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ACRONYMNS AND ABBREVIATIONS

AQMP	Air Quality Management Plan
BTEX	Benzene, toluene, ethyl benzene and xylenes
Council	City of Newcastle
Department	NSW Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPA	Environmental Protection Authority
EPL	Environmental Protection Licence
ID	Identification
Independent Audit PAR 2020	<i>Independent Audit: Post Approval Requirements, May 2020</i>
kg	Kilogram
km	Kilometre
L	Litre
LMP	Landscape Management Plan
m ³	Cubic metre
M4	Mayfield No. 4 Berth
M7	Mayfield No. 7 Berth
ML	Megalitres
NC	Non-compliance
NSW	New South Wales
ONMP	Operational Noise Management Plan
PHA	Preliminary Hazard Analysis
PIRMP	Pollution Incident Response Management Plan
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
PON	Port of Newcastle
Qty	Quantity
Ramboll	Ramboll Australia Pty Ltd
SSD	State Significant Development
Stolthaven	Stolthaven Australia Pty Ltd
SWMP	Surface Water Management Plan
TMP	Traffic Management Plan
TRH	Total recoverable hydrocarbons

USMP	Utilities and Services Plan
VENM	Virgin excavated natural material
VOCs	Volatile organic compounds
WMP	Water Management Plan

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EXECUTIVE SUMMARY

Ramboll Australia Ltd (Ramboll) was engaged by Stolthaven Australia Pty Ltd (Stolthaven) to conduct an Independent Environmental Audit of the Stolthaven Bulk Fuel Storage Facility (the project) located at 103 Selwyn Street Mayfield North (the site) on industrial land managed by the Port of Newcastle Pty Ltd (PON) in Mayfield, New South Wales (NSW).

The project currently operates under the State Significant Development (SSD) development consent SSD 7065 issued under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) on 15 December 2016 (referred to as Stage 3 of the project). SSD 7065 was granted to expand operations previously approved under development consent SSD 6664 (as modified), which was issued on 16 April 2015 under Part 4 of the EP&A Act (referred to as Stage 2 of the project). SSD 6664 was surrendered on 23 April 2020 (within the audit period). The project is also subject to an Environment Protection Licence (EPL) issued by the NSW Environment Protection Authority (EPA) under the *Protection of the Environment Operations Act 1997* (POEO Act) (EPL Licence No. 20193).

The Independent Environmental Audit is a statutory requirement by the NSW Department of Planning and Environment (the Department) under Schedule D, Condition 12 of SSD 7065 and Schedule 4, Condition 8 of SSD 6664.

The audit period covered by this Independent Environmental Audit is from 12 June 2019 until the day the site visit was held (15 March 2022). Compliance with the development consent for SSD 6664 is considered in this audit from 12 June 2019 to 23 April 2020 (the day SSD 6664 was surrendered).

The Audit Team comprised Victoria Sedwick (Lead Auditor), Shaun Taylor (Auditor) and Taylor Hancock (Auditor) of Ramboll. The independent environmental audit Report was prepared by the Auditors and reviewed and authorised by the Lead Auditor.

The Auditors assessed the development to be generally compliant with the conditions of Development Consent SSD 7065 and SSD 6664. Two non-compliances were identified, which are considered to be of an administrative nature. Opportunities for improvement were also identified. The non-compliances identified were:

- The condition requires the development to be undertaken in accordance with the conditions of the development consent. One non-compliance with the conditions of the development consent was identified (see below).
- The LMP does not include a description of the complaints management protocol.

Management systems and environmental performance of the development are considered to be adequate for the stage of development.

1. BACKGROUND

1.1 Introduction

Ramboll Australia Ltd (Ramboll) was engaged by Stolthaven Australia Pty Ltd (Stolthaven) to conduct an Independent Environmental Audit of the Stolthaven Bulk Fuel Storage Facility (the project) located at 103 Selwyn Street Mayfield North (the site) on industrial land managed by the Port of Newcastle Pty Ltd (PON) in Mayfield, New South Wales (NSW).

The project currently operates under the State Significant Development (SSD) development consent SSD 7065 issued under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) on 15 December 2016 (referred to as Stage 3). SSD 7065 was granted to expand operations previously approved under development consent SSD 6664 (as modified), which was issued on 16 April 2015 under Part 4 of the EP&A Act (referred to as Stage 2). SSD 6664 was surrendered on 23 April 2020 (within the audit period). The project is also subject to an Environment Protection Licence (EPL) issued by the Environment Protection Authority (EPA) under the *Protection of the Environment Operations Act 1997* (POEO Act) (Licence No. 20193).

The Independent Environmental Audit is a statutory requirement by the NSW Department of Planning and Environment (the Department) under Schedule D, Condition 12 of SSD 7065 and Schedule 4, Condition 8 of SSD 6664.

1.2 Project overview

The approved project layout is shown in **Figure 1-1**. The project is being undertaken as a staged project and therefore not all activities approved under SSD 7065 have been triggered. Stage 1 of SSD 7065 commenced in 2018 for the construction and operation of the new Mayfield Berth 7 (M7) and associated fuel pipeline (within the previous audit period). No further construction was undertaken within the audit period.

The project currently includes:

- Ship unloading facilities at the M7 wharf facility
- A delivery pipeline from M7 to the terminal
- Nine storage tanks from 535 m³ to 18,003 m³ (seven tanks contain diesel and the remaining two tanks contain biodiesel)
- A four bay automated truck loading and unloading facility
- Pumping capacity for bulk tanker (truck loading)
- Appropriate drainage and spill containment systems
- Fire protection systems.

The expansion approved under SSD 7065 enables (not yet completed):

- Increased throughput of the facility from 1,300 ML to 3,500 ML
- Importing of flammable fuels (petroleum, ethanol and jet fuel), in addition to combustibles (diesel and biodiesel) already imported
- Construction of 17 new fuel storage tanks and associated bunds
- Construction of a marine loading arm, pumps and dual pipeline to transfer fuels to the terminal from ships docking at M7
- Construction of a new six bay truck loading gantry, vapour control system, office and firefighting systems.

The project historically transported diesel via pipeline to the Mayfield No. 4 Berth (M4) up until October 2018 when Stolthaven commissioned the M7 under a complying development certificate issued by the City of Newcastle (Council). The delivery pipeline to M4 was removed in 2019.



Source: (GHD, 2021)

Figure 1-1: Site layout

1.3 Audit team

The Audit Team comprised Victoria Sedwick (Lead Auditor), Shaun Taylor (Auditor) and Taylor Hancock (Auditor) of Ramboll. The independent environmental audit report was prepared by the Auditors and reviewed and authorised by the Lead Auditor.

The Department issued a letter of endorsement on 9 February 2022 for the auditors (refer to **Appendix 1**).

1.4 Audit objectives

The objective of the audit was to independently assess the environmental performance and compliance status of the project under SSD 7065 and SSD 6664 during the audit period.

1.5 Audit scope

To assess the environmental performance of the site for the period since the last Independent Environmental Audit, as required under Schedule D, Condition 12 of SSD 7065, the Independent Environmental Audit is required to verify and report as per the following:

"D12. Within one year of the date of this consent, and every three years thereafter, unless the Secretary directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the Site. The audit must:

- a) be carried out by a suitably qualified, experienced and independent audit team whose appointment has been endorsed by the Secretary;*
- b) include consultation with PON;*
- c) assess the environmental performance of the Site, and its effects on the surrounding environment;*
- d) determine whether the Site is complying with the relevant standards, performance measures and statutory requirements, including the Mayfield Concept Plan;*
- e) review the adequacy of the EMS for the Site, compliance with this consent, and any other licences and consents; and, if necessary;*
- f) recommend measures or actions to improve the environmental performance of the Site, and/or any plan/program required under this consent.*

D13. Within three months of commissioning the audit, or as otherwise agreed by the Secretary, the Applicant shall submit a copy of the audit report to the Secretary, EPA and PON with a response to all recommendations contained in the audit report."

To assess the environmental performance of the site for the period since the last Independent Environmental Audit, as required under Schedule 4, Condition 8 of SSD 6664, the Independent Environmental Audit is required to verify and report as per the following:

"8. 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:

- a) be carried out by a suitably qualified, experienced and independent audit team whose appointment has been endorsed by the Secretary;*
- b) include consultation with EPA and PON;*
- c) assess the environmental performance of the Development, and its effects on the surrounding environment;*
- d) determine whether the Development is complying with the relevant standards, performance measures and statutory requirements;*
- 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, if necessary;*

- f) recommend measures or actions to improve the environmental performance of the Development, and/or any plan/program required under this consent.*
- 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.”.*

1.6 Audit period

The previous Independent Environmental Audit period was from 4 February 2016 to 11 June 2019. The audit period covered by this Independent Environmental Audit is from 12 June 2019 until the day the site visit was held (15 March 2022).

Compliance with the development consent for SSD 6664 is considered in this audit from 12 June 2019 to 23 April 2020 (the day SSD 6664 was surrendered).

2. METHODOLOGY

2.1 Audit guidelines

The audit was conducted generally in accordance with Australian Standard AS/NZS ISO 19011:2014 Australian/New Zealand Standards: Guidelines for quality and/or environmental management systems auditing and the Department's revised guideline *Independent Audit: Post Approval Requirements*, May 2020 (Independent Audit PAR 2020).

2.2 Selection and endorsement of the audit team

The auditors referred to in **Section 1.3** have experience in conducting environmental compliance audits and are independent from Stolthaven. Victoria Sedwick is a certified Lead Auditor with Exemplar Global (Certificate No. 13180). As required under the Conditions of Consent, the Department issued a letter of endorsement of the audit team on 9 February 2022. The letter is included as **Appendix 1**.

2.3 Audit scope development

The scope for the audit was developed to assess environmental performance in relation to SSD 7065 and SSD 6664 during the audit period, which included all post approval documents prepared to satisfy the conditions relevant to the audit period.

2.3.1 Document review

Ramboll undertook a review of documentation relevant to the environmental management, compliance and performance of the project including, but not limited to:

- Development consents for SSD 7065 and SSD 6664
- Supporting environmental assessment documents for SSD 7065 and SSD 6664
- Management plans and other documentation as listed in **Section 3.1**
- Complaints register
- Incident register
- Maintenance register
- Correspondence records
- Previous Independent Environmental Audits for SSD 7065 and SSD 6664
- Annual Reviews for the audit period (2019, 2020 and 2021)
- Third party assessments and compliance reports
- Monitoring reports for groundwater, noise, and traffic
- Regulatory databases (e.g. EPA's POEO Licence Public Register, Water NSW's NSW Water Register).

2.3.2 Audit plan

A comprehensive protocol (audit table) was developed for each development consent to facilitate onsite interviews and inspection for the assessment of compliance. The audit tables include:

- A unique identification number for each condition of consent (ID)
- The exact wording of the compliance requirement
- Evidence used to assess and determine whether each requirement has been complied with
- Commentary on findings and recommendations
- Recording the status of compliance
- A unique identification number for each non-compliance (NC).

The completed audit tables are provided in **Appendix 2** and include Table A-1 relating to SSD 7065 and Table A-2 relating to SSD 6664. Conditions relating to operation of the project have been assessed in Table A-1 and are referenced in Table A-2 as appropriate.

2.4 Site inspection and interviews

A site inspection was undertaken on 15 March 2022 by Shaun Taylor and Taylor Hancock. The site's Operations Manager, Ryan Duckmanton, was interviewed during the site inspection.

Due to the nature of the site, photographs were not permitted during the site inspection.

2.5 Consultation

Consultation with PON is required for the audit in accordance with Schedule D, Condition 12 of SSD 7065 and Schedule 4, Condition 8 of SSD 6664. Additionally, consultation with the EPA is required under Schedule 4, Condition 8 of SSD 6664.

Both PON and the EPA were consulted prior to the site inspection to obtain input into the audit scope. Consultation records with PON and the EPA are included in **Appendix 3**. Outcomes of the consultation is included in **Section 3.7**.

2.6 Compliance status descriptors

This Audit Report has been prepared generally in accordance with the Independent Audit PAR 2020. As such, the following compliance descriptors have been used:

Compliant	The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit.
Non-compliant	The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit.
Not triggered	A requirement has an activation or timing trigger that has not been met at the time when the Audit is undertaken, therefore an assessment of compliance is not relevant.

Observations have also been made that identify opportunities for improvement with recommendations given where relevant (refer to **Section 4**).

3. AUDIT FINDINGS

3.1 Approvals and documents reviewed

Approvals and documents provided by Stolthaven and/or available on the project website, as well as the Department's Major Projects website, reviewed by the auditors included:

- Development consent for SSD 7065
- Development consent for SSD 6664
- EPL 20193
- *Stolthaven Bulk Fuel Terminal - Stage 3 Environmental Impact Statement - SSD_7065* (AECOM, 2016a)
- *Stolthaven Bulk Fuel Terminal - Stage 3 Response to Submissions Report* and supporting appendices (AECOM, 2016b)
- *Bulk Fuel Storage Terminal State Significant Development - Environmental Impact Statement* and supporting appendices (AECOM, 2014a)
- *Response to Submissions Report - Stage 2* and supporting appendices (AECOM, 2014b)
- *Statement of Environmental Effects Section 96 Modification - SSD_6664 Throughput Increase* and supporting appendices (AECOM, 2015)
- *Construction Environmental Management Plan Newcastle Stage 3 Development* (Stolthaven, 2018)
- *Operational Environmental Management Plan* (Stolthaven, 2020f)
- *Air Quality Management Plan* (AECOM, 2020c)
- *Traffic Management Plan* (Stolthaven, 2020c)
- *Operational Noise Management Plan* (AECOM, 2020a)
- *Stormwater Management Plan* (Stolthaven, 2020b)
- *Water Management Plan* (Stolthaven, 2020e)
- *Utilities and Services Plan* (Stolthaven, 2020d)
- *Landscape Management Plan* (Stolthaven, 2020a)
- *Stolthaven Annual Review 2019* (GHD, 2020)
- *Stolthaven Annual Review 2020* (GHD, 2021)
- *Stolthaven Annual Review 2021* (GHD, 2022)
- Complaints register (PDF) (Stolthaven, 2022a)
- Maintenance Schedule 2022 (PDF) (Stolthaven, 2022b)
- Stolthaven Monthly SHEQ Report (PDF) (Stolthaven, 2022c)
- *Stolthaven Bulk Liquids Fuel Storage Facility, Mayfield Operational Noise Compliance Assessment* (2019) (AECOM, 2020b)
- *Stolthaven Bulk Liquids Fuel Storage Facility, Mayfield Operational Noise Compliance Assessment* (2020) (AECOM, 2021b)
- *Stolthaven Bulk Liquids Fuel Storage Facility, Mayfield Operational Noise Compliance Assessment* (2021) (AECOM, 2022b)
- *Quarterly Groundwater Monitoring Report Mayfield Bulk Fuel Storage Facility* (AECOM, 2022a)
- Traffic Movement Assessment History (Excel) (Stolthaven, 2022d)
- Groundwater monitoring summary 2014-2021 (PDF) (AECOM, 2021a)
- *HAZOP Report and Risk Assessment Newcastle Terminal Stage 3* (Cockshott Consulting Engineers, 2016)
- *Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit* (Ramboll, 2016)
- *Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit* (Ramboll, 2019).

3.2 Compliance performance

The auditors assessed the project to be compliant with SSD 7065 and SSD 6664 except for the following non-compliances. Refer to the audit tables (**Appendix 2**) for full details of the identified non-compliances and compliance status of other conditions.

3.3 Non-compliances

A summary of the non-compliances identified against the conditions of the development consent for SSD 7065 and SSD 6664 is provided in **Table 3-1**. As the non-compliances identified in the audit relate to the same issue, only one non-compliance ID has been assigned for each development consent.

Table 3-1: Summary of non-compliances

NC#	Condition ID	Non-compliance
NC1	SSD 7065 – B2 SSD 7065 – D7	The Landscape Management Plan does not include a description of the complaints management protocol.
NC2	SSD 6664 – 2-2 SSD 6664 – 4-2	The Landscape Management Plan does not include a description of the complaints management protocol.

3.4 Summary of Agency notices, orders, penalty notices or prosecutions

The Auditors understand there are no agency notices, orders, penalty notices or prosecutions against the project as evidenced by a review of the Department's Major Projects website (compliance tab for the project), EPA's POEO Public Register and the Annual Reviews prepared for the audit period.

3.5 Environmental management plan, sub-plans and post approval documents

Adequacy and compliance with the management plans and subplans relevant to the audit period were assessed. Generally, the Auditors found the project to be consistent with the procedures outlined in the environmental management plans as relevant to the current stage of the project.

Further details on compliance with the management plans is discussed in **Section 3.6** and in Table A-1 and Table A-2 in **Appendix 2**.

3.6 Environmental performance

Management systems and environmental performance are considered to be of a generally high standard. Specific environmental matters are discussed in further detail below.

3.6.1 Groundwater

Groundwater quality at the site is managed in accordance with a groundwater monitoring program prepared by AECOM (2019) and with the conditions of EPL 20193. The monitoring program includes nine permanent monitoring wells that are sampled on a quarterly basis. Locations of the wells are shown on **Figure 1-1**. Two temporary monitoring wells (ID MW08A and MW08B) were installed in 2018 following recorded exceedances of the criteria in the MW08 well.

Reported results (GHD, 2022) of the groundwater monitoring using a statistical trend analysis indicate that groundwater at the site is becoming more acidic with statistically significant decreasing trends of pH detected at MW01, MW02, and MW04. Decreasing trends were also detected at MW03 and MW06, with further 'probable' decreasing trends in MW08 and MW09. pH levels at these locations remain within background concentrations and the time series graphs reported in the 2021 Annual Review show that levels have been generally stable, so this is not

considered by AECOM to be an issue at this stage. It is noted that further investigations may be required if these trends persist. The Auditor agrees with the recommendation to undertake further investigations should trends persist. It is recommended that the Water Management Plan is updated in consultation with the Auditor and PON to include specific triggers for pH (time and/or value based) that clearly define when further investigations or actions are required.

Reported results of the monitoring also indicate concentrations of benzene, toluene, ethyl benzene and xylenes (BTEX) and total recoverable hydrocarbons (TRH) have consistently exceeded background concentrations at the site. Statistically significant increasing trends are reported for xylene concentrations. Following further investigations by AECOM in 2018 with the installation of MW08A and MW08B, it was determined that the residual hydrocarbon impacts are localised within fill deposits immediately surrounding MW08, and effectively laterally delineated to the north-east and south by MW08A and MW08B. The elevated results were determined by AECOM to likely be related to residual contamination from the former BHP Steelworks and unrelated to the current operations at the site (GHD, 2022).

3.6.2 Surface water

Monitoring of stormwater discharges is undertaken in accordance with the Stormwater Management Plan and EPL. Monitoring of stormwater includes visual inspection of the site and areas receiving runoff from the site and monitoring water quality following rainfall events. There are currently nine concrete bund walls around the site's bulk storage area designed to contain any spills onsite and prevent environmental harm. Following a rainfall event, a water sample is collected from all bunds and is tested prior to its release through the Puraceptor™ on site.

During the audit period, some instances occurred where EPL criteria for water quality were exceeded (September 2019, December 2019, June 2020, August 2020, December 2020 and February 2021). In each instance, re-testing was undertaken, and nil discharge occurred for confirmed exceedances. All stormwater discharged from the site was compliant with the requirements of EPL 20193.

The stormwater drainage system appeared to be well maintained during the site inspection i.e. no evidence of any blockages.

Consistent future monitoring of bund water after rainfall events will improve the site's available baseline data and ability to identify trends and issues as well as to identify necessary environmental management measures to improve the environmental performance of the site.

3.6.3 Air quality

Potential air quality pollutants for the project are generally related to fugitive emissions from fuel storage tanks and from the fuel loading gantry stack. The main emissions of interest for fuel storage activities are volatile organic compounds (VOCs). Measures to reduce impacts to air quality were observed during the site inspection, consistent with the air quality management plan. This included trucks covering loads, vehicles switched off when not in use, use of hard surfaces or paving where possible and vegetation and/or grass cover.

3.6.4 Noise

Results of noise compliance modelling undertaken by AECOM during the audit period (undertaken annually) indicates that the operation of the facility complies with the noise limits stated in SSD 7065, EPL 20193 and with the project specific noise goals in the Mayfield Concept Plan for all outlined receivers. Impacts associated with noise were determined by the Auditor to be effectively

managed based on compliance with the noise criteria and the absence of noise-related complaints received during the audit period.

3.6.5 Traffic and access

Stolthaven maintains a register and produces bi-monthly reports to track truck movements at the site. Truck movements during the audit period remain below the Mayfield Concept Plan limits and have shown a decrease since 2015. Roads and access areas appeared to be fully functional and adequate to accommodate light and heavy vehicle movements and parking requirements during the site visit. Speed limits were sign posted and no issues with user non-compliance was observed during the site visit.

3.6.6 Waste

Waste is managed according to the Waste Management Plan and is minimised or recycled where possible. Solid waste is disposed of in appropriate receptacles and removed by local waste contractors. Liquid waste generated on site is stored in the tanks and discharged from the site once it has been treated to an acceptable quality or is disposed of by an appropriately licenced waste collector. Waste appears to be appropriately managed at the site and the Auditor did not find any issues relating to waste management during the audit.

A recycling target for co-mingled waste has been set by Stolthaven for the project at 26 m² per annum. According to the Waste Register, the amount of co-mingled waste recycled during the audit period was 25 m² in 2020 and 28.6 m² in 2021. These amounts are generally consistent with the target set for the project.

3.7 Consultation outcomes

Consultation records with PON and the EPA are included in **Appendix 3**. No issues were raised with the facility by either party.

3.8 Complaints

Stolthaven did not receive any complaints for the facility during the reporting period. The complaints database uploaded to Stolthaven's website was up to date and is reviewed monthly.

3.9 Incidents

Incidents are recorded via the EcoPortal system and are reported in the Annual Reviews. Incidents are given a severity rating from 'minor' to 'serious'. One reportable incident (categorised as 'moderately serious') occurred on 18 April 2021. The incident involved a diesel spill from a filtration skid caused by the failure of a Nitrile bellow connecting two filtration skids. Approximately 700 to 800 litres of diesel was released into a bunded area with splash entering into the site's stormwater drain system. According to the incident report, the site's Emergency Response Plan, Action Card 2 – Loss of Contamination and Pollution Incident Response Management Plan were activated, which involved stopping the operation and deploying spill equipment. It is reported that the spilled volume was contained on the premises and recovered. Seven agencies were notified of the incident including the EPA, NSW Fire and Rescue, NSW Health, SafeWork NSW, City of Newcastle, PON and the Department. A post review of the incident was undertaken by Stolthaven. Actions included removal of the rubber bellows from operation, improvements to bunding and installation of a switch valve, installation of additional spill kits at the stormwater discharge point and minor changes to the Emergency Response Plan. All other recorded incidents that occurred within the audit period were categorised as minor in nature.

3.10 Actual versus predicted impacts

A high-level comparison of the predicted impacts of the project made in the Environmental Impact Statement (EIS) prepared for the Stage 3 project (SSD 7065) compared to the actual impacts determined in the audit from a review of the available information is discussed below.

It is noted that the assessment undertaken for the EIS considers the impacts for the expansion (most of which has not been triggered) and increase throughput to 3,500 ML per annum. As such, the actual impacts of the project at its current stage are innately less than those predicted.

3.10.1 Groundwater

Predictions made in the EIS regarding impacts to groundwater relate to the construction of the new tanks areas which have not been triggered. The project is not anticipated to intercept any groundwater based on the depths of excavations required and as such, impacts to groundwater are not anticipated to occur as a result of the project (AECOM, 2016a). A discussion on the results of the groundwater monitoring undertaken for the project is included in **Section 3.6.1**.

3.10.2 Surface water

Predictions made in the EIS regarding impacts to surface water relate to the construction of the new tanks areas which have not been triggered.

3.10.3 Air quality

The EIS for the SSD 7065 Development Consent application (including increased throughput to 3,500 ML per annum) notes that the site's operations are expected to result in acceptable air quality impacts. As the current throughput of the project is below the assessed throughput of 3,500 ML per annum, it is reasonable to conclude that the actual impacts of the project would be less than the prediction made in the EIS. This conclusion is supported by the absence of complaints relating to air quality.

3.10.4 Noise

Results of the noise modelling undertaken for the EIS for both construction and operational scenarios of the project indicated that there would be no exceedances of the noise criteria under these scenarios, for day and night activities. Results of the noise monitoring undertaken by AECOM confirm no exceedances of the criteria consistent with the predictions made in the EIS (refer to discussion in **Section 3.6.4**).

3.10.5 Traffic and access

The Traffic Impact Assessment conducted as part of the EIS assessed a worst case potential operational traffic scenario of 200 truck movements per day. Truck movements within the audit period were on average 68 per day in 2019, 77 per day in 2020 and 88 movements per day in 2021. The maximum number of truck movements per day within the audit period was 105 (in June 2020). These reported values are well below the worst case predicted number of movements in the EIS.

3.10.6 Waste

The waste assessment undertaken as part of the EIS predicted the following quantities of waste would be generated as a result of the development during operations (Table 63 of the EIS):

- Sludge from stormwater retention pits (solid) ~ 2.5 tonnes per annum
- Ablutions waste (industrial) ~ 3 tonnes per annum
- Domestic and putrescible waste (inert) < 1 tonne per quarter
- Vegetation from landscaping maintenance (inert) < 1 tonne per quarter.

According to the Waste Register, the maximum quantities of wastes generated annually within the audit period for each waste stream was as follows:

- Effluent wastes from the terminal – 159,000 L in 2020
- Effluent wastes from M7 – 318,000 L in 2020
- Liquid wastes – 282,292 L in 2021
- Solid wastes – 11x 660 L drums, 20x 220 L drums and 7x 1100L drums in 2021
- General waste – 76.5 m³ in 2020
- Recycling – 28.6 m³ in 2021.

3.11 Site inspection

A site inspection was completed by the Auditors, Shaun Taylor and Taylor Hancock on 15 March 2022. In general, the project site was observed to be kept in a well maintained, organised and clean condition including the administration, load outs, berth, M7 and tank storage areas.

Activities occurring at the time of the site inspection included:

- Construction of a roadway at the northwest end of Lot 1 using material stockpiled on Lot 1
- Trucks entering and exiting the site
- Loading product into trucks.

All chemical storage areas (including bulk storage) were considered to be adequately bunded and chemicals were stored appropriately to minimise spill risks or hazards to the environment or personnel. Spill kits and fire extinguishers were in various locations at the site and appeared to be well maintained and inspected regularly.

3.12 Site interviews

A meeting was held at the administration building on the day of the site visit that involved the Auditors and Stolthaven representative Ryan Duckmanton. Information regarding the history of the site and the project was provided and documents and records were reviewed. Further information was later provided on request via email and has been incorporated into this audit report where relevant.

3.13 Previous audit recommendations

An Independent Audit of the project was conducted in 2019. An assessment of progress on the recommendations made in the previous audit is presented in **Table 3-2**.

Table 3-2: Previous audit recommendations status

Condition ID	Audit recommendation	Action/s
Non-compliance recommendations		
SSD 6664 2-2 SSD 7065 B2	It is recommended all actions arising from this IEA are completed to avoid future non-compliances with the development consents and commitments.	The previous audit recommended a description of the complaints protocol is added to the LMP. This detail has not been included in the updated LMP.
SSD 6664 4-2 SSD 7065 D7	Update management plans to include detailed baseline data at the next review.	A review of the management plans was undertaken in 2020. Baseline data has been included where relevant.
SSD 6664 4-2 SSD 7065 D7	Include a section in the TMP, USMP and LMP with protocols to receive, handle and respond to complaints in each	A description of the complaints process has been added to Section 9 of the TMP and Section 7 of the USMP. This detail

Condition ID	Audit recommendation	Action/s
	management plan at next update or reference to the procedure in the OEMP.	has not been included in the updated LMP.
SSD 6664 AMMM 5	Although not required under SSD 7065, it is recommended that the TMP for SSD 7065 is updated to include expected traffic numbers as a result of the Project to inform any management and mitigation measures that may be required.	Details on the expected traffic numbers as a result of the project has been included in Section 3.2 of the Traffic Management Plan.
SSD 6664 AMMM 26	Monthly testing of the fire pumps is undertaken and weekly testing is required in this condition, and therefore this is a non-compliance. It should be noted, however, that: the Hazard Audit assessment states <i>"Testing of the fire system is done monthly by an accredited 3rd party provider... This was found to be in order"</i> ; and it is not a requirement under SSD 7065.	Stolthaven's response to the audit recommendation was that the management and mitigation measure should be updated to state monthly testing is required rather than weekly. However, as SSD 6664 was intended to be surrendered and testing is not a requirement under SSD 7065, it was determined that an amendment to the management and mitigation measure was unnecessary. The Stolthaven representative advised the Department has accepted this response with Stolthaven's response to the 2019 Independent Audit recommendations.
Continual improvement recommendations		
SSD 6664 3-10 SSD 7065 C44	Undertake a review of the SWMP prior to commencement of works under SSD 7065 to ensure it is consistent with the Managing Urban Stormwater Guidelines, and include figures where relevant.	The Stolthaven representative advised this review will be undertaken prior to the commencement of further works under SSD 7065 and remains within the Independent Environmental Audit Action Register (viewed by the Auditors).
SSD 6664 3-18	Include copies of all approvals from utilities and services providers as an appendix to the USMP at the next update.	Approvals from utilities and services providers have been included as Appendix A.
SSD 6664 3-40	It is recommended the Waste Register is updated to record quantities for other waste streams identified in SSD 7065 EIS such as general waste, recyclables, sludge, ablutions waste and vegetation/landscaping waste.	The Waste Register has been updated to include all waste streams from the project. Details are included in the Annual Reviews.
SSD 6664 3-40	It is recommended specific recycling targets are developed for the Project to	Recycling targets have been added to the Waste Management Plan as follows:

Condition ID	Audit recommendation	Action/s
	help identify any areas of improvement.	<ul style="list-style-type: none"> Recycling, Co-Mingled waste - 26 m³ per annum Recycling, Printer Cartridge – 83 L per annum. <p>According to the Waste Register, the amount of co-mingled waste recycled during the audit period was 25 m³ in 2020 and 28.6 m³ in 2021. These amounts are generally consistent with the target set for the project.</p>
SSD 6664 4-5	It is recommended further comparisons to predictions in the EIS are included in future annual reviews such as waste quantities produced.	Comparisons to predictions made in the EIS are included in the Annuals Review where relevant (e.g. noise, traffic and groundwater).
SSD 7065 D15	The Stolthaven website contains a link to DPE's major project website. It is recommended the EIS documents are uploaded directly to Stolthaven's website.	All documents relating to the development were available on Stolthaven's website and were up to date at the time of the audit.
EPL 20193 L2.1	It is recommended Stolthaven undertake the revised pollutant load assessments required in consultation with the EPA to finalise the Benzene assessable load limits and update the EPL accordingly.	Stolthaven detail the method in which the load limits are assessed during the EPL annual return. No concerns have been presented by the EPA to date.
EPL 20193 L5.7	It is recommended photos and/or detailed notes are taken from the monitoring locations during the annual noise compliance assessments undertaken by AECOM, describing the distance and direction from dwellings.	Details of the monitoring locations describing the distance and direction from dwellings has not been included in the noise compliance assessments undertaken by AECOM for the audit period, however the reports include a figure showing the locations.

3.14 Improvement opportunities

Opportunities for improvement have been identified in **Section 4.2**. Overall management of the site was observed to be of a high standard and minimal improvement opportunities have been identified by the Auditor.

3.15 Key strengths

Generally key information and data relating to the environmental performance of the development was publicly available demonstrating transparency in the project's operations. The systems used for environmental management of the project appeared to be effective and well maintained by Stolthaven personnel.

4. RECOMMENDATIONS AND OPPORTUNITIES FOR IMPROVEMENT

4.1 Non-compliance recommendations

A summary of the non-compliance recommendations identified in the audit is provided in **Table 4-1**.

Table 4-1: Non-compliance recommendations

NC#	Condition ID	Recommendation
NC1	SSD 7065 – B2 SSD 7065 – D7	Include a description of the complaints management in the LMP at the next update or reference to the procedure in the Environmental Management Plan.
NC2	SSD 6664 – 2-2 SSD 6664 – 4-2	Include a description of the complaints management in the LMP at the next update or reference to the procedure in the Environmental Management Plan.

4.2 Opportunities for improvement

A summary of the additional recommendations for continual improvement of the project identified in the audit is provided in **Table 4-2**.

Table 4-2: Continual improvement recommendations

Condition ID	Recommendation
SSD 7065 C44	Undertake a review of the SWMP prior to commencement of further works under SSD 7065 to ensure it is consistent with the <i>Managing Urban Stormwater</i> Guidelines, including the addition of figures where relevant.
SSD 7065 C45	Given the results of the groundwater monitoring as described in Section 3.6.1 , it is recommended that the WMP is updated in consultation with the Site Auditor and the PON to include specific triggers for pH (time and/or value based) that clearly define when further investigations or actions are required.

5. CONCLUSION

The Auditors assessed the development to be generally compliant with the conditions of Development Consent SSD 7065 and SSD 6664. Two non-compliances were identified, both administrative in nature and relating to the same issue. Some opportunities for improvement were also identified. Management systems and environmental performance of the development are considered to be generally adequate for the stage of development.

6. REFERENCES

- AECOM. (2014a). *Bulk Fuel Storage Terminal State Significant Development - Environmental Impact Statement and supporting appendices* .
- AECOM. (2014b). *Response to Submissions Report - Stage 2 and supporting appendices*.
- AECOM. (2015). *Statement of Environmental Effects Section 96 Modification - SSD_6664 Throughput Increase and supporting appendices*.
- AECOM. (2016a). *Stolthaven Bulk Fuel Terminal - Stage 3 Environmental Impact Statement - SSD_7065*.
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- AECOM. (2020a). *Operational Noise Management Plan*.
- AECOM. (2020b). *Stolthaven Bulk Liquids Fuel Storage Facility, Mayfield Operational Noise Compliance Assessment (2019)*.
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- Stolthaven. (2018). *Construction Environmental Management Plan Newcastle Stage 3 Development* .
- Stolthaven. (2020a). *Landscape Management Plan*.
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- Stolthaven. (2022b). *Maintenance Schedule 2022 (PDF)*.
- Stolthaven. (2022c). *Stolthaven Monthly SHEQ Report*.
- Stolthaven. (2022d). *Traffic Movement Assessment History (Excel)*.

APPENDIX 1

AUDITOR ENDORSEMENT



Department of Planning and Environment

Mr Ryan Duckmanton
Site Operations Manager
Stolthaven Australia Pty Ltd
Awabakal Country
Lot 2 Steelworks Road
MAYFIELD NSW 2304

By email ONLY: rdk@stolt.com

09/02/2022

Dear Mr Duckmanton

**Stolthaven Mayfield Terminal (SSD-7065)
2022 IEA Auditor Endorsement**

I refer to your request (SSD-7065-PA-10) for the Secretary's approval of suitably qualified persons to prepare the 2022 Independent environmental audit (IEA) for the Stolthaven Mayfield Terminal – Stage 3 as required by condition D12 of SSD-7065 (the consent).

The Department has reviewed the nominations and information you have provided and is satisfied that these experts are suitably qualified and experienced. Consequently, I can advise that the Secretary approves the appointment of expert name to prepare the 2022 IEA.

In accordance with condition D12 of the consent and the Independent Audit Post Approval Requirements, the Secretary has agreed to the following audit team:

- Ms Victoria Sedwick
- Mr Shaun Taylor
- Ms Taylor Hancock

Please ensure this correspondence is appended to the IEA Report.

The IEA must be prepared, undertaken and finalised in accordance with condition D12 of the consent and the [Independent Audit Post Approval Requirements \(May 2020\)](#). Failure to meet these requirements will require revision and resubmission.

Finally, in accordance with condition D13 of the consent, a copy of the IEA report, along with a response to all IEA recommendations, is to be submitted to the Department via the Major Projects Portal within 3 months of commissioning the IEA (being the final day of the IEA site inspection), or as otherwise agreed by the Planning Secretary.

Should you wish to discuss the matter further, please contact Ann Hagerthy, Senior Compliance Officer, on 02 65753407 or compliance@planning.nsw.gov.au

Yours sincerely

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

APPENDIX 2

AUDIT TABLES

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	Schedule B – General Administrative Conditions				
	Obligation to Minimise Harm to the Environment				
B1	In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the Development.	<ul style="list-style-type: none"> Site inspection Evidence as listed in this table Incident Register (EcoPortal) 	Environmental management on site appeared to be effective in minimising harm to the environment through implementation of the management plans. Operations on site were observed to be generally compliant with the Development Consent (this table). No environmental harm to the environment has reportedly occurred during the audit period.	Compliant	
	Terms of Consent				
B2	<p>The Applicant shall carry out the Development in accordance with the:</p> <ul style="list-style-type: none"> a) State Significant Development Application SSD 7065; b) EIS and RTS; c) the plans and drawings at Appendix 1; and d) the Management and Mitigation Measures at Appendix 2. 	<ul style="list-style-type: none"> Development Consent for SSD 7065 EIS RTS Site inspection Evidence as listed in this table 	<p>The requirements under this condition are considered to be met with one exception as follows:</p> <ul style="list-style-type: none"> a) One non-compliance was identified as reported in this table (condition D7). b) Site operations appeared to be generally consistent with these documents listed and with the predictions made regarding environmental impacts of the project (see discussion in Section 3.10 of the Audit Report). c) Site operations appeared to be generally consistent with the plans and drawings in Appendix 1 as it relates to the current stage of the development (based on observations from the site inspection). d) Commitments have been assessed at the end of this table. No non-compliances were identified. 	Non-compliant	NC1

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
			Recommendation: It is recommended all actions arising from this audit are completed to avoid future non-compliances with the development consents and commitments.		
B3	If there is any inconsistency between the plans and documentation referred to in Condition B2 above, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.	<ul style="list-style-type: none"> General review of above documents throughout the auditing process 	No inconsistencies with these documents were noted during the audit.	Compliant	
B4	The Applicant shall comply with any reasonable requirement(s) of the Secretary arising from the Department's assessment of: a) any reports, plans or correspondence submitted in accordance with this consent; and b) the implementation of any actions or measures contained in these documents.	<ul style="list-style-type: none"> Site interview 	Stolthaven advised no requests have been made from the Secretary in this regard.	Not triggered	
Limits of Consent					
B5	This consent lapses five years after the date from which it operates, unless the Development has physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse under Section 95 of the EP&A Act.	<ul style="list-style-type: none"> Development Consent 2019 Independent Environmental Audit Stolthaven Bulk Fuel Storage Facility (Ramboll 2019) 	The Development Consent for SSD 7065 was issued on 15 December 2016. The Development relevant to SSD 7065 physically commenced in 2018 with the construction and operation of the new combustible pipeline following the completion of the M7 berth construction. A letter was provided by the Planning Secretary (dated 24 October 2018) that demonstrates that the Development Consent had been activated.	Compliant	
B6	The Applicant shall not increase the throughput of combustible liquids above 1,300 million litres (ML) per year until SSD 6664 has been surrendered in accordance with Condition B11, and an amended EPL has been issued for the Development. The Applicant shall provide a copy of the amended EPL to the Secretary prior to increasing throughput above 1,300 ML per year.	<ul style="list-style-type: none"> Letter '<i>Surrender of Development Consent</i>' from the Planning Secretary dated 8/05/20 	SSD 6664 was surrendered on 23 April 2020, confirmed by the letter from the Planning Secretary. The amended EPL to increase throughput of combustible liquids above 1,300 ML per year was issued on 27 August 2021. However, it is noted that the annual throughput will not be increased up to 3,500 ML in line with condition B7	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
		<ul style="list-style-type: none"> • Notice of Variation of Licence No. 20193 dated 27/08/21 • Stolthaven Annual Review 2019 (GHD, 2020) • Stolthaven Annual Review 2020 (GHD, 2021) • Stolthaven Annual Review 2021 (GHD, 2022) • Site interview • Fuels Manager database • Throughput EPL (Excel™) (last updated 14/03/22) 	<p>until the remaining features approved under SSD 7065 have been constructed and are operational. The amended EPL has not yet been provided to the Secretary as throughput has not exceeded the 1,300 ML threshold. The Auditor understands from site personnel that the amended EPL will be provided to the Secretary prior to increasing throughput.</p> <p>Throughput for the audit period is reported as 607 ML in 2019, 690 ML in 2020 and 823 ML in 2021 (values have been rounded to the nearest ML) in the Annual Reviews. The Fuels Manager database was viewed during the audit which is used to track throughput for the site. Throughput volumes are extracted from the Fuels Manager Database on a daily basis and exported into Excel to track annual throughput.</p>		
B7	<p>Following the receipt of an amended EPL for the Development and the surrender of SSD 6664 in accordance with Condition B11, the Applicant shall:</p> <p>a) not receive, store and dispatch more than 3,500ML of flammable and combustible liquids on the Site per year; and</p> <p>b) ensure the storage capacity at the Site does not exceed 355.7 ML of flammable and combustible liquids at any one time.</p>	<ul style="list-style-type: none"> • Stolthaven Annual Review 2019 (GHD, 2020) • Stolthaven Annual Review 2020 (GHD, 2021) • Stolthaven Annual Review 2021 (GHD, 2022) • Fuels Manager database 	<p>Volumes of fuel stored, received and dispatched are recorded in the Annual Reviews and the Fuels Manager database as noted in the response to condition B6 above. Volumes recorded did not exceed 3,500 ML per year.</p> <p>The total storage capacity of the nine storage tanks is 129 ML (as noted in the Annual Reviews).</p>	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
		<ul style="list-style-type: none"> Throughput EPL (Excel™) (last updated 14/03/22) 			
B8	The Applicant shall not receive flammable liquids from the M4 berth at any time.	<ul style="list-style-type: none"> Site inspection Site interview 	The new M7 berth has been constructed and the M4 is no longer used by Stolthaven.	Compliant	
B9	<p>Following the receipt of an amended EPL for the storage of additives on the Site, the Applicant may receive, store and use additives on Site in Intermediate Bulk Containers (IBCs) as described in the RTS, subject to implementation of the following measures, to the satisfaction of the Secretary:</p> <p>a) storage of additives in IBCs within a bund constructed in accordance with Australian Standard 1940-2004: The storage and handling of flammable and combustible liquids; and</p> <p>b) implementation of relevant safety procedures for fire safety and protection of personnel as required by Condition C4b).</p> <p>Note: If an amended EPL is not required for the storage of additives in IBCs on the Site, the Applicant may store and used additives in IBCs on the Site from the date of this consent, subject to satisfactory implementation of Conditions 89a) and 89b) above.</p>	<ul style="list-style-type: none"> Site interview Site inspection 	<p>The IBC containers referred to in this condition are not part of 'Stage 1' and the bunds have not been constructed.</p> <p>Note: This condition (and the conditions below) are not referring to the existing 50,000 litres Additive Tank (UN 3082) approved under SSD 6664.</p>	Not triggered	
B10	The Applicant shall not use more than 30,000 litres of additives from IBCs on the Site per year, until the vapour recovery unit is installed and commissioned in accordance with Conditions C15 and C16.	<ul style="list-style-type: none"> Site interview Site inspection Stolthaven Annual Review 2021 (GHD, 2022) Fuels Manager database Throughput EPL (Excel™) (last updated 14/03/22) 	Site personnel advised (confirmed by review of the Fuels Manager database) that throughput of flammable products has not occurred in excess of 1,300 ML per year and therefore the need for the Vapour Recovery Unit has not yet been triggered.	Not triggered	
Other Consents and Approvals					

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
B11	Prior to operation of the Development, or as otherwise agreed with the Secretary, the Applicant shall surrender Development Consent SSD 6664 for the Site in accordance with the EP&A Regulation. Note: This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under Part 4A of the EP&A Act. Surrender of a consent should not be understood as implying that works legally constructed under a valid consent can no longer be legally maintained or used.	<ul style="list-style-type: none"> Letter 'Surrender of Development Consent' from the Planning Secretary dated 8/05/20 	SSD 6664 was surrendered on 23 April 2020, confirmed by the letter from the Planning Secretary. The letter states "The requirement of Condition B11 of Schedule B of SSD 7065 has now been satisfied."	Compliant	
B12	Prior to the commencement of operation, the Applicant shall provide written evidence to the satisfaction of the Secretary, demonstrating the M7 berth has all relevant approvals and licenses to receive flammable and combustible liquids by ship.	<ul style="list-style-type: none"> Site interview Stolthaven Annual Review 2019 (GHD, 2020) Stolthaven Annual Review 2020 (GHD, 2021) Stolthaven Annual Review 2021 (GHD, 2022) 	SSD 7065 was activated in 2018 for the construction and operation of the new M7 berth and associated fuel pipeline, referred to as 'Stage 1' of the development. No other elements of the project as approved under SSD 7065 have subsequently been initiated. Flammable liquids are not received by ship.	Not triggered	
B13	Nothing in this consent impacts on the following consents/approvals: <ul style="list-style-type: none"> PA 12/001 issued under Section 111 of the EP&A Act dated 20 February 2012; and DA 293-08-00 as modified issued under Section 80 of the EP&A Act dated 6 April 2001. 	<ul style="list-style-type: none"> Site interview 	PA 12/001 relates to an activity approval for infrastructure that links a Hunter Development Corporation (now the Hunter and Central Coast Development Corporation) owned substation to the site. DA 293-08-00 applies to remediation of the Closure Area which is now managed by PON. The Auditor understands that the project has not impacted on these consents.	Compliant	
Mayfield Concept Plan					
B14	The Applicant shall carry out the Development generally in accordance with the requirements of the Mayfield Concept Plan approval (09_0096), as modified.	<ul style="list-style-type: none"> Mayfield Concept Plan approval documents available at: 	The Mayfield Concept Plan Approval and associated Contaminated Site Management Plan are administered and managed by PON.	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
		http://majorprojects.planning.nsw.gov.au/index.pl?action=search&page_id=&search=09_0096&authority_id=&search_site_type_id=&reference_table=&status_id=&decider=&from_date=&to_date=&x=0&y=0	<p>Stolthaven maintains coordination with PON and the Mayfield Concept Plan through the following:</p> <ul style="list-style-type: none"> Ongoing consultation (see response to condition 4-11 of SSD 6664 in Table A-2) Management plans are reviewed by PON (see response to management plan conditions in this table) A bi-monthly monitoring report is sent to PON (see response to condition C22) Annual Reviews are sent to PON for review (see response to condition D9) Groundwater monitoring in accordance with Stolthaven's EPL (EPL 20193). 		
B15	Within six months of the commencement of operation, or as otherwise agreed with the PON, the Applicant shall decommission and remove the existing pipeline connection and associated infrastructure between the Site and the M4 berth, to the satisfaction of the PON. The Applicant shall provide a copy of the approval to undertake the demolition works and provide evidence of completion of the works, to the satisfaction of the Secretary.	<ul style="list-style-type: none"> Complying Development Certificate No. CD2019/00068 Notice of Variation of Licence No. 20193 dated 31/01/20 Email chain between PON and Stolthaven with subject: 'Stolthaven - M4 Pipeline Removal' from 12/07/19 to Email to the Secretary subject: 'SSD 7065 – M4 Pipeline Removal' dated 9/10/19 	Consent to demolish the pipeline was issued under a complying development certificate (CDC No. CD2019/00068). The pipeline was removed in July 2019 in consultation with PON. Email correspondence between Stolthaven and the PON representative (Works Supervisor) were viewed by the Auditor confirming PON was satisfied with the removal of the pipeline. An inspection was undertaken by the PON representative on 30 August 2019. A copy of the signed demolition approval and emails confirming PON's satisfaction with the pipeline removal were provided to the Secretary on 9 October 2019. EPL 20193 was amended on 31 January 2020 (variation number 1587230) to reflect removal of the pipeline from the premises.	Compliant	
Statutory Requirements					

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
B16	The Applicant shall 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.	<ul style="list-style-type: none"> Management plans EPA's POEO Public Register (search for EPL 20193) 	The management plans for the project have been updated in 2020. Applications to update the EPL have been made on 22 October 2019 and 17 August 2021 in the audit period.	Compliant	
Structural Adequacy					
B17	The Applicant shall ensure new buildings and structures, and alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.	<ul style="list-style-type: none"> Site interview Site inspection Stolthaven Annual Review 2019 (GHD, 2020) Stolthaven Annual Review 2020 (GHD, 2021) Stolthaven Annual Review 2021 (GHD, 2022) 	<p>No new buildings or structures have been constructed in the audit period.</p> <p>Note: Construction of the M7 pipeline was undertaken in the previous audit period.</p>	Compliant	
B18	Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works. Part 8 of the EP&A Regulation sets out the requirements for the certification of the Development.	<ul style="list-style-type: none"> Site interview Site inspection Stolthaven Annual Review 2019 (GHD, 2020) Stolthaven Annual Review 2020 (GHD, 2021) Stolthaven Annual Review 2021 (GHD, 2022) 	<p>No new buildings or structures have been constructed in the audit period.</p> <p>Note: Construction of the M7 pipeline was undertaken in the previous audit period.</p>	Compliant	
Protection of Public Infrastructure					
B19	The Applicant shall:	<ul style="list-style-type: none"> EIS Site interview 	Stolthaven advised that no damage to public infrastructure has been detected by Stolthaven	Not triggered	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	a) repair, or pay the full costs associated with repairing public infrastructure that is damaged by the Development; and b) relocate, or pay the full costs associated with relocating public infrastructure that needs to be relocated as a result of the Development.	<ul style="list-style-type: none"> Stolthaven Annual Review 2019 (GHD, 2020) Stolthaven Annual Review 2020 (GHD, 2021) Stolthaven Annual Review 2021 (GHD, 2022) 	and no requests have been received to repair any public infrastructure. No public infrastructure is required to be relocated for the project.		
	Utilities and Services				
B20	Utilities, services and other infrastructure potentially affected by the construction and operation of the Development shall be identified prior to construction, to determine requirements for access to, diversion, protection, and/or support. Consultation with the relevant owner and/or provider of services that are likely to be affected by the Development shall be undertaken to make suitable arrangements for access to, diversion, protection, and/or support of the affected infrastructure as required. The cost of any such arrangements shall be borne by the Applicant.	<ul style="list-style-type: none"> Utilities and Services Plan (June 2020) Email from PON subject: 'Proposed Water Service' dated 28/09/21 	The Utilities and Services Plan (USMP) was updated in June 2020 and identifies the potentially affected utilities, services and other infrastructure by the project. Section 1.2 of the USMP includes details of consultation with service and utility providers including Ausgrid, Hunter Water, Jemena and Telstra and where each requirement has been addressed in the document. Stolthaven consulted with PON during the audit period regarding the installation of a new water meter on land leased by Stolthaven.	Compliant	
	Operation of Plant and Equipment				
B21	The Applicant shall ensure plant and equipment used for the Development is: a) maintained in a proper and efficient condition; and b) operated in a proper and efficient manner.	<ul style="list-style-type: none"> Maintenance Schedule 2022 (Excel™) Induction Register 2022 (Excel™) Stolthaven Annual Review 2021 (GHD, 2022) 	The requirements under this condition are met as follows: a) Stolthaven maintains a Maintenance Schedule in Microsoft Excel™ which was viewed by the Auditors (dated 2022). The Maintenance Schedule includes maintenance tasks (e.g. checks of first aid kits, spill kits, batteries, tank gauges, hoses and pumps) and documents dates the maintenance was	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
		<ul style="list-style-type: none"> Completed Fender Maintenance Checklist dated 8/12/21 Air compressor service record dated 25/01/22 Pump maintenance report dated 8/02/22 Site inspection Site interview 	<p>completed. As an example, the Auditors viewed a completed Fender Maintenance Checklist (dated 8 December 2021). It is noted on the checklist that the repairs were completed in February 2022. The Auditor also viewed a completed air compressor service docket (dated 25 January 2022) and a completed pump maintenance record (dated 8 February 2022).</p> <p>Tank NN1 was taken out of service in 2021 for routine maintenance 10 year off stream inspection. The tank was cleaned and inspected including thickness testing to American Petroleum Institute API 653 Aboveground Storage Tank Inspector Certification Program. The tank internal floor paint was removed, minor repairs undertaken and re-painted. Brackets were installed for future replacement of the stairway in 2022.</p> <p>b) Stolthaven operate in accordance with a SHEQ Management System. The Induction Register includes details that personnel have undertaken the appropriate training to operate in a proper and efficient manner. The register includes Stolthaven staff, drivers, contractors and chemists and surveyors. It was noted by the Auditor during the site interview that some inductions for drivers and contractors had expired. The Stolthaven representative advised these were irregular contractors who are kept in the database to</p>		

Table A-1: Compliance with Development Consent SSD 7065					
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			trigger the need to re-update their inductions should they return to site. Contractors with expired inductions are locked out at the gate.		
	Staged Submission of Plans or Programs				
B22	With the approval of the Secretary, the Applicant may: a) submit any strategy, plan or program required by this consent on a progressive basis; and/or b) combine any strategy, plan or program required by this consent.	<ul style="list-style-type: none"> 2019 Independent Environmental Audit Stolthaven Bulk Fuel Storage Facility (Ramboll 2019) Traffic Management Plan (May 2020) Operational Noise Management Plan (ONMP) (May 2020) Stormwater Management Plan (June 2020) Water Management Plan (June 2020) Utilities and Services Plan (June 2020) Landscape Management Plan (June 2020) Letter to the Department dated 27/07/20 (no subject) 	The 2019 Independent Audit notes evidence that the Department approved the staged submission of the CEMP and Pre-Construction Hazard Studies for Stage 1 works only on 16 October 2018. It is noted the Department approved the staged submission of the EMS and sub-plans for Stage 1 works only on 24 October 2018. Minor updates to the management plans were made in 2020 following the surrender of SSD 6664. The updated management plans were provided to the Department on 27 July 2020.	Compliant	
	Development Contribution				
B23	Prior to operation of the Development, the Applicant shall pay Council \$228,600 in development contributions.	<ul style="list-style-type: none"> Payment detail report dated 28/02/19 	A partial development contribution of \$50,000 was paid to the City of Newcastle (as agreed) for the operation of the M7 pipeline where it falls	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	Note: This contribution is subject to indexation to reflect quarterly variations in the Consumer Price Index All Group Index Number for Sydney, as published by the Australian Bureau of Statistics.	<ul style="list-style-type: none"> Tax invoice from the City of Newcastle Reference No. SSD_7065 Stolthaven Fuel Terminal Development Site interview 	within the consent area on 28 February 2019. The remaining balance is to be paid when the remainder of the consent (additional tankage and truck loading gantry) is constructed.		
	Dispute Resolution				
B24	In the event that a dispute arises between the Applicant and Council, PON or a public authority, in relation to a requirement under this consent, or relevant matter relating to the Development, either party may refer the matter to the Secretary for resolution. The Secretary's determination of the dispute shall be final and binding on the parties.	<ul style="list-style-type: none"> Site interview Complaints Register 	No disputes have occurred during the audit period as evident by the site interview and no complaints have been received.	Compliant	
	Compliance				
B25	The Applicant shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.	<ul style="list-style-type: none"> Induction Register 2022 (Excel™) Daily pre-starts (hard copy) Site inspection Induction (PowerPoint™) dated August 2020 	<p>Stolthaven maintains an Induction Register which was viewed during the audit. The register includes induction date, expiry date and induction number. In case of induction expiries, contractors are locked out of the gate. A copy of the Induction (PowerPoint™) was viewed during the audit and includes reference to the consent and relevant conditions for compliance.</p> <p>Daily pre-starts are completed at the beginning of each shift so that employees and contractors are aware of the requirements related to that day's activities. Hard copy examples of completed daily pre-start sheets were viewed by the Auditors during the site inspection.</p>	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
B26	The Applicant shall be responsible for environmental impacts resulting from the actions of all persons that it invites onto the Site, including contractors, sub-contractors and visitors.	<ul style="list-style-type: none"> Incident Register (EcoPortal) 	In addition to the Induction Register, Stolthaven also maintains an Incident Register (EcoPortal) which was viewed during the audit. Incidents were largely minor in nature and no reoccurring problems were identified (refer to Section 3.9 of the audit report for a discussion on incidents in the audit period).	Compliant	
Schedule C – Specific Environmental Conditions					
HAZARDS					
C1	<p>The Applicant shall implement:</p> <ul style="list-style-type: none"> a) all control measures proposed in the PHA; b) all relevant actions, as listed in Appendix C of the PHA, in response to the recommendations from the Buncefield incident investigation report; and c) all recommendations of the PHA. 	<ul style="list-style-type: none"> Preliminary Hazard Analysis (Cockshott Consulting Engineers Pty Ltd, 2016) 	<p>The PHA is not applicable to Stage 1 activities (i.e. construction and operation of the M7 pipeline).</p> <p>Note: A Preliminary Hazard Analysis (PHA) was prepared for the project by Cockshott Consulting Engineers Pty Ltd as part of the EIS for SSD 7065.</p>	Not triggered	
C2	<p>Prior to completion of detailed design of the Development, or within such further period as the Secretary may agree, the Applicant shall prepare a Surge Study for the Development. The Study shall:</p> <ul style="list-style-type: none"> a) be prepared in consultation with SafeWork NSW; b) consider scenarios including, but not limited to, pump trips and operation of the dry break coupling on marine loading arms; c) take into account the maximum pumping and tank filling rates when evaluating the pressures that can occur in the pipeline in a surge scenario; and d) evaluate the controls such as valve closing times and pressure rating of pipes and related equipment. <p>The findings of the Surge Study shall be included in the Final Hazard Analysis required under Condition C4(d).</p>	<ul style="list-style-type: none"> HAZOP Report and Risk Assessment (Cockshott Consulting Engineers Pty Ltd, 2016) Site interview 	<p>The Surge Study is not applicable to Stage 1 activities.</p> <p>Note: The Auditor understands the Surge Study for Stage 3 was completed in conjunction with the Stage 3 HAZOP. The Auditor understands from the site interview that this was prepared based on the detailed design of the project, as was assessed in the application for development consent.</p>	Not triggered	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
C3	Prior to finalising the detailed design of the Development, the Applicant shall consult with SafeWork NSW regarding any requirements under the <i>Work Health and Safety Act 2011</i> and <i>Work Health and Safety Regulation 2011</i> .	<ul style="list-style-type: none"> Letter from SafeWork NSW titled: 'Determination of notification – Major Hazard Facility' dated 27/06/18 Site interview SafeWork NSW Inspection Report dated 4/06/21 	<p>Stolthaven engaged with SafeWork NSW in June 2018. A notification was issued however it was later determined that the notification should be made when throughput volumes increase (which has not yet been triggered).</p> <p>Observation: The Stolthaven representative advised the Auditors that Stolthaven continues to participate in SafeWork NSW Forums, and SafeWork NSW undertook a spontaneous inspection of the site against the <i>Work Health and Safety Act 2011</i> in June 2021 as a part of inspections in the general area. The inspection report was provided to the Auditors and confirms that no issues were identified.</p>	Not triggered	
Pre-construction					
C4	<p>At least one month prior to the commencement of construction of the Development (except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as the Secretary may agree, the Applicant shall prepare and submit for the approval of the Secretary the studies set out under subsections a) to d) (the pre-construction studies). Construction, other than of preliminary works, shall not commence until approval has been given by the Secretary and, with respect to the Fire Safety Study, approval has also been given by Fire and Rescue NSW (FRNSW).</p> <p>a) CONSTRUCTION SAFETY STUDY</p> <p>A Construction Safety Study prepared in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 7, 'Construction Safety Study Guidelines'. For developments in which the construction period exceeds six (6) months, the commissioning portion of the Construction Safety Study may</p>	<ul style="list-style-type: none"> 2019 Independent Environmental Audit Stolthaven Bulk Fuel Storage Facility (Ramboll 2019) HAZOP Report and Risk Assessment (Cockshott Consulting Engineers Pty Ltd, 2016) 	<p>Construction of the relevant elements of the project has not commenced and approval of the pre-construction plans listed in the adjacent column has not been triggered. Observations are noted below on the current status of the plans.</p> <p>Observation: An update on the requirements under this condition follows:</p> <p>a) <u>CONSTRUCTION SAFETY STUDY</u></p> <p>The Construction Safety Study has not been progressed.</p> <p>b) <u>FIRE SAFETY STUDY</u></p> <p>The 2019 Independent Audit notes evidence that the Fire Safety Study was updated on 27 August 2018 for Stage 1 activities under SSD 7065. It is noted that the updated Fire Safety Study was approved by the Department on 16 October 2018.</p>	Not triggered	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	<p>be submitted two months prior to the commencement of commissioning.</p> <p>b) FIRE SAFETY STUDY The Applicant's Fire safety Study (FSS) shall be updated to incorporate any changes due to the Development. This Fire Safety Study shall be prepared with consultation with the FRNSW. This study shall cover the relevant aspects of the Department's Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study Guidelines' and the New South Wales Government's 'Best Practice Guidelines for Contaminated Water Retention and Treatment Systems'. Any outstanding issues from FRNSW shall be resolved and reported on in the FSS.</p> <p>c) HAZARD AND OPERABILITY STUDY A Hazard and Operability Study (HAZOP) for the Development chaired by an independent qualified person approved by the Secretary prior to the commencement of the study. In addition, the following shall be covered in the HAZOP:</p> <ul style="list-style-type: none"> surge issues for the various operating scenarios; the ullage (in the tanks) above the high high alarm/emergency shutdown level, taking into account the slow closing time assigned to the emergency shutdown valves by the surge study required under Condition C2 above; and the study shall be carried out in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 8, 'HAZOP Guidelines'. The study report must be accompanied by a program for the implementation of all recommendations made in the study. Safety related recommendations must be included in the final design of the Development. If the Applicant intends to defer the 		<p>The Fire Safety Study is required to be re-submitted prior to any future construction stages.</p> <p>c) <u>HAZARD AND OPERABILITY STUDY</u> The Hazard and Operability Study was completed by Cockshott Consulting Engineers in 2016 as part of the Response to Submissions.</p> <p>d) <u>FINAL HAZARD ANALYSIS</u> The Final Hazard Analysis cannot be progressed until the project has been constructed.</p>		

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	<p>implementation of a recommendation, justification must be included.</p> <p>d) FINAL HAZARD ANALYSIS</p> <p>A Final Hazard Analysis of the overall Site, consistent with the Department's <i>Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'</i>. The FHA shall report on the implementation of the recommendations of the PHA. The FHA shall:</p> <ul style="list-style-type: none"> • demonstrate that the tank overfill protection system (for all tanks) reduces the risk so far as reasonably practicable, and it achieves as a minimum safety integrity level (SIL) 2 rating. A SIL allocation and verification report for the Development shall be undertaken and enclosed in the FHA; • re-evaluate and confirm all relevant data and assumptions from the PHA, in particular, the outcomes of the surge analysis that may result in changes in the risk assessment and impact on the overall risk from the facility; • re-evaluate and confirm all control measures proposed for prevention and mitigation of incidents; and • report on implementation of the recommendations of the PHA. 				
	Pre-commissioning				
C5	<p>The Applicant shall develop and implement the plans and systems set out under subsections a) to c). No later than two months prior to the commencement of commissioning of the Development, or within such further period as the Secretary may agree, the Applicant shall submit, for the approval of the Secretary, documentation describing those plans and systems. Commissioning shall not commence until approval has been given by the Secretary.</p>	<ul style="list-style-type: none"> • 2019 Independent Environmental Audit Stolthaven Bulk Fuel Storage Facility (Ramboll 2019) • Emergency Plan (Stolthaven 2021) 	<p>Construction of the relevant elements of the project has not commenced and approval of the pre-commissioning plans listed in the adjacent column has not been triggered. Observations are noted below on the current status of the plans.</p> <p>Observation:</p> <p>a) <u>TRANSPORT OF HAZARDOUS MATERIALS</u></p>	Not triggered	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	<p>a) TRANSPORT OF HAZARDOUS MATERIALS Arrangements covering the transport of hazardous materials including details of routes to be used for the movement of vehicles carrying hazardous materials to or from the Site. The routes selected shall be consistent with the Department's Hazardous Industry Planning Advisory Paper No. 11, 'Route Selection'. Suitable routes identified in the study shall be used except where departures are necessary for local deliveries or emergencies.</p> <p>b) EMERGENCY PLAN The Applicant's Emergency Plan and detailed emergency procedures shall be updated to incorporate any changes due to the Development. The plan shall include detailed procedures for the safety of all people outside of the Site who may be at risk from the Site. The plan shall be in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 1, 'Industry Emergency Planning Guidelines'.</p> <p>c) SAFETY MANAGEMENT SYSTEM The Applicant's Safety Management System shall be updated to include any changes due to the Development. The document shall clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. Records shall be kept on Site and shall be available for inspection by the Secretary upon request. The Safety Management System shall be developed in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'. An inspection, testing and preventive maintenance program should be developed, implemented and maintained to ensure the reliability and availability of the key safety critical</p>		<p>A plan for the transport of hazardous materials for the project has not been progressed. Transport of materials is currently managed in accordance with the Traffic Management Plan.</p> <p>b) <u>EMERGENCY PLAN</u> The Emergency Plan is updated on an annual basis or following any incidents with the most recent version dated May 2021. Updates to the plan are recorded in the version history table. The plan was viewed onsite by the Auditors.</p> <p>c) <u>SAFETY MANAGEMENT SYSTEM</u> The Safety Management System is contained within the operational environmental management plans which are developed in consultation with PON (refer to the response to condition C10(b)). Compliance with the operational management plans has been noted in this table.</p>		

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	equipment is, at a minimum, consistent with the data estimated in the PHA.				
	Pre-startup Compliance Report				
C6	One month prior to the commencement of operation of the Development, the Applicant shall submit to the Secretary, a report detailing compliance with Conditions C4 and C5, including: a) dates of study/plan/system submission, approval, commencement of construction and commissioning; b) actions taken or proposed, to implement the recommendations and safety-related control measures in the studies/plans/systems; c) a pre-startup safety review/checklist; and d) responses to each requirement imposed by the Secretary under Condition C9 of this Schedule.		Operation of the project has not commenced and the requirement to submit a Pre-startup Compliance Report has not been triggered.	Not triggered	
	Post-startup Compliance Report				
C7	Three months after the commencement of operation of the Development, the Applicant shall submit to the Secretary, a report verifying that: a) the Emergency Plan required under Condition C5b is effectively in place and that at least one emergency exercise has been conducted; and b) the Safety Management System required under Condition C5c) has been fully implemented and that records required by the system are being kept		Operation of the project has not commenced and the requirement to submit a Post-startup Compliance Report has not been triggered.	Not triggered	
	Ongoing				
C8	HAZARD AUDIT Twelve months after the commencement of operation of the Development and every three years thereafter, or at such intervals as the Secretary may agree, the Applicant shall carry out a	<ul style="list-style-type: none"> Letter from the Department subject 'Stolthaven Bulk Fuel Facility – Stage 3 (SSD 7065)' dated 20/11/18 	Operation of the project has not commenced and the requirement to submit a Hazard Audit under SSD 7065 has not been triggered. Note: A Hazard Audit of the facility was required every three years under Condition 2-17A of	Not triggered	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	<p>comprehensive Hazard Audit of the Site and within one month of each audit submit a report to the Secretary.</p> <p>The audits shall be carried out at the Applicant's expense by a qualified person or team, independent of the Site, approved by the Secretary prior to commencement of each audit. Hazard Audits shall be consistent with the Department's Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit Guidelines' (HIPAP No. 5). The audit reports shall, in addition to the requirements provided in HIPAP No 5:</p> <ul style="list-style-type: none"> a) verify implementation of all actions proposed by the Applicant in response to the recommendations from the Buncefield incident investigation report as contained in Appendix C of the PHA; b) verify that an inspection, testing and preventative maintenance program has been developed, implemented and maintained to ensure the reliability and availability of key safety critical equipment; c) confirm the throughput and storage quantities of potentially hazardous materials are consistent with the PHA; and d) verify implementation of any measures arising from the reports submitted in respect of Conditions C1 to C5 of this Schedule. <p>The audit report must be accompanied by a program for the implementation of all recommendations made in the audit report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented. This audit report must also be submitted to SafeWork NSW.</p>		<p>SSD 6664 (refer to Table A-2). Confirmation from the Department was provided on 20 November 2018 that a subsequent Hazard Audit was not required for the facility under this condition as the requirement to undertake three-yearly hazard audits is now subject to Condition C8 of the development consent for SSD 7065 (refer to Table A-1), which requires the first hazard audit to be undertaken within 12 months of commencement of the project under SSD 7065.</p>		
	Further Requirements				
C9	The Applicant shall comply with all reasonable requirements of the Secretary in respect of the implementation of any measures	<ul style="list-style-type: none"> • Site interview • 2019 Independent Environmental Audit 	The Stolthaven representative advised no requests have been received regarding the implementation of the Pre-construction Hazard	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	arising from the reports submitted in respect of Conditions C1 to C8, within such time as the Secretary may agree.	Stolthaven Bulk Fuel Storage Facility (Ramboll 2019)	Studies. However, the Pre-construction Hazard Studies are required to be re-submitted prior to any future construction stages.		
C10	<p>The Applicant shall contribute to, in so far as it relates to the Site, preparation of or updates to the following plans and audits for the Mayfield Concept Plan, in consultation with the PON:</p> <p>a) the Mayfield Site Precinct Emergency Management Plan, February 2016 consistent with the Department's Hazardous Industry Advisory Paper No. 1 - Emergency Planning;</p> <p>b) a Safety Management System, consistent with the Department's Hazardous Industry Advisory Paper No. 9 - Safety Management; and</p> <p>c) hazard audits, consistent with the Department's Hazardous Industry Advisory Paper No. 5 - Hazard Audit Guidelines.</p> <p>Notes:</p> <ul style="list-style-type: none"> The intent of the condition is to ensure any cumulative hazard issues across the Mayfield Concept Plan area are identified and managed; and The relative contribution by the Applicant and timing shall be determined in consultation with the PON, to the satisfaction of the Secretary. 	<ul style="list-style-type: none"> 2019 Independent Environmental Audit Stolthaven Bulk Fuel Storage Facility (Ramboll 2019) Site interview Letter to the Department dated 27/07/20 (no subject) 	<p>The 2019 Independent Audit notes evidence that the Emergency Response Plan (a) and the Safety Management System (b) were provided to PON. No Hazard Audits (c) have been completed in the audit period (refer to the response to condition C8).</p> <p>Note: The operational management plans which comprise the Safety Management System were updated in the audit period (2020). The updated plans were not provided to PON for comment. As noted in the response to Condition B22, due to the minor nature of the updates made to the plan and considering there have been no changes to the project activities since the previously approved versions, it is Stolthaven's opinion that the consultation with PON was not required for the updated plans (as the changes to the Stolthaven plans would not result in amendments to the Mayfield Concept Plan plans). The Auditor agrees with this justification.</p>	Compliant	
	AIR QUALITY				
	Air Quality Limits				
C11	The Applicant shall install and operate equipment to ensure the Site complies with all load limits, air quality criteria and air quality monitoring requirements as specified in an EPL for the Site	<ul style="list-style-type: none"> EPL Annual Returns (2019, 2020, 2021) 	The Annual Returns for EPL 20193 confirm there have reportedly been no exceedances of load limits, air quality criteria or air quality monitoring.	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	Offensive Odour				
C12	The Applicant shall not cause or permit the emission of offensive odours beyond the boundary of the Site, as defined under Section 129 of the POEO Act.	<ul style="list-style-type: none"> EPL Annual Returns (2019, 2020, 2021) EPA's POEO Public Register 	Stolthaven has not been prosecuted under the POEO Act and has not reported any non-compliances in the EPL Returns or on EPA's Public Register. No odour issues were noted by the Auditors during the site inspection.	Compliant	
	Dust Minimisation				
C13	The Applicant shall carry out all reasonable and feasible measures to minimise dust generated by the Site.	<ul style="list-style-type: none"> Site inspection Air Quality Management Plan (AQMP) (June 2020) 	Stolthaven operates in accordance with the AQMP. Mitigation measures are described in Section 6.1 of the AQMP and include installation of emission controls on equipment, covered truck loads, hard surfaces or paving used on site, vegetation and switching off vehicles when not in use. These practices were in place during the site inspection.	Compliant	
C14	During construction and operation of the Development, the Applicant shall ensure: <ol style="list-style-type: none"> all vehicles on Site do not exceed the designated on Site speed limit; all loaded vehicles entering or leaving the Site have their loads covered; and all vehicles leaving the Site are cleaned of dirt, sand and other materials before they leave the Site, to avoid tracking these materials on to public roads. 	<ul style="list-style-type: none"> Site inspection EPL Annual Returns (2019, 2020, 2021) EPA's POEO Public Register 	Construction of the relevant elements of the project has not commenced. Compliance with this condition has been considered for operation of the facility as it relates to both SSD 7065 and SSD 6664. The requirements under this condition are met as follows: <ol style="list-style-type: none"> Speed limit signs were observed on site during the site inspection and all vehicles appeared to obey this limit. Condition O3.3 of the EPL requires that 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. Stolthaven have not reported any non-compliances against this condition in the EPL Returns or on EPA's Public Register. 	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
			<p>Compliance with this practice was observed during the site inspection.</p> <p>c) There was no evidence of dirt, sand or other materials being tracked onto public roads during the site inspection. Roads at the site are sealed.</p>		
	Vapour Recovery Unit				
C15	The Applicant shall install and commission a vapour recovery unit on the six bay truck loading gantry prior to: a) annual throughput of petroleum products exceeding 1,300 ML; or b) bulk storage of any Class 3 Flammable Liquid Dangerous Goods, described in the EIS.	<ul style="list-style-type: none"> Site interview Site inspection Stolthaven Annual Review 2021 (GHD, 2022) 	Throughput of flammable products in excess of 1,300 ML per year has not occurred and therefore the need for the Vapour Recovery Unit has not yet been triggered.	Not triggered	
C16	The vapour recovery unit shall be designed, constructed and operated in accordance with the requirements of the EPL.	<ul style="list-style-type: none"> Site interview Site inspection Stolthaven Annual Review 2021 (GHD, 2022) 	Throughput of flammable products in excess of 1,300 ML per year has not occurred and therefore the need for the Vapour Recovery Unit has not yet been triggered.	Not triggered	
C17	The Applicant shall monitor emissions from the vapour recovery unit stack in accordance with the requirements of the EPL. The monitoring data shall be reported to the PON on a quarterly basis, or in accordance with the monitoring frequency required in the EPL.	<ul style="list-style-type: none"> Site interview Site inspection Stolthaven Annual Review 2021 (GHD, 2022) 	Throughput of flammable products in excess of 1,300 ML per year has not occurred and therefore the need for the Vapour Recovery Unit has not yet been triggered.	Not triggered	
C18	If the results of monitoring show any impact greater than that predicted by the air quality modelling in the EIS, the Applicant shall investigate and implement further air quality mitigation measures as directed by the Secretary or the EPA.	<ul style="list-style-type: none"> Site interview Site inspection Stolthaven Annual Review 2021 (GHD, 2022) 	Throughput of flammable products in excess of 1,300 ML per year has not occurred and therefore the need for the Vapour Recovery Unit has not yet been triggered.	Not triggered	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	Air Quality Management Plan				
C19	<p>The Applicant shall update the existing Air Quality Management Plan for the Site to include the Development, to the satisfaction of the Secretary. This plan shall:</p> <ol style="list-style-type: none"> be approved by the Secretary prior to operation of the Development; describe the measures that would be implemented to ensure compliance with the relevant conditions of this consent and the EPL; describe the air quality monitoring to measure the performance of the Development against the conditions of this consent and the EPL; and demonstrate the air quality measures for the Development are consistent with the PON's Mayfield Air Quality Monitoring Plan, October 2015, or its latest version. 	<ul style="list-style-type: none"> Air Quality Management Plan (June 2020) 2019 Independent Environmental Audit Stolthaven Bulk Fuel Storage Facility (Ramboll 2019) Letter to the Department dated 27/07/20 (no subject) 	<p>The requirements under this condition are met as follows:</p> <ol style="list-style-type: none"> The current AQMP is dated June 2020. The 2019 Independent Audit notes evidence that the original AQMP was approved by the Department on 26 November 2015. The updated management plans were provided to the Department on 27 July 2020. Mitigation measures are described in Section 6.1 of the AQMP and include installation of emission controls on equipment, covered truck loads, hard surfaces or paving used on site, vegetation and switching off vehicles when not in use. These practices were in place during the site inspection. The air quality monitoring program is described in Section 6.3 of the AQMP and includes monitoring in accordance with the Mayfield Concept Plan as opposed to specific site monitoring. This approach was approved by the Department on 16 October 2018 as noted in the previous Independent Audit (Ramboll 2019). The 2016 independent audit notes evidence that the AQMP was sent to PON on 26 October 2015. Integration with the Mayfield Concept Plan is described in Section 3.3 of the AQMP. 	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
Greenhouse Gas					
C20	The Applicant shall implement all reasonable and feasible measures to minimise energy use on Site and greenhouse gas emissions produced on Site.	<ul style="list-style-type: none"> Air Quality Management Plan (June 2020) Site inspection NPI Report for 20/21 Stolthaven Newcastle Fuel Terminal 1464 Financial Year Letter from PON titled 'Electricity Pricing and Invoices' dated 30/07/21 Utilities and Services Plan (June 2020) 	<p>Greenhouse gas emissions are managed in accordance with the AQMP. Operational measures to minimise greenhouse gas emissions and energy use includes installation of emission control equipment, regular service and maintenance of machinery and switching off vehicles when not in use.</p> <p>Stolthaven reports greenhouse gas emissions via the National Pollutant Inventory (NPI). The signed NPI return for the 20/21 financial year was viewed by the Auditors. Annual energy use of the facility is reported as 492,934 kWh. Energy usage at the facility has been declining steadily since 2014 (628,338 kWh) according to data presented in Section 6 of the USMP.</p> <p>The Auditors also viewed a letter from PON dated 30 July 2021 advising Stolthaven of changes to electricity supply for the Port gate metres to renewable energy sourced from the Bodangora Wind Farm.</p>	Compliant	
Meteorological Monitoring					
C21	The Applicant shall install, operate and maintain a meteorological weather station on the Site that complies with the requirements of an EPL for the Site.	<ul style="list-style-type: none"> Live data feed EPL Annual Returns (2019, 2020, 2021) EPA's POEO Public Register Stolt Monthly Data_month_February 2022 (Excel™) 	<p>Weather monitoring requirements are met by using data from the nearby M4 monitoring station located within the PON Concept Plan Area and using the Stolthaven Terminal Automatic Weather Station. The AQMP states "The station meets NSW EPA monitoring guidelines AM-2 & AM-4". The monthly data report for February 2022 was viewed during the audit. The Bureau of Meteorology's radar loop for Newcastle is</p>	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
			displayed continuously on a computer screen in the wharf office. Condition M5 of the EPL outlines the requirements for weather monitoring. Stolthaven have not reported any non-compliances against this condition in the EPL Returns or on EPA's Public Register.		
	TRAFFIC AND ACCESS				
	Traffic Movements				
C22	<p>The Applicant shall:</p> <p>a) keep accurate records of truck movements including:</p> <ul style="list-style-type: none"> total hourly truck movements in peak periods; total truck movements per day; total truck movements per annum; the volume of flammable and combustible liquids received, stored and dispatched; <p>b) report these records in the Annual Review; and</p> <p>c) provide these records to PON on a bi-monthly basis.</p>	<ul style="list-style-type: none"> Traffic Movement Register (Excel™) Stolthaven Annual Review 2019 (GHD, 2020) Stolthaven Annual Review 2020 (GHD, 2021) Stolthaven Annual Review 2021 (GHD, 2022) Throughput EPL (Excel™) (last updated 14/03/22) Email to PON subject: 'Stolthaven Bimonthly Report' dated 1/03/22 	<p>The requirements under this condition are met as follows:</p> <p>a) Stolthaven maintains a Traffic Movement Register in Excel™ to track truck movements at the facility. Totals are calculated for hourly, daily and yearly periods. Hourly logs are also kept for busy periods. Volumes of flammable and combustible liquids received, stored and dispatched are reported in the throughput register and in the Annual Reviews as described in the response to condition B6.</p> <p>b) Truck movements are reported in Section 9.2 and Appendix D of the Annual Reviews for the audit period. Fuel storage is reported in Section 9.1.</p> <p>c) The bi-monthly report containing these records is sent to PON. An email dated 1 March 2022 to a PON representative with the Jan/Feb report attached was viewed during the site audit.</p>	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	Access and Parking				
C23	<p>The Applicant shall ensure:</p> <p>a) 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 <i>Australian Standards 2890.1:2004 and 2890.2:2002</i>;</p> <p>b) internal roads accessed by heavy vehicles are designed to ensure the swept paths of the longest vehicle and maneuverability through the site is in accordance with <i>AUSTROADS - Guide to Road Design</i>; and</p> <p>c) car, motorbike and bicycle parking spaces are provided on site in accordance with the requirements of the <i>Newcastle Development Control Plan, 2012</i>, where relevant.</p>	<ul style="list-style-type: none"> Site interview Site inspection Stolthaven Annual Review 2019 (GHD, 2020) Stolthaven Annual Review 2020 (GHD, 2021) Stolthaven Annual Review 2021 (GHD, 2022) 	<p>Construction of parking spaces is not part of Stage 1. No roads or car parks had been constructed during the audit period as noted during the site inspection (consistent with the Annual Reviews).</p> <p>Adequate parking is available onsite and was viewed during the site inspection (8 spaces available for 5 employees).</p> <p>Note: A plan has been agreed in consultation with the Mayfield Concept Area Site Auditor and PON to reuse material stockpiled on Lot 1 following the M7 construction (level 1 material) to form a roadway at the northwest end of Lot 1 that aligns with the rail corridor. The roadway will be encased in clay capping. Works commenced in 2022 and were being undertaken during the site inspection. The Stolthaven representative advised these works were expected to be completed approximately a week after the site inspection was undertaken (on 15 March 2022).</p>	Compliant	
	Operating Conditions				
C24	<p>The Applicant shall ensure:</p> <p>a) all heavy vehicle movements to and from the Site are made in a forward direction; and</p> <p>b) vehicles associated with the Site do not park or queue on the public road network outside the Mayfield Concept Plan area.</p>	<ul style="list-style-type: none"> Traffic Management Plan (May 2020) Site inspection 	<p>Heavy vehicle access is via Steel Works Road on to Operational Access Road. Heavy Vehicles then progress to the parking bay and proceed in a forward direction around and back onto Operational Access Road. There is a separate parking bay for heavy vehicles.</p>	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	Traffic Management Plan				
C25	<p>The Applicant shall update the existing operational Traffic Management Plan for the Site to include the Development. The plan shall:</p> <ol style="list-style-type: none"> be approved by RMS and the Secretary prior to operation of the Development; be prepared in consultation with PON, PNSW, Council, RMS, adjoining land owners and the local community; detail vehicle routes, access arrangements and coordination with other developments in the Mayfield Concept Plan area; include details of driver training awareness to minimise noise, in particular from reversing alarms and compression braking; detail procedures for assessing the effectiveness of measures to minimise heavy vehicles accessing residential streets; 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 be updated to be consistent with the PON's <i>Traffic Management Plan, Mayfield Concept Plan, November 2015</i> or its latest version. 	<ul style="list-style-type: none"> Traffic Management Plan (May 2020) Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit (Ramboll, 2016) Induction Register 2022 (Excel™) Site interview Vehicle Inspection Form (27/07/21) Letter to the Department dated 27/07/20 (no subject) 	<p>The requirements under this condition are met as follows:</p> <ol style="list-style-type: none"> The current TMP is dated May 2020. The 2019 Independent Audit notes evidence that the TMP was last approved by the Department on 16 October 2018. The updated management plans were provided to the Department on 27 July 2020. The 2016 Independent Audit notes evidence that the TMP was provided to PON on 26 October 2015. The 2019 Independent Audit notes evidence that approval was provided by the Department not to consult with external parties again for the revised TMP (August 2018) as changes were internal to the site only (i.e. construction parking). Vehicle routes are described in Section 7.1 of the TMP. Appendix A includes figures of the access routes. The vehicle routes shown in the TMP appeared consistent with those viewed on site. Driver awareness training included in Section 5 of the TMP and is part of the induction process. Stolthaven maintain an Induction Register which was viewed during the audit. The register includes induction date, expiry date and induction number. In case of induction expiries, contractors are locked out of the gate. 	Compliant	

Table A-1: Compliance with Development Consent SSD 7065																		
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#													
			<p>e) Procedures for assessing the effectiveness of measures to minimise heavy vehicles accessing the residential streets is included in Section 3.3.</p> <p>f) Operational traffic compliance is managed through the induction process. Section 5.1 of the TMP describes the road tanker induction process including the requirement to comply with the Australian Dangerous Goods Code. Stolthaven also follows the Safe Load Pass industry guidance. An Equipment Induction Checklist is completed for all road tanker equipment and logged within the Fuels Manager Database. An examples of a completed Vehicle Inspection Form for a prime mover dated 27 July 2021 was viewed during the audit.</p> <p>g) The Mayfield Concept Plan objectives are described in Section 3.1 of the TMP.</p>															
	NOISE																	
	Hours of Work																	
C26	<p>The Applicant shall comply with the hours of work in Table 1.</p> <p><i>Table 1: Hours of Work</i></p> <table><tr><th>Activity</th><th>Day</th><th>Hours</th></tr><tr><td rowspan="3">Construction</td><td>Monday – Friday</td><td>7am – 6pm</td></tr><tr><td>Saturday</td><td>8am – 1pm</td></tr><tr><td>Sunday & Public Holidays</td><td>Nil</td></tr><tr><td>Operation</td><td>Monday – Sunday</td><td>24 hours</td></tr></table>	Activity	Day	Hours	Construction	Monday – Friday	7am – 6pm	Saturday	8am – 1pm	Sunday & Public Holidays	Nil	Operation	Monday – Sunday	24 hours	<ul style="list-style-type: none">Stolthaven Annual Review 2019 (GHD, 2020)Stolthaven Annual Review 2020 (GHD, 2021)Stolthaven Annual Review 2021 (GHD, 2022)	<p>Operational hours are Monday to Sunday, 24 hours per day as evident in the Annual Reviews. Additionally, the hours of operation are specified in condition L6 of the EPL. Stolthaven have not reported any non-compliances against this condition in the EPL Returns or on EPA’s Public Register.</p> <p>No construction has been undertaken during the audit period.</p>	Compliant	
Activity	Day	Hours																
Construction	Monday – Friday	7am – 6pm																
	Saturday	8am – 1pm																
	Sunday & Public Holidays	Nil																
Operation	Monday – Sunday	24 hours																

Table A-1: Compliance with Development Consent SSD 7065																				
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#															
		<ul style="list-style-type: none">EPL Annual Returns (2019, 2020, 2021)EPA's POEO Public Register	Note: Due to COVID-19, Stolthaven staff undertook split shifts to reduce potential exposure and ensure continuation of safe business.																	
	Construction Noise																			
C27	<p>The Applicant shall implement all reasonable and feasible management and mitigation measures to ensure noise generated during construction of the Development does not exceed the construction noise goals in Table 2.</p> <p><i>Table 2: Construction Noise Goals dB(A)</i></p> <table><tr><th colspan="2">Location</th><th>LAeq(15min)</th></tr><tr><td>R1, R2, R3, R4, R5, R6, R7, R8</td><td>Mayfield</td><td>53</td></tr><tr><td>R9</td><td>Carrington</td><td>54</td></tr><tr><td>R10</td><td>Stockton</td><td>57</td></tr><tr><td>R11</td><td>Mayfield East Public School</td><td>55</td></tr></table> <p>Notes:</p> <ul style="list-style-type: none">To identify the locations referred to in Table 2, see Appendix 5.Construction noise generated by the Development is to be measured in accordance with the EPA's Interim Construction Noise Guideline.	Location		LAeq(15min)	R1, R2, R3, R4, R5, R6, R7, R8	Mayfield	53	R9	Carrington	54	R10	Stockton	57	R11	Mayfield East Public School	55	<ul style="list-style-type: none">Site interviewStolthaven Annual Review 2019 (GHD, 2020)Stolthaven Annual Review 2020 (GHD, 2021)Stolthaven Annual Review 2021 (GHD, 2022)	Construction works for the project were not undertaken in the audit period.	Not triggered	
Location		LAeq(15min)																		
R1, R2, R3, R4, R5, R6, R7, R8	Mayfield	53																		
R9	Carrington	54																		
R10	Stockton	57																		
R11	Mayfield East Public School	55																		
C28	<p>Construction outside of the hours identified in Condition C26 may be undertaken in the following circumstances:</p> <p>a) works that are inaudible at the nearest sensitive receivers;</p> <p>b) works agreed to in writing by the Secretary;</p> <p>c) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or</p> <p>d) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm.</p>	<ul style="list-style-type: none">Site interviewStolthaven Annual Review 2019 (GHD, 2020)Stolthaven Annual Review 2020 (GHD, 2021)Stolthaven Annual Review 2021 (GHD, 2022)	Construction works for the project were not undertaken in the audit period.	Not triggered																

Table A-1: Compliance with Development Consent SSD 7065																																																																												
ID	Condition		Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#																																																																						
	Mayfield Concept Plan Site Noise Model																																																																											
C29	Prior to the commencement of construction of the Development, the Applicant shall provide the <i>Noise and Vibration Impact Assessment</i> , prepared by AECOM dated 19 February 2016, including all modelling data, to the PON for the purposes of updating the Site Noise Model.		<ul style="list-style-type: none">Stolthaven Annual Review 2019 (GHD, 2020)Stolthaven Annual Review 2020 (GHD, 2021)Stolthaven Annual Review 2021 (GHD, 2022)Operational Noise Management Plan (AECOM 2020)	Construction works for the project were not undertaken in the audit period and therefore the requirements of this condition have not been triggered. The ONMP acknowledges the commitment that Stolthaven will provide the Noise and Vibration Impact Assessment to PON prior to commencement of construction (section 3.1 in the ONMP). Note: PON uses a Cumulative Environmental Noise Management Tool (CENMT) that has been developed for the Mayfield Concept Plan to manage individual site noise requirements. The Operational Noise Compliance Assessments include assessment against the allocated noise quotas.	Not triggered																																																																							
	Operational Noise Limits																																																																											
C30	The Applicant shall ensure noise from the Site does not exceed the noise limits in Table 3. <i>Table 3: Noise Limits dB(A)</i> <table><tr><th>No.</th><th>Location</th><th>Day</th><th>Evening</th><th>Night</th><th>Night</th><th>Night</th></tr><tr><td></td><td></td><td>L_{eq}(15min)</td><td>L_{eq}(15min)</td><td>L_{eq}(15min)</td><td>L_{eq}(8hr)</td><td>L₁(1min)</td></tr><tr><td>R1</td><td>1 Arthur Street, Mayfield</td><td>35</td><td>35</td><td>35</td><td>N/A</td><td>45</td></tr><tr><td>R2</td><td>52 Arthur Street, Mayfield</td><td>35</td><td>35</td><td>35</td><td>N/A</td><td>48</td></tr><tr><td>R3</td><td>2 Crebert Street, Mayfield</td><td>41</td><td>41</td><td>41</td><td>35</td><td>49</td></tr><tr><td>R4</td><td>21 Crebert Street, Mayfield</td><td>40</td><td>40</td><td>40</td><td>35</td><td>47</td></tr><tr><td>R5</td><td>24 Crebert Street, Mayfield</td><td>42</td><td>42</td><td>42</td><td>37</td><td>51</td></tr><tr><td>R6</td><td>30 Crebert Street, Mayfield</td><td>41</td><td>41</td><td>41</td><td>35</td><td>50</td></tr><tr><td>R7</td><td>50 Crebert Street, Mayfield</td><td>35</td><td>35</td><td>35</td><td>N/A</td><td>50</td></tr><tr><td>R8</td><td>2 McNeil Close, Mayfield</td><td>35</td><td>35</td><td>35</td><td>N/A</td><td>48</td></tr></table> Note:		No.	Location	Day	Evening	Night	Night	Night			L _{eq} (15min)	L _{eq} (15min)	L _{eq} (15min)	L _{eq} (8hr)	L ₁ (1min)	R1	1 Arthur Street, Mayfield	35	35	35	N/A	45	R2	52 Arthur Street, Mayfield	35	35	35	N/A	48	R3	2 Crebert Street, Mayfield	41	41	41	35	49	R4	21 Crebert Street, Mayfield	40	40	40	35	47	R5	24 Crebert Street, Mayfield	42	42	42	37	51	R6	30 Crebert Street, Mayfield	41	41	41	35	50	R7	50 Crebert Street, Mayfield	35	35	35	N/A	50	R8	2 McNeil Close, Mayfield	35	35	35	N/A	48	<ul style="list-style-type: none">Operational Noise Compliance Assessment (AECOM 2019)Operational Noise Compliance Assessment (AECOM 2020)Operational Noise Compliance Assessment (AECOM 2021)	Compliance with this condition has been considered for operation of the facility as it relates to both SSD 7065 and SSD 6664. Operational noise assessments are undertaken on an annual basis by AECOM. No exceedances of criteria were identified during the audit period. Note: Noise emissions associated with vessels at M7 are excluded from SSD 7065 and therefore are not included in the operational noise assessments completed by AECOM. Additionally, Stolthaven have confirmation from the Department, the EPA and PON that noise generated from Steel Works Road (i.e. fuel truck movements) do not form part of the project's operational activities and are	Compliant	
No.	Location	Day	Evening	Night	Night	Night																																																																						
		L _{eq} (15min)	L _{eq} (15min)	L _{eq} (15min)	L _{eq} (8hr)	L ₁ (1min)																																																																						
R1	1 Arthur Street, Mayfield	35	35	35	N/A	45																																																																						
R2	52 Arthur Street, Mayfield	35	35	35	N/A	48																																																																						
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R4	21 Crebert Street, Mayfield	40	40	40	35	47																																																																						
R5	24 Crebert Street, Mayfield	42	42	42	37	51																																																																						
R6	30 Crebert Street, Mayfield	41	41	41	35	50																																																																						
R7	50 Crebert Street, Mayfield	35	35	35	N/A	50																																																																						
R8	2 McNeil Close, Mayfield	35	35	35	N/A	48																																																																						

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	<ul style="list-style-type: none"> To identify a noise receiver location, refer to the figure in Appendix 5. Noise generated by the Site is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the EPA's NSW Industrial Noise Policy. 		therefore also excluded from the operational noise assessments.		
C31	The Applicant shall ensure fire pumps on the Site are designed and operated so that noise from routine testing or maintenance is not more than $Leq(1smin)$ 53 dB(A) at sensitive receivers. Routine testing or maintenance must only occur during the day time.	<ul style="list-style-type: none"> Operational Noise Compliance Assessment (AECOM 2019) Operational Noise Compliance Assessment (AECOM 2020) Operational Noise Compliance Assessment (AECOM 2021) 	Routine noise testing of the fire pumps is undertaken on a yearly basis by AECOM. Results of the testing during the audit period confirm all measurements are below 53 dB(A) at all receivers under both neutral and adverse weather conditions.	Compliant	
	Mayfield Concept Plan Noise Quota				
C32	<p>The Applicant shall:</p> <ul style="list-style-type: none"> a) ensure noise from the Site does not exceed the noise quotas provided by the PON in accordance with the Site Noise Model; and b) comply with the directions of the PON in relation to the management of noise from the Site. 	<ul style="list-style-type: none"> Operational Noise Compliance Assessment (AECOM 2019) Operational Noise Compliance Assessment (AECOM 2020) Operational Noise Compliance Assessment (AECOM 2021) 	<p>The requirements under this condition are met as follows:</p> <ul style="list-style-type: none"> a) PON uses CENMT developed for the Mayfield Concept Plan to manage individual site noise requirements (refer to response to condition C29). The Operational Noise Compliance Assessments completed annually by AECOM include assessment against the allocated noise quotas. No exceedances of criteria were identified during the audit period. b) The Stolthaven representative advised no directions have been received from PON. 	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
		<ul style="list-style-type: none"> Site interview Email to PON subject: 'Stolthaven Bimonthly Report' dated 1/03/22 	The bi-monthly report is sent to PON and includes a summary of noise monitoring data. An email dated 1 March 2022 to a PON representative including the bi-monthly report as an attachment was viewed during the audit.		
	Operating Conditions				
C33	<p>The Applicant shall:</p> <ol style="list-style-type: none"> implement all reasonable and feasible noise management and mitigation measures to prevent and minimise noise from the Site; implement, where possible, a safe system of work so that tonal movement alarms, such as reversing beepers, are not needed on the Site; maintain the effectiveness of any noise suppression equipment or plant at all times and ensure defective plant that may generate offensive noise is not used operationally until fully repaired; and regularly assess noise monitoring data and relocate, modify and/or stop operations to ensure compliance with the relevant conditions of this consent. 	<ul style="list-style-type: none"> Operational Noise Compliance Assessment (AECOM 2019) Operational Noise Compliance Assessment (AECOM 2020) Operational Noise Compliance Assessment (AECOM 2021) Complaints Register 	<p>The requirements under this condition are met as follows:</p> <ol style="list-style-type: none"> Stolthaven operate in accordance with the facility's ONMP (refer to condition C34). The Auditor is of the opinion that all reasonable and feasible noise management and mitigation measures to prevent and minimise noise have been implemented by Stolthaven as no exceedances of noise criteria were identified during the audit period and no complaints relating to noise have been received by the facility. The Operational Noise Compliance Assessments confirm that reversing beepers are not used on site. The Stolthaven representative advised the nature of the equipment used on site does not require noise suppression equipment. This is consistent with observations from the site inspection. Operational noise is assessed on an annual basis by AECOM. No exceedances of criteria were identified during the audit period. 	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	Noise Management Plan				
C34	<p>The Applicant shall update the existing Noise Management Plan for the Site to include the Development. The plan shall:</p> <ol style="list-style-type: none"> be prepared by a suitably qualified expert, in accordance with EPA Guidelines; be approved by the Secretary prior to operation of the Development; describe the measures that would be implemented to ensure compliance with the: <ul style="list-style-type: none"> noise limits in Condition C30; and noise quotas provided by PON, to maintain compliance with the noise goals in the Mayfield Concept Plan; include a procedure for implementing noise mitigation measures, should the Applicant be directed to by the EPA, PON or the Secretary, or should non-compliances be detected; and include procedures to receive, record and respond to complaints. 	<ul style="list-style-type: none"> Operational Noise Management Plan (May 2020) Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit (Ramboll 2016) Complaints Register Letter to the Department dated 27/07/20 (no subject) 	<p>The current ONMP is dated May 2020. The requirements under this condition are met as follows:</p> <ol style="list-style-type: none"> The ONMP was prepared by AECOM. Section 2.2 of the ONMP declares that the plan was prepared in accordance with the EPA's Industrial Noise Policy (2000) and the <i>Australian Standard AS 1055 -1997 Acoustics - Description and measurement of environmental noise</i>. It is noted that the Industrial Noise Policy 2000 was replaced by the Noise Policy for Industry in 2017 however, the 2000 guidelines still applies to the operation as described in the EPA document <i>Implementation and transitional arrangements for the Noise Policy for Industry (2017)</i>, point 8 which states: "The NSW Industrial Noise Policy (2000) will continue to apply where it is referenced in existing statutory instruments (such as consents and licences), except for the NSW Industrial Noise Policy Section 4 modifying factors, which will be transitioned to the Noise Policy for Industry (2017)...". The 2016 Independent Audit notes evidence that the ONMP was approved by the Department on 26 November 2015. The ONMP was updated in 2018 (previous audit) and 2020. The updated management plans 	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
			<p>were provided to the Department on 27 July 2020.</p> <p>c) Section 3 of the ONMP includes a section on 'Noise Management and Mitigation Measures'. Section 4 related to Noise Monitoring and Reporting requirements, including undertaking noise monitoring in accordance with the Mayfield Concept Plan.</p> <p>d) Procedures are described in Section 4.3 to Section 4.5 of the ONMP and includes investigation procedures in the case of exceedances or complaints and corrective actions.</p> <p>e) Complaint procedures are described in Section 6 of the ONMP. No complaints were received by the facility in relation to noise during the audit period.</p>		
	Noise Monitoring				
C35	<p>The Applicant shall monitor noise from the Site. The monitoring shall:</p> <p>a) be undertaken annually, or to address genuine noise complaints related to the Site as determined by the Secretary, EPA or the PON;</p> <p>b) be undertaken in accordance with the <i>NSW Industrial Noise Policy</i> and the <i>Noise Verification Monitoring Plan, October 2015</i> or its latest version;</p> <p>c) demonstrate compliance with the noise limits in this consent and the noise quotas provided by PON in accordance with the Mayfield Concept Plan; and</p> <p>d) be reported annually to the Secretary, EPA and the PON.</p>	<ul style="list-style-type: none"> Operational Noise Compliance Assessment (AECOM 2019) Operational Noise Compliance Assessment (AECOM 2020) Operational Noise Compliance Assessment (AECOM 2021) Complaints Register 	<p>The requirements under this condition are met as follows:</p> <p>a) Annual noise monitoring was undertaken by AECOM during the audit period. No complaints have been received for noise during the audit period.</p> <p>b) Operational noise is calculated in accordance with the <i>Industrial Noise Policy 2000</i> and <i>Noise Policy for Industry 2017</i> (as applicable) and is referenced in the Operational Noise Compliance Assessments undertaken by AECOM.</p>	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	Note: The monitoring requirements could be satisfied by the monitoring network required for the Mayfield Concept Plan once established.	<ul style="list-style-type: none"> EPL Annual Returns Stolthaven Annual Review 2019 (GHD, 2020) Stolthaven Annual Review 2020 (GHD, 2021) Stolthaven Annual Review 2021 (GHD, 2022) Email to PON subject: 'Stolthaven Bimonthly Report' dated 1/03/22 	<p>c) Compliance with noise limits under condition C30 and noise quotas under the Mayfield Concept Plan is assessed in the annual noise monitoring reports by AECOM. No exceedances of criteria were identified during the audit period.</p> <p>d) Noise monitoring data is included in the bi-monthly Reports sent to PON, the Annual Reviews and with the Annual Returns sent to the EPA.</p>		
CONTAMINATION AND REMEDIATION					
Statutory Requirements					
C36	<p>The Applicant shall carry out the Development in accordance with the requirements of the:</p> <ul style="list-style-type: none"> Remediation Notice; CSMP. 	<ul style="list-style-type: none"> Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit (Ramboll 2019) 	<p>The timing of activities under the Remediation Notice have not been triggered by project.</p> <p>Note: The 2019 Independent Audit notes evidence of a Site Audit Report for M7 (dated 7 October 2018) conducted to verify if the project is consistent with the Remediation Notice and CSMP objectives. The report concluded that <i>"the EMP will provide an adequate framework for the management of the remnant contamination at the site"</i> and that <i>"The Maintenance of Remediation Notice between EPA and Port of Newcastle requires an annual review of compliance with the CSMP"</i>. The annual review of compliance with the CSMP will be triggered following commencement of the project.</p>	Not triggered	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
C37	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 meet the requirements of the documents listed in Condition C36 above.		Construction has not commenced under this consent.	Not triggered	
C38	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 C36 above.		Operations have not commenced under this consent. Note: This does not include operational activities previously approved under SSD 6664 which has now been surrendered.	Not triggered	
Human Health Risk					
C39	The Applicant shall provide written advice 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.	<ul style="list-style-type: none"> Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit (Ramboll, 2016) 	The 2016 Independent Audit notes " <i>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. 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).</i> ".	Compliant	
SOIL AND WATER					
Imported Soil					
C40	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;	<ul style="list-style-type: none"> Site interview Site inspection VENM Assessment Buttai Quarry (Coffey 	Soil has not been imported to the site. Observation: As discussed in the response to condition C23, a plan has been agreed in consultation with the Mayfield Concept Area Site	Not triggered	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	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 Secretary upon request.	Services Australia Pty Ltd, 2018) <ul style="list-style-type: none"> Email from the Site Auditor subject: 'Left over dirt mound' dated 7/12/21 Email from Daracon representative subject: 'Stolthaven import material' dated 11/04/22 	Auditor and PON to reuse material stockpiled on Lot 1 (within the site and therefore not considered as imported material) following the M7 construction (level 1 material) to form a roadway at the northwest end of Lot 1 that aligns with the rail corridor. The roadway will be encased in clay capping. Works commenced in 2022 and were being undertaken during the site inspection. The Stolthaven representative advised these works were expected to be completed approximately a week after the site inspection was undertaken (on 15 March 2022). Although not considered imported material, Stolthaven has met the requirements under this condition as follows: a) An assessment of the material was undertaken by Coffey Services Australia Pty Ltd in December 2018 which confirmed the material as VENM. The Site Auditor confirmed the approach in an email dated 7 December 2021. b) Records of soil imports were kept by Daracon. A total of 1,974.75 tonnes of soil was imported for the works (confirmed by email from the Daracon representative). c) The Auditor understands no requests have been received from PON or the EPA to view these records.		
	Water Licences				

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
C41	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> . Note: Licences are required for groundwater bores, excavations that may intercept groundwater, dewatering activities and extraction or interception of surface water.	<ul style="list-style-type: none"> EIS Water NSW's NSW Water Register (searched 1 March 2022) 	A search of Water NSW's NSW Water Register (by Lot/DP) confirms Stolthaven holds Bore Licence Certificates issued under the Water Act 1912 for the groundwater monitoring wells (licence numbers 20BL173607, 20BL173828, 20BL173829, 20BL173830). Extraction licences are not held by Stolthaven and are not required for the operation consistent with the EIS assessment (p.g. 37).	Compliant	
Discharge Limits					
C42	The Applicant shall ensure all water discharges from the Site comply with the requirements specified in an EPL for the Site.	<ul style="list-style-type: none"> EPL Annual Returns (2019, 2020, 2021) EPA's POEO Public Register 	Stolthaven has not reported any non-compliances against this condition in the EPL Returns or on EPA's Public Register.	Compliant	
Stormwater and Drainage System					
C43	The Applicant shall maintain the stormwater and drainage system for the Site to the satisfaction of PON.	<ul style="list-style-type: none"> Site inspection Site interview Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit (Ramboll, 2016) Maintenance Capping Inspection – Stolthaven Site (3/02/22) 	The project design (including stormwater) was developed in consultation with PON as evidenced in the 2016 Independent Audit. The stormwater drainage system is regularly inspected on a daily and monthly basis. An example of a completed inspection for the capping area dated 3 February 2022 was viewed during the audit. The Stolthaven representative advised during the site interview that there have been no issues with stormwater drainage at the site.	Compliant	
Stormwater and Drainage Management Plan					
C44	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: a) be updated prior to operation of the Development;	<ul style="list-style-type: none"> Stormwater Management Plan (June 2020) 	The requirements under this condition are met as follows: a) Operation of the development has not commenced; however, the SWMP was	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	<p>b) be prepared in accordance with OEH's <i>Managing Urban Stormwater</i> and other relevant guidelines;</p> <p>c) detail the stormwater infrastructure to be installed for the Development and detail how it integrates with the existing stormwater system on the Site;</p> <p>d) describe the measures to be implemented to maintain this infrastructure over time;</p> <p>e) include a program to monitor stormwater quality and quantity; and</p> <p>f) detail how the stormwater infrastructure integrates and is consistent with the PON's <i>Concept Stormwater Management Strategy</i> dated 9 July 2015 or its latest version.</p>	<ul style="list-style-type: none"> Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit (Ramboll, 2016) Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit (Ramboll, 2019) Managing Urban Stormwater: Soils and Construction Guidelines Maintenance Capping Inspection – Stolthaven Site dated 3/02/22 Independent Environmental Audit Action Register Letter to the Department dated 27/07/20 (no subject) 	<p>updated in June 2020 following the surrender of SSD 6664. The 2016 Independent Audit notes evidence that the previous SWMP was approved by the Department on 11 December 2015. The updated management plans were provided to the Department on 27 July 2020.</p> <p>b) The SWMP has been prepared in accordance with the Mayfield Concept Plan <i>Concept Stormwater Management Strategy</i> (AECOM, 2015). The <i>Managing Urban Stormwater: Soils and Construction</i> Guidelines are largely associated with construction activities. However, it is noted that the general objectives outlined in Section 2 of the SWMP are consistent with the guideline objectives. The 2019 Independent Audit included the recommendation to undertake a review of the SWMP prior to commencement of further works under SSD 7065 to ensure it is consistent with the <i>Managing Urban Stormwater</i> Guidelines, including the addition of figures where relevant. The Stolthaven representative advised this review will be undertaken prior to the commencement of further works under SSD 7065 and remains within the Independent Environmental Audit Action Register (viewed by the Auditors). For completeness, the outstanding recommendation from the previous audit has been included below.</p>		

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
			<p>Recommendation (repeated from 2019 Independent Audit): Undertake a review of the SWMP prior to commencement of further works under SSD 7065 to ensure it is consistent with the <i>Managing Urban Stormwater</i> Guidelines, including the addition of figures where relevant.</p> <p>c) Section 4 of the SWMP describes the stormwater infrastructure that is to be installed on site and how this integrates with the existing system. The stormwater infrastructure includes minor/major open drains and swales, stormwater pipes, bunds and ponds. The stormwater infrastructure described in the SWMP appeared to be generally consistent with those observed during the site inspection.</p> <p>d) A maintenance program is included in Section 4.3 of the SWMP and includes daily and monthly inspections. An example of a completed inspection for the capping area dated 3 February 2022 was viewed during the audit.</p> <p>e) The monitoring program is included in Section 8 of the SWMP and visual inspection of the site and areas receiving runoff from the site and monitoring water quality following rainfall events. Following a rainfall event, a water sample is collected from all bunds and is tested prior to its release through the Puraceptor™ on site. During the audit period,</p>		

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
			<p>some instances occurred where EPL criteria for water quality were exceeded (September 2019, December 2019, June 2020, August 2020, December 2020 and February 2021). In each instance, re-testing was undertaken, and nil discharge occurred for confirmed exceedances. All stormwater discharged from the site was compliant with the requirements of EPL 20193.</p> <p>f) Section 4.1.2 of the SWMP describes how the facility's stormwater infrastructure integrates with the Mayfield Concept Plan and the PON Stormwater Management Strategy.</p>		
	Water Management Plan				
C45	<p>The Applicant shall update the existing Water Management Plan for the Site to include the Development, to the satisfaction of the Secretary. The plan shall:</p> <ol style="list-style-type: none"> be updated prior to operation of the Development; include procedures for the prevention and management of spills and leaks from the Development, including the terminal, M7 berth and pipeline; include a surface water monitoring program to measure the quality and quantity of water discharges from the Site in accordance with an EPL for the Site; include a groundwater monitoring program to evaluate the integrity of the surface capping in minimising groundwater contamination and monitor in accordance with the requirements of an EPL for the Site; and include a surface and groundwater response plan, including remedial actions and procedures to be followed in the event of an incident. 	<ul style="list-style-type: none"> Water Management Plan (June 2020) EPL Annual Returns (2019, 2020, 2021) EPA's POEO Public Register EPL 20193 Groundwater monitoring summary report Q1 2014 – Q3 2021 Stolthaven Annual Review 2019 (GHD, 2020) Stolthaven Annual Review 2020 (GHD, 2021) 	<p>The requirements under this condition are met as follows:</p> <ol style="list-style-type: none"> Operation of the development has not commenced; however, the WMP was updated in June 2020 following the surrender of SSD 6664. The updated management plans were provided to the Department on 27 July 2020. Section 12 of the WMP includes a procedure to prevent and manage spills and leaks and includes enacting the Emergency Response Plan, Pollution Incident Response Management Plan (PIRMP) and maintenance of bunding. The PIRMP was last tested on 18 April 2021 according to the EPA's POEO Public Register. 	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
		<ul style="list-style-type: none"> Stolthaven Annual Review 2021 (GHD, 2022) Letter to the Department dated 27/07/20 (no subject) 	<p>c) A surface water monitoring program is included in Section 9.5 of the WMP and includes visual inspections and testing of any discharge in accordance with the EPL.</p> <p>d) The groundwater monitoring program is included in Section 10.5 of the WMP and includes monitoring on a quarterly basis and in accordance with the EPL. A Groundwater monitoring summary report is available on Stolthaven's website dating back to Q1 2014 (last updated Q3 2021).</p> <p>Observation: Reported results (GHD, 2021) of the groundwater monitoring indicate that groundwater at the site is becoming more acidic (refer to discussion in Section 3.6.1 of the Audit Report). pH levels at these locations remain within background concentrations and levels have been generally stable, so this is considered by AECOM not to be an issue at this stage. It is noted by AECOM that further investigations may be required if these trends persist. The Auditor agrees with the recommendation to undertake further investigations should trends persist.</p> <p>Recommendation: Given the results of the monitoring as described, it is recommended that the WMP is updated in consultation with the Auditor and PON to include specific triggers for pH (time and/or value based) that clearly define when further investigations or actions are required.</p>		

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
			<p>e) A surface water response program is included in Section 9.7 of the WMP and includes resampling and testing of any suspected contaminated water, then removal offsite via discharge procedures if required.</p> <p>The groundwater monitoring program is included in Section 10.6 of the WMP and includes operations in accordance with the Emergency Response Plan.</p> <p>The water quality results from licensed discharge events are reported in Section 7.3.1 of the Annual Reviews. During the audit period, some instances occurred where EPL criteria was exceeded (September 2019, December 2019, June 2020, August 2020, December 2020 and February 2021). In each instance, re-testing was undertaken, and nil discharge occurred for confirmed exceedances.</p>		
	Bunding and Storage of Liquids				
C46	The Applicant shall store all chemicals, fuels and oils used on the Site in appropriately bunded 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> .	<ul style="list-style-type: none"> Site inspection EPA's <i>Storing and Handling of Liquids: Environmental Protection - Participants Handbook</i> Stolthaven Newcastle Maintenance – Zone 6 dated 19/02/22 	<p>The Auditors viewed the chemical storage facility during the site inspection which is self-bunded and designed to only hold a maximum of 8,000 L (which is sign posted on the container). The observed chemical storage containers were bunded appropriately and empty fuel storage containers were raised on pallets.</p> <p>The Auditors viewed the bulk storage area which was bunded by eight concrete bund walls. No issues were identified.</p>	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
			An example of a completed inspection for the operational area referred to as 'Zone 6' dated 19 February 2022 was viewed during the audit (includes inspection of bunding).		
C47	The Applicant shall ensure all bunds: a) have impervious walls and floors; b) are of sufficient capacity to contain 110% of the volume of the tank (or 110% of the volume of the largest tank where a group of tanks are installed); c) have floors graded to a collection sump; and d) do not have a drain valve incorporated in the bund structure, or are constructed and operated in a manner that achieves the same environmental outcome.	<ul style="list-style-type: none"> Site inspection Stolthaven Annual Review 2019 (GHD, 2020) Stolthaven Annual Review 2020 (GHD, 2021) Stolthaven Annual Review 2021 (GHD, 2022) Stolthaven Newcastle Maintenance – Zone 6 dated 19/02/22 	<p>Additional bunding is not required for Stage 1 activities. Bunding for activities associated with SSD 6664 were viewed during the site inspection and all operational areas were fully bunded. The Annual Reviews note the Aurecon Design Compliance Statement has previously been provided to the Department satisfying this condition.</p> <p>An example of a completed inspection for the operational area referred to as 'Zone 6' dated 19 February 2022 was viewed during the audit (includes inspection of bunding).</p>	Compliant	
	Leak Prevention				
C48	The Applicant shall: a) conduct annual integrity testing on the petroleum product pipeline extending between the terminal and the M7 berth; b) conduct leak testing of the petroleum products pipeline extending between the terminal and the M7 berth prior to each transfer of product; c) conduct surveillance checks on the pipeline prior to the commencement of and during transfer operations of any petroleum products; and d) maintain a register for all integrity and pressure tests conducted on the pipeline extending between the terminal and the M7 berth.	<ul style="list-style-type: none"> Annual Integrity Test Report (dated 11/10/19) Annual Integrity Test Report (dated 10/10/20) Annual Integrity Test Report (dated 11/10/21) Shore Officer Before Tanker Checklist dated 1/03/22 	<p>The requirements under this condition are met as follows:</p> <p>a) Annual Integrity Tests were completed in October for 2019, 2020 and 2021. Certificates of the testing were provided to the Auditors.</p> <p>b) Leak testing is included in the pre-shipping checklist which is signed by the wharf attendant and terminal. An example of a completed checklist dated 1 March 2022 was viewed during the audit.</p> <p>c) Surveillance checks are included in pre-shipping checklist which is signed by the wharf attendant and terminal. An example</p>	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
			<p>was viewed during the audit as noted in the response to condition (b).</p> <p>d) Stolthaven maintain a register including the annual integrity tests undertaken on 11 October 2019, 10 October 2020 and 11 October 2021 and was viewed during the audit. The annual tests are included in the Annual Reviews.</p>		
	UTILITIES AND SERVICES				
C49	<p>The Applicant shall update the existing Utilities and Services Plan for the Site to include the Development. The plan must:</p> <ol style="list-style-type: none"> be updated prior to operation of the Development; be prepared in consultation with relevant utility and service providers and adjacent landowners, where relevant; include an implementation schedule which shows how all essential utilities and services are to be provided to the Site; provide a copy of all necessary consents from relevant utility and service providers showing that access to these utilities and services is available and secured; and include a strategy to integrate all utilities and services with the broader system to be provided by PON for the Mayfield Concept Plan, and be consistent with the <i>Utilities Infrastructure Plan, July 2015</i>, or its latest version. 	<ul style="list-style-type: none"> Utilities and Services Plan (June 2020) Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit (Ramboll 2016) Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit (Ramboll 2019) Letter to the Department dated 27/07/20 (no subject) 	<p>The requirements under this condition are met as follows:</p> <ol style="list-style-type: none"> Operation of the development has not commenced however the USMP was updated in June 2020 following the surrender of SSD 6664. The updated management plans were provided to the Department on 27 July 2020. Section 1.2 of the USMP includes details of consultation with service and utility providers including AusGrid, Hunter Water, Jemena and Telstra and where each requirement has been addressed in the document. The 2019 Independent Audit notes evidence that approval was provided by the Department not to consult with external parties again for the revised USMP (June 2018 version) as no additional utility connections were required. This is consistent with the updates for the June 2020 version. The implementation schedule is included in Section 2 of the USMP. 	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
			<p>d) The 2019 Independent Audit included the recommendation to include copies of all approvals from utilities and services providers as an appendix to the USMP at the next update. These have now been included in Appendix A.</p> <p>e) A strategy to integrate all utilities is included in Section 5 of the USMP. The 2016 Independent Audit notes evidence that a copy of the USMP was provided to PON on 26 October 2015.</p>		
	VISUAL AMENITY				
	Landscaping				
C50	<p>The Applicant shall update the existing Landscape Management Plan for the Site to include the Development, to the satisfaction of the Secretary. The Plan must:</p> <p>a) be prepared in consultation with PON and in accordance with the relevant requirements of the <i>Newcastle Development Control Plan, 2012</i>;</p> <p>b) be updated and implemented prior to operation of the Development;</p> <p>c) demonstrate the building treatments are of sufficient design quality to minimise the visual impacts of the Site, and include a variety of materials and external finishes;</p> <p>d) illustrate the location, species and mature heights of plants to be established on Site;</p> <p>e) provide for the maintenance of the landscaping on Site; and</p> <p>f) ensure the administration building and landscaping is consistent with the requirements of the PON acknowledging the Site's location at the entrance to the Mayfield Concept Plan area.</p>	<ul style="list-style-type: none"> Landscape Management Plan (June 2020) Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit (Ramboll 2016) Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit (Ramboll 2019) Letter to the Department dated 27/07/20 (no subject) 	<p>The requirements under this condition are met as follows:</p> <p>a) The 2016 Independent Audit notes evidence PON was provided a draft plan for comment on 18 August 2015.</p> <p>b) Operation of the development has not commenced; however, the WMP was updated in June 2020 following the surrender of SSD 6664. The updated management plans were provided to the Department on 27 July 2020.</p> <p>c) Building design is described in Section 7.1.2 of the LMP and includes photos and descriptions of landscaped areas. The visual impact is discussed in Section 7.1 of the LMP.</p> <p>d) Plants are described in Section 8 of the LMP and includes a list of species and mature</p>	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
			<p>heights for potted plants, ornamental grasses and traditional grasses.</p> <p>e) Maintenance is described in Section 7.3 of the LMP and includes lawn mowing, vegetation management, weed control and repairs. The site appeared to be in a tidy and well-maintained condition during the site inspection.</p> <p>f) Construction of the new administration building is not part of Stage 1 and therefore this condition has not been triggered.</p>		
	Building Materials				
C51	Where possible the Applicant shall utilise building materials that minimise the potential visibility of the Development, including non-reflective materials.	<ul style="list-style-type: none"> Site inspection Landscape Management Plan (June 2020) 	Cladding for the load gantry, office building and fire water tank are coloured 'Woodland Grey' to minimise visual impact as this colour has a neutral appearance.	Compliant	
	Lighting				
C52	<p>The Applicant shall ensure any lighting associated with the Site:</p> <p>a) complies with the latest version of Australian Standard AS 4282 (INT)-Control of Obtrusive Effects of Outdoor Lighting, where relevant; 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>	<ul style="list-style-type: none"> Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit (Ramboll, 2016) Site inspection Complaints Register Letter from Weiley Electrical dated 11/03/22 	Stolthaven completed an LED lighting replacement in 2020, which included the replacement of 42 x 400W flood lights with 120W LED lightings with the aim of reducing the project's electricity demand. A further 22 LED replacements were completed in 2021. A letter from Weiley Electrical dated 11 March 2022 confirms the lighting installed satisfied the criteria set out in AS 4828. No lighting complaints were received during the audit period.	Compliant	
	Signage				
C53	The petroleum product pipeline extending between the terminal and the M7 berth must:	<ul style="list-style-type: none"> Site inspection 	The requirements under this condition are met as follows:	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	a) be identified in accordance with Australian Standard AS1345-2008: <i>Identification of the contents of pipes, conduits and ducts</i> ; and b) include pipe markers including the name of the Applicant and emergency contact details.	<ul style="list-style-type: none"> Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit (Ramboll, 2016) 	a) The 2019 Independent Audit noted evidence that an assessment of compliance with AS1345-2008 for the M7 pipeline was undertaken by Stolthaven and had been achieved. b) The pipeline was marked at regular intervals with the EPL no. and emergency contact number as observed during the site inspection.		
C54	The Applicant shall not install any advertising signs on the Site without consultation with the PON and the written consent of the Secretary.	<ul style="list-style-type: none"> Site interview Site inspection 	The Stolthaven representative advised during the site interview that no advertising signs have been installed on the site. This was confirmed by the Auditors in the site inspection.	Not triggered	
	SITE SECURITY				
C55	The Applicant shall: a) install and maintain a perimeter fence and security gates on the Site; b) ensure the security gates on Site are locked whenever the Site is unattended; and c) consult with the PON with regards to minimum fencing specifications.	<ul style="list-style-type: none"> Site interview Site inspection Incident Register 	The requirements under this condition are met as follows: a) The perimeter fence and security gates were observed during the site visit and appeared to be well maintained and secure. Two incidents were reported in November 2019 involving minor damage to the site's gates which were resolved. b) The Stolthaven representative advised all security gates are locked when the site is unattended. c) Requirements to consult with PON in regard to minimum fencing specifications are not required for Stage 1. Observation: In addition to fencing, the site has Closed Circuit Television (CCTV) available on site with 22 cameras within the Terminal and berth	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
			area. Cameras and live feeds were observed during the site inspection.		
	WASTE				
C56	The Applicant shall ensure any waste generated on the Site is classified in accordance with the EPA's <i>Waste Classification Guidelines</i> (DECCW, 2009), or any superseding document and disposed of to a facility that may lawfully accept the waste.	<ul style="list-style-type: none"> Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit (Ramboll, 2019) Stolthaven Annual Review 2019 (GHD, 2020) Stolthaven Annual Review 2020 (GHD, 2021) Stolthaven Annual Review 2021 (GHD, 2022) 	<p>The Waste Management Plan (included in Section 11 of the OEMP) includes a description of the storage, handling, classification and disposal of wastes generated on site. Specific reference to the EPA's <i>Waste Classification Guidelines</i> is included on page 11 with list of the waste categories generated by operations.</p> <p>Waste removed from the facility is recorded in a Waste Register and reported in the Annual Reviews (Section 10 and Appendix H) including classifications.</p> <p>The 2019 Independent Audit included the recommendation to update the Waste Register to record quantities for other waste streams identified in SSD 7065 EIS such as general waste, recyclables, sludge, ablutions waste and vegetation/landscaping waste. This had been completed and details are included in the Annual Reviews.</p>	Compliant	
C57	Waste generated outside the Site shall not be received at the Site for storage, treatment, processing, reprocessing, or disposal on the Site, except as expressly permitted by an EPL, if such a licence is required in relation to that waste.	<ul style="list-style-type: none"> EPL 20193 EPL Annual Returns (2019, 2020, 2021) EPA's POEO Public Register EPL 20193 	Receival of waste is not permitted under condition L4.1 the EPL. Stolthaven has not been prosecuted under the POEO Act and has not reported any non-compliances in the EPL Returns or on EPA's Public Register.	Compliant	
C58	The Applicant shall: <ul style="list-style-type: none"> implement all reasonable and feasible measures to minimise waste generated on Site; and 	<ul style="list-style-type: none"> Stolthaven Mayfield Fuel Storage Facility Independent 	The requirements under this condition are met as follows:	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	<ul style="list-style-type: none"> ensure any waste generated on Site is appropriately stored, handled and disposed of. 	<p>Environmental Audit (Ramboll, 2019)</p> <ul style="list-style-type: none"> Stolthaven Annual Review 2019 (GHD, 2020) Stolthaven Annual Review 2020 (GHD, 2021) Stolthaven Annual Review 2021 (GHD, 2022) Waste Register ALS First Flush Waste Report dated 7/03/22 (work order number WN2202486) 	<p>a) Waste management measures include inspections, weekly monitoring and recording of waste quantities, and sign-posting of waste receptacles. Example waste reports from ALS dated 7 March 2022 for the First Flush system were viewed during the audit. The 2019 Independent Audit recommended specific recycling targets are developed for the project to help identify any areas of improvement. Recycling targets have been added to the Waste Management Plan as follows:</p> <ul style="list-style-type: none"> Recycling, Co-Mingled waste - 26 m³ per annum Recycling, Printer Cartridge – 83 L per annum. <p>According to the Waste Register, the amount of co-mingled waste recycled during the audit period was 25 m³ in 2020 and 28.6 m³ in 2021. These amounts are generally consistent with the target set for the project.</p> <p>b) General waste is collected on a weekly basis by and external contractor. Quantities of slops and effluent are collected by Toxfree and are recorded in a Waste Register (included in the Annual Reviews). Numerous bins were observed around the site during the site inspection to dispose of wastes.</p>		
	AVIATION SAFETY				
C59	Prior to the commencement of construction, the Applicant shall provide the Secretary with a copy of all necessary approvals from	<ul style="list-style-type: none"> Stolthaven Mayfield Fuel Storage Facility 	Construction of the relevant elements of the project has not commenced under this consent.	Not triggered	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	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 transienUtemporary 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).	Independent Environmental Audit (Ramboll, 2019)	Note: The 2016 Independent Audit notes evidence of correspondence from the Department of Defence dated 29 April 2015, which was provided to the Department to confirm all required approvals have been obtained under SSD 6664.		
	Schedule D – Environmental Management, Reporting, Auditing and Community Engagement				
	ENVIRONMENTAL MANAGEMENT				
	Construction Environmental Management Plan				
D1	<p>The Applicant shall prepare a Construction Environmental Management Plan (CEMP) for the Development, to the satisfaction of the Secretary. The Plan must:</p> <ol style="list-style-type: none"> be approved by the Secretary prior to construction of the Development identify the statutory approvals that apply to the Site; outline all environmental management practices and procedures to be followed during construction; describe all activities to be undertaken on the Site during construction, including a clear indication of construction stages; detail how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts; describe the roles and responsibilities for all relevant employees involved in construction works; and include the management plans under Condition D2 of this consent. 	<ul style="list-style-type: none"> Construction Environmental Management Plan (August 2018) 	<p>The requirements under this condition are met as follows:</p> <ol style="list-style-type: none"> The CEMP has not been updated since the 2019 Independent Audit. The CEMP is approved for Stage 1 works only. The CEMP will require updating prior to commencement of any other aspects of the project. Although construction works for the project have not commenced, the 2019 Independent Audit notes evidence that the Department approved the CEMP for Stage 1 on 16 October 2018. Statutory approvals that apply to the facility are included in Section 8 of the CEMP. Environmental management practices are outlined throughout the entire CEMP document as relevant. Section 12 provides a general overview of the procedures. A description of construction activities to be undertaken is included in Section 7.1 of the CEMP. 	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
			e) Monitoring of environmental performance is outlined throughout the entire CEMP document as relevant. Section 13 provides a general overview of reporting requirements. f) Roles and responsibilities are included in Section 9 of the CEMP. g) The management plans listed in Condition D2 are included in the CEMP as detailed in the response to Condition D2 below.		
D2	As part of the CEMP for the Development, required under Condition D1 of this consent, the Applicant shall include the following: a) a soil and water management plan; b) a contaminated materials management plan, prepared in consultation with the PON; c) a traffic management plan; d) a noise and vibration management plan; e) an air quality (dust) management plan; f) a utilities and services provision plan; and g) a waste management plan.	<ul style="list-style-type: none"> Construction Environmental Management Plan (August 2018) 	The management plans listed in the adjacent column are included in the CEMP as follows: a) Section 10.1 b) Section 10.2 c) Section 10.3 d) Section 10.4 e) Section 10.5 f) Section 10.8 g) Section 10.6	Compliant	
D3	The Applicant shall carry out construction of the Development in accordance with the CEMP approved by the Secretary (and as revised and approved by the Secretary from time to time), unless otherwise agreed by the Secretary.		Construction works for the project have not commenced.	Not triggered	
Environmental Management Strategy					
D4	The Applicant shall update the existing Environmental Management Strategy (EMS) for the Site to include the Development, to the satisfaction of the Secretary. The EMS shall: a) be submitted to the Secretary for approval prior to operation of the Development; b) be prepared by a suitably qualified and experienced expert;	<ul style="list-style-type: none"> Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit (Ramboll, 2019) Traffic Management Plan (May 2020) 	The requirements under this condition are met as follows: a) The EMS includes the OEMP and all management plans required under SSD 6664 and for Stage 1 activities under SSD 7065. The 2019 Independent Audit notes evidence that the updated EMS was approved by the	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	c) provide the strategic framework for environmental management of the Site; d) identify the statutory requirements that apply to the Site; e) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the Site; f) describe in general how the environmental performance of the Site would be monitored and managed; g) describe the procedures that would be implemented to: <ul style="list-style-type: none"> keep the local community and relevant agencies informed about the operation and environmental performance of the Site; receive, handle, respond to, and record complaints; resolve any disputes that may arise in relation to operations at the Site; respond to any non-compliance; manage cumulative impacts; respond to emergencies; h) include the management plans under Condition D5 of this consent; and i) be provided to the PON once approved by the Secretary, including any approved amendments to the EMS.	<ul style="list-style-type: none"> Operational Noise Management Plan (May 2020) Stormwater Management Plan (June 2020) Water Management Plan (June 2020) Utilities and Services Plan (June 2020) Landscape Management Plan (June 2020) Letter to the Department dated 27/07/20 (no subject) 	Department on 24 October 2018. Minor updates were made in 2020 following the surrender of SSD 6664. The updated management plans were provided to the Department on 27 July 2020. The EMS and sub-plans are required to be re-submitted prior to any future construction stages. b) Management plans have been prepared by Stolthaven and external contractors (e.g. AECOM) where required. c) The strategic context is described in Section 1.1 of the OEMP. d) The statutory requirements are described in Section 1.3 of the OEMP. e) Roles and responsibilities are included in Section 4 of the OEMP. f) Monitoring and management of environmental performance is described in Sections 5, 7.3.2, 8, 9 and 11 of the OEMP. g) Procedures are included in sections of the OEMP as follows: <ul style="list-style-type: none"> Keep the community and relevant agencies informed: Section 5.1 (Annual Review) Complaints procedure: Section 5.5 Dispute response: Section 5.5 Response to non-compliances: Referenced in Sections 6-11 throughout Management of cumulative impacts: Referenced in Sections 6-11 throughout 		

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
			<ul style="list-style-type: none"> Emergency response: Section 5.5 and referenced in Sections 6-11 throughout <p>h) Management plans are included as separate documents (refer to response to Condition D5).</p> <p>i) The 2019 Independent Audit notes evidence that approval was provided by the Department not to consult with external parties again for the revised TMP, USMP and LMP on 23 October 2018. It is noted the updated OEMP, AQMP, TMP, ONMP, SWMP, WMP, USMP and LMP were sent to PON on 30 October 2018.</p>		
D5	<p>As part of the EMS for the Site, required under Condition D4 of this consent, the Applicant shall include the following:</p> <ul style="list-style-type: none"> a) air quality; b) traffic; c) noise; d) stormwater and drainage; e) water; f) utilities and services; and g) landscape. 	<ul style="list-style-type: none"> Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit (Ramboll, 2019) Traffic Management Plan (May 2020) Operational Noise Management Plan (May 2020) Stormwater Management Plan (June 2020) Water Management Plan (June 2020) Utilities and Services Plan (June 2020) 	<p>The sub-plans listed are included in the EMS and approved by the Department. The contents of each plan has been assessed as relevant to the conditions of the Development Consent in this table. The EMS and sub-plans are required to be re-submitted prior to any future construction stages.</p>	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
		<ul style="list-style-type: none"> Landscape Management Plan (June 2020) 			
D6	The Applicant shall operate the Site in accordance with the EMS approved by the Secretary (and as revised and approved by the Secretary from time to time), unless otherwise agreed by the Secretary.		Compliance with the management plans has been assessed as relevant to the conditions of the Development Consent in this table. Generally, site operations were considered to be in accordance with the EMS.	Compliant	
	Management Plan Requirements				
D7	<p>The Applicant shall ensure 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 consent, 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 Site 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:</p> <ul style="list-style-type: none"> impacts and environmental performance of the Site; and effectiveness of any management measures (see c) above); <p>e) a contingency plan to manage any unpredicted impacts and their consequences;</p>	<ul style="list-style-type: none"> Traffic Management Plan (May 2020) Operational Noise Management Plan (May 2020) Stormwater Management Plan (June 2020) Water Management Plan (June 2020) Utilities and Services Plan (June 2020) Landscape Management Plan (June 2020) 	<p>The requirements under this condition are met as follows:</p> <p>a) Included in sections as follows:</p> <ul style="list-style-type: none"> AQMP: Section 4 TMP: Section 3 ONMP: Section 1.3 SWMP: Section 4.1.1 WMP: Section 4.2.1 USMP: Section 6 LMP: Section 7 <p>b) Included in sections as follows:</p> <ul style="list-style-type: none"> AQMP: Section 3 TMP: Section 2 and 3 ONMP: Section 2 SWMP: Section 1.1 WMP: Section 1.1 and Section 4.3 USMP: Section 1.1 LMP: Section 2.1 <p>c) Included in sections as follows:</p> <ul style="list-style-type: none"> AQMP: Section 6 TMP: Section 7 ONMP: Section 3 	Non-compliant	Refer to NC1

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	f) a program to investigate and implement ways to improve the environmental performance of the Site 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.		<ul style="list-style-type: none"> SWMP: Section 4 WMP: Section 7-12 USMP: Section 3 LMP: Section 7 and Section 8 d) Included in sections as follows: <ul style="list-style-type: none"> AQMP: Section 6.3 TMP: Section 8 ONMP: Section 4 SWMP: Section 8 WMP: Section 13 USMP: Not applicable LMP: Section 9 e) Included in sections as follows: <ul style="list-style-type: none"> AQMP: Section 8.1 TMP: Section 8 ONMP: Section 4.4 SWMP: Section 10 WMP: Section 14 USMP: Section 4 LMP: Section 10 f) Included in sections as follows: <ul style="list-style-type: none"> AQMP: Section 9 TMP: Not applicable ONMP: Section 4.3 SWMP: Section 8 WMP: Section 14 USMP: Not applicable LMP: Section 10 g) Included in sections as follows: <ul style="list-style-type: none"> AQMP: Section 7.1 TMP: Section 8 and Section 9 		

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
			<ul style="list-style-type: none"> ONMP: Section 6 SWMP: Section 9 WMP: Section 14 USMP: Section 7 LMP: Not included <p>Recommendation: Include a description of the complaints management in the LMP at the next update or reference to the procedure in the Environmental Management Plan.</p> <p>h) Included in sections as follows:</p> <ul style="list-style-type: none"> AQMP: Section 9 TMP: version control on title page states when next revision due ONMP: Section 7 SWMP: version control on title page states when next revision due WMP: version control on title page states when next revision due USMP: version control on title page states when next revision due LMP: version control on title page states when next revision due 		
	Revisions to Strategies, Plans and Programs				
D8	Within three months of the submission of an: a) audit submitted under Condition D12; b) incident report under Conditions D10 and D11; c) annual review under Condition D9; and/or d) a modification to this consent, the Applicant shall review, and if necessary, revise the strategies, plans, and programs required under this consent to the satisfaction of the Secretary.	<ul style="list-style-type: none"> Incident Register Traffic Management Plan (May 2020) Operational Noise Management Plan (May 2020) 	<p>The requirements under this condition are met as follows:</p> <p>a) The management plans were updated in 2020 following the surrender of SSD 6664 and submission of the 2019 Independent Environmental Audit.</p> <p>b) No reportable incidents occurred within the audit period.</p>	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the Site.	<ul style="list-style-type: none"> Stormwater Management Plan (June 2020) Water Management Plan (June 2020) Utilities and Services Plan (June 2020) Landscape Management Plan (June 2020) Stolthaven Annual Review 2019 (GHD, 2020) Stolthaven Annual Review 2020 (GHD, 2021) Stolthaven Annual Review 2021 (GHD, 2022) 	<p>c) Section 14 of the Annual Reviews includes consideration of any improvements to the management plans.</p> <p>d) No modifications to the Development Consent were granted in the audit period.</p>		
	REPORTING				
	Annual Review				
D9	<p>By the end of December each year, and annually thereafter, the Applicant shall review the environmental performance of the Site, 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 Site over the past year, including a comparison of these results against the:</p> <ul style="list-style-type: none"> relevant statutory requirements, limits or performance measures/criteria; 	<ul style="list-style-type: none"> Stolthaven Annual Review 2019 (GHD, 2020) Stolthaven Annual Review 2020 (GHD, 2021) Stolthaven Annual Review 2021 (GHD, 2022) 	<p>The Auditors viewed Annual Reviews for 2019, 2020 and 2021 prepared by GHD. The requirements under this condition are met as follows:</p> <p>a) The 2019 Annual review was provided to PON on 26 February 2020. For the 2020 Annual Review, a draft copy of the report was sent to PON in February 2021 and a meeting subsequently held with PON representatives on 25 February 2021. The 2021 Annual</p>	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	<ul style="list-style-type: none"> monitoring results of previous years; and predictions in the EIS; <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;</p> <p>f) identify any discrepancies between the impacts predicted in the EIS and the actual impacts of the Site and analyse the potential cause of any significant discrepancies; and</p> <p>g) describe what measure will be implemented over the next year to improve the environmental performance of the Site.</p>	<ul style="list-style-type: none"> Email from PON subject: '12524848-REP_2019 Annual Review.docx' dated 28/02/20 Email from PON subject: 'Solt Annual Review' dated 3/01/22 	<p>Review was provided to PON on 22 February 2022.</p> <p>b) Operations are described in Section 3 of the Annual Reviews.</p> <p>c) A discussion on monitoring results for the review period is included in Sections 4 to 11. Comparisons are made to predictions in the EIS as relevant (e.g. for groundwater, stormwater and noise).</p> <p>d) A statement of compliance is included in Section 13.1 of the Annual Reviews. No non-compliances were identified.</p> <p>e) Trends in the monitoring data are discussed in Sections 4 to 11.</p> <p>f) A comparison to predictions in the EIS is included in Sections 4 to 11 as relevant.</p> <p>g) Section 14 of the Annual Reviews describe actions to be implemented in the following reporting period.</p>		
Incident Reporting					
D10	Upon detecting an exceedance of the limits/performance criteria in this consent or the occurrence of an incident that causes (or may cause) material harm to the environment, the Applicant shall immediately (or as soon as practical thereafter) notify the Secretary, PON and any other relevant agencies of the exceedance/incident.	<ul style="list-style-type: none"> Stolthaven Annual Review 2019 (GHD, 2020) Stolthaven Annual Review 2020 (GHD, 2021) Stolthaven Annual Review 2021 (GHD, 2022) EPL Annual Returns Incident Register 	One reportable incident occurred during the audit period (refer to discussion in Section 3.9 of the Audit Report). The incident occurred on 18 April 2021 and involved a diesel spill from a filtration skid caused by the failure of a Nitrile bellow connecting two filtration skids. Approximately 700 to 800 litres of diesel was released into a bunded area with splash entering into the site's stormwater drain system. Seven agencies were notified of the incident including the EPA, NSW Fire and Rescue, NSW Health, SafeWork NSW,	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
			City of Newcastle, PON and the Department as evidenced in the incident report.		
D11	Within seven days of the date of the incident, the Applicant shall provide the Secretary, PON and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.	<ul style="list-style-type: none"> Stolthaven Annual Review 2019 (GHD, 2020) Stolthaven Annual Review 2020 (GHD, 2021) Stolthaven Annual Review 2021 (GHD, 2022) EPL Annual Returns Incident Register Incident report – Diesel spill from filtration skid (Stolthaven 2021) 	One reportable incident occurred during the audit period (refer to discussion in Section 3.9 of the Audit Report and response to condition D10).	Compliant	
INDEPENDENT ENVIRONMENTAL AUDIT					
D12	<p>Within one year of the date of this consent, and every three years thereafter, unless the Secretary directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the Site. The audit must:</p> <ol style="list-style-type: none"> be carried out by a suitably qualified, experienced and independent audit team whose appointment has been endorsed by the Secretary; include consultation with PON; assess the environmental performance of the Site, and its effects on the surrounding environment; determine whether the Site is complying with the relevant standards, performance measures and statutory requirements, including the Mayfield Concept Plan; 	<ul style="list-style-type: none"> Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit (Ramboll, 2019) Letter from the Department 'Stolthaven Mayfield Terminal (SSD-7065) 2022 IEA Auditor Endorsement' (dated 09/02/2022) 	<p>The requirements under this condition are met as follows:</p> <ol style="list-style-type: none"> Endorsement of the audit team for this audit was provided on 9 February 2022 and is included in Appendix 1 to the audit report. Consultation with PON was undertaken for the audit. Correspondence records are included in Appendix 3 to the audit report. No issues with the facility were raised by PON. The PON representative noted: "PON is on notice of Stolthaven having a strong compliance commitment as demonstrated in Site Auditor report, track record of Stolthaven reporting incidents (we add extremely rare), and the 	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	<p>e) review the adequacy of the EMS for the Site, compliance with this consent, and any other licences and consents; and, if necessary;</p> <p>f) recommend measures or actions to improve the environmental performance of the Site, and/or any plan/program required under this consent.</p>		<p><i>GHD audit of their development consent. The Stolthaven leases require compliance by Stolthaven with environmental law, particular Mayfield site requirements and usual lease obligations on related matters including WHS. In this regard, PON notes the Mayfield Stolthaven facility as a very well managed business committed to compliance and sustainability and PON does not have any particular concerns to raise."</i></p> <p>c) An assessment of the environmental performance is included in this Table, Table A-2 and in Section 3.6 of the audit report.</p> <p>d) An assessment of compliance is included in this Table, Table A-2 and in Section 3.2 and Section 3.3 of the audit report.</p> <p>e) A review of the EMS is included in Section 3.5 of the audit report.</p> <p>f) Recommendations of the audit are included in this Table, Table A-2 and in Section 4 of the audit report.</p>		
D13	Within three months of commissioning the audit, or as otherwise agreed by the Secretary, the Applicant shall submit a copy of the audit report to the Secretary, EPA and PON with a response to all recommendations contained in the audit report.	<ul style="list-style-type: none"> Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit (Ramboll, 2019) Letter from Stolthaven to the Department: 'Stolthaven Response to Independent 	<p>A response to the recommendations made in the 2019 Independent Audit was provided to the Department on 8 July 2019 (audit completed June 2019).</p> <p>The 2019 Independent Audit was provided to EPA and PON on 7 August 2019.</p>	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
		Environmental Audit' (8/07/19) <ul style="list-style-type: none"> Email to EPA subject: 'Stolthaven - Independent Environmental Audit' dated 7/08/19 Email to PON subject: 'Stolthaven - Independent Environmental Audit' dated 7/08/19 			
	Community Consultation				
D14	The Applicant shall contribute to the Community Communication Strategy required for the Mayfield Concept Plan. The level and timing of the contribution by the Applicant shall be determined in consultation with the PON.	<ul style="list-style-type: none"> Stolthaven Annual Review 2019 (GHD, 2020) Stolthaven Annual Review 2020 (GHD, 2021) Stolthaven Annual Review 2021 (GHD, 2022) Site interview 	Stolthaven attended meetings with The PON Community Liaison Group on: <ul style="list-style-type: none"> 2 September 2019 25 November 2019 17 February 2020 18 May 2020 17 August 2020 23 November 2020 15 February 2021 24 May 2021 17 August 2021 23 November 2021. Observation: The Stolthaven representative advised that community meetings specific to the Stolthaven facility have recently been invigorated following interest shown in the PON Community meetings and the and the Federal Government's Boosting Australia's Diesel Storage program	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
			announced in July 2021, which included the facility as one of ten projects funded to increase Australia's diesel stock holding capacity. It is intended that the community group generally would meet bi-annually.		
	Access to Information				
D15	<p>The Applicant shall make the following information publicly available on its website and keep the information up to date:</p> <ul style="list-style-type: none"> a) the EIS; b) current statutory consents for the Site; c) approved strategies, plans and programs; d) a summary of all monitoring data for the Site as required under this consent and the Mayfield Concept Plan; e) a complaints register, updated on an annual basis; f) Annual Reviews, Independent Environmental Audits and the Applicant's response to the recommendations; and g) any other matter required by the Secretary. <p>Note: This condition does not require any confidential information to be made available to the public.</p>	<ul style="list-style-type: none"> Stolthaven's website: https://www.stolthaven.com/our-businesses/stolthaven-terminals/terminal-network/stolthaven-newcastle/ 	The Auditors viewed Stolthaven's website and confirmed it included the information listed in the adjacent column. All information reviewed was up to date.	Compliant	
	Appendix 2 – Applicant's Management and Mitigation Measures				
	Management Plan				
1.	A Construction Environmental Management Plan will be prepared for the construction of the tanks. The CEMP will be prepared in consultation with DP&E.		Refer to response to condition D1.	Compliant	
2.	Stolthaven will undertake updates to its existing operational environmental management plans in consultation with DP&E.		Refer to response to condition D4.	Compliant	
	Hazards and Risks				

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
3.	The site Fire Safety Study will be updated in consultation with Fire and Rescue NSW and necessary measures implemented prior to the operation of any Stage 3 element.		Refer to response to condition C4.	Not triggered	
4.	The existing site Emergency Plan will be revised and updated in consultation with PON and to the satisfaction of DP&E prior to the operation of any Stage 3 elements.		Refer to response to condition C5.	Compliant	
5.	Stolthaven will consult with PON regarding the update of the Port Emergency Response Plan. No operation of any Stage 3 elements will occur prior to the Port emergency Response Plan being updated to the satisfaction of PON.		Refer to response to condition C10.	Compliant	
6.	Stolthaven will undertake a Hazard Audit in accordance with the requirements of Schedule 3, Condition 2.28 of the Mayfield Concept Plan approval.		Refer to response to condition C8.	Not triggered	
Air Quality					
7.	The CEMP will include measures for the management of dust generation and combustion (vehicle) emissions during the construction phase.		Refer to response to condition D1.	Not triggered	
8.	The Facility will be operated in accordance with the existing Air Quality Management Plan as updated to include the Project. This update will be undertaken in consultation with DP&E.		Refer to response to condition C19.	Compliant	
9.	A vapour recovery system will be designed to recover >98 per cent of the hydrocarbon content from the waste vapour stream generated by loading road tankers.		Refer to response to condition C15.	Not triggered	
10.	The Project will be undertaken in accordance with the requirements of the air quality model and monitoring program, and meteorological monitoring detailed in Schedule 3, Conditions 2.11, 2.13 and 2.15 of the Mayfield Concept Plan approval.		Refer to response to condition C19.	Compliant	
Traffic and Transport					
11.	A Construction Traffic Management Plan will be prepared for the Project to manage construction traffic impacts.		Refer to response to condition D1.	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
12.	The existing Traffic Management Plan will be updated to incorporate the Project in consultation with PON, Newcastle City Council and RMS.		Refer to response to condition C25.	Compliant	
13.	Measures identified to manage potential traffic impacts include: <ul style="list-style-type: none"> • An induction process for drivers; • Entry and exit conditions; and • Approved operational access and egress routes via Steelworks Road to the Industrial Highway. 		Refer to response to condition C25.	Compliant	
14.	The Project will comply with the requirements of the Mayfield Concept Plan Traffic Management Plan and Traffic Monitoring Review Plan prepared in accordance with Schedule 3. Conditions 2.5 and 2.10 of the Mayfield Concept Plan Approval.		Refer to response to condition C25.	Compliant	
	Noise and Vibration				
15.	Construction noise and vibration impacts will be managed through the implementation of a CEMP which will be prepared to include reasonable and feasible management and mitigation measures to be put in place during the construction period.		Refer to response to condition D1.	Compliant	
16.	The current site Operational Noise Management Plan (ONMP) will be reviewed and updated in accordance with the Project operational approval requirements. including requirements for implementation of management measures, monitoring and auditing of operational noise. The ONMP will also incorporate noise requirements in regards to managing noise as per the Mayfield Concept Plan Approval.		Refer to response to condition C34.	Compliant	
17.	The ONMP will be revised and updated in consultation with PON and DP&E.		Refer to response to condition C34.	Compliant	
18.	The Project will comply with the requirements of the Mayfield Concept Plan Noise Verification Monitoring Program prepared in accordance with Schedule 3, Condition 2.20 of the Mayfield Concept Plan Approval.		Refer to response to condition C32.	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	Soil and Water				
19.	The existing Surface Water Management Plan and Groundwater Management Plan prepared for the Facility, will be updated, where relevant and in consultation with DP&E, to incorporate the Project.		Refer to response to condition C45.	Compliant	
20.	Management of soils during construction, including sediment and erosion controls will be detailed in the CEMP.		Refer to response to condition D1.	Not triggered	
21.	The proposed design and work methods will be provided to the EPA Site Auditor for review and comment prior to any construction works. Evidence of consultation with the Site Auditor will be provided to DP&E.		Refer to response to condition D1.	Not triggered	
22.	The Project will be undertaken in accordance with the requirements of the Mayfield Concept Plan Stormwater Management Strategy prepared in accordance with Schedule 3, Condition 2.21 of the Mayfield Concept Plan Approval.		Refer to response to condition C44.	Compliant	
	Visual				
23.	The Facility will be constructed from non-reflective materials and painted white where possible.		Refer to response to condition C50.	Compliant	
24.	Lighting design will be in accordance with the requirements of Australian Standard AS 4282 - Control of Obtrusive Effects and Outdoor Lighting. Lighting will be mounted, screened and directed in such a manner that it does not cause nuisance to surrounding properties or the public road network.		Refer to response to condition C52.	Compliant	
25.	The existing Landscape Management Plan will be updated to incorporate the new tanks, bunding, gantry and building areas and identify appropriate treatment to be incorporated into the Facility.		Refer to response to condition C50.	Compliant	
	Greenhouse Gas				
26.	The existing Energy Efficiency Plan will be updated to include all elements of the Project and include measures to reduce and mitigate energy use and greenhouse gas Emissions across the entire Project.		Refer to response to condition C20.	Compliant	

Table A-1: Compliance with Development Consent SSD 7065					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	Waste				
27.	<p>The waste strategies developed for the existing Facility will be updated to incorporate the Project. This can be summarised as the application of the waste hierarchy where the following will be employed, in order of preference:</p> <ul style="list-style-type: none"> • <i>Avoidance</i> - The generation of wastes from the Facility will be avoided where possible. • <i>Reduce</i> - Reduce resource consumption. procure materials with less packaging and implement practices to reduce waste. • <i>Reuse</i> - Where feasible, materials will be reused onsite. However, due to the limited waste streams generated onsite, reuse options may be limited. • <i>Recycling</i> - Paper, cardboard, glass and plastics will be available for recycling. A bin will be placed adjacent to the office which will be collected by a waste management contractor on a regular basis. • <i>Disposal</i> - Disposal of wastes will be minimised where possible. Putrescibles wastes from the office will be sent to landfill, with other wastes generally diverted for recycling. 		Refer to response to condition C56.	Compliant	
28.	Waste strategies will be met through the extension of the Facility's existing Waste Management Plan for operations and as part of the CEMP for waste generated during construction.		Refer to response to condition D1.	Compliant	

Table A-2: Compliance with Development Consent SSD 6664					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	Schedule 2 – Administrative Conditions				
	Obligation to Minimise Harm to the Environment				
2-1	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.		Compliance with the requirements under this condition have been considered in the response to Conditions B1 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	
	Terms of Consent				
2-2	The Applicant must carry out the Development generally in accordance with the: a) EIS and RTS; b) Development layout plans and drawings in the EIS (see Appendix 1); c) Applicant's Management and Mitigation Measures (see Appendix 2); d) MOD1; and e) Conditions of this consent	<ul style="list-style-type: none"> Site inspection EIS MOD 1 SEE RTS Appendix 1 of development consent Various evidence as listed at the end of this table This audit 	<p>The requirements under this condition are considered generally met except for one condition based upon the findings as follows:</p> <p>a) Site operations appeared to be generally consistent with these documents and with the predictions made regarding environmental impacts of the project (see discussion in Section 3.10 of the Audit Report).</p> <p>b) Site operations appeared to be generally consistent with the layout plans.</p> <p>c) Commitments have been assessed at the end of this table. No non-compliances were identified.</p> <p>d) Site operations appeared to be generally consistent with MOD1.</p> <p>e) One non-compliance identified as per this table (condition 4-2).</p>	Non-compliant	NC2
2-3	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.	<ul style="list-style-type: none"> General review of above documents throughout the auditing process 	No inconsistencies with the above documents was noted by the Auditor during the audit.	Compliant	
2-4	The Applicant must comply with all reasonable requirements of the Secretary arising from the Department's assessment of:		Compliance with the requirements under this condition have been considered in the response to	Not triggered	

Table A-2: Compliance with Development Consent SSD 6664					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	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.		Conditions B4 of the development consent for SSD 7065 (refer to Table A-1).		
	Limits of Consent				
2-5	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.	<ul style="list-style-type: none"> Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit (Ramboll 2016) 	The 2016 Independent Audit notes evidence that annual throughput was amended under the EPL on 2 October 2015.	Compliant	
2-6	Following the receipt of an amended EPL for the Development, the Applicant shall not receive, store and dispatch more than 1,300 million litres (1,300,000,000 L) of diesel and biodiesel per year. a) The storage capacity of the tank farm must not exceed 131 million litres at any one time. b) With the exception of the following tanks, the proponent must not store flammable liquids, as classified under the Australian Cods for the Transport of Dangerous Goods by Road and Rail, in bulk at the premises: <ul style="list-style-type: none"> The 30,000 litre Slops Tank (UN 1203) identified on site at "SL1", and The 50,000 litre Additive Tank (UN 3082) identified on site as "AT1". 		Compliance with the requirements under this condition have been considered in the response to Conditions B6 and B7 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	
	Surrender of Existing Development Consents				
2-7	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.	<ul style="list-style-type: none"> Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit (Ramboll 2016) 	The 2016 Independent Audit notes evidence that an amended EPL was issued on 2 October 2015 and Stolthaven requested surrender of MP 08_0130 on 2 December 2015. The	Compliant	

Table A-2: Compliance with Development Consent SSD 6664					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	<i>Note: This requirement does not extend to the surrender of construction and occupation certificated for existing and proposed building works under Part 4A of the EP&A Act. Surrender of a consent or consent should not be understood as implying that works legally constructed under a valid consent or consent can no longer be legally maintained or used.</i>		Department accepted surrender on 3 December 2015.		
	Statutory Requirements				
2-8	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.		Compliance with the requirements under this condition have been considered in the response to Condition B16 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	
	Other Consents and Approvals				
2-9	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.		Compliance with the requirements under this condition have been considered in the response to Condition B13 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	
	Structural Adequacy				
2-10	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. Notes: <ul style="list-style-type: none"> Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for any building works. 		Compliance with the requirements under this condition have been considered in the response to Condition B17 of the development consent for SSD 7065 (refer to Table A-1).	Not triggered	

Table A-2: Compliance with Development Consent SSD 6664					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	<ul style="list-style-type: none"> Part 8 of the EP&A Regualtion sets out the detailed requirements for the certification of a Development. 				
	Protection of Public Infrastructure				
2-11	<p>The Applicant must:</p> <ul style="list-style-type: none"> 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. 		Compliance with the requirements under this condition have been considered in the response to Condition B19 of the development consent for SSD 7065 (refer to Table A-1).	Not triggered	
	Utilities				
2-12	Prior to the construction of any utility works, the Applicant must obtain relevant approvals from service providers.		Compliance with the requirements under this condition have been considered in the response to Condition B20 of the development consent for SSD 7065 (refer to Table A-1).	Not triggered	
	Operation of Plant and Equipment				
2-13	<p>The Applicant must ensure that any plant and equipment used on site, or in connection with the Development is:</p> <ul style="list-style-type: none"> a) maintained in a proper and efficient condition; and b) operated in a proper and efficient manner. 		Compliance with the requirements under this condition have been considered in the response to Condition B21 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	
	Staged Submission of Strategies, Plans or Programs				
2-14	With the written approval of the Secretary, the Applicant may submit any strategy, plan or program required by this approval on a progressive basis.	<ul style="list-style-type: none"> Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit (Ramboll 2016) Stolthaven Mayfield Fuel Storage Facility Independent 	<p>The management plans required under this consent have not been submitted on a progressive basis.</p> <p>Note: The management plans were updated in 2020 following the surrender of SSD 6664 on 23 April 2020. Compliance with the requirements for management plans within the audit period have been considered in the responses for development consent for SSD 7065 (refer to Table A-1).</p>	Not triggered	

Table A-2: Compliance with Development Consent SSD 6664					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
		Environmental Audit (Ramboll 2019) <ul style="list-style-type: none"> Management plans 			
2-15	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.	<ul style="list-style-type: none"> Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit (Ramboll 2019) 	The 2019 Independent Audit notes evidence that new management plans were prepared for SSD 6664 in 2018.	Not triggered	
	Development Contribution				
2-16	Prior to the commencement of operation of the Development, the Applicant shall pay Council \$11,058.00 in development contributions. Note: This contribution is subject to indexation to reflect quarterly variations in the Consumer Price Index All Group Index Number for Sydney, as published by the Australian Bureau of Statistics.	<ul style="list-style-type: none"> Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit (Ramboll 2019) 	The 2019 Independent Audit notes evidence that payment for the value of \$11,332.61 was made to the City of Newcastle on 9 March 2016 (it is noted this included CPI as per note to this condition).	Compliant	
	Dispute Resolution				
2-17	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.		Compliance with the requirements under this condition have been considered in the response to Condition B24 of the development consent for SSD 7065 (refer to Table A-1).	Not triggered	
2-17A	A Hazard Audit shall be undertaken twelve months after the commencement of operations and every three years thereafter, or at such intervals as the Secretary may agree, in accordance with the requirement for project associated with the Mayfield Concept Plan Approval No. 09_0096 Condition No. 2.28 that involve the	<ul style="list-style-type: none"> Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit (Ramboll 2019) 	The 2019 Independent Audit notes evidence that a Hazard Audit was undertaken in May 2016 at the request of PON in accordance with <i>Hazardous Industry Advisory paper No. 5 Hazard Audit Guidelines</i> . No major issues were identified.	Compliant	

Table A-2: Compliance with Development Consent SSD 6664					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	transport, handling or storage of hazardous or dangerous materials. The audits shall be carried out by a qualified person or team, independent of the project, and shall be consistent with the Department of Planning's Hazardous Industry Planning Advisory No. 5, 'Hazard Audit Guidelines'. Each audit shall be submitted to the Secretary within one month of the audit being undertaken. An electronic copy of each audit must be provided to Port of Newcastle (PON) at the same time as submission to the Secretary.	<ul style="list-style-type: none"> Letter from the Department subject 'Stolthaven Bulk Fuel Facility – Stage 3 (SSD 7065)' dated 20/11/18 	Confirmation from the Department was provided on 20 November 2018 that a subsequent Hazard Audit was not required for the facility under this condition as the requirement to undertake three-yearly hazard audits is now subject to Condition C8 of the development consent for SSD 7065 (refer to Table A-1), which requires the first hazard audit to be undertaken within 12 months of commencement of the project under SSD 7065.		
Schedule 3 – Specific Environmental Conditions					
CONTAMINATION AND REMEDIATION					
Statutory Requirements					
3-1	The Applicant shall carry out the Development in accordance with the requirements of the: a) Remediation Notice; and b) CSMP.		Compliance with the requirements under this condition have been considered in the response to Condition C36 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	
3-2	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.	<ul style="list-style-type: none"> Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit (Ramboll 2016) 	The 2016 Independent Audit notes evidence of a letter from the Site Auditor confirming the project meets the requirements under condition 3-1 was provided in April 2015 and confirmation to the Department was provided on 13 May 2015. No further construction activities were undertaken during the audit period under SSD 6664.	Compliant	
3-3	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.	<ul style="list-style-type: none"> Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit (Ramboll 2016) 	Refer to response to condition 3-2 above.	Compliant	
Human Health Risk					

Table A-2: Compliance with Development Consent SSD 6664					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
3-4	The Applicant shall provide written advice 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.	<ul style="list-style-type: none"> Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit (Ramboll 2016) 	<p>The 2016 Independent Audit notes evidence that the requirements under this condition were satisfied in 2013. No further construction activities were undertaken during the audit period under SSD 6664.</p> <p>Note: The requirement to obtain such written advice is now subject to Condition C39 of the development consent for SSD 7065 (refer to Table A-1).</p>	Not triggered	
	Imported Soil				
3-5	<p>The Applicant shall:</p> <ol style="list-style-type: none"> 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; keep accurate records of the volume and type of fill to be used on site; and make these records available to PON and the Department upon request. 		Compliance with the requirements under this condition have been considered in the response to Condition C40 of the development consent for SSD 7065 (refer to Table A-1).	Not triggered	
	SOIL AND WATER				
	Water Licences				
3-6	<p>The Applicant is required to obtain the necessary water licences for the Development under the <i>Water Act 1912</i> and/or the Water Management Act 2000.</p> <p>Note: Licences are required for groundwater bores, excavations that may intercept groundwater, dewatering activities and extraction or interception of surface water.</p>		Compliance with the requirements under this condition have been considered in the response to Condition C41 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	
	Discharge Limits				
3-7	The Applicant shall ensure that all water discharges from the site comply with the:		Compliance with the requirements under this condition have been considered in the response to	Compliant	

Table A-2: Compliance with Development Consent SSD 6664					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	a) discharge limits (both volume and quality) set for the Development in any EPL; or b) the relevant provisions of the POEO Act.		Condition C42 of the development consent for SSD 7065 (refer to Table A-1).		
	Bunding and Storage of Liquids				
3-8	The Applicant shall store all chemicals, fuels and oils used on-site in appropriately bunded 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> .		Compliance with the requirements under this condition have been considered in the response to Condition C46 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	
	Stormwater and Drainage System				
3-9	The Applicant shall maintain the stormwater and drainage system for the Development to the satisfaction of PON.		Compliance with the requirements under this condition have been considered in the response to Condition C43 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	
	Stormwater and Drainage Management Plan				
3-10	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: a) be updated prior to the commencement of construction; b) be prepared in accordance with OEH's Managing Urban Stormwater and 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		As SSD 6664 was surrendered on 23 April 2020 and the management plans were subsequently updated in 2020, compliance with the requirements of the SWMP have been considered in the response to Condition C44 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	

Table A-2: Compliance with Development Consent SSD 6664					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	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. Note: The intent of condition 10(e) is to ensure coordinated delivery of infrastructure across the Mayfield Concept Plan area.				
	Water Management Plan				
3-11	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: <ul style="list-style-type: none"> a) be updated prior to the commencement of operation; b) include procedures for the prevention and management of spills and leaks from the Development, including the M4 berth, pipeline and fuel storage facility; c) include a surface and groundwater monitoring program to measure the quality and quantity of water discharges from the site; and d) include a surface and groundwater response plan, including remedial actions and procedures that will be followed in the event of an incident. 		As SSD 6664 was surrendered on 23 April 2020 and the management plans were subsequently updated in 2020, compliance with the requirements of the WMP have been considered in the response to Condition C45 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	
	TRAFFIC AND ACCESS				
	Traffic Movements				
3-12	The Applicant shall: <ul style="list-style-type: none"> a) keep accurate records of: <ul style="list-style-type: none"> • Total hourly truck movements in peak periods; • the volume of diesel and biodiesel that is received, stored and dispatched. b) make these records available in its Annual Review. c) provide these records to PON on a bi-monthly basis. 		Compliance with the requirements under this condition have been considered in the response to Condition C22 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	

Table A-2: Compliance with Development Consent SSD 6664					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	Traffic Management Plan				
3-13	<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> <ul style="list-style-type: none"> a) be approved by the Secretary prior to commencement of operation; b) be prepared in consultation with PON, GPNSW, Council, RMS, adjoining land owners and the local community; c) detail construction and operational vehicle routes, access arrangements and coordination with other developments in the Mayfield Concept Plan area; d) include details of driver training awareness to minimise noise, in particular from reversing alarms and compression braking; e) detail procedures for managing operational traffic, including adherence to the Australian Code for Transport of Dangerous Goods by Road and Rail, January 1998 or its latest version; and f) be updated to be consistent with the Traffic Management Plan required under the Mayfield Concept Plan, once prepared. 		As SSD 6664 was surrendered on 23 April 2020 and the management plans were subsequently updated in 2020, compliance with the requirements of the TMP have been considered in the response to Condition C25 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	
	Access and Parking				
3-14	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.		Compliance with the requirements under this condition have been considered in the response to Condition C23 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	
	HAZARDS				
3-15	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:		Compliance with the requirements under this condition have been considered in the response to	Not triggered	

Table A-2: Compliance with Development Consent SSD 6664					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	a) be approved by the Secretary, prior to the commencement of construction; 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; c) be prepared in consultation with adjacent landowners, including PON and OneSteel; and d) meet the requirements of NSW Fire and Rescue.		Condition C4(b) of the development consent for SSD 7065 (refer to Table A-1).		
3-16	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: a) be prepared in consultation with PON; b) be consistent with the Department's Hazardous Industry Planning Advisory Paper No. 1 – Emergency Planning; and c) detail the emergency procedures for the Development.		Compliance with the requirements under this condition have been considered in the response to Condition C5(b) of the development consent for SSD 7065 (refer to Table A-1).	Compliant	
3-17	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: a) a Port Emergency Response Plan, consistent with the Department's Hazardous Industry Advisory Paper No. 1 – Emergency Planning; b) a Safety Management System, consistent with the Department's Hazardous Industry Advisory Paper No. 9 – Safety Management; and c) hazard audits, consistent with the Department's Hazardous Industry Advisory Paper No. 5 – Hazard Audit Guidelines Notes: The intent of condition 18(d) is to ensure coordinated delivery of infrastructure across the Mayfield Concept Plan Area.		Compliance with the requirements under this condition have been considered in the responses to conditions of the development consent for SSD 7065 (refer to Table A-1) as follows: <ul style="list-style-type: none"> Port Emergency Response Plan – Condition C5(b) Safety Management System – Condition C5(c) Hazard audits – Condition C8. 	Compliant	
UTILITIES AND SERVICES					

Table A-2: Compliance with Development Consent SSD 6664																	
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#												
3-18	<p>The Applicant shall update and implement the existing Utilities and Services Plan for the site to include the Development, to the satisfaction of the Secretary. The plan must:</p> <p>a) be updated prior to the commencement of operation;</p> <p>b) be prepared in consultation with relevant utility and service providers and adjacent landowners, where relevant;</p> <p>c) include an implementation schedule which shows how all essential utilities and services are to be provided to the site;</p> <p>d) 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</p> <p>e) include a strategy to integrate all utilities and services with the broader system to be provided by PON for the Mayfield Concept Plan.</p> <p>Note: The intent of condition 18(d) is to ensure coordinated delivery of infrastructure across the Mayfield Concept Area.</p>		As SSD 6664 was surrendered on 23 April 2020 and the management plans were subsequently updated in 2020, compliance with the requirements of the USMP have been considered in the response to Condition C49 of the development consent for SSD 7065 (refer to Table A-1).	Compliant													
	NOISE																
	Construction Noise																
3-19	<p>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.</p> <p>Table 1: Construction Noise Goals dB(A)</p> <table><tr><th colspan="2">Location</th><th>LAeq(15min)</th></tr><tr><td>R1, R2, R3, R4, R7, R8</td><td>Mayfield</td><td>53</td></tr><tr><td>R5</td><td>Carrington</td><td>54</td></tr><tr><td>R9</td><td>Mayfield East Public School</td><td>55</td></tr></table> <p>Notes:</p> <ul style="list-style-type: none">To identify the locations referred to in Table 1, see Figure 4 in Appendix 4.	Location		LAeq(15min)	R1, R2, R3, R4, R7, R8	Mayfield	53	R5	Carrington	54	R9	Mayfield East Public School	55	<ul style="list-style-type: none">Site interviewAnnual Reviews	<p>No construction has been undertaken under this consent during the audit period.</p> <p>Note: The requirement to comply with construction noise goals is now subject to Condition C27 of the development consent for SSD 7065 (refer to Table A-1).</p>	Not triggered	
Location		LAeq(15min)															
R1, R2, R3, R4, R7, R8	Mayfield	53															
R5	Carrington	54															
R9	Mayfield East Public School	55															

Table A-2: Compliance with Development Consent SSD 6664					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	<ul style="list-style-type: none"> Noise generated by the Development is to be measured in accordance with the Interim Construction Noise Guideline. 				
	Operational Noise				
3-20	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.	<ul style="list-style-type: none"> Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit (Ramboll 2016) 	The 2016 Independent Audit notes evidence that the Noise and Vibration Impact Assessment was provided to PON on 2 August 2015.	Compliant	
3-21	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.	<ul style="list-style-type: none"> Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit (Ramboll 2016) 	<p>The 2016 Independent Audit notes evidence of compliance with this condition regarding the 2014 Noise and Vibration Impact Assessment.</p> <p>Note: The requirement to provide the updated Noise and Vibration Impact Assessment for 2016 is now subject to Condition C29 of the development consent for SSD 7065 (refer to Table A-1).</p>	Compliant	
3-22	<p>The Applicant shall, in consultation with the PON ensure that noise from operation of the Development:</p> <p>a) fits within the Site Noise Model developed for the Mayfield Concept Plan; and</p> <p>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.</p>		Compliance with the requirements under this condition have been considered in the response to Condition C32 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	
3-23	The Applicant shall comply with the directions of the PON in relation to the management of noise from the Development.		Compliance with the requirements under this condition have been considered in the response to Condition C32 of the development consent for SSD 7065 (refer to Table A-1).	Not triggered	
	Construction and Operation Hours				

Table A-2: Compliance with Development Consent SSD 6664																		
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#													
3-24	<p>The Applicant must comply with the hours of construction and operation in Table 2, unless otherwise agreed to in writing by the Secretary.</p> <p><i>Table 2: Hours of Work</i></p> <table><tr><th>Activity</th><th>Day</th><th>Hours</th></tr><tr><td rowspan="3">Construction</td><td>Monday – Friday</td><td>7am – 6pm</td></tr><tr><td>Saturday</td><td>8am – 1pm</td></tr><tr><td>Sunday & Public Holidays</td><td>Nil</td></tr><tr><td>Operation</td><td>Monday – Sunday</td><td>24 hours</td></tr></table> <p>Note: Construction activities are permitted to take place outside of these hours provided they are inaudible at surrounding receivers.</p>	Activity	Day	Hours	Construction	Monday – Friday	7am – 6pm	Saturday	8am – 1pm	Sunday & Public Holidays	Nil	Operation	Monday – Sunday	24 hours		Compliance with the requirements under this condition have been considered in the response to Condition C26 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	
Activity	Day	Hours																
Construction	Monday – Friday	7am – 6pm																
	Saturday	8am – 1pm																
	Sunday & Public Holidays	Nil																
Operation	Monday – Sunday	24 hours																
	Operating Conditions																	
3-25	<p>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.</p>		Compliance with the requirements under this condition have been considered in the response to Condition C33(a) of the development consent for SSD 7065 (refer to Table A-1).	Compliant														
	Noise Management Plan																	
3-26	<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-compliance be detected: and</p>		As SSD 6664 was surrendered on 23 April 2020 and the management plans were subsequently updated in 2020, compliance with the requirements of the ONMP have been considered in the response to Condition C34 of the development consent for SSD 7065 (refer to Table A-1).	Compliant														

Table A-2: Compliance with Development Consent SSD 6664					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	e) include procedures to receive, record and respond to complaints.				
	Noise Monitoring				
3-27	<p>The Applicant shall monitor noise from the operation of the Development, to the satisfaction of the Secretary. The monitoring shall:</p> <ul style="list-style-type: none"> a) Be undertaken annually, or to address genuine noise complaints that are related to the Development as determined by the Department or the EPA; b) Be undertaken in accordance with the <i>NSW Industrial Noise Policy</i>; and c) Demonstrate compliance with the relevant noise goals in the Mayfield Concept Plan, or any noise quota established by the PON for the Development. <p>Note: The monitoring requirements could be satisfied by the monitoring network required for the Mayfield Concept Plan once it is established.</p>		Compliance with the requirements under this condition have been considered in the response to Condition C35 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	
	AIR QUALITY AND GREENHOUSE GAS				
	Dust Minimisation				
3-28	The Applicant shall carry out all reasonable and feasible measures to minimise dust generated by the Development.		Compliance with the requirements under this condition have been considered in the response to Condition C13 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	
	Offensive Odour				
3-29	The Applicant must not cause or permit the emission of offensive odours from the site, as defined under Section 129 of the POEO Act.		Compliance with the requirements under this condition have been considered in the response to Condition C12 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	
	Energy Efficiency and Greenhouse Gas Emissions				

Table A-2: Compliance with Development Consent SSD 6664					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
3-30	The Applicant shall implement all reasonable and feasible measures to minimise energy use and greenhouse gas emissions from the Development.		Compliance with the requirements under this condition have been considered in the response to Condition C20 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	
	Air Quality Discharges				
3-31	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.		Compliance with the requirements under this condition have been considered in the response to Condition C11 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	
	Dust Mitigation Measures				
3-32	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.		Compliance with the requirements under this condition have been considered in the response to Condition C20 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	
	Air Quality and Greenhouse Gas Management Plan				
3-33	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: 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.		As SSD 6664 was surrendered on 23 April 2020 and the management plans were subsequently updated in 2020, compliance with the requirements of the AQMP have been considered in the response to Condition C19 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	

Table A-2: Compliance with Development Consent SSD 6664					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	Note: The monitoring requirements of condition 31(c) could be satisfied by the monitoring network required for the Mayfield Concept Plan, if sufficient justification is provided.				
	Energy Efficiency Plan				
3-34	<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 c) include a program for monitoring the effectiveness of these measures, and a protocol for the periodic review of the plan. 	<ul style="list-style-type: none"> • Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit (Ramboll 2019) 	<p>The current EEP is dated October 2015. An EEP is not required under SSD 7065 and therefore was not updated in 2020. For this reason the requirements of the EEP have not been included in the scope of the audit.</p> <p>The 2019 Independent Audit confirmed the requirements under this condition were met as follows:</p> <ul style="list-style-type: none"> a) The Department approved the EEP on 26 November 2015. b) Section 3 of the EEP describes the plan to manage energy for the operation. The annual baseline is provided in section 4.1.1 of the EEP with detailed calculations in Appendix A. Alternative energy sources are discussed in section 5 of the EEP and include Photovoltaic panels, wind technology and energy efficient lighting. c) The monitoring program is included in Appendix D to the EEP. 	Compliant	
	VISUAL AMENITY				
	Design and Landscaping				
3-35	<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:</p> <ul style="list-style-type: none"> a) be prepared in consultation with PON; 		As SSD 6664 was surrendered on 23 April 2020 and the management plans were subsequently updated in 2020, compliance with the requirements of the LMP have been considered in	Compliant	

Table A-2: Compliance with Development Consent SSD 6664					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	b) be updated and implemented prior to the commencement of operation; c) 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; d) illustrate the location, species and mature heights of plants to be established on site; e) provide for the maintenance of the landscaping on site; and f) illustrate how the design of the buildings would integrate with the 3-8 proposed, ensuring landscaping is used to minimise views of the site.		the response to Condition C50 of the development consent for SSD 7065 (refer to Table A-1).		
	Construction Materials				
3-36	Where possible the Applicant must utilise building materials that will minimise the potential visibility of the Development (ie. use of non-reflective materials).		Compliance with the requirements under this condition have been considered in the response to Condition C51 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	
	Lighting				
3-37	The Applicant shall ensure that any lighting associated with the Development: a) complies with the latest version of Australian Standard AS 4282(INT)-Control of Obtrusive Effects of Outdoor Lighting; and b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.		Compliance with the requirements under this condition have been considered in the response to Condition C52 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	
	Signage				
3-38	The Applicant must not install any advertising signs on site without the written consent of the Secretary.		Compliance with the requirements under this condition have been considered in the response to Condition C54 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	

Table A-2: Compliance with Development Consent SSD 6664					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	SITE SECURITY				
3-39	The Applicant shall: a) install and maintain a perimeter fence and security gates on the site; and b) ensure that the security gates on site are locked whenever the site is unattended,		Compliance with the requirements under this condition have been considered in the response to Condition C55 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	
	WASTE				
3-40	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> .		Compliance with the requirements under this condition have been considered in the response to Condition C56 of the development consent for SSD 7065 (refer to Table A-1).	Complaint	
	AVIATION SAFETY				
3-41	Prior to the commencement of construction, the Applicant must obtain all necessary approvals from the Air Base Command Post of RAAF Base Williamtown 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).		Compliance with the requirements under this condition have been considered in the response to Condition C59 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	
	Schedule 4 – Environmental Management, Reporting and Auditing				
	ENVIRONMENTAL MANAGEMENT				
	Environmental Management Strategy				
4-1	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;		As SSD 6664 was surrendered on 23 April 2020 and the management plans were subsequently updated in 2020, compliance with the requirements of the LMP have been considered in the response to Condition D4 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	

Table A-2: Compliance with Development Consent SSD 6664					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	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: <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 e) describe the role, responsibility, authority and accountability of all the key personnel involved in the environmental management of the development.				
	Management Plan Requirements				
4-2	The Applicant must ensure that the management plans required under this consent are prepared in accordance with any relevant guidelines, and include: a) detailed baseline data; b) a description of: <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; 		As SSD 6664 was surrendered on 23 April 2020 and the management plans were subsequently updated in 2020, compliance with the requirements of the LMP have been considered in the response to Condition D7 of the development consent for SSD 7065 (refer to Table A-1). The LMP does not include a protocol for complaints management. Recommendation: Include a description of the complaints management at the next update or reference to the procedure in the Environmental Management Plan.	Non-compliant	Refer to NC2

Table A-2: Compliance with Development Consent SSD 6664					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria; d) a program to monitor and report on the: <ul style="list-style-type: none"> impacts and environmental performance of the Development; and effectiveness of any management measures (see c) above); e) a contingency plan to manage any unpredicted impacts and their consequences; 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 Management Plan				
4-3	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) be submitted to the Secretary for approval prior to commencement of any works associated with MP 08_0130 MOD 1; include: <ul style="list-style-type: none"> an erosion and sediment control plan; a soil and water management plan; a traffic management plan; 	<ul style="list-style-type: none"> Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit (Ramboll 2016) 	The 2016 Independent Audit notes evidence that the CEMP (Daracon, 2015) and the associated specialist plans were approved by the Secretary on 13 May 2015. Note: a new CEMP is required under condition D1 of SSD 7065 (refer to Table A-1).	Compliant	

Table A-2: Compliance with Development Consent SSD 6664					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	<ul style="list-style-type: none"> a noise and vibration management plan; an air quality (dust) management plan; a heritage management plan; a utilities and services provision plan; and a waste management plan. 				
	Revisions to Strategies, Plans and Programs				
4-4	<p>Within 3 months of the submission of an:</p> <p>a) Audit under condition 8 of schedule 4;</p> <p>b) Incident report under conditions 6 and 7 of schedule 4;</p> <p>c) Annual review under condition 5 of schedule 4; and/or</p> <p>d) A modification to this consent</p> <p>The Applicant must review, and if necessary revise, the strategies, plans and programs required under this consent to the satisfaction of the Secretary.</p> <p>Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the development.</p>		SSD 6664 was surrendered on 23 April 2020 and the management plans were subsequently updated in 2020. Compliance with the requirements to revise strategies, plans and programs following the triggers outlined in a-d have been considered in the response to Condition D8 of the development consent for SSD 7065 (refer to Table A-1). The development consent for SSD 6664 was not modified in the audit period.	Compliant	
	REPORTING				
	Annual Review				
4-5	<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 the</p> <ul style="list-style-type: none"> relevant statutory requirements, limits or performance measures/criteria; 		Compliance with the requirements under this condition have been considered in the response to Condition D9 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	

Table A-2: Compliance with Development Consent SSD 6664					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	<ul style="list-style-type: none"> monitoring results of previous years; and relevant predictions in the EIS; <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>				
	Incident Reporting				
4-6	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>Compliance with the requirements under this condition have been considered in the response to Condition D10 of the development consent for SSD 7065 (refer to Table A-1).</p> <p>Note: The incident involving a diesel spill from the filtration skid referred to in the response to condition D10 occurred after SSD 6664 was surrendered.</p>	Not triggered	
4-7	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.		<p>Compliance with the requirements under this condition have been considered in the response to Condition D11 of the development consent for SSD 7065 (refer to Table A-1).</p> <p>Note: The incident involving a diesel spill from the filtration skid referred to in the response to condition D10 occurred after SSD 6664 was surrendered.</p>	Not triggered	
	INDEPENDENT ENVIRONMENTAL AUDIT				
4-8	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:		Compliance with the requirements under this condition have been considered in the response to Condition D12 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	

Table A-2: Compliance with Development Consent SSD 6664					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	a) be carried out by suitably qualified, experienced and independent audit team whose appointment has been endorsed by the Secretary; b) include consultation with EPA and PON; c) assess the environmental performance of the Development, and its impact on the surrounding environment; d) determine whether the Development is complying with the relevant standards, performance measures and statutory requirements; 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 f) recommend measures or actions to improve the environmental performance of the Development, and/or any plan or program required under this consent.		Consultation with the EPA was completed for the audit with records included in Appendix 4 to the audit report. The EPA raised no issues regarding the project.		
4-9	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.		Compliance with the requirements under this condition have been considered in the response to Condition D13 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	
ACCESS TO INFORMATION					
4-10	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: a) a copy of all current statutory approvals; b) a copy of the current plans and programs required under this consent; c) a summary of the monitoring results of the Development, which have been reported in accordance with the various		Compliance with the requirements under this condition have been considered in the response to Condition D15 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	

Table A-2: Compliance with Development Consent SSD 6664					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	<p>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>				
	COMMUNITY CONSULTATION STRATEGY				
4-11	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.		Compliance with the requirements under this condition have been considered in the response to Condition D14 of the development consent for SSD 7065 (refer to Table A-1).	Compliant	
	Appendix 2 – Applicant's Management and Mitigation Measures				
	ENVIRONMENTAL ASPECTS				
	Management Plan				
1.	As described in Section 24.0 a Construction Environmental Management Plan will be prepared for the construction of the tanks. The CEMP would be prepared in consultation with DP&E		Refer to response to condition 4-3.	Compliant	
2.	As described in Section 24.0. Stolthaven will undertake updates to their existing operational environmental management plans in consultation with DP&E as required by the Project.		Refer to response to condition 4-4.	Compliant	
	Traffic And Transport				
3.	A Construction TMP was prepared for the construction of the original Project and subsequent expansions. A similar CTMP would also be prepared for the Project to manage construction traffic impacts		No construction activities were undertaken under this consent during the audit period.	Not triggered	

Table A-2: Compliance with Development Consent SSD 6664					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
4.	A TMP was prepared for the existing Facility, in accordance with the original project approval. and was prepared in consultation with PON. HOC, NCC and RMS; Measures identified to manage potential traffic impacts include: <ul style="list-style-type: none"> • An induction process for drivers; • Entry and exit conditions; and • Approved operational access and egress routes via Steelworks Road to the Industrial Highway 		Refer to response to condition 3-13.	Compliant	
5.	The TMP would be amended to incorporate the increased traffic numbers expected to be generated as a result of the Project.		Section 3.2 of the TMP includes the projected traffic movements associated with the project under SSD 7065 as per the recommendation in the 2019 Independent Audit.	Compliant	
Air Quality					
6.	The Development will be operated in accordance with a Site AQMP. It is noted that the Development already operates under an existing AQMP however this would be updated as required to include the proposed Project elements. This update would be undertaken in consultation with DP&E.		Refer to response to condition 3-33.	Compliant	
Hazards and Risks					
7.	The review of the original PHA prepared by AECOM concluded that risk would continue to be appropriately managed provided the following actions are undertaken prior to operational use of the proposed additional tanks: <ul style="list-style-type: none"> • A review of the original FSS to ensure adequate fire water / fire protection • systems are available for the additional storage tanks: • A review of the original FSS to ensure the fire water retention systems (used to contain potentially contaminated fire water) have adequate capacity for the additional supply; 		Refer to response to condition 3-15.	Compliant	

Table A-2: Compliance with Development Consent SSD 6664					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	<ul style="list-style-type: none"> Review and update heat radiation contours in the original FSS to incorporate the new storage tanks and any additional fire protection systems: and Review the Development's preventative maintenance program to ensure the reliability of equipment is maintained at all times. 				
8.	It is noted that all existing emergency documentation would be updated as necessary with project specific information as well as the outcomes and amendments to the Development resulting from the FSS review.		Refer to response to condition 3-16.	Compliant	
Noise and Vibration					
9.	The existing Noise and Vibration Management Plan currently in place for the operating Facility would be reviewed and updated to ensure all reasonable and feasible noise and vibration management measures have been incorporated into the operation of the site.		Refer to response to condition 3-26.	Compliant	
Soil and Water					
10.	The existing Surface WMP (SWMP) and GroundWMP (GWMP) prepared for the Development. would be updated, where relevant and in consultation with DP&E. to incorporate the Project		Refer to response to condition 3-11.	Compliant	
11.	Management of soils during construction, including sediment and erosion controls, would be detailed in the CEMP		No construction activities were undertaken under this consent during the audit period.	Not triggered	
12.	Impacts to the capping would occur as a result of tank and bund construction. The proposed design and work methods would be provided to the EPA Site Auditor for review and comment prior to any construction works. Evidence of consultation with the Site Auditor would be provided to DP&E.		No construction activities were undertaken under this consent during the audit period.	Not triggered	
Waste					
13.	The waste strategies developed for the existing Facility would be updated to incorporate the Project. This can be summarised as the		Refer to response to condition 3-40.	Compliant	

Table A-2: Compliance with Development Consent SSD 6664					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	<p>application of the waste hierarchy where the following would be employed, in order of preference:</p> <ul style="list-style-type: none"> • <i>Avoidance</i> - The generation of wastes from the Development would be avoided where possible; • <i>Reduce</i> - Reduce resource consumption, procure materials with less packaging and implement practices to reduce waste; • <i>Reuse</i> - Where feasible. materials would be reused onsite. However, due to the limited waste streams generated onsite, reuse options may be limited; • <i>Recycling</i> - Paper, cardboard, glass and plastics would be available for recycling. A bin would be placed adjacent to the office which would be collected by a waste management contractor on a regular basis; and • <i>Disposal</i>- Disposal of wastes would be minimised where possible. Putrescible wastes from the office would be sent to landfill, with other wastes generally diverted for recycling 				
14.	Waste strategies will be met through the extension of the existing site Waste Management Plan for operations and as part of the CEMP for waste generated during construction.		Refer to response to condition 3-40.	Compliant	
	Greenhouse Gas				
15.	The existing Energy Efficiency Plan would be updated to include all elements of the Project and to describe how included measures to reduce and mitigate energy use and greenhouse gas emissions can be applied across the entire Project.		Refer to response to condition 3-34.	Compliant	
	ENVIRONMENTAL ISSUES				
	Management Plan				
16.	Prior to construction, a Construction Environmental Management Plan will be developed in consultation with Office of Environment and Heritage incorporating the management of soils, surface		Refer to response to condition 4-3.	Compliant	

Table A-2: Compliance with Development Consent SSD 6664					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	waters, weed management, air quality and odour, noise and waste management.				
17.	<p>Prior to operation, Stolthaven will prepare an Emergency Plan for the proposed Facility (to be available onsite) and a Wharf Emergency Plan (available at the wharf) in consultation with the NSW Fire Brigade, NPC and NSW Maritime. These plans are to include:</p> <ul style="list-style-type: none"> • Spill response procedures. • Fire response procedures. • Response procedures for other identified environmental impacts. • Procedures for emergency drills/exercises. 		Refer to response to condition 3-16.	Compliant	
18.	Prior to operation, a Site Management Plan will be developed in consultation with OEH detailing the ongoing monitoring and environmental management requirements for the Development.		The Site Management Plan is the same as the operation environmental management plans required under the Development Consent (refer to response in Table A-1).	Compliant	
19.	Eight weeks prior to the first vessel entering the port, a Port Operations Management Plan shall be developed in consultation with NPC.		This is outside of the audit period.	Not triggered	
20.	A Tank Farm Bunding Detailed Design and Construction Report shall be provided prior to the commencement of construction as per OEH requirements.		This is outside of the audit period.	Not triggered	
Hazards and Risks					
21.	All ship movements and fuel unloading shall be undertaken in accordance with AS3846 2005 (The handling and transport of dangerous cargoes in port areas) and the safeguards outlined in Table 9 of the EA and coordinated to compounding cumulative risk	<ul style="list-style-type: none"> • Ship Discharge Procedures Rev8 (Stolthaven, 2020) • Stolthaven Mayfield Fuel Storage Facility Independent 	Stolthaven operates in accordance with Ship Discharge Procedures. The 2019 Independent Audit noted evidence this procedure has been developed in line with AS 3846:2005.	Compliant	

Table A-2: Compliance with Development Consent SSD 6664					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
		Environmental Audit (Ramboll 2019)			
22.	The proponent shall install a 50 kg dry powder extinguisher on wheels.	<ul style="list-style-type: none"> Site inspection 	There are four 50 kg dry powder extinguishers on wheels located on site which were viewed during the site inspection.	Compliant	
23.	Portable fire monitors with foam generation shall be installed near to fuel storage and transfer points.	<ul style="list-style-type: none"> Site inspection 	Numerous fire monitors with foam generation were observed on site in key operational areas including at the berth.	Compliant	
24.	Existing fire hydrants at NPC's Mayfield 4 berth will be utilised to connect the portable equipment.		M4 is no longer in use.	Not triggered	
25.	The proponent shall implement a fuel transfer procedure in which an inspection of the pipeline route would be conducted. The proponent shall install a fire monitor at a minimum of 29 m from the wharf hose connection point.	<ul style="list-style-type: none"> Procedure SHNC-OPS-003.06 Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit (Ramboll 2019) 	Stolthaven operates in accordance with procedure SHNC-OPS-003.06 for fuel transfer. The 2019 Independent Audit noted evidence demonstrating fire monitors are installed within 29 m of hose connection.	Compliant	
26.	Plant maintenance schedules shall include the following: <ul style="list-style-type: none"> Annual testing of fire detectors at the site. Weekly tests of the fire pump systems and foam activation valves. 	<ul style="list-style-type: none"> Stolthaven Mayfield Fuel Storage Facility Independent Environmental Audit (Ramboll 2016) Letter to the Department 'Stolthaven Response to Independent Environmental Audit' dated 8/07/19 	It was noted in the 2019 Independent Audit that fire pump testing is undertaken on a monthly basis rather than weekly. It was noted that the Hazard Auditor stated these practices were "found to be in order" and no recommendations to increase the frequency of these inspections were made. Stolthaven's response to the audit recommendation was that the management and mitigation measure should be updated to state monthly testing is required rather than weekly. However, as SSD 6664 was intended to be surrendered and testing is not a requirement under SSD 7065, it was determined that an amendment to the management and mitigation	Compliant	

Table A-2: Compliance with Development Consent SSD 6664					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
			measure was unnecessary. The Department has accepted this response with Stolthaven's response to the 2019 Independent Audit recommendations. Therefore, the Auditor considers Stolthaven to be compliant with this condition in its intent.		
27.	Spill containment booms shall be available to be deployed around the ship and wharf for all delivery/transfer operations.	<ul style="list-style-type: none"> Shore Officer Before Tanker Checklist dated 1/03/22 	Water spills are managed by the Port Authority who have booms available. The pre-shipping checklist includes a check that spill equipment is in place which is signed by the wharf attendant and terminal. An example of a completed checklist dated 1 March 2022 was viewed during the audit.	Compliant	
28.	Spill kits shall be available and staff trained in use.	<ul style="list-style-type: none"> Site inspection 	Numerous spill kits were observed on site in key operational areas and appeared to be well maintained with lock tags in place.	Compliant	
Surface Water Management					
29.	The proponent shall prepare and implement a Construction Environmental Management Plan which will include a detailed Erosion and Sediment Control Plan.		Refer to response to condition 4-3.	Compliant	
30.	The proponent shall prepare a stormwater management system that is designed and implemented to capture stormwater from the Site, to prevent leaks and spills from occurring and to facilitate the discharge of clean stormwater to the Hunter River.		Refer to response to condition 3-9.	Compliant	
31.	Surface water will be managed in accordance with the SWMP developed for the Site.		Refer to response to condition 3-10.	Compliant	
32.	The proponent will implement an inspection and testing program of the stormwater system as detailed in the SWMP.		Refer to response to condition 3-10.	Compliant	
33.	Pipeworks, fuel storage and tanker/loading areas will be fully bunded.	<ul style="list-style-type: none"> Site inspection 	All operational areas were observed to be sufficiently bunded during the site inspection.	Compliant	

Table A-2: Compliance with Development Consent SSD 6664					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
34.	Tanks will be monitored during filling by ship and shore and levelling alarms will be fitted.	<ul style="list-style-type: none"> Shore Officer Before Tanker Checklist dated 1/03/22 	Tank monitoring is included in the pre-shipping checklist, signed by the Wharf attendant. An example of a completed checklist dated 1 March 2022 was viewed during the audit.	Compliant	
35.	Tanks regularly inspected for corrosion and leaks. Water build up in tanks will be regularly drained to prevent internal corrosion.	<ul style="list-style-type: none"> Shore Officer Before Tanker Checklist dated 1/03/22 	Leak testing is included in the pre-shipping checklist which is signed by the wharf attendant and terminal. An example of a completed checklist dated 1 March 2022 was viewed during the audit.	Compliant	
36.	Tank level monitoring will be conducted at all times to identify rapid leaks.	<ul style="list-style-type: none"> Stolthaven Newcastle Maintenance – Zone 6 dated 19/02/22 	An example of a completed inspection for the operational area referred to as 'Zone 6' dated 19 February 2022 was viewed during the audit which includes a check of the tank levels.	Compliant	
37.	Pump operation will only be conducted when Facility staffed and operations can be continually monitored	<ul style="list-style-type: none"> Site procedure SHNC-OPS-003.01 	Stolthaven operate in accordance with Site procedure SHNC-OPS-003.01. The procedure details manning requirements in Section 5.2.2.	Compliant	
Groundwater					
38.	A claymix liner will be installed over the Site (nonconcrete areas) and overlain with bitumen to create an impervious seal across the Site and up the sides of the bund wall.	<ul style="list-style-type: none"> Site inspection 	All operational areas appeared to be fully sealed with concrete or gravel during the site inspection.	Compliant	
39.	The proponent will prepare and implement a Site Management Plan which will include a schedule for groundwater sampling for PH, EC, TPH, BTEX, and metals.		Groundwater sampling is undertaken in accordance with the EPL (refer to response to condition C45 in Table A-1).	Compliant	
Soil					
40.	Excavation, classification, treatment and disposal of Potential contaminated materials will be undertaken in accordance with requirements detailed in the Construction Environment Management Plan and Contaminated Site Management Plan.	<ul style="list-style-type: none"> Site interview Annual Reviews 	No construction activities were undertaken under this consent during the audit period.	Not triggered	
41.	All works to be undertaken onsite will comply with the existing Contaminated Site Management Plan relevant to the Site.		Refer to response to condition 3-1.	Compliant	

Table A-2: Compliance with Development Consent SSD 6664					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
42.	There is to be no transportation of material from below the Virgin Excavated Natural Material capping layer without prior approval from OEH.	<ul style="list-style-type: none"> Site interview 	No soil excavation below the VENM capping layer was undertaken during the audit period.	Not triggered	
43.	Material imported to the Site will be classified in accordance with NSW EPA (December 1994) prior to receipt.		Refer to response to condition 3-5.	Not triggered	
44.	Ongoing soils management will include any applicable actions as required by the Contaminated Sites Management Plan.	<ul style="list-style-type: none"> <i>Contaminated Site Management Plan</i> (December, 2016) <i>Construction Environmental Management Plan</i> (September 2018) Email from the Site Auditor subject: 'Left over dirt mound' dated 7/12/21 	As discussed in the response to condition C23, a plan has been agreed in consultation with the Mayfield Concept Area Site Auditor and PON to reuse material stockpiled on Lot 1 following the M7 construction (level 1 material) to form a roadway at the northwest end of Lot 1 that aligns with the rail corridor. The roadway will be encased in clay capping. The Site Auditor confirmed the <i>Construction Environmental Management Plan</i> dated September 2018 as appropriate to use for the works, which includes reference to the Contaminated Site Management Plan.	Compliant	
Visual Landscaping and Entry					
45.	The Site shall remain clean and free of rubbish or debris as a result of operations.	<ul style="list-style-type: none"> Waste register Site inspection 	Stolthaven operate in accordance with a Waste Management Plan as described in response to condition 3-40. The site appeared clean during the site inspection.	Compliant	
Waste Management					
46.	Purchasing requirements for construction shall be such that products purchased for the Site would align with site demands to avoid wastage of unwanted products.		No construction activities were undertaken under this consent during the audit period.	Not triggered	
47.	The proponent shall implement a system for recycled paper, cardboard, glass and plastics. Bins shall be collected by a waste management contractor on a regular basis.		Refer to response to condition 3-40.	Compliant	
48.	Recycling of waste material shall be maximised wherever		Refer to response to condition 3-40.	Compliant	

Table A-2: Compliance with Development Consent SSD 6664					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	possible during operation of the Proposed Facility.				
	Indigenous and Non-Indigenous Heritage				
49.	Monitoring of the Site shall be undertaken in the event natural soil profiles are to be excavated.	<ul style="list-style-type: none"> Site interviews 	No works impacted on natural soil profiles.	Not triggered	
	Security				
50.	A comprehensive security system shall be installed onsite and shall include monitoring of all fences and entry/exit points to the Site.		Refer to response to condition 3-39.	Compliant	
51.	Gantry area is under closed circuit television (CCTV) surveillance at all times, with screens in the main site office.	<ul style="list-style-type: none"> Site inspection 	CCTV cameras were observed during the site inspection.	Compliant	
	Soils and Landform				
52.	The proponent shall minimise the erosion and potential discharge of sediments from the Site as outline above for Surface Water and Groundwater.	<ul style="list-style-type: none"> Site inspection 	All operational areas appeared to be fully sealed with erosion and sediment control measures in place such as bunding and sediment fencing. Active management measures were viewed during the site inspection on a small area which had been concreted to prevent further erosion.	Compliant	
	Traffic and Transport				
53.	Off street car parking shall be available to staff and visitors during normal operations.		Refer to response to condition 3-14.	Compliant	
54.	All trucks will enter and exit the Site via left in and right out configuration.	<ul style="list-style-type: none"> Traffic Management Plan (May 2020) 	This is consistent with the TMP.	Compliant	
	Noise and Vibration				
55.	Other than during the unloading of ships, the proponent will not conduct noise sensitive activities exceeding the EPA approved on Sundays and public holidays.		Refer to response to condition 3-24.	Compliant	
	Air Quality				
56.	Dust mitigation strategies shall be implemented as part of the Construction Environmental Management Plan and will include: <ul style="list-style-type: none"> Disturbed surfaces will be stabilised as soon as practical. 		No construction activities were undertaken under this consent during the audit period.	Not triggered	

Table A-2: Compliance with Development Consent SSD 6664					
ID	Condition	Evidence	Independent Audit Findings and Recommendations	Compliance Status	NC#
	<ul style="list-style-type: none"> All vehicles leaving the Site will not have excessive soil on their tyres which may fall onto the roadways creating dust emissions. Roadways are to be kept clean during construction and operation. Any stockpiled material would be sprayed with water during times of high wind. 				
	Transport and Access				
57.	The existing TMP will be reviewed and updated to incorporate additional traffic generated by the modification		Refer to response to SOC 5.	Compliant	
58.	The Review and update will be undertaken with the Port of Newcastle, Newcastle Council and the roads and Maritime Service		Refer to response to condition 3-13.	Compliant	
59.	The review will include consideration of any other traffic generating land uses in the vicinity not considered during its preparation.		Refer to response to condition 3-13.	Compliant	
	Air Quality				
60.	The existing site AQMP will be reviewed and updated to incorporate the modification.		Refer to response to condition 3-33.	Compliant	
	Noise and Vibration				
61.	The existing site Noise and Vibration Management Plan will be reviewed and updated to incorporate the modification		Refer to response to condition 3-26.	Compliant	
62.	This will include a review of reasonable and feasible noise mitigation measures currently in place and recommend appropriate changes to minimise potential noise impacts		Refer to response to condition 3-26.	Compliant	

APPENDIX 3

CORRESPONDANCE RECORDS

From: [Jennifer Anderson](#)
To: [Taylor Hancock](#)
Cc: [Brigid Kelly](#)
Subject: RE: Stolthaven Independent Audit Request for Input
Date: Tuesday, March 15, 2022 10:22:40 PM
Attachments: [image002.png](#)
[image003.png](#)

Taylor

Apologies Brigid was out of office today and I am only now catching up on emails.

As to Stolthaven, PON is on notice of Stolthaven having a strong compliance commitment as demonstrated in Site Auditor report, track record of Stolthaven reporting incidents (we add extremely rare), and the GHD audit of their development consent. The Stolthaven leases require compliance by Stolthaven with environmental law, particular Mayfield site requirements and usual lease obligations on related matters including WHS. In this regard, PON notes the Mayfield Stolthaven facility as a very well managed business committed to compliance and sustainability and PON does not have any particular concerns to raise.

Best regards

Jennifer

Jennifer Anderson

Senior Manager Property, Environment and Planning



Email: jennifer.anderson@portofnewcastle.com.au

Mobile: 0488 17 9992

Address: Level 4, 251 Wharf Road Newcastle NSW 2300

Website: www.portofnewcastle.com.au

From: Taylor Hancock <thancock@ramboll.com>
Sent: Tuesday, 15 March 2022 3:18 PM
To: Brigid Kelly <Brigid.Kelly@portofnewcastle.com.au>
Cc: Jennifer Anderson <Jennifer.Anderson@portofnewcastle.com.au>
Subject: RE: Stolthaven Independent Audit Request for Input

Hi Brigid,

Can we expect any matters from PON to consider in the audit?

The site visit was held today so apologies I didn't chase you up beforehand.

Kind regards

Taylor Hancock

Environmental Scientist

3184321 - Hunter IA

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M +61 411702090
thancock@ramboll.com

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From: Brigid Kelly <Brigid.Kelly@portofnewcastle.com.au>
Sent: Monday, March 7, 2022 3:20 PM
To: Taylor Hancock <thancock@ramboll.com>
Cc: Shaun Taylor <staylor@ramboll.com>; Jennifer Anderson
<Jennifer.Anderson@portofnewcastle.com.au>
Subject: RE: Stolthaven Independent Audit Request for Input

Thanks Taylor.

Noted received, and we'll get back to you.

Thanks again

Brigid Kelly
Environment Manager



Mob: 0491 695 151
Address: Level 4, 251 Wharf Road Newcastle NSW 2300
Email: Brigid.Kelly@portofnewcastle.com.au
Website: www.portofnewcastle.com.au

Please consider the environment before printing this email.

From: Taylor Hancock <thancock@ramboll.com>
Sent: Monday, 7 March 2022 3:17 PM
To: Brigid Kelly <Brigid.Kelly@portofnewcastle.com.au>
Cc: Shaun Taylor <staylor@ramboll.com>
Subject: Stolthaven Independent Audit Request for Input

Hi Brigid,

Hope you are well and staying dry in this weather.

Ramboll has been commissioned by Stolthaven to conduct an Independent Environmental Audit of the Stolthaven Bulk Fuel Storage Facility located on land managed by PON. You may be aware that it is a requirement under the development consent for the project to include consultation with PON as part of the audit. As such, please find attached a letter including further details of the Independent Audit and our request for input to the audit.

We have scheduled the site visit for Tuesday 15 March and would appreciate a response prior to then so we can review anything on site if required.

Should you wish to discuss anything regarding the audit, please don't hesitate to call.

Thanks.

Kind regards

Taylor Hancock

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From: [Adam Plant](#)
To: [Taylor Hancock](#)
Subject: RE: Stolthaven Audit Request for Input - EPA
Date: Wednesday, March 9, 2022 11:20:43 AM
Attachments: [image001.png](#)

You don't often get email from adam.plant@epa.nsw.gov.au. [Learn why this is important](#)

Hi Taylor,

The Environment Protection Authority (EPA) encourages the preparation of strategies, audits, programs and plans as useful tools for industry to ensure that it meets the environmental objectives specified in conditions of Environment Protection Licences. As a regulatory authority the EPA does not review or comment on these tools.

Please refer to the EPA's on-line and publicly available regulatory database (link below) for issued notices, licence non-compliance etc. Search for the relevant premises using the licence number (Stolthaven Mayfield is 20193).

<https://apps.epa.nsw.gov.au/prpoeoapp/>

Regards,

Adam Plant
Operations Officer
D 02 4908 6809 | M 0447 109 128

NSW EPA logo



From: Taylor Hancock <thancock@ramboll.com>
Sent: Tuesday, 8 March 2022 12:10 PM
To: INFOEnvironment <info@environment.nsw.gov.au>
Cc: EPA RSD Hunter Region Mailbox <hunter.region@epa.nsw.gov.au>
Subject: FW: Stolthaven Audit Request for Input - EPA

Kind regards

Taylor Hancock
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3184321 - Hunter IA

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From: Hamish Rutherford <Hamish.Rutherford@epa.nsw.gov.au>

Sent: Tuesday, March 8, 2022 12:03 PM

To: Taylor Hancock <thancock@ramboll.com>

Subject: RE: Stolthaven Audit Request for Input - EPA

Dear Taylor,

I have not been responsible for Stolthaven's EPL for several years now.

Licences are generally not allocated to officers anymore. Please direct all correspondence to info@epa.nsw.gov.au so it can be allocated to an appropriate officer to respond.

Regards,

Hamish Rutherford
Senior Operations Officer
Regulatory Operations Metro North
NSW Environment Protection Authority
D 02 4908 6824 | M 0459 073 635

NSW EPA logo



[@NSW_EPA](http://www.epa.nsw.gov.au)

The EPA acknowledges the traditional custodians of the land and waters where we work. As part of the world's oldest surviving culture, we pay our respect to Aboriginal elders past, present and emerging.

Report pollution and environmental incidents 131 555 or +61 2 9995 5555

From: Taylor Hancock <thancock@ramboll.com>

Sent: Tuesday, 8 March 2022 11:59 AM

To: Hamish Rutherford <Hamish.Rutherford@epa.nsw.gov.au>

Cc: EPA RSD Hunter Region Mailbox <hunter.region@epa.nsw.gov.au>

Subject: Stolthaven Audit Request for Input - EPA

Good morning Hamish,

Ramboll has been engaged by Stolthaven Australia Pty Ltd to conduct an Independent Environmental Audit of the Stolthaven Bulk Fuel Storage Facility located at 103 Selwyn Street Mayfield North on industrial land managed by the Port of Newcastle Pty Ltd.

The Independent Environmental Audit is a statutory requirement by the NSW Department of Planning and Environment under Schedule D, Condition 12 of the project's current development consent (SSD 7065) and Schedule 4, Condition 8 of the now surrendered development consent SSD 6664. SSD 6664 was surrendered on 23 April 2020 (within the audit period and therefore compliance with SSD 6664 remains within the audit scope).

The audit period covered by the Independent Environmental Audit is from 12 June 2019 until the day of the site visit, which is scheduled for Tuesday 15 March 2022.

Schedule 4, Condition 8(b) of the development consent for SSD 6664 requires that the Independent Environmental Audit be undertaken in consultation with the EPA. We are therefore inviting the EPA to provide feedback on the overall environmental performance of Stolthaven at the Bulk Fuel Facility from June 2019 to date. We also invite the EPA to raise any concerns (if any) regarding areas that would require particular focus in the scope of the Independent Environmental Audit.

We would appreciate a response prior to the site visit date of Tuesday 15 March 2022 so we can review any site operations of interest to the EPA.

Please feel free to call me on the below number should you wish to discuss anything.

Thanks.

Kind regards

Taylor Hancock

Environmental Scientist
3184321 - Hunter IA

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thancock@ramboll.com

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