

SSD5544 Independent Environmental Audit

Report for:

Ampol Refineries (NSW) Pty Ltd
Kurnell Refinery Conversion and Demolition Project
(2017) - SSD 5544 (incl. MOD 1 to 6)

LRQA reference:	MEL4000225
Assessment dates:	27 th Jan 2021 – 2 nd Mar 2021
Assessment location:	2 Solander Street, Kurnell, NSW 2231
Assessment criteria:	Development Consent 5544 (incl. MOD 1 to 6)
Assessment team:	Roberto Toso
LRQA office:	Melbourne

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This report was presented to and accepted by:	
Name:	Dr. Jos Kusters
Job title:	Senior Environmental Specialist

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1. Report Explanation

Compliance Assessment Criteria and Risk Levels for Non-Compliances*

Assessment	Criteria
Compliant	Where the auditor has collected sufficient verifiable evidence to demonstrate that the intent and all elements of the requirement of the regulatory approval have been complied with within the scope of the audit.
Not verified	Where the auditor has not been able to collect sufficient verifiable evidence to demonstrate that the intent and all elements of the requirement of the regulatory approval have been complied with within the scope of the audit. In the absence of sufficient verification the auditor may in some instances be able to verify by other means (visual inspection, personal communication, etc.) that a requirement has been met. In such a situation, the requirement should still be assessed as not verified. However, the auditor could note in the report that they have no reasons to believe that the operation is non-compliant with that requirement.
Non-compliant	Where the auditor has collected sufficient verifiable evidence to demonstrate that the intent of one or more specific elements of the regulatory approval have not been complied with within the scope of the audit.
Administrative non-compliance	A technical non-compliance with a regulatory approval that would not impact on performance and that is considered minor in nature (e.g. report submitted but not on the due date, failed monitor or late monitoring session). This would not apply to performance-related aspects (e.g. exceedance of a noise limit) or where a requirement had not been met at all (e.g. noise management plan not prepared and submitted for approval).
Not triggered	A regulatory approval requirement has an activation or timing trigger that had not been met at the time of the audit inspection, therefore a determination of compliance could not be made.
Observation	Observations are recorded where the audit identified issues of concern which do not strictly relate to the scope of the audit or assessment of compliance. Further observations are considered to be indicators of potential non-compliances or areas where performance may be improved.
Note	A statement or fact, where no assessment of compliance is required. The terms "partial compliance" or "partial non-compliance" or similar should not be used

Risk Level	Colour Code	Description
High		Non-compliance with potential for significant environmental consequences, regardless of the likelihood of occurrence
Medium		Non-compliance with: <ul style="list-style-type: none"> • potential for serious environmental consequences, but is unlikely to occur; or • potential for moderate environmental consequences, but is likely to occur
Low		Non-compliance with: <ul style="list-style-type: none"> • potential for moderate environmental consequences, but is unlikely to occur; or • potential for low environmental consequences, but is likely to occur
Administrative non-compliance		Only to be applied where the non-compliance does not result in any risk of environmental harm (e.g. submitting a report to government later than required under approval conditions)

*Adapted from Post-approval requirements for State significant developments (October 2015), NSW Government.

Additional information

Confidentiality

We will treat the contents of this report, together with any notes made during the visit, in the strictest confidence and will not disclose them to any third party without written client consent, except as required by the Ampol Refineries (NSW) Pty Ltd and the NSW Department of Planning and Environment.

Sampling

The assessment process relies on taking a sample of the Development activities for each condition. This is not statistically based but uses representative examples. The compliance table indicating the compliance status of each condition of the approval is dependent on the evidence sampled. The Auditors have relied upon information supplied by the Auditee; conclusions on compliance are contingent upon the accuracy and completeness of data supplied.

Terms and conditions

Please note that, as detailed in the Terms and Conditions of the contract, clients have an obligation to advise LRQA of any breach of legal, regulatory, or statutory requirements and any pending prosecution. Although proportionality and scale of the situation should be considered, Ampol are required to advise LRQA of any serious potential risks to our audit conclusions but not, for example, isolated cases of a minor nature.

Acronyms / Terms Used in the Report

Ampol	Ampol Australia Ltd
Caltex	Caltex Refineries (NSW) Pty Ltd (now Ampol Australia Ltd)
CEMP	Construction Environmental Management Plan
DEMP	Demolition Environmental Management Plan
DPE	NSW Department of Environment and Planning (incl. previous Department of Planning and Infrastructure)
Department	DPE
DG	Director General (DPE)
EPA	Environment Protection Agency
EPL	Environment Protection License
IDES	Industrial Demolition & Environmental Services
IEA	Independent Environmental Audit
LRQA	Lloyds Register Quality Assurance Limited
NC	Non-compliance
OFI	Opportunity for Improvement
ROW	Right of Way
SSD	State Significant Development

Independent Audit Certification Form	
Development Name	Kurnell Refinery Demolition Project
Development Consent No.	SSD 5544 (MOD 1 to 6)
Description of Development	The excavation and removal of redundant refinery processing units, tanks, pipeways / pipelines and other infrastructure.
Operator	Caltex Refineries (NSW) Pty Ltd (now Ampol Australia)
Operator Address	2 Solander Street, Kurnell, NSW 2231
Independent Audit	
Title of Audit	Independent Environment Audit –
<p><i>I certify that I have undertaken the independent audit and prepared the contents of the attached independent audit report and to the best of my knowledge:</i></p> <ul style="list-style-type: none"> • <i>The audit has been undertaken in accordance with relevant approval condition(s) and in accordance with the auditing standard AS/NZS ISO 19011:2014 and Consent Condition</i> • <i>The findings of the audit are reported truthfully, accurately and completely;</i> • <i>I have exercised due diligence and professional judgement in conducting the audit;</i> • <i>I have acted professionally, in an unbiased manner and did not allow undue influence to limit or over-ride objectivity in conducting the audit;</i> • <i>I am not related to any owner or operator of the development as an employer, business partner, employee, sharing a common employer, having a contractual arrangement outside the audit, spouse, partner, sibling, parent, or child;</i> • <i>I do not have any pecuniary interest in the audited development, including where there is a reasonable likelihood or expectation of financial gain or loss to me or to a person to whom I am closely related (i.e. immediate family);</i> • <i>Neither I nor my employer have provided consultancy services for the audited development that were subject to this audit except as otherwise declared to the lead regulator prior to the audit; and</i> • <i>I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from fair payment) from any owner or operator of the development, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.</i> <p><i>Note.</i></p> <p>a) <i>The Independent Audit is an 'environmental audit' for the purposes of section 122B(2) of the Environmental Planning and Assessment Act 1979. Section 122E provides that a person must not include false or misleading information (or provide information for inclusion in) an audit report produced to the Minister in connection with an environmental audit if the person knows that the information is false or misleading in a material respect. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000.</i></p> <p>b) <i>The Crimes Act 1900 contains other offences relating to false and misleading information: section 192G (Intention to defraud by false or misleading statement—maximum penalty 5 years imprisonment); sections 307A, 307B and 307C (False or misleading applications/information/documents—maximum penalty 2 years imprisonment or \$22,000, or both).</i></p>	
Signature	
Name of Lead Auditor	Roberto Toso
Address	LRQA Level 16, 461 Bourke Street, Melbourne, Vic. 3001
Email Address	Roberto.toso@lr.org
Date	29/8/2021

Ampol Pty Ltd
2 Solander St
Kurnell NSW 2231

Contact: Alfarid Hussain
Phone: (02) 9274 6456
Email: compliance@planning.nsw.gov.au

18 January 2021

Attention: Amanda Basten, ISO & EMS Specialist

Email: abasten@ampol.com.au

Dear Ms Basten

**Agreement of Independent Auditor
Caltex Sydney Terminals & Kurnell Ports and Berthing Upgrade - SSD 5544**

I refer to your email dated 4 December 2020 seeking the agreement of the Secretary of the Department of Planning, Industry and Environment (**Department**) of a suitably qualified, experienced and independent audit team to undertake operational independent audits of Caltex Sydney Terminals approved under SSD 5544, as modified (**Consent**).

In accordance with Schedule D, Condition D7 of the Consent, the Secretary has agreed to Roberto Toso from Lloyd's Register as the lead auditor.

Please ensure this correspondence is appended to the Independent Audit Report.

The Independent Audit must be prepared, undertaken and finalised in accordance with the requirements of Schedule D, Condition D7 of the Consent. The Department also recommends consideration be given to the *Independent Audit Post Approval Requirements* (Department 2020) to the extent that it does not contradict Schedule D, Condition D7 of the Consent. Failure to meet these requirements will require revision and resubmission.

The Department reserves the right to request an alternate auditor or audit team for future audits.

Notwithstanding the agreement for the above listed audit team for this Project, each respective project approval or consent requires a request for the agreement to the auditor or audit team be submitted to the Department, for consideration of the Secretary. Each request is reviewed and depending on the complexity of future projects, the suitability of a proposed auditor or audit team will be considered.

If you have any questions, please contact Alfarid Hussain on (02) 9274 6456 or email compliance@planning.nsw.gov.au

Yours sincerely

Julia Pope
Team Leader Compliance Metro
As nominee of the Secretary

2. Executive report

Assessment outcome:

Conclusion

Based on activities and records sampled during the February/March 2021 IEA and in relation of the previous assessments conducted in August 2016 and September 2017, the IEA independent assessor found an improved level of compliance to the EIS, Development Consent (Consent Conditions and Appendix C - Management and Mitigation Measures; Modification 1), DEMP (incl. sub-plans) and related parts of the EPL.

Findings

The overall findings outcome was:

- One non-compliance (NC) against one Development Consent Condition – (MOD3, C4B). The non-conformance was identified as an *Administrative* non-compliance.

Non-compliances raised during the previous 2017 and 2016 IEA's were all confirmed to be in the *Low – Administrative* risk category and have been closed out. A review of the Shared Learnings and corrective/preventative actions was included in this IEA and continue to be applied to effectively mitigate relevant risks and consequences.

Based on records sampled during the assessment, compliance with all other triggered conditions was considered to have been achieved – this includes Appendix C Management and Mitigation Measures.

Details of the audit results are included in this report, the context and any further mitigating evidence/discussion is included in the Compliance Table.

Environmental Performance

The demolition phase of the SSD5544 Conversion project formally concluded on 31 March 2020 with the remaining Demolition project team leaving Ampol, therefore the assessment was limited to confirming the status and closure of relevant residual open and ongoing actions, in relation to the applicable consent conditions and an assessment of the ongoing Terminal environmental performance during the audit period.

A review of the overall environmental performance was conducted during this assessment, based on community complaints and incidents data– as supplied by Ampol Kurnell Terminal - for the Audit Period Oct 2017 to Jan 2021.

The relevant details are summarized here below, by reportable year and commentary extrapolated from each Annual Review – Environmental Performance Reports:

Post 2017 IEA (Oct-Dec)

Community Complaints	Incidents
<p><u>Noise: 7</u></p> <ul style="list-style-type: none"> • shipping 6 • Mowing 1 <p><u>Odour: 1</u></p> <p>Kurnell Wetlands odour after rain event</p> <p><u>Miscellaneous: 3</u></p> <p>RoW fence blown down and then issues re timing of repairs</p>	<p>1 – Shipping noise exceedance against night-time EPL noise limit</p>

Community Concerns and Complaints:

In 2017, the main potential impact on the community in the reporting period was noise with the primary source of complaint being noise from shipping activities. In the period Oct to Dec there were seven (7) community complaints relating to noise – six (6) related to shipping noise and one (1) related to lawnmowing in the reserved areas called the “Right of Way” in Kurnell community.

Regarding shipping noise, agreement was reached between the NSW EPA and the Terminal Operations team to commence a six-month trial of the SmartaData “SoundScience” shipping noise continuous monitoring system developed by Wilkinson Murray. The system was installed with commissioning/validation tests conducted during period October-November period. The formal trial commenced on 1 December 2017, in consultation with NSW EPA, NSW DPIE and Wilkinson Murray.

Incidents:

There was one (1) incident investigated post the 2017 IEA audit. On 9 Nov 17, the SoundScience noise monitoring system being commissioned identified a shipping noise level exceedence against night-time EPL noise limit in relation to two (2) ships berthed at the Kurnell wharf. Refer to 2017 Annual Review report for specific details.

2018

Community Complaints	Incidents
<p>Noise: 15</p> <ul style="list-style-type: none"> • shipping 12 • Other 3 <p>Odour: 4</p> <ul style="list-style-type: none"> • tidal swamp - 2 • undetermined - 2 <p>Miscellaneous: 4</p> <p>Community member enquiries re PFAS Survey in Botany Bay areas</p>	<p>2 - ACS Containment Cell - Dust Deposition monitoring unit exceedences</p>

Community Concerns and Complaints:

The main potential impact on the community in this reporting period was noise with the primary source of complaint continuing to be noise from shipping activities. The SmartaData “SoundScience” shipping noise continuous monitoring system trial concluded end May 2018. As a result of the successful trial, it was decided to retain the “SoundScience” system as a permanent operational tool for the Shore Officers to use to monitor ship performance and provide timely directions to the ship Captain. It was agreed that an email notification system would be used to alert both Agencies when a ship/s exceeded the night-time EPL noise limit. The Kurnell Terminal’s agreed response to shipping noise complaints and the ongoing management of ships is described in more detail in the 2018 Annual Review report.

The second potential impact on the community was odours – four (4) complaints were received during 2018. Two (2) related to the tidal swamp/wetland management by Sutherland Shire Council and the other two (2) where the source of the odour could not be confirmed. As with previous practice, all odour complaints are investigated as soon as the complaint is received by Terminal operational personnel. It is important to note that not all community odour complaints can be verified and following investigation, others are found to be not attributed to the Kurnell Terminal operations. Where odours have been verified and the source identified, immediate actions have been taken to eliminate or reduce the source of the odour. Following an investigation into the cause/s, all findings and actions were recorded in the Ampol Loss Prevention System, as well as communicated to the complainant.

The four (4) miscellaneous community calls related to questions re the PFAS survey work done in the Kurnell community – groundwater, wetland and bore water sampling in consultation with NSW EPA. This work was part of a wider surface water and groundwater survey by NSW EPA on the Botany Bay waterways area (including the Sydney Airport). Feedback was provided to the community during the quarterly Community meetings held at the Terminal.

Incidents:

There were two (2) dust deposition monitoring exceedences were recorded against the EPA agreed limits for the ACS Containment Cell monitoring points (of 4.0g / m2 over 30 days) – one in July and one in

October. Both related to windy weather during a very dry spell. Dust deposition monitoring units at the boundary of the site remained under the EPA agreed level. Both events were investigated with additional dust suppression controls put in place. Refer to 2018 Annual Review report for specific details.

2019

Community Complaints	Incidents
<p>Noise: 5</p> <ul style="list-style-type: none"> • shipping 3 • Other 2 <p>Odour: 30 Cronulla Resident- Kurnell -</p> <p>Miscellaneous: 6</p>	<p>Demolition Project specific:</p> <p>5 – 4 x for ACS Containment Cell and 1x Perimeter Dust Deposition monitoring unit exceedences</p> <p>Terminal: 16 ships reported via email to DPIE and EPA over the course of the year for exceeding the ship/s exceeded the night-time EPL noise limit</p>

Community Concerns and Complaints:

The main potential impact on the community in this reporting period was odour with the primary source of complaints (80%) being undefined. As mentioned in the 2019 Annual Review report, the number of calls regarding odour concerns increased due to repeated calls (24 of the 30 during the reporting period) from one resident in Cronulla (about 6.5 km away from the Ampol site). Unfortunately, this resident opted to call the EPA instead of using the Kurnell Terminal Hotline, thus delaying the investigation of potential odour sources at the Terminal by the Operations team by several days each time.

The number of noise complaints reduced significantly in 2019 with four (4) relating to shipping noise and one (1) relating to the Tele-handler reversing alarm used by Freyssinet (Wharf project contractor) in the Right of Way area during designated working hours. The alarm sound level was subsequently lowered to accommodate the resident

Incidents:

Sixteen (16) tanker ship tanker ship were identified as exceeding the Kurnell Terminal EPL837 night-time noise limits during 2019 period and were reported via agreed email proforma to the DPIE and NSW EPA during the 2019 period. Summaries of the ships reported to the DPIE (Jennifer Rowe) and NSW EPA were provided in Table 12 of the 2019 Annual Review report and will not be repeated in this summary.

In addition, four (4) Dust Deposition (DDU) dust deposition monitoring units' exceedences at the ACS Containment Cell monitoring points and one (1) Dust Deposition (DDU) dust deposition monitoring exceedence for a site perimeter unit were recorded against the EPA agreed limits (of 4.0g / m² over 30 days). Specific incident details are also covered in 2019 Annual Review report and will not be repeated in this summary.

2020

Community Complaints	Incidents
<p>Noise: 3</p> <ul style="list-style-type: none"> • shipping 3 • Other nil <p>Odour: 7 Miscellaneous: 8</p>	<p>1 – worker sustained a R. knee injury modified duties only</p> <p>12 ships reported via email to DPIE and EPA over the course of the year for exceeding the ship/s exceeded the night-time EPL noise limit</p>

Community Concerns and Complaints:

The number of noise complaints remained significantly improved in 2019 with three (3) relating to shipping noise. All three were accompanied by a community complaint.

The other main potential impact on the community in this reporting period was odour (7). A sustained improvement was made on odour control during “at risk” activities with Ampol remaining vigilant and investigate all odour related enquiries promptly.

Regarding miscellaneous enquires (8), the number is similar to the previous reporting period (6 in 2019). The nature of these enquiries is to inform Terminal Operations of the state of the fence around the terminal property following storm events, general questions regard the site or about community-based noise and odours that are not related to the Terminal.

Incidents:

Twelve (12) tanker ship were identified as exceeding the Kurnell Terminal EPL837 night-time noise limits during the 2020 period, three of which were accompanied by a community complaint.

The majority of Demolition project work concluding in the 4th Qtr. 2019 and as such, there were nil incidents to report in Qrt.1 2020, prior to the project closure on 31 March 2020.

There was one (1) minor work-related injury report in the 2020 period – a knee injury requiring short term modified duties only.

2021 – 1 Jan to 31 Jan only

Community Complaints	Incidents
<u>Noise:</u> Nil <u>Odour:</u> 1 Petroleum odour at Gate 5 (Tank 104 bund area) <u>Miscellaneous:</u> 2 Fallen fence into RoW area Notification that visitors to Kurnell found by Kurnell resident to be BBQ under the Wharf (restricted area) to get out of the sun	Nil

Community Concerns and Complaints:

Nil noise complaints received in the January period. One odour complaint received relating to ongoing complaints regards the Tank 104 bund and Oily Water System.

There were two other community calls to the Kurnell Hotline. One related to a fence that had fallen in strong winds into the RoW at Prince Charles Parade. The other was to alert Wharf Security that visitors to Kurnell were found by a Kurnell resident to be BBQ under the Wharf (restricted area). Reason given was to get out of the sun. This area is sign posted as a hazardous and restricted area – we allow residents walking along the beach to walk under the wharf structure only.

Incidents:

Nil reported in the January period prior to the start of the IEA, nor during the IEA event.

Considering deficiencies previously raised in the Findings Log, most recent measurement & monitoring data, community complaints, minor reportable environmental incidents, ~~or~~ legislative breaches attributable to the Demolition Project and Terminal operations during the period October 2017- February 2021, the overall environmental performance is considered to be good.

Key project staff were available for interview during this audit and demonstrated high awareness of the environmental performance requirements of the Development. Evidence was sighted of good deployment of this awareness to contractors working on site. Lessons Learnt from the findings of the previous IEA's have been well applied during the residual demolition and current remediation activities as well as being embedded in Terminal operations.

Development Consent Condition D2 includes implementation of an Operational Environmental Management Plan for the whole development.

Noise monitoring by Ampol and external environmental consultant specialists continues to indicate overall

compliance with EPL 837 L5.1 noise level criterion. However, the data considers extraneous noise thus making the outcome of the monitoring process not fully conclusive.

Shipping noise continues to be a watch point for Terminal Operations. Additionally, there is still a small number of community noise complaints specific to tanker ships on the fixed berths. There is a detailed noise management plan in place for Terminal operations which including shipping activities at the wharf. The IEA independent assessor noted good awareness by Ampol staff (including the Ampol Shore Officers (SO) and Marine Assurance team), as well as formal communications in place to ship captains regards strict noise limits and their responsibilities while berthed.

The SoundScience "SmartaData" continuous shipping noise monitoring system continues to be a critical component in the management of shipping noise. As a permanent operational tool at the Wharf, it alerts the SO's on shift (and other operational team members back at the Terminal) to any event of elevated noise output coming from the tanker ships during their time berthed at the Kurnell wharf. The SO was then able to instruct the Ship Captain to take all additional mitigation measures to further reduce the noise output.

In terms of ongoing notifications, Ampol reports non-compliant ships to both the NSW EPA and NSW DPIE. Reporting is undertaken when:

- A ship/s noise is assessed via the monitoring system to be above the EPL noise level limit, as well as when;
- Kurnell Community Hotline calls are received, relating to shipping activities

Terminal Operation have an established agreement with Ampol Marine Assurance and Ampol Ship Vetting that tanker ship who repeatedly exceed the EPL noise level limit ("3 strikes and out") are deemed unacceptable to return and removed from the Chartering Approval List for Kurnell. A review of the data held by the Terminal Marine Specialist confirmed that a number of ships had been required to institute additional engineering controls before being allowed to return to Kurnell as well as others who had been removed from thr Marine Chartering Approval list.

There have been no regulator infringements or notices issued against Terminal Operations for shipping noise in the period assessed, and Ampol are continuing to look at improving on the existing noise mitigations and controls. The IEA independent assessor concluded that compliance or non-compliance was inconclusive based on data available.

Project's Approved Strategies, Plans and Programs

A review of the project's approved strategies, plans and programs was conducted during this assessment.

The DEMP, Terminal OEMP and management sub-plans were found to be well designed to meet the EIS and Consent Conditions, as well as supporting the project environmental performance. All have been kept updated to reflect any changes and/or modifications occurred within the audit period.

Changes were made to the Kurnell Noise Management Sub Plan in 2018 to reflect the inclusion of the shipping noise SmartaData "SoundScience" shipping noise continuous noise monitoring system, additional monitoring tasks for the Shore Officers and enhanced coordination with Ampol Marine Assurance and Marine chartering, as well as a Regulator (DPIE and EPA) reporting system when a ship exceeds the EPL set night-time noise limit. Correspondence between Ampol (then Caltex) and DPIE representative on 18 Feb 2019 was sighted as evidence the updated Kurnell OEMP and Noise Management Sub Plan was submitted to the DPIE, as required by B19, C22A and D2.

In particular, and for the purpose of this audit program, the Terminal Operational Environmental Management Plan (OEMP) Final Stage Two and the associated Management Sub Plans, as well as the ACS Containment Cell Long Term Environment Management Plan (LTEMP) for the Kurnell Refinery Conversion were used as a reference.

In summary, the Project was executed with minimal incidents and within the agreed timeframes, with good compliance to air monitoring for asbestos, dust, etc (as evidenced in the Annual Review reports).

Good relationships were maintained with the Kurnell community during the transition and works, with good response to shipping noise and air quality relating to odour complaints. Consultation with DPIE and EPA re shipping noise and odours is evidenced in relevant records kept and updated to the management plans
DPIE was kept up to date re the ACS works and delays with the submission of the KNT OEMP. All remaining open/ongoing conditions met except one submission.

The Consent Conditions Compliance Checklist attached to this report also indicates improved performance against established plans and programs, with only one administrative non-compliance noted during this assessment and all non-compliances raised at previous assessment closed out.

The effectiveness of the project's approved strategies, plans and programs is also corroborated by the high level of compliance observed during the site inspection conducted within this assessment.

3. Audit Details

OPERATOR AUDIT CONTEXT

Following Chevron's decision to sell its share and terminate the licencing agreement allowing the use of the Caltex name, Ampol Limited emerged as the new corporate entity. In keeping with this change, the body of this Independent Environmental Audit report refers Ampol, while the name Caltex may be referenced in Section 8 Consent Condition Compliance Checklist.

AUDIT OBJECTIVES

The objectives of this audit are to:

- Assess the environmental performance of the development and whether it is complying with the conditions in the Consent (SSD 5544 incl. MOD 1 to 6) and applicable Environment Protection License 837 (Terminal Operations)
- Review the adequacy of any approved strategy, plan or programme required under these approvals
- Recommend measures or actions to improve the environmental performance of the development, and / or any assessment, plan or programme required under these approvals

AUDIT SCOPE AND CRITERIA

Condition D7 of the Development Consent (SSD 5544 incl. MOD 1 to 6) Ampol Kurnell Demolition Project, Kurnell for the August 2017 – February 2021 period (includes Appendix C Management and Mitigation Measures).

Includes applicable parts of the Environment Protection License 837 for the August 2017 – February 2021 period.

Notes:

- the audit scope includes all conditions (as applicable during the audit period) of Development Consent 5544 (2014) plus additional Conditions from the relevant notices of Modification occurred since the last IEA.
- during the activities covered by this Consent, the refinery had been decommissioned and converted to Terminal operations and the latter is within the audit scope as implementation of Condition D2 and EPL 837.
- When determining non-compliances, the approach has been to categorise them to either demolition activities or terminal operations (includes remediation project work). Likewise, community feedback has been thus categorised.

AUDIT METHODOLOGY

The audit methodology:

- Was conducted in accordance with AS/NZS ISO 19011:2018, Consent Condition D7 and the Department's Independent Audit Guideline – Post-approval requirements for State significant developments (October 2015)
- Includes a compliance table indicating the compliance status of each Consent Condition assessed
- The consent conditions not applicable to the scope of this audit (e.g. for activities completed prior to the audit and assessed in previous IEA) have been greyed out in the compliance table attached.
- Sampled applicable EPL conditions – includes compliance table with evidence sampled
- Avoided terms such as partial compliance
- Includes recommendations in response to non-compliances
- Includes a review of actions related to non-compliances raised in the previous IEA
- Identifies opportunities for improvement
- Audit is for period August 2017 – February 2021 only

This is the third IEA conducted for this Development Consent - the first IEA was conducted in April 2016; the second IEA was conducted in September 2017. Both reports are available on the Ampol Public website.

This IEA was due in September 2020, in line with the three-year frequency, as stipulated by applicable consent condition D7. However, it was not possible to complete the onsite assessment within the prescribed timeframe due to operational restrictions arising from the COVID-19 pandemic. DPIE approval was granted

on 10 August 2020 to defer the assessment to January 2021 with the audit report to be submitted by COB 3 May 2021.

The opening meeting was conducted on 27/1/2021, and the closing meeting was conducted on 2/3/2021. Both meetings were conducted remotely as a continued mitigation to COVID-19 circumstances. The onsite assessment was conducted over a period of 2 days, on 10th and 11th February 2021. An additional day (25th February 2021) was also allocated by the independent assessor to review additional records and evidence provided by Ampol.

SITE INSPECTION

All areas of the site were inspected, including areas where demolition works had been completed and early remediation works started. Results are reported within the applicable Consent Conditions. Reference was also made to previous site inspections reported in LRQA ISO 14001 audits (Period August 2017 – February 2021) as this enabled use of evidence of independent inspections over a range of activities and times during the period of this audit.

A detailed inspection of the demolition works status was conducted during the assessment, with regards to the ACS (Asbestos Contaminated Soil) Containment Cell.

The remaining conversion activities (the demolition phase) concluded in February 2020, along with the exit of all last of the Project team members. Consideration was given to Consent Condition D7 (b) requirements in consultation with the Terminal team and a review of the 2016 and 2017 IEA's findings. It was evident that compliance had been confirmed for those earlier consent conditions requiring consultation with agencies (OEH for Heritage Strategies, RMS for works impacting roads, etc).

Given these facts and considering the status of the project (completed in March 2020), the IEA auditor formed the view there was no need/benefit in establishing direct contact with external stakeholders, such as NSW EPA, at the time of this assessment.

However, evidence reviewed during the audit included communications to and from relevant regulators (DPE, EPA and Sutherland Shire Council), Kurnell community meeting minutes, community hotline analysis and LRQA ISO 14001 third party audit reports which included site inspections (wharf and terminal) in the period under audit.

AUDIT TEAM

- Roberto Toso - Environmental Lead Assessor from Lloyds Register Quality Assurance (LRQA) – Team Leader

The auditor received approval, from the Department of Planning & Environment, to conduct this audit. Approval is attached to this report.

AUDITEES

The following Ampol staff were interviewed during this audit:

Gary McKay	Sydney Terminals Operations Manager
Rod Morgan	Kurnell Terminal Marine Specialist
Jos Kusters	Senior Environment Specialist Licensed Sites
Amanda Basten	Integrated Management Systems Specialist
Greg Reece	Reliability and Maintenance Mechanical Lead
David Knauer	Remediation Project Lead
Damien Davidson	Senior Remediation and Project Specialist
Rod Morgan	Kurnell Terminal Operations Specialist
Andrew McLeod-Robertson	Kurnell Terminal – Lab Chemist
Graham Ward	Occupational Hygienist
Susan Manns	Team Lead, Manns (Primary Contractor for Demolition project - ACS C/Cell and pipeways excavation, etc)

4. Project Background and Boundaries

Ampol have completed the conversion of the Kurnell refinery to a fuel import and distribution terminal facility. The Terminal is fully operational, and the project was concluded on 30 March 2020 (in line with SSD5544 MOD6 Approval end date).

Demolition Project Status (information supplied by Ampol):

Overall,	114.5% (additional scope)
Process unit Demolition	100%
Tank Demolition	100%
Pipeways /ACS Containment Cell	100%
Revised Scope	100%

Key Activities for Period 4th Qtr. 2017 – March 2020:

2018	<ul style="list-style-type: none"> Continued demolition of remaining refinery infrastructure and tanks Construction of Asbestos Contaminated Soil Containment Cell
2019	<ul style="list-style-type: none"> Pipeway clearance of asbestos contaminated soils commenced Pipeway clearance of asbestos contaminated soils completed Filling of Asbestos Contaminated Soil Containment Cell completed and commenced closure (capping) Asbestos Contaminated Soil Containment Cell capping completed
2020	<ul style="list-style-type: none"> Seeding and planting of native grasses on Asbestos Contaminated Soil Containment Cell completed Demolition project completed February 2020 and Ampol Demolition team decamped site

Decommissioning/Demolition areas of most relevant to the Kurnell community:



5. Audit Findings Log

The compliance table gives further context to each finding and mitigating evidence as applicable.

Non-Compliance (NC)	Risk	Recommendation (Options)
<p>1. Site Emergency Response Plan (ERP)</p> <p>Ampol was unable to provide evidence that the updated ERP (referring to Tank demolition works) was submitted to the NSW DPIE, as required by MOD3 - Tank 101 Demolition Applicable Consent Condition: C4B</p> <p><u>Mitigating Evidence</u></p> <p>Documents were presented to show that the Kurnell Emergency Response Plan (CD2037) was reviewed and updated in January 2018 and that Pre-Fire Tank Plans and ERP Scenario Guidance Note -Tank Fire exists. These documents confirms that Ampol had the capability to response to a tank fire, particularly one associated with an emptied/cleaned tank. IDS also prepared a Demolition Plan for Tanks 101 that included mitigation measures to prevent fire occurrence during demolition works.</p> <p>Specific to Tank 101, an AECOM letter sent to DPIE (dated 03/10/2017) was produced to confirm that Tank 101 had been emptied, isolated from all energy sources, opened (access lids), cleaned and vented for several months in preparation for demolition. In addition, residual testing confirmed nil hydrocarbons present.</p>	<p>Administrative non-compliance</p>	<p>Sighted subsequent approvals and associated communications between Ampol and DPIE</p> <p>Noted that other Reports and Plans sampled (including sub-plans) have been submitted and approved within required timeframes. Better diligence demonstrated across the consent condition requirements with key evidence retained in Project files under specific consent conditions. Cintellate used for action sign off. This non-compliance considered an outlier.</p> <p>Continue adherence to sound records management for all Project documents and submissions to third parties, (plans, reports, etc.) by ensuring:</p> <ol style="list-style-type: none"> 1. Future Project leads and team members are inducted to the records management requirements for all Project documents, plans, reports and their submission to third parties, etc., as required 2. Action sign off/verification includes a check for correct record retention and evidence of submissions made (as required)

6. Previous Audit Findings

a) 2017 IEA Findings and Actions

Non-Compliance	Risk/Closure Status	Recommendations (Options)
<p>1. Odour</p> <p>There were potentially offensive odours emitted from the operations at the Kurnell Terminal. This was shown in the Ampol complaints records which indicate that there were 17 odour issues (in this audit period) reported by neighbours to the Kurnell facility. Ampol reported this as a non-compliance in the annual EPA return 2016 -2017.</p> <p>Applicable Consent Condition D2 and EPL 837 Condition L7</p> <p>Not caused by the direct development activities but related to Condition D2 requiring the establishment and implementation of an Operational Environmental Management.</p> <p>Note: Ampol Loss Prevention procedures were followed.</p>	<p>LOW</p> <p>Closed</p>	<p>Ampol accepted the audit team's findings and comments.</p> <p>We will continue investigations into any odour complaints received (internal and external).</p> <p>Potential odours sources are already known. Any operation and/or maintenance works in these areas take odour mitigation measures into consideration as a proactive step in preventing offensive odours in the surrounding neighbourhood.</p> <p>2021 IEA Auditor Review</p> <p>In consultation with EPA, potential odour sources and mitigation measures reviewed, resulting in amendments to the Air Quality Management Sub Plan in consultation with EPA Revised EMP</p> <p>Evidence of controls in place to prevent odour to exceed boundaries, such as odour patrols during activities with increased potential to generate odours</p> <p>Sighted records from Odour Patrols (spreadsheet 2019- data submitted to EPA Regulator)</p> <p>Excavation SWMS includes controls and mitigation measure for odourous soils and stockpiles</p> <p>Reduced number of odour complaints reported in 2020 DPIE Annual Review (7 in 2020 vs 40* in 2019)</p> <p>*Note: <i>Significant number of odour complaints reported in 2019 by one resident 7+kms away from site. Nil calls to Ampol Kurnell Hotline. Informed EPA first limiting Ampol capacity to response. Therefore, connection to development activities could not be confirmed</i></p>

Non-Compliance	Risk/Closure Status	Recommendations (Options)
<p>2. Operational Controls – loss of containment</p> <p>Ampol loss prevention records and the annual EPA Return 2016 – 2017 recorded a non-compliance for release of slops (wharf), a spill of 86,000L of hydrocarbon water (land), loss of gasoline from pipeline “Gasoline 1” (land)</p> <p>Applicable Consent Condition D2 and EPL 837 Conditions L1 and O1</p> <p>Not caused by the direct demolition activities but related to Condition D2 requiring the establishment and implementation of an Operational Environmental Management.</p> <p>Note: Ampol Loss Prevention procedures were followed. Reported to DPE (Annual Review Report December 2016).</p>	<p>LOW</p> <p>Closed</p>	<p>Ampol accepted the audit team’s findings and comments.</p> <p>Gasoline 1 Pipeline:</p> <ul style="list-style-type: none"> • Checks were completed on all PSV valves to ensure they are operating as intended • All isolating valves for PSVs to be secured open • An internal memorandum (Loss Prevention System Alert) was issued to raise awareness of working around PSVs. <p>2021 IEA Auditor Review</p> <p>No LOC incidents since 2017.</p> <p>Amended Kurnell Terminal OEMP and associated Management Sub Plans, WI’s and controls in place for LOC prevention. Project specific EMP required for all large projects e.g., Tank T&I works</p> <p>ELP 837 L1 and O1 compliant (evidence of competencies sighted)</p> <p>Note: Demolition project activities completed Feb 2020.</p>

Non-Compliance	Risk/Closure Status	Recommendations (Options)
<p>3. Late Submission of Demolition Studies (prior to commencement of Demolition)</p> <p>The following studies were required to be submitted (for approval) to the Secretary at least one month prior to the commencement of demolition works: Firewater System Review Demolition Safety Study</p> <p>Demolition had started prior to submission and approval.</p> <p>Applicable Consent Condition C3A</p>	<p>LOW</p> <p>Closed</p>	<p>Ampol accepted the audit team's findings and comments.</p> <p>Gasoline 1 Pipeline:</p> <ul style="list-style-type: none"> • Checks were completed on all PSV valves to ensure they are operating as intended • All isolating valves for PSVs to be secured open • An internal memorandum (Loss Prevention System Alert) was issued to raise awareness of working around PSVs. <p>2021 IEA Auditor Review</p> <p>No LOC incidents since 2017.</p> <p>Amended Kurnell Terminal OEMP and associated Management Sub Plans, WI's and controls in place for LOC prevention. Project specific EMP required for all large projects e.g., Tank T&I works</p> <p>ELP 837 L1 and O1 compliant (evidence of competencies sighted)</p> <p>Note: Demolition project activities completed Feb 2020.</p>

b) 2016 IEA Findings and Actions

Non-Compliance	Risk/Closure Status	Recommendation (Options)
<p>1, Noise Management Plan</p> <p>Noise monitoring, indicating a high level of Leq > 60, at the boundary (Road 7) on 4th November 2014 was not further investigated / monitored to determine causes and resolution. It was not entered in the Ampol Loss Prevention System (or equivalent).</p> <p>Note: based on evidence sampled, this was an isolated example.</p> <p>Applicable Consent Conditions: C22</p>	<p>LOW</p> <p>Closed</p>	<p>Ampol Response (summary) Ensure LPS (or equivalent) is used to capture high noise readings to facilitate (and have a record) of cause analysis and reporting to the Project Team</p> <p>2021 IEA Auditor Comments Sighted communication of requirements and Lessons Learnt session. Sighted effective recording and use of LPS for various issues e.g., odour, dust etc. From environmental data sampled on this audit, no examples sighted where LPS was not used when applicable.</p> <p>2017 IEA Team Review Communication of requirements to document all such events in LPS and Lessons Learnt session to Terminal and Demolition Project Team completed. Ensured effective recording and use of LPS for various issues e.g., odour, dust etc.</p>
<p>2. Air Quality Management Plan</p> <p>Air Quality Management Plan (Jan. 2014) requires that fortnightly reports (dust, odour observations / inspections) are submitted to the Ampol EMR by relevant contractors. There were no records available.</p> <p>Applicable Consent Condition C28</p>	<p>LOW</p> <p>Closed</p>	<p>Ampol Response (summary) Ensure specified monitoring activities (in Management Plans) are complied with. Include more information in the Management Plan as what the format of such reporting will be rather than a general reference. CEMP and sub-plan audits can be used to verify specified activities are being complied with and records are available to demonstrate it.</p> <p>2021 IEA Auditor Comments Sighted evidence of Lessons Learnt being carried forward into the demolition phase. Sighted Cintellate records of regular audits and inspections conducted by contractor (IDES) and the Ampol Project Audit Schedule – all plans and sub-plans audited (each plan at least bi-monthly) to ensure all inspections and monitoring is conducted as specified in each plan.</p> <p>2017 IEA Team Review Lessons Learnt being carried forward into the demolition works phase. Consistent records now exist of regular audits and inspections conducted by contractor (IDES) and the Ampol Project Audit Schedule – all plans and sub-plans audited (each plan at least bi-monthly) as specified in each plan.</p>

Non-Compliance	Risk/Closure Status	Recommendation (Options)
<p>3. Construction Environment Management Plan (CEMP) Audits The CEMP (Jan. 2014) section 4.1 requires the following:</p> <ul style="list-style-type: none"> Implementation of the CEMP will be audited by Ampol within 6 weeks of the commencement of site construction works Contractor will submit copies of completed monthly HSE audits <p>The CEMP audit was not done; only one contractor monthly HSE audit was in evidence. Applicable Consent Condition: D1</p>	<p>LOW</p> <p>Closed</p>	<p>Communication of requirements and Lessons Learnt session to Terminal and Demolition Project Team completed. DEMP audits. Project Audit Schedule covers all management plans (including sub-plans) on a regular basis. Internal audit status (Ampol and IDES) reviewed at weekly team meetings</p> <p>2021 IEA Auditor Comments Sighted application of Lessons Learnt in the DEMP audits. Project Audit Schedule covers all management plans (including sub-plans) on a regular basis. Sighted audit reports and subsequent actions on findings. Contactor audit reports (IDS & Manns) readily available in Cintellate.</p> <p>2017 IEA Team Review Communication of requirements and Lessons Learnt session to Terminal and Demolition Project Team completed. DEMP Project Audit Schedule covers all management plans (including sub-plans) on a regular basis. Internal audit status (Ampol and IDES) reviewed at weekly team meetings</p>
<p>4. Independent Environmental Audit This IEA was conducted past the approved extension date of October 2015. Applicable Consent Condition: D7</p>	<p>ADMIN</p> <p>Closed</p>	<p>Proactively scheduled 2017 IEA to occur before the Demolition Project wind downs in late 2017 and the Project members start to leave Ampol. – 4th Qtr. 2017 Engaged with DPIE representatives to discuss scope of the next IEA early</p> <p>2021 IEA Auditor Comments SSD 5544 IEAs back on track with required timeframes (noting DPIE approval to defer 2020 IEA due to COVID)</p> <p>2017 IEA Team Review 2017 IEAs back on track with required timeframes</p>

7. Ampol Australia Ltd (Caltex Refineries - NSW - Pty Ltd) Kurnell Terminal Response to the Audit Findings)

Ampol has reviewed the auditor's findings and provides the following comments and commitments to address those findings.

Non-Compliance (NC)	Risk	Recommendation (Options)	Ampol Response
<p>1. Site Emergency Response Plan (ERP)</p> <p>Ampol was unable to provide evidence that the updated ERP (referring to Tank demolition works) was submitted to the NSW DPIE, as required by MOD3 - Tank 101 Demolition</p> <p>Applicable Consent Condition: C4B</p> <p><u>Mitigating Evidence</u> Documents were presented to show that the Kurnell Emergency Response Plan (CD2037) was reviewed and updated in January 2018 and that Pre-Fire Tank Plans and ERP Scenario Guidance Note -Tank Fire exists. These documents confirms that Ampol had the capability to response to a tank fire, particularly one associated with an emptied/cleaned tank. IDS (Demolition specialist) also prepared a Demolition Plan for Tanks 101 that included mitigation measures to prevent fire occurrence during demolition works and emergency response. Specific to Tank 101, an AECOM letter sent to DPIE (dated 03/10/2017) was produced to confirm that Tank 101 had been emptied, isolated from all energy sources, opened (access lids), cleaned and vented for several months in preparation for demolition. In addition, residual testing confirmed nil hydrocarbons present.</p>	<p>Administrative non-compliance</p>	<p>Sighted subsequent approvals and associated communications between Ampol and DPIE</p> <p>Noted that other Reports and Plans sampled (including sub-plans) have been submitted and approved within required timeframes. Better diligence demonstrated across the consent condition requirements with key evidence retained in Project files under specific consent conditions. Cintellate used for action sign off.</p> <p>Continue adherence to sound records management for all Project documents and submissions to third parties, (plans, reports, etc.) by ensuring:</p> <ul style="list-style-type: none"> a) future Project leads and team members are inducted to the records management requirements for all Project documents, plans, reports and their submission to third parties, etc., as needed b) Action sign off/verification includes a check for correct record retention and evidence of submissions made (as required) 	<p>While Ampol accepted the audit team's findings and comments and recommendations, significant work and oversight has gone into improving and sustaining adherence to sound records management for all Project documents and submissions to third parties, (plans, reports, etc.).</p> <p>There were a number of reporting commitments to DPIE and EPA during the period 4th Qtr. 2017 to March 2020 (when the project concluded) and this single event should be considered as an "outlier".</p> <p>We will use this NC as a "shared learning" opportunity to reinforce the important of sound records management practices for all project works and reporting commitments to third parties, such as regulators.</p> <p>The outcomes of this audit and the recommendations will be communicated to all Fuels and Infrastructure groups.</p>

Source of latest Consent Conditions: latest version of the consolidated consent for SSD 554 downloaded from the IPC's website

8. Consent Conditions Compliance Checklist

ENVIRONMENTAL PERFORMANCE AGAINST ACTIVE/ONGOING SSD5544 CONSENT CONDITIONS (includes Demolition Works MODS 1, 2, 3, 4, 5 and 6)

Legend: <i>DPIE Consolidated Consent Conditions</i> <i>Colour Coding for MODS 1-6</i>	SSD5544 – Conversion and Operations MOD 1 2015 – Demolition of Redundant Refinery Infrastructure MOD 2 2017 – ACS Management Works MOD 3 2017 – Tank 101 Demolition Works MOD 4 2018 – Extension of Demolition Works Period MOD 5 2019 – ASC Containment Cell and CWO Pipeline MOD 6 2020 – Extension of ACS Management Works Period
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1. SSD5544 Conversion and MOD1- Demolition Works

	CONDITIONS	Applicable Phase: Conversion (C) Demolition (D) Terminal Ops (T) or General (applies to all phases) (G)	Activity Status: Verified/Completed Active/ongoing Inactive Statement	Compliance Status: Compliant Non-Compliant Not Triggered	Auditor Evidence/Comments
	SCHEDULE B ADMINISTRATIVE CONDITIONS				
	OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT				
B1	The Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the development.	G	Active/ongoing	Compliant	Sampled latest OEMP and relevant sub plans. Sampled Environmental Performance data including latest annual return report to regulator (period 2/5/19 to 1/5/20). Sampled complaints status, significant drop from 40 in 2019 to 7 in 2020. Sampled operational controls in place during the site audit.

TERMS OF CONSENT					
B2	The Applicant shall carry out the Development generally in accordance with the: (a) EIS; (b) RTS; (c) site layout plans and drawings in the EIS (see Appendix A); (d) MOD 1; (e) MOD 2; (f) MOD 3; (g) MOD 4; (h) MOD 5; and (i) MOD 6.	G	Statement Active/ongoing	Compliant	Sighted EIS and Caltex response to submissions (RTS). Sampling compliance to the Consent is the focus of this audit
B3	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 Consent shall prevail to the extent of any inconsistency.	G	Statement	Note	Nil Auditor Comments required
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 that are submitted in accordance with this consent; and (b) the implementation of any actions or measures contained within these reports, plans or correspondence.	G Nil arising TD	Active/ongoing	Compliant	This is the subject of this compliance audit. Correspondence with the Department was sampled during the course of this audit – from records sampled, no breaches noted.
B5	Subject to confidentiality, the Applicant shall make all documents required under this consent available for public inspection on request.	G Nil requested over life of project	Statement Verified	Compliant	Sighted Ampol Public Website- all DPIE Approvals, Annual reports, IEA's and Final Terminal OEMP available to interested third parties

LIMITS OF CONSENT					
B6	The Applicant shall not store in excess of 925 mega litres (ML) of refined product on the Site at any one time, unless otherwise agreed to in writing by the Secretary.	G	Active/ongoing	Compliant	Total Maximum site capacity (all tanks) is 723654 lt. Actual capacity (including out of service tanks) is 666003lt., below the limits of consent. Evidence of inventory sighted as valid 10/11/20 (rev. 10)
B7	The construction works associated with the Development shall not extend beyond five (5) years from the date of approval.	G	Project completed	Compliant	Extension granted 3 times Mod 6 allowed up to 31/3/20. Modification completed Feb 2021 – all documents are on Caltex Public website Evidence of completion date and hand over from demolition to operations (ACS cell capping) sighted
B7A	The demolition works associated with the development must not extend beyond 10 June 2019.	D	Verified/Completed	Compliant	No longer applicable due to further extensions granted. Demolition works completed within the MOD6 imposed limits. Ref B7 above.
B7B	B7B. Notwithstanding Condition B7A, the ACS Management Works must not extend beyond 31 March 2020.		Verified/Completed	Compliant	Demolition project completed Feb 2020 – all documents are on Caltex Public website Evidence of completion date and hand over from demolition to operations (ACS cell capping and others) sighted
LAPSING OF CONSENT					

B8	This consent shall lapse on 1 December 2018 unless any part of the Project is physically commenced (within the meaning of section 95 of the EP&A Act) on or before that day, in accordance with any consent or development consent, on the Land to which the consent or consent relates.	G	Verified/Completed	Compliant	Refer to B7 comments above
B10	Within six (6) months of the issue of a Compliance Certificate or Occupation Certificate for the following development consents, or as otherwise agreed in writing by the Secretary, the Applicant shall surrender these consents in accordance with Clause 97 of the EP&A Regulation. (a) DA 13/0195 – Stormwater Drainage Upgrade; and (b) DA 12/0238 – Construction of a switch room.	C DA 13/0195 surrendered August 2015; DA 12/0238 surrendered October 2015	Verified/Completed	Not Triggered	Note comments in “Applicable Phase” column The relevant regulatory approval requirement has previously been met and assessed as compliant
B11	Nothing in this consent alters or modifies the following development consents: (a) SSD 5353 – Port and Berthing Works; (b) DA 13/0335 – Construction and operation of a Bio-Pile Pilot Trial to treat Hydrocarbon impacted soils; © DA 09/840 – Jet Fuel Remediation; and (d) DA 11/1090 – Remediation of Limestone Pits.	G	Statement	Not Triggered	Nil Auditor Comments required
STATUTORY REQUIREMENTS					
B12	The Applicant shall ensure that all licences, permits and approval/consents are obtained as required by law and maintained 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 approval/consents.	G	Active/ongoing	Compliant	Last licence 837 12/4/2019, submitted last annual return in time and in full. Sighted MHF Licence 10131-01 granted 07/05/2018, expiry 06/05/2023

AMENDED ENVIRONMENT PROTECTION LICENCE (EPL) REQUIREMENT						
B13	Prior to the commencement of construction, the Applicant must apply to the EPA to vary the Environment Protection Licence (EPL) for the Kurnell Refinery (Licence No. 837) to permit the Development.	C	2017 IEA Sampled currency of EPL (March 2017) and confirmed inclusion of Development	Verified/Completed	Not Triggered	Note comments in "Applicable Phase" column The relevant regulatory approval requirement has previously been met and assessed as compliant
B13A	The Applicant shall apply to the EPA to vary the EPL if additional scheduled activities are required to be undertaken as result of the demolition works.	G		Active/ongoing	Compliant	Sampled request for variation to 837 dated 6/6/2017 – crushing, grinding and separating of concrete. Sighted response letter 5/7/2017 Variation Notice 1553331 Sampled MOD2 requirements and approval triggering variation of EPL837 in 2018 not directly through application. Variation Notice 26/6/18 1565709
STRUCTURAL ADEQUACY						
B14	The Applicant shall ensure that all 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: Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.	C		Verified/Completed Nil additional builds or construction Assessed in 2016	Compliant	TOB renovated in 2014 in accordance with BCA requirements - in readiness for Terminal operations occupation No other alterations to

			and 2017 IEA		building /structures, no new building/structures added during life of project.
B15	The Applicant shall ensure that all demolition work is carried out in accordance with Australian Standard AS 2601:2001: The Demolition of Structures, or its latest version.	D	Verified/Completed Assessed in 2017 IEA and deemed Compliant	Not Triggered	Note comments under "Activity Status" Phase The relevant regulatory approval requirement has previously been met and assessed as compliant
OPERATION OF PLANT AND EQUIPMENT					
B16	The Applicant shall ensure that all 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.	G	Active/ongoing	Compliant	Caltex SAP M7 (Periodic Maintenance) and M8 (Reactive Maintenance) program in place – managed by Caltex Asset Reliability
PROTECTION OF PUBLIC INFRASTRUCTURE					
B17	Prior to the commencement of <u>construction</u> , the Applicant shall: (a) prepare a dilapidation report of the public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and (b) submit a copy of this report to the Secretary and Council.	C	Verified/Completed Assessed in 2016 and 2017 IEA's	Not Triggered	Note comments under "Activity Status" Phase The relevant regulatory approval requirement has previously been met and assessed as compliant
B17A	Prior to the commencement of <u>demolition works</u> , the Applicant shall: (a) prepare a dilapidation report of the public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and (b) submit a copy of this report to the Secretary and Council.	D/T	Verified/Completed Assessed in 2017 IEA	Not Triggered	Note comments under "Activity Status" Phase The relevant regulatory approval requirement has previously been met and assessed as compliant

B18	The Applicant shall: (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.	G	Not triggered during the life of the project	Not Triggered	Note comments under "Activity Status" Phase The relevant regulatory approval requirement has previously been met and assessed as compliant
STAGED SUBMISSION OF PLANS OR PROGRAMS					
B19	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. Notes: If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program shall clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages and the trigger for updating the strategy, plan or program. There must be a clear relationship between the strategy, plan or program that are to be combined."	G Submission of Stage 2 Terminal OEMP & Management Plans (including draft ASC C/Cell LTEMP) submitted Feb 2020. Feedback received from DPIE- minor changes to OEMP but require final (approved) ASC C/Cell LTEMP) submitted. Shown communications with DPIE (P. Copas) re availability of LTEMP due to delays by Site Auditor. DPIE approved extension of submission date to mid-March 2021	Active/ongoing Assessed in 2016 and 2017 IEA's	Compliant	Sampled various staged OEMP submissions (including sub-plans). Evidence from sighted files that staged plans had been in place to cover period between Stage 1 and Final OEMP reflect relevant strategies and project phases. Latest submission of amended Caltex Kurnell Terminal OEMP Final Stage 2 on 7 March sighted. Shown evidence (dated 8 April) confirming DPIE approval of the OEMP and Management Plans – including ACS C/Cell LTEMP
DISPUTE RESOLUTION					
B20	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.	G	Statement	Not triggered	There were no instances observed within the audit period

B21	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.	G	Statement	Compliant	Caltex National Induction Program and KNT site specific induction Those involved directly in SSD5544 project work undertake additional induction to project requirements
B22	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.	G	Statement Active/ongoing	Compliant	Sampled contractor management procedures, protocols and induction records. There is evidence that contractors and visitors are competent and aware in relation to their responsibilities when accessing the site and Project requirements
SCHEDULE C ENVIRONMENTAL PERFORMANCE AND MANAGEMENT					
HAZARDS AND RISKS					
Terms of Approval					
C1	The Applicant shall: (a) carry out the Development in accordance with the PHA; (b) implement all control measures proposed in the PHA; (c) implement all actions proposed by Caltex in response to the recommendations from the Buncefield incident investigation report (Kurnell Buncefield Review - Final, submitted to the Department May 2013). (d) implement all proposed actions listed in Caltex's response to the Department's requests for additional information and clarifications (Caltex Response to D&I Queries of Caltex Submitted QRA – August 2013).	G Verified 2016 IEA.	Verified/Completed	Not Triggered	Note comments in "Applicable Phase" column The relevant regulatory approval requirement has previously been met and assessed as compliant
C1A	<i>The Applicant shall implement the recommendations in section 6 of the document titled Hazard and Risk Analysis of the proposed Caltex Kurnell Refinery Demolition Works (HRA), prepared by Planager Pty Ltd and</i>	C Verified 2017 IEA	Verified/Completed	Not Triggered	Note comments in "Applicable Phase" column The relevant regulatory

	enclosed in Appendix B of the SEE.				approval requirement has previously been met and assessed as compliant
Demolition					
C1B	The Applicant shall ensure that relevant demolition work associated with the development is carried out in accordance with Australian Standard AS 2601:2001: The Demolition of Structures, or its latest version and the requirements of the <i>Work Health and safety Regulation 2011</i> .	D Verified in 2016 & 2017 IEA's	Verified/Completed	Compliant	Demolition Project works completed within schedule (Feb 2020) Compliance to applicable standards remains in current Work agreement and Safety management plan
C1C	The Applicant shall ensure that major demolition works as defined under the <i>Work Health and safety Regulation 2011</i> are undertaken by licensed demolition experts.	D	Verified/Completed	Compliant	Demolition works completed within schedule (Feb 2020) by same initial contractor IDS (licence AD210534)

Commissioning																				
C2	<p>The Applicant shall commission the development in accordance with Table 1 below:</p> <table border="1"> <thead> <tr> <th>System Description</th> <th>Estimated Commencement of Commissioning</th> <th>Estimated Commencement of Operation of System</th> </tr> </thead> <tbody> <tr> <td>Jet</td> <td>1 March 2014</td> <td>1 June 2014</td> </tr> <tr> <td>Diesel</td> <td>1 April 2014</td> <td>1 July 2014</td> </tr> <tr> <td>Gasoline</td> <td>1 May 2014</td> <td>1 August 2014</td> </tr> <tr> <td>Slop</td> <td>1 May 2014</td> <td>1 August 2014</td> </tr> </tbody> </table>	System Description	Estimated Commencement of Commissioning	Estimated Commencement of Operation of System	Jet	1 March 2014	1 June 2014	Diesel	1 April 2014	1 July 2014	Gasoline	1 May 2014	1 August 2014	Slop	1 May 2014	1 August 2014	C	<p>Verified/Completed</p> <p>Assessed during 2016 IEA</p>	Not Triggered	<p>Note comments under "Activity Status" Phase</p> <p>The relevant regulatory approval requirement has previously been met and assessed as compliant</p>
System Description	Estimated Commencement of Commissioning	Estimated Commencement of Operation of System																		
Jet	1 March 2014	1 June 2014																		
Diesel	1 April 2014	1 July 2014																		
Gasoline	1 May 2014	1 August 2014																		
Slop	1 May 2014	1 August 2014																		
Pre-construction																				
C3	<p>At least one month prior to the commencement of construction of the proposed 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, in consultation with WorkCover NSW, and submit for the approval of the Secretary, the studies set out under subsections (a) to (d) (the pre-construction studies) of this Condition. Construction, other than for 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.</p> <p>(a) <u>Construction Safety Study</u></p> <p>A Construction Safety Study, consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 7, 'Construction Safety'. For developments in which the construction period exceeds six (6) months, the commissioning portion of the Construction Safety Study may be submitted two months prior to the commencement of commissioning.</p> <p>(b) <u>Fire Safety Study</u></p> <p>A Fire Safety Study for the proposed Development. This study shall cover the relevant aspects of the Department of Planning's Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study Guidelines' and the New South Wales Government's 'Best Practice Guidelines for Contaminated</p>	<p>C</p> <p>All C3 Studies submitted</p> <p>Verified in 2016 and 2017 IEA's</p>	<p>Verified/Completed</p> <p>Assessed during 2017 IEA as compliant</p>	Not Triggered	<p>Note comments under "Applicable" and "Activity Status" Phase</p> <p>The relevant regulatory approval requirement has previously been met and assessed as compliant</p>															

<p>Water Retention and Treatment Systems'. The study shall also be submitted for approval to Fire and Rescue NSW.</p> <p>(c) <u>Hazard and Operability Study</u></p> <p>A Hazard and Operability Study for the proposed Development, chaired by an independent qualified person. The study shall be consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 8, 'HAZOP Guidelines'.</p> <p>The study report must be accompanied by a program for the implementation of all recommendations made in the report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented.</p> <p>(d) <u>Final Hazard Analysis</u></p> <p>A Final Hazard Analysis of the proposed Development, consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'.</p> <p>The FHA shall re-evaluate and confirm all relevant data and assumptions from the Preliminary Hazard Analysis.</p>				
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Pre-Demolition					
C3A	<p>At least one month prior to the commencement of demolition works (except for 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 (b). Demolition, other than of preliminary works, shall not commence until approval has been given by the Secretary.</p> <p><u>(a) FIRE WATER SYSTEM REVIEW</u> A review of the Firewater System to detail which parts of the system will be removed and/or retained. This review shall include a list of measures that will be implemented to ensure that the firefighting capabilities of the Caltex Terminal will not be compromised during or as a result of the demolition works.</p> <p><u>(b) DEMOLITION SAFETY STUDY</u> The study shall report on the status of implementation of the recommendation outlined in the HRA for the demolition works, enclosed as Appendix B of the SEE. The study shall include examples of the hazards control plans developed for high risk activities and task based risk assessments of the process safety related hazards.</p>	D	<p>Verified/Completed</p> <p>Assessed in 2017 IEA</p>	Not Triggered	<p>Non-compliant – 2016 IEA(Administrative NC)</p> <p>Refer to 2016 IEA Report and comments in Appendix 1, Part 2(a)</p> <p>Note: demolition had already started prior to submission and approval, thus non-compliant with the timeframe required; all plans subsequently approved</p> <p>2017 IEA Auditor Comment:</p> <p>“No further recommendations. Subsequent submissions of management plans to DPIE have all been within timeframes”</p> <p>The relevant regulatory approval requirement has previously been met and assessed as compliant</p>
C3B	<p>C3B. Prior to commencement of the Tank 101 demolition works described in MOD 3, the Applicant must update the Demolition Safety Study prepared by Caltex (approved 11 December 2016), required under Condition C3A(b) to include a demolition management plan for the Tank 101 demolition works. The demolition management plan for the Tank 101 demolition works must be prepared in consultation with the Department</p>	D	<p>Verified/Completed</p>	Compliant	<p>Sighted updated Demolition Fire Safety Study submission to DPIE and email confirmation from NSW Fire & Rescue – October 2019</p>
Pre-commissioning					

C4	<p>The Applicant shall develop, in consultation with WorkCover NSW, and implement the plans and systems set out under subsections (a) to (b) of this Condition. No later than two months prior to the commencement of commissioning of the proposed 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> <p><u>(a) Emergency Plan</u></p> <p>A comprehensive Emergency Plan and detailed emergency procedures for the proposed Development. This plan shall include consideration of the safety of all people outside of the Development who may be at risk from the Development. The plan shall be consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'.</p> <p><u>(b) Safety Management System</u></p> <p>A document setting out a comprehensive Safety Management System, covering all on-site operations and associated transport activities involving hazardous materials. 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 consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'.</p> <p>An inspection, testing and preventive maintenance program should be developed, implemented and maintained to ensure the reliability and availability of the key safety critical equipment is, at a minimum, consistent with the data estimated in the PHA.</p>	<p>G</p> <p>Assessed in 2016 and 2017 IEA's</p> <p>G</p> <p>Assessed in 2016 and 2017 IEA's</p> <p>G</p> <p>Assessed in 2016 and 2017 IEA's</p>	<p>Verified/Completed</p> <p>Assessed during 2016 and 2017 IEA's</p>	<p>Not Triggered</p>	<p>Note comments under "Applicable" and "Activity Status" Phase</p> <p>The relevant regulatory approval requirement has previously been met and assessed as compliant</p>
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C4A	<p>No later than one month prior to the commencement of the demolition works, or within such a further period as the Secretary may agree, the Applicant shall submit for the approval of the Secretary an updated Emergency Plan and detailed emergency procedures. The plan shall be in accordance with the Department of Planning's Hazardous Industry Planning Advisory Paper No.1 'Industry Emergency Planning Guidelines' and shall provide information of the emergency arrangements during the demolition works.</p>	<p>D</p> <p>Assessed in 2017 IEA</p>	<p>Verified/Completed</p>	<p>Not Triggered</p>	<p>Note comments in "Applicable Phase" column</p> <p>The relevant regulatory approval requirement has previously been met and assessed as compliant</p>
C5	<p>Prior to the Commencement of commissioning the first asset within each system (see Condition C2), the Applicant shall submit a Pre-Commissioning Plan and Pre-Start-up Safety Review Checklists to the Secretary.</p>	<p>C</p> <p>Assessed in 2016 and 2017 IEA's</p>	<p>Verified/Completed</p>	<p>Not Triggered</p>	<p>Note comments in "Applicable Phase" column</p> <p>The relevant regulatory approval requirement has previously been met and assessed as compliant</p>
Pre-Start-up					
C6	<p>Pre-Start-up Compliance Report</p> <p>One month prior to the commencement of operation of the first asset in each of the four systems (see Condition C2), the Applicant shall submit to the Secretary, a report detailing compliance with Conditions C3, C4 and C5 of this consent. The report shall be prepared in consultation with WorkCover NSW, and shall include:</p> <p>(a) dates of study/plan/system submission, approval, commencement of construction and commissioning;</p> <p>(b) actions taken or proposed, to implement the recommendations and safety-related control measures in the studies/plans/systems; and</p> <p>(c) responses to each requirement imposed by the Secretary under Condition C7 of this consent.</p> <p>Note: Compliance with Condition C4 may not be achievable until after such</p>	<p>T</p> <p>Assessed in 2016 and 2017 IEA's</p>	<p>Verified/Completed</p>	<p>Not Triggered</p>	<p>Note comments in "Applicable Phase" column</p> <p>The relevant regulatory approval requirement has previously been met and assessed as compliant</p>

	time as the documentation describing the plans and systems required under that condition have been developed. A subsequent report may therefore be required to be prepared and submitted after the documentation required by Condition C4 has been developed.				
	Post-Start-up				
C7	<p><u>Post-Start-up Compliance Report</u></p> <p>Three months after the refinery process units shut down, the Applicant shall submit to the Secretary, a report that has been prepared in consultation with WorkCover NSW verifying that:</p> <p>(a) the Emergency Plan required under Condition C4(a) is effectively in place and that at least one emergency exercise has been conducted; and</p> <p>(b) the Safety Management System required under Condition C4 (b) has been fully implemented and that records required by the system are being kept.</p> <p>The report shall be prepared in consultation with WorkCover NSW.</p>	<p>T</p> <p>Assessed in 2016 and 2017 IEA's</p>	Verified/Completed	Not Triggered	<p>Note comments in "Applicable Phase" column</p> <p>The relevant regulatory approval requirement has previously been met and assessed as compliant</p>
C7A	<p><u>Fire Safety Study Review</u></p> <p>One month prior to the completion of demolition works, or within such further period as the Secretary may agree, the Applicant shall submit for the approval of the Secretary, a revised Fire Safety Study for the Caltex Terminal. This study shall cover the relevant aspects of the Department's <i>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.</i> The study shall also be submitted to NSW Fire and Rescue for approval.</p>	<p>D</p> <p>For 2021 Audit:</p> <p>Fire Safety Study Review submitted to DPIE and NSW Fire and Rescue Oct 2019</p>	Verified/Completed	Compliant	<p>Fire Safety Study Review submitted to DPIE and NSW Fire and Rescue 25/10/2019.</p> <p>Demolition Project works completed February 2020.</p>
C8	<p><u>Hazard Audit</u></p> <p>Twelve months after all four systems being fully operational and every three years thereafter, or at such intervals as the Secretary may agree, the Applicant shall carry out a comprehensive Hazard Audit of the proposed Development 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 Development, approved by the</p>	<p>T</p> <p>1st Hazard Audit (October 2015)</p> <p>Audit report and proposed actions submitted to DPIE and DPIE Response (Jan.</p>	Verified/Completed	Compliant	<p>MEET-002465 12 actions from 2018 audit – 11 completed</p> <p>One open action remains – 2021 3rd Hazard audit</p> <p>Sighted DPIE approval for</p>

	<p>Secretary prior to commencement of each audit. Hazard Audits shall be consistent with the Department of Planning'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> <p>(a) verify implementation of all actions proposed by Caltex in response to the recommendations from the Buncefield incident investigation report (Kurnell Buncefield Review - Final, submitted to the Department May 2013).</p> <p>(b) verify implementation of all actions listed in Caltex's response to the Department's requests for additional information and clarifications (Caltex Response to DP&I Queries of Caltex Submitted QRA – August 2013)</p> <p>(c) confirm that the throughput and storage quantities of potentially hazardous materials are consistent with the PHA.</p> <p>(d) verify that an inspection, testing and preventative maintenance program has been developed, implemented and maintained to ensure the reliability and availability of the key safety critical equipment.</p> <p>(e) verify implementation of any measures arising from the reports submitted in respect of Conditions C2 to C5 of this consent. 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.</p>	<p>2016).</p> <p>2nd Hazard Audit (October 2018)</p> <p>Audit report and proposed actions submitted to DPIE on 15 Oct 2018</p> <p>DPIE Response Letter (15 Nov 2018)</p>			<p>2021 Hazard Auditor (Arriscar)</p> <p>Planned for mid-2021</p>
C9	<p><u>Further Requirements</u></p> <p>The Applicant shall comply with all reasonable requirements of the Secretary in respect of the implementation of any measures arising from the reports submitted in respect of Conditions C2 to C8 of this consent inclusive, within such time as the Secretary may agree.</p>	G	Statement	Not Triggered	Nil Auditor Comments required
Fire Risk Management During Demolition					
C9A	<p>The Applicant shall:</p> <p>a) ensure the emergency procedures detailed in condition 9A, address and mitigate, as far as reasonably practical, the consequences of potential fire and hazmat incidents during</p>	<p>D</p> <p>Assessed in 2016 and 2017 IEA's</p>	Verified/Completed	Compliant	<p>Demolition activities completed February 2020.</p> <p>Project formally concluded 31/3/20.</p>

	<p>demolition works and the potential health risks to firefighters undertaking emergency operations in relation to foreseeable fire/hazmat scenarios;</p> <p>b) ensure two copies of the emergency procedures detailed in condition a) above are located in demolition areas;</p> <p>c) ensure appropriate first aid firefighting equipment is provided on site;</p> <p>d) ensure that plant operators and demolition contractors are trained to undertake first aid firefighting in the event of an incident; and</p> <p>e) ensure that comprehensive and specific risk control measures are developed and implemented for Scenario 5 detailed in Table 3, Section 4 of the HAZDEM. The control measures developed must incorporate comprehensive training of demolition contractors in regard to the requirements for the control of ignition sources at the site.</p>	<p>Note:</p> <p><i>ERP covered all activities on site including Demolition works. SD103598 V3 and V4 included shared LERT responsibilities between Terminals & Demolition Teams</i></p> <p><i>IDS Demolition Plan covered ER alignment with Caltex ERT</i></p>			<p>Updated Terminal Emergency Response Plan (V5 dated 01 /04/2020) and procedure (Pre-Fire Plans and Scenario Guides) updated and fully implemented</p> <p>Note comments in "Applicable Phase" column</p>
SOIL AND WATER					
Discharge of Water					
C10	The Development shall comply with section 120 of the Protection of the Environment Operations Act 1997, which prohibits the pollution of waters, except as expressly provided in an EPL.	G	Active/ongoing	Compliant	<p>Reviewed last (4) EPA Annual Returns and Annual Review Environmental Performance SSD5544 (2017, 2018, 2019, 2020) and Caltex Incident Reports relating to aqueous effluent discharges and stormwater releases.</p> <p>None were associated with demolition or Terminal activities described in this Consent.</p>

Erosion and Sediment Control					
C11	During the construction and demolition works associated with the Development, the Applicant shall implement suitable erosion and sediment control measures on-site, in accordance with the relevant requirements in the latest version of the Managing Urban Stormwater: Soils and Construction Guideline and the relevant Management and Mitigation measures contained within Appendix C of this consent.	C & D	Verified/Completed	Compliant	Terminal Soil and Water management sub plan (submitted to department of planning Feb 2020) now apply and supersede the control measures in place during demolition works (similar controls apply)
Imported Soil					
C11A	<p>The Applicant shall:</p> <ul style="list-style-type: none"> a) ensure that only VENM or any other material approved in writing by the EPA issued as fill in the Eastern ROW and Western ROW; b) ensure that the material used as backfill for Silver Beach is of similar grain size and colour characteristics; c) be permitted to use only VENM or any other material that meets all of the conditions of a Resource Recovery Order issued by the EPA under the <i>Protection of the Environment Operations (Waste) Regulation 2014</i> for use in the Caltex Terminal. d) ensure that any VENM or other materials used by the Applicant are fit for purpose and are only used as specified by the relevant Resource Recovery Exemption issued by the EPA. e) keep accurate records of the volume and type of fill to be used; and f) make these records available to the Department upon request. 	D	<p>Statement Verified/Completed</p> <p>Assessed during 2017 IEA</p>	Compliant	<ul style="list-style-type: none"> • listing of all VENM deliveries (source address, loads, traceability to soil certificates), sighted • MANN'S Earthmoving EMP for Supply 40,000m3 VENM material to CLOR stockpile area –Civil Works (January 2017) <p>Sampled loads back to source and soil/sand certificates</p> <p>Note comments under "Activity Status" Phase</p>
C11B	During demolition works, the Applicant shall implement erosion and sediment control measures for managing temporary stockpiles, in accordance with the relevant requirements in the latest version of the <i>Managing Urban Stormwater: Soils and Construction – Volume 1</i> and the relevant Management and Mitigation measures contained within Appendix	D	Statement Verified/Completed	Compliant	Project concluded February 2020. Residual temporary stockpile now managed via the updated Terminals Soil and Water Management Sub

	C of this consent.				Plan (reflect effective controls in place during demolition activities)
	Water Management Plan				
C12	<p>The Applicant shall prepare and implement a Water Management Plan for the Development to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared in consultation with the EPA;</p> <p>(b) be approved by the Secretary (refer to Conditions D1 and D2 for timing);</p> <p>(c) In addition to the standard requirements for management plans (see Condition D3), this plan must include a Surface Water Management Plan, that:</p> <ul style="list-style-type: none"> • includes a description of the water management system on site, including the: <ul style="list-style-type: none"> • stormwater system; and, • oily water / wastewater system. • includes plans for the above two components of the systems: • Demonstrates compliance with any requirements of the EPL and/or the EPA. 	T & D Demolition WMP approved – refer to Caltex Public website	Active/ongoing	Compliant	<p>All Demolition Management Sub-Plans Completed & Approved - refer to Caltex Public Website</p> <p>Stage 2 OEMP and associated Management Sub plans reviewed:</p> <p>Terminal Soil and Water Management Sub Plan</p> <p>Sighted DPIE Approval Letter for SWMP</p>
C12A	<p>The Applicant shall update and implement the Soil and Water Management Plan for <u>demolition</u> works to the satisfaction of the Secretary. This plan is to update the plan approved under condition C12 and shall also:</p> <p>(a) be submitted to the Secretary for approval (See condition D1A for timing);</p> <p>(b) include a description of soil and water issues associated with the demolition works;</p> <p>(c) include measures for managing soils that are excavated and stockpiled on site including erosion and sediment control</p>	D	Verified/Completed Assessed in 2017 IEA	Not Triggered	<p>Note comments under "Activity Status" Phase</p> <p>The relevant regulatory approval requirement has previously been met and assessed as compliant</p>

	<p>measures for stockpiles and disturbed areas;</p> <p>(d) include details of water management and monitoring requirements during demolition works; and</p> <p>(e) include procedures for corrective action in the event that potential contaminants of concern are identified in the groundwater from the quarterly groundwater monitoring program.</p>				
	Groundwater				
C13	<p>In the event that groundwater is intersected during <u>construction and demolition</u> works the Applicant shall:</p> <p>(a) obtain the necessary water related approvals from NOW;</p> <p>(b) develop a Groundwater Management Plan for the testing, dewatering, storage, movement and treatment of any groundwater in consultation with the NOW, to the satisfaction of the Secretary.</p>	<p>C, D</p> <p>Verified 2016 & 2017 IEA Construction phase</p> <p>Nil such incidents reported during demolition work</p>	<p>Verified/Completed</p>	<p>Compliant</p>	<p>No further intersections recorded during the demolition activities after the 2017 Assessment</p> <p>Note comments in "Applicable Phase" column</p>
	Acid Sulphate Soils (ASS) Management Plan				
C14	<p>If Acid Sulfate Soils (ASS) are encountered during construction and demolition works, the Applicant shall take steps to prevent further oxidation of exposed ASS and will cease all work until an ASS Management Plan is prepared for the Development to the satisfaction of the Secretary. This Plan must:</p> <p>(a) be prepared in consultation with the EPA and Council by a suitably qualified and experienced expert;</p> <p>(b) be approved by the Secretary prior to the continuation of any excavation works;</p> <p>(c) outline the investigations that have be undertaken to test for the presence of ASS in accordance the NSW State Government's Acid Sulphate Soils Manual (ASSMAC 1998);</p>	<p>C, D</p> <p>Note: All Demolition Plan Completed & Approved - refer to Caltex Public Website</p>	<p>Verified/Completed</p> <p>Assessed in 2017 IEA</p> <p>Nil intersection with ASS during project works</p> <p>ASS identification and management included in approved SWMP</p>	<p>Compliant</p>	<p>Nil reported events during the remaining project period (Oct 2017- Dec 2020)</p> <p>Note comments under "Activity Status" Phase</p>

	<p>(d) detail the protocols to be put in place and followed;</p> <p>(e) detail how the ASS will be tested, handled and stockpiled;</p> <p>(f) detail measures to prevent erosion and sedimentation of ASS; and, if necessary</p> <p>(g) outline how the ASS will be disposed of off-site (e.g. at a licensed facility).</p>				
Contamination Management					
C15	<p>The Applicant shall prepare and implement a Contamination Management Plan for the Development prior to commencement of <u>construction</u>. The Plan shall:</p> <p>(a) be prepared in consultation with the EPA and NSW Health;</p> <p>(b) be to the satisfaction of the Secretary (refer to Condition D1 for timing);</p> <p>(c) outline measures for managing potentially contaminated soil and groundwater, including soil testing, classification, handling, storing and disposal;</p> <p>(d) detail the measures that will be employed to prevent erosion and sedimentation of contaminated soil;</p> <p>(e) detail measures for periodically testing surface water run-off that may accumulate during excavation works for elevated levels of contamination, with any water that is found to have elevated levels of contaminants being disposed of via the on-site Wastewater Treatment Plant.</p> <p>(f) detail measures for managing asbestos encountered during works, including disturbances of soil and release of asbestos into the air;</p> <p>(g) outline how contaminated soil and water would be classified and</p>	<p>C</p> <p>Contamination Management Plan Completed & Approved - refer to Caltex Public Website</p>	<p>Verified/Completed</p> <p>Assessed in 2016 & 2017 IEA</p>	<p>Not Triggered</p>	<p>Note comments under "Applicable" and "Activity Status" Phase</p> <p>The relevant regulatory approval requirement has previously been met and assessed as compliant</p>

	<p>disposed of in accordance with the <i>Protection of the Environment Operations Act 1997</i> and associated regulations and characterised in accordance with the <i>EPA's Waste Classification Guidelines</i>.</p> <p>g) Detail how the storage ,disposal and transport of asbestos waste would be undertaken in with the Protection of the Environment Operations (Waste) regulations ; and</p> <p>h) assess any likely impact on existing remediation projects and, if any impacts are identified, provide details as to the measure that shall be taken to reduce or avoid that impact.</p>				
C15A	<p>The Applicant shall update and implement the Contamination Management Plan for the demolition works to the satisfaction of the Secretary. This plan is to update the plan approved under condition C15 and shall also:</p> <p>a) be submitted to the Secretary for approval (See condition D1A for timing);</p> <p>b) detail measures for the identification and monitoring of potentially contaminated soils and groundwater including the use of excavation visual and olfactory indicators; and</p> <p>c) include measures for managing potentially contaminated soils and groundwater during ground disturbance and excavation works.</p>	<p>D</p> <p>All Demolition Plan Completed & Approved - refer to Caltex Public Website</p>	<p>Verified/Completed</p> <p>Assessed in 2017 IEA</p>	<p>Not Triggered</p>	<p>Note comments under "Applicable" and "Activity Status" Phase</p> <p>The relevant regulatory approval requirement has previously been met and assessed as compliant</p>
Asbestos Management					
C15B	<p>The Applicant shall ensure that any asbestos encountered during the demolition works is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in accordance with requirements of Workcover and relevant guidelines, including:</p> <p>a) <i>Work Health and Safety Regulation 2011</i>;</p> <p>b) <i>Model Code of Practice – How to Manage and Control Asbestos in</i></p>	<p>D</p>	<p>Verified/Completed</p> <p>Assessed 2017 IEA</p>	<p>Compliant</p>	<p>Noted further changes to the Demolition S&WMP - incorporated the Contamination Management Plan, Acid Sulfate Solid Management Plan and Groundwater Management Plan post the 2017 IEA</p>

	<p><i>the Workplace, 2011 Safe Work Australia</i></p> <p>c) <i>Model Code of Practice – How to Safely Remove Asbestos, 2011 Safe Work Australia; and</i></p> <p>d) <i>Protection of the Environment (Waste) Regulation 2005.</i></p>				<p>assessment</p> <p>Asbestos Air Monitoring: Monitoring results up to YE 2019 sighted (nil exceedances)</p> <p>Note comments under “Activity Status” Phase</p>									
NOISE AND VIBRATION														
Construction Noise Limits														
C16	<p>The Applicant shall ensure that the construction noise generated by the development does not exceed the criteria in Table 2 below.</p> <p><i>Table 2: Construction Noise Criteria (dB(A))</i></p> <table border="1" data-bbox="174 788 869 987"> <thead> <tr> <th>Location</th> <th>Day LA_{eq} (15min)</th> <th>Evening LA_{eq} (15 min)</th> </tr> </thead> <tbody> <tr> <td>R2-30D Cook Street</td> <td>46</td> <td>40</td> </tr> <tr> <td>At any other residence or other noise sensitive receiver</td> <td>50</td> <td>45</td> </tr> </tbody> </table>	Location	Day LA _{eq} (15min)	Evening LA _{eq} (15 min)	R2-30D Cook Street	46	40	At any other residence or other noise sensitive receiver	50	45	C,	<p>Verified/Completed</p> <p>Reviewed in 2016 and 2017 IEA</p>	Compliant	<p>Construction activities were completed in 2017, therefore no further noise monitoring activities were required thereafter. Compliance to the consent conditions criteria were reviewed and evaluated during the 2017 IEA.</p> <p>Note comments under “Activity Status” Phase</p>
Location	Day LA _{eq} (15min)	Evening LA _{eq} (15 min)												
R2-30D Cook Street	46	40												
At any other residence or other noise sensitive receiver	50	45												

Operational Noise Limits															
C17	<p>The Applicant shall ensure that the operational noise generated by the Development does not exceed the Criteria for residential receivers are summarised in Table 3 below:</p> <p>Table 3: Operational Noise Limits dB(A)</p> <table border="1"> <thead> <tr> <th>Location</th> <th>Day L_{Aeq} (15min)</th> <th>Evening L_{Aeq} (15min)</th> <th>Night L_{Aeq} (15min)</th> <th>Night L_{Amax}</th> </tr> </thead> <tbody> <tr> <td>At any private residential receiver</td> <td>60</td> <td>50</td> <td>50</td> <td>55</td> </tr> </tbody> </table> <p>Notes:</p> <ul style="list-style-type: none"> To identify a residential receiver location, refer to Appendix F of the EIS Noise generated by the Development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy These criteria have been developed for this specific Development; however it is recognised that the site is zoned for heavy industrial purpose and that ultimately the amenity of the area should be controlled by the criteria contained in Table 2.1 of the Industrial Noise Policy. 	Location	Day L _{Aeq} (15min)	Evening L _{Aeq} (15min)	Night L _{Aeq} (15min)	Night L _{Amax}	At any private residential receiver	60	50	50	55	<p>G</p> <p>Non-Compliant for shipping noise in 2016 IEA</p> <p>Refer to DPIE Annual Review reports no community noise complaints have been attributed to the demolition activities or land-based Terminal operations – all were allocated to other activities by the Terminal Operations. EPA and DPIE aware of these monitoring results.</p> <p>SoundScience System remains insitu at the Wharf as a permanent operational tool</p> <p>Refer to DPIE Annual Review, Section 2.4.1 for commentary on system in 2020</p>	<p>Active/ongoing</p> <p>NOTE:</p> <p>In <u>2017</u>, an external noise consultant (Wilkinson Murray) was engaged to undertake attended noise measurements during demolition works and evaluate compliance with the approved noise limits. The conclusion in the report was that, in most instances, levels were controlled by extraneous noise sources and “therefore these levels do not represent noise generated by the Caltex demolition activities”.</p>	<p>Compliant</p>	<p>Sighted external consultant (WM) noise survey report conducted November 2019 to December 2019, report number 19217 version B.</p> <p>Author noted that the overall values reported, inclusive of interferences generated by ambient noise, were all within the C17 Table 3 Operational Noise limits</p> <p>Note comments in “Applicable and Activity Phase” columns</p>
Location	Day L _{Aeq} (15min)	Evening L _{Aeq} (15min)	Night L _{Aeq} (15min)	Night L _{Amax}											
At any private residential receiver	60	50	50	55											
Hours of Construction Demolition and Operation															
C18	<p>With exception of the works identified in conditions C19 and C20, the Applicant shall comply with the hours detailed in table 4.</p> <p>Table 4: Construction, Demolition & Operation Hours</p> <table border="1"> <thead> <tr> <th>Activity</th> <th>Day</th> <th>Time</th> </tr> </thead> <tbody> <tr> <td>Construction</td> <td>Monday - Sunday</td> <td>7.00am – 10.00pm</td> </tr> </tbody> </table>	Activity	Day	Time	Construction	Monday - Sunday	7.00am – 10.00pm	<p>G</p>	<p>Active/ongoing</p>	<p>Not Verifiable</p>	<p>Advised by Caltex that there was nil need to perform Demolition works outside hours stated in Table 4.</p> <p>On/Off records exist for all contractors – swipe reading at Gate to Terminal and ROW.</p>				
Activity	Day	Time													
Construction	Monday - Sunday	7.00am – 10.00pm													

	<table border="1"> <tr> <td>Demolition</td> <td>Monday - Sunday</td> <td>7.00am – 10.00pm</td> </tr> <tr> <td>Operation</td> <td>Monday - Sunday</td> <td>24 hours</td> </tr> <tr> <td colspan="3"> </td> </tr> </table>	Demolition	Monday - Sunday	7.00am – 10.00pm	Operation	Monday - Sunday	24 hours							<p>Overtime must be approved by Caltex BEFORE work can proceed.</p> <p>Demolition Project concluded March 2020</p>
Demolition	Monday - Sunday	7.00am – 10.00pm												
Operation	Monday - Sunday	24 hours												
C19	High noise generating construction and demolition works, including the pipeline removal works within the Eastern and Western Right of Ways and the Tank 101 demolition works described in MOD3, shall be confined to less sensitive times of the day, and shall not be undertaken on Sundays or public holidays or outside of the hours 7.00am and 6.00pm Monday to Saturday.	C & D	<p>Verified/Completed</p> <p>Assessed in 2016 and 2017 IEA</p>	Compliant	<p>Refer to comments in C18 above</p> <p>Note comments under "Activity Status" Phase</p>									
C20	<p>Construction works outside of the work hours identified in condition C18 above may be undertaken in the following circumstances:</p> <ul style="list-style-type: none"> (a) works that are inaudible at nearest sensitive land receivers; (b) works that are consistent with Caltex's existing maintenance procedures and are in accordance with the existing EPL; (c) works agreed to in writing by the EPA or the Department; (d) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or (e) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm. 	C & D	Project Completed	Not Verifiable	<p>Caltex advised that no work was conducted outside the hours specified. Refer to comments in C18</p> <p>There was no observable evidence to indicate Site was not compliant.</p>									
Operating Conditions														

C21	<p>The Applicant shall:</p> <ul style="list-style-type: none"> (a) implement best management practice, including all reasonable and feasible noise management and mitigation measures to prevent and minimise operational, low frequency and traffic noise generated by the proposal; (b) minimise the noise impacts of the development during adverse meteorological conditions when noise criteria do not apply; (c) maintain the effectiveness of any noise suppression equipment on plant at all times and ensure defective plant is not used operationally until fully repaired; and (d) regularly assess noise monitoring data and relocate, modify and/or stop operations to ensure compliance with the relevant conditions of this consent. 	<p>T</p> <p>Reported in 2019 Annual Review</p> <p>Wilkinson Murray were commissioned in November 19 to undertake a noise monitoring survey to redetermine the baseline ambient noise levels following the completion of the demolition works and the capping of the ACS Cell</p>	Active/ongoing	Compliant	<p>Results of the report indicate and confirm that the operating noise levels of the development are within the consent conditions specified in table 3 of C17, therefore not requiring further mitigations to be implemented.</p> <p>Note comments in "Applicable Phase" column</p>
<p>Commentary on Dec 2019: Environmental Noise Survey:</p> <p>Wilkinson Murray was engaged again to undertake residential noise monitoring undertake a noise monitoring survey to redetermine baseline ambient noise levels following the completion of the demolition works and ACS Cell capping at the Caltex Kurnell Site. Long-term unattended monitoring using environmental noise loggers was undertaken at eight locations surrounding the Caltex Kurnell site. Wilkinson Murray concluded that Caltex site activities had no discernible influence on the measured noise levels at the identified monitoring locations.</p>					
<p>Noise Management Plan</p>					
C22	<p>The Applicant shall prepare and implement a Noise Management Plan for construction works and <u>site operations</u>. The plan (s) shall:</p> <ul style="list-style-type: none"> (a) be prepared and implemented by a suitably qualified and experienced person, in consultation with the EPA; (b) be approved by the Secretary (refer to Conditions D1 and D2 for timing); (c) describe the measures that will be implemented to minimise noise from the construction and operation of the development including: <ul style="list-style-type: none"> · all reasonable and feasible measures being employed on site; 	<p>C & T</p> <p>Construction Plan Completed & Approved</p> <p>Compliant for Plan but non-compliant for recording one event in 2016 IEA.</p> <p>Notes; Site wide approach to noise management with special measures in</p>	Active/ongoing for <u>Terminal operations</u>	Compliant	<p>Both Demolition and the Terminal Noise Management Plans have been approved by DPIE</p> <p>Terminal Noise Mgmt. Plan further amended at the end of the shipping noise trial to incorporate identified process improvements. DPIE approved the plan in Feb 2019</p>

	<ul style="list-style-type: none"> · maintain equipment to ensure that it is in good order; · traffic noise is effectively managed; and · the noise impacts of the development are minimised during any meteorological conditions when the noise criteria in this consent do not apply; · identification of high noise generating construction activities, including proposed times when these works will be carried out (including respite periods if required) and mitigation measures to minimise adverse impacts from these activities; · compliance with the relevant conditions of this consent. <p>(d) includes a noise monitoring program that:</p> <ul style="list-style-type: none"> · shall be carried out until otherwise agreed to in writing by the Secretary; · is capable of evaluating the performance of the Development; and · includes a protocol for determining exceedances of the relevant conditions of this consent and responding to complaints. 	<p>place for shipping noise.</p> <p>All maintenance and demolition work covered by PTW requirements.</p>			<p>Revised Noise M/Plan in Stage 2 OEMP Feb 2020</p> <p>Latest submission of amended Caltex Kurnell Terminal OEMP Final Stage 2 on 7 March sighted.</p> <p>Shown evidence (dated 8 April) confirming DPIE approval of the OEMP and all Management Sub-Plans</p> <p>Note comments in "Applicable Phase" column</p>
C22A	<p>The Applicant shall update and implement the Noise Management Plan for the demolition works to the satisfaction of the Secretary. This plan is to update the plan approved under condition C22 and shall also:</p> <ul style="list-style-type: none"> a) be approved by the Secretary (refer to conditions D1A and D2 for timing); b) outline the procedures for the notification of all potentially affected persons at least one week prior to and during high noise generating works; c) implement reasonable and feasible noise and vibration management and mitigation measures during demolition activities 	<p>D Project completed 2020 Plan Completed & Approved – refer to Caltex Public Website</p> <p>Assessed in 2016 and 2017 IEA</p>	Verified/Completed	Compliant	<p>Demolition activities completed Feb 2020, no further comment</p> <p>Noted comments in "Applicable Phase" column</p> <p>Also noted Noise Management Sub Plan updated in Jan 2019. Sighted submission email to DPIE on 18 Feb 2019 – reflects changed to shipping</p>

	<p>within the Caltex Terminal;</p> <p>d) implement reasonable and feasible noise and vibration monitoring and management measures during removal of pipelines from the Eastern and Western ROW to minimise noise and vibration impacts generated by the pipeline removal works; and</p> <p>e) include strategies for monitoring vibration impacts on buildings with medium to high heritage significance proposed to be retained within the Caltex Terminal.</p>				noise management only (post noise monitoring trial Dec 2017 – June 2018)
Construction Vibration					
C23	<p>The Applicant shall aim to achieve the following construction and demolition vibration goals:</p> <p>(a) for structural damage, the vibration limits set out in the <i>German Standard DIN 4150-3: Structural Vibration - effects of vibration on structures</i>; and</p> <p>(b) (b) for human exposure, the acceptable vibration values set out in the <i>Environmental Noise Management Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006)</i>.</p>	<p>C & D</p> <p>Vibration mitigation and monitoring described in the Demolition Noise and Vibration Management Plan.</p>	<p>Verified/Completed</p> <p>Assessed in 2016 & 2017 IEAs</p>	Not Triggered	<p>Noted comments under “Applicable” and “Activity Status” Phase</p> <p>The relevant regulatory approval requirement has previously been met and assessed as compliant</p>
AIR QUALITY MANAGEMENT					
Dust Generation During Construction					
C24	<p>The Applicant shall carry out all reasonable and feasible measures to minimise dust generated during <u>construction works and demolition works</u>.</p>	<p>C & D</p> <p>Assessed in 2016 and 2017 IEA</p>	<p>Verified/Completed</p>	Compliant	<p>Dust Deposition monitoring data included in DPIE Annual Review reports.</p> <p>Dust Deposition monitoring continued towards the end 2019. Sampled relevant data.</p>
C25	<p>During construction and demolition works, the Applicant shall ensure that:</p>	<p>C & D</p>	<p>Project Completed</p>	Not Triggered	<p>Demolition Project completed Feb 2020, no</p>

	<p>(a) all trucks entering or leaving the site have their loads covered;</p> <p>(b) trucks associated with the Development do not track dirt onto the public road network; and</p> <p>(c) any dirt on public roads as a result of the development is promptly removed.</p>		Assessed in 2016 and 2017 IEA with nil findings		<p>further comment</p> <p>Note comments under "Activity Status" Phase</p> <p>The relevant regulatory approval requirement has previously been met and assessed as compliant</p>
Offensive Odour					
C26	The Applicant shall not cause or permit the emission of offensive odours from the site, as defined under Section 129 of the POEO Act.	G Refer to DPIE Annual Review reports over the life of the SSD5544 project for details of odour complaints	Active/ongoing	Not Verifiable	<p>DPIE approved Air Quality Mgmt Plan in place incorporating controls to ensure that offensive odours are not caused and/or emitted from the site</p> <p>Odour complaints reported over the life of the SSD5544 project and these are being treated on a case by case basis to determine if they can be attributed to the development activities or other sources</p> <p>Reduced number of odour complaints reported in 2020 DPIE Annual Review (7 in 2020 vs 30 in 2019)</p> <p><u>2 YTD 2021</u> as advised by Ampol – Tank 104 bund area plus 1 determined to be other external source (SSC wetland vegetation post rain event – known source of odour)</p>

Operating Conditions					
C27	<p>The Applicant shall:</p> <ul style="list-style-type: none"> (a) implement all reasonable and feasible dust and odour mitigation measures to prevent and minimise odour and dust emissions from operations; (b) prevent and minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events; (c) minimise any visible off-site air pollution; and (d) minimise surface disturbance of the site, other than as permitted under this consent. 	G	Active/ongoing	Compliant	<p>The current OEMP and Mgmt Sub Plans (e.g. Air quality management plan, Soil and water Management plan) include adequate controls to mitigate the potential risk of odour and dust emissions and have been amended to reflect the controls utilized during demolition activities.</p> <p>Examples: use of water sprays, postpone dust generating activities during high wind events, covering of odorous stockpiles, monitoring wind conditions, dust curtains, watering of stockpiles, excavation permits / odour screening of excavated material</p>
Air Quality Management Plan					
C28	<p>The Applicant shall prepare and implement an Air Quality Management Plan for the proposed <u>construction</u> works. The plan shall:</p> <ul style="list-style-type: none"> (a) be prepared and implemented by a suitably qualified and experienced expert in consultation with the EPA and NSW Health; (b) be approved by the Secretary (refer to Condition D1 for timing); (c) describe the measures that would be implemented on site to ensure: <ul style="list-style-type: none"> i. the control of air quality and odour impacts of the Development; ii. that these controls remain effective over time; 	<p>C</p> <p>All approved Construction Plans Completed & Approved - refer to Caltex Public Website</p>	Verified/Completed	Not Triggered	<p>Note comments under "Applicable" and "Activity Status" Phase</p> <p>The relevant regulatory approval requirement has previously been met and assessed as compliant</p>

	<p>iii. that all reasonable and feasible air quality management practices is employed;</p> <p>iv. the air quality impacts are minimised during adverse meteorological conditions and extraordinary events; and</p> <p>v. compliance with the relevant conditions of this consent.</p> <p>(d) describes the air quality & odour management system;</p> <p>(e) includes an air quality monitoring program that:</p> <p>i. is capable of evaluating the performance of the proposal;</p> <p>ii. includes a protocol for determining any exceedances of the relevant conditions of consent and responding to complaints;</p> <p>iii. adequately supports the air quality management system; and</p> <p>iv. evaluates and reports on the effectiveness of the air quality management system.</p>				
C28A	<p>The Applicant shall update and implement the Air Quality Management Plan for the <u>demolition works</u> to the satisfaction of the Secretary. This plan is to update the plan approved under condition C28 and shall also:</p> <p>(a) be approved by the Secretary (refer to conditions D1a and D2 for timing);</p> <p>(b) outline procedures for VOC, odour and dust deposition monitoring and suppression methods during excavation works and where potential hydrocarbon contamination is present; and</p> <p>(c) include dust suppression measures and procedures for dust monitoring during operation of the concrete crusher.</p>	<p>D</p> <p>Demolition Air Quality Management Plan was subsequently approved by DPIE and verified by IEA Auditor in 2017</p>	<p>Plan Completed & Approved</p>	<p>Compliant</p>	<p>Noted further amendments were made to the Plan in 2018 to account for the ACS Containment Cell.</p> <p>Revised and approved by DPIE. Plan posted to Caltex Public website.</p> <p>Note comments in "Applicable Phase" column</p>
Air Quality Verification					
C29	<p>The Applicant shall carry out an air quality verification study for the development. The study shall:</p> <p>(a) be prepared by a suitably qualified expert;</p> <p>(b) be completed within 24 months of the commencement of operations or as otherwise agreed to by the Secretary;</p>	<p>T</p>	<p>Verified/Completed</p>	<p>Compliant</p>	<p>Sighted evidence that Air Quality Verification Study was submitted to DPIE in Jan 2019</p> <p>The report sighted contains</p>

	<p>(c) be based on the average of emissions over a continuous 12 month period after commencement of operations, taking into account the throughput and type of fuel;</p> <p>(d) include a validation of the accuracy of the modelling predictions in the EIS;</p> <p>(e) verify that compliance with any limits or conditions in the EPL are achieved;</p> <p>(f) verify, using reasonable means, the effectiveness of any emission control measures that have been implemented to minimise air quality impacts; and</p> <p>(g) demonstrate compliance with the relevant regulatory criteria.</p>				all elements of compliance to C29
HERITAGE MANAGEMENT					
Archival Record					
C30	<p>The Applicant shall commission an appropriately qualified heritage expert to undertake an archival photographic recording of the existing fabric and operation of the Kurnell Refinery while the plant is still operational and during the decommissioning process. The recording should include a range of media and shall be undertaken in accordance with the current Heritage Council Guidelines on Photographic Recording of Heritage Items Using Film or Digital Capture (2006).</p> <p>The archival recording shall be submitted to the Heritage Council of NSW, Sutherland Shire Library and the NSW State Library within 12 months of the closure of the refinery and prior to the removal or demolition of any existing elements.</p>	C	<p>Verified/Completed</p> <p>Assessed during 2016 and 2017 IEA</p>	Not Triggered	<p>Note comments under "Activity Status" Phase</p> <p>The relevant regulatory approval requirement has previously been met and assessed as compliant</p>

Heritage Management Strategy					
C31	<p>The Applicant shall prepare and implement a Heritage Management Strategy for the Australian Oil Refinery site prior to shut-down of the refinery plant. The Strategy must:</p> <ul style="list-style-type: none"> (a) be prepared by a suitably qualified person in consultation with Council and the Heritage Council of NSW; (b) be submitted to the Secretary for approval at least 2 months prior to the shut-down of the refinery plant; (c) review the heritage significance of the Australian Oil Refinery site; and (d) set out a framework to minimise or mitigate the loss of heritage value during the decommissioning process, and for the ongoing management of the Site's heritage during present and future works. 	<p>C</p> <p>Compliant</p> <p>Refer to comments in C31A</p>	<p>Verified/Completed</p> <p>Assessed in 2016 and 2017 IEA</p>	<p>Not Triggered</p>	<p>Note comments under "Applicable" and "Activity Status" Phase</p> <p>The relevant regulatory approval requirement has previously been met and assessed as compliant</p>
C31A	<p>The Applicant shall:</p> <ul style="list-style-type: none"> (a) continue to implement the Heritage Management Strategy prior to and during the demolition works; and (b) implement the recommendations stated in Chapter 4 and 5 of the document titled: <i>Caltex Kurnell Refinery Demolition: Heritage Impact Statement by Australian Museum Consulting for URS Australia Pty Ltd, October 2014.</i> 	<p>D</p> <p>Further changes to the approved Heritage Strategy – DPIE notified 26 Jul 18 Amended report sent 27 Aug 18</p>	<p>Verified/Completed</p>	<p>Compliant</p>	<p>Sighted Amended report sent 27 Aug 2018</p>
Other Heritage Management and Mitigation Measures					
C32	<p>The Applicant shall, prior to shut-down of the refinery:</p> <ul style="list-style-type: none"> (a) form an in- house team to manage documentation and interpretation of the history of the refinery, including the production of a colour book; (b) liaise with the Mitchell Library to prepare a photographic record of the site and people associated with the refinery for inclusion in the 	<p>C</p>	<p>Verified/Completed</p> <p>Assessed in 2016 IEA</p>	<p>Not Triggered</p>	<p>Note comments under "Activity Status" Phase</p> <p>The relevant regulatory approval requirement has previously been met and assessed as compliant</p>

	<p>library's archives; and</p> <p>(c) engage a professional photographer to prepare a photographic exhibition of the refinery. The location(s) and duration of the exhibition shall be to the satisfaction of Council and the NSW Heritage Council.</p>				
32A	<p>Within two months of its scheduled demolition, the Applicant shall undertake a final review of the adaptive reuse capabilities of highly significant buildings which are proposed to be demolished as per the recommendations of the Heritage Management Strategy.</p>	<p>D</p> <p>There were 7 buildings identified in this category (Demolition Heritage Impact Assessment pg. 105).</p> <p>Refer to C31A for comments re amendments to the Strategy</p>	<p>Verified/Completed</p> <p>Assessed in 2016 IEA</p>	<p>Not Triggered</p>	<p>Noted comments under "Applicable" and "Activity Status" Phase</p> <p>The relevant regulatory approval requirement has previously been met and assessed as compliant</p>
32B	<p>Within two months of its scheduled demolition, the Applicant shall complete appropriate archival records of items to be demolished as per the recommendations of the Heritage Management Strategy and other initiatives supported by the Heritage Division of the OEH.</p>				
Potential for Discovery of Aboriginal and Non-Aboriginal Heritage Objects					
C33	<p>If during the course of construction and demolition the Applicant becomes aware of any previously unidentified heritage object(s), all work likely to affect the object(s) shall cease immediately and the Heritage Council of New South Wales shall be notified immediately in accordance with section 146 of the Heritage Act 1977. Relevant works shall not recommence until written authorisation from the Heritage Council of NSW is received by the Applicant.</p>	<p>C & D</p> <p>Note: Nil heritage object or aboriginal artefacts or objects identified during project</p>	<p>Verified/Completed</p> <p>Assessed during 2016 and 2017 IEA</p>	<p>Compliant</p>	<p>No unidentified heritage object found during and up to the completion of the demolition works or associated with Terminal maintenance works</p> <p>Note comments in "Applicable and Activity Phase" columns</p>

C34	If during the course of construction and demolition the Applicant becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the OEH informed in accordance with section 89A of the National Parks and Wildlife Act 1974. Relevant works shall not recommence until written authorisation from OEH is received by the Applicant.	C & D	Verified/Completed Assessed during 2016 and 2017 IEA	Compliant	Note comments in Activity Phase" column
Energy Efficiency And Greenhouse Gas Emission					
Managing Energy Efficiency & Greenhouse Gas Emissions					
C35	The Applicant shall implement all reasonable and feasible measures to minimise: (a) energy use; and (b) greenhouse gas emissions, throughout the life of the development, to the satisfaction of the Secretary.	G 2017 IEA comment: EPL Pollution Reduction Programs includes reduction of emissions from gasoline storage i.e. tank sleeve program	Statement Active/ongoing Assessed during 2016 and 2017 IEA	Not Triggered	Noted comments under "Applicable" and "Activity Status" Phase The relevant regulatory approval requirement has previously been met and assessed as compliant

TRANSPORT AND ACCESS					
Traffic Management Plan					
C36	<p>The Applicant shall prepare and implement a Traffic Management Plan for the <u>Development</u>, to the satisfaction of the Secretary. The plan must:</p> <ul style="list-style-type: none"> (a) be prepared and implemented by a suitably qualified and experienced person; (b) be approved by the Secretary (refer to Conditions D1 and D2 for timing); (c) detail the measures that would be implemented to ensure road safety and network efficiency during construction and operation including (but not limited to): <ul style="list-style-type: none"> . installation of signage and implementation of maximum speeds limits on internal roads; and . final details of the proposed traffic control measures. . details for rationalisation of the entry and exit to the site, particularly if the weigh bridge is no longer required, to improve the management of traffic and parking for members of the general public in this area (d) include a plan showing the route to be used by heavy vehicles during construction and operation; (e) detail the access and parking arrangements for the site during construction and operation; (f) include a Driver Code of Conduct that details the traffic management measures to be implemented during construction and operation to: <ul style="list-style-type: none"> . minimise the impacts of the development on the local and regional road network; . minimise conflicts with other road users; and . ensure truck drivers use specified routes. (g) describe the measures that will be implemented to ensure: <ul style="list-style-type: none"> . the nominated heavy vehicle route is used; 	G	Active/Ongoing	Compliant	<p>Terminal Traffic Management Plan reviewed and updated at the end of the demolition works. The revised plan was submitted as part of Stage 2. Final Terminal OEMP in Feb 2020</p> <p>Submission of amended Terminal Traffic Management Plan included in Caltex Kurnell Terminal OEMP Final Stage 2 on 7 March 2021 sighted.</p> <p>Shown evidence (dated 8 April) confirming DPIE approval of the OEMP and all Management Sub-Plans</p> <p>Note comments in "Applicable Phase" column</p>

	<ul style="list-style-type: none"> · drivers adhere to the code of conduct; and · compliance with the relevant conditions of this consent. <ul style="list-style-type: none"> (h) include a program to monitor the effectiveness of these measures; and (i) (i) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes. 				
C36A	<p>The Applicant shall update and implement the Traffic Management Plan for the <u>demolition works</u> to the satisfaction of the Secretary. This plan is to update the plan approved under condition C36 and shall also:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with Council; (b) be approved by the Secretary (refer to conditions D1A for timing); (c) include the designated routes for demolition traffic to the demolition areas within the site; (d) include details of traffic management arrangements for the cooling water outlet and intake pipeline removal works within the road reserves; and (e) outline the procedures for the notification of all potentially affected persons prior to and during the pipeline removal works within the road reserves. 	<p>D</p> <p>All Demolition Plan Completed & Approved - refer to Caltex Public Website</p> <p>Assessed in 2017 IEA</p>	<p>Verified/Completed</p> <p>Assessed during 2017 IEA</p>	<p>Compliant</p>	
C36B	<p>The Applicant shall ensure that the pipeline removal works along the road reserves on Captain Cook Drive, Prince Charles Parade and Cook Street are undertaken in consultation with Council and do not take place during public events or public holidays in Kurnell.</p>	<p>D</p> <p>These works were completed in 2019 with NIL incidents</p>	<p>Verified/Completed</p>	<p>Compliant</p>	<p>Evidence sighted that local interested parties were at the time contacted, however there is no evidence that response was received by Caltex. There is no evidence of complaints received via Community Hotline or other means confirming that the</p>

					pipeline removal works were conducted in accordance with C36B.
	Car Parking				
C37	The Applicant shall provide sufficient parking facilities on-site for construction, demolition and operational personnel, and heavy vehicles, to ensure that construction and operational traffic associated with the Development do not utilise public and residential streets or public parking facilities for parking.	G Refer to comments in C36	Verified/Completed Assessed during 2016 & 2017 IEA's	Compliant	Project completed Feb 2020. Existing car parking facilities have been adequate for the life of this development thus far – large car park from previous refinery operation still available for use. No evidence of other external parking used. Note comments under “Activity Status” Phase
C37A	Within 18 months after commencement of the demolition works, the Applicant shall: (a) complete a review, in consultation with Council, of the Cook Street approach to the Caltex Terminal site considering issues relating to signage, car parking arrangements, vehicle flows and the future of the weighbridge; and (b) include a timetable of implementation of the findings of this review. Note: The implementations of the findings of this review may require further approval under the EP&A Act.	D Refer to comments in C36 above Note: Ampol decision to retain current weighbridge for ongoing remediation project works	Verified/Completed	Not triggered	A review was conducted at the end of the demolition activities. There is no clear evidence of other reviews conducted prior to that. Caltex states SSC was contacted via phone, however there is no evidence of other external parking/ signage issues triggering the need for further SSC engagement Demolition works now completed

					Note comments in "Applicable Phase" column The relevant regulatory approval requirement has previously been met and assessed as compliant
	WASTE MANAGEMENT				
	Waste Management On-Site				
C38	The Applicant shall (a) minimise the waste generated on site; and (b) ensure that the waste generated by the development is appropriately stored, handled and disposed of, to the satisfaction of the Secretary.	G	Active/ongoing Assessed during 2016 & 2017 IEA	Compliant	Sighted Waste Management System Trackable/Hazardous Waste Log entries to demonstrate appropriate waste management
C39	The Applicant shall ensure that any waste generated on the site during <u>construction and demolition</u> is classified in accordance with the EPA's Waste Classification Guidelines and disposed of to a facility that may lawfully accept the waste.	C & D	Verified/Completed Assessed during 2016 & 2017 IEA	Compliant	Sighted Waste Management System entries to demonstrate appropriate waste management
C39A	The Applicant shall ensure that all hazardous materials identified in the structures to be demolished are removed prior to demolition where it is safe and practical to do so.	D Assessed in 2016 and 2017 IEA	Verified/Completed Assessed during 2016 & 2017 IEA	Not Triggered	Note comments under "Applicable" and "Activity Status" Phase The relevant regulatory approval requirement has previously been met and assessed as compliant

C39B	The Applicant shall ensure that the reuse of any materials (including soil, scrap metal or building materials) on site must be fit for purpose and must not result in any adverse impacts to the environment.	D Compliant – concreted deemed to be uncontaminated was crushed and used on site in cleared areas	Verified/Completed	Compliant	Testing of crushed concrete and equipment swabs sighted e.g. WSP and SGS certificates to determine if appropriate for reuse onsite
C39C	Where it is safe and practical to do so, the Applicant should as far as practicable sort all waste materials generated during demolition works to maximise opportunities for the beneficial reuse and recycling of such waste materials.	D All waste materials generated during demolition works have been removed from site	Verified/Completed	Compliant	Demolition works completed Feb 2020, sighted records to indicate that some waste material generated by demolition activities was recycled (e.g. scrap metal, lights)
Waste Management Plan					
C40	The Applicant shall prepare and implement a Waste Management Plan for the development to the satisfaction of the Secretary. This Plan shall: (a) be prepared in consultation with the EPA; (b) be approved by the Secretary (refer to timing in Conditions D1 and D2) (c) detail the type and quantity of waste to be generated by construction and operational phases of the development; (d) detail the materials to be reused or recycled, either on or off site; and (e) detail the procedures for handling, storage, collection of recycling and disposal of waste."	G As per 2018 Update: Plan reviewed to account for ACS movement between pipeways and the new ACS Containment Cell . Plan submitted to DPIE and approved along with other Plans impacted by MOD2 2020 Update: Amended Waste Mgmt Plan reviewed by DPIE when Stage 2. Final Terminal OEMP submitted in Feb 2020. Plan deals with waste generated from	Active/ongoing Plan Completed & Approved	Compliant	Amended Waste Mgmt Plan reviewed by DPIE when Stage 2. Final Terminal OEMP submitted in Feb 2020. Plan deals with waste generated from terminal activities. All Project works follow Terminal waste management requirements. Sighted latest submission of amended Caltex Kurnell Terminal OEMP Final Stage 2 OEMP and all Management Sub-Plans on 7 March 2021. Shown evidence (dated 8 April 2021) confirming DPIE

		terminal activities. Project works follow Terminal waste management requirements			approval of the OEMP and all Management Sub-Plans
Demolition Waste and Resource Management Plan					
C40A	The Applicant shall prepare and implement a Demolition Waste and Resource Management Plan for the demolition works to the satisfaction of the Secretary. This plan is to update the plan approved under condition C40 and shall also: (a) be prepared in consultation with the EPA; (b) be approved by the Secretary (refer to condition D1a for timing); (c) outline the measures for the removal, storage and disposal of all waste materials generated during the demolition works; and (d) outline the waste reuse and recovery strategy for the demolition works.	D Plan Completed & Approved All Demolition Plan Completed & Approved - refer to Caltex Public Website	Plan Completed & Approved Assessed in 2017 IEA	Compliant	Refer to above comments Noted comments under "Applicable" and "Activity Status" Phase
Waste Received from Off-Site					
C41	The Applicant shall not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997, if such a licence is required in relation to that waste.*	G	Statement	Compliant	Demolition Project completed Feb 2020, Sighted Waste Management System Trackable/Hazardous Waste Log entries to demonstrate appropriate waste management

C41A	<p>The Applicant shall ensure that the removal of the cooling water outlet pipeline 20 metres seaward from the low tide mark in Botany Bay is carried out in a manner that minimises the potential for disturbance and/or spread of <i>Caulerpa taxifolia</i>.</p>	D	<p>Verified/Completed</p> <p>April- May 2018 Outlet line successfully removed with nil observable environmental effect SSC Inspection gave OK</p> <p>Follow-up Works needed July 2019</p>	Compliant	<p>Sighted AECOM Cooling Water Outlet Pipeline Plan detailing methodology and mitigation measures to minimise seabed disturbance</p> <p>Sighted 2 KNT Community letters</p> <p>April 2018 – initial works detailing pipeline works and works schedule</p> <p>July 2019 detailing additional pipeline works and schedule</p> <p>Note comments under “Activity Status” Phase</p>
BIODIVERSITY & ECOLOGY					
Biodiversity Management Plan					
C42	<p>The Applicant shall prepare and implement a Biodiversity Management Plan for the development to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with the EPA; (b) be approved by the Secretary (refer to Conditions D1 and D2 for timing);; (c) include measures to be taken to minimise impacts on flora and fauna; (d) include a program with timeframes for implementation of the relevant recommendations contained in the Ecology Impact Assessment in Appendix I of the EIS, and the Management and Mitigation Measures contained in Chapter 19 of the EIS to minimise impacts on flora and fauna and maintain the biodiversity value of the site and surrounding environment. 	<p>G</p> <p>2020 Update:</p> <p>Amended Biodiversity and Weed Mgmt Plan reviewed by DPIE when Stage 2. Final Terminal OEMP submitted in Feb 2020:</p> <p>All Demolition Plan Completed & Approved - refer to Caltex Public Website</p>	<p>Plan Completed & Approved</p> <p>Assessed in 2017 IEA</p>	Compliant	<p>Latest submission of amended Caltex Kurnell Terminal OEMP Final Stage 2 on 7 March sighted.</p> <p>Shown evidence (dated 8 April) confirming DPIE approval of the OEMP and all Management Sub-Plans</p> <p>Note comments in “Applicable and Activity Phase” columns</p>
Pest, Vermin & Noxious Weed Management					

C43	<p>The Applicant shall:</p> <ul style="list-style-type: none"> (a) implement suitable measures to manage pests, vermin and declared noxious weeds on site; (b) measures to be taken to prevent the spread of any identified noxious/exotic weeds off site; and (c) inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or noxious weeds are not present on site in sufficient numbers to pose an environmental hazard, or cause the loss of amenity in surrounding area. <p><i>Note: For the purposes of this condition, noxious weeds are those species subject to an order declared under the Noxious Weed Act 1993.</i></p>	G See above comments	Active/ongoing Assessed in 2017 IEA	Compliant	<p>Latest submission of amended Caltex Kurnell Terminal OEMP Final Stage 2 on 7 March sighted.</p> <p>Shown evidence (dated 8 April) confirming DPIE approval of the OEMP and all Management Sub-Plans</p> <p>Note comments under "Activity Status" Phase</p>
C43A	<p>The Applicant shall update and implement the Biodiversity and Weed Management Plan for the demolition works to the satisfaction of the Secretary. This plan is to consolidate the plans approved under conditions C42 and C43 and shall also:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with the OEH; (b) be approved by the Secretary (Refer to condition D1A for timing); and NSW Government 9 Department of Planning and Environment (c) include details of pre-clearing inspections and frog exclusion measures to be undertaken prior to excavation along the Continental Carbon Pipeway Right of Way. 	G 2020 Update: Amended Biodiversity and Weed Mgmt Plan reviewed by DPIE when Stage 2. Final Terminal OEMP submitted in Feb 2020	Plan Completed & Approved	Compliant	<p>Refer to comments in C43 - as above</p> <p>Note comments in "Applicable Phase" column</p>

Continental Carbon Pipeline					
C43B	<p>Within three months after the removal of the Continental Carbon Pipeline, the Applicant shall prepare a strategy, in consultation with the OEH, for the active management of the former pipeline route including a program for weed management and removal as outlined in Management and Mitigation Measure K6 in Appendix C of this consent. The Applicant shall have commenced implementation of this strategy six months after the removal of the Continental Carbon Pipeline.</p>	<p>D</p> <p>Removed in 2017</p>	<p>Verified/Completed</p> <p>Assessed in 2017 IEA</p>	<p>Not Triggered</p>	<p>Note comments under "Applicable" and "Activity Status" Phase</p> <p>The relevant regulatory approval requirement has previously been met and assessed as compliant</p>
Cooling Water Outlet Management Plan					
C43C	<p>The Applicant shall prepare and implement a Cooling Water Outlet Management Plan for the demolition works. The plan must:</p> <p>(a) be prepared in consultation with Council;</p> <p>(b) be approved by the Secretary (see condition D1A for timing);</p> <p>(c) include details of the timing and excavation program for pipeline removal, demolition methods, details of stockpiling, removal or reuse of excavated materials and the use of imported soils;</p> <p>(d) include details of the odour suppression measures during the pipeline removal works; and</p>	<p>D</p> <p>As per 2018 Update:</p> <p>Stage 2 Cooling Water Outlet Management Plan approved</p> <p>Cooling Water Outlet line successfully removed with nil observable environmental effect</p> <p>SSC provided favourable feedback on execution of Plan and the restoration works completed.</p> <p>Dec 2019 Update:</p> <p>Foreshore regeneration completed at end of the pipeline removal and replanted vegetation is now well established</p>	<p>Plan Completed & Approved</p>	<p>Compliant</p>	<p>Refer to comments made in C41A</p> <p>Sighted AECOM Demolition Licence closing letter 28/9/2019</p> <p>Note comments in "Applicable Phase" column</p>
Protection of Marton Park Wetlands					

C44	To ensure that the measures implemented to protect Marton Park Wetland from sedimentation, erosion and possible contaminants related to the stormwater drainage upgrade works approved by Sutherland Shire Council (DA 13/0195) are successful, monitoring of Marton park Wetland must be undertaken after completion of the stormwater upgrade works, until otherwise agreed with Council, to ensure there are no detrimental impacts on the wetland. Caltex is to prepare a monitoring plan and submit it to Council for approval prior to completion of stormwater drainage upgrade works.	G As per 2016 Update: Caltex has surrendered the DA (March 2016).	Verified/Completed Assessed in 2016 IEA	Not Triggered	Note comments under "Applicable" and "Activity Status" Phase The relevant regulatory approval requirement has previously been met and assessed as compliant
VISUAL					
Lighting					
C45	The Applicant shall ensure that the lighting associated with the development: (a) complies with the latest version of AS 4282(INT) – <i>Control of Obtrusive Effects of Outdoor Lighting</i> ; 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.	G	Statement Assessed in 2016 and 2017 IEA	Not Triggered	Note comments under "Activity Status" Phase The relevant regulatory approval requirement has previously been met and assessed as compliant
Signage and Fencing					
C46	The Applicant shall not install any advertising on site without the written approval of the Secretary.	G	Statement Assessed in 2016 and 2017 IEA	Not Triggered	Note comments under "Activity Status" Phase The relevant regulatory approval requirement has previously been met and assessed as compliant

SITE SECURITY					
Site Security					
C47	<p>The Applicant shall ensure that:</p> <p>(a) site fencing and security gates are installed to the satisfaction of the Secretary; and</p> <p>(b) the security gates on site are locked whenever the site is unattended.</p>	G	<p>Statement</p> <p>Assessed in 2016 and 2017 IEA</p>	Not Triggered	<p>Note comments under "Activity Status" Phase</p> <p>The relevant regulatory approval requirement has previously been met and assessed as compliant</p>
SCHEDULE B – ADMINISTRATIVE CONDITIONS					
LIMITS OF CONSENT					
B7B	<p>Notwithstanding Condition B7A, the ACS Management Works shall not extend beyond 30 April 2019</p>	<p>D</p> <p>Dec 2019 Update: Refer to MOD 4 and 5 regards changed to project end date (31 March 2020)</p>	<p>Statement</p>	Not Triggered	<p>Noted comments in "Applicable Phase" column</p> <p>The relevant regulatory approval requirement has previously been met and assessed as compliant</p>

ACS MANAGEMENT WORKS					
Site Auditor					
C48	<p>Prior to commencement of the ACS management works, the Applicant shall provide evidence that an EPA accredited Site Auditor has been appointed to review and approve the RAP and long-term environmental management plan (LTEMP) (see Conditions C54 and C55, respectively).</p>	D	Verified/Completed	Compliant	<p>EPA accredited site auditor appointed: Andre-Karl Smit – GHD Sighted accreditation details on the NSW EPA website ref <i>Contaminated Lands Mgmt Act 1997</i></p>
Remedial Action Plan					
C49	<p>Prior to commencement of the ACS management works, the Applicant shall ensure the RAP is reviewed and approved by the Site Auditor. The Site Auditor shall be satisfied the design and construction methods outlined in the CQAP will achieve a level of containment which meets the remedial objectives described in the RAP.</p> <p>A copy of the Site Audit Report, Site Audit Statement shall be provided to the EPA and Secretary, which demonstrates the appropriateness of the RAP.</p> <p>Note: The Site Auditor should consider the Construction Quality Assurance Procedures in relation to the Environmental Guidelines: Solid Waste Landfills (EPA, 2nd Edition, 2016)</p>	D	Verified/Completed	Compliant	<p>DPIE and EPA submission evidence sighted 25/2/2019 for Site Audit Statement and Site Audit Report (AKS10-10186 dated 12/12/18).</p>
Containment Cell					
C50	<p>Prior to commencement of the ACS management works, the Applicant shall prepare a Containment Cell Management Plan (CCMP) for the ACS management works. The plan shall be prepared in accordance with Condition D3 and shall:</p> <ul style="list-style-type: none"> (a) be prepared by a suitably qualified and experienced person(s), in consultation with the EPA; (b) be approved by the Secretary; (c) describe details of the cell construction and filling activities including soil acceptance criteria for the containment cell; (d) describe the measures that will be implemented to ensure the 	D	Verified/Completed	Compliant	<p>Sighted evidence of NSW EPA consultation and approved CCMP on website.</p> <p>Approval letter dated 15/2/18 sighted</p> <p>CCMP available on Caltex Public website</p>

	<p>control of soil, surface water, groundwater, air quality and noise impacts associated with the ACS management works;</p> <p>(e) include a register to detail the type and volume of material excavated and disposed of as part of the ACS management works; and</p> <p>(f) include details of dust, asbestos, waste and groundwater monitoring requirements.</p>				
C51	<p>The Applicant shall only place ACS sourced from within the site in the containment cell.</p>	D	Statement	Compliant	<p>Sighted various Waste permit request entries in the Waste Management System application to confirm the source of asbestos contaminated soil transferred to the cell</p>
C52	<p>Upon completion of the construction aspects associated with the ACS management works (which includes closure of the containment cell), the Applicant shall prepare a Containment Cell Final Report. The report shall:</p> <p>(a) be submitted to the EPA;</p> <p>(b) confirm the containment cell has been constructed in accordance with the CQAP; and</p> <p>(c) include a summary of the waste classification data (including characterisation and tracking) and monitoring data required under Condition C50 (e) and (f).</p>	D	Verified/Completed	Compliant	<p>Sighted confirmation of receipt by DPIE 8/10/20.</p> <p>Sighted AECOM Final Report 25/11/2020</p>

Long Term Environmental Management Plan					
C53	<p>Prior to the completion of the construction aspects associated with the ACS management works, the Applicant in consultation with the EPA, shall prepare a LTEMP for the containment cell, to the satisfaction of the Site Auditor. A copy of the Site Audit Report and Site Audit Statement shall be provided to the EPA and Secretary, which demonstrates the appropriateness of the LTEMP</p>	<p>D</p> <p>2020-21 update: Draft LTEMP submitted to DPIE in Feb 2020.</p> <p>DPIE kept informed re delays re the final approved LTEMP</p> <p>DPIE approved extension to mid-March 2021</p>	<p>Verified/Completed</p> <p>ACS Containment Cell LTEMP-incl RAR-SAS DPIE submission on 04/03/2021</p> <p>Final ACS Cell LTEMP & Site Audit Statement and Site Audit Report DPIE submission on 07/03/2021 - appendix in Kurnell Terminal Stage 2 Final OEMP</p> <p>NSW EPA advised of submission & sent copy of above on 12/03/2021</p>	Compliant	<p>Sighted DPIE receipt email re C53 ACS Containment Cell LTEMP-incl RAR-SAS</p> <p>Sighted DPIE receipt email re Kurnell Terminal Stage 2 Final OEMP on 08/03/2021</p> <p>Sighted DPIE Approval Letter re: Stage Two Final OEMP incl. ACS Containment Cell LTEMP-incl RAR-SAS on 08/04/2021</p> <p>Note comments in "Applicable and Activity Phase" columns</p>
C54	<p>Upon completion of the construction aspects associated with the ACS management works (which includes closure of the containment cell) closure of the containment cell, the Applicant shall:</p> <p>(a) implement the approved LTEMP and manage the containment cell in accordance with the approved LTEMP; and</p> <p>(b) ensure the containment cell is listed on the relevant planning certificate for the land, issued under Section 149(5) of the EP&A Act, for the site.</p>	D/T	Active/Ongoing	Compliant	<p>Re (a) Sighted evidence M7 PM program: maintenance of ACS C/Cell - GW well gauging and leachate management system & Weed mgmt. insitu at C/Cell</p> <p>Re (b) amendments to Planning Certificate (SSC) Sighted SSC confirmation email dated 19/04/2021 and amended Planning</p>

					Certificate No: 731475 dated 22/04/2021-ref: Sect 21(e) for SAS and page 22 Additional Information re EMP
	Pipeway Validation				
C55	<p>Upon completion of the construction aspects associated with the ACS management works, the Applicant shall prepare a Validation Report of the pipeways. The report shall:</p> <p>(a) be submitted to the EPA and the Secretary for review;</p> <p>(b) be prepared in accordance with the RAP and the <i>Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites</i> (OEH 2011);</p> <p>(c) include details of the following:</p> <p>(i) sampling and analysis plan and sampling methodology; and</p> <p>(ii) results of any validation sampling compared to relevant guidelines/criteria.</p>	D	Verified/Completed	Compliant	<p>Sighted Modification works – Pipeways Closure report, dated 28/04/2020 meets C55 requirements.</p> <p>Sighted confirmation correspondence of submission of Validation Report to DPIE and NSW EPA - dated 01/7/2020</p> <p>Sighted additional correspondence re Pipeways Closure from EPA dated 23/7/2020</p>

ACS WORKS: SCHEDULE B – ADMINISTRATIVE CONDITIONS					
Pre-Commissioning					
D9	<p>The Applicant shall, to the satisfaction of the Secretary:</p> <p>a) make the following information publicly available on its website:</p> <ul style="list-style-type: none"> the EIS; SEE Approvals and MOD's 1, 2, 3, <i>and accompanying documents</i>; current statutory approvals for the Development; approved strategies plans or programs; a summary of the monitoring results of the Development, which have been reported in accordance with the various plans and programs approved under the conditions of this consent; a complaints register, updated on a quarterly basis; copies of any annual reviews (over the last 5 years); any independent environmental audit, and the Applicant's response to the recommendations in any audit; and any other matter required by the Secretary; and <p>b) keep this information up-to-date,</p> <p>Note: This requirement does not require any confidential information to be made available to the public.</p>	G	Verified/Completed	Compliant	<p>Sighted Caltex Public Website – Kurnell Refinery Conversion Project: Items listed in (a) available and current</p> <p>Sighted recurrent actions assigned in Cintellate to review the Caltex Public Website every 3 months for currency and accuracy of content</p>
C4B	<p>Prior to commencement of the Tank 101 demolition works described in MOD 3, the Applicant must update and implement the Emergency Plan required under Condition C4(a) to incorporate the Tank 101 demolition works. The plan must include information of the emergency arrangements during the tank demolition works and a copy of the plan must be submitted to the Planning Secretary</p>	<p>D</p> <p>Note: Demolition of structures e.g. tanks already covered in: KNT ERP Specific Tank documents:</p> <ul style="list-style-type: none"> Tanks Pre-Fire Plan ERP Scenario Guidance Note – Tank Fires 	<p>Verified/Completed</p> <p>ERP V4.0 included reference to project works Tanks Pre-Fire Plan but Caltex unable to provide evidence that amended ERP was sent to DPIE</p>	<p>Not Compliant (Administrative NC)</p>	<p>Caltex unable to locate record showing updated V4.0 Kurnell Emergency Plan was sent to DPIE, as required by C4B.</p> <p>Sighted KNT ERP V5.0 and associated ERP documents Tanks Pre-Fire Plans ERP Scenario Guidance Note – Tank Fires for existing Tanks</p>
Hours of Construction and Operation					

C19	High noise generation construction and demolition works including the pipeline removal works within the Eastern and Western Right of Ways, and the Tank 101 demolition works described in MOD 3 , shall be confined to less sensitive times of the day, and shall not be undertaken on Sundays or public holidays or outside of the hours 7:00am and 6:00pm Monday to Saturday	D	Project Completed	Not verifiable	<p>Advised by Caltex that there was nil need to perform Demolition works outside hours stated in C18 -Table 4.</p> <p>On/Off records exist for all contractors – swipe reading at Gate to Terminal and ROW.</p> <p>Overtime must be approved by Caltex</p>
Mod 4- Tank 101 MOD4: SCHEDULE B – ADMINISTRATIVE CONDITIONS					
Pre-Commissioning					
B2	The Applicant shall carry out the Development generally in accordance with the: (a) EIS; (b) RTS; (c) site layout plans and drawings in the EIS (see Appendix A); (d) MOD 1; (e) MOD 2 (f) MOD 3 (g) MOD 4	G	Statement	Compliant	Based on the evidence sighted during the assessment, the auditor concludes that the development was conducted generally in compliance with the listed a) to g) listing
B7A	The Demolition works associated with the development must not extend beyond 10 June 2019	D	Project Completed	Compliant	Refer to MOD5 for approval to extend Project end date to 30 November 2019

MOD 5- ACS Work/Cooling Water Outlet Pipeline/End Date Extension: SCHEDULE B – ADMINISTRATIVE CONDITIONS					
Pre-Commissioning					
B2	The Applicant shall carry out the Development generally in accordance with the: (a) EIS; (b) RTS; (c) site layout plans and drawings in the EIS (see Appendix A); (d) MOD 1; (e) MOD 2 (f) MOD 3 (g) MOD 4 and (h) MOD 5 (i) conditions of this consent	G	Statement	Compliant	Based on the evidence sighted during the assessment, the auditor concludes that the development was conducted generally in compliance with the listed a) to i) listing
B7B	Notwithstanding Condition B7A, the ACS Management works must not extend beyond 30 November 2019	D	Statement Verified/Completed	Compliant	Refer to MOD6 for approval to extend Project end date to 30 March 2020

Mod 6 End Date Extension: SCHEDULE B – ADMINISTRATIVE CONDITIONS					
Pre-Commissioning					
B2	<p>The Applicant shall carry out the Development generally in accordance with the:</p> <ul style="list-style-type: none"> (a) EIS; (b) RTS; (c) site layout plans and drawings in the EIS (see Appendix A); (d) MOD 1; (e) MOD 2 (f) MOD 3 (g) MOD 4 (h) MOD 5 and (i) MOD 6 <p>(i) conditions of this consent</p>	D	Verified/Completed	Compliant	<p>ASC Containment Cell Capping and the Demolition works <u>concluded</u> as of 31 March 2020</p> <p>Termination date for remaining members of the Caltex Demolition Project team was 15 Feb 2020</p>
B7B	Notwithstanding Condition B7A, the ACS Management works must not extend beyond 31 March 2020	D	Verified/Completed	Compliant	

SCHEDULE D

ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

	CONDITIONS	Applicable Phase: Conversion (C) Demolition (D) Terminal Ops (T) or General (applies to all phases) (G)	Activity Status: Verified/Completed Active/ongoing Inactive Statement	Compliance Status: Compliant Non-Compliant Not Triggered	Auditor Evidence/Comments
	Construction Environment Management Plan				
D1	<p>The Applicant shall prepare and implement a <u>Construction Environmental Management Plan</u> for the Development to the satisfaction of the Secretary. The Plan must:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with Sutherland Shire Council and the EPA; (b) be submitted to the Secretary for approval no later than four (4) weeks prior to the commencement of construction or demolition, or within such period otherwise agreed by the Secretary; (c) identify the statutory Consents that apply to the Development; (d) consolidate all relevant management plans and monitoring programs required in the conditions of this Consent; (e) outline all environmental management practices and procedures to be followed during construction and demolition works associated with the Development; (f) describe all activities to be undertaken on the site during construction of the Development, including a clear indication of construction stages; (g) incorporate all relevant management and mitigation measures 	<p>C</p> <p>Non- Compliant against (h) in 2016 IEA</p> <p>Identified as an Administrative Non-Compliance in 2016 IEA</p> <p>Completion of corrective actions assessed in 2017 IEA</p> <p>DPIE Approved Construction EMP and Management Plans remain available on Caltex Public website</p>	<p>Plan Completed & Approved</p> <p>Note:</p> <p>Conversion works completed in 2016</p>	<p>Not Triggered</p>	<p>Noted comments under "Applicable" and "Activity Status" Phase</p> <p>The relevant regulatory approval requirement has previously been met and assessed as compliant</p>

	<p>contained in the EIS and RTS;</p> <p>(h) detail how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan:</p> <p>(i) Human Health and Ecological Risk management - which shall be mitigated and managed in accordance with Section 6.2 of the "Human Health and Ecological Qualitative Risk Assessment" report prepared by URS, dated 28 February 2013 and the relevant Management and Mitigation Measures contained in Appendix C of this consent;</p> <ul style="list-style-type: none"> (ii) Biodiversity and Weed management; (iii) Soils and Erosion management; (iv) Contamination management; (v) Noise and Vibration management; (vi) Air Quality management; (vii) Stormwater and Wastewater management; (viii) Traffic management; (ix) Heritage management (Aboriginal and non-Aboriginal); (x) Waste and Resource management; (xi) Groundwater management; (xii) Acid Sulfate Soils management – if required; (xiii) Emergency (including spill) management; (xiv) means for assessing (and where identified) for managing interactions and cumulative impacts from the concurrent construction of other development works in the area should these coincide with the Development (e.g. the Caltex Ports and Berthing upgrade, remediation projects); <p>(i) describe the roles and responsibilities for all relevant employees involved in construction and demolition works associated with the Development;</p> <p>(j) include arrangements for community consultation, including consultation with the NSW Department of Education and local</p>				
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	<p>schools at key stages of the development that may affect school operations, to identify issues and mitigate impacts throughout the course of the Development.</p> <p>(k) Include a complaints handling procedure during construction and demolition and operation; and,</p> <p>(l) include appropriate procedures to allow the regular review of the requirements of each plan to ensure that they are effective and allow for adaptive management to address contingencies that may arise over the life of the development.</p> <p>The approval of a Construction Environmental Management Plan does not relieve the Applicant of any requirement associated with this development consent. If there is an inconsistency with an approved Construction Environmental Management Plan and the conditions of this development consent, the requirements of this development consent prevail</p> <p>Construction of the development shall not commence until written consent of this plan has been received from the Secretary.</p>				
Demolition Environmental Management Plan					
D1A	<p>The Applicant shall prepare and implement a <u>Demolition Environmental Management Plan</u> for the demolition works to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared in consultation with Council, EPA and NSW Health;</p> <p>(b) be submitted to the Secretary for approval no later than four (4) weeks prior to the commencement of the demolition works, or within such period otherwise agreed by the Secretary;</p> <p>(c) identify the statutory approvals and consents that apply to the development; NSW Government 10 Department of Planning and Environment</p> <p>(d) consolidate all relevant management plans and monitoring programs required in the conditions of this Consent;</p>	<p>D</p> <p>Compliant 2018 Update:</p> <p>Demolition Plan reviewed /updated to account for the new ACS Containment Cell.</p> <p>Plan submitted to DPIE and approved along with other Plans impacted by MOD2</p>	<p>Plan Completed & Approved</p> <p>Assessed in 2017 IEA</p> <p>DPIE Approved Demolition and Management Plans available on Caltex Public website</p>	<p>Not Triggered</p>	<p>Noted comments under "Applicable" and "Activity Status" Phase</p> <p>The relevant regulatory approval requirement has previously been met and assessed as compliant</p>

<p>(e) outline all environmental management practices and procedures to be followed during demolition works associated with the development;</p> <p>(f) describe all activities to be undertaken on the site during demolition works associated with the development, including a clear indication of demolition stages;</p> <p>(g) incorporate all relevant management and mitigation measures contained in the SEE;</p> <p>(h) detail how the environmental performance of the demolition works will be monitored, and what actions will be taken to address potentially adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan:</p> <ul style="list-style-type: none"> i. Biodiversity and weed management(See Condition C43A); ii. Soils and water management (See Condition C12A); iii. Contamination management (See Condition C15A); iv. Noise and vibration management (See Condition C22A); v. Air quality management (See Condition C28A); vi. Stormwater and wastewater management (See Condition C12A); vii. Traffic management (See Condition C36A); viii. Demolition waste and resource management (See Condition C40A); ix. Groundwater management, including measures which are consistent with the relevant Management and Mitigation Measures contained in Appendix C of this consent; x. Acid sulphate soils management (See Condition C14); xi. Heritage management strategy (See Condition C31); xii. Cooling water outlet management (see Condition C42B); xiii. pipeline removal works on Kurnell Wharf, including details of the timing and program of works, demolition and removal techniques, and the measures to manage traffic and access to the wharf. xiv. means for assessing (and where identified) for managing interactions and cumulative impacts from the concurrent construction of other development works within the site should these coincide with the Development (e.g. the Caltex Ports and Berthing upgrade, remediation 				
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	<p>projects).</p> <ul style="list-style-type: none"> (i) describe the roles and responsibilities for all relevant employees involved in the demolition works associated with the Development; (j) include details of a community notification protocol to notify potentially affected persons (including the local community and surrounding industries) of works which are likely to cause significant adverse impacts to the environment; (k) include a complaints handling procedure; and (l) include appropriate procedures to allow the regular review of the requirements of each plan to ensure that they are effective and allow for adaptive management to address issues that may arise over the life of the development. <p>The approval of a <u>Demolition Environmental Management Plan</u> does not relieve the Applicant of any requirement associated with this development consent. If there is an inconsistency with an approved Demolition Environmental Management Plan and the conditions of this development consent, the requirements of this development consent prevail.</p> <p>Demolition works shall not commence until written approval of this plan has been received from the Secretary.</p>				
	Operational Environmental Management Plan				
D2	<p>The Applicant shall prepare and implement an <u>Operational</u> Environmental Management Plan for the project to the satisfaction of the Secretary. This Plan must:</p> <ul style="list-style-type: none"> (a) be approved by the Secretary prior to the completion of the Development; (b) provide the strategic framework for environmental management of the project; (c) identify the statutory approvals that apply to the project; (d) include a copy of all relevant management plans and monitoring programs relevant under this consent; (e) outline all environmental management practices and procedures 	<p>T Summary: Plan Completed & Approved Stage One Interim OEMP assessed in 2016 and 2017 IEA Previously posted on Caltex Public Website – sighted during ISO audits</p> <p>2020 Update:</p>	<p>Stage 2 Final OEMP Completed & Approved</p>	<p>Compliant</p>	<p>Sighted: Kurnell Terminal Stage Two Final (amended) OEMP, including required Management Sub Plans; LTEMP and Consolidated SSD5544 Consent Conditions Sighted:</p> <p>DPIE confirmation email re Stage Two Final (amended) OEMP 12</p>

	<p>to be followed during operation;</p> <p>(f) describe all activities to be undertaken on the site during operation;</p> <p>(g) detail how the environmental performance of the operation of the project will be monitored, and what actions will be taken to address identified adverse environmental impacts;</p> <p>(h) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;</p> <p>(i) describe the procedures that will be implemented to:</p> <ul style="list-style-type: none"> · keep the local community and relevant agencies informed about the operation and environmental performance of the project; · receive, handle, respond to, and record complaints; · resolve any disputes that may arise during the course of the project; · respond to any non-compliance; and · respond to emergencies; and; <p>(j) include:</p> <ul style="list-style-type: none"> · copies of any strategies, plans and programs approved under the conditions of this consent; and · a clear plan depicting all the monitoring required to be carried out under the conditions of this consent. 	<p>Submission of Stage 2 Terminal OEMP & Management Plans (including draft ASC C/Cell LTEMP) submitted Feb 2020.</p> <p>Feedback received from DPIE- minor changes to OEMP but require final (approved) ASC C/Cell LTEMP) submitted. Communications with DPIE (P. Copas) re availability of LTEMP due to delays by Site Auditor.</p> <p>DPIE approved extension of submission date to mid- March 2021</p> <p>March 2021 Update: LTEMP, SAS and RAR available resulting in Kurnell Terminal Stage Two Final (amended) OEMP submitted to DPIE – 7 Mar 2021</p> <p>DPIE Approval Letter received 8 April 2021</p>			<p>March 2021:</p> <p>DPIE Approval Letter received 8 April 2021 regards Stage Two Final OEMP Included approval of all Management Sub-Plans and ASC C/Cell LTEMP</p>
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	Management Plan Requirements				
D3	<p>The Applicant shall ensure that the <u>Management Plans</u> required under this consent are prepared in accordance with any relevant guidelines, and include:</p> <ul style="list-style-type: none"> (a) detailed baseline data; (b) a description of: (c) the relevant statutory requirements (including any relevant approval, licence or lease conditions); <ul style="list-style-type: none"> · 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; (d) a description of the measures that will be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria; (e) 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); (f) a contingency plan to manage any unpredicted impacts and their consequences; (g) a program to investigate and implement ways to improve the environmental performance of the development over time; (h) a protocol for managing and reporting any: <ul style="list-style-type: none"> · incidents; · complaints; · non-compliances with statutory requirements; and · exceedances of the impact assessment criteria and/or performance criteria; and (i) a protocol for periodic review of the plan. <p><i>Note: The Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.</i></p>	<p>G</p> <p>All Management Plan applicable to Terminal operations revised at the end of Demolition works.</p> <p>Submitted as appendices in Final Stage Two Terminal OEMP.</p> <p>2020 Update: Submission of Stage 2 Terminal OEMP & Management Plans (including draft ASC C/Cell LTEMP) submitted Feb 2020. Feedback received from DPIE- minor changes to OEMP – Traffic MP</p> <p>Ref to comments in D2 re DPIE extension to 2021</p> <p>March 2021: LTEMP, SAS and RAR available resulting in Kurnell Terminal Stage Two Final (amended) OEMP submitted to DPIE – 7 Mar 2021</p> <p>DPIE Approval Letter received 8 April 2021</p>	Verified/Completed	Compliant	<p>Refer to comments made in D2 above</p> <p>DPIE Approval Letter received 8 April 2021 regards Stage Two Final OEMP Included approval of all Management Sub-Plans and ASC C/Cell LTEMP</p>

Annual Review						
D4	<p>By 31 December 2014, or as otherwise agreed in writing by the Secretary, the Applicant shall review the environmental performance of the Development to the satisfaction of the Secretary. This review must:</p> <p>(a) describe the development that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current calendar year;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, which includes a comparison of these results against:</p> <ul style="list-style-type: none"> · the relevant statutory requirements, limits or performance measures/criteria; · the monitoring results of previous years; and · the relevant predictions in the EIS; <p>(c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>(d) identify any trends in the monitoring data over the life of the Development;</p> <p>(e) identify any discrepancies between the predicted and actual impacts of the Development, and analyse the potential cause of any significant discrepancies; and</p> <p>(f) describe what measures will be implemented over the current calendar year to improve the environmental performance of the Development.</p>	G	<p>Assessed in 2016 and 2017 IEA's</p> <p>To be assessed again in 2021 IEA</p>	<p>Active/ongoing</p> <p>Annual Review reports now completed for years:</p> <ul style="list-style-type: none"> • 2014, • 2015, • 2016, • 2018 • 2019, and • 2020 <p>All reports are available on Ampol Public Website</p>	Compliant	<p>Sighted: 2020 Annual Review report and DPIE confirmation of submission 27/12/21.</p> <p>Sighted: DPIE Confirmation 27/01.2021 confirmed acceptance of 2020 Annual Review report</p> <p>Sighted: Annual Review reports for the period 2014 to 2020 on Caltex Public website</p>

Revision of Strategies, Plans & Programs					
D5	<p>Within three months of:</p> <p>(a) an approval of a modification;</p> <p>(b) a submission of an incident report under Condition D6;</p> <p>(c) an approval of an Annual Review under Condition D4; or</p> <p>(d) a completion of an audit under Condition D7</p> <p>the Applicant shall review, and if necessary, revise the strategies, plans, and programs required under this consent to the satisfaction of the Planning 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>	G Refer to comments made in D4	Active/ongoing	Compliant	<p>a) no changes triggered</p> <p>b) sighted Noise Mgmt Sub-Plan changes in 2018 and Shipping Noise notifications to DIE and EPA commenced in 2018. Improvements made to Air Quality Mgmt Sub-Plan in 2019 and 2020</p> <p>c) no changes triggered</p> <p>d) evidence sighted of plans amended to reflect modifications (e.g. MOD2) and relevant submissions</p> <p>No further comments</p>
REPORTING					
Incident Reporting					
D6	<p>The Applicant shall notify the Secretary and any other relevant agencies of any incident or potential incident with actual or potential significant off-site impacts on people or the biophysical environment associated with the development as soon as practicable after the Applicant becomes aware of the incident. Within 7 days of the date of this incident, the Applicant shall provide the Secretary and any relevant agencies with a detailed report on the incident.</p>	G Dec 2020 Update: The DPIE and EPA receive email notifications of any ship that exceeds the EPL night-time noise limit	Active/ongoing	Compliant	<p>Post 2018 shipping noise monitoring trial:</p> <p>Shipping Noise Exceedence&/or community compliant incidents are reported via email to DPIE and EPA - sampled various emails between 2018 and present</p>
INDEPENDENT ENVIRONMENTAL AUDIT					

D7	<p>Within a year of the date of this consent, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:</p> <ul style="list-style-type: none"> (a) be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary; (b) include consultation with the relevant agencies; (c) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent and any relevant EPL and/or Water License (including any assessment, plan or program required under these approvals); (d) review the adequacy of any approved strategy, plan or program required under these approvals; and (e) recommend measures or actions to improve the environmental performance of the development, and/or any assessment, plan or program required under these approvals. <p><i>Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Secretary.</i></p>	<p>G</p> <p>Administrative Non-Compliance in 2016</p> <p>(2016 IEA started late)</p> <p>2017 IEA started on time</p> <p>Dec 2020 Update:</p> <p>2020 IEA deferred due to Covid 19 restrictions. A</p> <p>DPIE approved extension -next IEA start by end Jan 2021 (refer letter DPIE 10/08/2020)</p>	Active/ongoing	Compliant	<p>NOTES:</p> <p>IEA auditor approved by DPIE</p> <p>IEA initiated 27/01/2021</p> <p>Note comments in "Applicable Phase" column</p>
D8	<p>Within 3 months of commissioning this audit, or as otherwise agreed by the Secretary, the Applicant shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.</p>	<p>G</p> <p>Submitted in time for 2016 and 2017 IEA event</p>	Active/ongoing	Compliant	<p>IEA Report (LR) submitted 29 April 2021</p> <p>Note comments in "Applicable Phase" column</p>

ACCESS TO INFORMATION					
D9	<p>The Applicant must, to the satisfaction of the Planning Secretary:</p> <p>(a) make the following information publicly available on its website:</p> <ul style="list-style-type: none"> • the EIS; • MOD 1 and its accompanying documents; • MOD 2 and its accompanying documents; • MOD 3 and its accompanying documents; • MOD 4 and its accompanying documents; • MOD 5 and its accompanying documents; • MOD 6 and its accompanying documents; • current statutory approvals for the Development; • approved strategies, plans or programs; • a summary of the monitoring results of the Development, which have been reported in accordance with the various plans and programs approved under the conditions of this consent; • a complaints register, updated on a quarterly basis; • copies of any annual reviews (over the last 5 years); • any independent environmental audit, and the Applicant's response to the recommendations in any audit; and • any other matter required by the Planning Secretary; and <p>a) keep this information up-to-date,</p> <p>Note: This requirement does not require any confidential information to be made available to the public</p>	G	Active/ongoing	Compliant	<p>Sighted on Caltex Public website:</p> <p>All DPIE SSD5544 Approval documents and;</p> <p>DPIE Approved Construction/Demolition and Terminal EMP's and;</p> <p>all Management Sub Plans</p> <p>Community Complaints Data</p> <p>Environmental Reporting data</p> <p>All approved Annual Review Report</p> <p>2016 & 2017 IEA Reports</p> <p>Recurrent Cintellate action assigned to review Caltex Public website every 3 months to confirm data current</p>