



Lloyd's Register
LRQA

Independent Environmental Audit

Report for:

Caltex Refineries (NSW) Pty Ltd
Kurnell Refinery Conversion Project (2014) - SSD
5544

LRQA reference:	MEL4000225/2
Assessment dates:	26-30th April 2016
Assessment location:	2 Solander Street, Kurnell, NSW 2231
Assessment criteria:	Development Consent 5544
Assessment team:	Paul Dzamko Makis Galanos
LRQA office:	Melbourne

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This report was presented to and accepted by:	
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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 to 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 Caltex 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, Caltex 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 Report

Caltex	Caltex Refineries (NSW) Pty Ltd
CEMP	Construction 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
IEA	Independent Environmental Audit
LRQA	Lloyds Register Quality Assurance Limited
NC	Non-compliance
OFI	Opportunity for Improvement
SSD	State Significant Development

Independent Audit Certification Form	
Development Name	Kurnell Refinery Conversion Project
Development Consent No.	SSD 5544
Description of Development	Conversion of refinery to a terminal
Operator	Caltex Refineries (NSW) Pty Ltd
Operator Address	2 Solander Street, Kurnell, NSW 2231
Independent Audit	
Title of Audit	Independent Environment Audit – Kurnell Refinery Conversion Project (2014)
<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><i>a) 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><i>b) 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	Paul Dzamko
Address	LRQA Level 16, 461 Bourke Street, Melbourne, Vic. 3001
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Auditor Certification	IRCA Lead EMS Assessor A010818
Date	2.8.2016

2. Executive report

Assessment outcome:

Conclusion

Based on activities and records sampled for the calendar year 2014, the IEA audit team found a good level of compliance to the EIS, Development Consent (Consent Conditions and Appendix C - Management and Mitigation Measures), CEMP (incl. sub-plans) and related parts of the EPL. Non-compliances reported were all in the Low – Administrative risk categories.

Findings

The overall findings outcome was:

- Four non-compliances (NCs) against four Development Consent Conditions (C22, C28, D1 and D7) – 3x Low Risk and 1x Administrative risk ratings for the NCs.
- Five Opportunities for Improvement

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

The Consent contained a total of 78 Conditions (not including sub-clauses).

These findings are listed below, the context and any further mitigating evidence / discussion is included in the Compliance Table.

Environmental Performance

Taking into account the deficiencies in the Findings Log, measurement & monitoring data, no reportable environmental incidents, community complaints or legislative breaches attributable to the Project during 2014, the overall environmental performance is considered to be good.

The CEMP and sub-plans were well designed to meet the EIS and Consent Conditions; the construction was completed within an operating refinery (until October 2014), refinery shutdown process and then terminal operation. The refinery and terminal Environmental Management Systems were not deleteriously affected by this Development.

Key project staff were available for interview during this 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 at the time (2014 for this audit).

Environmental improvements related to the Project include the Tank Sleeve Program, installation energy efficient & low vibration pumps. Continuance also of existing pollution reduction programs such as water management and threatened species management.

3. Audit Details

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) and applicable Environment Protection License 837.
- 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) Caltex Kurnell Conversion Project, Kurnell for the calendar year 2014 (includes Appendix C Management and Mitigation Measures). Includes applicable parts of the Environment Protection License 837 (May 2014) for the calendar year 2014 only.

Notes:

- much of the reporting is included with post-2014 information and where this provides additional context, reference has been made in the compliance table rather than leaving potential issues open ended. .
- during the activities covered by this Consent, the refinery was still operational until October 2014. For compliance evaluation, only community complaints (e.g. noise, odour, other disturbances) attributable to the development activities in the calendar year 2014 were used.
- The EPL License applies principally to the refinery operation; activities within the boundaries of the Development must comply with EPL conditions. The auditors reviewed the relevant impacts of the Development on EPL conditions and whether any EPL non-compliances were attributable to the conversion activities rather than the refinery process.

Audit Methodology

The audit methodology:

- Was conducted in accordance with AS/NZS ISO 19011:2014 and Consent Condition D7.
- Includes a compliance table indicating the compliance status of each Consent Condition.
- Sampled applicable EPL conditions – includes compliance table with evidence sampled.
- Avoided terms such as partial compliance.
- Includes recommendations in response to non-compliances.
- Identifies opportunities for improvement.
- Audit is for calendar year 2014 only. As audit is post-construction, verification is via records requested and supplied plus interviews with relevant staff.

This is the first IEA conducted for this project.

Site Inspection

This audit was conducted post-construction and covered only activities for the calendar year 2014. The site inspection only covered completed works. As there were no construction activities to inspect, the audit team did not engage directly with external parties (regulators, community) prior to the site inspection. Evidence used included communications to and from relevant regulators (DPE, EPA and local council) , site community meeting minutes, community hotline analysis and LRQA ISO 14001 audit reports that included site inspections (refinery and terminal) in the period under audit.

Audit Team

- Paul Dzamko Environmental Lead Assessor from Lloyds Register Quality Assurance (LRQA) – Team Leader
- Makis Galanos Environmental Lead Assessor from Lloyds Register Quality Assurance (LRQA) – Team Member
- This audit duration was for this audit and also the IEA for Development Consent 5353.

Both auditors received approval, from the Department of Planning & Environment, to conduct this audit. This audit report was peer reviewed by Richard Smith, Assessment Manager, LRQA

Auditees

The following Caltex and related contractor staff were interviewed during this audit:

Greg King	GM Supply Chain Operations Engineering
Lauren Engel	GM Major Projects
Dan Pepyat	Project Superintendent Kurnell
Napoleon Obiri-Asare	Terminal Conversion Construction Lead
John Dougall	Mechanical Engineer
Sam King	Engineer
Gordon Treadwell	Senior Risk Specialist
Jos Kusters	Senior Environment Specialist Licensed Sites
Amanda Basten	ISO Systems Accreditation Co-ordinator
Simon Caples	Caltex Environment Specialist (at the time of this project)
Dora Ambrosi-Wall	Decom. & Demo. Environment Specialist
Elvis Talevski	Trans Pacific Industries – Site Waste Co-ordinator (Kurnell)

4. Project Background and Boundaries

(Extracted from the CEMP)

The Project comprises:

- Continued use of parts of the Site in a manner similar to that currently in place for the storage and distribution of petroleum product;
- Cleaning and modification of some of the existing tanks on Site to store refined product (i.e. finished product tanks); and
- A range of ancillary works to improve efficiency and capability for use as a terminal.

The Project area includes the following parts of the Site:

- The Eastern Tank Area - this area contains existing finished product tanks, some of which will require minor conversion works as part of the Project. It also contains the Oil Movements Centre (OMC).
- The Western Tank Area – this area is primarily made up of the existing Crude Oil Tanks and the Waste Water Treatment Plant. All of the Crude Oil Tanks would require conversion as part of the Project. It is proposed that the area would also include the new product pumps area and the new slops pumps area.
- Pipeline Easement 2 – this pipeline easement links Eastern and Western Tank Areas.

5. Audit Findings Log

The compliance table gives further context to each finding and mitigating evidence as applicable. Some findings are applicable across a number of Consent Conditions and consolidated findings are presented below.

Non-compliance	Risk	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 Caltex Loss Prevention System (or equivalent).</p> <p>Note: based on evidence sampled, this was an isolated example.</p> <p>Applicable Consent Conditions:</p>	<p>LOW</p>	<ul style="list-style-type: none"> • 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 Management. • Where construction are not considered high risk (as defined in the Noise Management Plan), it would provide supporting evidence if some medium risk activities are monitored to justify analysis of no high risk activities.
<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 Caltex EMR by relevant contractors. There were no records available.</p> <p>Applicable Consent Condition C28</p>	<p>LOW</p>	<ul style="list-style-type: none"> • 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>3. Construction Environment Management Plan (CEMP) Audits</p> <p>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 Caltex 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.</p> <p>Applicable Consent Condition D1</p>	<p>LOW</p>	<ul style="list-style-type: none"> • Improve prominence of specified CEMP audits and use them as intended. Feature as a critical milestone to be tracked. • Establish better long-term record keeping system for information (e.g. HSE audits) from contractors. It is a Caltex responsibility to manage contractors and have supporting evidence.
<p>4. Independent Environmental Audit</p> <p>This IEA was conducted past the approved extension date of October 2015.</p> <p>Applicable Consent Condition D7</p>	<p>ADMIN.</p>	<ul style="list-style-type: none"> • Clarify IEA timeframes with other / future Development Consents

6. Caltex Refineries (NSW) Pty Ltd, Kurnell Terminal Response to the Audit Findings

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

Non-Compliance	Risk	Auditor Recommendation (Options)	Caltex Response
<p>1. Noise Management Plan 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 Caltex Loss Prevention System (or equivalent). Note: based on evidence sampled, this was an isolated example. Applicable Consent Condition C22</p>	<p>LOW</p>	<p>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 Management.</p> <p>Where construction are not considered high risk (as defined in the Noise Management Plan), it would provide supporting evidence if some medium risk activities are monitored to justify analysis of no high risk activities.</p>	<p>Caltex accepted the audit team's findings and comments and recommendations.</p> <p>At the time of the monitoring activity, the observer was under the impression that the site was operating under the conditions as specified under the EPL (which was current at the time). Therefore, no further investigation was carried out.</p> <p>The noise observation was carried out in the Tank Farm area of the site at Gate 5. In light of an absent investigation, it would not be appropriate to assign a possible noise source this long after the event.</p> <p>In cases where future such monitoring activities reveal a high reading, the existing Caltex loss prevention tools will be used to investigate and identify the root causes.</p>
<p>2. Air Quality Management Plan Air Quality Management Plan (Jan. 2014) requires that fortnightly reports (dust, odour observations / inspections) are submitted to the Caltex EMR by relevant contractors. There were no records available. Applicable Consent Condition C28</p>	<p>LOW</p>	<p>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.</p> <p>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>Caltex accepted the audit team's findings and comments and recommendations.</p> <p>We will include precise instructions what types of compliance and monitoring checks are needed and the formats of such reporting, during the development and subsequent execution of any future such plans.</p> <p>We will improve our use of Caltex tools to ensure the monitoring activities specified in such management plans are complied with.</p>

Non-Compliance	Risk	Auditor Recommendation (Options)	Caltex Response
<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 Caltex 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>Improve prominence of specified CEMP audits and use them as intended. Feature as a critical milestone to be tracked.</p> <p>Establish better long-term record keeping system for information (e.g. HSE audits) from contractors. It is a Caltex responsibility to manage contractors and have supporting evidence.</p>	<p>Caltex accepted the audit team's findings and comments.</p> <p>Caltex will include their recommendations in the development and execution of further such plans</p> <p>Future CEMP's will contain a <i>Monitoring, Auditing and Reporting Register</i> which will provide the overview of what is required, frequency and format type.</p> <p>Caltex systems will be used to capture meetings, actions and any non-conformance investigations.</p>
<p>4. Independent Environmental Audit This IEA was conducted past the approved extension date of October 2015. Applicable Consent Condition D7</p>	<p>Administrative</p>	<p>Clarify IEA timeframes with other / future Development Consents</p>	<p>Caltex accepted the audit team's findings and comments.</p> <p>Caltex will ensure that any future Independent Environmental Audits (IEA) are conducted within the prescribed period, or as otherwise agreed by the DPE.</p>

7. Opportunities for Improvement Log

Improvement Opportunity	Recommendation (Options)
<p>1. Project Filing Index / Records Management</p> <p>Improve retrievability of project records, especially post-construction. There was not a central repository of project documentation and evidence was in a variety of locations and, at time, dependent on location responsible people rather than being able to rely on a records system.</p>	<p>Establish a records filing protocol so that all relevant documentation) during and post-construction) can be readily retrieved by referring to a system.</p>
<p>2. Measurement & Monitoring Matrix</p> <p>The CEMP and sub-plans are documented in detail. Extraction of specific monitoring / inspections plans into a consolidated Monitoring Matrix would facilitate and focus on these specific reporting requirements i.e. what, how, when, who.</p>	<p>Extract environmental measurement and monitoring plans into a consolidated matrix with what, how, when, who.</p>
<p>3. Limitations of Reporting by Exception</p> <p>As this audit was post-construction, it provided an insight into whether due diligence evidence was available to support the specified environmental risk controls in the CEMP and sub-plans. In a number of cases, the evidence was that no incidents were recorded rather than having positive evidence (monitoring records, inspections).</p>	<p>For future CEMPs and sub-plans, include thinking on the ability of Caltex to demonstrate that all environmental controls were effective. Reliance on exception reporting is limited in providing positive evidence.</p>
<p>4. External Document Transmittal System</p> <p>The Development Consent regularly required submission and approval of plans and data by the DPE and other regulatory bodies. Whilst evidence could be found (emails, covering letters, responses), it was more people dependent that having a system to demonstrate that requirements were complied with.</p>	<p>Consider a formal external communications / document transmittal system so that this is formally controlled and evidence available to demonstrate that Caltex has complied with specific submission requirements.</p>
<p>5. Internal Consent Condition Audits</p> <p>A compliance table audit approach for internal Caltex audits would act as verification that all Consent Conditions are being managed. It would also prepare staff for external audits and provide an insight into what records may be needed post-construction to demonstrate due diligence.</p>	<p>Programme an internal audit (could be combined with a CEMP audit) relatively early in the construction phase to identify potential deficiencies / improvements when they can still be addressed.</p>

8. Appendices

SSD 5544 - Development Consent Conversion of Kurnell Refinery to Finished Product Import & Distribution Terminal

Schedule A - Minister Planning and Infrastructure (Now Planning Infrastructure and Environment) Sydney 7 January 2014

Condition		Verifiable Evidence Sighted	Compliance Criteria and Risk Rating	Comments/Recommended Actions
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.	Sighted Construction Environmental Management Plan (CEMP) January 2014 and sub-plans for specific environmental impacts. These were developed in response to the EIS and this Consent. Compliance to these plans is the focus of this audit	Compliant	
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); and (d) conditions of this Consent.	Sighted EIS and Caltex response to submissions (RTS). Sampling compliance to the Consent is the focus of this audit.	Compliant	
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.	EIS and RTS (Sept. 2013) available on the Caltex public website. Sighted Director-General's environmental assessment report (Dec. 2013) that considered all submissions and provided recommendation to Planning and Assessment commission (PAC).	Compliant	
B4.	The Applicant shall comply with any reasonable requirement(s) of the Director-General 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.	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.	Note - findings in this report	
B5.	Subject to confidentiality, the Applicant shall make all documents required under this consent available for public inspection on request.	Documents on the Caltex website sighted included the EIS, RTS, CEMP and sub-plans.	Compliant	
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 Director-General.	A review of capacity for tankage allocated to refined (finished) product both as a refinery in 2014 (<400 mega litres) and now as a Terminal 2015 - approx. 620) provide confidence not exceeded for refined product storage.	Compliant	
B7.	The construction works associated with the Development shall not extend beyond five (5) years from the date of approval.	Still within 5 years; planned arrangements are that it will be completed in 2016 calendar year.	Not Triggered	
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.	Consent still valid.	Not Triggered	
SURRENDER OF EXISTING DEVELOPMENT CONSENTS				
B9.	Within six (6) months of ceasing refining operations, or as otherwise agreed in writing by the Director-General, 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.	Refinery ceased operation as a refinery in October 2014. For this 2014 assessment this condition is outside the timeframe of this audit (Jan - Dec 2014).	Not Triggered	
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 Director-General, 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.	Both issued outside the timeframe of this audit. Nonetheless, verified that for DA 13/0195 it was August 2015 and DA 12/0238 it was October 2015.	Not Triggered	
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; (c) DA 09/840 – Jet Fuel Remediation; and (d) DA 11/1090 – Remediation of Limestone Pits.	Statement.	Note	
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.	Sampled currency of EPL (applicable to 2014 & 2015) and MHF Application (latter submission due Jan. 2017 for Terminal).	Compliant	

Condition		Verifiable Evidence Sighted	Compliance Criteria and Risk Rating	Comments/Recommended Actions
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.	For the bulk of 2014 the refinery was still operating (until October 2014), thus refinery EPL still valid (sighted license variation July 2014). Sighted subsequent variations. License Jan. 2015 contained changes in the WWTP to allow primary mode operations during significantly reduced inflow volumes. EPA has been part of approval of the conversion.	Compliant	
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. <i>Notes: Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.</i>	There were no buildings constructed, altered or added to as part of this Consent.	Not Triggered	
DEMOLITION				
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.	There were no demolition of structures as part of this Consent activity in the calendar year 2014.	Not Triggered	
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.	Covered as contract item that contractors have registered and maintained equipment - sighted standard Caltex contract terms and conditions covering this (e.g. cranes). Sighted sample of JHAs (from CBI) that included equipment checks. There were no incidents reported during the 2014 project period that related to equipment failures.	Compliant	
PROTECTION OF PUBLIC INFRASTRUCTURE				
B17.	Prior to the commencement of construction, 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 Director-General and Council.	Sighted Dilapidation Report (August 2013) for Captain Cook Drive and Prince Charles Road + review of this report by WorleyParsons (Sept. 2013). Record in Cintellate (3rd February 2014) that report sent & posted - there was subsequent evidence of this report being sent in to the DPE on the February 2014 along with submission of Hazard Plans.	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.	Outside timeframe of this audit. Nonetheless a post-activity sighted from WorleyParsons (April 2016) indicating Consent conditions complied with.	Not Triggered	
STAGED SUBMISSION OF PLANS OR PROGRAMS				
B19.	With the approval of the Director-General, 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. <i>Notes:</i> · 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.	None of these options were taken up Caltex during the calendar year 2014.	Not Triggered	
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 Director-General, 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.	No records of such disputes during 2014 calendar year and no evidence observed during this audit to indicate otherwise.	Compliant	
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.	The Kurnell site induction covers relevant environmental impacts and mitigation. For more detailed communication of Consent Conditions this is done via the CEMP and sub-plans. Also sighted contractor HSE plans (e.g. CBI) that were reviewed and approved by Caltex.	Compliant	
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.	Statement.	Note	

Condition		Verifiable Evidence Sighted	Compliance Criteria and Risk Rating	Comments/Recommended Actions															
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).	Sighted PHA Study (November 2012). Sighted Kurnell Buncefield Review (2013) and inclusion of relevant items into the Kurnell Terminal Fire Safety Study (2013). Measures added to an Action Tracker (Dec. 2013) - sighted all items recorded as completed (numbered correspondence as verifiable trails). Items not actioned have a justification to demonstrate not required. Every item was not verified here, rather sampled and the process verified.	Compliant																
Commissioning																			
C2	The Applicant shall commission the development in accordance with Table 1 below: <i>Table 1: Development Commissioning</i>	All four systems were operational December 2014.	Compliant																
	<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			
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Pre-construction																			
C3.	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 Director-General may agree, the Applicant shall prepare, in consultation with WorkCover NSW, and submit for the approval of the Director-General, 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 Director-General and, with respect to the Fire Safety Study, approval has also been given by Fire and Rescue NSW. (a) Construction Safety Study 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. (b) Fire Safety Study 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 Water Retention and Treatment Systems'. The study shall also be submitted for approval to Fire and Rescue NSW. (c) Hazard and Operability Study 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'. 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. (d) Final Hazard Analysis 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 re-evaluate and confirm all relevant data and assumptions from the Preliminary Hazard Analysis.	These four studies sent in to DPE (via disc) on 3rd February 2014 - sighted covering letter Sighted response / approval from Fire and Rescue NSW for Fire safety Study (Feb. 2014) Relevant guidelines and standards referenced in each study. Sighted completion of Hazard and Operability Study action items. Sighted subsequent DPE Approval of all documents (October 2015) - was followed up by Caltex to ensure evidence of approval available as well as submission.	Compliant																
Pre-commissioning																			
C4.	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 Director-General may agree, the Applicant shall submit, for the approval of the Director-General, documentation describing those plans and systems. Commissioning shall not commence until approval has been given by the Director-General. (a) Emergency Plan 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'. (b) Safety Management System 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 Director-General 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.	Sighted evidence of submission of Emergency Plan (2nd July 2014) proposing to use existing Refinery Emergency Plan. Sighted evidence of submission of Safety Management System details to the DPE (21st July 2014). Safety Management System sampled as being consistent with Consent Conditions. Hazard Audit (Oct 2015) covered inspection, testing and preventive maintenance conditions (as per C8) and the Caltex governance protocols cover adherence to the safety procedures. Terminal Transition Emergency Response Plan approved by FRNSW (18th Nov. 2014).	Compliant																

Condition		Verifiable Evidence Sighted	Compliance Criteria and Risk Rating	Comments/Recommended Actions
C5.	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-Startup Safety Review Checklists to the Director-General.	Sighted PSSRs (Diesel April 2014, Jet March 2014, Gasoline June 2014, Slops June 2014) and Asset Acceptance (Diesel July 2014, Jet July 2014, Gasoline June 2014, Slops February 2015). PSSRs and pre-commissioning plans submitted to Department.	Compliant	
Pre-startup				
C6.	Pre-Startup Compliance Report One month prior to the commencement of operation of the Development, the Applicant shall submit to the Director- General, a report detailing compliance with Conditions C2 and C3 of this consent. The report shall be prepared in consultation with WorkCover NSW, and shall include: (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; and (c) responses to each requirement imposed by the Director-General under Condition C7 of this consent.	Sighted document bundle (four reports in C3) sent in Feb. 2014 and C4 as referenced above.	Compliant	
Post-startup				
C7.	Post-Startup Compliance Report Three months after the refinery process units shut down, the Applicant shall submit to the Director- General, a report that has been prepared in consultation with WorkCover NSW 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. The report shall be prepared in consultation with WorkCover NSW.	Outside time period for this audit, nonetheless sighted evidence of submission of report (March 2015) including reference to an emergency exercise (Dec 2014).	Not Triggered	
Ongoing				
C8.	Hazard Audit Twelve months after all four systems being fully operational and every three years thereafter, or at such intervals as the Director-General 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 Director-General. The audits shall be carried out at the Applicant's expense by a qualified person or team, independent of the Development, approved by the Director-General 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: (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). (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) (c) confirm that the throughput and storage quantities of potentially hazardous materials are consistent with the PHA. (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. (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.	Outside the period of this audit, nonetheless sighted evidence of Hazard Audit (Oct 2015) and subsequent tracking of recommendations / actions in Cintellate. Scope and objectives of audit applicable. Approval of auditor letter sighted from DPE. Audit report and proposed actions submitted to DPE and DPE response Jan. 2016)	Not Triggered	
C9.	Further Requirements The Applicant shall comply with all reasonable requirements of the Director-General in respect of the implementation of any measures arising from the reports submitted in respect of Conditions C2 to C6 of this consent inclusive, within such time as the Director-General may agree.	No issues observed with respect to this; sampled DPE correspondence and Approvals.	Compliant	
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.	Reviewed EPA Annual Returns (covering the calendar year 2014) listing EPL non-compliances related to aqueous effluent discharges and stormwater releases. None of the reported non-compliances were associated with Conversion activities described in this Consent.	Compliant	
Erosion and Sediment Control				
C 11.	During the construction of 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.	Covered in the Water Management Plan (Jan 2014). Sighted evidence of erosion and sediment control inspections in the SSI checklists - sampled SSIs related to the project for year 2014.	Compliant	Opportunity for Improvement is to specify the method of monitoring / inspection rather than a general comment that things will be monitored with no method defined.

Condition		Verifiable Evidence Sighted	Compliance Criteria and Risk Rating	Comments/Recommended Actions											
Water Management Plan															
C12.	The Applicant shall prepare and implement a Water Management Plan for the Development to the satisfaction of the Director-General. This plan must: (a) be prepared in consultation with the EPA and NOW; (b) be approved by the Director-General prior to the commencement of construction; (c) In addition to the standard requirements for management plans (see Condition D3), this plan must include: Surface Water Management Plan, that: · includes a description of the water management system on site, including the: o stormwater system; and, o 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.	Reviewed Water Management Plan (Jan. 2014) - approved by the DPE (June 2014 letter). Contains description of the stormwater system and oily water / wastewater system. Groundwater management covered in the Contamination Management Plan. Monitoring included inspection of all stockpiles for erosion. Operation of the effluent discharges and stormwater discharges were under refinery operations during 2014 and compliance data reviewed (EPA Annual Returns) with no non-compliances related to this project.	Compliant												
Groundwater															
C13.	In the event that groundwater is intersected during construction the Applicant shall: (a) obtain the necessary water related approvals from NSW Office of Water; (b) develop a Groundwater Management Plan for the testing, dewatering, storage, movement and treatment of any groundwater in consultation with the NSW Office of Water, to the satisfaction of the Director-General.	Groundwater requirements covered in the Contamination Management Plan (Jan 2014). Caltex advised that no groundwater was intersected during this project and there was no evidence sighted to suggest otherwise.	Compliant												
Acid Sulphate Soils (ASS) Management Plan															
C14.	If Acid Sulfate Soils (ASS) are encountered during construction, the Applicant shall cease all work until an ASS Management Plan is prepared for the Development to the satisfaction of the Director-General. This Plan must: (a) be prepared in consultation with the EPA and Council by a suitably qualified and experienced expert; (b) be approved by the Director-General prior to the continuation of any works; (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); (d) detail the protocols to be put in place and followed; (e) detail how the ASS will be tested, handled and stockpiled; (f) detail measures to prevent erosion and sedimentation of ASS; and, if necessary (g) outline how the ASS will be disposed of off-site (e.g. at a licensed facility).	Advised by Caltex that no ASSs encountered during this project. There was no evidence sighted to indicate otherwise.	Not Triggered												
Contamination Management															
C15.	The Applicant shall prepare and implement a Contamination Management Plan for the Development prior to commencement of construction. The Plan shall: (a) be prepared in consultation with the EPA and NSW Health; (b) be to the satisfaction of the Director-General (refer to Condition D1 for timing); (c) outline measures for managing potentially contaminated soil and groundwater, including soil testing, classification, handling, storing and disposal; (d) detail the measures that will be employed to prevent erosion and sedimentation of contaminated soil; (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. (f) detail measures for managing asbestos encountered during works, including disturbances of soil and release of asbestos into the air; (g) outline how contaminated soil and water would be classified and disposed of in accordance with the Protection of the Environment Operations Act 1997 and associated regulations and characterised in accordance with the EPA's Waste Classification Guidelines. (h) Detail how the storage ,disposal and transport of asbestos waste would be undertaken in with the Protection of the Environment Operations (Waste) regulations ; and (i) 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.	Reviewed Contamination Management Plan (Jan. 2014; approved by DPE June 2014) - covered requirements specified. No ponded water was discharged to stormwater; no soil excavated below 2m depth - no evidence to the contrary. Sighted SGS Analytical Reports for asbestos soil testing and ALS hydrocarbon soil testing & subsequent waste classification. Sighted evidence of restricted waste disposal (landfill locations, EPA certificate references, volumes).	Compliant												
NOISE AND VIBRATION															
Construction Noise Limits															
C16.	The Applicant shall ensure that the construction noise generated by the Development does not exceed the criteria defined in Table 1 below. <table border="1"> <caption>Table 1: Construction Noise Criteria (dB(A))</caption> <thead> <tr> <th rowspan="2">Location</th> <th>Day</th> <th>Evening</th> </tr> <tr> <th>L_{avg} 1/3 min</th> <th>L_{avg} 1/3 min</th> </tr> </thead> <tbody> <tr> <td>R2 - 30D Cook Street</td> <td>45</td> <td>40</td> </tr> <tr> <td>At any residence or other noise sensitive receiver</td> <td>50</td> <td>45</td> </tr> </tbody> </table> · 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.	Location	Day	Evening	L _{avg} 1/3 min	L _{avg} 1/3 min	R2 - 30D Cook Street	45	40	At any residence or other noise sensitive receiver	50	45	Reviewed Construction Noise Management Plan (submitted Jan. 2014, Department approval June 2014). Identified these receiver locations. Plan requires noise monitoring when potentially high noise generating activities are undertaken - during this project, no such activities were identified. No noise complaints were recorded (LPS, complaints hotline) attributable to this project for 2014.	Compliant	Note - C22 below for isolated case where noise data should have resulted in further analysis /investigation. Nonetheless, there is not unambiguous data that project activities exceeded noise levels.
Location	Day		Evening												
	L _{avg} 1/3 min	L _{avg} 1/3 min													
R2 - 30D Cook Street	45	40													
At any residence or other noise sensitive receiver	50	45													
Operational Noise Limits															

Condition		Verifiable Evidence Sighted	Compliance Criteria and Risk Rating	Comments/Recommended Actions														
C 17.	<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 2 below:</p> <p>Table 2: Operational Noise Limits dB(A)</p> <table border="1"> <thead> <tr> <th rowspan="2">Location</th> <th>Day</th> <th>Evening</th> <th colspan="2">Night</th> </tr> <tr> <th>L_{Aeq}(15 min)</th> <th>L_{Aeq}(15 min)</th> <th>L_{Aeq}(15 min)</th> <th>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 purposes 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	Evening	Night		L _{Aeq} (15 min)	L _{Aeq} (15 min)	L _{Aeq} (15 min)	L _{Amax}	At any private residential receiver	60	50	50	55	As above	Compliant	As above
Location	Day		Evening	Night														
	L _{Aeq} (15 min)	L _{Aeq} (15 min)	L _{Aeq} (15 min)	L _{Amax}														
At any private residential receiver	60	50	50	55														
Hours of Construction and Operation																		
C 18.	<p>With the exception of works identified in conditions C18 and C19, the Applicant shall comply with the hours detailed in Table .</p> <p>Table 3: Construction & 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 to 10:00pm</td> </tr> <tr> <td>Operation</td> <td>Monday – Sunday</td> <td>24 hours</td> </tr> </tbody> </table>	Activity	Day	Time	Construction	Monday – Sunday	7:00am to 10:00pm	Operation	Monday – Sunday	24 hours	Working hours were detailed in the CEMP and communicated to contractors. Security swipe card data is no longer available for year 2014; no evidence to indicate that the working hours were not adhered to; no community complaints recorded that related to this issue. Noted that refinery was still in operation for most of 2014.	Compliant						
Activity	Day	Time																
Construction	Monday – Sunday	7:00am to 10:00pm																
Operation	Monday – Sunday	24 hours																
C 19	High noise generating construction works shall be confined to less sensitive times of the day, and shall not be undertaken outside of the hours 7:00am and 6:00pm Monday to Saturday.	It was determined that there were no high noise generating construction works with the potential for off-site impacts.	Compliant															
C 20.	<p>Construction works outside of the work hours identified in condition C17 above may, with the exception of works identified in condition C18, be undertaken in the following circumstances:</p> <p>(a) works that are inaudible at nearest sensitive land receivers;</p> <p>(b) works that are consistent with Caltex's existing maintenance procedures and are in accordance with the existing EPL;</p> <p>(c) works agreed to in writing by the EPA or the Department;</p> <p>(d) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or</p> <p>(e) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm.</p>	Caltex advised that no work was conducted outside the hours identified in C17. There was no evidence observed to suggest otherwise; security swipe data is no longer available for the 2014 reporting period. There were no community complaints related to work hours outside those specified.	Compliant															
Operating Conditions																		
C 21.	<p>The Applicant shall:</p> <p>(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;</p> <p>(b) minimise the noise impacts of the development during adverse meteorological conditions when noise criteria do not apply;</p> <p>(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</p> <p>(d) regularly assess noise monitoring data and relocate, modify and/or stop operations to ensure compliance with the relevant conditions of this consent.</p>	Construction Noise Management Plan (Jan. 2014, DPE approved June 2014) contained applicable measures e.g. hours of work, designated locations for fabrication work, maintenance of construction equipment, risk assessing noise generating works. Refer C22 below for noise monitoring data review. Noise management requirements included in Project Induction and toolbox sessions.	Compliant	Note - C22 below is relevant														
Noise Management Plan																		
C 22.	<p>The Applicant shall prepare and implement a Noise Management Plan for construction works and site operations. The plan (s) shall:</p> <p>(a) be prepared and implemented by a suitably qualified and experienced person, in consultation with the EPA;</p> <p>(b) be approved by the Director-General (refer to Conditions D1 and D2 for timing);</p> <p>(c) describe the measures that will be implemented to minimise noise from the construction and operation of the development including:</p> <ul style="list-style-type: none"> all reasonable and feasible measures being employed on site; 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 Director-General; 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. 	Construction Noise Management Plan (Jan. 2014, DPE approved June 2014) contained applicable measures e.g. hours of work, designated locations for fabrication work, maintenance of construction equipment, risk assessing noise generating works. During 2014 Conversion activities it was determined by Caltex that there were no potentially high noise generating activities at locations where there could be significant off-site impacts. 8 sensitive off-site receptor locations were identified in the Plan. There was some routine site boundary noise monitoring conducted on 4th November (Road 7): on this occasion there were readings above Leq of 60, and whilst some had a cause assigned, not all did. This should have resulted in an LPS entry so that Project Team Management would be involved in further investigation and determination of any causes and reporting requirements. It is noted that most readings were below this limit and the high readings could not be unambiguously assigned to this project (i.e. the need for LPS entry to investigate). It is noted that Caltex has responded to (other) noise issues during December 2014 and further monitoring and full report submitted to the EPA (Feb. 2015) - not attributable to this project.	Not Compliant (lack of further investigation - isolated case) LOW RISK	In future projects, clarify better action and internal reporting of any potential noise exceedances so that the Project Team Management can make the call on further investigation and reporting e.g. use of LPS. Even if no high risk activities are occurring near boundaries (during projects), include medium risk monitoring as supporting evidence for this analysis (in the context of noise being an overall site issue).														

Condition		Verifiable Evidence Sighted	Compliance Criteria and Risk Rating	Comments/Recommended Actions
Construction Vibration				
C 23.	The Applicant shall aim to achieve the following construction vibration goals: (a) for structural damage, the vibration limits set out in the German Standard DIN 4150-3: Structural Vibration - effects of vibration on structures; and (b) for human exposure, the acceptable vibration values set out in the Environmental Noise Management Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006).	There were no construction activities in 2014 that would have caused significant vibration - conversion activities were tank cleaning, tank modifications, minor earthworks for bunds, installation and commissioning of pumps. There were no demolition activities in 2014. From an environmental performance viewpoint, evidence sighted of vibration readings of pumps installed (most likely source of vibration) - sighted report from Flowserv August 2013 as typical data of applicable equipment installed during this project (tanks, pumps and pipes).	Not Triggered	
AIR QUALITY MANAGEMENT				
Dust Generation During Construction				
C 24.	The Applicant shall carry out all reasonable and feasible measures to minimise dust generated during construction works.	Air Quality Management Plan (Jan. 2014) includes measures to minimise dust. No community complaints or site observations related to dust were in the LPS system.	Compliant	
C 25.	During Construction of the Development, the Applicant shall ensure that: (a) all trucks entering or leaving the site have their loads covered; (b) trucks associated with the Development do not track dirt onto the public road network; and (c) any dirt on public roads as a result of the development is promptly removed.	Air Quality Management Plan (Jan. 2014) and CEMP (Jan. 2014) includes controls over vehicle movements and potential for dirt on public roads. Deployment of these controls was evidenced by Kurnell Site Induction records and Project Induction records, inclusion in contractor HSE Plans (sighted CBI Plan) and toolbox meetings (sampled attendance sheets for 2014). Monitoring is visual and reporting by exception - no incidents or community complaints (attributable to development activities) recorded for 2014.	Compliant	
Offensive Odour				
C 26.	The Applicant shall not cause or permit the emission of offensive odours from the site, as defined under Section 129 of the POEO Act.	Air Quality Management Plan (Jan. 2014) includes controls over the potential for offensive odours from the site during construction activities. Reporting is by exception - no incidents or community complaints (attributable to development activities) recorded for 2014.	Compliant	
Operating Conditions				
C 27.	The Applicant shall: (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.	Air Quality Management Plan (Jan. 2014) includes measures to minimise odour, dust and other visible off-site pollution. No community complaints or site observations related to dust were in the LPS system. Surface disturbance monitored via Contamination Management Plan.	Compliant	
Air Quality Management Plan				
C 28.	The Applicant shall prepare and implement an Air Quality Management Plan for the proposed construction works. The plan shall: (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 Director-General prior to commencement of construction; (c) describe the measures that would be implemented on site to ensure: i. the control of air quality and odour impacts of the Development; ii. that these controls remain effective over time; iii. that all reasonable and feasible air quality management practices is employed; iv. the air quality impacts are minimised during adverse meteorological conditions and extraordinary events; and v. compliance with the relevant conditions of this consent. (d) describes the air quality & odour management system; (e) includes an air quality monitoring program that: i. is capable of evaluating the performance of the proposal; ii. includes a protocol for determining any exceedances of the relevant conditions of consent and responding to complaints; iii. adequately supports the air quality management system; and iv. evaluates and reports on the effectiveness of the air quality management system.	Air Quality Management Plan (submitted Jan. 2014; Department Approval June 2014) contains applicable measures and practices. However the specified contractor visual monitoring and subsequent reporting to Caltex (fortnightly reports required) was not in evidence. Noted that there were no incidents or community complaints related to air quality.	Not Compliant LOW RISK	This development is almost completed - a few week left. Include this issue as a Lessons Learnt for other and future projects within Caltex (e.g. demolition, decontamination, terminals).
Air Quality Verification				

Condition		Verifiable Evidence Sighted	Compliance Criteria and Risk Rating	Comments/Recommended Actions
C 29.	The Applicant shall carry out an air quality verification study for the development. The study shall: <ul style="list-style-type: none"> (a) be prepared by a suitably qualified expert; (b) be completed within 24 months of the commencement of operations, or as otherwise agreed to by the Director-General; (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; (d) include a validation of the accuracy of the modelling predictions in the EIS; (e) verify that compliance with any limits or conditions in the EPL are achieved; (f) verify, using reasonable means, the effectiveness of any emission control measures that have been implemented to minimise air quality impacts; and (g) demonstrate compliance with the relevant regulatory criteria. 	Not required during the period being audited (year 2014). Noted that there is an action in Cintellate to track this.	Not Triggered	
HERITAGE MANAGEMENT				
Archival Record				
C 30.	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). 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.	Sighted archival photographic recording and letter of receipt from the NSW State Library (20th Nov. 2015)	Compliant	
Heritage Management Strategy				
C 31.	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: <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 Director-General 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. 	Sighted Heritage Management Strategy (Feb. 2014). Sampling / review of contents confirmed content in alignment with the Consent Condition. Provides a framework for future works. Sighted indirect records of submission to the Department.	Compliant	Opportunity for Improvement - have a formal external document transmittal system to have direct evidence.
Other Heritage Management and Mitigation Measures				
C 32.	The Applicant shall, prior to shut-down of the refinery: <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 library's archives; and (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. 	Sighted book Refining at Kurnell The Caltex Story (2014) by Gary Lester. Evidence sighted of a photographic exhibition in Cronulla (June 2014) and a photographic record of the site for inclusion in State Library archives (Letter of Acceptance 20 Nov 2015).	Compliant	
Potential for Discovery of Aboriginal and Non-Aboriginal Heritage Objects				
C 33.	If during the course of construction 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.	Reviewed Aboriginal and non-Aboriginal Heritage Objects Management Plan (Jan 2014, Department approval letter June 2014). Reporting was by exception - no such objects were reported as being present.	Compliant	
C 34.	If during the course of construction the Applicant becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the OEI informed in accordance with section 89A of the National Parks and Wildlife Act 1974. Relevant works shall not recommence until written authorisation from OEI is received by the Applicant.	Reviewed Aboriginal and non-Aboriginal Heritage Objects Management Plan (Jan 2014, Department approval letter June 2014). Reporting was by exception - no such objects were reported as being present.	Compliant	
ENERGY EFFICIENCY AND GREENHOUSE GAS EMISSIONS				
Managing Energy Efficiency & Greenhouse Gas Emissions				
C 35.	The Applicant shall implement all reasonable and feasible measures to minimise: <ul style="list-style-type: none"> (a) energy use; and (b) greenhouse gas emissions, during constructions and operations, to the satisfaction of the Director -General.	Sighted examples such as energy efficient pumps, sleeves on guidepoles on external floating roof tank in gasoline tank (reduce fugitive emissions). Limited opportunities in construction activities, Caltex energy policies apply to operations. No specific directives from the Department were recorded.	Compliant	

Condition		Verifiable Evidence Sighted	Compliance Criteria and Risk Rating	Comments/Recommended Actions
TRANSPORT AND ACCESS				
C 36.	The Applicant shall prepare and implement a Traffic Management Plan for the Development, to the satisfaction of the Director-General. The plan must: (a) be prepared and implemented by a suitably qualified and experienced person; (b) be approved by the Director-General (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): · 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: · 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: · the nominated heavy vehicle route is used; · drivers adhere to the code of conduct; and · compliance with the relevant conditions of this consent. (h) include a program to monitor the effectiveness of these measures; and (i) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.	Sighted Traffic Management Plan (submitted Jan. 2014, approved June 2014). Covers Consent requirements. Deployment of these controls was evidenced by Kurnell Site Induction records and Project Induction records, Driver Code of Conduct covered in inductions, inclusion in contractor HSE Plans (sighted CBI Plan) and toolbox meetings (sampled attendance sheets for 2014). Reporting is by exception - no incidents, near misses or community complaints related to the Development were recorded for 2014.	Compliant	
Car Parking				
C 37.	The Applicant shall provide sufficient parking facilities on-site for construction 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.	Refinery car park used.	Compliant	
WASTE MANAGEMENT				
Waste Management On-Site				
C 38.	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 Director-General.	Sighted Waste Management Plan (Jan. 2014, approved June 2014). Covers requirements listed.	Compliant	
C 39.	The Applicant shall ensure that any waste generated on the site during construction is classified in accordance with the EPA's Waste Classification Guidelines and disposed of to a facility that may lawfully accept the waste.	Sighted examples of waste classification for excavated soils - asbestos and hydrocarbons & subsequent disposal.	Compliant	
Waste Management Plan				
C 40.	The Applicant shall prepare and implement a Waste Management Plan for the development to the satisfaction of the Director-General. This Plan shall: (a) be prepared in consultation with the EPA; (b) be approved by the Director-General (refer to Conditions D1 and D2 for timing) (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.	Sighted Waste Management Plan (submitted Jan. 2014, Department Approval June 2014). Covers general, recycled and restricted wastes. Sampled waste classification of excavated soils (mainly for asbestos and hydrocarbons) and subsequent disposal via Caltex system and in accordance with EPA Waste Transport Certificates.	Compliant	
Waste Received from Off-Site				
C 41.	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.	No such activity reported during this project.	Not Triggered	
BIODIVERSITY & ECOLOGY				
Biodiversity Management Plan				
C 42.	The Applicant shall prepare and implement a Biodiversity Management Plan for the development to the satisfaction of the Director-General. This plan must: (a) be prepared in consultation with the EPA; (b) be approved by the Director-General (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.	Sighted Biodiversity, Pest and Weed Management Plan (Jan. 2014). Covers listed requirements. Frog Identification Sheets issued to contractors and also covered in inductions. Reporting by exception - no incidents, frog sightings reported during this project. No evidence to indicate otherwise.	Compliant	

Condition		Verifiable Evidence Sighted	Compliance Criteria and Risk Rating	Comments/Recommended Actions
Pest, Vermin & Noxious Weed Management				
C 43.	The Applicant shall: (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. <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>	Sighted Biodiversity, Pest and Weed Management Plan (Jan. 2014). Also linked to the Refinery Weed Management Plan for the entire site. Deployment of these controls was evidenced by Kurnell Site Induction records and Project Induction records, inclusion in contractor HSE Plans (sighted CBI Plan) and toolbox meetings (sampled attendance sheets for 2014). Vehicle washdown protocols not required as vehicles not entering sensitive areas. Reporting by exception - no incidents, complaints, sightings of any issues during this project in 2014.	Compliant	
Protection of Marton Park Wetlands				
C 44.	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.	Sighted Wetland Monitoring Plan (Jan. 2014) + revision (July 2015). Email as evidence of report submission to Council. No issues reported.	Compliant	
VISUAL				
Lighting				
C 45.	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.	Development primarily whilst Refinery still in operation and then with Terminal in operation. No additional construction lighting so as to create a nuisance. No community complaints recorded.	Compliant	
Signage and Fencing				
C 46.	The Applicant shall not install any advertising on site without the written approval of the Director-General.	No such activity reported during this project.	Compliant	
SITE SECURITY				
Site Security				
C 47.	The Applicant shall ensure that: (a) site fencing and security gates are installed to the satisfaction of the Director-General; and (b) the security gates on site whenever the site is unattended.	24 hour security as Refinery and then as Terminal. Development within security confines and fences.	Compliant	

Condition	Verifiable Evidence Sighted	Compliance Criteria and Risk Rating	Comments/Recommended Actions
ENVIRONMENTAL MANAGEMENT			
Construction Environment Management Plan			
<p>D1. The Applicant shall prepare and implement a Construction Environmental Management Plan for the Development to the satisfaction of the Director-General. 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 Director-General for approval no later than four (4) weeks prior to the commencement of construction or demolition, or within such period otherwise agreed by the Director-General; (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 contained in the EIS and RTS; (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: (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; (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); (i) describe the roles and responsibilities for all relevant employees involved in construction and demolition works associated with the Development; (j) include arrangements for community consultation, including consultation with the NSW Department of Education and local schools at key stages of the development that 	<p>Construction Environment Management Plan (CEMP) and sub-plans all submitted Jan. 2014 and Department Approval (June 2014). Covers listed requirements and implementation sampled during this audit.</p> <p>Section 4.1 Audit requirements have not been completed i.e. CEMP to be audited by Caltex within 6 weeks of commencement of site construction works + records of monthly Contractor HSE audits submitted to Caltex (note: an example of CBI HSE monthly HSE assessment sighted but only for one month).</p>	<p>Not Compliant LOW RISK</p>	<p>For future CEMPs ensure the (internal) Caltex audits are conducted and reported.</p>
Operational Environmental Management Plan			
<p>D2. The Applicant shall prepare and implement an Operational Environmental Management Plan for the project to the satisfaction of the Director-General. This Plan must:</p> <ul style="list-style-type: none"> (a) be approved by the Director-General 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 to be followed during operation; (f) describe all activities to be undertaken on the site during operation; (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; (h) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project; (i) describe the procedures that will be implemented to: <ul style="list-style-type: none"> · keep the local community and relevant agencies informed about the operation and environmental performance of the 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 (j) include: <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>For 2014 the Refinery EMS (certified to ISO 14001:2004) was in control of operations and the CEMP for the Development. Post-2014 an Operations Environment Management Plan (OEMP) has been in transition from the refinery to a terminal operation only. The OEMP is out for final review. the transition phase has been within the ISO 14001:2004 site certification.</p>	<p>Compliant</p>	

Condition		Verifiable Evidence Sighted	Compliance Criteria and Risk Rating	Comments/Recommended Actions
Management Plan Requirements				
D3.	<p>The Applicant shall ensure that the Management Plans required under this consent are prepared in accordance with any relevant guidelines, and include:</p> <p>(a) detailed baseline data;</p> <p>(b) a description of:</p> <ul style="list-style-type: none"> · the relevant statutory requirements (including any relevant approval, licence or lease conditions); · any relevant limits or performance measures/criteria; and · the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures; <p>(c) a description of the measures that will be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;</p> <p>(d) a program to monitor and report on the:</p> <ul style="list-style-type: none"> · impacts and environmental performance of the development; and · effectiveness of any management measures (see (c) above); <p>(e) a contingency plan to manage any unpredicted impacts and their consequences;</p> <p>(f) a program to investigate and implement ways to improve the environmental performance of the development over time;</p> <p>(g) a protocol for managing and reporting any:</p> <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 <p>(h) a protocol for periodic review of the plan.</p> <p><i>Note: The Director-General may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.</i></p>	CEMP and sub-plans have all been submitted (Jan. 2014) and approved (June 2014) by the Department. The contents of the CEMP and sub-plans were reviewed and found to contain the required contents listed. Implementation and monitoring of each plan is included in the relevant consent condition in this table. Consistent deployment / implementation of plans was evidenced by induction records (Kurnell site and Project Inductions); contractor HSE Plans, Contractor JHAs, toolbox meeting attendance sheets,. Monitoring of performance varied from defined positive measures to reporting by exception (refer each condition in this table). The CEMP and sub-plans were not required to amended (in 2014) after approval.	Compliant	
Annual Review				
D4.	<p>By 31 December 2014, or as otherwise agreed in writing by the Director-General, the Applicant shall review the environmental performance of the Development to the satisfaction of the Director-General. 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>	Sighted Annual Review Environmental Performance Development Application SSD 5544 (December 2014). December 2015 Review has been revised, based on Department feedback, and under re-submitted March 2016.	Compliant	
Revision of Strategies, Plans & Programs				
D5.	<p>Within 3 months of the submission of an:</p> <p>(a) annual review under Condition D4 of this schedule;</p> <p>(b) incident report under Condition D6 of this schedule;</p> <p>(c) audit report under Condition D8 of this schedule; and</p> <p>(d) any modifications to this consent,</p> <p>the Applicant shall review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of the Director-General.</p> <p><i>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.</i></p>	December 2015 Annual Review has been revised and re-submitted. For the period under this audit (2014), there were no changes directed.	Compliant	
REPORTING				
Incident Reporting				
D6.	<p>The Applicant shall notify the Director-General 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 Director-General and any relevant agencies with a detailed report on the incident.</p>	Reviewed entries in the Caltex LPS system - no records of reportable incidents. No evidence to indicate otherwise.	Compliant	

Condition		Verifiable Evidence Sighted	Compliance Criteria and Risk Rating	Comments/Recommended Actions
INDEPENDENT ENVIRONMENTAL AUDIT				
D7.	<p>Within a year of the date of this consent, and every 3 years thereafter, unless the Director-General directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:</p> <p>(a) be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;</p> <p>(b) include consultation with the relevant agencies;</p> <p>(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);</p> <p>(d) review the adequacy of any approved strategy, plan or program required under these approvals; and</p> <p>(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> <p><i>Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Director-General.</i></p>	<p>The audit team leader contacted the DPE (email 26.4.16) to enquire as to whether there were any special issues or other communication that the DPE wished to have with the audit team - there were no such issues / items communicated back to the audit team. During the audit, in the view of the audit team, there were no contentious issues that required extra consultation (especially as the audit was conducted post 2014).</p> <p>The audit team did review communications between Caltex and both the DPE and EPA.</p> <p>This audit has been conducted after the allowable extension granted by the Department. DPE approval was given to extend the audit deadline until October 2015 (sighted approval letter) and whilst there is correspondence from Caltex requesting use of ISO 14001 audit reports to be accepted (Sept. 2015), the date and methodology were not changed.</p>	<p>Not Compliant Administrative Risk (extra extension was required, audit now completed)</p>	<p>This audit is the IEA. Lesson learnt to be applied to other Consents i.e. demolition and future activities.</p>
D8.	<p>Within 3 months of commissioning this audit, or as otherwise agreed by the Director-General, the Applicant shall submit a copy of the audit report to the Director-General, together with its response to any recommendations contained in the audit report.</p>			
ACCESS TO INFORMATION				
D9.	<p>The Applicant shall, to the satisfaction of the Director-General:</p> <p>(a) make the following information publicly available on its website:</p> <ul style="list-style-type: none"> · 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 Director-General; and <p>(b) keep this information up-to-date,</p> <p><i>Note: This requirement does not require any confidential information to be made available to the public</i></p>	<p>Reviewed Caltex website and sighted: EIS, statutory approvals, CEMP and sub-plans, summary of monitoring data, complaints (for entire site). Annual Reviews not on the website - stated that these are awaiting Department approval before making public (a reasonable comment).</p>	<p>Compliant</p>	

COMPLIANCE EVALUATION OF ENVIRONMENT PROTECTION LICENSE (EPL) 837

EPL 837 applies to the refinery operations; the Development activities are required to be in compliance with this License. An overall evaluation was done during this audit with specific attention to potential impacts from the Development.

It is noted that there were 8 reported EPL license non-compliances for the refinery in 2014.

License Conditions	Evidence Sighted	Compliance attributable to CEMP activities
1. Administrative Condition <ul style="list-style-type: none"> • A1 What the license authorises and regulates • A2 Premises or plant to which this license applies • A3 Other activities • A4 Information supplied to the EPA 	EPA Annual Return 2013 / 2014 EPA Annual Return 2014 / 2015 ISO 14001 Re-certification Audit May 2014 (LRQA) ISO 14001 Surveillance Audit March 2015 (LRQA)	Compliant.
2. Discharges to Air and Water and applications to Land <ul style="list-style-type: none"> • P1 Location of monitoring / discharge points and areas 	EPA Annual Return 2013 / 2014 EPA Annual Return 2014 / 2015 ISO 14001 Re-certification Audit May 2014 (LRQA) ISO 14001 Surveillance Audit March 2015 (LRQA)	Compliant.
3. Limit Conditions <ul style="list-style-type: none"> • L1 pollution of Waters • L2 Load Limits • L3 Concentration Limits • L4 Volume and Mass limits • L5 Waste • L6 Noise Limits • L7 Potentially Offensive Odour • L8 Other Limit Conditions 	EPA Annual Return 2013 / 2014 EPA Annual Return 2014 / 2015 ISO 14001 Re-certification Audit May 2014 (LRQA) ISO 14001 Surveillance Audit March 2015 (LRQA) Sampled measurement & monitoring data (2014) for: <ul style="list-style-type: none"> • Air quality (2014) • Effluent & Stormwater Discharges (2014) • Project Waste identification / disposal of controlled waste (2014) 	Compliant. There were refinery related non-compliances; there no non-compliances within the Project activities (CEMP) of this audit.

	<ul style="list-style-type: none"> Noise monitoring data (2014) Community Hotline / Incidents (2014) 	
<p>4. Operating Conditions</p> <ul style="list-style-type: none"> O1 Activities must be carried out in a competent manner O2 Maintenance of plant and equipment O3 Dust O4 Emergency Response O5 Processes and equipment O6 other operating conditions 	<p>EPA Annual Return 2013 / 2014 EPA Annual Return 2014 / 2015 ISO 14001 Re-certification Audit May 2014 (LRQA) ISO 14001 Surveillance Audit March 2015 (LRQA) Sampled further:</p> <ul style="list-style-type: none"> Dust monitoring (no community complaints 2014; no project related dust incidents reported) 	<p>Compliant. There were refinery related non-compliances; there were no non-compliances within the Project activities (CEMP) of this audit.</p>
<p>5. Monitoring and Recording Conditions</p> <ul style="list-style-type: none"> M1 Monitoring records M2 Requirement to monitor concentration of pollutants discharged M3 Testing methods – concentration limits M4 Testing methods – load limits M5 recording of pollution complaints M6 Telephone complaints line M7 requirement to monitor volume or mass 	<p>EPA Annual Return 2013 / 2014 EPA Annual Return 2014 / 2015 ISO 14001 Re-certification Audit May 2014 (LRQA) ISO 14001 Surveillance Audit March 2015 (LRQA) Sampling monitoring records (2014) for:</p> <ul style="list-style-type: none"> Air quality (2014) Effluent & stormwater discharges (2014) Telephone complaints line data (2014) 	<p>Compliant. There were refinery related non-compliances; there were no non-compliances within the Project activities (CEMP) of this audit.</p>
<p>6. Reporting Conditions</p> <ul style="list-style-type: none"> R1 Annual return documents R2 Notification of environmental harm R3 Written report R4 Other reporting conditions 	<p>EPA Annual Return 2013 / 2014 EPA Annual Return 2014 / 2015 ISO 14001 Re-certification Audit May 2014 (LRQA) ISO 14001 Surveillance Audit March 2015 (LRQA)</p>	<p>Compliant</p>
<p>7. General Conditions</p> <ul style="list-style-type: none"> Copy of license kept at premises or plant Signage 	<p>EPA Annual Return 2013 / 2014 EPA Annual Return 2014 / 2015 ISO 14001 Re-certification Audit May 2014 (LRQA)</p>	<p>Compliant</p>

<ul style="list-style-type: none"> Other general conditions 	ISO 14001 Surveillance Audit March 2015 (LRQA)	
8. Pollution Studies and Reduction Programs <ul style="list-style-type: none"> U1 PRP U16: VOC Emissions from Petroleum Storages U2 PRP U18: Threatened Species Management Plan U3 PRP U20: Soil / Groundwater Risk Reduction Program U4 PRP U21 Landfarm Management Plan 	EPA Annual Return 2013 / 2014 EPA Annual Return 2014 / 2015 ISO 14001 Re-certification Audit May 2014 (LRQA) ISO 14001 Surveillance Audit March 2015 (LRQA)	Compliant
9. SC E8: Bio-Pile Pilot Trial	EPA Annual Return 2013 / 2014 EPA Annual Return 2014 / 2015 ISO 14001 Re-certification Audit May 2014 (LRQA) ISO 14001 Surveillance Audit March 2015 (LRQA)	Compliant