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STOTHAVEN MAYFIELD FUEL STORAGE FACILITY INDEPENDENT ENVIRONMENTAL AUDIT

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Revision **Final**
Date **13/04/2016**
Made by **S Taylor**
Checked by **F Robinson**
Approved by **F Robinson**
Description **Ramboll Environ Australia Ltd (Ramboll Environ) has been engaged by Stolthaven Australia Pty Ltd (Stolthaven) to conduct an Independent Environmental Audit of the Stolthaven Fuel Storage Facility at Steelworks Road, Mayfield, New South Wales. The Audit is required under Condition 8 (Schedule 4) of the Project Approval of SSD 6664, as issued and administered by the NSW Department of Planning and Environment for the facility**

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AS130469SSD 6664 Independent Environmental Audit FINAL 2016_04_13

Ramboll Environ
Level 2, Suite 19B
50 Glebe Road
PO Box 435
The Junction
NSW 2291
Australia
T +61 2 4962 5444
F +61 2 4962 5888
www.ramboll-environ.com

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APPENDICES

Appendix 1

Review of Compliance With Development Approval and EPL Conditions

1. INTRODUCTION

Ramboll Environ Australia Ltd (Ramboll Environ) has been engaged by Stolthaven Australasia Pty Ltd (Stolthaven) to conduct an Independent Environmental Audit ('Audit') of the Stolthaven Fuel Storage Facility (the facility) at Steelworks Road, Mayfield, New South Wales (NSW). The Audit is required under Condition 8 (Schedule 4) of the Project Approval of SSD 6664, as issued and administered by the NSW Department of Planning and Environment.

The facility is identified as Part of Lot 2 in Deposited Plan (DP) 1177466. The Mayfield No. 4 berth used by Stolthaven is located on Lot 44 on DP1191982, and the pipeline connecting the facility and the berth is located on Lot 42 and Lot 45 on DP1191982.

2. SCOPE OF WORK

The Audit was conducted at the facility to review the site activities; how site activities are managed to reduce the potential for impacts on the environment ;and to confirm compliance against:

- The Conditions of Project Approval of SSD 6664 dated 16 April 2015 (Schedule 2 – General Administrative Conditions; Schedule 3 - Specific Environmental Conditions; and, Schedule 4 – Environmental Management, Auditing and Reporting), as amended by Modification 1 (dated 28 September 2015); and
- The site's Environment Protection Licence (No. 20193), issued by the NSW Environment Protection Authority (EPA).

In accordance with Condition 8 (Schedule 4) of the Project Approval, the Audit has included:

- Consultation with EPA and Port of Newcastle (PON) (the landowner).
- Assessment of the environmental performance of the Project, and its effects on the surrounding environment.
- Determination as to whether the Project is complying with the relevant standards, performance measures, and statutory requirements.
- A review of the adequacy of the Environmental Management Strategy for the Project; compliance with the requirements of this approval, and any other licenses and approvals; and if necessary:
- Recommendation of measures or actions to improve the environmental performance of the Project, and/or any plan/program required under this approval.

Within three months of commissioning the audit, or as otherwise agreed by the Director-General, the audit report is to be submitted by Stolthaven to both the EPA and the Department of Planning and Environment with Stolthaven's response to any recommendations contained in the audit report.

Audit tasks undertaken are outlined in the following.

2.1 Task 1 – Data Collection and Desktop Review

Ramboll Environ conducted a desktop review of relevant site documentation prior to and following the site visit. **Table 2.1 lists** the documents reviewed as part of the audit and the relevant condition in the approval documents.

Table 2.1: Documents Reviewed for the Environmental Audit

Document	Relevant Condition
Project Approval	
Project Approval for Application SSD 6664 (as modified by Modification 1)	NA
Letter: Soil Vapour Investigation for the proposed Bulk Fuel Storage Facility, located within the Mayfield Terminal, Newcastle, NSW (AECOM to Stolthaven dated 10 July 2013)	Condition 4, Schedule 3
Operational Noise and Vibration Management Plan: Bulk Liquid Storage Terminal, Mayfield NSW (AECOM, 2015)	Condition 26, Schedule 3
Stolthaven Bulk Liquids Fuel Storage Facility, Mayfield: Operational Noise Compliance Assessment (Conditions of Consent) (AECOM, 2015)	Condition 27, Schedule 3
Stolthaven Newcastle Mayfield Terminal Operational Environmental Management Strategy (September, 2015)	Condition 1, Schedule 4

Table 2.1: Documents Reviewed for the Environmental Audit

Document	Relevant Condition
Quarterly Groundwater Monitoring Report, Mayfield Bulk Fuel Storage Facility: Q4 – November 2014(AECOM, December 2015)	Condition 11, Schedule 3
Letter: Review Soil Vapour Investigations, AECOM (July 2013) (Ramboll Environ Australia (as EPA Accredited Auditor) to Stolthaven dated 6 August 2013)	Condition 4, Schedule 3
Letter: Stolthaven Liquid Fuel Storage Facility (SSD 6664 MOD 1) Approval of Post-Approval Documentation. Department of Planning and Environment to Stolthaven dated 11 December 2015	Condition 10, Schedule 3 Condition 11 Schedule 3 Condition 13, Schedule 3 Condition 18, Schedule 3 Condition 33, Schedule 3 Condition 1, Schedule 4
Letter: Stolthaven Newcastle Bulk Fuels Terminal -Stage 2 Expansion Design Compliance Statement, AECOM (November 2015)	Condition 10, Schedule 3
NSW Office of Water Bore Licence Certificates	Condition 6, Schedule 3
Stolthaven Throughput Report 11 October 2015 – 10 January 2016 (January 2016)	Condition 12, Schedule 3
Utilities And Services Plan Stolthaven (Australia) Pty Ltd Bulk Liquids Terminal – Mayfield Site, Newcastle Stolthaven, dated October 2015)	Condition 18, Schedule 3
Stolthaven Terminals Newcastle: Landscape Management Plan (Stolthaven, October 2015).	Condition 35, Schedule 3
Stolthaven Terminals Newcastle: Water Management Plan (Stolthaven, October 2015).	Condition 11, Schedule 3
Annual Review: Stolthaven Bulk Fuel Storage Facility (AECOM, January 2016)	Condition 5, Schedule 4
Twelve Month Throughput 2015 (Stolthaven 2016)	Conditions 5 and 6, Schedule 2
Tall Structures and Cranes Reporting Form to Air Base Command, RAAF Base Williamtown (as Approved by Air Base Command)	Condition 41, Schedule 3
Operational Air Quality Management Plan: Bulk Liquid Storage Terminal, Mayfield NSW (AECOM, 2015)	Condition 33, Schedule 3
Operational Energy Efficiency Management Plan: Bulk Liquid Storage Terminal, Mayfield NSW (AECOM, 2015)	Condition 34, Schedule3
Port of Newcastle Bi-Monthly Report: November 2015 – December 2015 (Stolthaven, 2016)	Various
Letter: Fire & Rescue NSW Assessment of Steelworks Road, MAYFIELD dated 11 August 2015	Condition 15, Schedule 3
Stolthaven Terminals Newcastle: Stormwater Management Plan (Stolthaven, October 2015).	Condition 10, Schedule 3
Stolthaven Terminals Newcastle: Traffic Management Plan (Stolthaven, October 2015).	Condition 13, Schedule 3

Table 2.1: Documents Reviewed for the Environmental Audit

Document	Relevant Condition
Water and Waste Assessment. Reporting Period October 2014 – October 2015 (Stolthaven)	Condition 40, Schedule 3
Environment Protection Licence	
Annual Return EPL No. 20193 (Stolthaven)	Condition R1.1 – R1.8
Quarterly Groundwater Monitoring Report, Mayfield Bulk Fuel Storage Facility: Q4 – November 2014(AECOM, December 2015)	Conditions L3.1 – L3.3 Conditions M1 – M3
Stolthaven Bulk Liquids Fuel Storage Facility, Mayfield: Operational Noise Compliance Assessment (Conditions of Consent) (AECOM, 2015)	Conditions L5.1 – L5.8
Water and Waste Assessment. Reporting Period October 2014 – October 2015 (Stolthaven)	Conditions L3.1 – L3.3 Condition L4 Conditions M1 – M3

2.2 Task 2 – Develop Audit Visit Plan

A comprehensive audit checklist was developed to facilitate Ramboll Environ's on-site interviews and inspection for the assessment of compliance. **Table 4** (Conditions of Project Approval) and **Table 5** (Environment Protection Licence conditions) are the completed audit checklists.

2.3 Task 3 – Site Visit

Ramboll Environ (Shaun Taylor as Lead Auditor) undertook a site visit on 3 February 2016. Curricula vitae for the audit team are provided in **Appendix A**.

The Site Manager, Ryan Duckmanton, was interviewed during the course of the audit and assisted the Ramboll Environ auditors by providing access to records, procedures and the facility.

2.4 Task 4 – Prepare Audit Report

Information gathered throughout the audit process was reviewed, evaluated and collated in this audit report. The report contains a summary of the findings in **Section 3** and **Section 4**, and the detailed findings of compliance are presented in a tabular format in **Table 3** and **Table 4** (refer to the Audit Tables section of this report). A draft report was provided to Stolthaven to review for factual accuracy.

2.5 Audit Consultation

As required by Condition 10 (Schedule 4) of the Project Approval, the audit included consultation with the Environment Protection Authority (EPA) and the Port of Newcastle. The outcome of this consultation is discussed in **Section 0**.

3. FINDINGS

3.1 Environmental Management Findings

Ramboll Environ audit observations and interviews with the site representative demonstrated that the existing environmental management system elements are considered to substantially address the Project Approval and Environment Protection Licence requirements.

Procedures were observed to be implemented which manage potential impacts on the environment from the facility. The facility appeared to be well maintained and there was no evidence of issues of environmental concern.

However, Ramboll Environ notes that non-conformance with the Project Approval and Environment Protection Licence conditions were identified. These, and the Ramboll Environ recommendations and the proponent's agreed actions and timeframes, are described in **Table 2**.

3.2 Project Approval

The facility is required to conduct its operations in accordance with the Project Approval (SSD 6664) issued by the NSW Department of Planning and Infrastructure (now the Department of Planning and Environment) on 16 April 2015 (as modified), under Section 89E of the NSW *Environmental Planning and Assessment Act 1979*. The Project Approval conditions address various environmental matters including the conduct of an Independent Environmental Audit. This audit report contains the detailed findings in **Table 3**.

Ramboll Environ's review of project documentation, audit observations and interviews with the site representative demonstrated the project has to date been substantially conducted in accordance with the terms of this approval. However non-conformances have been identified and are listed in **Table 2**. These primarily relate to the preparation and submission of documentation as required by the Project Approval.

The key non-conformance is:

- The facility had exceeded the permitted annual diesel and biodiesel throughput levels (prior to the Department granting the Modification to the approval of SSD 6664, which increased the permitted annual throughput).

Ramboll Environ findings and recommendations are documented within **Table 3** of this report.

3.3 Environmental Protection Licence

The facility operates under an Environment Protection Licence, issued by the EPA.

Ramboll Environ's review of project documentation, audit observations and interviews with site representatives demonstrated the project has to date been substantially conducted in accordance with the terms of this approval. However non-conformances have been identified and are listed in **Table 2**.

The key non-conformances are:

- As per the Project Approval, the facility has exceeded the permitted annual diesel and biodiesel throughput levels (prior to the Department granting the Modification to the approval of SSD 6664, which increased the permitted annual throughput, and the associated condition of the EPL).

Ramboll Environ findings and recommendations are documented within **Table 4** of this report.

3.4 Consultation Feedback

As required by Clause 8(b), Schedule 4, the independent environmental audit is to be prepared in consultation with the Port of Newcastle and the EPA.

3.4.1 Port of Newcastle

An email was issued to Port of Newcastle (PON) on 22 February 2016 requesting to discuss the audit.

A meeting was held with PON on 15 March 2015 to discuss the environmental performance of Stolthaven and, in particular, compliance with the conditions of development consent relating to PON. Additional information was provided by PON via emails.

Feedback from PON is included as appropriate in **Table 1** of **Appendix 1**.

In summary PON advised that Stolthaven had complied with the requirements of the conditions of development consent (including reporting required to comply with the approval of the Mayfield Concept Plan). PON was satisfied with the overall environmental performance of Stolthaven.

3.4.2 Environment Protection Authority

An email was issued to the Environment Protection Authority (EPA) on 22 February 2016 requesting to discuss the audit.

In an email received 22 February 2016 the EPA advised that as the audit is against the Project Approval the EPA does not have a role in this matter and would not be responding to the request for comment. The email advised that a summary of non-compliances were available on the EPA website. A review of the EPA website noted that there were five penalty notices issued to Stolthaven against EPL NO. 20193.

4. RECOMMENDATIONS

Table 4.1 identifies those conditions of the Project Approval and Environment Protection Licence where non-conformance was identified, and recommends improvement actions, and a timeframe for completion.

Non-compliance with two Project Approval conditions (Condition 5 and Condition 6, Schedule 2), and one condition of the EPL (Condition A1.4) were the result of Stolthaven exceeding throughput levels. This non-compliance was resolved with approval of Modification No. 1 of the Project Approval of SSD 6664, which increased the throughput limit to a level greater than the current throughput.

Table 4.1 Recommended Improvement Actions and Timeframes

Condition	Non-Conformance Issue	Recommended Actions	Recommended Timeframe
Project Approval: Condition 5, Schedule 2	The condition states that Stolthaven shall not receive, store and dispatch more than 500 million litres of diesel and biodiesel a year until Stolthaven received an amended EPL for the Development.	Exceedances of the permitted throughput levels was identified under the original MP08_0130 and the associated Independent Environmental Audit (ENVIRON, 2015). Prior to and following the audit Stolthaven had been in negotiations with the Department of Planning and Environment on how to address this issue. The Auditor understands that one of the purposes of SSD 6664 was to address the throughput requirements. A review of expected throughput (plus the additional storage capacity at the facility) resulted in the throughput limit being increased to 1,010 million litres.	Review of throughput levels: during preparation of the EIS for Stage 3 of the Facility (SSD 15_7065).
Project Approval: Condition 6, Schedule 2 EPL: Condition A1.4	<p>Following receipt of an amended EPL for the Development, Stolthaven could receive, store and dispatch up to 1,300 million litres of diesel and biodiesel a year (this was 1,010 million litres until Modification No. 1 was approved on 28 September 2015).</p> <p>As noted in the 2015 Annual Review (AECOM, 2016):</p> <p><i>"While the current annual throughput limit approved under Condition A1.4 of the EPL is 1,300 ML, it is noted that there were two breaches of Condition A1.4 during the reporting period. The annual throughput approved under SSD_6664 was increased from 500 ML to 1,010 ML on 16 April 2015, and then again increased from 1,010 ML to 1,300 ML on 28 September 2015.</i></p> <p><i>However the annual throughput approved under the EPL was not likewise amended until 14 May 2015 and 2 October 2015 respectively. Therefore exceedances of the throughput limit set out in Condition A1.4 of the EPL occurred between 1 April 2015 and 13 May 2015 (inclusive), and between 17 September 2015 and 1 October 2015 (inclusive). The EPA was advised of the exceedances and penalty notices were issued accordingly."</i></p> <p>A Warning Letter (dated 27 January 2016) was issued by the Department of Planning and Environment in response to this breach of the approval condition.</p>	<p>A subsequent review of market demands (and the throughput levels required to service these demands) by Stolthaven resulted in Modification No. 1 to SSD 6664. The Modification Application was submitted to the Department of Planning and Environment in August 2015 and was approved in September 2015.</p> <p>The Auditor notes that the Secretary's Environmental Assessment Requirements (SEARs) for Stage 3 of the Stolthaven Facility (SSD 15_7065) were issued on 30 June 2015. Stage 3 would include 17 new fuel storage tanks and an increase of the total annual throughput capacity of 3,517 million litres. The Auditor understands that the Environmental Impact Statement (EIS) for this project is close to completion.</p> <p>It is recommended that Stolthaven undertake a detailed analysis of market demands to ensure that the proposed annual throughput described and assessed in the EIS prepared in response to the SEARs is realistically the maximum throughput, and is not at a level that would be exceeded.</p> <p>In addition, in the event that market demands do change and an increased throughput would be preferred above that approved (and the associated potential environmental and social impacts would be of</p>	<p>Modification of the approved throughput levels: commence modification approval process a minimum of four months prior to the anticipated exceedance of the approved throughput level.</p>

Table 4.1 Recommended Improvement Actions and Timeframes

Condition	Non-Conformance Issue	Recommended Actions	Recommended Timeframe
	It should be noted that subsequent to the approval of Modification No. 1 and the variation to the EPL authorising the increased throughput level, Stolthaven has complied with the throughput requirements.	an acceptable level), Stolthaven must commence the required approval processes, and receive the required approvals, before receiving, storing and dispatching any fuel that would result in non-compliance with the Project Approval and the EPL.	

5. LIMITATIONS

Ramboll Environ Australia prepared this report in accordance with the scope of work as outlined in our proposal to Stolthaven Australia Pty Ltd dated 23 December 2015 and in accordance with our understanding and interpretation of current regulatory standards.

Site conditions may change over time. This report is based on conditions encountered at the site at the time of the report and Ramboll Environ Australia disclaims responsibility for any changes that may have occurred after this time.

The conclusions presented in this report represent Ramboll Environ Australia's professional judgment based on information made available during the course of this assignment and are true and correct to the best of Ramboll Environ Australia's knowledge as at the date of the assessment.

Ramboll Environ Australia did not independently verify all of the written or oral information provided to Ramboll Environ Australia during the course of this investigation. While Ramboll Environ Australia has no reason to doubt the accuracy of the information provided to it, the report is complete and accurate only to the extent that the information provided to Ramboll Environ Australia was itself complete and accurate.

This report does not purport to give legal advice. This advice can only be given by qualified legal advisors.

5.1 User Reliance

This report has been prepared exclusively for Stolthaven Australia Pty Ltd and may not be relied upon by any other person or entity without Ramboll Environ Australia's express written permission.

**APPENDIX 1
REVIEW OF COMPLIANCE WITH DEVELOPMENT APPROVAL AND EPL
CONDITIONS**

Table 1. Conditions of Development Consent					
Item No.	Requirement and Reference	Compliant			Findings
		Yes	No	NA	
Schedule 2: General Administrative Conditions					
Obligation to Minimise Harm to the Environment					
1	The Applicant must implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or decommissioning of the Development.	Yes			The management plans and procedures described in this table describe how Stolthaven implements measures to prevent and/or minimise any harm to the environment.
Terms of Approval					
2	2. The Applicant must carry out the Development generally in accordance with the: a) EIS; b) development layout plans and drawings in the EIS (see Appendix 1); c) Applicant's Management and Mitigation Measures (see Appendix 2); and d) conditions of this consent.	Yes			This independent audit reviews the performance of Stolthaven against these documents.
3	If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.			NA	
4.	The Applicant must comply with all reasonable requirements of the Secretary arising from the Department's assessment of: a) any reports, strategies, plans, programs, reviews, audits or correspondence that are submitted in accordance with this consent; and b) the implementation of any actions or measures contained in these documents.	Yes			This independent audit reviews the performance of Stolthaven against these documents.

Table 1. Conditions of Development Consent

Item No.	Requirement and Reference	Compliant			Findings
		Yes	No	NA	
Limits on Consent					
5.	The Applicant shall not receive, store and dispatch more than 500 million litres of diesel and biodiesel per year, until the Applicant has received an amended EPL for the Development. The Applicant shall provide a copy of the amended EPL to Secretary prior to increasing throughput above 500 million litres per year.		No		<p>An amended EPL was issued for the Development on 2 October 2015, permitting an annual throughput of 1,300 million litres. A copy of the amended EPL (reflecting the increase to 1,010 million litres throughput) was forwarded to the Secretary on 14 May 2015. A copy of the amended EPL (reflecting the increase to 1,300 million litres throughput) was forwarded to the Secretary on 2 October 2015.</p> <p>Prior to the granting of the amended EPL, the facility had an annual throughput of 1,075 million litres from 18 November 2014 to 17 November 2015.</p> <p>As noted in the 2015 Annual Review (AECOM, 2016):</p> <p><i>"While the current annual throughput limit approved under Condition A1.4 of the EPL is 1,300 ML, it is noted that there were two breaches of Condition A1.4 during the reporting period. The annual throughput approved under SSD_6664 was increased from 500 ML to 1,010 ML on 16 April 2015, and then again increased from 1,010 ML to 1,300 ML on 28 September 2015. However the annual throughput approved under the EPL was not likewise amended until 14 May 2015 and 2 October 2015 respectively. Therefore exceedances of the throughput limit set out in Condition A1.4 of the EPL occurred between 1 April 2015 and 13 May 2015 (inclusive), and between 17 September 2015 and 1 October 2015 (inclusive). The EPA was advised of the exceedances and penalty notices were issued accordingly."</i></p>
6.	<p>Following the receipt of an amended EPL for the Development, the Applicant shall not receive, store and dispatch more than 1,300 million litres of diesel and biodiesel per year.</p> <p>Note: Prior to the approval of Modification No. 1 on 28 September 2015 the approved throughput for SSD 6664 was 1,010 million litres.</p>		No		<p>The approval of SSD 6664 granted on 16 April 2015 permitted a throughput of not more than 1,010 million litres. As noted in response to Condition 5, Stolthaven exceeded this level.</p> <p>An amended EPL was issued for the Development on 2 October 2015, permitting an annual throughput of 1,300 million litres. Stolthaven has complied with this throughput level.</p>

Table 1. Conditions of Development Consent					
Item No.	Requirement and Reference	Compliant			Findings
		Yes	No	NA	
Surrender of Existing Development Consents					
7.	Following receipt of an amended EPL for the Development, or as otherwise agreed to in writing by the Secretary, the Applicant shall surrender Development Approval MP 08_0130 for the site in accordance with EP&A Regulation.	Yes			An amended EPL was issued for the Development on 2 October 2015. Stolthaven requested surrender of the Development Approval MP 08_0130 on 2 December 2015, which was accepted by the Department of Planning and Environment on 3 December 2015.
Statutory Requirements					
8.	The Applicant must ensure that all necessary licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the Development. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals.	Yes			Table 2 addresses the amended EPL. Schedule 3, Condition 6 addresses the licence required under the <i>Water Act 1912</i> for the groundwater bores.
Other Consents and Approvals					
9.	Nothing in this consent will impact on the following consents/ approvals: a) PA 12/001 issued under Section 111 of the EP&A Act dated 20 February 2012; b) DA 293-08-00 as modified issued under Section 80 of the EP&A Act dated 6 April 2001; and c) any other consents or consents issued under the EP&A Act.			NA	
Structural Adequacy					
10.	The Applicant must ensure that any new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.	Yes			The only new structures are the additional fuel storage tanks.

Table 1. Conditions of Development Consent					
Item No.	Requirement and Reference	Compliant			Findings
		Yes	No	NA	
Protection of Public infrastructure					
11.	The Applicant must: a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the Development; and b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the Development.			NA	No public infrastructure has required relocation or repair as a result of the Development.
Utilities					
12.	Prior to the construction of any utility works, the Applicant must obtain relevant approvals from service providers.			NA	No additional utilities were required for the Development.
Operation of Plant and Equipment					
13.	The Applicant must ensure that any plant and equipment used on site, or in connection with the Development is: a) maintained in a proper and efficient condition; and b) operated in a proper and efficient manner.	Yes			Stolthaven maintains a plant and equipment maintenance register. This includes an electronic database (Excel spreadsheet), and a hard copy (viewed on site). The register identifies the equipment and machinery, the required inspection and maintenance regime, and records of the completed inspections and maintenance. Inspections (and maintenance if required) of the scheduled equipment are undertaken on a monthly basis. The hard copy is completed when personnel undertake the inspections and any maintenance, which is transferred to the electronic database.
Staged Submission of Strategies, Plans or Programs					
14.	With the written approval of the Secretary, the Applicant may submit any strategy, plan or program required by this approval on a progressive basis.			NA	

Table 1. Conditions of Development Consent					
Item No.	Requirement and Reference	Compliant			Findings
		Yes	No	NA	
15.	With the written consent of the Secretary, the Applicant may use the strategies, plans or programs approved under MP 08_0130 to address the requirements of this consent.	Yes			As discussed below, Stolthaven has amended the existing management plans to incorporate the Development. These have been submitted to the Secretary for approval.
Development Contribution					
16	Prior to the commencement of operation of the Development, the Applicant shall pay Council \$11,058.00 in development contributions.			NA	The Development has not commenced operation. Stolthaven will be arranging payment of the contribution within the next few weeks (prior to anticipated commencement of operation).
Dispute Resolution					
17.	In the event that a dispute arises between the Applicant and Council or a public authority other than the Department, in relation to a specification or requirement applicable under this consent, the matter must be referred by either party to the Secretary, or if not resolved, to the Minister, whose determination of the dispute shall be final and binding to all parties. For the purpose of this condition, 'public authority' has the same meaning as provided under Section 4 of the Act.			NA	No disputes have arisen.
Schedule 3: Specific Environmental Conditions					
CONTAMINATION AND REMEDIATION					
Statutory Requirements					
1.	The Applicant shall carry out the Development in accordance with the requirements of the: a) Remediation Notice; and b) CSMP.	Yes			Refer to responses for Conditions 2, 3 and 4 (immediately below).

Table 1. Conditions of Development Consent

Item No.	Requirement and Reference	Compliant			Findings
		Yes	No	NA	
2.	Prior to commencement of construction, the Applicant shall provide written evidence to the Secretary from the Site Auditor confirming that all construction works associated with the Development meets the requirements of the documents listed in Condition 1 above.	Yes			Letter from the Site Auditor was provided in April 2015. Confirmation that this was provided to the Secretary was provided by the Department of Planning and Environment on 13 May 2015.
3.	Prior to commencement of operation, the Applicant shall provide written evidence to the Secretary from the Site Auditor confirming that all works associated with the Development have been constructed in accordance with the requirements of the documents listed in Condition 1 above.			NA	Required information to allow this task to be completed has been provided to the Site Auditor.
Human Health Risk					
4.	The Applicant shall provide written evidence from the Site Auditor confirming that all works associated with the Development would be constructed to address any risk of harm to human health posed by the potential ingress of volatile vapours into buildings and confined spaces.	Yes			<p>The report "Soil Vapour Investigation for the proposed Bulk Fuel Storage Facility, located within the Mayfield Terminal, Newcastle, NSW" (AECOM, 2013) was prepared to satisfy this condition under MP 08_0130. A letter from the Site Auditor dated 6 August 2013 noted that the Site Auditor agreed with the conclusions of the Assessment.</p> <p>The environmental consultant for Stolthaven (AECOM) advised that subsequent investigations and reporting were therefore not required for subsequent modifications that only included the construction of tanks (no additional buildings that would be occupied by personnel).</p>

Table 1. Conditions of Development Consent					
Item No.	Requirement and Reference	Compliant			Findings
		Yes	No	NA	
Imported Soil					
5.	The Applicant shall: a) ensure that only VENM or ENM or other material approved in writing by the EPA or the Site Auditor is used as fill on the site; b) keep accurate records of the volume and type of fill to be used on site; and c) make these records available to PON and the Department upon request.	Yes			The construction contractor (Daracon) provided a VENM Assessment report by Coffey Information Pty Ltd that confirmed that material provided to the Facility complies with the definition of VENM under Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> .
SOIL AND WATER					
Water Licences					
6.	The Applicant is required to obtain the necessary water licences for the Development under the <i>Water Act 1912</i> and/or the <i>Water Management Act 2000</i> .	Yes			Stolthaven holds a Bore License Certificate issued under the <i>Water Act 1912</i> for the groundwater monitoring wells (issued 23 September 2014).
Discharge Limits					
7.	The Applicant shall ensure that all water discharges from the site comply with the: a) discharge limits (both volume and quality) set for the Development in any EPL; or b) the relevant provisions of the POEO Act.	Yes			Stolthaven has undertaken quarterly groundwater monitoring as required by the Environment Protection Licence. Stolthaven has undertaken surface water monitoring as required by the Environment Protection Licence to confirm that any water discharges comply with the licence criteria.
Bunding and Storage of Liquids					
8.	The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or the EPA's <i>Storing and Handling of Liquids: Environmental Protection – Participants Handbook</i> .	Yes			The diesel storage tanks are located with banded areas as required by the identified standards.
Stormwater and Drainage System					
9.	The Applicant shall maintain the stormwater and drainage system for the Development to the satisfaction of PON.	Yes			The facility design (including stormwater) was developed in consultation with PON. The design for the additional storage tank area is consistent with the existing stormwater and drainage system.

Table 1. Conditions of Development Consent					
Item No.	Requirement and Reference	Compliant			Findings
		Yes	No	NA	
Stormwater and Drainage Management Plan					
10.	<p>The Applicant shall update the existing Stormwater and Drainage Management Plan for the site to include the Development to the satisfaction of the Secretary. The plan shall:</p> <ul style="list-style-type: none"> a) be updated prior to the commencement of construction; b) be prepared in accordance with OEH's Managing Urban Stormwater publication any other relevant guidelines; c) show what stormwater, treatment and control infrastructure will be installed as part of the stormwater and drainage system for the Development and how it will integrate with other stormwater and drainage systems in the area; d) describe the measures that will be implemented to maintain this infrastructure over time; e) include a program to monitor stormwater quality and quantity; and f) include a strategy to integrate the stormwater management system with the broader system to be provided by PON for the Mayfield Concept Plan area. 	Yes			<p>Secretary approval of the updated Stormwater and Drainage Management Plan issued 11 December 2015.</p> <p>A copy of the updated Stormwater and Drainage Management Plan was provided to PON on 26 October 2015, and was prepared consistent with the stormwater management system for the Mayfield Concept Plan.</p>

Table 1. Conditions of Development Consent

Item No.	Requirement and Reference	Compliant			Findings
		Yes	No	NA	
Water Management Plan					
11.	<p>The Applicant shall prepare and implement a Water Management Plan for the Development to the satisfaction of the Secretary. This plan must be prepared in consultation with PON, HDC, NOW, EPA and the Site Auditor and be submitted to the Secretary for approval prior to carrying out any works on site. The plan shall:</p> <p>a) be updated prior to the commencement of operation;</p> <p>b) include procedures for the prevention and management of spills and leaks from the Development, including the M4 berth, pipeline and fuel storage facility;</p> <p>c) include a surface and groundwater monitoring program to measure the quality and quantity of water discharges from the site; and</p> <p>d) include a surface and groundwater response plan, including remedial actions and procedures that will be followed in the event of an incident.</p>	Yes			<p>Secretary approval of the updated Water Management Plan issued 11 December 2015.</p> <p>A copy of the updated Water Management Plan was provided to PON on 26 October 2015.</p>
TRAFFIC					
Traffic Movements					
12.	<p>The Applicant shall:</p> <p>a) keep accurate records of:</p> <ul style="list-style-type: none"> • Total hourly truck movements in peak periods; • total truck movements per day; • total truck movements per annum; and • the volume of diesel and biodiesel that is received, stored and dispatched. <p>b) make these records available in its Annual Review.</p> <p>c) provide these records to PON on a bi-monthly basis.</p>	Yes			<p>Stolthaven maintains records of all truck movements at the facility. The Auditor viewed extracts from the Stolthaven electronic system that records these movements, and the associated quantity of fuel.</p> <p>The Stolthaven 2016 Annual Review (AECOM, 2016) presents these details.</p> <p>The Auditor viewed the Bi-monthly report for November and December 2015 that was issued to PON 14 January 2016. PON confirmed this report was received. PON received the Bi-monthly report for January and February 2016 week ending 11 March 2016.</p>

Table 1. Conditions of Development Consent					
Item No.	Requirement and Reference	Compliant			Findings
		Yes	No	NA	
Traffic Management Plan					
13.	<p>The Applicant shall update the existing Traffic Management Plan for the site to include the Development, to the satisfaction of the Secretary. The plan shall:</p> <p>a) be approved by the Secretary prior to commencement of operation;</p> <p>b) be prepared in consultation with PON, GPNSW, Council, RMS, adjoining land owners and the local community;</p> <p>c) detail construction and operational vehicle routes, access arrangements and coordination with other developments in the Mayfield Concept Plan area;</p> <p>d) include details of driver training awareness to minimise noise, in particular from reversing alarms and compression braking;</p> <p>e) detail procedures for managing operational traffic, including adherence to the <i>Australian Code for Transport of Dangerous Goods by Road and Rail</i>, January 1998 or its latest version; and</p> <p>f) be updated to be consistent with the Traffic Management Plan required under the Mayfield Concept Plan, once prepared.</p>	Yes			<p>Secretary approval of the updated Traffic Management Plan was issued 26 November 2015.</p> <p>A copy of the updated Traffic Management Plan was provided to PON on 26 October 2015.</p>
Access and Parking					
14.	<p>The Applicant must ensure that all internal roads and parking (including driveways, grades, lighting, aisle widths, aisle lengths, turning paths, sight distance requirements and parking bay dimensions) associated with the Development are designed and constructed in accordance with the latest versions of the Australian Standards 2890.1:2004 and 2890.2:2002, and AUSTROADS for heavy vehicle usage.</p>			NA	<p>No additional roads and parking provided as part of the Development.</p>

Table 1. Conditions of Development Consent

Item No.	Requirement and Reference	Compliant			Findings
		Yes	No	NA	
HAZARDS					
15.	<p>The Applicant shall update the Fire Safety Study for the site to incorporate the changes due to the Development, prior to the commencement of construction. This plan must:</p> <p>a) be approved by the Secretary, prior to the commencement of construction;</p> <p>b) cover the relevant aspects of the Department's Hazardous Industry Planning Advisory Paper No. 2 – Fire Safety Study Guidelines and the Best Practice Guidelines for Contaminated Water Retention and Treatment Systems;</p> <p>b) be prepared in consultation with adjacent landowners, including PON and OneSteel; and</p> <p>d) meet the requirements of NSW Fire and Rescue.</p>	Yes			<p>Secretary approval of the updated Fire Safety Study was issued 13 May 2015.</p> <p>The updated Fire Safety Study was reviewed and accepted by Fire and Rescue NSW on 11 August 2015.</p> <p>PON advised that they were involved with the workshop for the original Stolthaven Fire Safety Study. PON were satisfied that the updated Study had been reviewed and accepted by Fire and Rescue NSW.</p> <p>Stolthaven believed that the Fire Safety Study had been issued to PON prior to the Audit but could not find a record. As such it was re-issued to PON on 24 March 2016.</p>
16.	<p>The Applicant shall update the Emergency Plan for the site to incorporate the changes due to the Development, prior to commencement of operation. The updated plan shall:</p> <p>a) be prepared in consultation with PON;</p> <p>b) be consistent with the Department's <i>Hazardous Industry Planning Advisory Paper No. 1 – Emergency Planning</i>; and</p> <p>c) detail the emergency procedures for the Development.</p>	Yes			<p>The updated Emergency Plan has been reviewed and was issued to PON on 2 February 2016 for review and comment. PON advised that they provided feedback to Stolthaven on 16 February 2016, and also provided Stolthaven with the updated PON Emergency Plan. PON requires Stolthaven to update the Emergency Plan when the proposed upgrades are undertaken.</p>
17.	<p>The Applicant shall contribute to, in so far as it relates to the Development, preparation of the following plans and audits for the Mayfield Concept Plan, in consultation with PON:</p> <p>a) a Port Emergency Response Plan, consistent with the Department's <i>Hazardous Industry Advisory Paper No. 1 – Emergency Planning</i>;</p> <p>b) a Safety Management System, consistent with the Department's <i>Hazardous Industry Advisory Paper No. 9 –</i></p>	Yes			<p>Stolthaven has been involved in emergency response management within the Mayfield Concept Plan area. This recently included attending an emergency response session at the Mayfield No. 4 Berth.</p> <p>Submission of the updated Emergency Plan would also contribute to this process.</p> <p>PON advised that an annual hazards audit is required to be undertaken by Stolthaven.</p>

Table 1. Conditions of Development Consent

Item No.	Requirement and Reference	Compliant			Findings
		Yes	No	NA	
	<i>Safety Management</i> ; and c) hazard audits, consistent with the Department's <i>Hazardous Industry Advisory Paper No. 5 – Hazard Audit Guidelines</i>				
UTILITIES AND SERVICES					
18.	Prior to commencement of operation, the Applicant shall update and implement the existing Utilities and Services Plan to include the Development, to the satisfaction of the Secretary. The plan must: a) be prepared in consultation with relevant utility and service providers and adjacent landowners, where relevant; b) include an implementation schedule which shows how all essential utilities and services are to be provided to the site; c) provide a copy of all necessary approvals from relevant utility and service providers showing that access to these utilities and services is available and secured; and d) include a strategy to integrate all utilities and services with the broader system to be provided by PON for the Mayfield Concept Plan.	Yes			Secretary approval of the updated Utilities and Services Plan was issued 11 December 2015. A copy of the updated Utilities and Services Plan was provided to PON on 26 October 2015.
NOISE AND VIBRATION					
Construction Noise					
19.	The Applicant must ensure that all reasonable and feasible management and mitigation measures are employed so that construction noise generated by the Development meets the construction noise goals in Table 1.	Yes			A Construction Environmental Management Plan (Daracon, 2015) was prepared and approved by the Department of Planning and Infrastructure on 13 May 2015. This included noise management measures.

Table 1. Conditions of Development Consent					
Item No.	Requirement and Reference	Compliant			Findings
		Yes	No	NA	
Operational Noise					
20.	Prior to commencement of construction, the Applicant shall provide the Noise and Vibration Impact Assessment for the Development prepared by AECOM, dated 8 December 2014 including all modelling data, to the PON for the purposes of updating the Site Noise Model of the Mayfield Concept Plan.	Yes			The Noise and Vibration Impact Assessment was provided to PON on 28 August 2015.
21.	Prior to commencement of operation, the Applicant shall provide written evidence to the Secretary that the PON is satisfied that the methodology and outcomes of the Noise and Vibration Impact Assessment for the Development, dated 8 December 2014 are consistent with the Site Noise Model of the Mayfield Concept Plan.	Yes			<p>Stolthaven's environmental consultant AECOM provided the following advice:</p> <p><i>"This assessment would have been included in the previous environmental assessment that approved the works. As part of the approvals process landowners consent is required from PON. Part of the land owners consent process is PON reviewing and approving the environmental assessment.</i></p> <p><i>Basically we couldn't have received an approval without PON reviewing and signing off not the assessment".</i></p> <p>Therefore while specific acceptance of the Noise and Vibration Impact Assessment has not been issued by PON, they did accept the entire EA (including the Noise and Vibration Impact Assessment). A copy of the landowner's consent for the Application for SSD 6664 from PON (dated 9 February 2014) was viewed by the Auditor.</p> <p>A Site Noise Model for the Mayfield Concept Plan was not available at the time of the EA (including the Noise and Vibration Impact Assessment). It has subsequently been completed and issued to Stolthaven for consideration in the EIS currently under preparation for the proposed future expansion.</p>

Table 1. Conditions of Development Consent

Item No.	Requirement and Reference	Compliant			Findings
		Yes	No	NA	
22.	The Applicant shall, in consultation with the PON ensure that noise from operation of the Development: a) fits within the Site Noise Model developed for the Mayfield Concept Plan; and b) does not exceed any noise quota provided by PON for the Development, in accordance with the Site Noise Model developed for the Mayfield Concept Plan.	Yes			A Site Noise Model for the Mayfield Concept Plan was not available at the time of the EA (including the Noise and Vibration Impact Assessment). As such no noise quota was allocated for the Development.
23.	The Applicant shall comply with the directions of the PON in relation to the management of noise from the Development.			NA	No directions issued by the PON for the current development. However PON has directed Stolthaven to consider the Site Noise Model in the EIS currently under preparation for the proposed future expansion.
Construction and Operation Hours					
24.	The Applicant must comply with the hours of construction and operation in Table 2, unless otherwise agreed to in writing by the Secretary.	Yes			Construction of the development is undertaken in accordance with the standard construction hours identified in Table 2. The facility operates 24 hours a day, Monday to Sunday.
Operating Conditions					
25.	The Applicant shall implement best practice noise and vibration management, including all reasonable and feasible measures to minimise noise and vibration emissions of the Development to the satisfaction of the Secretary.	Yes			The Noise and Vibration Management Plan is implemented at the facility.

Table 1. Conditions of Development Consent

Item No.	Requirement and Reference	Compliant			Findings
		Yes	No	NA	
Noise Management Plan					
26.	<p>The Applicant shall update the existing Noise Management Plan for the site to include the Development, to the satisfaction of the Secretary. This plan must:</p> <p>a) be prepared by a suitably qualified expert, in accordance with EPA Guidelines;</p> <p>b) be approved by the Secretary prior to the commencement of construction;</p> <p>c) describe the measures that would be implemented to ensure compliance with the relevant noise goals included in the Mayfield Concept Plan or noise quota established by the PON;</p> <p>d) include a procedure for implementing noise mitigation measures, should the Applicant be directed to by the PON, or should non-compliant be detected; and</p> <p>e) include procedures to receive, record and respond to complaints.</p>	Yes			Secretary approval of the updated Noise and Vibration Management Plan was issued 26 November 2015.
Noise Monitoring					
27.	<p>The Applicant shall monitor noise from the Development, the satisfaction of the Secretary. The Applicant shall.</p> <ul style="list-style-type: none"> • Be undertaken annually, or to address genuine noise complaints that are related to the Development as determined by the Department or the EPA; • Be undertaken in accordance with the NSW Industrial Noise Policy; and • Demonstrate compliance with the relevant noise goals in the Mayfield Concept Plan, or any noise quota established by the PON for the Development. 	Yes			<p>An Operational Noise Compliance Assessment (AECOM, 2015) was prepared in September 2015. The Assessment includes results of monitoring in September 2015</p> <p>The Assessment report acknowledges the requirement to comply with the relevant noise goals in the Mayfield Concept Plan, or any noise quota established by the PON for the Development. However it notes that no such goals have been established, and that a noise quota was not allocated. This was as the Site Noise Model for the Mayfield Concept Plan was not available at the time of the EA (including the Noise and Vibration Impact Assessment).</p>

Table 1. Conditions of Development Consent					
Item No.	Requirement and Reference	Compliant			Findings
		Yes	No	NA	
AIR QUALITY & GREENHOUSE GAS					
Dust Minimisation					
28.	The Applicant shall carry out all reasonable and feasible measures to minimise dust generated by the Development.	Yes			The Development was constructed in accordance with the Construction Environmental Management Plan. The updated Air Quality and Greenhouse Gas Management Plan would be implemented during operation of the Development.
Offensive Odour					
29.	The Applicant must not cause or permit the emission of offensive odours from the site, as defined under Section 129 of the POEO Act.	Yes			No odour issues associated with the Development have been recorded outside of the site.
Energy Efficiency and Greenhouse Gas Emissions					
30.	The Applicant shall implement all reasonable and feasible measures to minimise energy use and greenhouse gas emissions from the Development.	Yes			To achieve compliance with this condition Stolthaven proposed to implement the updated Energy Efficiency Management Plan.
Air Quality Discharges					
31.	The Applicant shall install and operate equipment in line with best practice to ensure that Development complies with all load limits, air quality criteria and air quality monitoring requirements as specified in the amended EPL for the site.	Yes			To achieve compliance with this condition Stolthaven proposed to implement the updated Air Quality and Greenhouse Gas Management Plan (as required by Schedule 3, Condition 33).
Dust Mitigation Measures					
32.	The Applicant must design, construct, operate and maintain the Development in a manner that minimises or prevents the emission of dust from the site and complies with any monitoring requirements in the EPL.	Yes			The Development was constructed in accordance with the Construction Environmental Management Plan. The updated Air Quality and Greenhouse Gas Management Plan would be implemented during operation of the Development.

Table 1. Conditions of Development Consent					
Item No.	Requirement and Reference	Compliant			Findings
		Yes	No	NA	
Air Quality and Greenhouse Gas Management Plan					
33.	<p>The Applicant shall update the existing Air Quality and Greenhouse Gas Management Plan for the site to include the Development, to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> a) be approved by the Secretary prior to the commencement of construction; b) describe the measures that would be implemented to ensure compliance with the relevant conditions of this consent; c) include an air monitoring program to measure the performance of the Development against the relevant conditions of this consent; d) describes a protocol that has been agreed with PON for the provision of input to the broader Site Air Quality Model required under the Mayfield Concept Plan. 	Yes			<p>Secretary approval of the updated Air Quality and Greenhouse Gas Management Plan was issued 26 November 2015.</p> <p>A copy of the updated Air Quality and Greenhouse Gas Management Plan was provided to PON on 26 October 2015.</p>
Energy Efficiency Plan					
34.	<p>The Applicant shall update the existing Energy Efficiency Plan for the site to include the Development, to the satisfaction of the Secretary. The plan shall:</p> <ul style="list-style-type: none"> a) be updated prior to the commencement of operation; b) describe the measures to be implemented to minimise energy use on the site including energy consumption levels, predicted energy savings and options for alternative energy sources including solar power generation, potential for third party access to roofs for solar generation, and co-generation; and b) include a program for monitoring the effectiveness of these measures, and a protocol for the periodic review of the plan. 	Yes			<p>Secretary approval of the updated Energy Efficiency Management Plan Management Plan was issued 26 November 2015.</p>

Table 1. Conditions of Development Consent

Item No.	Requirement and Reference	Compliant			Findings
		Yes	No	NA	
VISUAL AMENITY					
Design and Landscaping					
35.	<p>The Applicant shall update the existing design and landscape management plan for the site to include the Development, to the satisfaction of the Secretary. The plan must be prepared in consultation with PON and be submitted to the Secretary for approval prior to construction. The Plan must:</p> <ul style="list-style-type: none"> • be prepared in consultation with PON; • be updated and implemented prior to the commencement of operation; • demonstrate the building treatments are of sufficient design quality to minimise the visual impacts of the Development, and include a variety of materials and external finishes; • illustrate the location, species and mature heights of plants to be established on site; • provide for the maintenance of the landscaping on site; and • illustrate how the design of the buildings would integrate with the landscaping proposed, ensuring landscaping is used to minimise views of the site. 	Yes			<p>Secretary approval of the updated Landscape Management Plan was issued 11 December 2015.</p> <p>The draft of the updated Landscape Management Plan was issued to PON on 18 August 2015. The final of the updated Landscape Management Plan was issued to PON on 28 August 2015.</p>
Construction Materials					
36.	Where possible the Applicant must utilise building materials that will minimise the potential visibility of the Development (ie. use of non-reflective materials).	Yes			The additional tanks that form the Development are consistent with the colours and materials used for the existing facilities.

Table 1. Conditions of Development Consent

Item No.	Requirement and Reference	Compliant			Findings
		Yes	No	NA	
Lighting					
37.	<p>The Applicant shall ensure that any lighting associated with the Development:</p> <p>a) complies with the latest version of Australian Standard AS 4282(INT)-Control of Obtrusive Effects of Outdoor Lighting; and</p> <p>b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.</p>	Yes			<p>Response from Stolthaven to this issue:</p> <p><i>“Seven new lights have been installed as part of the Stage 2 project. All new lights form visibility around the newly constructed tanks and complete the new bunding design. All lights have been designed to highlight operational and access areas.</i></p> <p><i>Stolthaven note that the lighting associated with the Stage 2 Project has not been specifically modelled against AS 4282 however through discussion with design engineers Aurecon as at 18th February 2016, Stolthaven would assert that AS 4282, deals with obtrusive lighting i.e. spill lighting that affect neighbouring properties and is, in Stolthaven’s opinion, more applicable to residential areas or private areas affected by industrial lighting. Stolthaven have carried out an initial design review and conclude that this particular standard is not considered applicable. ”</i></p> <p>Therefore while the design was not specifically prepared to comply with AS 4282(INT)-Control of Obtrusive Effects of Outdoor Lighting a review by Stolthaven and its designers have concluded that it is compliant. The lighting has also been installed so that it does not create a nuisance to surrounding properties or the public road network</p>
Signage					
38.	The Applicant must not install any advertising signs on site without the written consent of the Secretary.			NA	No new advertising signage has been installed.
SITE SECURITY					
39.	<p>The Applicant shall:</p> <ul style="list-style-type: none"> install and maintain a perimeter fence and security gates on the site; and ensure that the security gates on site are locked whenever the site is unattended, 	Yes			The Development is surrounded by security fencing and security gates are locked when not in use.

Table 1. Conditions of Development Consent					
Item No.	Requirement and Reference	Compliant			Findings
		Yes	No	NA	
WASTE					
40.	The Applicant shall ensure that all waste generated on the site during construction and operation of the Development is stored, handled and disposed of in accordance with the EPA's <i>Waste Classification Guidelines</i> .	Yes			The Auditor reviewed waste docket for wastes collected from the site. This includes the classification of the waste materials, the quantity and the management/ disposal method.
AVIATION SAFETY					
41.	Prior to the commencement of construction, the Applicant must obtain all necessary approvals from the Air Base Command Post of RAAF Base Williamstown and the Directorate of External Land Planning within the Defence Support Group of the Department of Defence for the erection of all structures that constitute transient/ temporary or permanent obstructions in accordance with the <i>Operation of cranes and tall structures in the vicinity of Newcastle Airport</i> (Department of Defence, 2013).	Yes			Correspondence from the Department of Defence dated 29 April 2015 has been provided to the Secretary to confirm that Stolthaven has obtained all required approvals.
Schedule 4: Environmental Management, Reporting & Auditing					
Ramboll Environmental Management					
Environmental Management Strategy					
1.	The Applicant shall update the existing Environmental Management Strategy for the site to include the Development to the satisfaction of the Director General. The strategy must be approved by the Secretary prior to commencement of construction and shall: a) provide the strategic context for environmental management of the Development; b) identify the statutory requirements that apply to the Development; c) describe in general how the environmental performance of the Development would be monitored and managed; d) describe the procedures that would be implemented to:	Yes			Secretary approval of the Environmental Management Strategy was issued 26 November 2015. The Environmental Management Strategy was issued to PON on 18 August 2015.

Table 1. Conditions of Development Consent

Item No.	Requirement and Reference	Compliant			Findings
		Yes	No	NA	
	<ul style="list-style-type: none"> • keep the local community and relevant agencies informed about the operation and environmental performance of the Development; • receive, handle and respond to complaints; • resolve any disputes that may arise during the course of the Development; • respond to any non-compliance; • manage cumulative impacts; • respond to emergencies; and <p>e) describe the role, responsibility, authority and accountability of all the key personnel involved in the environmental management of the development.</p>				
Management Plan Requirements					
2.	<p>The Applicant must ensure that the management plans required under this consent are prepared in accordance with any relevant guidelines, and include:</p> <p>a) detailed baseline data;</p> <p>b) a description of:</p> <ul style="list-style-type: none"> • the relevant statutory requirements (including any relevant approval, licence or lease conditions); • any relevant limits or performance measures/criteria; and • 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; <p>c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;</p> <p>d) a program to monitor and report on the: impacts and environmental performance of the Development; and effectiveness of any management measures (see c) above);</p> <p>e) a contingency plan to manage any unpredicted impacts and their consequences;</p>	Yes			All updated management plans required under the development consent have complied with these requirements as applicable. The updated management plans have been approved by the Secretary.

Table 1. Conditions of Development Consent					
Item No.	Requirement and Reference	Compliant			Findings
		Yes	No	NA	
	f) a program to investigate and implement ways to improve the environmental performance of the Development over time; g) a protocol for managing and reporting any: <ul style="list-style-type: none"> • incidents; • complaints; • non-compliances with statutory requirements; and • exceedances of the relevant limits and/or performance measures / criteria; and h) a protocol for periodic review of the plan.				
Construction Environmental Management Plan					
3.	The Applicant shall update the existing Construction Environmental Management Plan for the site to include the Development. The Plan must: <ul style="list-style-type: none"> a) be approved by the Secretary prior to the commencement of construction; b) include: <ul style="list-style-type: none"> • a soil and water management plan; • a traffic management plan; • a noise and vibration management plan; • an air quality (dust) management plan; • a utilities and services provision plan; and • a waste management plan. 	Yes			The Construction Environmental Management Plan (Daracon, 2015) and the associated specialist plans were approved by the Secretary on 13 May 2015.

Table 1. Conditions of Development Consent

Item No.	Requirement and Reference	Compliant			Findings
		Yes	No	NA	
REPORTING					
Annual Review					
5.	<p>By the end of December each year, and annually thereafter, the Applicant shall review the environmental performance of the Development, to the satisfaction of the Secretary. This review must:</p> <p>a) be prepared in consultation with PON.</p> <p>b) describe the operations that were carried out in the past year;</p> <p>c) analyse the monitoring results and complaints records of the Development over the past year, which includes a comparison of these results against</p> <ul style="list-style-type: none"> • the relevant statutory requirements, limits or performance measures/criteria; • monitoring results of previous years; and • relevant predictions in the EIS; <p>c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>d) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>e) identify any trends in the monitoring data over the life of the Development; and</p> <p>f) describe what measure will be implemented over the next year to improve the environmental performance of the Development.</p>	Yes			<p>An Annual Review (AECOM, 2016) has been prepared in accordance with this condition. This was submitted to the Secretary on 18 January 2016.</p> <p>Stolthaven notified the Department of Planning and Environment via email on 17 December 2015 that the submission of the final Annual Review would be delayed to allow PON to provide comment. The Department of Planning and Environment advised via email on 17 December 2015 that submission of the Annual Review in January 2016 would be acceptable.</p> <p>PON advised that the Annual Review was initially provided to PON 15 January 2016. A copy of the Annual review addressing PON comments was re-issued on 18 January 2016.</p>
Incident Reporting					
6.	<p>Within 24 hours of the occurrence of an incident that causes (or may cause) harm to the environment, the Applicant shall notify the Secretary, PON and any other relevant agencies of the incident.</p>	Yes			<p>An incident occurred at the site on 11 August 2015. PON and the EPA were notified within 24 hours. The Department of Planning and Environment and the EPA were notified via telephone call on 11 August 2015, and in writing on 12 August 2015.</p>

Table 1. Conditions of Development Consent

Item No.	Requirement and Reference	Compliant			Findings
		Yes	No	NA	
7.	Within 7 days of the detection of the incident, the Applicant shall provide the Secretary, PON and any relevant agencies with a detailed report on the incident.	Yes			A preliminary written report was issued to the Department of Planning and Environment on 12 August 2015. This report was submitted to the EPA on 13 August 2015. A detailed written report was submitted to the Department of Planning and Environment on 27 August 2015.
Independent Environmental Audit					
8.	<p>Within 1 year of the date of this consent, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the Development. This audit must:</p> <p>(a) be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;</p> <p>(b) include consultation with EPA and PON;</p> <p>(c) assess the environmental performance of the Development, and its impact on the surrounding environment;</p> <p>(d) determine whether the Development is complying with the relevant standards, performance measures and statutory requirements;</p> <p>(e) review the adequacy of the Environmental Management Strategy for the Development, compliance with the requirements of this consent, and any other licences and consents; and</p> <p>(f) recommend measures or actions to improve the environmental performance of the Development, and/or any plan or program required under this consent.</p>	Yes			<p>This Independent Environmental Audit is the first required under the development consent of SSD 6664.</p> <p>An Independent Environmental Audit was undertaken under the Project Approval MP-08_130, which was surrendered following granting of development consent of SSD 6664 and the granting of the amended EPL.</p>
9.	Within 3 months of commissioning the audit, or as otherwise agreed by the Secretary, the Applicant must submit a copy of the audit report to the Secretary, EPA and PON with a response to any recommendations contained in the audit report.	Yes			This audit report has been prepared within the timeframe required by the condition.

Table 1. Conditions of Development Consent

Item No.	Requirement and Reference	Compliant			Findings
		Yes	No	NA	
Access to Information					
10.	<p>From the commencement of the construction of the Development, the Applicant must make the following information publicly available on its website as it is progressively required by the consent:</p> <p>a) a copy of all current statutory approvals;</p> <p>b) a copy of the current plans and programs required under this consent;</p> <p>c) a summary of the monitoring results of the Development, which have been reported in accordance with the various plans and programs approved under the conditions of this consent;</p> <p>d) a complaints register, which is to be updated on a monthly basis;</p> <p>e) a copy of the Annual Reviews (over the last 5 years);</p> <p>f) a copy of any Independent Environmental Audit, and the Applicant’s response to the recommendations in any audit; and</p> <p>g) any other matter required by the Secretary.</p>	Yes			<p>Website: http://www.stolt-nielsen.com/Stolthaven-Terminals/Terminal-Network/Australia/~/.link.aspx?_id=61475AE4E5D74568A669295663E36D54&_z=z</p>

Table 1. Conditions of Development Consent					
Item No.	Requirement and Reference	Compliant			Findings
		Yes	No	NA	
COMMUNITY CONSULTATION STRATEGY					
11.	The Applicant shall contribute to the Community Communication Strategy required for the Mayfield Concept Plan. The level and timing of this contribution by the Applicant and timing shall be determined in consultation with PON.	Yes			<p>Stolthaven maintains regular communications with PON and contributions required for the Mayfield Concept Plan. Nothing has been received from PON regarding a Community Communication Strategy for the Mayfield Concept Plan. However, Stolthaven has implemented a community consultation program, with a community meeting held on 17 November 2015.</p> <p>PON advised that it would not be providing a copy of the Community Communication Strategy or require Stolthaven to contribute to the document. However Stolthaven has accepted an invitation to join the Mayfield Concept Plan Community Liaison Group, and will now attend quarterly meetings of the group. This provides Stolthaven the opportunity to present to the CLG.</p>

Table 2: Conditions of Environment Protection Licence					
Item No.	Requirement/ Reference	Response			Findings
		Yes	No	NA	
1 Administrative Conditions					
A1-A3	Section A1.2: Fee based activities	Yes			
	Section A1.3: Tank farm storage capacity (131 ML)	Yes			
	Section A1.4: Petroleum products annual throughput: 1,300 ML		No		<p>An amended EPL was issued for the Development on 2 October 2015, permitting an annual throughput of 1,300 million litres.</p> <p>Prior to the granting of the amended EPL, the facility had an annual throughput of 1,075 million litres from 18 November 2014 to 17 November 2015.</p> <p>However, as noted in the 2015 Annual Review (AECOM, 2016):</p> <p><i>"While the current annual throughput limit approved under Condition A1.4 of the EPL is 1,300 ML, it is noted that there were two breaches of Condition A1.4 during the reporting period. The annual throughput approved under SSD_6664 was increased from 500 ML to 1,010 ML on 16 April 2015, and then again increased from 1,010 ML to 1,300 ML on 28 September 2015. However the annual throughput approved under the EPL was not likewise amended until 14 May 2015 and 2 October 2015 respectively. Therefore exceedances of the throughput limit set out in Condition A1.4 of the EPL occurred between 1 April 2015 and 13 May 2015 (inclusive), and between 17 September 2015 and 1 October 2015 (inclusive). The EPA was advised of the exceedances and penalty notices were issued accordingly."</i></p> <p>The non-compliance was reflected in the Annual Return to the EPA.</p>
	Section A1.5: Restrictions on flammable liquids storage	Yes			The Slops Tank and Additive Tank storage capacities comply with the limitations in the EPL.

Table 2: Conditions of Environment Protection Licence					
Item No.	Requirement/ Reference	Response			Findings
		Yes	No	NA	
2 Discharges to air and water and applications to land.					
P1	Section P1.2: Location of groundwater / water discharge monitoring points and areas	Yes			The groundwater and water discharge monitoring locations comply with those required by the EPL.
	Section P1.3: Location of weather monitoring	Yes			The weather monitoring station is located as required by the EPL (Mayfield No. 4 Automatic Weather Station). Continuous weather data is proposed to be sourced from a weather station acquired by Stolthaven which is located on the Stolthaven leased area. The station can capture the parameters listed in the condition and the associated criteria. An EPL variation application has been submitted to the EPA (submitted on 28 January 2016) to amend the licence weather station location to reflect this new station.
3 Limit Conditions					
L1 Pollution of Waters					
L1.1	Except as may be expressly provided in any other condition of this Licence, the licensee must comply with section 120 of the <i>Protection of the Environment Operations Act 1997</i> .	Yes			
L2 Load Limits					
L2-2.2	Section L2.2: Benzene and VOC (air)	Yes			The 2015 Annual Return to the EPA indicated that the benzene and VOC (air) calculated in accordance with the relevant load calculation protocol are below the Load Limit included in the EPL.
L3 Concentration Limits					
L3-3.4	Section L3.4: Point 5 Water and/ or Land Concentration Limits	Yes			Stolthaven measures the surface water monitoring results against the limits listed in Condition L3.4. A review of reports prepared on the monitoring results indicated that Stolthaven complied with this condition.

Table 2: Conditions of Environment Protection Licence					
Item No.	Requirement/ Reference	Response			Findings
		Yes	No	NA	
L4 Waste					
L4.1	The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.			NA	No wastes are received at the facility
L4.2	This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if those activities require an environment protection licence.			NA	
L5 Noise Limits					
L5.1	Noise generated at the premises must not exceed the noise limits at the locations and times specified in the table	Yes			The Operational Noise Compliance Assessment (AECOM, 2015) addresses the noise compliance criteria of Condition M5.1 of the EPL. The monitoring found no exceedance of noise limits requiring management actions.
L5.2 – L5.5	Conditions relating to criteria	Yes			
L5.6 – L5.8	Conditions relating to measuring of compliance	Yes			
L6 Hours of operation					
L6.1	Hours of construction activity (not operations)	Yes			Construction is restricted to the hours defined in the EPL.
L7 Potentially offensive odour					
L7.2	Offence to generate odour beyond the premises boundary	Yes			No complaints have been received from neighbours or other locations regarding odour from the facility. No odours were detected by the auditor on the day of the audit.

Table 2: Conditions of Environment Protection Licence

Item No.	Requirement/ Reference	Response			Findings
		Yes	No	NA	
L8 Other limit conditions					
L8.1	The stack used to vent emissions from truck filling activities must be a minimum of 15 metres in height.	Yes			The stack is approximately 20 metres in height. This was confirmed by review of the "Vapour Diversion Layout and Tank Design" detailed design drawing. This shows the stack's vent is about the height of the tank, which is 19.073 metres above ground level. No changes were required to this stack as part of the Development.
L8.2	The exit velocity of emissions from the stack used to vent emissions from truck filling activities must exceed 15 metres per second at all times	Yes			Exit velocity is constantly measured to confirm it exceeds the required velocity. The monitoring shows that the exit velocity exceeds 15 metres per second at all times
4 Operating Conditions					
O1 Activities must be carried out in a competent manner					
O1.1	Licensed activities must be carried out in a competent manner. This includes: <ul style="list-style-type: none"> a) The processing, handling, movement and storage of materials and substances used to carry out the activity; and b) The treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity. 	Yes			The licensed activities (petroleum products storage and shipping in bulk) are undertaken in accordance with a number of standard operational procedures, including the Operational Environmental Management Plan. Wastes generated at the facility are managed in accordance with the Waste Management Plan (as part of the Operational Environmental Management Plan). Wastes are removed from the facility by licensed contractors.
O2 Maintenance Plant and Equipment					
O2.1	All plant and equipment installed at the premises or used in connection with the licensed activity: <ul style="list-style-type: none"> a) Must be maintained in a proper and efficient condition; and b) Must be operated in a proper and efficient manner. 	Yes			Stolthaven maintains a plant and equipment maintenance register. This includes an electronic database (Excel spreadsheet), and a hard copy (viewed on site). The register identifies the equipment and machinery, the required inspection and maintenance regime, and records of the completed inspections and maintenance. Inspections (and maintenance if required) of the scheduled equipment are undertaken on a monthly basis. Personnel must have the appropriate qualifications (if required) and/or undertaken the required training to

Table 2: Conditions of Environment Protection Licence					
Item No.	Requirement/ Reference	Response			Findings
		Yes	No	NA	
					operate the plant and equipment at the facility.
O3 Dust					
O3.1	The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.	Yes			The vast majority of the operational section of the Stolthaven property is hardstand area. The Air Quality Management Plan includes dust control measures. Observations during the audit site inspection confirmed that the facility is well maintained, with no dust generation observed.
O3.2	All operations and activities occurring at the Premises must be carried out in a manner which will minimise and prevent the emission of dust from the Premises.	Yes			The Air Quality Management Plan includes dust control measures.
O3.3	Trucks entering and leaving the premises that are carrying loads of dust-generating materials must have their loads covered at all times, except during loading and unloading.	Yes			The Air Quality Management Plan includes this measure. During standard operations there is limited need for trucks delivering loads of dust-generating materials.
O4 Emergency response					
O4.1	The licensee must maintain, and implement as necessary, a current emergency response plan for the premises. The licensee must keep the emergency response plan on the premises at all times.	Yes			Stolthaven has prepared an Emergency Response Plan which is retained at the facility. This has been amended to include the Development. It has been submitted to PON for review and comment prior to commencement of operation of the Development.
O5 Processes and management					
O5.1	All above ground tanks containing material that is likely to cause environmental harm must be bunded or have an alternative spill containment system in place	Yes			All above ground tanks storing diesel, biodiesel and other materials are contained within the bunded area that complies with condition O5.2.

Table 2: Conditions of Environment Protection Licence					
Item No.	Requirement/ Reference	Response			Findings
		Yes	No	NA	
O5.2	Bunds must: a) have walls and floors constructed of impervious materials; b) be of sufficient capacity to contain 110% of the volume of the tank (or 110% volume of the largest tank where a group of tanks are installed); c) have floors graded to a collection sump; and d) not have a drain valve incorporated in the bund structure, or be constructed and operated in a manner that achieves the same environmental outcome	Yes			The Site Manager advised that the facility bund system complies with the requirements of this condition. The new fuel storage area that forms the Development is consistent with the existing bund system. A new dewatering system has been designed to refine the removal of water/fuel from the tank contents. The new design enables fuel to be placed back into the main storage tank, and thereby minimise the amount of waste required to be removed from the facility. The Site Manager advised during the site inspection that a program is to be developed to have this improved separation system included on all new tank builds, as well as planning of funds to modify the existing systems.
O6 Waste management					
O6.1	The licensee must ensure that any liquid and/ or non-liquid waste generated and/or stored at the premises is assessed and classified in accordance with the EPA's Waste Classification Guidelines as in force from time to time.	Yes			Wastes generated at the facility are managed in accordance with the Waste Management Plan (as part of the Operational Environmental Management Plan). The Plan has been prepared in consistent with the Waste Classification Guidelines. Wastes are removed from the facility by licensed contractors. A review of the waste docket system identified the applicable waste category and the appropriate waste management/ disposal method.
O6.2	The licensee must ensure that waste identified for recycling is stored separately from other waste	Yes			Recyclable waste (paper and cardboard) is stored separately and removed from the facility by a contractor.
O6.3	The licensee must not land apply or dispose sewage at the premises	Yes			Sewage is stored in a septic tank prior to removal from the facility by a contractor.

Table 2: Conditions of Environment Protection Licence					
Item No.	Requirement/ Reference	Response			Findings
		Yes	No	NA	
O6.4	All wastewater generated on the premises must be collected and removed from the premises by a licensed waste transporter and taken to a facility that is able to lawfully receive it and reuse or dispose of it. The collected sewage must be pumped out at least weekly, or more frequently as required, to prevent discharges from the collection tank.	Yes			Stolthaven maintains a record of the wastewater collection dates, quantities and the contractor's details. The records for 5 January 2015 to 11 February 2016 show that the period between pumping events ranged between three and nine days (the quantity collected after such a period was well below the maximum collected quantity). Collection typically occurred every six to seven days.
O7 Other operating conditions					
Petroleum Product Pipeline Integrity and Pressure Testing					
O7.1	The licensee must conduct annual integrity testing on the petroleum product pipeline extending between the tank farm and Mayfield No. 4 Berth according to the documents titled: 'Wharfline Integrity Checks - SHNC-OPS-020' dated August 2013; and 'Work Instruction Wharfline Integrity Checks - SHNC-OPS-020' dated August 2013.	Yes			The last annual integrity testing on the petroleum product pipeline was undertaken on 7 November 2015. It is included in the 2015 Annual Review.
O7.2	The licensee must conduct leak testing of the petroleum products pipeline extending from the main tank farm to Mayfield No. 4 Berth prior to each transfer of product operation	Yes			The Shore Officer completes the Before Tanker Checklist prior to transfer of product. Leak testing forms part of the Stolthaven standard operating procedure for the transfer of product from Mayfield No. 4 Berth to the tanks. A record is maintained of every transfer, including quantity received.
O7.3	The licensee must maintain a register for all integrity and pressure tests conducted on the pipeline extending from the tank farm to Mayfield No. 4 Berth.	Yes			The Auditor viewed the Before Tanker Checklist Log at the facility during the site visit.
5 Monitoring and Recording Conditions					
M1 Monitoring Records					
M1.1	The results of any monitoring required to be conducted by this Licence or a load calculation protocol must be recorded and retained as set out in this condition.	Yes			Monitoring results have been recorded by Stolthaven and its consultants, and retained. This is retained as an electronic controlled copy which was observed during the audit site inspection.

Table 2: Conditions of Environment Protection Licence					
Item No.	Requirement/ Reference	Response			Findings
		Yes	No	NA	
M1.2	All records required to be kept by this Licence must be: a) In a legible form, or in a form that can readily be reduced to a legible form; b) Kept for at least 4 years after the monitoring or event to which they relate took place; and c) Produced in a legible form to any authorised officer of the EPA who asks to see them.	Yes			Monitoring results and other records required by this licence have been recorded by Stolthaven and its consultants, and retained. This is as an electronic controlled copy.
M1.3	The following records must be kept in respect of any samples required to be collected for the purposes of this Licence: a) The date(s) on which the sample were taken; b) The time(s) at which the sample was collected; c) The point at which the sample was taken d) The name of the person who collected the sample.	Yes			These records have been collected for all samples collected to comply with this licence.
M2 Requirement to monitor concentration of pollutants discharged					
M2.1	For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:	Yes			The monitoring (and the associated reporting) addresses the pollutants and the associated criteria listed in Condition M2.2.
M2.2	Water and/ or Land Monitoring Requirements referred to in Condition M2.1.	Yes			The monitoring (and the associated reporting) addresses the pollutants and the associated criteria listed in this condition.

Table 2: Conditions of Environment Protection Licence

Item No.	Requirement/ Reference	Response			Findings
		Yes	No	NA	
M3 Testing methods – concentration limits					
M3.1	Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.	Yes			The Quarterly Groundwater Monitoring Reports outline the methodology used in the collection and analysis of samples. While the reports do not clearly reference them, the methodology appears consistent with the Approved Methods Publication (Approved Methods for the Sampling and Analysis of Water Pollutants in New South Wales (EPA 2004). This includes sample analysis undertaken by a NATA accredited laboratory.
M4 Testing methods - load limits					
	Division 3 of the Protection of the Environment Operations (General) Regulation 2009 requires that monitoring of actual loads of assessable pollutants listed in L2.2 must be carried out in accordance with the relevant load calculation protocol set out for the fee-based activity classification listed in the Administrative Conditions of this licence.	Yes			Condition L2.2 lists load limits for benzene and volatile organic compounds in air emissions. The 2015 Annual Return to the EPA indicated that the benzene and VOC (air) calculated in accordance with the relevant load calculation protocol are below the Load Limit included in the EPL.
M5 Weather monitoring					
M5.1	The licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1 of the table below at Monitoring Point 6. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.	Yes			Continuous weather data has been sourced from the nominated location (Mayfield No. 4 Berth Automatic Weather Station). Continuous weather data is proposed to be sourced from a weather station acquired by Stolthaven which is located on the Stolthaven leased area. The station can capture the parameters listed in the condition and the associated criteria. An EPL variation application has been submitted to the EPA (submitted on 28 January 2016) to amend the licence weather station location to reflect this new station.

Table 2: Conditions of Environment Protection Licence					
Item No.	Requirement/ Reference	Response			Findings
		Yes	No	NA	
M6 Recording of pollution complaints					
M6.1	The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this Licence applies.	Yes			A Complaints Register has been established by Stolthaven. However no complaints have been received to date.
M6.2	The record must include: a) the date and time of complaint; b) the method by which the complaint was made; c) any personal details of the complaint which were provided by the complainant or, if no such details were provided, a note to that effect; d) the nature of the complaint; e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and f) if no action was taken by the licensee, the reasons why no action was taken.	Yes			The Complaints Register has been structured to capture the listed information. However no complaints have been received to date.
M6.3	The record of complaint must be kept for at least 4 years after the complaint was made.			NA	
M6.4	The record must be produced to any authorised officer of the EPA who asks to see them.	Yes			
M7 Telephone complaints line					
M7.1	The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the Licence.	Yes			A telephone complaints line is operated for the facility.
M7.2	The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.	Yes			The telephone complaints line is displayed at the front gate of the facility. It (along with an email address) is also available on the Stolthaven Mayfield facility website: http://www.stolt-nielsen.com/Stolthaven-Terminals/Terminal-

Table 2: Conditions of Environment Protection Licence

Item No.	Requirement/ Reference	Response			Findings
		Yes	No	NA	
					Network/Australia/Stolthaven-Newcastle.aspx
M7.3	<p>Conditions M7.1 and M7.2 do not apply until 3 months after:</p> <p>a) The date of the issue of this Licence or</p> <p>b) If this Licence is a replacement Licence within the meaning of the Protection of the Environment Operations (Savings and Transitional) Regulation 1998, the date on which a copy of the Licence was served on the licensee under clause 10 of that regulation.</p>			NA	
M7.4	The licensee must nominate a representative of the company who is available at all times and is capable of providing immediate assistance or response during emergencies or any other incidents at the premises. The name of the nominated representative and their contact details, including a telephone number, must be current at all times.	Yes			The name and number provided is available at all times. As the Site Manager they are capable of providing immediate assistance or response during emergencies or any other incidents at the premises.
M8 Requirement to monitor volume or mass					
M8.1	<p>For each discharge point or utilisation area specified below, the licensee must monitor:</p> <p>a) the volume of liquids discharged to water or applied to the area;</p> <p>b) the mass of solids applied to the area;</p> <p>c) the mass of pollutants emitted to the air;</p> <p>at the frequency and using the method and units of measure, specified in the table.</p>	Yes			The table relates to water discharges. Stolthaven measures and records the volume of water discharged from the facility.

Table 2: Conditions of Environment Protection Licence

Item No.	Requirement/ Reference	Response			Findings
		Yes	No	NA	
M9 Other monitoring and recording conditions					
M9.1	To assess compliance with Condition L5.1, attended noise monitoring must be undertaken in accordance with Condition L5.6 and: a) at each one of the locations listed in Condition L5.1; b) occur annually during the licensed reporting period; c) occur during each day, evening and night period as defined in the NSW Industrial Noise Policy for a minimum of: (i) 1.5 hours during the day; (ii) 30 minutes during the evening; and (iii) 1 hour during the night; d) occur for three consecutive operating days.	Yes			The Operational Noise Compliance Assessment (AECOM, 2015) addressed the monitoring requirements and compliance criteria of Condition M5 of the EPL. The monitoring found no exceedance of noise limits requiring management actions.
6 Reporting Conditions					
R1 Annual Return Documents					
R1.1	The licensee must be complete and supply to the EPA an Annual Return in the approved form comprising: a) a Statement of Compliance (Certified); and b) a Monitoring and Complaints (Signed) Summary. At the end of each reporting periods, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.	Yes			The EPA website notes that the Annual Return was received on 10 December 2015. The completed Annual Return complied with requirements.
R1.2	An Annual Return must be prepared in respect of each reporting period, except as provided below	Yes			The EPA website notes that the Annual Return was received on 10 December 2015.

Table 2: Conditions of Environment Protection Licence

Item No.	Requirement/ Reference	Response			Findings
		Yes	No	NA	
R1.3	Where this licence is transferred from the licensee to a new licensee: a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.			NA	
R1.4	Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on: a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.			NA	
R1.5	The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring Licence not later than 60 days after the date the transfer was granted (the 'due date').	Yes			The EPA website notes that the Annual Return was received on 10 December 2015. As the end of the reporting period was 10 October 2015 this is compliant with the required timeframe.

Table 2: Conditions of Environment Protection Licence					
Item No.	Requirement/ Reference	Response			Findings
		Yes	No	NA	
R1.6	Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date. The notification must specify: a) the assessable pollutants for which the actual load could not be calculated; and b) the relevant circumstances that were beyond the control of the licensee			NA	
R1.7:	Licensee must retain copy of Annual Return: The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.	Yes			
R1.8	Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by: a) The Licence holder; or b) By a person approved in writing by the EPA to sign on behalf of the Licence holder.	Yes.			
R2 Notification of environmental harm					
R2.1	The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act. Notifications must be made by telephoning the EPA's Pollution Line service.	Yes			An incident that threatened material harm to the environment occurred on 11 August 2015. Stolthaven notified the EPA via the EPA's Pollution Line service on 11 August 2015 (EPA Ref #C10842#2015).

Table 2: Conditions of Environment Protection Licence					
Item No.	Requirement/ Reference	Response			Findings
		Yes	No	NA	
R2.2	The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.	Yes			A written response regarding this incident was provided to the EPA on 13 August 2015.
R3 Written Report					
R3.1	Where an authorised officer of the EPA suspects on reasonable grounds that: <ul style="list-style-type: none"> a) Where this Licence applies to premises, an event has occurred at the premises; or b) Where this Licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this Licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the Licence applies). The authorised officer may request a written report of the event.			NA	This condition is applicable to the EPA.
R3.2	The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.			NA	
R.3.3	The request may require a report which includes any or all of the following information: <ul style="list-style-type: none"> a) The cause, time and duration of the event; b) The type, volume and concentration of every pollutant discharged as a result of the event; c) The name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; 			NA	This condition is applicable to the EPA.

Table 2: Conditions of Environment Protection Licence					
Item No.	Requirement/ Reference	Response			Findings
		Yes	No	NA	
	d) The name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort; e) Action taken by the licensee in relation to the event, including any follow-up contact with any complainants; f) Details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and g) Any other relevant matters.				
R3.4	The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.			NA	This condition is applicable to the EPA.
R4 Other reporting conditions					
Noise compliance assessment report					
R4.1	A noise compliance assessment report detailing the attended noise monitoring undertaken under Condition M5.1 must be submitted to the EPA with the Annual Return each year. The assessment must be prepared by a suitably qualified and experienced acoustical consultant and include: a) an assessment of compliance with the noise limits detailed in Condition L5.1; and b) an outline of any management actions proposed to be undertaken at address any exceedances of the noise limits detailed in Condition L5.1.	Yes			A copy of the Operational Noise Compliance Assessment (AECOM, 2015) was provided with the Annual Return on 10 December 2015. The Assessment report addresses Condition M5.1 of the EPL. The monitoring found no exceedance of noise limits requiring management actions.

Table 2: Conditions of Environment Protection Licence					
Item No.	Requirement/ Reference	Response			Findings
		Yes	No	NA	
Monthly throughput reporting					
R4.2	By 22 January 2016 the licensee must provide the EPA with a report that details the throughput of petroleum products at the premises for the period from 11 October 2015 to 10 January 2016 (inclusive). Reporting requirements are noted in the EPL.	Yes			The Monthly Throughput Report: 11 October 2015 – 10 January 2016 (Stolthaven, 2016) was submitted to the EPA on 13 January 2016.
R4.3	The licensee must provide a report to the EPA each and every month that details the throughput of petroleum products at the premises. Reporting requirements are noted in the EPL.			NA	The first monthly report (following submission of the report required by Condition R4.2) is due to the EPA on 13 February 2016.
7 General Conditions					
G1 Licence					
G1.1 – G1.3	A copy of the Licence must be kept at the premises and made available to EPA/ employee or agent.	Yes			A copy of the licence is retained on site with the facility environmental management documentation.
G2 Signage					
G2.1	The petroleum product pipeline extending between the main tank farm and Mayfield No. 4 Berth must: (a) Be identified in accordance with Australian Standard AS1345-2008: 'Identification of the contents of pipes, conduits and ducts'; and (b) Have pipe markers that include the name of the licensee and emergency contact details of the licensee.	Yes			The wharf to terminal pipeline was observed to be labelled in accordance with AS1345-2008. Compliant diesel labels are displayed as per the standard requirement, where access is possible. The wharf to terminal pipeline displays the Stolthaven EPA licence number and emergency contact number at 100 metre intervals, where access is possible.