environmental performance of the development over time;</p> <p>F. a protocol for managing and reporting any:</p> <ul style="list-style-type: none"> <li>I. incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);</li> <li>II. complaint;</li> <li>III. failure to comply with statutory requirements; and</li> </ul> <p>G. a protocol for periodic review of the plan.</p>		<p>range of activities on this site and therefore it is not practical to provide in-depth commentary on each. Most of the issues are readily identifiable as elements already commented on in response to the specific Consent Conditions relevant to each. However, as a demonstration of the implementation of these plans, item d) was selected for further in-depth review. The contingency planning requirement is met by a section in the Emergency Plan, specifically Emergency Procedure 3-10 (page 42 of the Emergency Plan). This of course is not evidence that every condition is met in the same manner, but it does demonstrate that the overall management system is robust enough to cope with random interrogation at an audit such as this.</p> <p><b>2023</b> – The comments made last year are still relevant.</p> <p><b>2024</b> – Within the current OEMP, the following documents were reviewed by ELGAS in November 2024.</p> <ul style="list-style-type: none"> <li>• Environmental Management Plan, Elgas Newcastle, V 1.4 November 2024, 165-ELNEW_EMP_Environmental Management Plan V1.4,</li> <li>• ELGAS Newcastle (Kooragang) Emergency Plan, v1.6 November 2024</li> <li>• ELGAS Newcastle Flood Emergency Response Plan, Version 1.1, 5 November 2024.</li> <li>• ELGAS Mosquito Management Plan dated November 2024, Version 1.1.</li> </ul>	

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<p>The following document were not required for review in 2024</p> <ul style="list-style-type: none"> <li>• ELGAS Safety Management System Element 12 – Environmental Management, V2 October 2019.</li> <li>• Operational Traffic Management Plan, prepared by Elgas Pty Ltd, 2 November 2021, Version 1.3.</li> </ul> <p>The reviewed OEMP document,</p> <p><i>165 -ELNEW_EMP_Environmental Management Plan V1.4</i></p> <p>was submitted to the SSD 844 Major Project Portal 26 November 2024 for department review.</p> <p>Ref: Review of the Revised Operational Environmental Management Plan (SSD-8448-PA-43) - Elgas Storage Facility Kooragang</p>	
C2	<p><b>Construction Environmental Management Plan</b></p> <p>The Applicant must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of Condition C1 and to the satisfaction of the Planning Secretary.</p>	Expired	<p><b>2021</b> - No changes since previous Audit</p> <p><b>2022</b> - It is noted that issues surrounding this Condition were resolved and are not considered here as being outside this audit period.</p> <p><b>2023</b> – No further comment required.</p> <p><b>2024</b> – No further comment required.</p>	Not Triggered

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
C3	As part of the CEMP required under Condition C2 of this consent, the Applicant must include the following: <ol style="list-style-type: none"> <li>a. Construction Traffic Management Plan (see Condition B13);</li> <li>b. Erosion and Sediment Control (see Condition B23);</li> <li>c. Mosquito Management Plan (see Condition B50); and</li> <li>d. Groundwater Contingency Plan (see Condition B29).</li> </ol>	Expired	<p><b>2021</b> - No changes since previous Audit</p> <p><b>2022</b> - It is noted that issues surrounding this Condition were resolved and are not considered here as being outside this audit period.</p> <p><b>2023</b> – No further comment required.</p> <p><b>2024</b> – No further comment required.</p>	Not Triggered
C4	The Applicant must: <ol style="list-style-type: none"> <li>a. not commence construction of the development until the CEMP is approved by the Planning Secretary; and</li> <li>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.</li> </ol>	Expired	<p><b>2021</b> - No changes since previous Audit</p> <p><b>2022</b> - It is noted that issues surrounding this Condition were resolved, and are not considered here as being outside this audit period.</p> <p><b>2023</b> – No further comment required.</p> <p><b>2024</b> – No further comment required.</p>	Not Triggered
C5	<p><b>Operational Environmental Management Plan</b></p> <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>	At all times	<p><b>2021</b> –</p> <ul style="list-style-type: none"> <li>• Environmental Management Plan, Elgas Newcastle, August 2020, 165-ELNEW_EMP_Environmental Management Plan</li> <li>• Approval of OEMP from DPIE: Kooragang Storage Facility (SSD 8448) Approval of the Operational Environmental Management Plan, 23 October 2020</li> <li>• Environmental Management Plan, Elgas Newcastle, v1.3 November 2021, 165-ELNEW_EMP_Environmental Management Plan</li> </ul>	Compliant



CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<p><b>2022</b> - The Operational Environmental Management Plan is publicly available on line.</p> <p><b>2023</b> – No change. (Note that this plan is due for review in 2024 (requirement is three yearly and last review was November 2021).</p> <p><b>2024</b> – Refer comments under C1 above.</p>	
C6	<p>As part of the OEMP required under Condition C5 of this consent, the Applicant must include the following:</p> <ol style="list-style-type: none"> <li>a. describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;</li> <li>b. describe the procedures that would be implemented to:               <ol style="list-style-type: none"> <li>I. keep the local community and relevant agencies informed about the operation and environmental performance of the development;</li> <li>II. receive, handle, respond to, and record complaints;</li> <li>III. resolve any disputes that may arise;</li> <li>IV. respond to any non-compliance;</li> <li>V. respond to emergencies; and</li> </ol> </li> <li>c. include the following environmental management plans:               <ol style="list-style-type: none"> <li>I. Operational Traffic Management Plan (see Condition B19);</li> <li>II. Flood Emergency Response; and</li> <li>III. Mosquito Management Plan (see Condition B50).</li> </ol> </li> </ol>	At all times	<p><b>2021</b> –</p> <ul style="list-style-type: none"> <li>• Environmental Management Plan, Elgas Newcastle, August 2020, 165ELNEW_EMP_Environmental Management Plan</li> <li>• Approval of OEMP. Letter dated 28 August 2020, Titled: Elgas LPG Storage Facility Operational Environmental Management Plan (SSD-8448). The department has reviewed and approved:</li> <li>• Operational Traffic Management Plan, prepared by Elgas Pty Ltd, August 2020, Version 1.2;</li> <li>• Flood Emergency Response Plan, prepared by Elgas Pty Ltd, August 2020, Version 1.0; and</li> <li>• Mosquito Management Plan, prepared by Craig Cable, dated August 2020, Version 1.</li> <li>• Environmental Management Plan, Elgas Newcastle, v1.3 November 2021, 165ELNEW_EMP_Environmental Management Plan</li> <li>• Operational Traffic Management Plan, prepared by Elgas Pty Ltd, 2 November 2021, Version 1.3.</li> </ul>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<ul style="list-style-type: none"> <li>Mosquito Management Plan, prepared by Craig Cable, dated November 2021, Version 1.3.</li> </ul> <p>OEMP includes items outlined in a) through c)</p> <p><b>2022</b> - The OEMP published on line includes the elements listed in a) to c).</p> <p><b>2023</b> - No change.</p> <p><b>2024</b> – Refer comments under C1 above.</p>	
C7	<p>The Applicant must:</p> <ol style="list-style-type: none"> <li>not commence operation until the OEMP is approved by the Planning Secretary; and</li> <li>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).</li> </ol>	<ol style="list-style-type: none"> <li>Expired</li> <li>At all times</li> </ol>	<p><b>2021</b> –</p> <ul style="list-style-type: none"> <li>Letter: Kooragang LPG Storage Facility (SSD 8448) Approval of the Operational Environmental Management Plan, dated 23 October 2020. DPIE.</li> <li>Letter: Notice to Furnish Information and Records, DPIE, 29/09/2021. DPIE investigating officer found operation activities occurring onsite prior to the approval of the OEMP Sovechles Nominees Pty Ltd and ELGAS to furnish existing records of operation to the investigation office.</li> <li>Letter: Penalty Notice, DPIE, 09/03/2021 The Department determined ELGAS committed an offence against section 4.2 of the Environmental Planning and Assessment Act 1979 (Act) by failing to comply with condition C7 of SSD-8448. It was determined that operation of the facility had commenced on 8 October 2020 prior to the approval of the OEMP, which was on the 23 October 2020 (effective from 20 October 2020).</li> </ul>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<p>The Operational Environmental Management Plan was approved by DIE effective on 20/10/20 when SSD-8448-Mod-1 was approved. DPIE determined that operations of the ELGAS facility commenced before the approval of the OEMP.</p> <p><b>2022</b> - The previous audit listed Condition C7 as Non-compliant (with the notation “No actions required”), presumably in relation to pre-commencement. The current objective of Condition C7, i.e., current operation to the approved OEMP, is compliant.</p> <p><b>2023</b> –The OEMP is in place.</p> <p><b>2024</b> –The OEMP is in place.</p>	
C8	<p><b>Revision of Strategies, Plans and Programs</b></p> <p>Within three months of:</p> <ol style="list-style-type: none"> <li>the submission of an incident report under Condition C10;</li> <li>the submission of an Independent Audit under Condition C17;</li> <li>the approval of any modification of the conditions of this consent; or</li> <li>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.</li> </ol>	At all times	<p><b>2021</b> -</p> <ul style="list-style-type: none"> <li>Letter: to Sovechles Nominees Pty Ltd Re: SSD-8448 Mod 2 Review, dated 3 November 2021. Elgas Limited.</li> <li>Letter: to DPIE RE: SSD 8448 – 130 Cormorant Road Kooragang – Liquefied Petroleum Gas Storage &amp; Distribution Facility – Condition C8 – Review of Strategies Plans and Programs., dated 5 November 2021. Sovechles Nominees Pty Ltd.</li> <li>Environmental Management Plan, Elgas Newcastle, v1.3November 2021, 165-ELNEW_EMP_Environmental Management Plan</li> </ul> <p>A review of strategies, plans and programs was not conducted/advised of to the Department within three months of submission of the independent audit report completed October 2020 nor the approval of Modification 1.</p>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<p>A review of strategies, plans and programs was undertaken following Mod 2 of SSD 8448. The Environmental Management Plan, Depot Traffic Management Plan and Emergency Plan were reviewed. The Environmental Management Plan was revised.</p> <p><b>2022</b> - This condition was assessed as Non-compliant at the last audit with the following recommendation: "(A): Ensure that a review of strategies, plans and programs undertaken for all future occurrences listed under a) to d) and notified to the Department as required by condition C8". This audit considers that the Condition has been complied with in this audit period. But note that a separate recommendation has been made regarding communication of changes between the operator, the proponent (the previous site owner) and the current site owner (Refer B1 above). Regarding the issues requiring advice of revision:</p> <ul style="list-style-type: none"> <li>a. Management has advised there have been no incident reports under C10.</li> <li>b. This audit, under Condition C17, is caught by this Consent Condition C8 and will be reviewed as required by this condition.</li> <li>c. The only modifications of conditions falling into this scope is the agreed delay to the timing of the Hazard Analysis (and the clarification of hours of operation mentioned above).</li> <li>d. No directions were received from the Planning Secretary in this audit period.</li> </ul>	

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<p><b>2023</b> – No such revisions were required in this audit period. The last Operational Compliance Report did require some actions but these took the form of minor administrative updates using the existing strategies in place, with no revision to the underlying strategy</p> <p><b>2024</b> – No such revisions were required in this audit period.</p>	
C9	<p><b>Revision of Strategies, Plans and Programs</b></p> <p>If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.</p> <p>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.</p>	At all times	<p><b>2022</b> - No such revisions were made in this audit period.</p> <p><b>2023</b> - No such revisions were made in this audit period.</p> <p><b>2024</b> – Refer comments under C1 above per site OEMP.</p>	Complaint
<b>Reporting and Auditing</b>				
C10	<p><b>Incident Notification, Reporting and Response</b></p> <p>The Department must be notified in writing to <a href="mailto:compliance@planing.nsw.gov.au">compliance@planing.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</p>	At all times	<p><b>2021</b> - No incidents identified.</p> <p><b>2022</b> - No incidents were reported in the current audit period. (Confirmation letter from National Health, Safety and Environment Manager sighted). The designation “not triggered” is applied here and in subsequent consent conditions C11 and C12, because there has been no cause for notification in writing. The same designation for these three Conditions was made by the 2021 audit also. A classification of “Compliant”, for the current audit</p>	Not triggered

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	accordance with the requirements set out in Appendix C.		<p>period, is equally valid.</p> <p><b>2023</b> – No incidents were reported.</p> <p><b>2024</b> – No incidents were reported.</p>	
C11	<p><b>Non-Compliance Notification</b></p> <p>The Department must be notified in writing to <a href="mailto:compliance@planning.nsw.gov.au">compliance@planning.nsw.gov.au</a> within seven days after the Applicant becomes aware of any non-compliance.</p>	At all times	<p><b>2021</b> - No non-compliances other than those notified by DPIE were identified by the Applicant.</p> <p><b>2022</b> - Noted.</p> <p><b>2023</b> – Noted</p> <p><b>2024</b> - Noted</p>	Not triggered
C12	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 noncompliance.	At all times	<p><b>2022</b> - Noted.</p> <p><b>2023</b> – Noted</p> <p><b>2024</b> - Noted</p>	Not triggered
C13	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance	At all times	<p><b>2022</b> - Noted.</p> <p><b>2023</b> – Noted</p> <p><b>2024</b> - Noted</p>	Not triggered
C14	<p><b>Compliance Reporting</b></p> <p>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.</p>	Expired	<p><b>2021</b> –</p> <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</li> </ul>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<p>Monitoring and Reporting Program in response to condition C14 dated 4 August 2020.</p> <ul style="list-style-type: none"> <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><b>2022</b> - The Compliance Monitoring and Reporting Program is available online.</p> <p><b>2023</b> – A comment is required regarding the above-mentioned Compliance Monitoring and Reporting Program. At Condition C16 below, a non-compliance will be recorded, relating to timing of some documentation. During discussion of this issue, reference was made to the approved Compliance Monitoring and Reporting Program dated 3 August 2020. This document does not help at least in this situation. It essentially paraphrases the Consent Conditions while leaving out some of the detail requirements – for example, its methodology to deal with public availability of documentation and prior notice to the Department within defined time frames is given as "Make compliance report publicly available". In view of the extensive exchange of documents listed above in the 2021 Audit, this audit will retain "compliant" status but recommends that the</p>	

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<p>issue of sensible reporting protocols is resolved (or, alternatively, the suggested corrective action to deal with the C16 issue below may be a suitable substitute).</p> <p><b>2024</b> – Refer comments under C16 below.</p>	
C15	Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).	At all times	<p><b>2021</b> –</p> <ul style="list-style-type: none"> <li>• Elgas Kooragang Depot Pre-Start Up Compliance Report, 15/05/2020. Elgas National Technical (2020).</li> <li>• Post-start up Compliance report – Elgas liquified Petroleum Gas Storage and Distribution Facility (SSD8448), 130 Cormorant Road Kooragang (Lot1 DP1195449), January 2021 Metroplan Services</li> <li>• Compliance report – Elgas liquified Petroleum Gas Storage and Distribution Facility (SSD8448), 130 Cormorant Road Kooragang (Lot1 DP1195449) Condition C15 Compliance Report, 19 October 2021 Metroplan Services</li> </ul> <p><b>2022</b> - Required documentation arising from each Condition of Consent is contained in the Compliance Reporting and Monitoring Program dated 3/8/2020. Every Condition of Consent was assessed against the requirements of this program to ensure all are met. In most cases, compliance is self-evident and no commentary is required. Where a comment is required it is noted at the appropriate Condition in this Table. This report answers the requirement for 2022 audit report.</p>	Compliant



CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<p><b>2023</b> – This report complies with the requirement for preparation every 52 weeks. The format follows the same format as previous reports</p> <p><b>2024</b> – It is noted the ELGAS site was inspected by Department of Planning, Housing and Infrastructure Compliance Team 16 September 2024, coordinated by Senior Compliance Officer Mr Joel Flemming. NIL environmental performance issues noted. Subsequent guidance received from Mr Joel Flemming, 26 September 2024 noted the consent for Kooragang LPG Storage Facility refers to the Post Approval Requirements (PARs) published in June 2018, however, there are more contemporary PARs, published in May 2020. It is noted this audit report follows as far as practicable the guidelines set out in the current requirements of “Compliance Reporting – Post Approval Requirements, NSW Department of Planning, Industry and Environment May 2020”. It is also noted that a verbal extension request to the submission of the 2024 Compliance Audit Report (this Audit) was verbally accepted via Mr Joel Flemming on 25 October 2024. The extension was formally requested (as advised) via the Major Project Portal on same day. Ref: Kooragang LPG Storage Facility - Compliance Report 2024 - Extension Request - Service Level Agreement &amp; Kooragang LPG Storage Facility (Administrative)</p>	
C16	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	At all times	<b>2021</b> - Compliance report is on the website: <a href="https://www.elgas.com.au/welcome-to-elgas/elgas-environmental-monitoring-data/newcastle-depot-kooragang-nsw/">https://www.elgas.com.au/welcome-to-elgas/elgas-environmental-monitoring-data/newcastle-depot-kooragang-nsw/</a>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<p>Pre-start up and post-start up compliance reports are not available on the web-site.</p> <p><b>2022</b> - The previous audit classified this as “Non compliant” due to absence of reports from the website, since corrected. The recommended action, (A) Pre-start up and post-start up Compliance Reports to be made available on project web-site, has been completed.</p> <p>The website is now comprehensively populated with the required reports. The submission of this report to the Department will trigger an advice (probably late December, subject to Elgas review of this report), of pending publication on the website on or around the last week of December 2022.</p> <p><b>2023</b> – The 2022 Audit was prepared and submitted, on time (19 October 2022), by Elgas to the Property Manager, acting for the Applicant. However, the issue of its publication was not attended to until February 8, 2023, when Elgas advised the Property Manager of the intended date of publication (February 24, 2023) and requested the Property Manager to forward the correspondence to Planning’s notification at least 7 days prior. Therefore, the first of the two requirements of C16 was not met due to the delay in publication to about 90 days instead of 60 days as required.</p> <p>A suggestion is made in the text of this report above that a sensible solution would be the preparation of a tabulation of required reports, reviews, responses and notification which would summarise the multiple requirements contained in these consent conditions.</p>	

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<p>(Refer to our comment above in C14 re the approved Compliance Monitoring and Reporting Program).</p> <p><b>2024 –</b></p> <p>2023 non-compliance status closed.</p> <p>2023 Compliance Report published on ELGAS Website prior 20.12.24</p> <p>ELGAS Notification – Non-Compliance per REPORT 2023 Operational Compliance Audit SSD 8448 (Oct 2023) submitted via Major Projects portal 07.11.23</p> <p>Refer: SSD-8448-PA-38</p> <p>Document now active and managed by NSW Depot Operations Manager (<i>SSD 8448 - Elgas Kooragang Compliance Monitoring and Reporting Program</i>).</p>	
C17	<p><b>Independent Audit</b></p> <p>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.</p>	Expired	<p><b>2021</b> - 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.</p> <p><b>2022</b> - Pre-operation so no change</p> <p><b>2023</b> - Pre-operation so no change.</p> <p><b>2024 –</b> It is noted the ELGAS site was inspected by Department of Planning, Housing and Infrastructure Compliance Team 16 September 2024, coordinated</p>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<p>by Senior Compliance Officer Mr Joel Flemming. NIL environmental performance issues noted. Subsequent guidance received from Mr Joel Flemming, 26 September 2024 noted the consent for Kooragang LPG Storage Facility refers to the Post Approval Requirements (PARs) published in June 2018, however, there are more contemporary PARs, published in May 2020. It is noted this audit report follows as far as practicable the guidelines set out in the current requirements of “Independent Reporting – Post Approval Requirements, NSW Department of Planning, Industry and Environment May 2020”. It is also noted that a verbal extension request to the submission of the 2024 Independent Audit Report was verbally accepted via Mr Joel Flemming on 19 November 2024. The extension was formally requested (as advised) via the Major Project Portal on same day. Ref: Kooragang LPG Storage Facility - Post Approval Document Received - (SSD-8448-PA-41)</p> <p>It is noted that the Independent Audit is due for submission by 30 April 2025.</p>	
C18	<p>Independent Audits of the development must be carried out in accordance with:</p> <ul style="list-style-type: none"> <li>a. the Independent Audit Program submitted to the Department under Condition C17 of this consent; and</li> <li>b. the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).</li> </ul>	At all times	<p><b>2021</b> - Kooragang LPG Facility Independent Environmental Audit, Ref: 133,100, 12 November 2020. Consentium.</p> <p><b>2022</b> - The 2021 audit is:            •Kooragang LPG Facility, Independent Environmental Audit, Project Number: 61139, Reference Number 141,777, November 2021, JBS&amp;G.</p> <p><b>2023</b> – The 2022 audit is:</p>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<ul style="list-style-type: none"> <li>Operational Compliance Report for the Period 13 November 2021 to 21 October 2022, Premier Engineering Services Pty Ltd, October 2022.</li> </ul> <p><b>2024</b> - Refer comments under C17 above.</p>	
C19	<p>In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:</p> <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>	At all times	<p><b>2021</b> - Response to initial audit provided:</p> <ul style="list-style-type: none"> <li>Letter Sovechles Nominees to DPIE, Re: Audit Report Pre-Construction and Construction, dated 12 November 2020.</li> </ul> <p>The applicant response to the initial audit is not available on the web-site.</p> <p><b>2022</b> - The classification of Non-compliant was applied at last audit due to lack of publication on the website, resulting in a recommendation, (A) Applicant response to initial Independent Audit to be made available on project web-site.</p> <p><b>2022</b> -This has been corrected, so revised classification is Compliant.</p> <p><b>2023</b> – C19(a) requires the Applicant to review and respond to the 2022 Report. This raises a number of issues. Firstly, the 2022 Report recorded no non-compliances, so there may be an interpretation that no response was required. A more satisfactory response may have been a simple document noting that a review had taken place. Secondly, the Report did make three suggestions, none of which were compliance issues. One related to formal close-out of a safety issue within the Elgas Safety Management System – this issue was attended to and the close-out documentation has been sighted. The second</p>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<p>was a suggestion to tidy up the website where Compliance reporting is publicised – this was also attended to mainly by listing documents in date order and in one or two cases ensuring the accuracy of the document title. The third suggestion was an admittedly general suggestion to centralise communication on these issues with Elgas. It is recognized that this may require some input from the Department regarding the legal status of the Applicant, but the fact is that site operation is and must be under Elgas control and the issues raised here all originate or require action by Elgas, A non-compliance is found on the basis that no response was made by anyone, as far as we can ascertain. C19(b) requires submission of the response to the Department but no response was made. C19(c) repeats the requirements of C16, with the addition of publication of the response.</p> <p><b>2024 –</b></p> <p>2023 non-compliance status closed.</p> <p>2023 Compliance Report published on ELGAS Website prior 20.12.24</p> <p>ELGAS Notification – Non-Compliance per REPORT 2023 Operational Compliance Audit SSD 8448 (Oct 2023) submitted via Major Projects portal 07.11.23</p> <p>Refer: SSD-8448-PA-38</p>	

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			Document now active and managed by NSW Depot Operations Manager (SSD 8448 - Elgas Kooragang Compliance Monitoring and Reporting Program).	
C20	<p><b>Monitoring and Environmental Audits</b></p> <p>Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&amp;A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.</p> <p>Note: For the purposes of this condition, as set out in the EP&amp;A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.</p>	At all times	<p><b>2021</b> - Noted</p> <p><b>2022</b> - This condition is a statement of how monitoring or auditing may be affected by application of Division 9.4. Such a legal effect is noted.</p> <p>Previous audit did not offer a classification of compliance. This audit applies "Not triggered" as the appropriate response as the application of the EP&amp;A act has not raised any documented issues in this audit period.</p> <p><b>2023</b> – No change since last audit.</p> <p><b>2024</b> – No change since last audit.</p>	Not triggered
<b>Access to Information</b>				
C21	<p>Access to Information At least 48 hours before the commencement of construction until the completion of all works under this consent, the Applicant must:</p> <ol style="list-style-type: none"> <li>a. make the following information and documents (asthey are obtained or approved) publicly available:               <ol style="list-style-type: none"> <li>i. the documents referred to in Condition A2 of this consent and the final layout plans for the development;</li> </ol> </li> </ol>	At all times	<p><b>2021</b> - The Applicant advises that all EIS documentation and responses to submissions were available to the public (via Planning Portal). <a href="https://www.planningportal.nsw.gov.au/major-projects/project/5271">https://www.planningportal.nsw.gov.au/major-projects/project/5271</a></p> <p>Documentation is available to the public on the Planning Portal or through visiting the site. <a href="https://www.elgas.com.au/welcome-to-elgas/elgas-">https://www.elgas.com.au/welcome-to-elgas/elgas-</a></p>	Compliant

CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
	<ul style="list-style-type: none"> <li>II. all current statutory approvals for the development;</li> <li>III. all approved strategies, plans and programs required under the conditions of this consent;</li> <li>IV. contact details to enquire about the development or to make a complaint;</li> <li>V. the Compliance Reporting of the development;</li> <li>VI. audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;</li> <li>VII. any other matter required by the Planning Secretary; and</li> </ul> <p>b. keep such information up to date, to the satisfaction of the Planning Secretary.</p>		<p><a href="https://www.elgas.com.au/elgas-environmental-monitoring-data/newcastle-depot-kooragang-nsw/">environmental-monitoring- data/newcastle-depot-kooragang-nsw/</a></p> <p>Project information available on web-site:  <a href="https://www.elgas.com.au/welcome-to-elgas/elgas-environmental-monitoring-data/newcastle-depot-kooragang-nsw/">https://www.elgas.com.au/welcome-to-elgas/elgas-environmental-monitoring- data/newcastle-depot-kooragang-nsw/</a></p> <p>See conditions C16 and C19. Pre-start up and post-start up compliance reports are not available on the web-site. The applicant response to the initial audit is not available on the web-site.</p> <p><b>2022</b> - The previous audit classified this as 'Non-compliant' on the basis that the information was not made available in a timely manner, and made this recommendation: "(A): Pre-start up and post-start up Compliance Reports and applicant response to Independent Audit to be made available on project website." The information is now displayed as required, so the classification is now shown by this audit as Compliant (but refer to separate recommendation about improving the accessibility of the web-site). All requirements for public availability of documents have been met by the information currently available on the website. The issue of timing is historical with no subsequent opportunity for correction of this aspect.</p> <p><b>2023</b> – The Elgas website has been upgraded and the date and title of each document has been clarified, in line with the suggestion in last year's report. The revised link is  <a href="https://www.elgas.com.au/elgas-knowledge-">https://www.elgas.com.au/elgas-knowledge-</a></p>	



CONDITION OF CONSENT NUMBER	COMPLIANCE REQUIREMENT	DEVELOPMENT PHASE	EVIDENCE AND COMMENTS	COMPLIANCE STATUS
			<p><a href="https://www.elgas.com.au/elgas-knowledge-hub/elgas-updates/elgas-new-castle-site-data/">hub/elgas-updates/elgas-new-castle-site-data/</a>, or can be found by searching the Elgas website where it appears as Elgas Newcastle Site Data.</p> <p><b>2024</b> – The Elgas website remains active, the link is <a href="https://www.elgas.com.au/elgas-knowledge-hub/elgas-updates/elgas-new-castle-site-data/">https://www.elgas.com.au/elgas-knowledge-hub/elgas-updates/elgas-new-castle-site-data/</a>, or can be found by searching the Elgas website where it appears as Elgas Newcastle Site Data.</p>	

## Appendix D. Declaration

### Compliance Report Declaration Form


Project Name	Kooragang LPG Storage Facility
Project Application Number	SSD 8448
Description of Project	Liquefied petroleum gas storage and distribution facility
Project Address	130 Cormorant Road, Kooragang
Original Proponent	Sovechles Nominees Pty Ltd
Title of Compliance Report	Operation Compliance Report 2024
Date	29 November 2024

I declare that I have reviewed the contents of the attached Compliance Report and the best of my knowledge:

- i. The Compliance Report has been prepared in accordance with all relevant conditions of consent;
- ii. The Compliance Report has been prepared in accordance with the Compliance Reporting Requirements;
- iii. The findings of the Compliance Report are reported truthfully, accurately and completely;
- iv. Due diligence and professional judgment have been exercised in preparing the Compliance Report; and
- v. The Compliance Report is an accurate summary of the compliance status of the development.

Notes:

- 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) 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
- 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 Authorised Report Officer	Patrick Egan
Title	ELGAS NSW Regional Depot Manager
Signature	
Qualification	ELGAS Employed 13 Years Cert IV Work Health and Safety (BSB41419) Pinnacle Safety Training and Training Aug 2023 Bachelor Applied Science (Horticulture) Melbourne University 1997
Company	Elgas Limited
Company Address	130 Cormorant Road, Kooragang

## Appendix E. Glossary

<b>TERM</b>	<b>DEFINITION</b>
AS	Australian Standard
COB	Close of business
DoPE	Department of Planning and Environment
DPIE	Department of Planning Infrastructure and Environment
EIS	Environmental Impact Statement
EMAP	Elgas Maintenance Application Portal
EMP	Environmental Management Plan EP&A Environment Protection and Assessment
IA	Independent Audit
LPG	Liquefied petroleum gas
OEMP	Operation Environmental Management Plan
PHA	Preliminary Hazard Analysis under SEPP33
SEPP33	State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (now superseded by State Environmental Planning Policy (Resilience and Hazards) 2021).
SSD	State Significant Development
n/a	Not applicable

19 November 2024

Development Consent  
Part Lot 1 DP 1195449  
130 Cormorant Road, Kooragang NSW.  
SSD 8448

re: ELGAS Environmental Statement

In reference to Consent Condition C10, C11, C12, C13 and C20 I confirm in the period 21 October 20223 to 19 November 2024, NIL environmental incidents have occurred at ELGAS Kooragang – LPG Storage and Handling Facility.

SSD 8448 Consent Conditions

### REPORTING AND AUDITING

#### Incident Notification, Reporting and Response

C10. The Department must be notified in writing to [compliance@olanning.nsw.gov.au](mailto:compliance@olanning.nsw.gov.au) 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.

#### Non-Compliance Notification

C11. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance.

C12. 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.

C13. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

#### Monitoring and Environmental Audits

C20. 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

*Note: For the purposes of this condition, as set out in the EP&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 documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development*

Yours sincerely



Chris Beston  
Head of SHEQ  
Region South Pacific