

Development Consent

Section 89E of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 14 September 2011, the Planning Assessment Commission of NSW (the Commission) approves the development application referred to in Schedule A, subject to the conditions specified in Schedules B to D.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

Member of the Commission

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Sydney

2014

SCHEDULE A

Application No: SSD 5147

Applicant: Shell Australia Pty Ltd

Consent Authority: Minister for Planning

Land: 9 Devon Street, Rosehill
Lot 1, DP 109739
Lot 1, DP 383675
Lot 101, DP 809340
Lot 2, DP 224288

Development: Conversion of the existing Shell Clyde Refinery to a finished petroleum products import, storage and distribution terminal including demolition of the redundant infrastructure

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DEFINITIONS

AEP	Annual Exceedance Probability
Applicant	Shell Company of Australia Limited, or its successor
BCA	Building Code of Australia
Construction	The carrying out of works including excavation, upgrades to tanks, bunds, drainage and instrumentation, replacement of electrical substations, upgrades to the fire water system and revised pumping and piping works, covered by this consent
Clyde Refinery	Import and refining of crude oil to produce finished petroleum products (refining operations ceased on site in 2012)
Council	Parramatta City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Demolition	The removal of redundant refinery processing units, tanks and other infrastructure, covered by this consent
Department	Department of Planning and Environment
Development	The development as described in the EIS and RTS, and as generally depicted in Appendix A, being for the conversion of the existing Clyde Refinery to a finished petroleum products import, storage, product dosing and distribution terminal including demolition of redundant infrastructure
EIS	Environmental Impact Statement titled <i>Clyde Terminal Conversion Project</i> , prepared by AECOM Australia Pty Ltd, dated November 2013, and the Response to Submissions report titled <i>Clyde Terminal Conversion Project – Response to Submissions</i> , prepared by Shell, dated May 2014
EMP	Environment Management Plan
ENM	Excavated Natural Material
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning & Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning & Assessment Regulation 2000</i>
EPL	Environmental Protection Licence
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build
Finished Petroleum Products	Gasoline, Diesel, Jet Fuel, Fuel Oil and Petroleum Gases
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i>
Incident	An incident causing or threatening material harm to the environment, and/or an exceedance of the limits or performance criteria in this consent
Land	In general, the definition of land is consistent with the definition in the EP&A Act
Licensed Asbestos Assessor	A person licensed by WorkCover NSW under the <i>Work Health and Safety Regulation 2011</i> to carry out air monitoring, clearance inspections or the issuing of clearance certificates for removal of friable asbestos
Management & Mitigation Measures	The Applicant's management and mitigation measures contained in the EIS and RTS and included in Appendix C
Material harm to the environment	Harm to the environment is material if it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial

Minister	Minister for Planning (or nominee)
Mitigation	Activities associated with reducing the impacts of the development
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NOW	NSW Office of Water within the Department of Primary Industries
OEH	Office of Environment and Heritage
Operation	The import, storage, product dosing and distribution of finished petroleum products
PHA	Preliminary Hazard Analysis Revision 1 dated January 2013 prepared by Sherpa Consulting and included as Appendix F of the EIS
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Reasonable relates to the application of judgment in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
RMS	Roads and Maritime Services
Secretary	Secretary of the Department (or nominee)
Sensitive Receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.
Site	The land listed in Schedule A, and as depicted in Appendix A
VENM	Virgin Excavated Natural Material
Vicinity of the Site	Devon Street and Durham Street, Rosehill

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, demolition or operation of the Development.

TERMS OF CONSENT

- B2. The Applicant shall carry out the Development generally in accordance with the:
- (a) EIS;
 - (b) site layout plans and drawings in the EIS (see Appendix A);
 - (c) the Management and Mitigation Measures (see Appendix C); and
 - (d) conditions of this consent.
- 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.
- 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.

LIMITS OF CONSENT

- B5. The Applicant shall not store in excess of:
- (a) 264 megalitres (ML) of finished petroleum products; and
 - (b) 1,550 cubic metres (m³) of petroleum gases;
- on the site at any one time, unless otherwise agreed to in writing by the Secretary.
- B6. Construction shall not extend beyond four (4) years from the date of this consent.
- B7. Demolition shall not extend beyond ten (10) years from the date of this consent.

SURRENDER OF EXISTING DEVELOPMENT CONSENTS

- B8. Within six (6) months of the date of this consent, or as otherwise agreed to in writing by the Secretary, the Applicant shall surrender all existing development consents for the site listed in Appendix B in accordance with Clause 97 of the EP&A Regulation.

Note: This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under Part 4A of the EP&A Act. Surrender of a consent or approval should not be understood as implying that works legally constructed under a valid consent or approval can no longer be legally maintained or used.

STATUTORY REQUIREMENTS

- B9. 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.

STRUCTURAL ADEQUACY

- B10. 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; and
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the Development.

OPERATION OF PLANT AND EQUIPMENT

B11. 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.

PROTECTION OF PUBLIC INFRASTRUCTURE

B12. Prior to the commencement of construction or demolition, the Applicant shall:

- (a) prepare a dilapidation report of the public infrastructure in the Vicinity of the Site (including roads, kerbs, footpaths, nature strip, street trees and furniture); and
- (b) submit a copy of this report to the Secretary and Council.

B13. The Applicant shall:

- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged during construction or demolition; and
- (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of construction or demolition.

PROTECTION OF PRIVATE AND COMMERCIAL PROPERTY

B14. The Applicant shall be responsible for the full costs associated with repairing, replacing, cleanup or compensation of any private or commercial property that is physically damaged by construction and demolition.

PROTECTION OF AUSGRID INFRASTRUCTURE

B15. The Applicant shall:

- (a) contact Ausgrid prior to the commencement of construction or demolition to advise of any planned work within two (2) metres of Ausgrid's underground cables;
- (b) ensure that no mechanical excavation or boring works occurs within two (2) metres of Ausgrid's underground cables; and
- (c) ensure that any hand excavation or hand boring works within two (2) metres of Ausgrid's underground cables is classified as *Work Near Underground Assets* according to WorkCover guidelines and must comply with *Ausgrid's Standard: NS156 Working Near or Around Underground Cables*.

STAGED SUBMISSION OF PLANS OR PROGRAMS

B16. 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.

B17. Until they are replaced by an equivalent strategy, plan or program approved under this consent, the Applicant shall continue to implement existing strategies, plans or programs for operations on site that have been approved by previous consents or approvals.

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; and
- There must be a clear relationship between the strategy, plan or program that are to be combined.

DISPUTE RESOLUTION

B18. 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 EP&A Act.

COMPLIANCE

- B19. 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.
- B20. 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.

SECTION 94A CONTRIBUTIONS

- B21. Prior to the issue of a construction certificate, the Applicant shall pay Council \$424,000 as a development contribution, in accordance with Council's *Section 94A Development Contributions Plan 2013*, to the satisfaction of the Secretary.

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 Shell in response to the recommendations from the Buncefield incident investigation report as contained in the supplementary letter received on 28/11/2013 "Buncefield Response to DPI"; and
- (d) implement all proposed actions listed in Shell's response to the Department's requests for additional information and clarifications "140709 PHA Review Questions V3 3" (latest response update received by the DPE on 24/07/2014).

PRE-CONSTRUCTION

C2. At least one month prior to the commencement of construction or demolition of the proposed development (except for construction of those preliminary works that are outside the scope of the hazard studies) and/or associated demolition works, or within such further period as the Secretary may agree, the Applicant shall prepare and submit for the approval of the Secretary the studies set out under subsections (a) to (d) (the pre-construction studies) of this Condition. Construction, other than of preliminary works, shall not commence until approval has been given by the Secretary and, with respect to the Fire Safety Study, approval has also been given by Fire and Rescue NSW.

CONSTRUCTION/DEMOLITION SAFETY STUDY

- (a) 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 the commissioning of each discrete component/system of the development per the development's commissioning plan (e.g. individual tank systems). The Construction Safety Study shall identify and assess construction and demolition related hazards and the control measures that will be put in place to prevent and/or mitigate such hazards.

The Construction/Demolition Safety Study shall include the identification of all significant demolition related hazards, and the assessment of the risks associated with these hazards. The analysis shall cover all phases of the proposed development (i.e. de-inventorisation, demolition/removal of redundant assets and infrastructure, and the construction of new assets), and include all equipment and systems covered by the scope of the project (e.g. demolition of refinery process units, stacks, buildings, tanks, pipelines, etc). The demolition hazards identification and risk assessment shall particularly examine the following:

- the potential risk impacts from the proposed demolition works onto the existing simultaneous terminal operations; and
- the potential for any of the identified demolition related risks to alter, during the proposed works, individually or through interaction with existing operations, the offsite risk profile of the facility as assessed in the PHA.

FIRE SAFETY STUDY

- (b) A Fire Safety Study that 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 Water Retention and Treatment Systems'. The study shall also be submitted for approval to Fire and Rescue NSW. The study shall reflect the "end-state terminal" fire prevention, detection, and protection arrangements.

HAZARD AND OPERABILITY STUDY

- (c) A Hazard and Operability Study for the proposed development, chaired by a qualified person, independent of the development, approved by the Secretary prior to the commencement of the study. The study shall be consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 8, 'HAZOP Guidelines'. The study report must be accompanied by a program for the implementation of all recommendations made in the report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented.

FINAL HAZARD ANALYSIS

- (d) A Final Hazard Analysis of the proposed development, consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'. The FHA shall report on the implementation of the recommendations of the Preliminary Hazard Analysis. The FHA also shall:
- demonstrate that the tank overfill protection system (for all tanks) reduces the risk so far as reasonably practicable without the use of gas detection in the bunds. The following shall be included as part of this demonstration requirement:
 - a sample bow-tie analysis of the tank overfill protection system;
 - the safety integrity level (SIL) allocation and verification report for the tank overfill protection system;
 - include the assessment of all hazards from the Parramatta Terminal;
 - confirm the quantity and type of dangerous goods stored in the onsite warehouses and include the associated warehouse fire analysis;
 - include the number and assessment of LPG tanker transfer operations. The following items shall be included in the analysis;
 - the analysis of all butane pool fire scenarios;
 - the analysis of leaks from butane road tanker pumps;
 - justify the limitation of hole sizes (i.e. a maximum of 100 mm) considered in the analysis, or revise the model accordingly to include larger hole sizes appropriate to the actual pipe diameters;
 - re-evaluate and confirm all relevant data and assumptions from the Preliminary Hazard Analysis; and
 - re-evaluate and confirm all control measures proposed for the prevention and mitigation of incidents.

PRE-COMMISSIONING

- C3. The Applicant shall develop 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 any component 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.

EMERGENCY PLAN

- (a) A comprehensive Emergency Plan and detailed emergency procedures for the proposed development (end-state terminal). 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'. The plan shall include interim emergency management arrangements (if any) which may be introduced between the commencement of commissioning and reaching end-state terminal operations.

SAFETY MANAGEMENT SYSTEM

- (b) 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'.

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.

PRE-STARTUP

Pre-Startup Compliance Report

- C4. One month prior to the commencement of operation of each asset or system, the Applicant shall submit to the Secretary, a report detailing compliance with Conditions C1, C2 and C3 of this Schedule, including:
- (a) dates of study/plan/system submission, approval, commencement of construction and commissioning;
 - (b) actions taken or proposed, to implement the recommendations and safety-related control measures in the studies/plans/systems;
 - (c) a pre-startup safety review/checklist
 - (d) responses to each requirement imposed by the Secretary under Condition C6 of this Schedule.

POST STARTUP

Post Startup Compliance Report

- C5. Three months after the commencement of operation of the first asset or system covered by this consent, the Applicant shall submit to the Secretary, a report verifying that:
- (a) the Emergency Plan required under Condition C3(a) is effectively in place and that at least one emergency exercise has been conducted; and
 - (b) the Safety Management System required under Condition C3(b) has been fully implemented and that records required by the system are being kept.

ONGOING

Hazard Audit

- C6. Within twelve months of the date of this consent 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.
- C7. The audits shall be carried out at the Applicant's expense by a qualified person or team, independent of the development, approved by the 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).
- C8. The audit reports shall, in addition to the requirements provided in HIPAP No 5:
- (a) verify implementation of all actions proposed by Shell in response to the recommendations from the Buncefield incident investigation report per the supplementary letter from Shell received on 28/11/2013 "*Buncefield Response to DPI*";
 - (b) verify implementation of all actions listed in Shell's response to the Department's requests for additional information and clarifications "140709 PHA Review Questions V3 3" (latest response update received by the DPE on 24/07/2014);
 - (c) verify that an inspection, testing and preventative maintenance program has been developed, implemented and maintained to ensure the reliability and availability of key safety critical equipment;
 - (d) confirm that the throughput and storage quantities of potentially hazardous materials are consistent with the PHA;
 - (e) verify that the maximum fill levels in Tank 35 and Tank 42 are being maintained to comply with the maximum bund retention capacity; and
 - (f) verify implementation of any measures arising from the reports submitted in respect of Conditions C1 to C5 of this Schedule.

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.

Further Requirements

- C9. 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 C1 to C6 of this Schedule inclusive, within such time as the Secretary may agree.

WORKCOVER REQUIREMENTS

- C10. Prior to finalising the design, the Applicant shall meet with WorkCover to discuss preventative and recovery barriers in the tank farms and the implementation of the relevant findings and recommendations of the Buncefield investigation.
- C11. Before finalising the FHA, the Applicant shall meet with WorkCover to agree relevant LPG vessel failure modes and their frequency.

DEMOLITION

Approvals/Licensing

- C12. The Applicant shall ensure that all demolition 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 *Work Health and Safety Regulation, 2011*.
- C13. The Applicant shall ensure that all demolition is undertaken by licensed demolition experts in accordance with the requirements of WorkCover and the *Work Health and Safety Regulation, 2011*.

Demolition Management Plan

- C14. The Applicant shall prepare and implement a Demolition Management Plan, to the satisfaction of the Secretary. This plan must:
- be prepared by a suitably qualified and experienced demolition contractor;
 - be prepared in consultation with Council, EPA, WorkCover and RMS and be approved by the Secretary prior to the commencement of any demolition;
 - identify the statutory requirements that apply to the demolition works;
 - provide specific details of the proposed demolition process and methods, structures to be demolished, a program for the sequencing of demolition and details of materials handling and management;
 - detail the process and techniques for demolishing the key pieces of redundant equipment and details of how this would be managed;
 - describe in detail the procedures for independent testing and analysis (by a NATA accredited laboratory) of all items to be demolished or disturbed during construction for the presence of asbestos;
 - include copies of asbestos clearance certificates from an independent Licensed Asbestos Assessor for all items to be demolished;
 - describe the role, responsibility, authority and accountability of all key personnel involved in the management of the demolition;
 - describe in general how the environmental performance of the demolition would be monitored and managed; and
 - describe the consultation procedures for informing the community and relevant agencies about the demolition works and environmental performance, including procedures for responding to, recording and handling complaints and non-compliances.

Stack Demolition Management Plan

- C15. The Applicant shall prepare and implement a Stack Demolition Management Plan, to the satisfaction of the Secretary. This plan must:
- be prepared by a suitably qualified and licensed demolition expert whose appointment has been endorsed by the Secretary;
 - be prepared in consultation with Council, EPA, WorkCover and RMS and be approved by the Secretary prior to the demolition of any of the five (5) chimney stacks;
 - be independently reviewed by a certified structural engineer, including a review of the demolition methodology and blast calculations;
 - detail the process, timing and techniques for demolition of each chimney stack and how this would be managed;
 - include copies of asbestos clearance certificates for each stack, prepared by a Licensed Asbestos Assessor;
 - describe the role, responsibility, authority and accountability of all key personnel involved in the management of the stack demolition;
 - describe in general how the environmental performance of the stack demolition would be monitored and managed;
 - describe the specific consultation procedures for informing the community, nearby businesses and relevant agencies about the timing and method for stack demolition works, any required road closures or exclusion areas and environmental management, including procedures for responding to, recording and handling complaints and non-compliances; and
 - detail the timeframe for removal of the waste materials generated by stack demolition, including the requirement for any interim measures to manage dust and surface water.

ASBESTOS MANAGEMENT

Asbestos Handling, Transport, Disposal and Clearance

- C16. The Applicant shall ensure that any asbestos encountered during construction and demolition is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in accordance with the requirements of WorkCover and relevant guidelines, including:

- (a) *Work Health and Safety Regulation 2011;*
- (b) *Model Code of Practice – How to Manage and Control Asbestos in the Workplace, 2011 Safe Work Australia;*
- (c) *Model Code of Practice – How to Safely Remove Asbestos, 2011 Safe Work Australia; and*
- (d) *Protection of the Environment Operations (Waste) Regulation 2005.*

CONTAMINATION

Contamination Management Plan

- C17. The Applicant shall prepare and implement a Contamination Management Plan for construction and demolition, to the satisfaction of the Secretary. The Plan shall:
- (a) be prepared by a suitably qualified and experienced expert;
 - (b) be prepared in consultation with the EPA;
 - (c) be approved by the Secretary prior to the commencement of construction or demolition;
 - (d) identify all potential contaminants that could be disturbed, mobilised and discharged to receiving waters during construction and demolition;
 - (e) detail the procedures for testing, classifying, handling, storing and disposing of contaminated soils and groundwater encountered in excavations;
 - (f) detail measures for periodically testing surface water run-off that may accumulate in excavations, and the procedures for transfer of contaminated water to the on-site wastewater treatment plant; and
 - (g) detail any required updates to the *Soil and Groundwater Management Plan Shell Clyde Refinery and Parramatta Terminal, Durham Street, Rosehill, 2010* to address construction and demolition.

Removal of Sub-Grade Infrastructure

- C18. The Applicant shall undertake any removal of underground petroleum storage tanks or other infrastructure in accordance with the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008* or its latest version.
- C19. The Applicant shall provide a contamination report to the EPA detailing any site contamination investigation carried out in the immediate vicinity of any subgrade asset removal. This report shall be provided to the EPA on completion of the removal of sub-grade infrastructure.

Acid Sulphate Soils Management Plan

- C20. The Applicant shall prepare and implement an Acid Sulphate Soil Management Plan for construction and demolition in accordance with the NSW State Government's *Acid Sulphate Soils Manual 1998*.

NOISE

Noise Limits

- C21. The Applicant shall ensure that noise from the operation does not exceed the limits in Table 1.

Table 1: Noise Limits dB(A)

Noise Receiver Location	Location	Day	Evening	Night	
		L _{Aeq} (15 min)	L _{Aeq} (15 min)	L _{Aeq} (15 min)	L _{A1} (1 minute)
R1 – R3	Any residence in the suburb of Rosehill	38	38	35	45
R4	Any residence in the suburb of Silverwater	37	37	36	45
R5	Any residence in the suburb of Newington	36	36	35	45
R6 – R7	Any residence in the suburb of Rydalmere	40	40	36	45

Notes:

- To identify a noise receiver location, refer to the figure in Appendix D; and
- Noise generated during operation is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.

Hours of Work

C22. The Applicant shall comply with the hours detailed in Table 2, unless otherwise agreed in writing by the EPA and the Secretary.

Table 2: Construction, Demolition & Operation Hours

Activity	Day	Time
Construction and Demolition	Monday – Friday	7:00am to 6:00pm
	Saturday	8:00am to 1:00pm
Operation	Monday – Sunday	24 hours

C23. Construction and demolition outside of the hours identified in condition C22 may be undertaken in the following circumstances:

- works that are inaudible at the nearest sensitive receivers;
- works that are consistent with Shell's existing maintenance procedures and are in accordance with the EPL;
- works agreed to in writing by the EPA or the Secretary;
- for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
- where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm.

Operating Conditions

C24. The Applicant shall:

- implement all reasonable and feasible noise management and mitigation measures to prevent and minimise operational, low frequency and traffic noise generated during operation;
- maintain the effectiveness of any noise suppression equipment on plant at all times and ensure defective plant that may generate offensive noise is not used operationally until fully repaired; and
- regularly assess noise monitoring data and relocate, modify and/or stop operations to ensure compliance with the relevant conditions of this consent.

Construction & Demolition Noise Management Plan

C25. The Applicant shall prepare and implement a Noise Management Plan for construction and demolition. The plan shall:

- be prepared and implemented by a suitably qualified and experienced expert;
- be prepared in consultation with the EPA;
- be approved by the Secretary prior to the commencement of construction or demolition;
- describe the measures that will be implemented to minimise noise from construction and demolition including:
 - all reasonable and feasible measures being employed on site;
 - maintenance of equipment to ensure that it is in proper and efficient condition;
 - procedures to ensure that all construction and demolition equipment does not operate simultaneously, where practicable;
 - traffic noise is effectively managed;
 - identification of high noise generating construction and demolition works, including proposed times when these works will be carried out, respite periods and mitigation measures, including the use of temporary noise barriers where necessary;
- includes a noise monitoring program that:
 - is capable of evaluating noise impacts from construction and demolition;
 - includes a protocol for determining exceedances of relevant noise criteria; and
 - includes procedures for responding to complaints.

BLASTING

Blasting Hours

C26. The Applicant shall only carry out blasting on site between 9:00am and 5:00pm Monday to Friday inclusive. Blasting is not permitted on Sundays, public holidays or at any other time without the written approval of the Secretary.

Blast Management Plan

C27. The Applicant shall prepare and implement a Blast Management Plan for demolition, to the satisfaction of the Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced expert;
- (b) be prepared in consultation with the EPA;
- (c) be approved by the Secretary prior to the commencement of blasting;
- (d) describe the program for undertaking test blasts to determine appropriate blasting parameters to ensure compliance with the limits in this consent;
- (e) describe the measures that would be implemented to:
 - ensure compliance with the blasting limits in this consent;
 - protect the safety of people in the surrounding area;
 - protect public and private infrastructure and property in the surrounding area from any damage; and
 - minimise the dust and fume emissions of any blasting; and
- (f) include a monitoring program for evaluating and reporting on compliance with the blasting limits in this consent; and
- (g) describes the procedures for early notification to the public, nearby businesses and relevant authorities of proposed blasting times, duration and any required exclusion areas and/or road closures.

AIR QUALITY

Dust Minimisation

C28. The Applicant shall carry out all reasonable and feasible measures to minimise dust generated during construction, demolition and operation.

Offensive Odour

C29. The Applicant shall not cause or permit the emission of offensive odours from the site, as defined under Section 129 of the POEO Act.

Operational Air Quality Monitoring Program

C30. The Applicant shall prepare and implement an Air Quality Monitoring Program for the operation. The plan shall:

- (a) be prepared and implemented by a suitably qualified and experienced expert;
- (b) be prepared in consultation with the EPA;
- (c) be submitted to the Secretary for approval within 3 months of the date of this consent;
- (d) describe an air quality monitoring program that is capable of evaluating the performance of the operation and determining compliance with key performance indicators agreed in consultation with the EPA;
- (e) includes record keeping, a complaints register and response procedure and compliance reporting.

Construction & Demolition Air Quality Management Plan

C31. The Applicant shall prepare and implement an Air Quality Management Plan for construction and demolition. The plan shall:

- (a) be prepared and implemented by a suitably qualified and experienced expert;
- (b) be approved by the Secretary prior to the commencement of construction or demolition and be provided to the EPA;
- (c) describe the measures that would be implemented on site to ensure:
 - the control of air quality and odour impacts;
 - that these controls remain effective over time;
 - that all reasonable and feasible air quality management practice is employed;

- the air quality impacts are minimised during adverse meteorological conditions and extraordinary events; and
 - compliance with the relevant conditions of this consent.
- (d) includes record keeping, a complaints register and compliance reporting.

Meteorological Monitoring

C32. During the life of the Development, the Applicant shall ensure that there is a suitable meteorological station operating in the vicinity of the site that complies with the requirements of the EPA.

ENERGY EFFICIENCY AND GREENHOUSE GAS EMISSIONS

C33. The Applicant shall implement all reasonable and feasible measures to minimise energy use and greenhouse gas emissions during construction, demolition and operation.

TRANSPORT AND ACCESS

Operating Conditions

C34. The Applicant shall ensure that:

- (a) the operation does not result in any vehicles queuing on the public road network;
- (b) heavy vehicles and bins associated with operation do not park or stand on local roads or footpaths in the vicinity of the site;
- (c) all loading and unloading of materials is carried out on site;
- (d) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times;
- (e) all trucks entering or leaving the site with loads have their loads covered;
- (f) trucks associated with operation do not track dirt onto the public road network; and
- (g) heavy vehicles use designated routes to minimise impacts on the local and regional road network.

Car Parking

C35. The Applicant shall provide sufficient parking facilities on-site, including for heavy vehicles, for construction, demolition and operational personnel, to ensure that traffic associated with the Development does not utilise public and residential streets or public parking facilities.

Traffic Management Plan

C36. The Applicant shall prepare and implement a Traffic Management Plan for construction and demolition, to the satisfaction of the Secretary. The plan must:

- (a) be prepared by a suitably qualified and experienced person;
- (b) be prepared in consultation with Council and RMS;
- (c) be approved by the Secretary prior to the commencement of construction or demolition;
- (d) detail the measures that would be implemented to ensure road safety and network efficiency during construction and demolition;
- (e) detail heavy vehicle routes, access and parking arrangements;
- (f) include a Driver Code of Conduct to:
 - minimise the impacts of construction and demolition on the local and regional road network;
 - minimise conflicts with other road users;
 - ensure truck drivers use specified routes;
- (g) include a program to monitor the effectiveness of these measures; and
- (h) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.

FLOODING

Flood Design and Structural Certification

C37. The Applicant shall ensure that all new buildings and structures, and additions to existing buildings and structures are constructed in accordance with the relevant requirements of the City of Parramatta's *Local Floodplain Risk Management Policy, June 2006*.

- C38. New electrical substations shall be constructed above the 1% Annual Exceedance Probability (AEP) flood level with an appropriate freeboard determined in consultation with Council and to the satisfaction of the Secretary.

Flood Study

- C39. Within 2 months of the date of this consent, the Applicant shall provide detailed site data, to the satisfaction of Council, to update the *Duck River and Duck Creek Flood Study Review, 2013*. The Applicant shall:
- (a) provide details of all floodplain obstructions on the site, including bund locations and heights;
 - (b) fund the work required to update Council's flood model with the site specific data; and
 - (c) provide details of all construction and demolition works that would be carried out within areas defined as 'high hydraulic hazard'.
- C40. Within 1 month of completing the updates to the flood study, the Applicant shall review the outcomes of the updated study and detail any additional flood management measures to be implemented during construction, demolition and operation. The outcomes of the study shall also inform any revisions to the Flood Emergency Response Plan as required by Condition C42.

Flood Warning Signs

- C41. The Applicant shall ensure that flood warning signs are maintained throughout the site, during construction, demolition and operation. The flood warning signs shall indicate the site is prone to flooding and shall show the location of assembly and evacuation points, which are above the 1% AEP.

Flood Emergency Response Plan

- C42. The Applicant shall update and implement the Emergency Response Plan for the site to include procedures for flood emergency response during construction, demolition and operation. The Plan must:
- (a) be prepared by a suitably qualified and experienced expert;
 - (b) be prepared in consultation with Council;
 - (c) be submitted to the Secretary for approval at least 1 month prior to the commencement of construction or demolition, or as otherwise agreed with the Secretary;
 - (d) detail the procedures for managing flood risks during construction, demolition and operation, including flood recovery measures, sufficient warning time for flash flooding and procedures for ensuring the protection of infrastructure and human safety; and
 - (e) identify assembly points, emergency evacuation routes, flood warning alarms and evacuation procedures.

SOIL & WATER

Imported Soil

- C43. The Applicant shall:
- (a) ensure that only VENM or ENM or other material approved in writing by the EPA is used as fill on the Site;
 - (b) keep accurate records of the volume and type of fill to be used; and
 - (c) make these records available to the Department upon request.

Erosion and Sediment Control Plan

- C44. The Applicant shall prepare and implement an Erosion and Sediment Control Plan for construction and demolition to the satisfaction of the Secretary and in accordance with *Managing Urban Stormwater: Soils and Construction, 2004*, or its latest version.
- C45. Prior to the commencement of construction or demolition, the Applicant shall implement suitable erosion and sediment control measures on-site, in accordance with the Erosion and Sediment Control Plan.

Discharge Limits

- C46. 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.

C47. The Applicant shall ensure that signs are displayed and maintained adjacent to all stormwater drains on the site clearly indicating 'Stormwater Only'.

Foreshore Management

C48. The Applicant shall ensure the foreshore and inter-tidal areas on the site are fully protected. This includes preventing the storage of any machinery, materials, equipment, supplies, or waste receptacles within or adjacent to the inter-tidal area.

Bunding

C49. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or the EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook*.

Water Management Plan

C50. The Applicant shall update and implement the Water Management Plan for the site for construction, demolition and operation, to the satisfaction of the Secretary. The plan must:

- (a) be approved by the Secretary prior to the commencement of construction or demolition and be provided to the EPA and NOW;
- (b) include mitigation measures for managing surface water and industrial water including, but not limited to the Management and Mitigation Measures in Appendix C;
- (c) include a Surface Water Management Plan, that:
 - describes the water management system on site, including plans of the stormwater system and oily water/wastewater system;
 - demonstrates compliance with any requirements of the EPL and/or Council with respect to stormwater and wastewater management;
- (d) include a Groundwater Management Plan, that:
 - details the procedures for testing, dewatering, storage, movement and treatment of any groundwater; and
- (e) include a Leachate Management Plan describing procedures for preventing the generation of leachate from waste stockpiles.

WASTE MANAGEMENT

C51. The Applicant shall assess, classify and manage all liquid and non-liquid wastes generated at the site during construction, demolition and operation in accordance with the EPA's *Waste Classification Guidelines Part 1: Classifying Waste, December 2009*, or its latest version and dispose of all wastes to a facility that may lawfully accept the waste.

C52. Waste generated outside the site shall not be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by a licence under the POEO Act, if such a licence is required in relation to that waste.

C53. The Applicant shall manage the chemical fixation and treatment of organic solvents, contaminated blue metals and empty drums or macro-encapsulation of waste in accordance with the EPA Specific Immobilisation Approval and the EPA *Waste Classification Guidelines Part 2: Immobilisation of Waste, April 2008*, or its latest version.

C54. The Applicant shall manage all materials and waste containing Scheduled Chemical Waste and polychlorinated biphenyls in accordance with the applicable Chemical Control Order or in accordance with a licence under the *Environmentally Hazardous Chemicals Act, 1985*.

C55. The Applicant shall manage all materials and waste containing radioactive substances in accordance with the *Radiation Control Act, 1990, Radiation Control Regulation, 2013* and the requirements of the EPA.

C56. The Applicant shall retain all sampling and waste classification data for the life of the Development in accordance with the requirements of the EPA.

Waste Management Plan

C57. The Applicant shall update and implement the Waste Management Plan for the site for construction, demolition and operation to the satisfaction of the Secretary. This Plan shall:

- (a) be approved by the Secretary prior to the commencement of construction or demolition and be provided to the EPA;
- (b) detail the type and quantity of waste to be generated during construction, demolition and operation;
- (c) detail the materials to be reused or recycled, either on or off site;
- (d) detail the procedures for handling, storage, collection of recycling and disposal of waste;
- (e) include measures to manage stockpiles, including ensuring stockpiles are covered or stored undercover on sealed and bunded areas, are no higher than 5 metres and have height markers installed; and
- (f) include the Management and Mitigation Measures included in Appendix C.

BIODIVERSITY

Biodiversity Management Plan

- C58. The Applicant shall prepare and implement a Biodiversity Management Plan for the Development to the satisfaction of the Secretary. This plan must:
- (a) be prepared in consultation with Council and OEH;
 - (b) be approved by the Secretary prior to the commencement of construction or demolition;
 - (c) include measures to be taken to minimise impacts on flora and fauna, including inspection of exterior casings and insulations on stacks and buildings to be demolished for the presence of Grey-headed Flying-foxes and microbats and procedures for their safe relocation;
 - (d) include an updated *Plan of Management: Restoration of Green and Golden Bell Frog Habitat, Clyde, October 2013* for the construction, demolition and operation, incorporating:
 - specific measures to be implemented such as frog-proof fences to exclude Green and Golden Bell Frogs from construction and demolition areas;
 - plans for the implementation and ongoing management of artificial breeding habitats;
 - monitoring protocols including long-term low frequency frog monitoring and a *Gambusia* monitoring program of the ponds and artificial breeding habitats;
 - active management procedures for ensuring ponds remain free of *Gambusia* including manually drying out small and intermediate ponds on an annual basis;
 - (e) include an updated Wetland Management Plan to include the creation of habitat opportunities for the Green and Golden Bell Frog; and
 - (f) include a pest, vermin and noxious weed management plan.

HERITAGE MANAGEMENT

Archival Record

- C59. The Applicant shall commission an archival photographic and documentary recording of the existing fabric and operation of the Clyde Refinery. The archival recording must:
- (a) be prepared by an appropriately qualified heritage expert, in accordance with the *Heritage Council Guidelines on Photographic Recording of Heritage Items Using Film or Digital Capture 2006*;
 - (b) ensure the photographic recording is undertaken prior to demolition works taking place;
 - (c) be submitted to the Heritage Council of NSW, the Council Library and the NSW State Library one month prior to the completion of demolition of the key refinery processing units;
 - (d) include the recording of oral histories from past and present staff regarding the operations of the Clyde Refinery;
 - (e) ensure the documentary recording contains a detailed timeline of representative pieces of equipment and tankfarms, together with copies of plans and schematics;
 - (f) include a photographic archival recording of the former Clyde Refinery infrastructure. These may be staged to capture those elements being deconstructed prior to demolition works and the broader context of the equipment should be captured prior to its removal; and
 - (g) include a photographic archival recording of the stacks.

Heritage Management Plan

- C60. The Applicant shall prepare and implement a Heritage Management Plan for the on-going management of heritage items on the site. The plan shall:
- (a) be prepared by an appropriately qualified heritage expert in consultation with Council;
 - (b) be submitted to the Secretary for approval no later than 3 months from the date of this consent;
 - (c) include an Archaeological Research Design and Methodology to manage subsurface impacts (if they occur), to the area of archaeological potential identified around the Bitumen Gantry through the removal of foundations or other invasive works;

- (d) include details for the relocation of the memorial to John Simpson Fell, Horace Liddon Spencer and Albert Edward Ward to a publicly accessible area, to be agreed in consultation with Council; and
- (e) include measures for the management of archaeological potential at the historical residential area along Devon Street and the second bitumen gantry.

Unexpected Finds Protocol

- C61. If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the OEH Heritage Branch contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *NSW Heritage Act 1977* may be required before further works can continue in that area.
- C62. If Aboriginal objects are uncovered during work, excavation or disturbance of the area, work must stop immediately. The Regional Operations Group of the OEH is to be contacted. Aboriginal archaeological excavation must be co-ordinated with any proposed investigation of non-indigenous material.

LIGHTING & SIGNAGE

Lighting

- C63. The Applicant shall ensure that the lighting associated with the Development:
- (a) complies with the latest version of *AS 4282(INT) – Control of Obtrusive Effects of Outdoor Lighting*; and
 - (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Signage

- C64. The Applicant shall not install any advertising signs on site without the written consent of the Secretary.

SCHEDULE D
ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

- D1. The Applicant shall prepare and implement an Environmental Management Strategy for the Development to the satisfaction of the Secretary. This strategy must:
- (a) be submitted to the Secretary for approval within 3 months of the date of this consent;
 - (b) provide the strategic framework for environmental management of the Development;
 - (c) identify the statutory approvals that apply to the Development;
 - (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the Development;
 - (e) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the construction, demolition and operation and environmental performance of the Development;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise during the course of the development;
 - respond to any non-compliance;
 - respond to emergencies; and
 - (f) include:
 - 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.

Management Plan Requirements

- D2. The Applicant shall ensure that the Management Plans required under this consent are prepared in accordance with any relevant guidelines, and include:
- (a) detailed baseline data;
 - (b) a description of:
 - the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - any relevant limits or performance measures/criteria; and
 - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the Development or any management measures;
 - (c) a description of the measures that will be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
 - (d) a program to monitor and report on the:
 - impacts and environmental performance of the Development; and
 - effectiveness of any management measures (see (c) above);
 - (e) a contingency plan to manage any unpredicted impacts and their consequences;
 - (f) a program to investigate and implement ways to improve the environmental performance of the Development over time;
 - (g) a protocol for managing and reporting any:
 - incidents;
 - complaints;
 - non-compliances with statutory requirements; and
 - exceedances of the impact assessment criteria and/or performance criteria; and
 - (h) a protocol for periodic review of the plan.

Note: The Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.

Revision of Strategies, Plans & Programs

- D3. Within 3 months of the submission of:
- (a) an annual review under Condition D4 of this schedule;
 - (b) an incident report under Condition D5 and D6 of this schedule;
 - (c) an audit report under Condition D7 of this schedule; and
 - (d) any modifications to this consent,

the Applicant shall review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of the Secretary.

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.

REPORTING

Annual Review

- D4. By the end of July each year, or other timing as may be agreed by the Secretary, the Applicant shall review the environmental performance of the Development to the satisfaction of the Secretary. This review must:
- (a) describe the construction and demolition activities that were carried out in the previous calendar year, and the construction and demolition activities proposed to be carried out in the coming calendar year;
 - (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:
 - the relevant statutory requirements, limits or performance measures/criteria;
 - the monitoring results of previous years; and
 - the relevant predictions in the EIS;
 - (c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
 - (d) identify any trends in the monitoring data over the life of the Development;
 - (e) identify any discrepancies between the predicted and actual impacts of the Development, and analyse the potential cause of any significant discrepancies; and
 - (f) describe what measures will be implemented over the current calendar year to improve the environmental performance of the Development.

Incident Reporting

- D5. Within 24 hours of the occurrence of an incident that causes (or may cause) harm to the environment, the Applicant shall notify the Secretary and any other relevant agencies of the incident.
- D6. Within 7 days of the detection of the incident, the Applicant shall provide the Secretary and any relevant agencies with a detailed report on the incident.

INDEPENDENT ENVIRONMENTAL AUDIT

- D7. 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:
- (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 (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.

Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Secretary.

- D8. 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 and a program for implementation.

ACCESS TO INFORMATION

- D9. The Applicant shall, to the satisfaction of the Secretary:
- (a) make the following information publicly available on its website:
 - the EIS;
 - 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
- (b) keep this information up-to-date.

Note: This requirement does not require any confidential information to be made available to the public.