

Independent Environmental Audit (2022)

Clyde Terminal Conversion (DA No. SSD 5147 MOD 1)

For Viva Energy Australia

28 June 2022



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Executive Summary

In February 2014, Vitol announced it had reached a binding agreement with Shell to acquire its Australian downstream business, excluding Aviation. The acquisition included Shell's operations in Clyde, NSW. As a result of the acquisition, The Shell Company of Australia was renamed Viva Energy Australia Pty Ltd (Viva Energy) on 13 August 2014.

A Development Application (DA) for conversion of the Clyde refinery to a terminal operation, including demolition of redundant infrastructure, was submitted by The Shell Company of Australia Limited (Shell) to the Department of Planning and Infrastructure (Now Department of Planning and Environment, DP&E) in November 2013.

Consent for the terminal conversion was granted on 14 January 2015 subject to the conditions listed in the Development Consent - Section 89E of the Environmental Planning and Assessment Act 1979 - Application No. SSD 5147. A modification (MOD 1) to SSD No. 5147 was approved in July 2019 for demolition works and administrative amendments [Ref. 3].

Condition No. D7 in Schedule D of the Development Consent (DA No. SSD 5147 MOD 1) requires an Independent Environmental Audit (IEA) to be undertaken. Viva Energy engaged Arriscar Pty Ltd (Arriscar) to undertake the 2022 IEA.

The IEA was undertaken in accordance with the methodology outlined in AS/NZS ISO 19011:2018 *Guidelines for Auditing Management Systems* [Ref. 7] and the NSW Government guidelines *Independent Audit, Post-Approval Requirements* [Ref. 5]. It included four major verification activities:

- Agency and community consultation (Undertaken prior to site visit);
- Personnel interviews;
- Document reviews; and
- Site and equipment inspections.

The site visit (including interviews and site inspection) was undertaken on 22-24 March 2022.

The overall environmental performance for the CTCP is good, which is evidenced by:

- The recording of no public complaints since the previous IEA in 2018 (refer to Section 4.2.1).
- No non-compliances related to exceeding limits in the EPL since the previous IEA in 2018 (refer to Section 4.2.1).
- The nature of the identified non-compliances, which relate to documentation or a one-off historical event, rather than direct impacts upon the environment (refer to Section 4.3.3).
- Fewer recommendations than the previous IEA in 2018 (refer to Section 5.1).

The overall level of compliance and environmental performance for the CTCP has improved when compared to the previous IEA in 2018.

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Notation

Abbreviation	Description
AEP	Annual Exceedance Probability
AEPR	Annual Environmental Performance Review
A/G	Above Ground
Arriscar	Arriscar Pty Limited
AS	Australian Standard
CC	Consent Condition
CSS	Construction Safety Study
CTCP	Clyde Terminal Conversion Project
DA	Development Application
DG	Dangerous Good
DP&E	NSW Department of Planning and Environment
DPIE	NSW Department of Planning, Industry and Environment
EMM	Environmental Management Manual
EMP	Environment Management Plan
EMS	Environmental Management Strategy
ENM	Excavated Natural Material
EPA	NSW Environment Protection Authority
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPL	Environment Protection Licence
EST	End State Terminal
g/m ³	Grams per cubic metre
IEA	Independent Environmental Audit
ISO	International Standards Organisation
kPag	Kilopascal (gauge)
LBL	Load Based Licence
m	Metres
mg/l	Milligrams per litre

Abbreviation	Description
NC	Non-Compliant
PHA	Preliminary Hazard Analysis
POEO Act	NSW Protection of the Environment Operations Act
PRP	Pollution Reduction Program (As detailed in EPL)
TSS	Total Suspended Solids
VENM	Virgin Excavated Natural Material
WHS or WH&S	Work Health and Safety
WO	Work Order

1 INTRODUCTION

1.1 Background

In February 2014, Vitol announced it had reached a binding agreement with Shell to acquire its Australian downstream business (excluding Aviation). This included Shell's operations in Clyde, NSW. As a result of the acquisition, The Shell Company of Australia was renamed Viva Energy Australia Pty Ltd (Viva Energy) on 13 August 2014. Viva Energy is the exclusive licensee of Shell products in Australia.

A Development Application (DA) for conversion of the Clyde refinery to a terminal operation, including demolition of redundant infrastructure, was submitted by The Shell Company of Australia Limited (Shell) to the Department of Planning and Infrastructure (now Department of Planning and Environment, DP&E) in November 2013.

Consent for the terminal conversion was granted subject to the conditions listed in the Development Consent - Section 89E of the Environmental Planning and Assessment Act 1979 - Application No. SSD 5147 [Ref. 2]. A modification (MOD 1) to SSD No. 5147 was approved in July 2019 for demolition works and administrative amendments [Ref. 3].

Condition No. D7 in Schedule D of the development consent (DA No. SSD 5147 MOD 1) requires a periodic Independent Environmental Audit (IEA) of the CTCP. The full text of Condition No. D7 is as follows:

*Within a year of the date of this consent, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant **must** commission and pay the full cost of an Independent Environmental Audit of the Development. This audit must:*

- (a) be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;*
- (b) include consultation with the relevant agencies;*
- (c) assess the environmental performance of the Development and whether it is complying with the relevant requirements in this consent and any relevant EPL (including any assessment, plan or program required under these approvals);*
- (d) review the adequacy of any approved strategy, plan or program required under these approvals; and*
- (e) recommend measures or actions to improve the environmental performance of the Development, and/or any assessment, plan or program required under these approvals.*

Viva Energy engaged Arriscar Pty Ltd (Arriscar) to undertake an IEA for the Clyde Terminal Conversion project. The auditor was approved by the Department of Planning, Industry and Environment (DPIE) (refer to Section 1.3 and Appendix C).

The site visit (including interviews and site inspection) was undertaken on 22-24 March 2022 and the audit was completed on 27 May 2022 when the draft audit report was submitted to site management.

1.2 Overview of Clyde Terminal

The Clyde Terminal receives Unleaded Petrol (ULP), Jet A1 and Diesel fuel from Gore Bay via the Gore Bay pipeline. These products are stored on site and then distributed to the road tanker loading gantry at the adjacent Parramatta Terminal; Sydney Airport (via the JUHI pipeline); and the Hunter Valley (via pipeline).

Conversion of the Clyde refinery to an End-State Terminal (EST) operation has required demolition of the refinery infrastructure (complete) and removal of some tanks (complete). Some tanks have been refurbished and new pipe manifolds, valves and electrical systems / instrumentation, bund upgrades, etc. have been installed as part of the CTCP.

The works associated with the EST have now been completed. Examples of works completed for the EST since the previous IEA in 2018 include:

- Commissioning of the upgraded firefighting water system (new water storage tanks and pumps).
- Construction of breeding ponds and other Green and Golden Bell Frog (GGBF) habitat restoration works.

1.3 Audit Team

The audit was carried out by Mr Philip Skinner from Arriscar.

Mr Skinner is a chemical engineer with 30 years' experience in management system implementation and auditing. He is a lead environmental auditor and has undertaken numerous audits and safety / environmental projects for a wide range of industries.

Viva Energy obtained prior written approval from the Department of Planning, Industry and Environment for Mr Skinner to lead the audit (refer to Appendix C).

1.4 Audit Objectives

The overall objective was to undertake an IEA for the Clyde Terminal Conversion Project, as required by Condition No. D7 in Schedule D of the development consent (DA No. SSD 5147 MOD 1).

The IEA was undertaken to primarily assess Viva Energy's compliance with the requirements of the relevant regulatory approval (i.e. Primarily the conditions in the relevant Development Consent and Environment Protection Licence). However, the environmental performance of the development, and its effects on the surrounding environment was also considered.

1.5 Audit Scope

The scope of the IEA included all operational areas included in the relevant DA for the Clyde Terminal Conversion Project. It included all organisational units, activities and processes that are referred to in the Consent Conditions (e.g. noise monitoring, air monitoring, etc.).

The scope of the IEA included:

1. an assessment of compliance with:
 - a. conditions of consent from Development Consent DA No. SSD 5147 MOD 1 (refer to Section 4.3.2 and Appendix B.1);

A modification (MOD 1) to SSD No. 5147 was approved in July 2019 for demolition works and administrative amendments. Some conditions from the original approval have been removed or modified since the previous IEA in 2018. These changes are highlighted in this report using red text.

- b. all post-approval documents prepared to satisfy the conditions of consent, including an assessment of the implementation of Environmental Management Plans and Sub-plans (refer to Section 4.1.3 and Appendix B);
 - c. all environmental licences and approvals applicable to the development including relevant conditions from the environmental protection licence (EPL No 570) issued under the Protection of the Environment Operations Act 1997 (refer to Section 4.3.2 and Appendix B);
Some conditions from the EPL have been removed or modified since the previous IEA. These changes are highlighted in this report using red text.
2. an assessment of the environmental performance of the development, including but not necessarily limited to, an assessment of:
 - a. actual impacts compared to predicted impacts documented in the environmental impact assessment (refer to Section 4.2.2);
 - b. the physical extent of the development in comparison with the approved boundary, and any potential off-site impacts (refer to Section 4.2.2);
 - c. incidents, non-compliances and complaints that occurred or were made during the audit period (refer to Section 4.2.1 and Section 4.3.1);
 - d. the performance of the development having regard to agency policy and any particular environmental issues identified through consultation carried out when developing the scope of the audit (refer to Section 2.2 and Section 2.3.1);
 - e. feedback received from the Department and other agencies and stakeholders on the environmental performance of the project during the audit period (refer to Section 2.3.1);
 3. the status of implementation of previous Independent Audit findings, recommendations and actions (if any) (refer to Section 4.3.5);
 4. a high-level review of the project's environmental management systems (if any), including assessment of any third-party certification of them, the type, nature and scope of the systems having regard to the nature and scale of the development, and the implementation of the systems (refer to Section 4.1.1). Note: An IEA is not expected to comprise a management system audit; however, any key deficiencies identified in the system should be discussed;
 5. a high-level assessment of whether Environmental Management Plans and Sub-plans are adequate (refer to Section 4.1.3 and Appendix B); and
 6. any other matters considered relevant by the auditor or the Department taking into account relevant regulatory requirements and legislation and knowledge of the development's past performance.

The scope of the IEA included all operational areas included in the DA No. SSD 5147 MOD 1 for the Clyde Terminal Conversion Project and included all organisational units, activities and processes that are referred to in the Consent Conditions.

The scope of the IEA excluded:

- The Consent Conditions relating to Hazards and Risks (CCs C1 to C10) since compliance with these Consent Conditions is assessed separately during the periodic Hazard Audit.
- EPL conditions that were added in response to a separate DA No. SSD 9302 for the Western Area Remediation Project. These are still included in the audit table in Appendix B.2, but are 'greyed out' to indicate that were not reviewed.

1.6 Audit Period

The current IEA covers the period since the previous IEA was undertaken in May-July 2018. This is longer than the usual 3-year period specified in Consent Condition # D7; however, an extension was granted by the Department due to the impact of COVID restrictions (refer to Appendix D).

2 METHODOLOGY

2.1 Introduction

The IEA was undertaken in accordance with the methodology outlined in AS/NZS ISO 19011:2018 *Guidelines for Auditing Management Systems* [Ref. 7] and the NSW Government guidelines *Independent Audit, Post-Approval Requirements* [Ref. 5].

2.2 Development of Audit Scope

The conditions of the Development Consent (DA No. SSD 5147 MOD 1) and the conditions of the EPL (EPL No. 570) were the principal criteria against which compliance was assessed in the IEA. The conditions of the Development Consent also refer to other documents that were considered during the audit.

To provide a structure for the audit, Arriscar utilised an audit protocol (refer to Table 9 in Appendix B.1) based on the conditions of development consent, as summarised in Table 1 below. Appendices to the Development Consent were considered when referred to in a specific consent condition.

Table 1 Conditions of Development Consent

Part	Description
Schedule B	ADMINISTRATIVE CONDITIONS
Schedule C	ENVIRONMENTAL PERFORMANCE AND MANAGEMENT
Schedule D	ENVIRONMENTAL MANAGEMENT, REPORTING & AUDITING

Relevant conditions from the EPL were also considered during the audit are listed in a separate Audit Table (refer to Table 10 in Appendix B.2).

2.3 Audit Process & Compliance Evaluation

The audit comprised four major verification activities:

- Agency and community consultation;
- Personnel interviews.
- Document reviews; and
- Site and equipment inspections.

Site visits were conducted on 22-24 March 2022. Personnel interviews were undertaken on 22-23 March and the facility was inspected on 24 March 2022.

2.3.1 Agency and Community Consultation

Prior to the commencement of the site inspection (refer to Section 2.3.5), the auditor contacted (by email) the key agencies with a role in regulating the development to obtain their feedback and to draw the auditor’s attention to any key issues. This included representatives of the:

- Department of Planning, Industry and Environment (DPIE);
- Environment Protection Authority (EPA);

- Fire and Rescue NSW;
- Parramatta City Council; and
- SafeWork NSW.

Note: There is no community consultative committee; therefore, only the agencies listed above were contacted.

Discussions by phone or MS Teams were subsequently held with representatives from the EPA, Parramatta City Council and SafeWork NSW. No specific concerns regarding the IEA were raised by any of these agency representatives.

2.3.2 Personnel Interviews

Personnel with various responsibilities were interviewed during the site visits. All interviewed personnel were extremely helpful and open during the audit.

The main personnel interviewed during the site visit are listed in Table 2.

Table 2 Personnel Interviewed

Name	Title
Adam Speers	Environmental Lead
Erica Salazar	NSW HSSE Lead
Trent Youlten	Operations Manager

2.3.3 Opening and Closing Meetings

The objectives, scope, required resources and methodology for the IEA were discussed during the opening meeting. The preliminary audit findings and recommendations were discussed at the closing meeting.

The opening and closing meetings were attended by Trent Youlten (Operations Manager).

2.3.4 Document Reviews

Samples of corporate and site-specific procedures were reviewed. Random checks of completed forms were also undertaken to check the degree of completion and to assess the effectiveness of the systems in place.

A full listing of the documentation reviewed during the audit is provided in Appendix A.

Note: Appendix A includes some historical documents that were provided as evidence during previous IEAs. These documents were not provided again for the current IEA and are marked with an asterisk in Appendix A.

The findings and recommendations from the document reviews are listed in Appendix B.

2.3.5 Site and Equipment Inspections

A site inspection was carried out on 24 March 2022. All operational locations were observed during these inspections, with the exception of the main control room (due to COVID restrictions).

The findings and recommendations from the site and equipment inspections are listed in Appendix B.3. Photographic evidence is also included where relevant.

2.4 Compliance Assessment

The compliance status for each relevant requirement is reported in Section 4.3.2 and was assessed in accordance with the following criteria from the NSW Government guidelines *Independent Audit, Post-Approval Requirements* [Ref. 5].

Table 3 Compliance Assessment Criteria [Ref. 5]

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

Observations and notes may also be included (e.g. to identify any opportunities for improvement in relation to a compliance requirement or any other aspect of the development).

3 OVERVIEW OF FACILITY AND OPERATIONS

3.1 Site Location and Layout

The Viva Energy Terminal is located at the junction of the Parramatta and Duck Rivers in Clyde, NSW. The site is zoned for Heavy Industrial uses.

Most of the surrounding land is used for industrial activities (including across the Parramatta River to the South and East). Rosehill Racecourse and the Parramatta Raceway are located to the west of the Terminal and the closest residential area is to the north-west of the Terminal, across the Parramatta River.

3.2 Terminal Operations

The Clyde Terminal receives Unleaded Petrol (ULP), Jet A1 and Diesel fuel from Gore Bay via the Gore Bay pipeline. These products are stored on site and then distributed to the road tanker loading gantry at the adjacent Parramatta Terminal and to Sydney Airport (via Mascot pipeline)

Conversion to the current End-State Terminal (EST) operation has required some infrastructure and tanks to be demolished or refurbished (refer to Figure 1). Demolition has occurred in three main phases (refer to Figure 2), with Phase 3 included as part of the SSD 5147 modification (MOD 1).

New pipe manifolds, valves and electrical systems / instrumentation, bund upgrades, etc. have been installed as part of the CTCP. Most of the new equipment has now been commissioned and the tanks refurbished where required.

3.2.1 Tank Farms

The storage tanks for the EST configuration are shown on Figure 3. Multiple tanks have been removed as part of the CTCP, including: the vertical Butane storage bullets, tanks at the Hydrocarbon and Chemical Solvent Tank Farm, Tank 52, tanks at Tank Farm A1, etc.

Viva Energy advised that two tanks will not be demolished as originally proposed (T40 and T41). Retention of tanks 40 and 41 was included in the SSD 5147 modification works (MOD 1).

Gasoline tanks have floating roofs (e.g. Tank 86) or a conical (fixed) roof with an internal floating pan (e.g. Tank 84). The jet fuel tanks (e.g. Tanks 34, 35 and 42 and 53) have been modified to have a geodesic dome roof to protect the product from water ingress.

Additional control measures have been installed for some of the tanks and tank farm areas. For example: independent tank overfill protection systems with automated isolation valves and shot-creting of some bund walls.

3.2.2 Pipelines

The flammable and combustible liquids are transferred to/from the Terminal via two main pipelines: Gore Bay pipeline (import); and, Mascot pipeline (export). No changes were proposed to these import and export pipelines as part of the CTCP [Ref. 6]. These pipelines were not included in the scope of the DA and were excluded from the scope of the IEA.

The pipelines at the Terminal are located within pipeline corridors from the site boundary to the various tank farms and the majority of the pumps are located at Pumphouse 2. Other pumps are located near Tanks T86, T87 and T90 and between Tank Farms B and B1.

Figure 1 General Layout of End-State Terminal [Ref. 1]

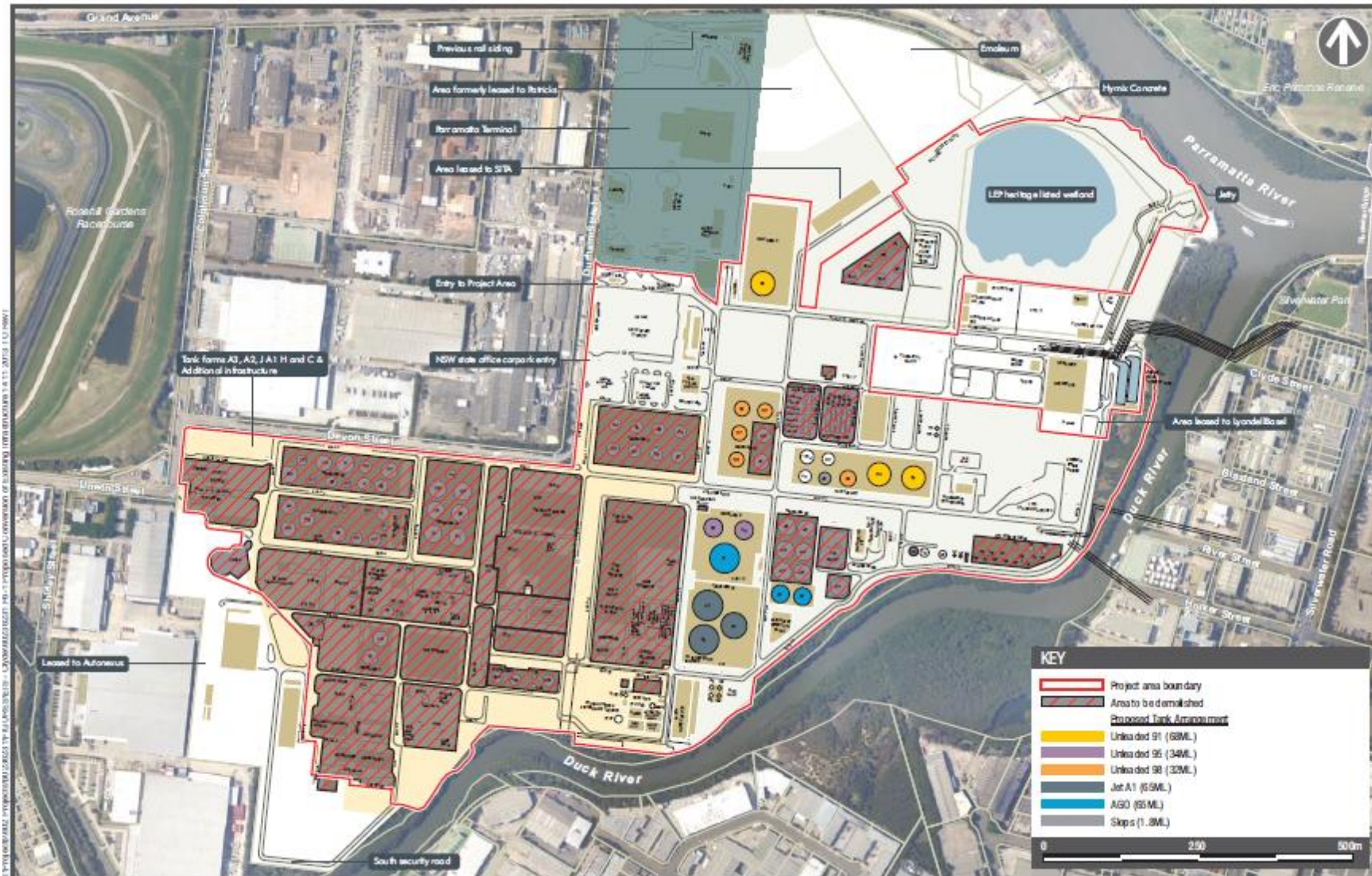


Figure 2 Demolition Phasing [Ref. 3]

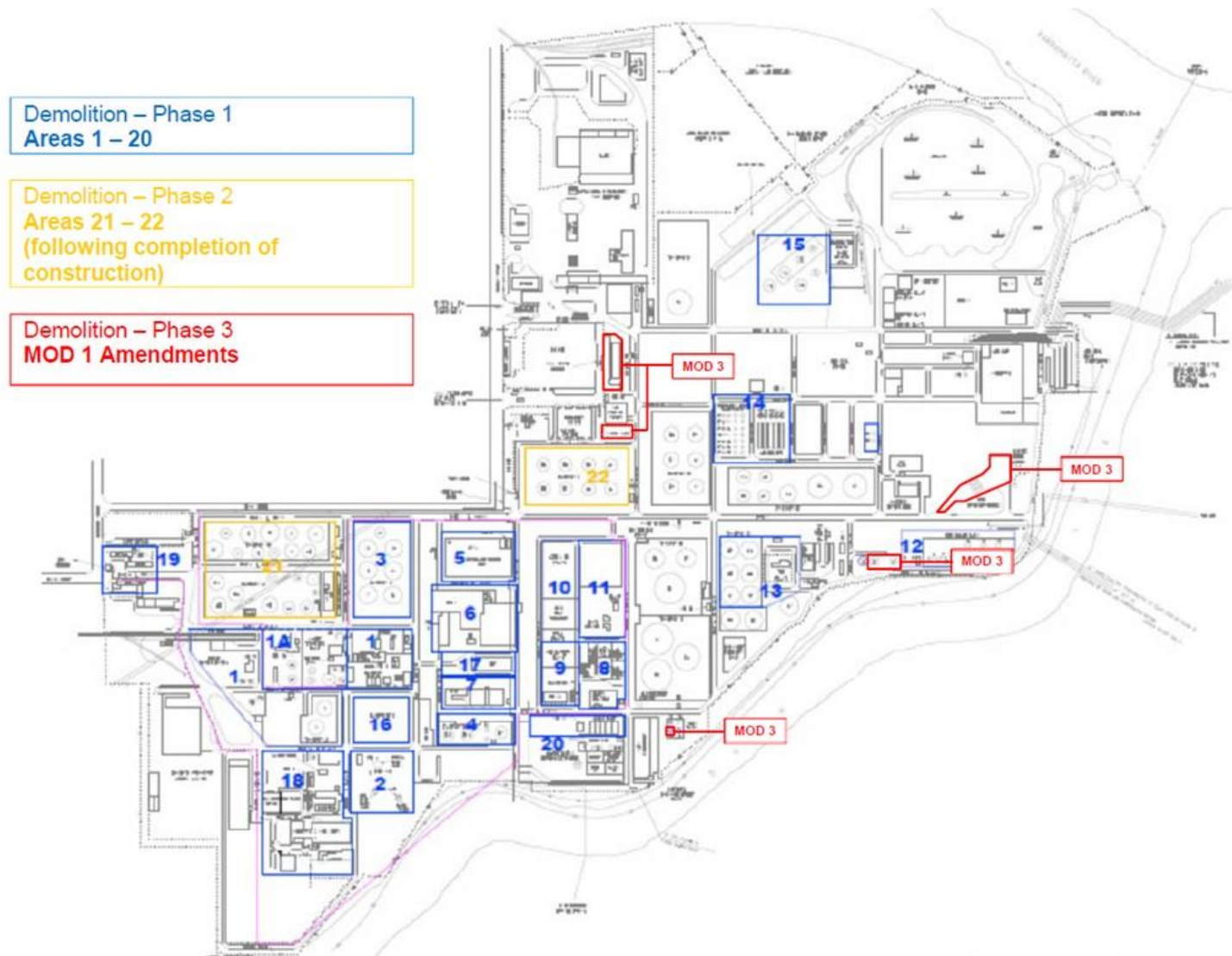
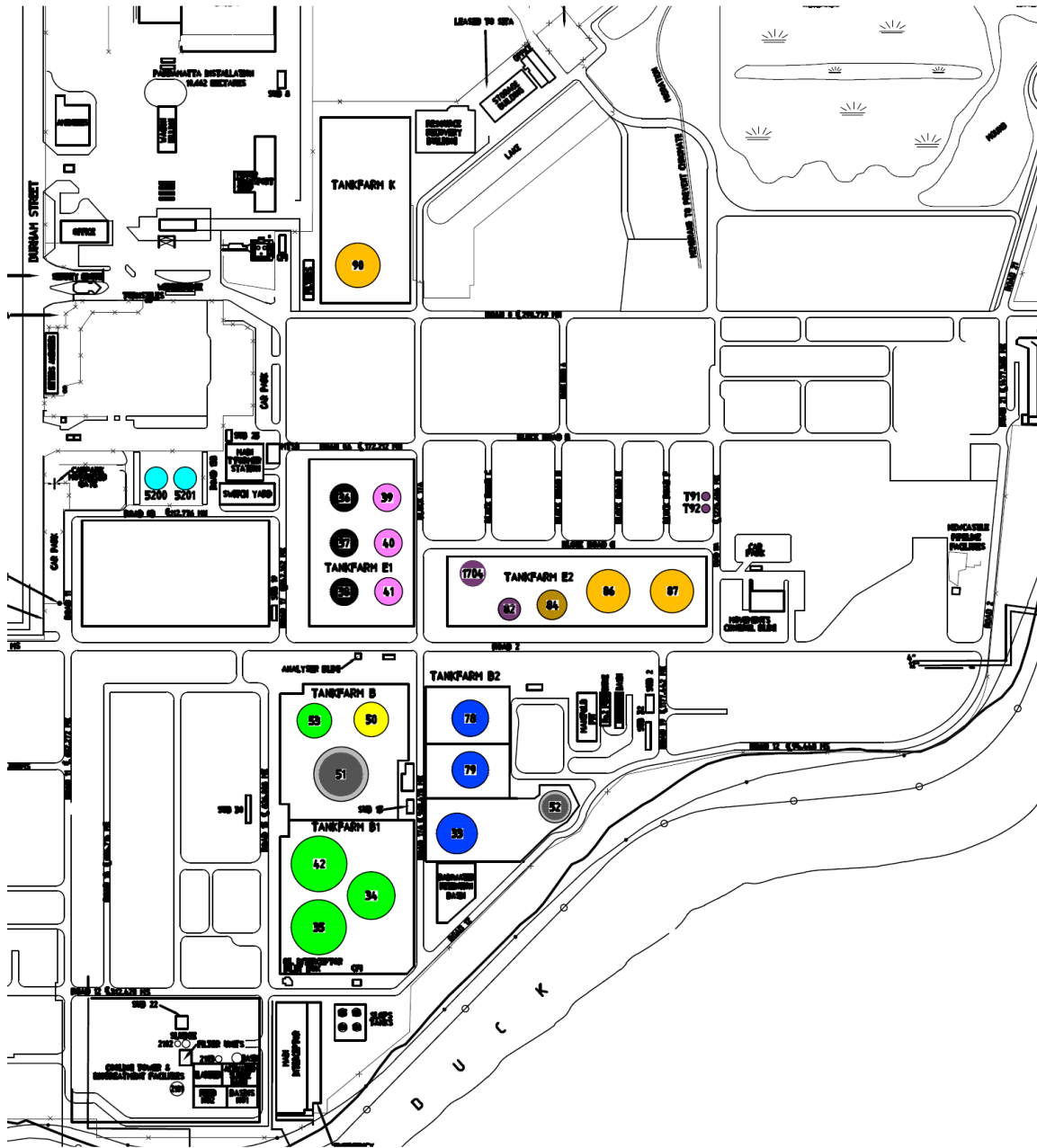


Figure 3 Storage Tanks for End-State Terminal (EST)



- | | |
|-----------------|---|
| ● ULP91 | ● Diesel (D10 OR AD40) |
| ● ULP95 | ● Crude Slurry
(Manufacturing Decommissioning) |
| ● ULP98 | ● Slops |
| ● U91/U98 SWING | ● Firewater |
| ● U95/U98 SWING | |
| ● Jet A1 | |

3.3 Water Treatment Plant

A water treatment plant is located at the southwest corner of the Terminal. This plant is used to collect and treat storm water runoff from the Terminal and tank drainage water from the quick-flush tanks.

3.4 Control Room

The refinery control room has been demolished as part of the CTCP and all control of the EST operations now occurs from the Movements Control Room building.

4 AUDIT FINDINGS

4.1 Environmental Management

4.1.1 Environmental Management System

Viva Energy has an integrated Health, Safety, Security, the Environment & Social Performance Management System (HSSE & SP MS). The key elements of the HSSE & SP MS are:

- Leadership and Commitment
- Policy and Objectives
- Organisation, Responsibilities and Resources
- Risk Management
- Planning and Procedures
- Implementation, Monitoring and Reporting;
- Assurance
- Management Review.

The Environmental Management Manual (EMM) (SC-OPS-006-MA, dated 01-Dec-2021) for the Clyde Terminal outlines the environmental requirements of the HSSE & SP MS specific to the facility. It provides information on the essential environmental activities required to maintain environmental compliance (with reference to relevant consent conditions). The current EMM is in Draft form and was submitted to DPIE for approval on 22-March-22. The previous version (OPS-075-MA, dated 10-May-2018) is available on the Viva Energy website (<https://www.vivaenergy.com.au/operations/clyde/clyde-terminal-conversion-project>).

Monitoring and review of the effectiveness of the HSSE & SP MS (that is, its ongoing effective implementation and its ongoing improvement) requires:

- Routine performance monitoring against targets and KPIs;
- Investigation of incidents / non-conformities and the implementation of corrective / preventative actions;
- Auditing; and
- Management reviews to resolve issues with performance or to make improvements.

4.1.2 Environmental Aspects and Impacts

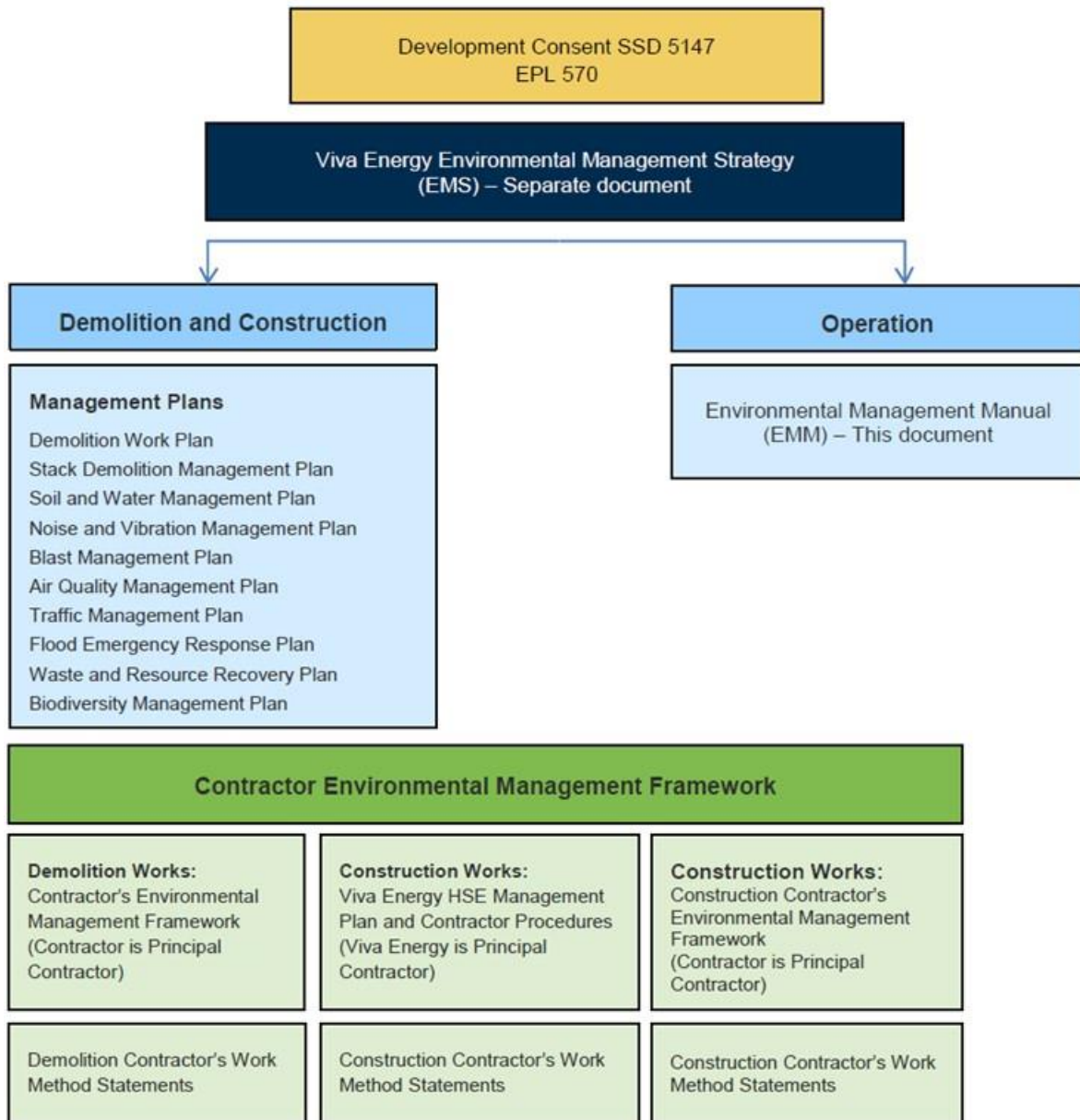
Potential side-wide environmental interactions are identified in the EMM as follows:

- Waste water
- Noise
- Odour
- Fugitive VOCs:
 - Process components
 - Interceptors
- Dust (unsealed areas)
- Waste
- Greenhouse + Energy

4.1.3 Environmental Management Plans and Post Approval Documentation

The overall management framework is depicted in the following figure from the Environmental Management Manual (EMM).

Figure 4 Overall Management



The EMS, demolition and construction management plans and EMM are available on the Viva Energy CTCP website (<https://www.vivaenergy.com.au/operations/clyde/clyde-terminal-conversion-project>).

The demolition and construction management plans are primarily historical documents now that the EST is largely operational. The EMM is the primary management document for operation of the current EST.

The current (draft) EMM includes cross-references to the consent conditions and the conditions from “Licence 570 (23 Dec 2021)”.

4.2 Environmental Performance

4.2.1 Environment Related Incidents and Complaints

The IEA included a review of environment related incidents and complaints reported for the CTCP since the previous IEA in 2018. Viva Energy recorded the following:

- No complaints associated with the CTCP relating to odour, noise, vibration, air quality or traffic. Note: Only one complaint is recorded on the publicly available complaints register, which occurred on 30-Jun-2015.
- No incidents involving exceedance of an EPL limit.

The complaints register is available on the CTCP website (<https://www.vivaenergy.com.au/operations/clyde/clyde-terminal-conversion-project>). This includes records of complaints from 2015 onwards. The process for management of complaints is included in Section 3.3 of the EMS (CTCP-000-ENV-1145-00001, dated 10/05/2018).

The following environmental incidents were reported since the previous IEA in 2018.

Table 4 Environmental Incident Records

Ref. No.	Date	Description
013629	17-Sep-18	Hydraulic fluid leaked on road from road sweeper
015674	28-Feb-19	Monthly Biotreater sample for February not analysed by laboratory
018075	9-Feb-20	Significant rain event causing flooding of Terminal tank farms, Pump house & Road gantry
019417	17-Aug-20	Spill of water from drain cleaning within the sludge drying bay
020214	24-Nov-20	Hydraulic oil spill from truck in Clyde Western Area (remediation area)
020215	19-Nov-20	Damage to hook bin resulting in loss of 10,000L of rainwater with low level of hydrocarbons
020217	24-Nov-20	Diesel spill from truck in Western Area (remediation area)

4.2.2 Predicted and Actual Environmental Impacts

The Annual Environmental Performance Review (AEPR) reports for 2018, 2019 and 2020 are available on the CTCP website (<https://www.vivaenergy.com.au/operations/clyde/clyde-terminal-conversion-project>). Note: The 2021 AEPR report is not on the website as it is not due for submission to the DP&E until 31 July 2022 (viz. each report is for a calendar year and must be submitted by July of the following year).

The AEPR reports include an overview of environmental performance, including a general comparison with the previous years' performance and the impacts predicted in the EIS. The key findings from the 2018, 2019 and 2020 AEPR report are summarised below:

- **Noise** - Noise monitoring is only undertaken during specific activities with the potential to create high noise levels (such as blasting) and no noise complaints were received during these reporting periods. As there were no high noise activities or complaints, noise monitoring was not undertaken at the sensitive receivers (refer to CC # C21). This is generally consistent with earlier reporting periods.
- **Air** - No air quality related complaints (dust, odour or VOCs) were received during these reporting periods.

- **Dust** – It is reported that visual monitoring for dust was undertaken during routine site activities and low and controlled levels of dust were observed.
- **Odour** – It is reported that independent annual odour surveys were undertaken and the odour intensity at discrete locations along the site perimeter typically ranged from ‘not perceptible’ to ‘weak’.
- **VOCs** – It is reported that yearly total VOC emission estimates are below the EPL load limits, with a slight reduction after 2018 - 2019 (refer to EPL # L2.1 and L2.2). The reduction is attributed to lower fuel storage and a reduction in throughput due to lower fuel demand attributed to COVID-19 restrictions.

It is noted in the 2018 AEPR report that benzene and total VOC concentrations appear to have been under-estimated in the EIS model, and this is attributed to adjacent off-site industrial activities and minor emission sources not being included in the EIS model (e.g. waste water interceptors). However, consistent results are reported in the 2019 and 2020 AEPC reports. In all cases, the measured concentrations are below the 0.029 mg/m³ limit for benzene included in the EPA’s *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* (2016).

- **Soil** – It is reported that contaminated soil from the management of a pipeline leak at Sydney Olympic Park in January 2018 was stored at the Clyde Terminal at the Sludge Dewatering Facility during 2018 and 2019 and was disposed to a NSW licenced landfill between 30 April and 1 May 2019.
- **Surface Water** – Monitoring of surface water discharge is required in accordance with the EPL. The Biotreater effluent is the main discharge point (LDP 1), with measured pollutant concentrations well below the EPL limits and the total discharge volume below the EPL limit. Results for this LDP are generally comparable for the three reporting periods.

Intermittent discharges reported for other LDPs (e.g. flexible discharge points or overflow of the ex-Basell interceptors) either did not occur in the reporting period or were in accordance with EPL limits.

- **Groundwater** – It is reported that groundwater monitoring was not required during the reporting periods. Although there are no specific limits relating to groundwater monitoring in the CCs or EPL, groundwater contamination was discussed in Section 17 of the EIS and monitoring is being undertaken (refer to CC # C50 and EPL # U1.1).

It is recommended that the AEPR reports include a general overview of the findings from the groundwater monitoring, including a comparison against the monitoring results of previous years and the relevant predictions in the EIS (**Recommendation No. 2022/02**).

- **Biodiversity** – The AEPR reports provide an overview of activities such as construction of the Green and Golden Bell Frog (GGBF) Habitat and refer to the EPBC Annual Compliance Reports for more detail (also refer to CC # C58).

The EPBC Annual Compliance Reports are available on the Viva Energy CTCP website (<https://www.vivaenergy.com.au/operations/clyde/clyde-terminal-conversion-project>).

- **Waste** – The quantity of solid and liquid wastes generated during the construction and operation activities is reported and has progressively reduced from 1,842.53 tonnes in 2018 to 1,044.5 tonnes in 2020.

4.3 Compliance Performance

4.3.1 Agency Notices, Orders, Penalty Notices or Prosecutions

Based on the information provided on the EPA website for EPL No. 570, Viva Energy have not received any Agency Notices, Orders, Penalty Notices or being subject to any Prosecutions associated with environmental performance of the CTCP since the previous IEA.

4.3.2 Compliance Summary

The compliance status for each relevant requirement was assessed in accordance with the criteria from the NSW Government guidelines *Independent Audit, Post-Approval Requirements* [Ref. 5]. The number of findings in each category is listed in the following table:

Table 5 Compliance Summary

Compliance Assessment Category	Number of Findings					
	Consent Conditions			EPL Conditions	Recommendations from Previous IEA	Total
	Sched. B	Sched. C	Sched. D			
Compliant	15	46	6	48	20	135
Non-Compliant	1	1	2	2	0	6 *
Not Triggered	4	8	3	10	0	25
Total	20	55	11	60	20	25

* Some of the non-compliances relate to equivalent requirements in multiple consent conditions and/or EPL conditions – These are recorded as multiple non-compliances (e.g. EPL # M2.1 and EPL # M2.4 relate to the same event but are listed as two non-compliances). When combined, the total number of non-compliances is reduced to 3.

4.3.3 Identified Non-Compliances

The identified Non-Compliances are listed in Table 6.

Note: The recommended actions for each of the following non-compliances are listed in Section 5.1.

Table 6 Identified Non-Compliances

ID No/s.	Description of Non-Compliance	Recommended Action #/s
NC 2022/01	CC # B2 is an overarching condition requiring that the development may only be carried out in compliance with the conditions of this consent. This condition has been categorised as ‘non-compliant’ as non-compliances have been identified for some consent conditions (refer to NC 2022/02 and NC 2022/03 below).	2022/01 and 2022/02
NC 2022/02	The current (draft) EMM includes cross-references to the consent conditions and the conditions from “Licence 570 (23 Dec 2021)”; however, it does not fully address CC # C50 as it applies to the operations phase of the EST.	2022/01

ID No/s.	Description of Non-Compliance	Recommended Action #/s
NC 2022/03	<p>The current (draft) version of the EMM is dated 01-Dec-2021 (Note: only the previous version, dated 10-May-2018, is available on the website).</p> <p>To comply with CC # D3, the EMM should have been reviewed within 3 months of the submission of the MOD 1 development consent.</p>	2022/01
NC 2022/04	<p>It is reported in the AEPR reports that groundwater monitoring was not required during the reporting periods. Although there are no specific limits relating to groundwater monitoring in the CCs or EPL, monitoring is a management and mitigation measure included in Appendix C of SSD 5147 MOD 1, groundwater contamination was discussed in Section 17 of the EIS and monitoring is being undertaken (refer to CC # C50 and EPL # U1.1).</p> <p>To fully comply with the requirements of CC # D4, an overview of the findings from the groundwater monitoring, including a comparison against the monitoring results of previous years and the relevant predictions in the EIS, should be included in the AEPR reports.</p>	2022/02
NC 2022/05	<p>The monitoring results for LDP 1 for February 2019 include the following note: "Sample taken though not analysed due to an error in the chain of custody process". This has been categorised as 'non-compliant' for EPL # M2.1 due to failure to analyse the sample.</p> <p>The monitoring results for LDP 1 are consistently well below the licence limits across the 4-year period and there is no indication of the Biotreater being offline. Therefore, a recommendation was not included in the IEA for this one-off event.</p> <p>The Annual Return included details of the action implemented to avoid recurrence of this circumstance, i.e. implementation of a monthly work order to check and file sample results every month.</p>	No further action required
NC 2022/06	<p>The monitoring records reported on the Viva Energy website for the period since the previous IEA appear to comply with the sampling method, units of measure, and sample frequencies specified at EPL # M2.4. However, this was categorised as 'non-compliant' due to the one exception as noted above for EPL # M2.1 since the error in the chain of custody process did not enable the "obtaining of results by analysis".</p>	No further action required

4.3.4 Status of Actions from Previous Annual Review and Compliance Reports

The actions from the most recent 2018, 2019 and 2020 AEPR reports primarily relate to the actions from the previous IEA (refer to Section 4.3.5). Note: The 2021 AEPR report is not currently available as it is not due for submission to the DP&E until 31 July 2022 (viz. each report is for a calendar year and must be submitted by July of the following year).

4.3.5 Status of Actions from Previous Independent Environmental Audit

The status of each recommendation from the previous independent environmental audit was reviewed with Viva Energy and a summary is included in the following table.

Table 7 Status of Recommendations from Previous IEA

Action No.	Recommendation	Findings	Status	Link to 2022 Audit ID
2018/01	Viva Energy should seek confirmation from the DP&E that consent condition B8 has been satisfactorily addressed by their letter to the Department dated 27 April 2016.	<p>This recommendation is no longer applicable (as written) but surrendering of consents has been addressed through compliance with consent condition B8 for SSD 5147 MOD 1 (see below).</p> <p>SSD 5147 included a list of consents to be surrendered; however, Viva Energy later realised that some were not able to be surrendered (i.e. some were not part of conversion project). Therefore, a modified list of consents to be surrendered was included in SSD 5147 MOD 1, with some to be surrendered to Parramatta Council and others to DP&E.</p> <p>The Department has acknowledged that Viva Energy has surrendered the relevant project approvals and development consents (letter dated 23/10/2020, copy provided), with surrender effective from 30 September 2020 (date notice of surrender was received by the Planning Secretary).</p> <p>Viva Energy submitted a letter to Parramatta Council to surrender the relevant consents (letter dated 13 October 2020, copy provided). Viva Energy advised that they have not received a response to this letter from Council.</p>	CLOSED	

Action No.	Recommendation	Findings	Status	Link to 2022 Audit ID
2018/02	Viva Energy should ensure measures to minimise the potential generation of airborne dust are maintained on an ongoing basis (including potential re-application of the dust and erosion control coating).	<p>This has been categorised as ‘closed’ based on the following observations:</p> <ul style="list-style-type: none"> Grass has grown on the former Mobil tank farm site to minimise dust generation and run-off of suspended solids (refer to Appendix B.3, Table 11, ID # 10). There have been no recorded dust complaints from neighbours since the previous IEA (refer to Section 4.2.1). An example SWMS for ‘Stockpile Cartage and Backfill’ was sighted (job no. 101353, dated 10/11/2021, copy provided), which includes example dust control measures (e.g. stopping works if too windy, wetting down of load if required to avoid dust from soil during transport, etc.). There are fewer areas on site where dust generation may occur than were sighted during the previous IEA (particularly as the western area has now been separated and partially redeveloped). 	CLOSED	
2018/03	Viva Energy should consult with the DP&E to determine if consent condition C41 can be removed, particularly as safe assembly and evacuation is also addressed in CC # C42(e). If not removed, then the flood warning signs should be installed.	Flood warning signs have been installed. An example was sighted near a personnel access turnstile (refer to Appendix B.3, Table 11, ID # 12). This includes the location of assembly and evacuation points, which are above the 1% AEP (also marked on the sign).	CLOSED	
2018/04	The flood maps showing assembly points and evacuation routes should be updated in the Flood Action Card of the Emergency Response Plan.	<p>It is reported in the 2018 AEPR report that the ERP was updated and approved by DPE. This was in response to recommendation 2018/04 from the previous IEA.</p> <p>Volume 4 of the Clyde Terminal Emergency Response Plan (ERP) includes ‘Tactical Checklists’ (SC-OPS-ER08-0004-PL, version 6.01, dated 18-03-2022, copy provided). Checklist 57 is for site flooding and includes flood maps showing assembly points and evacuation routes for 20% AEP, 5% AEP, 2% AEP, 1% AEP and PMF flood events.</p>	CLOSED	

Action No.	Recommendation	Findings	Status	Link to 2022 Audit ID
2018/05	'Stormwater Only' signs should be provided on all of the relevant drains located in the car parking areas at the main office building.	Drains for 'stormwater only' are located in the car parking areas at the main office building (Note: This building has been demolished since the previous IEA). 'Stormwater only' signs were observed to be provided at this area (refer to Appendix B.3, Table 11, ID # 14).	CLOSED	
2018/06	The alternate concept design and revised plan of management for the Green and Golden Bell Frog (GGBF) habitat should be finalised submitted to the DoE for approval. The approved design and revised plan of management should be implemented accordingly.	An alternate concept design and revised plan of management for the Green and Golden Bell Frog (GGBF) habitat was evaluated by the University of NSW. This located the breeding ponds adjacent to the wetland area, with separate ponds to keep them free of Gambusia ('Mosquito Fish'). A revised Plan of Management was subsequently prepared (see below). It is reported in the 'EPBC Act Referral 2013/6878, Clyde Terminal Conversion Project, Annual Compliance Report – 2019' (copy provided) that the "Revised Plan of Management: Restoration of Green and Golden Bell Frog habitat, Clyde Terminal, January 2019" was approved by DoEE on 02 April 2019. Four lined ponds of different depths have now been constructed adjacent to the wetland area. These are fenced off and were filled by rainwater (refer to Appendix B.3, Table 11, ID # 7 & 8). The handover meeting records from the frog habitat construction company to the company (Dragonfly Environmental) that manages the ponds were sighted (dated 15/1/2020, copy provided). Ongoing management of the frog habitat is provided by Dragonfly Environmental. Viva Energy require an annual submission from Dragonfly Environmental to cover the subsequent management requirements (e.g. ongoing maintenance works, etc.). The most recent annual submission was sighted (dated 24 February 2022, copy provided).	CLOSED	

Action No.	Recommendation	Findings	Status	Link to 2022 Audit ID
2018/07	Information provided during the IEA suggests that the DP&E may have exempted Viva Energy from the requirements of consent condition D3 for the EMS. If this applies for other strategies, plans, etc. then this should be confirmed with the DP&E and consent condition D3 should be revised accordingly.	Viva Energy advised that an amendment to condition D3 was sought (not verified) but it was not ultimately amended in the MOD 1 consent. This recommendation has been marked as closed based on the findings of the current IEA – Refer to CC # D3 in Appendix B.1.	CLOSED	
2018/08	The drawing referred to in EPL # A2.2 should be updated to show the location of the diesel tanks in Tank Farm B2.	The updated drawing is available on the Viva Energy website: https://www.vivaenergy.com.au/sustainability/environment/environmental-reporting (Note: It is included in the Environment Monitoring Data document).	CLOSED	
2018/09	EPL # A3.1 is no longer applicable and should be removed from the EPL.	This condition related to a small power generation plant (steam turbine and alternator) that was previously on-site for the refinery operations. This is no longer applicable for the EST operation and the condition has been removed from the EPL.	CLOSED	
2018/10	The purpose and current status of LDP 23 should be determined. If this LDP is not required, then review with EPA to determine if it can be removed from the EPL.	LDP 23 is not required and has been removed from the EPL.	CLOSED	
2018/11	The volume discharged per day at LPDs 1, 2, 4 and 30 should be included with the monitoring results reported on the Viva website.	The volume discharged per day at LPDs 1, 2, 4 and 30 is included with the monitoring results reported on the Viva website (https://www.vivaenergy.com.au/sustainability/environment/environmental-reporting). It is noted that there has been no reported discharge from LDP 2, 4 or 30 since the previous IEA, which is consistent with the feedback from the Viva Energy personnel. For LDP 1, the maximum daily discharge volume (based on measured flow rates when discharging) since the previous IEA varies from 991 kl/day to 2,729 kl/day.	CLOSED	
2018/12	The status of EPL # O4.2 should be reviewed with the EPA to determine if it can be removed from the EPL.	This condition has been removed from the current EPL.	CLOSED	

Action No.	Recommendation	Findings	Status	Link to 2022 Audit ID
2018/13	The status of EPL # O4.3 should be reviewed with the EPA to determine if this condition can be amended to reflect the current process of off-site disposal of the Biotreater filter cake rather than its treatment at the on-site drying area.	This condition has been removed from the current EPL.	CLOSED	
2018/14	EPL # O4.4 should be reviewed with the EPA. It should also refer to the use of the sludge dewatering facility for the treatment of soil contaminated with hydrocarbons OR EPL # O5.4 should be amended to indicate that heavily contaminated soil can also be treated at the sludge dewatering facility.	This condition has been amended as follows (changes indicated with red text) to include use of the sludge dewatering facility: Oily sludge and/or soil contaminated with hydrocarbon must may be treated in the land farm area or the sludge dewatering facility as defined by the shaded area labelled "Landfarm" and "Sludge dewatering facility" on drawing 'Environmental Protection Licence No.570 Licenced Discharge Points' - CLR_0126667_0004 Rev 1 (EPA ref. DOC21/70815-1).	CLOSED	
2018/15	EPL # O5.4 should be reviewed with the EPA to determine if it can be revised to more clearly describe the materials that may be treated at the "sludge dewatering facility" (and whether this is the most appropriate name for this area). If oily sludge can be treated elsewhere (e.g. at the Biotreater) or disposed off-site, then this should also be clarified.	This condition has been removed from the current EPL.	CLOSED	
2018/16	EPL # O6.2 should be reviewed with the EPA to determine if this condition can be removed (together with reference to LDP 27 from EPL # P1.1). If LDP 27 cannot be removed, then the drawing showing the licenced discharge points should be updated accordingly.	LDP 27 is not required and has been removed from the EPL. This condition has been removed from the current EPL. The updated drawing is available on the Viva Energy website: https://www.vivaenergy.com.au/sustainability/environment/environmental-reporting (Note: It is included in the Environment Monitoring Data document).	CLOSED	
2018/17	EPL # M2.5 should be reviewed with the EPA to determine if monitoring and reporting results at LDP 26 is required when there is no actual discharge via LDP 4. Consider amending the frequency definition in EPL # M2.4 for Point 26 from "daily during any discharge" to "daily during any discharge from Point 4".	This condition has been removed from the current EPL.	CLOSED	

Action No.	Recommendation	Findings	Status	Link to 2022 Audit ID
2018/18	The location of LDP 24 should be clearly marked by a sign (As required by EPL # G2.1).	LDP 24 is not required and has been removed from the EPL.	CLOSED	
2018/19	There appears to be a typographical error in EPL # G2.1 – There is no condition P1.2 in the current EPL. This appears to be as a result of deleting P1.1 from an earlier version of the EPL. P1.2 should be changed to P1.1 in EPL # G2.1.	The EPL has been corrected (The incorrect reference to ‘P1.2’ has been changed to ‘P1.1’ in EPL #G 2.1).	CLOSED	
2018/20	A sign was observed for LDP 11 (Refer to Section B.3, Table 11, ID # 12). This is no longer listed as a LPD in the EPL and the signage should be removed (or revised if it needs to be retained for other operational reasons).	Records show that this sign was removed 25/2/2019.	CLOSED	

4.4 Overall Findings

The overall findings of the IEA are summarised as follows:

Environmental Management

- Overall, Viva Energy's Environmental Management System (refer to Section 4.1.1) and management plans (refer to Section 4.1.3) appear to be adequate for the identified environmental aspects and potential impacts (refer to Section 4.1.2). However, a recommendation has been included to review and update the Environmental Management Manual (refer to Section 5.1).

Environmental Performance

- The overall environmental performance for the CTCP is good, which is evidenced by:
 - The recording of no public complaints since the previous IEA in 2018 (refer to Section 4.2.1).
 - No non-compliances related to exceeding limits in the EPL since the previous IEA in 2018 (refer to Section 4.2.1).
 - The nature of the identified non-compliances, which relate to documentation or a one-off historical event, rather than direct impacts upon the environment (refer to Section 4.3.3).
 - Fewer recommendations than the previous IEA in 2018 (refer to Section 5.1).

Compliance Performance

- The overall number of non-compliances has reduced when compared to the previous IEA in 2018 and the identified non-compliances are not expected to pose a significant environmental risk.
- The overall level of compliance and environmental performance for the CTCP has improved when compared to the previous IEA in 2018.

5 RECOMMENDATIONS

5.1 Recommendations

The recommended actions identified during the IEA are listed in Table 8. If an action relates to a non-compliance, then this is noted in this table (also refer to Table 6 in Section 4.3.3).

Table 8 Recommended Actions

Action No.	Recommended Action	NC (Yes / No)
2022/01	<p>The current (draft) version of the EMM is dated 01-Dec-2021 (Note: only the previous version, dated 10-May-2018, is available on the website).</p> <p>The current (draft) EMM includes cross-references to the consent conditions and the conditions from “Licence 570 (23 Dec 2021)”. The EMM should be periodically reviewed and updated to ensure it addresses all relevant conditions from the development consent and the current EPL. For example, the EMM should be amended to fully address CC # C50 as it applies to the operations phase of the EST.</p> <p>(Refer to Section 4.1.3 and Appendix B.1, CC # C50 and CC # D3).</p>	Yes
2022/02	<p>It is recommended that the AEPR reports include a general overview of the findings from the groundwater monitoring, including a comparison against the monitoring results of previous years and the relevant predictions in the EIS.</p> <p>(Refer to Section 4.2.2 and Appendix B.1, CC # D4).</p>	Yes
2022/03	<p>The EPL does not appear to currently permit the generation, storage or disposal of PFAS wastes. Viva Energy should consult with the EPA to determine how the EPL should be amended to address any potential future wastes of this type at the terminal.</p> <p>(Refer to Appendix B.2, EPL # L5.3).</p>	No
2022/04	<p>Viva Energy should consult with the EPA to determine if EPL #L5.6 can be removed from the EPL.</p> <p>(Refer to Appendix B.2, EPL # L5.6).</p>	No
2022/05	<p>Viva Energy should consult with the EPA to determine if EPL # L5.8 can be removed from the EPL.</p> <p>(Refer to Appendix B.2, EPL # L5.8).</p>	No
2022/06	<p>If the Biotreater is decommissioned, then Viva Energy should consult with the EPA to determine if EPL # L5.9 can be removed from the EPL.</p> <p>(Refer to Appendix B.2, EPL # L5.9).</p>	No
2022/07	<p>If the Biotreater is decommissioned, then Viva Energy should consult with the EPA to determine if EPL # L8.1 can be removed from the EPL.</p> <p>(Refer to Appendix B.2, EPL # L8.1).</p>	No
2022/08	<p>It was observed that there are some gaps around the gate to the frog habitat area. These gaps should be closed off to isolate the frog habitat from the terminal area.</p> <p>(Refer to Appendix B.3, ID # 8).</p>	No
2022/09	<p>The degraded sand / gravel bags observed along some of the surface drains should be replaced (or removed if no longer required).</p> <p>(Refer to Appendix B.3, ID # 13).</p>	No
2022/10	<p>A sign was observed on the ground near the ex-LBA interceptors. This was labelled ‘EPA Licenced Discharge Point 1 Water Pump out’. This sign should be removed as it is understood to be obsolete.</p> <p>(Refer to Appendix B.3, ID # 17).</p>	No

5.2 Opportunities for Improvement

It was not possible to verify that the complaints register has been updated quarterly (as required by CC # D9); however, this does not appear to be critical given the low number of recorded complaints and the most recent version is dated March 2022 (refer to Section 4.2.1). Viva Energy should consider consulting with DP&E to determine if reporting via the AEPR (which includes complaints history) and/or updating the complaints register whenever there is a complaint (e.g. by adding a flag in MYOSH and the reporting procedure) would be deemed to satisfy the intent of CC # D9.

6 REFERENCES

- 1 AECOM Australia Pty Ltd, November 2013, *Clyde Terminal Conversion Project, Environmental Impact Assessment*.
- 2 Department of Planning and Environment, 14 January 2015, *Development Consent, Section 89E of the Environmental Planning and Assessment Act 1979*, DA No. SSD 5147.
- 3 Department of Planning, Industry and Environment, 29 July 2019, *Modification of Development Consent, Section 4.55(1A) of the Environmental Planning and Assessment Act 1979*, DA No. SSD 5147 MOD 1.
- 4 Environment Protection Authority, 23 December 2021, Environment Protection Licence No. 570.
- 5 NSW Government, May 2020, *Independent Audit, Post Approval Requirements*.
- 6 Sherpa Consulting, January 2013, Clyde Terminal Conversion Project, Clyde Refinery Site, Preliminary Hazard Analysis, Revision 1.
- 7 Standards Australia, AS/NZS ISO 19011:2018, *Guidelines for Auditing Management Systems*.

Appendices

Appendix A Documents Reviewed

Document Title	Document No.	Rev. No.	Date	Copy Taken? (Yes/No)
SCHEDULE B ADMINISTRATIVE CONDITIONS				
2018_2022 Stocks Clyde and GB (Excel spreadsheet)	-	-	-	Y (E)
Annual Environmental Performance Review, Reporting Period: 01 January to 31 December 2018	-	-	30-Jul-2019	Y (E)
Annual Environmental Performance Review, Reporting Period: 01 January to 31 December 2019	-	-	31-Aug-2020	Y (E)
Annual Environmental Performance Review, Reporting Period: 01 January to 31 December 2020	-	-	30-Jul-2021	Y (E)
CDCL (Cable Drainage Location Drawing) for Civil Excavations	16034	-	5-May-2016	Y (E) *
Coordination Meeting Minutes, Clyde Terminal – Habitat Restoration Project, Site handover from Robson to Dragonfly	-	-	15-Jan-2020	Y (E)
Environmental Management Manual - Operation (Approval letter from DP&E)	-	-	17-Sep-2015	Y (E) *
Environmental Management Strategy (Approval letter from DP&E)	-	-	16-Jun-2015	Y (E) *
Environment Protection Licence No. 570	-	-	23-Dec-2021	Y (E)
HSSE Policy	-	-	April 2020	Y (E)
Letter from DP&E to Viva Energy regarding surrender of development consents	-	-	23-Oct-2020	Y (E)
Letter from Viva Energy to Parramatta Council regarding surrender of development consents	-	-	13-Oct-2020	Y (E)
Management plans accessed from the CTCP website (https://www.vivaenergy.com.au/operations/clyde/clyde-terminal-conversion-project)	-	-	-	Y (E)
Payment Receipt from Parramatta City Council for Section 94A Contributions	-	-	1-May-2015	Y (E) *
Pre-Demolition Management Plans (Approval letter from DP&E)	10/09405-4	-	5-Mar-2015	Y (E) *
Return to Service list for T84	-	-	Oct – Nov 2019	Y (E)
Section 94A Contributions (Approval letter from DP&E)	10/09405-7	-	31-May-2016	Y (E) *
Work Order for inspection and cleaning of the interceptors	115389 WT-6	-	-	Y (E)
Work Order for yearly inspection of a floating roof tank	144699 WT-6	-	13-Feb-2022	Y (E)

Document Title	Document No.	Rev. No.	Date	Copy Taken? (Yes/No)
SCHEDULE C ENVIRONMENTAL PERFORMANCE AND MANAGEMENT				
Annual Environmental Performance Review, Reporting Period: 01 January to 31 December 2018	-	-	30-Jul-2019	Y (E)
Annual Environmental Performance Review, Reporting Period: 01 January to 31 December 2019	-	-	31-Aug-2020	Y (E)
Annual Environmental Performance Review, Reporting Period: 01 January to 31 December 2020	-	-	30-Jul-2021	Y (E)
Annual Progress Report (2021)	0604930	Final	31-Mar-2022	Y (E)
Approval of Flood Assessment Report by Parramatta City Council (Email dated 18 May 2016).	-	-	18-May-2016	Y (E) *
Asbestos Control Plan	-	-	26-May-2014	Y (E)
Biodiversity Management Plan	-	4	30-Nov-2016	Y (E)
Complaints Register	-	-	Mar-2022	Y (E)
Clyde Asbestos Management Plan	SC-OPS-0063-PL	3	19-Mar-2021	Y (E)
Clyde Terminal Conversion Project: Historical Archaeological Assessment	1400740	2	May-2015	Y (E) *
Consent Condition C59, A-G (Email from Viva Energy to DP&E)	-	-	18-Dec-2015	Y (E) *
Consent Condition C59, A-G (Email from DP&E to Viva Energy)	-	-	3-Feb-2016	Y (E) *
Construction and Demolition Air Quality Management Plan		3	30-Nov-2016	Y (E)
Construction of new electrical substations (Approval letter from DP&E)	10/09405-5	-	29-Jul-2015	Y (E) *
Coordination Meeting Minutes, Clyde Terminal – Habitat Restoration Project, Site handover from Robson to Dragonfly	-	-	15-Jan-2020	Y (E)
Demolition Work Plan	-	F	3-Oct-2014	Y (E)
Energy Optimisation & Efficiency Template	SC-ENG-0013-PL		21-Aug-2020	Y (E)
Environmental Management Manual, Clyde Terminal	OPS-075-M	4	10-May-2018	Y (E)
Environmental Management Manual, Clyde Terminal	SC-OPS-0006-MA	2	1-Dec-2021	Y (E)
Environmental Management Strategy, Clyde Terminal	OPS-075CTCP-000-ENV-1145-00001	3	10-May-2018	Y (E)
Environmental Monitoring During Stack Blasting	ENAU RHOD063 97AB	2	16-Mar-2016	Y (E) *

Document Title	Document No.	Rev. No.	Date	Copy Taken? (Yes/No)
Environmental monitoring during the explosive felling of the redundant catalytic cracking unit (CCU) at the Clyde Terminal: 05 June 2015 – 09 June 2015	EMS15 3207	-	16-Jun-2015	Y (E) *
EPBC Act Referral 2013/6878, Clyde Terminal Conversion Project, Annual Compliance Report – 2019	-	-	Apr-2019	Y (E)
Explosive Demolition of Five Chimney Stacks (Approval letter from DP&E)	10/09405-6	-	10-Feb-2016	Y (E) *
Flood Assessment Report	115048	2	2-Feb-2016	Y (E) *
Green and Golden Bell Frog Habitat Restoration Project at Viva Energy Clyde Terminal	-	-	24-Feb-2022	Y (E)
Heritage Assessment (Approval letter from DP&E)	10/09405-5	-	8-Jul-2015	Y (E) *
Management plans accessed from the CTCP website (https://www.vivaenergy.com.au/operations/clyde/clyde-terminal-conversion-project)	-	-	-	Y (E)
Operational Air Quality Monitoring Program (Approval letter from DP&E)	10/09405-4	-	01-Oct-2015	Y (E) *
Pre-Demolition Management Plans (Approval letter from DP&E)	10/09405-4	-	5-Mar-2015	Y (E) *
Pre-demolition microbat assessment – Clyde terminal	-	-	24-Jan-2020	Y (E)
Revised Plan of Management: Restoration of Green and Golden Bell Frog habitat, Clyde Terminal	-	-	Jan-2019	N
Stage 2 Archival Recording	-	-	Dec 2019	N
SWMS for Stockpile Cartage and Backfill	101353	-	10-Nov-2021	Y (E)
Soil and Water Management Plan	-	5	3-May-2018	Y (E)
Soil Management (Excel spreadsheet)	-	-	-	Y (E) *
Specification for native mix	-	-	-	Y (E)
Stage 3 and Clyde Terminal Stockpile, Validation Report	0561882	1	3-Dec-2021	Y (E)
Sustainability Reports for 2019, 2020 and 2021 accessed from Viva Energy website (https://www.vivaenergy.com.au/sustainability)	-	-	-	Y (E)
Traffic Management Plan	-	4	30-Nov-2016	Y (E)
Transport Certificate	2T01143315	-	9-Feb-2021	Y (E)
Viva Waste Summary (Excel spreadsheet)	-	-	2021	Y (E)
Volume 4 of the Clyde Terminal Emergency Response Plan (ERP)	SC-OPS-ER08-0004-PL	6.01	18-Mar-2022	Y (E)
Waste Classification Certificate – VENM sourced from Gloucester Ave, Burwood	-	-	17-Sep-2019	Y (E)

Document Title	Document No.	Rev. No.	Date	Copy Taken? (Yes/No)
Waste Classification Certificate – VENM sourced from Patricia St, Mays Hill	-	-	26-Sep-2019	Y (E)
Work Method Statement for demolition of Tank Farm C	-	-	6-Dec-2019	Y (E)
Work Method Statement for demolition of Tank 106	-	-	29-May-2020	Y (E)
SCHEDULE D ENVIRONMENTAL MANAGEMENT, REPORTING & AUDITING				
Annual Environmental Performance Review, Reporting Period: 01 January to 31 December 2018	-	-	30-Jul-2019	Y (E)
Annual Environmental Performance Review, Reporting Period: 01 January to 31 December 2019	-	-	31-Aug-2020	Y (E)
Annual Environmental Performance Review, Reporting Period: 01 January to 31 December 2020	-	-	30-Jul-2021	Y (E)
Clyde Asbestos Management Plan	SC-OPS-0063-PL	3	19-Mar-2021	Y (E)
Complaints Register	-	-	Mar-2022	Y (E)
Environmental Management Strategy	CTCP-000-ENV-1145-00001	3	10-May-2018	Y (E)
Environmental Management Strategy (Letter from DP&E)	10/09405-4	-	16-Jun-2015	Y (E) *
Independent Environmental Audit (Letter from DP&E)	SSD 5147	-	10-Sep-2018	Y (E)
Monitoring results (from January 2018 to March - April 2022) for all LDPs – accessed from the Viva Energy website (https://www.vivaenergy.com.au/sustainability/environment/environmental-reporting)	-	-	-	Y (E)
Pollution Incident Response Management Plan	SC-OPS-0022-PL	3	30-Jun-2021	Y (E)
Pre-Demolition Management Plans (Approval letter from DP&E)	10/09405-4	-	5-Mar-2015	Y (E) *
Revised Plan of Management: Restoration of Green and Golden Bell Frog habitat, Clyde Terminal	-	-	Jan-2019	N
Volume 4 of the Clyde Terminal Emergency Response Plan (ERP)	SC-OPS-ER08-0004-PL	6.01	18-Mar-2022	Y (E)

Document Title	Document No.	Rev. No.	Date	Copy Taken? (Yes/No)
ENVIRONMENT PROTECTION LICENCE				
Annual Environmental Performance Review, Reporting Period: 01 January to 31 December 2018	-	-	30-Jul-2019	Y (E)
Annual Environmental Performance Review, Reporting Period: 01 January to 31 December 2019	-	-	31-Aug-2020	Y (E)
Annual Environmental Performance Review, Reporting Period: 01 January to 31 December 2020	-	-	30-Jul-2021	Y (E)
Annual Progress Report (2021)	0604930	Final	31-Mar-2022	Y (E)
Annual Return	-	-	26-Aug-2020	Y (E)
Annual Return	-	-	30-Aug-2021	Y (E)
Chain of Custody (CoC) Form for sample taken at LDP 1 on 3 February 2022	-	-	3-Feb-2022	Y (E)
Chain of Custody (CoC) Form for samples taken at LDPs 4, 26, 28 and 29 on 8 March 2022	-	-	8-Mar-2022	Y (E)
Complaints Register	-	-	Mar-2022	Y (E)
Environment Protection Licence No. 570	-	-	23-Dec-2021	Y (E)
Monitoring results (from January 2018 to March - April 2022) for all LDPs – accessed from the Viva Energy website (https://www.vivaenergy.com.au/sustainability/environment/environmental-reporting)	-	-	-	Y (E)
MYOSH database	-	-	-	N
SGS Engage System (example screenshot provided)	-	-	-	N
SWMS for Stockpile Cartage and Backfill	101353	-	10-Nov-2021	Y (E)
Viva Waste Summary (Excel spreadsheet)	-	-	2021	Y (E)
ACTIONS FROM PREVIOUS IEA				
Annual Environmental Performance Review, Reporting Period: 01 January to 31 December 2018	-	-	30-Jul-2019	Y (E)
Coordination Meeting Minutes, Clyde Terminal – Habitat Restoration Project, Site handover from Robson to Dragonfly	-	-	15-Jan-2020	Y (E)
EPBC Act Referral 2013/6878, Clyde Terminal Conversion Project, Annual Compliance Report – 2019	-	-	Apr-2019	Y (E)
Environment Protection Licence No. 570	-	-	23-Dec-2021	Y (E)
Green and Golden Bell Frog Habitat Restoration Project at Viva Energy Clyde Terminal	-	-	24-Feb-2022	Y (E)
Letter from DP&E to Viva Energy regarding surrender of development consents	-	-	23-Oct-2020	Y (E)

Document Title	Document No.	Rev. No.	Date	Copy Taken? (Yes/No)
Letter from Viva Energy to Parramatta Council regarding surrender of development consents	-	-	13-Oct-2020	Y (E)
Monitoring results (from January 2018 to March - April 2022) for all LDPs – accessed from the Viva Energy website (https://www.vivaenergy.com.au/sustainability/environment/environmental-reporting)	-	-	-	Y (E)
SWMS for Stockpile Cartage and Backfill	101353	-	10-Nov-2021	Y (E)
Volume 4 of the Clyde Terminal Emergency Response Plan (ERP)	SC-OPS-ER08-0004-PL	6.01	18-Mar-2022	Y (E)

Legend: E = Electronic copy, HC = Hard Copy, * = Documentation provided for a previous IEA.

Appendix B Audit Tables

The findings and recommended actions for each relevant condition, based on the personnel interviews and document reviews, are listed in Table 9 (Conditions of Development Consent) and Table 10 (Relevant Conditions from EPL). The findings and recommendations from the site and equipment inspections are listed in Table 11.

B.1 Conditions of Development Consent

Table 9 Audit Findings (Conditions of Development Consent)

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
SCHEDULE B ADMINISTRATIVE CONDITIONS				
OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT				
B1	The Applicant must implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, demolition or operation of the Development.	<p>Overall, based on the findings of this audit (including the site inspection – refer to Section B.3), Viva Energy appear to have implemented reasonable and feasible measures. For example:</p> <ul style="list-style-type: none"> Measures identified in the EIS have been included in the relevant management plans, which are available on the CTCF website (https://www.vivaenergy.com.au/operations/clyde/clyde-terminal-conversion-project). All tanks containing hydrocarbons or water treatment chemicals that were sighted during the site inspection were observed to be bunded (refer to Appendix B.3, Table 11, ID # 1). Installation of quick flush systems to dewater the storage tanks (refer to Appendix B.3, Table 11, ID # 2). Installation of intermediate bund walls. bund wall integrity is maintained by applied shot-casting (refer to Appendix B.3, Table 11, ID # 3). 	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
		<ul style="list-style-type: none"> Segregation and disposal / recycling of waste materials (refer to CC # C37 and Appendix B.3, Table 11, ID # 4). Treatment of contaminated soil in the sludge dewatering bay and land farm areas (refer to CC # C37 and Appendix B.3, Table 11, ID # 5 & 6). Disconnection of the drainage system for the western area and cleaning of the drains. 		
TERMS OF CONSENT				
B2	<p>The development may only be carried out:</p> <ul style="list-style-type: none"> (a) in compliance with the conditions of this consent; (b) in accordance with the EIS; (c) in accordance with Modification Assessments; (d) in accordance with the Development Layout in Appendix A; and (e) in accordance with the management and mitigation measures in Appendix C. 	<p>It is difficult to verify compliance with all aspects of this CC; therefore, a sampling approach was adopted as follows:</p> <ul style="list-style-type: none"> Multiple areas of the facility were visited during the site inspection and example management and mitigation measures were sighted (as listed in Appendix C of the MOD 1 Development Consent – Also refer to CC # B1). Relevant observations from the site inspection are recorded in Appendix B.3. Example site plans, drawings and management plans were reviewed during the audit. Compliance with the consent conditions is covered in Section 4.3.2 of this report. <p>This condition has been categorised as ‘non-compliant’ as some non-compliances have been identified for some consent conditions.</p>	Non-Compliant	
B3	<p>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.</p>	<p>No significant inconsistencies were raised by Viva Energy or identified during the IEA.</p>	Note	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
B4	<p>The Applicant must comply with any reasonable requirement(s) of the Secretary arising from the Department's assessment of:</p> <p>(a) any reports, plans or correspondence that are submitted in accordance with this consent; and</p> <p>(b) the implementation of any actions or measures contained within these reports, plans or correspondence.</p>	<p>This has been categorised as 'compliant' based on the following observations:</p> <ul style="list-style-type: none"> The Annual Environmental Performance Review (AEPR) reports are submitted to the DP&E (example letter from DP&E dated 13/08/2021, copy provided). These reports include the status of actions for the reporting period (e.g. actions from IEAs and previous annual reviews). Actions from the previous IEA have been closed out (refer to Section 4.3.5). Agency representatives contacted prior to the audit did not identify any concerns regarding implementation of actions / measures (refer to Section 2.3.1). 	Compliant	
LIMITS OF CONSENT				
B5	<p>The Applicant must not store in excess of:</p> <p>(a) 264 megalitres (ML) of finished petroleum products; and</p> <p>(b) 1,550 cubic metres (m³) of petroleum gases; on the site at any one time, unless otherwise agreed to in writing by the Secretary.</p>	<p>Viva Energy track total storage of finished petroleum products (Excel spreadsheet), which has the 264 ML limit set as a flag. This was sighted (copy provided) and it was noted that historical data dating back to 2018 shows compliance with the 264 ML limit.</p> <p>Any potential 264 ML exceedance can be identified prior to the import and would enable alternative import strategies to be developed. Viva Energy advised that this has never been triggered to date.</p> <p>There is no bulk storage of petroleum gases at the site.</p>	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
B6	Construction must not extend beyond five (5) years from the date of this consent.	<p>The Development Consent for the Clyde Terminal Conversion project (DA No. SSD 5147) is dated 14 January 2015. The period of construction was extended from four to five years as part of MOD 1 to allow completion of works on T84 and construction of the frog habitat.</p> <p>Evidence of completion of works on T84 was sighted (Return to Service list, dated October – November 2019, copy provided).</p> <p>Four lined ponds of different depths have been constructed for the frog habitat, which were subsequently filled by rainwater (refer to Appendix B.3, Table 11, ID # 7 & 8). The handover meeting records from the frog habitat construction company to the company (Dragonfly Environmental) that will manage the ponds were sighted (dated 15/1/2020, copy provided).</p> <p>No active construction activities were observed during the site inspection.</p>	Compliant	
B7	Demolition must not extend beyond ten (10) years from the date of this consent.	<p>The original Development Consent for the Clyde Terminal Conversion project (DA No. SSD 5147) is dated 14 January 2015; therefore, Viva Energy are currently compliant with this consent condition.</p> <p>Demolition of the refinery units (Demolition Phase 1) was undertaken prior to the previous IEA under one contract with Liberty Industrial Pty Ltd and demolition of the five stacks was undertaken on 21 February 2016 (i.e. also prior to the previous IEA).</p> <p>Note: Viva Energy advised that two tanks (T40 and T41) will not be demolished as originally proposed. Retention of tanks 40 and 41 was included in the SSD 5147 modification works (MOD 1).</p>	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
		<p>Demolition of Tank Farms A2 (Jet Fuel) and A3 (Diesel) (Demolition Phase 2) is complete. Liberty Industrial Pty Ltd also undertook this demolition.</p> <p>Demolition Phase 3 (which is part of the MOD 1 approval) occurred in early 2020. This included the: LPG spheres, State Office Building, slops tank (T104) and LPG truck loading gantry (Note: These areas were sighted during the site inspection – refer to Appendix B.3, Table 11, ID # 9).</p> <p>Viva Energy advised that this is no planned demolition for next 3 years, other than possibly some tanks (as per original consent).</p>		
SURRENDER OF EXISTING DEVELOPMENT CONSENTS				
B8	<p>Within six (6) months of the approval of SSD 5147 MOD 1, or as otherwise agreed to in writing by the Secretary, the Applicant must surrender all existing development consents for the site listed in Appendix B in accordance with Clause 97 of the EP&A Regulation.</p> <p><i>Note: This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under Part 4A of the EP&A Act. Surrender of a consent or approval should not be understood as implying that works legally constructed under a valid consent or approval can no longer be legally maintained or used.</i></p>	<p>SSD 5147 included a list of consents to be surrendered; however, Viva Energy later realised that some were not able to be surrendered (i.e. some were not part of conversion project). Therefore, a modified list of consents to be surrendered was included in SSD 5147 MOD 1, with some to be surrendered to Parramatta Council and others to DP&E.</p> <p>SSD 5147 MOD 1 is dated 29 July 2019.</p> <p>The Department has acknowledged that Viva Energy has surrendered the relevant project approvals and development consents (letter dated 23/10/2020, copy provided), with surrender effective from 30 September 2020 (date notice of surrender was received by the Planning Secretary).</p> <p>Viva Energy submitted a letter to Parramatta Council to surrender the relevant consents (letter dated 13 October 2020, copy provided). Viva Energy advised that they have not received a response to this letter from Council.</p>	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
		It does not appear that the consents were surrendered within 6 months of the approval of SSD 5147 MOD 1 and evidence was not sighted of an alternative date being agreed by the Secretary; however, they have now been surrendered and consequently this was categorised as 'compliant'.		
STATUTORY REQUIREMENTS				
B9	The Applicant must 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.	A current EPL (No. 570) is held for the facility (refer to Section B.2). Records of modifications to this EPL are available on the EPA website. Viva Energy advised that there is a current MHF Licence (not verified) and EPBC approval for the wetlands (not verified).	Compliant	
STRUCTURAL ADEQUACY				
B10	The Applicant must 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:</i> <ul style="list-style-type: none"> Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works; and Part 8 of the EP&A Regulation sets out the requirements for the certification of the Development. 	It is reported in a previous IEA report that the construction certificates were sighted for the electrical system (2-Jun-2015) and the product system (15-Sep-2015). Occupation certificates are not applicable as the only buildings are the three new electrical substations and these are not normally occupied.	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
OPERATION OF PLANT AND EQUIPMENT				
B11	<p>The Applicant must ensure that all plant and equipment used for the Development is:</p> <p>(a) maintained in a proper and efficient condition; and</p> <p>(b) operated in a proper and efficient manner.</p>	<p>Example records were sighted for inspection and cleaning of the interceptors (Work Order 115389 WT-6, copy provided) and yearly inspection of a floating roof tank (Work Order 144699 WT-6, copy provided), which includes roof seal condition, evidence of leaks, etc.</p> <p>Based on the overall findings of this audit, Viva Energy appear to be maintaining and operating the equipment in a proper and efficient condition / manner.</p>	Compliant	
PROTECTION OF PUBLIC INFRASTRUCTURE				
B12	<p>Prior to the commencement of construction or demolition, the Applicant must:</p> <p>(a) prepare a dilapidation report of the public infrastructure in the Vicinity of the Site (including roads, kerbs, footpaths, nature trip, street trees and furniture); and</p> <p>(b) submit a copy of this report to the Secretary and Council.</p>	<p>The dilapidation report prepared by Australian Dilapidations (not sighted, dated 28-Jul-2014) was approved by the DP&E on 5-Mar-2015 (DP&E approval letter for Pre-Demolition Management Plans, dated 5-Mar-2015, copy provided).</p>	Compliant	
B13	<p>The Applicant must:</p> <p>(a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged during construction or demolition; and</p> <p>(b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the construction or demolition.</p>	<p>Viva Energy advised that there has been no damage to public infrastructure requiring repair or compensation and no public infrastructure has required relocation.</p> <p>There are no recorded incidents involving damage to public infrastructure since the previous IEA (refer to Section 4.2.1 and Section 4.3.1).</p> <p>Agency representatives contacted prior to the audit did not identify any concerns regarding damage to public infrastructure (refer to Section 2.3.1).</p> <p>The available evidence suggests that this consent condition has not been triggered to date.</p>	Not Triggered	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
PROTECTION OF PRIVATE AND COMMERCIAL PROPERTY				
B14	The Applicant shall be responsible for the full costs associated with repairing, replacing, cleanup or compensation of any private or commercial property that is physically damaged by construction and demolition.	<p>Viva Energy advised that there has been no damage to private or commercial property caused by construction or demolition activities.</p> <p>There are no recorded incidents involving damage to private or commercial property since the previous IEA (refer to Section 4.2.1 and Section 4.3.1).</p> <p>Agency representatives contacted prior to the audit did not identify any concerns regarding damage to private or commercial property (refer to Section 2.3.1).</p> <p>The available evidence suggests that this consent condition has not been triggered to date.</p>	Not Triggered	
PROTECTION OF AUSGRID INFRASTRUCTURE				
B15	<p>The Applicant must:</p> <ul style="list-style-type: none"> (a) contact Ausgrid prior to the commencement of construction or demolition, to advise of any planned work within two (2) metres of Ausgrid’s underground cables; (b) ensure that no mechanical excavation or boring works occurs within two (2) metres of Ausgrid’s underground cables; and (c) ensure that any hand excavation or hand boring works within two (2) metres of Ausgrid’s underground cables is classified as <i>Work Near Underground Assets</i> according to WorkCover guidelines and must comply with <i>Ausgrid’s Standard: NS156 Working Near or Around Underground Cables</i>. 	<p>Viva Energy advised that the only excavation where this might have been relevant was for the new firefighting water tanks and that this was close to, but outside, the two metre limit specified in this condition. The map attached to the relevant CDCL (Cable Drainage Location Drawing) for the excavation (copy provided) would appear to confirm that this condition has not been triggered.</p> <p>Viva Energy advised that the Ausgrid infrastructure was removed in April 2021 (not verified).</p>	Not Triggered	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
STAGED SUBMISSION OF PLANS OR PROGRAMS				
B16	<p>With the approval of the Secretary, the Applicant may:</p> <p>(a) submit any strategy, plan or program required by this consent on a progressive basis; and/or</p> <p>(b) combine any strategy, plan or program required by this consent.</p>	<p>It is reported in the previous IEA that approval was obtained from the DP&E for staging submission of the Environmental Management Strategy (EMS) (letter from DP&E dated 16-Jun-2015, copy provided) and the Environmental Management Manual (EMM) (letter from DP&E for approval of operational stage, dated 17-Sep-2015, copy provided – It is noted in this letter that approval had been previously obtained for the construction and demolition activities).</p> <p>The current (draft) version of the EMM is dated 01-Dec-2021 (Note: only the previous version, dated 10-May-2018, is available on the Viva Energy website https://www.vivaenergy.com.au/operations/clyde/clyde-terminal-conversion-project).</p>	Compliant	
B17	<p>Until they are replaced by an equivalent strategy, plan or program approved under this consent, the Applicant must continue to implement existing strategies, plans or programs for operations on site that have been approved by previous consents or approvals.</p> <p><i>Notes:</i></p> <ul style="list-style-type: none"> <i>If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages and the trigger for updating the strategy, plan or program; and</i> <i>There must be a clear relationship between the strategy, plan or program that are to be combined.</i> 	<p>Viva Energy advised that all existing strategies, plans etc. were replaced since they related to the refinery operation. Only the EPL has continued.</p> <p>It was not possible to verify if any existing strategies, plans etc. continued to be used during the CTCP prior to being replaced under this consent. However, no evidence was found to suggest that the operation is non-compliant with this CC (e.g. no old strategies, plans etc. were presented as evidence during the audit and relevant consents have been surrendered - refer to CC # B8). Therefore, this CC has been categorised as 'compliant'.</p>	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
DISPUTE RESOLUTION				
B18	In the event that a dispute arises between the Applicant and Council or a public authority other than the Department, in relation to a specification or requirement applicable under this consent, the matter must be referred by either party to the Secretary, or if not resolved, to the Minister, whose determination of the dispute shall be final and binding to all parties. For the purpose of this condition, 'public authority' has the same meaning as provided under Section 4 of the EP&A Act.	<p>Viva Energy advised that this consent condition has not been triggered by any party.</p> <p>Agency representatives contacted prior to the audit did not identify any disputes regarding the Development Consent (refer to Section 2.3.1).</p> <p>The available evidence suggests that this consent condition has not been triggered to date.</p>	Not Triggered	
COMPLIANCE				
B19	The Applicant must ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.	<p>The Environmental Management Manual (EMM) includes information on the essential environmental activities required to maintain environmental compliance and includes reference to the most relevant consent conditions.</p> <p>The current (draft) version of the EMM is dated 01-Dec-2021 (Note: only the previous version, dated 10-May-2018, is available on the Viva Energy website https://www.vivaenergy.com.au/operations/clyde/clyde-terminal-conversion-project).</p> <p>The 'Clyde & Gore Bay Terminals Part C Induction (sighted, copy not provided) highlights environmental matters such as reporting of environmental incidents, segregation of wastes, etc.</p>	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
B20	The Applicant shall be responsible for environmental impacts resulting from the actions of all persons that it invites onto the site, including contractors, sub-contractors and visitors.	<p>This was acknowledged by Viva Energy personnel during the audit.</p> <p>The 'Clyde & Gore Bay Terminals Part C Induction (sighted, copy not provided) highlights environmental matters such as reporting of environmental incidents, segregation of wastes, etc.</p> <p>The HSSE Policy (dated April 2020, copy provided) includes a commitment to pursue a goal of no harm to people and protection of the environment.</p>	Compliant	
SECTION 94A CONTRIBUTIONS				
B21	Prior to the issue of a construction certificate, the Applicant must pay Council \$424,000 as a development contribution, in accordance with Council's <i>Section 94A Development Contributions Plan 2013</i> , to the satisfaction of the Secretary.	<p>The DP&E has confirmed that the requirements of this condition have been met (letter dated 31-May-2016, copy provided).</p> <p>A copy of the payment receipt from Parramatta City Council for the Section 94A Contributions was also sighted (dated 1-May-2015, copy provided).</p>	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
SCHEDULE C ENVIRONMENTAL PERFORMANCE AND MANAGEMENT				
DEMOLITION – Approvals/Licensing				
C12	The Applicant must ensure that all demolition associated with the Development is carried out in accordance with <i>Australian Standard AS 2601:2001: The Demolition of Structures</i> , or its latest version and the requirements of the <i>Work Health and Safety Regulation, 2011</i> .	<p>The pre-demolition management plans, which included the Demolition Management Plan, were approved by the DP&E on 5-Mar-2015 (DP&E approval letter, dated 5-Mar-2015, copy provided). Also refer to CC # C14.</p> <p>The Demolition Work (Management) Plan is available on the CTCP website (https://www.vivaenergy.com.au/operations/clyde/clyde-terminal-conversion-project).</p> <p>It was not possible to verify that all demolition was undertaken in accordance with AS 2601; however, this standard is listed as a reference in the Demolition Work (Management) Plan and no evidence of non-compliance was noted (A similar finding was included in the previous IEA). Therefore, this has been categorised as ‘compliant.’</p>	Compliant	
C13	The Applicant must ensure that all demolition is undertaken by licensed demolition experts in accordance with the requirements of WorkCover and the <i>Work Health and Safety Regulation, 2011</i> .	Liberty Industrial Pty Ltd have a current Class 1 Demolition Licence (Licence No. AD211180, valid to 17 October 2022), which can be verified via the Service NSW website (https://verify.licence.nsw.gov.au/).	Compliant	
DEMOLITION – Demolition Management Plan				
C14	<p>The Applicant must prepare and implement a Demolition Management Plan, to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared by a suitably qualified and experienced demolition contractor;</p> <p>(b) be prepared in consultation with Council, EPA, WorkCover and RMS and be approved by the</p>	<p>The Demolition Management Plan and Asbestos Control Plan was prepared by Liberty Industrial (demolition contractor). Note: This document is labelled ‘Demolition Work Plan’.</p> <p>The pre-demolition management plans, which included the Demolition Management Plan and Asbestos Control Plan, were approved by the DP&E on 5-Mar-2015 (DP&E approval letter, dated 5-Mar-2015, copy provided).</p>	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
	<p>Secretary prior to the commencement of any demolition;</p> <p>(c) identify the statutory requirements that apply to the demolition works;</p> <p>(d) provide specific details of the proposed demolition process and methods, structures to be demolished, a program for the sequencing of demolition and details of materials handling and management;</p> <p>(e) detail the process and techniques for demolishing the key pieces of redundant equipment and details of how this would be managed;</p> <p>(f) describe in detail the procedures for independent testing and analysis (by a NATA accredited laboratory) of all items to be demolished or disturbed during construction for the presence of asbestos;</p> <p>(g) include copies of asbestos clearance certificates from an independent Licensed Asbestos Assessor for all items to be demolished;</p> <p>(h) describe the role, responsibility, authority and accountability of all key personnel involved in the management of the demolition;</p> <p>(i) describe in general how the environmental performance of the demolition would be monitored and managed; and</p> <p>(j) describe the consultation procedures for informing the community and relevant agencies about the demolition works and environmental performance, including procedures for responding to, recording and handling complaints and non-compliances.</p>	<p>Example reports for environmental monitoring undertaken demolition were sighted during the previous IEA for:</p> <ul style="list-style-type: none"> Explosive felling of the catalytic cracking unit (dated 16-Jun-2015, copy provided). Stack blasting (dated 16-Mar-2016, copy provided). <p>The Complaints Register includes records of complaints from 2015 onwards and no noise complaints have been recorded since the previous IEA (refer to Section 4.2.1). The process for management of complaints is included in Section 3.3 of the EMS (copy provided).</p> <p>The Demolition Work Plan and Complaints Register are available on the CTCP website. https://www.vivaenergy.com.au/operations/clyde/clyde-terminal-conversion-project.</p> <p>The Asbestos Control Plan (dated 26-May-2014) prepared for the demolition of the refinery has been superseded by the Clyde Asbestos Management Plan (dated 19/03/2021, copy provided).</p> <p>It is reported in the Clyde Asbestos Management Plan that:</p> <ul style="list-style-type: none"> A site asbestos survey was conducted by Pickford and Rhyder in 2017 to review the historical asbestos register after the Clyde Demolition had been facilitated. A Certified Occupational Hygienist conducted a review of the resurvey report in March 2021 to confirm the condition of the known locations of asbestos. The findings of this review are documented in the Active Asbestos Register, which is appended to the Clyde Asbestos Management Plan. 		

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
DEMOLITION – Stack Demolition Management Plan				
C15	<p>The Applicant must prepare and implement a Stack Demolition Management Plan, to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> (a) be prepared by a suitably qualified and licensed demolition expert whose appointment has been endorsed by the Secretary; (b) be prepared in consultation with Council, EPA, WorkCover and RMS and be approved by the Secretary prior to the demolition of the five (5) chimney stacks; (c) be independently reviewed by a certified structural engineer, including a review of the demolition methodology and blast calculations; (d) detail the process, timing and techniques for demolition of each chimney stack and how this would be managed; (e) include copies of asbestos clearance certificates for each stack, prepared by a Licensed Asbestos Assessor; (f) describe the role, responsibility, authority and accountability of all key personnel involved in the management of the stack demolition; (g) describe in general how the environmental performance of the stack demolition would be monitored and managed; (h) describe the specific consultation procedures for informing the community, nearby businesses and relevant agencies about the timing and method for stack demolition works, any required road closures or exclusion areas and environmental management, 	<p>Demolition of the five stacks was undertaken on 21 February 2016 (i.e. prior to the previous IEA).</p> <p>The Explosive Demolition Event 2 Management Plan was approved by the DP&E on 10-Feb-2016 (DP&E approval letter, dated 10-Feb-2016, copy provided).</p> <p>An example report was sighted for environmental monitoring undertaken during stack blasting (dated 16-Mar-2016, copy provided).</p>	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
	<p>including procedures for responding to, recording and handling complaints and non-compliances; and</p> <p>(i) detail the timeframe for removal of the waste materials generated by stack demolition, including the requirement for any interim measures to manage dust and surface water.</p>			
ASBESTOS MANAGEMENT – Asbestos Handling, Transport, Disposal and Clearance				
C16	<p>The Applicant must ensure that any asbestos encountered during construction and demolition is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in accordance with the requirements of WorkCover and relevant guidelines, including:</p> <p>(a) <i>Work Health and Safety Regulation 2011</i>;</p> <p>(b) <i>Model Code of Practice – How to Manage and Control Asbestos in the Workplace, 2011 Safe Work Australia</i>;</p> <p>(c) <i>Model Code of Practice – How to Safely Remove Asbestos, 2011 Safe Work Australia</i>; and</p> <p>(d) <i>Protection of the Environment Operations (Waste) Regulation 2005</i>.</p>	<p>Viva Energy advised that most of the identified Asbestos has now been removed.</p> <p>The Clyde Asbestos Management Plan is dated 19/03/2021 (Rev. 3, copy provided) and includes reference to the: Work Health and Safety Regulation 2017, workplace Code of Practice 2019, How To Safely Remove Asbestos Code of Practice 2019, and disposal through EPA approved disposal locations.</p> <p>It is reported in the Clyde Asbestos Management Plan that a site asbestos survey was conducted by Pickford and Rhyder in 2017.</p> <p>The Active Asbestos Register is appended to the Clyde Asbestos Management Plan (dated 19/03/2021, copy provided). The asbestos containing materials identified within the site include:</p> <ul style="list-style-type: none"> • Vinyl floor coverings • Cement sheet panels • Electrical equipment • Fire doors • Malthoid waterproof coatings on electrical substation roofs • Insulation coatings on pipework • Gaskets in line work, tanks or equipment that has not been opened since 2003 • Contaminated soils. 	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
		<p>An independent review of the stockpiles was undertaken by ERM in 2021 (dated 3 December 2021, copy provided). The following was noted in relation to asbestos in soils:</p> <ul style="list-style-type: none"> • Asbestos containing materials (ACM) (in bonded form) were identified in five stockpiles. • Fibrous asbestos (FA) was detected in two stockpiles. • All asbestos in soil concentrations were below the adopted commercial/ industrial assessment criteria, except for one stockpile SP57. On this basis, only one stockpile is unsuitable for re-use on site. <p>An example (blank) Work Method Statement (WMS) was sighted for Phase 2 demolition of Tank Farm C (dated 6-Dec-2019, copy provided). This WMS includes details of removal of asbestos contaminated dish drains and appears to be comprehensive.</p> <p>Viva Energy advised that new tenders for Asbestos removal will be issued as required.</p> <p>It is reported in the 2018, 2019 and 2020 AEPR reports that asbestos waste was not generated during these reporting periods.</p> <p>It was not possible to verify that all encountered Asbestos has been managed in accordance with this CC; however, this condition was categorised as 'compliant' based on the evidence outlined above.</p>		
CONTAMINATION – Contamination Management Plan				
C17	The Applicant must prepare and implement a Contamination Management Plan for construction and demolition, to the satisfaction of the Secretary. The Plan must:	The pre-demolition management plans, which included the Contamination Management Plan, were approved by the DP&E on 5-Mar-2015 (DP&E approval letter, dated 5-Mar-2015, copy provided).	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
	<ul style="list-style-type: none"> (a) be prepared by a suitably qualified and experienced expert; (b) be prepared in consultation with the EPA; (c) be approved by the Secretary prior to the commencement of construction or demolition; (d) identify all potential contaminants that could be disturbed, mobilised and discharged to receiving waters during construction and demolition; (e) detail the procedures for testing, classifying, handling, storing and disposing of contaminated soils and groundwater encountered in excavations; (f) detail measures for periodically testing surface water run-off that may accumulate in excavations, and the procedures for transfer of contaminated water to the on-site wastewater treatment plant; and (g) detail any required updates to the <i>Soil and Groundwater Management Plan Viva Clyde Refinery and Parramatta Terminal, Durham Street, Rosehill, 2010</i> to address construction and demolition. 	<p>Note: The Contamination Management Plan is addressed in the Soil and Water Management Plan, which is available on the CTCP website (https://www.vivaenergy.com.au/operations/clyde/clyde-terminal-conversion-project).</p> <ul style="list-style-type: none"> (e) During the terminal conversion, potentially contaminated soils were listed in the Soil Management Spreadsheet (refer to previous IEA). This spreadsheet has been superseded by a 'Stockpile Validation Report' prepared by ERM (dated 3 December 2021, copy provided, Note: Draft). Also refer to CC # C16. (f) Viva Energy advised that there have been no significant excavations (i.e. other than small footings) and therefore have not had to manage water accumulation in an excavation (not verified; however none was observed during the site inspection). Note: No excavation was required for the frog ponds, which were built up rather than excavated (refer to Appendix B.3, Table 11, ID # 7). (g) Monitoring has continued throughout the demolition and construction activities (refer to EPL # U1.1). An example monitoring report for 2021 was sighted (copy provided). It is concluded in this report that contamination remains well characterised and the monitoring well network remains suitable to assess potential changes in environmental conditions. 		

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
CONTAMINATION – Removal of Sub-Grade Infrastructure				
C18	The Applicant must undertake any removal of underground petroleum storage tanks or other infrastructure in accordance with the <i>Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008</i> or its latest version.	It is reported in the EIS that “the scope of the demolition activities is for demolition to ground level only which may include some removal of existing foundations below the surface”. Viva Energy advised that a separate DA would be made to cover any sub-grade assets; however, this has not been triggered since the previous IEA as none were found in the western area (not verified). No evidence of removal of underground petroleum storage tanks or other infrastructure was sighted during the site inspection; therefore, this has been categorised as ‘not triggered’.	Not Triggered	
C19	The Applicant must provide a contamination report to the EPA detailing any site contamination investigation carried out in the immediate vicinity of any subgrade asset removal. This report must be provided to the EPA on completion of the removal of sub-grade infrastructure.	Refer to CC # C18.	Not Triggered	
CONTAMINATION – Acid Sulphate Soils Management Plan				
C20	The Applicant must prepare and implement an Acid Sulphate Soil Management Plan for construction and demolition in accordance with the NSW State Government's <i>Acid Sulphate Soils Manual 1998</i> .	The Soil and Water Management Plan, which included the Acid Sulphate Soils Management Plan, was approved by the DP&E on 5-Mar-2015 (DP&E approval letter, dated 5-Mar-2015, copy provided). The Acid Sulphate Soils Management Plan is included in Soil and Water Management Plan, which is on the CTCP website (https://www.vivaenergy.com.au/operations/clyde/clyde-terminal-conversion-project). Viva Energy advised that only surface fill has been disturbed and there was no excavation for demolition Phase 2 or 3. No evidence of sub-grade disturbance of the areas shown in Figure 17-1 of the EIS (appended to	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s																																		
		Soil and Water Management Plan) was sighted during the site inspection; however, some areas were not accessible, and the facility is very large.																																				
NOISE – Noise Limits																																						
C21	<p>The Applicant must ensure that noise from the operation does not exceed the limits in Table 1.</p> <p>Table 1: Noise Limits dB(A)</p> <table border="1"> <thead> <tr> <th rowspan="2">Noise Receiver Location</th> <th rowspan="2">Location</th> <th>Day</th> <th>Evening</th> <th colspan="2">Night</th> </tr> <tr> <th>L_{Aeq}(15min)</th> <th>L_{Aeq}(15min)</th> <th>L_{Aeq}(15min)</th> <th>L_{A1}(1min)</th> </tr> </thead> <tbody> <tr> <td>R1-R3</td> <td>Any residence in the suburb of Rosehill</td> <td>38</td> <td>38</td> <td>35</td> <td>45</td> </tr> <tr> <td>R4</td> <td>Any residence in the suburb of Silverwater</td> <td>37</td> <td>37</td> <td>36</td> <td>45</td> </tr> <tr> <td>R5</td> <td>Any residence in the suburb of Newington</td> <td>36</td> <td>36</td> <td>35</td> <td>45</td> </tr> <tr> <td>R6-R7</td> <td>Any residence in the suburb of Rydalmere</td> <td>40</td> <td>40</td> <td>36</td> <td>45</td> </tr> </tbody> </table> <p><i>Notes:</i></p> <ul style="list-style-type: none"> To identify a noise receiver location, refer to the figure in Appendix D; and Noise generated during operation is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy. 	Noise Receiver Location	Location	Day	Evening	Night		L _{Aeq} (15min)	L _{Aeq} (15min)	L _{Aeq} (15min)	L _{A1} (1min)	R1-R3	Any residence in the suburb of Rosehill	38	38	35	45	R4	Any residence in the suburb of Silverwater	37	37	36	45	R5	Any residence in the suburb of Newington	36	36	35	45	R6-R7	Any residence in the suburb of Rydalmere	40	40	36	45	<p>The requirements of this CC are included in the current (draft) EMM (SC-OPS-0006-MA, dated 1/12/2021).</p> <p>Note: There are no noise limits in the EPL that relate to DA No. SSD 5147 MOD 1 (refer to Section B.2). Some noise related conditions were added to the EPL in response to DA No. SSD 9302 for the Western Area Remediation Project; however, these were excluded from the scope of the current IEA.</p> <p>Viva Energy advised that noise monitoring is only undertaken during specific activities with the potential to create high noise levels (such as blasting) and that these activities have not been required since the previous IEA (not verified; however, evidence was sighted during a previous IEA of noise monitoring being undertaken during explosive felling of the catalytic cracking unit and stack blasting).</p> <p>The Complaints Register includes records of complaints from 2015 onwards and no noise complaints have been recorded since the previous IEA (refer to Section 4.2.1).</p> <p>The Complaints Register is available on the CTCP website: (https://www.vivaenergy.com.au/operations/clyde/clyde-terminal-conversion-project).</p>	Compliant	
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CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s											
NOISE – Hours of Work															
C22	<p>The Applicant must comply with the hours detailed in Table 2, unless otherwise agreed in writing by the EPA and the Secretary.</p> <p>Table 2: Construction, Demolition & Operation Hours</p> <table border="1" data-bbox="257 563 904 762"> <thead> <tr> <th>Activity</th> <th>Day</th> <th>Time</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Construction and Demolition</td> <td>Monday – Friday</td> <td>7:00am to 6:00pm</td> </tr> <tr> <td>Saturday</td> <td>8:00am to 5:00pm</td> </tr> <tr> <td>Operation</td> <td>Monday – Sunday</td> <td>24 hours</td> </tr> </tbody> </table>	Activity	Day	Time	Construction and Demolition	Monday – Friday	7:00am to 6:00pm	Saturday	8:00am to 5:00pm	Operation	Monday – Sunday	24 hours	<p>The requirements of this CC are included in the current (draft) EMM (SC-OPS-0006-MA, dated 1/12/2021). Operation of the Terminal is permitted at any time. It was not possible to verify that all construction and demolition activities have been undertaken in accordance with the time periods listed in CC # C22. However:</p> <ul style="list-style-type: none"> • There are no recorded noise complaints since the previous IEA (refer to Section 4.2.1). • The current (draft) EMM includes the permitted time periods, with a cross-reference to this consent condition. • Viva Energy advised that permission to undertake such activities at other times has not been requested since the previous IEA (not verified; however, evidence was sighted during a previous IEA). 	Compliant	
Activity	Day	Time													
Construction and Demolition	Monday – Friday	7:00am to 6:00pm													
	Saturday	8:00am to 5:00pm													
Operation	Monday – Sunday	24 hours													
C23	<p>Construction and demolition outside of the hours identified in condition C22 may be undertaken in the following circumstances:</p> <p>(a) works that are inaudible at the nearest sensitive receivers;</p> <p>(b) works that are consistent with Viva’s existing maintenance procedures and are in accordance with the EPL;</p> <p>(c) works agreed to in writing by the EPA or the Secretary;</p>	<p>Viva Energy advised that construction and demolition activities outside of the hours identified in condition C22 have not been required since the previous IEA (not verified; however, evidence was sighted during a previous IEA of Viva Energy seeking permission to undertake such activities at other times – refer to CC #C22).</p> <p>There are no recorded noise complaints since the previous IEA (refer to Section 4.2.1).</p>	Not Triggered												

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
	<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>			
NOISE – Operating Conditions				
C24	<p>The Applicant must:</p> <p>(a) implement all reasonable and feasible noise management and mitigation measures to prevent and minimise operational, low frequency and traffic noise generated during operation;</p> <p>(b) maintain the effectiveness of any noise suppression equipment on plant at all times and ensure defective plant that may generate offensive noise is not used operationally until fully repaired; and</p> <p>(c) regularly assess noise monitoring data and relocate, modify and/or stop operations to ensure compliance with the relevant conditions of this consent.</p>	<p>Noise suppression equipment has not been provided for fixed equipment associated with the CTCP / EST (i.e. no noise enclosures); however, this has not resulted in any noise complaints (see below). Item (b) does not appear to have been triggered.</p> <p>Viva Energy advised that noise monitoring is only undertaken during specific activities with the potential to create high noise levels (such as blasting) and that these activities have not been required since the previous IEA (refer to CC # C21).</p> <p>The Complaints Register includes records of complaints from 2015 onwards and no noise complaints have been recorded since the previous IEA (refer to Section 4.2.1).</p> <p>The Complaints Register is available on the CTCP website: https://www.vivaenergy.com.au/operations/clyde/clyde-terminal-conversion-project.</p>	Compliant	
NOISE – Construction & Demolition Noise Management Plan				
C25	<p>The Applicant must prepare and implement a Noise Management Plan for construction and demolition. The plan must:</p> <p>(a) be prepared and implemented by a suitably qualified and experienced expert;</p>	<p>The pre-demolition management plans, which included the Noise Management Plan, were approved by the DP&E on 5-Mar-2015 (DP&E approval letter, dated 5-Mar-2015, copy provided).</p> <p>Viva Energy advised that all blasting has now been completed and blasting was not undertaken for the</p>	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
	<p>(b) be prepared in consultation with the EPA;</p> <p>(c) be approved by the Secretary prior to the commencement of construction or demolition;</p> <p>(d) describe the measures that will be implemented to minimise noise from construction and demolition including:</p> <ul style="list-style-type: none"> • all reasonable and feasible measures being employed on site; • maintenance of equipment to ensure that it is in proper and efficient condition; • procedures to ensure that all construction and demolition equipment does not operate simultaneously, where practicable; • traffic noise is effectively managed; • identification of high noise generating construction and demolition works, including proposed times when these works will be carried out, respite periods and mitigation measures, including the use of temporary noise barriers where necessary; <p>(e) includes a noise monitoring program that:</p> <ul style="list-style-type: none"> • is capable of evaluating noise impacts from construction and demolition; • includes a protocol for determining exceedances of relevant noise criteria; and • includes procedures for responding to complaints. 	<p>Phase 2 demolition of Tank Farms A2 (Jet Fuel) and A3 (Diesel) or Phase 3 demolition of the LPG tanks, etc.</p> <p>Example reports for environmental monitoring undertaken demolition were sighted during the previous IEA for:</p> <ul style="list-style-type: none"> • Explosive felling of the catalytic cracking unit (dated 16-Jun-2015, copy provided). • Stack blasting (dated 16-Mar-2016, copy provided). <p>An example (blank) Work Method Statement was sighted for Phase 3 demolition of Tank 106 (copy provided). The WMS lists the method of demolition as oxy-cutting with use of a crane (i.e. no blasting). The WMS appears to be comprehensive.</p> <p>The Construction and Demolition Noise and Vibration Management Plan, which was also used for the Phase 2 demolition, and the Complaints Register are available on the CTCP website (https://www.vivaenergy.com.au/operations/clyde/clyde-terminal-conversion-project).</p> <p>This Complaints Register includes records of complaints from 2015 onwards and no noise complaints have been recorded since the previous IEA (also refer to Section 3). The process for management of complaints is included in Section 3.3 of the EMS (copy provided).</p>		

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
BLASTING – Blasting Hours				
C26	The Applicant must only carry out blasting on site between 9:00am and 5:00pm Monday to Friday inclusive. Blasting is not permitted on Sundays, public holidays or at any other time without the written approval of the Secretary.	<p>Explosive demolition of the refinery units and the five stacks was undertaken prior to the previous IEA (also refer to CC # C12-C15).</p> <p>The Explosive Demolition Event 2 Management Plan for demolition of the five stacks was approved by the DP&E on 10-Feb-2016 (DP&E approval letter, dated 10-Feb-2016, copy provided). This included approval of blasting for demolition on Sunday 21 February 2016, which was outside the time limits specified in CC # C26.</p> <p>Viva Energy advised that blasting was not undertaken for the Phase 2 demolition of Tank Farms A2 (Jet Fuel) and A3 (Diesel) or Phase 3 demolition of the LPG tanks, etc. Consequently, this condition has not been triggered since the previous IEA.</p>	Compliant	
BLASTING – Blast Management Plan				
C27	<p>The Applicant must prepare and implement a Blast Management Plan for demolition, to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared by a suitably qualified and experienced expert;</p> <p>(b) be prepared in consultation with the EPA;</p> <p>(c) be approved by the Secretary prior to the commencement of blasting;</p> <p>(d) describe the program for undertaking test blasts to determine appropriate blasting parameters to ensure compliance with the limits in this consent;</p> <p>(e) describe the measures that would be implemented to:</p>	<p>Explosive demolition of the refinery units and the five stacks was undertaken prior to the previous IEA (also refer to CC # C12-C15).</p> <p>The Explosive Demolition Event 2 Management Plan for demolition of the five stacks was approved by the DP&E on 10-Feb-2016 (DP&E approval letter, dated 10-Feb-2016, copy provided).</p> <p>Example reports for environmental monitoring undertaken demolition were sighted for:</p> <ul style="list-style-type: none"> Explosive felling of the catalytic cracking unit (dated 16-Jun-2015, copy provided). Stack blasting (Dated 16-Mar-2016, copy provided). 	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
	<ul style="list-style-type: none"> • ensure compliance with the blasting limits in this consent; • protect the safety of people in the surrounding area; • protect public and private infrastructure and property in the surrounding area from any damage; and • minimise the dust and fume emissions of any blasting; and <p>(f) include a monitoring program for evaluating and reporting on compliance with the blasting limits in this consent; and</p> <p>(g) describes the procedures for early notification to the public, nearby businesses and relevant authorities of proposed blasting times, duration and any required exclusion areas and/or road closures.</p>	<p>Viva Energy advised that blasting was not undertaken for the Phase 2 demolition of Tank Farms A2 (Jet Fuel) and A3 (Diesel) or Phase 3 demolition of the LPG tanks, etc. Consequently, this condition has not been triggered since the previous IEA.</p>		
AIR QUALITY – Dust Minimisation				
C28	<p>The Applicant must carry out all reasonable and feasible measures to minimise dust generated during construction, demolition and operation.</p>	<p>This has been categorised as ‘compliant’ based on the following observations:</p> <ul style="list-style-type: none"> • Grass has grown on the former Mobil tank farm site to minimise dust generation and run-off of suspended solids (refer to Appendix B.3, Table 11, ID # 10). • There have been no recorded dust complaints from neighbours since the previous IEA (refer to Section 4.2.1). • An example SWMS for ‘Stockpile Cartage and Backfill’ was sighted (job no. 101353, dated 10/11/2021, copy provided), which includes example dust control measures (e.g. stopping works if too 	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
		<p>windy, wetting down of load if required to avoid dust from soil during transport, etc.).</p> <ul style="list-style-type: none"> There are fewer areas on site where dust generation may occur than were sighted during the previous IEA (particularly as the western area has now been separated and partially redeveloped). 		
AIR QUALITY – Offensive Odour				
C29	<p>The Applicant must not cause or permit the emission of offensive odours from the site, as defined under Section 129 of the POEO Act.</p>	<p>Odour from the storage tanks is minimised by the use of Geodome and floating roofs.</p> <p>No offensive odours were detected during the site inspection.</p> <p>The Complaints Register is available on the CTCP website (https://www.vivaenergy.com.au/operations/clyde/clyde-terminal-conversion-project).</p> <p>The Complaints Register includes records of complaints from 2015 onwards and there are no records of complaints due to air quality (including odours) since the previous IEA (also refer to Section 4.2.1).</p> <p>Odour surveys have been undertaken in 2018, 2019, 2020 as part of air quality monitoring program, with a summary included in the AEPR reports (also refer to Section 4.2.2). Based on the low level of odour detected, Viva Energy advised that they may discontinue future odour surveys.</p>	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
AIR QUALITY – Operational Air Quality Monitoring Program				
C30	<p>The Applicant must prepare and implement an Air Quality Monitoring Program for the operation. The plan must:</p> <ul style="list-style-type: none"> (a) be prepared and implemented by a suitably qualified and experienced expert; (b) be prepared in consultation with the EPA; (c) be submitted to the Secretary for approval within 3 months of the date of this consent; (d) describe an air quality monitoring program that is capable of evaluating the performance of the operation and determining compliance with key performance indicators agreed in consultation with the EPA; (e) includes record keeping, a complaints register and response procedure and compliance reporting. 	<p>The Operational Air Quality Monitoring Program was approved by the DP&E on 01-Oct-2015 (DP&E approval letter, dated 01-Oct-2015, copy provided).</p> <p>The Operational Air Quality Management Plan (CGBT-HSE-038-M, dated 10-07-2015) and Complaints Register are available on the CTCP website (https://www.vivaenergy.com.au/operations/clyde/clyde-terminal-conversion-project).</p> <p>The Complaints Register includes records of complaints from 2015 onwards and there are no records of complaints due to air quality (including odours) since the previous IEA (also refer to Section 4.2.1).</p> <p>The process for management of complaints is included in Section 3.3 of the EMS (copy provided).</p> <p>(d) Odour surveys have been undertaken in 2018, 2019, 2020 as part of air quality monitoring program, with a summary included in the AEPR reports (also refer to Section 4.2.2).</p>	Compliant	
AIR QUALITY – Construction & Demolition Air Quality Management Plan				
C31	<p>The Applicant must prepare and implement an Air Quality Management Plan for construction and demolition. The plan must:</p> <ul style="list-style-type: none"> (a) be prepared and implemented by a suitably qualified and experienced expert; (b) be approved by the Secretary prior to the commencement of construction or demolition and be provided to the EPA; 	<p>The pre-demolition management plans, which included the Air Quality Management Plan for the construction and demolition phase, were approved by the DP&E on 5-Mar-2015 (DP&E approval letter, dated 5-Mar-2015, copy provided).</p>	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
	<p>(c) describe the measures that would be implemented on site to ensure:</p> <ul style="list-style-type: none"> • the control of air quality and odour impacts; • that these controls remain effective over time; • that all reasonable and feasible air quality management practice is employed; • the air quality impacts are minimised during adverse meteorological conditions and extraordinary events; and • compliance with the relevant conditions of this consent. <p>(d) includes record keeping, a complaints register and compliance reporting.</p>			
AIR QUALITY – Meteorological Monitoring				
C32	<p>During the life of the Development, the Applicant must ensure that there is a suitable meteorological station operating in the vicinity of the site that complies with the requirements of the EPA.</p>	<p>Meteorological data may be obtained from the Bureau of Meteorology station at North Parramatta.</p> <p>Note: Prior to December 2011, the EPL included a condition to monitor weather data on site. This was removed at the time of licence variation number 1503483 and on-site weather monitoring is no longer required in the EPL.</p>	Compliant	
ENERGY EFFICIENCY AND GREENHOUSE GAS EMISSIONS				
C33	<p>The Applicant must implement all reasonable and feasible measures to minimise energy use and greenhouse gas emissions during construction, demolition and operation.</p>	<p>Viva Energy advised removal of western tank farm has dramatically reduced electricity consumption – tanks are more centralised so do not need to transfer as far (currently monitoring energy use for the main transfer pumps – not verified). Downsizing to a new office has also reduced costs.</p>	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
		<p>A Sustainability committee (across multiple Viva Energy sites) continues to look at new opportunities (not verified).</p> <p>‘Sustainability Reports’ are available at https://www.vivaenergy.com.au/sustainability for 2019, 2020 and 2021. These reports outline energy use and greenhouse gas emissions for all Viva Energy operations and include examples of measures to minimise these. For example, in the 2021 report:</p> <p>“Following the installation of sub-metering at our two fuel terminals in Sydney (Clyde and Gore Bay), our onsite operators identified and implemented changes to pump operations transferring fuel through the Mascot Airport pipeline. This initiative is estimated to deliver over 120 MWh of electricity savings annually.”</p> <p>Consideration of energy optimisation and efficiency is required for new projects (Energy Optimisation & Efficiency Template, SC-ENG-0013-PL, dated 21/08/2020, copy provided).</p>		
TRANSPORT AND ACCESS – Operating Conditions				
C34	<p>The Applicant must ensure that:</p> <p>(a) the operation does not result in any vehicles queuing on the public road network;</p> <p>(b) heavy vehicles and bins associated with operation do not park or stand on local roads or footpaths in the vicinity of the site;</p> <p>(c) all loading and unloading of materials is carried out on site;</p>	<p>It was not possible to fully verify compliance with this condition within the scope of the IEA, however:</p> <ul style="list-style-type: none"> • Very low traffic, with no queuing of vehicles, was observed in the vicinity of the facility during the site inspection. • No trucks were observed entering or leaving the facility. • No loading or unloading of vehicles was observed outside the terminal area. 	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
	<p>(d) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times;</p> <p>(e) all trucks entering or leaving the site with loads have their loads covered;</p> <p>(f) trucks associated with operation do not track dirt onto the public road network; and</p> <p>(g) heavy vehicles use designated routes to minimise impacts on the local and regional road network.</p>	<ul style="list-style-type: none"> Viva Energy advised that street sweepers are used on as needs basis (not verified). Viva Energy advised that there are no wash bays for trucks at the Clyde Terminal, although there is a truck wash area at the Parramatta Terminal if needed (not verified). (e) This is primarily relevant for waste materials (e.g. asbestos), with the requirement for covering of loads included in the Construction and Demolition Air Quality Management Plan (copy provided) and the current (draft) EMM (copy provided). (g) No designated routes are specified for normal operations; however, a Traffic Management Plan (copy provided) was prepared for construction / demolition activities. <p>This was categorised as 'compliant' due to the absence of evidence to the contrary.</p>		
TRANSPORT AND ACCESS – Car Parking				
C35	<p>The Applicant must provide sufficient parking facilities on-site, including for heavy vehicles, for construction, demolition and operational personnel, to ensure that traffic associated with the Development does not utilise public and residential streets or public parking facilities.</p>	<p>Also refer to CC # C34.</p> <p>The facility is very large with multiple parking locations (e.g. main office car park, state office building car park, outside the main control room and near the gate house).</p> <p>There are no designated truck parking areas on site; however, internal roads can be closed off if needed during work and the truck can be parked on the roadway.</p>	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
TRANSPORT AND ACCESS – Traffic Management Plan				
C36	<p>The Applicant must prepare and implement a Traffic Management Plan for construction and demolition, to the satisfaction of the Secretary. The plan must:</p> <ul style="list-style-type: none"> (a) be prepared by a suitably qualified and experienced person; (b) be prepared in consultation with Council and RMS; (c) be approved by the Secretary prior to the commencement of construction or demolition; (d) detail the measures that would be implemented to ensure road safety and network efficiency during construction and demolition; (e) detail heavy vehicle routes, access and parking arrangements; (f) include a Driver Code of Conduct to: <ul style="list-style-type: none"> • minimise the impacts of construction and demolition on the local and regional road network; • minimise conflicts with other road users; • ensure truck drivers use specified routes; (g) include a program to monitor the effectiveness of these measures; and (h) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes. 	<p>The pre-demolition management plans, which included the Traffic Management Plan, were approved by the DP&E on 5-Mar-2015 (DP&E approval letter, dated 5-Mar-2015, copy provided).</p> <p>The Traffic Management Plan (version 4, dated 30-Nov-2016) is available on the CTCP website (https://www.vivaenergy.com.au/operations/clyde/clyde-terminal-conversion-project).</p> <ul style="list-style-type: none"> (d) Measures are included in the Traffic Management Plan (e.g. driver code of conduct, securing of loads). (e) Heavy vehicle access routes and staff parking areas for construction and demolition are shown on Figure D-5A in the Traffic Management Plan. (f) The requirements for a driver code of conduct are included in Traffic Management Plan. (g) It is reported in the Traffic Management Plan that monitoring is based on complaints. No complaints have been recorded since the previous IEA (refer to Section 4.2.1). (h) This is included as part of the driver code of conduct. <p>This condition was categorised as ‘compliant’. The absence of reported complaints and low observed traffic movements (refer to CC # C34) were a key factors for this categorisation.</p>	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
FLOODING – Flood Design and Structural Certification				
C37	The Applicant must ensure that all new buildings and structures, and additions to existing buildings and structures are constructed in accordance with the relevant requirements of the City of Parramatta’s Local Floodplain Risk Management Policy, June 2006.	It is reported in the final Flood Assessment Report (dated 2-Feb-2016, copy provided) that “only Sub32 will be located in a high hazard area (1% AEP).” This report was approved by Parramatta Council (refer to CC # C39) and substation 32 was sighted during the site inspection. Substation 32 is elevated above ground level (refer to Appendix B.3, Table 11, ID # 11).	Compliant	
C38	New electrical substations must be constructed above the 1% Annual Exceedance Probability (AEP) flood level with an appropriate freeboard determined in consultation with Council and to the satisfaction of the Secretary.	Approval of construction of the three new electrical substations was provided by the DP&E on 29-Jul-2015 (DP&E approval letter, dated 29-Jul-2015, copy provided). It is reported in this letter that “on 24 July 2015 Council advised that it was satisfied that Condition C38 had been satisfied”.	Compliant	
FLOODING – Flood Study				
C39	<p>Within 2 months of the date of this consent, the Applicant must provide detailed site data, to the satisfaction of Council, to update the Duck River and Duck Creek Flood Study Review, 2013. The Applicant must:</p> <ul style="list-style-type: none"> (a) provide details of all floodplain obstructions on the site, including bund locations and heights; (b) fund the work required to update Council’s flood model with the site specific data; and (c) provide details of all construction and demolition works that would be carried out within areas defined as ‘high hydraulic hazard’. 	<p>The final Flood Assessment Report prepared by WMA Water (dated 2-Feb-2016, copy provided) was approved by Parramatta City Council (email dated 18 May 2016, copy provided).</p> <p>Items (a) to (c) are specifically addressed in Section 2.3 of the final Flood Assessment Report.</p> <p>It was not possible to verify that the data was provided within 2 months of the consent; however, the final Flood Assessment Report includes details of correspondence with Parramatta City Council dating back to March 2015. As the final report has been approved, this consent condition has been categorised as ‘compliant’.</p>	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
C40	Within 1 month of completing the updates to the flood study, the Applicant must review the outcomes of the updated study and detail any additional flood management measures to be implemented during construction, demolition and operation. The outcomes of the study must also inform any revisions to the Flood Emergency Response Plan as required by Condition C42.	It is reported in Section 2.4 of the Final Flood Assessment Report (dated 2-Feb-2016, copy provided) that “As a result of the very small change in flood levels or hazard no additional flood management measures are required during construction, demolition or operation”. This has been categorised as ‘compliant’ since the Final Flood Assessment Report did also provide advice on the required floor levels for the substations (refer to CC # C27 and C38).	Compliant	
FLOODING – Flood Warning Signs				
C41	The Applicant must ensure that flood warning signs are maintained throughout the site, during construction, demolition and operation. The flood warning signs must indicate the site is prone to flooding and must show the location of assembly and evacuation points, which are above the 1% AEP.	Flood warning signs have been installed. An example was sighted near a personnel access turnstile (refer to Appendix B.3, Table 11, ID # 12). This includes the location of assembly and evacuation points, which are above the 1% AEP (also marked on the sign).	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
FLOODING – Flood Emergency Response Plan				
C42	<p>The Applicant must update and implement the Emergency Response Plan for the site to include procedures for flood emergency response during construction, demolition and operation. The Plan must:</p> <ul style="list-style-type: none"> (a) be prepared by a suitably qualified and experienced expert; (b) be prepared in consultation with Council; (c) be submitted to the Secretary for approval at least 1 month prior to the commencement of construction or demolition, or as otherwise agreed with the Secretary; (d) detail the procedures for managing flood risks during construction, demolition and operation, including flood recovery measures, sufficient warning time for flash flooding and procedures for ensuring the protection of infrastructure and human safety; and (e) identify assembly points, emergency evacuation routes, flood warning alarms and evacuation procedures. 	<p>The pre-demolition management plans, which included the response to a flood emergency, were approved by the DP&E on 5-Mar-2015 (DP&E approval letter, dated 5-Mar-2015, copy provided).</p> <p>It is reported in the 2018 AEPR report that the ERP was updated and approved by DPE. This was in response to recommendation 2018/04 from the previous IEA.</p> <p>Volume 4 of the Clyde Terminal Emergency Response Plan (ERP) includes ‘Tactical Checklists’ (SC-OPS-ER08-0004-PL, version 6.01, dated 18-03-2022, copy provided). Checklist 57 is for site flooding and includes flood maps showing assembly points and evacuation routes for 20% AEP, 5% AEP, 2% AEP, 1% AEP and PMF flood events.</p>	Compliant	
SOIL & WATER – Imported Soil				
C43	<p>The Applicant must:</p> <ul style="list-style-type: none"> (a) ensure that only VENM or ENM or other material approved in writing by the EPA is used as fill on the Site; (b) keep accurate records of the volume and type of fill to be used; and (c) make these records available to the Department upon request. 	<p>Viva Energy advised that fill has only been imported to the site: (i) to fill in the former ‘Mobil’ tank farm area; (ii) for refurbishment of Tank Farm B2 (Diesel); and (iii) to construct the frog habitat. (i) and (ii) were reviewed during the previous IEA in 2018 and assessed to be compliant with this condition; therefore only (iii) was reviewed during the current IEA.</p> <p>Although it is not possible to verify if other fill has been imported, the three identified occasions have involved relatively large quantities of fill and other soil on-site has</p>	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s																																												
		<p>been identified for potential re-use on site (refer to CC # C17).</p> <p>The following quantities of fill (VENM and ENM) were imported for the frog habitat:</p> <table border="1" data-bbox="927 504 1550 858"> <thead> <tr> <th>Source</th> <th>Material Type</th> <th>Date</th> <th>Import Qty (m³)</th> </tr> </thead> <tbody> <tr> <td rowspan="5">1-13 Gloucester Ave, Burwood</td> <td>VENM</td> <td>27/11/2019</td> <td>576</td> </tr> <tr> <td>VENM</td> <td>28/11/2019</td> <td>704</td> </tr> <tr> <td>VENM</td> <td>29/11/2019</td> <td>480</td> </tr> <tr> <td>VENM</td> <td>4/12/2019</td> <td>592</td> </tr> <tr> <td>VENM</td> <td>13/12/2019</td> <td>192</td> </tr> <tr> <td>Patricia St, Mays Hill</td> <td>VENM</td> <td>6/12/2019</td> <td>640</td> </tr> <tr> <td colspan="3">TOTAL</td> <td>3184</td> </tr> </tbody> </table> <p>The Waste Classification Certificate was sighted for the VENM fill sourced from Patricia St, Mays Hill (dated 26-Sept-2019, copy provided) and the VENM fill sourced from Gloucester Ave, Burwood (dated 17-Sept-2019, copy provided).</p> <table border="1" data-bbox="927 1040 1550 1289"> <thead> <tr> <th>Source</th> <th>Material Type</th> <th>Date</th> <th>Import Qty (m³)</th> </tr> </thead> <tbody> <tr> <td>ANL Martins Creek Rd, Badgerys Creek</td> <td>Native Mix Low P</td> <td>11/12/2019</td> <td>480</td> </tr> <tr> <td></td> <td>Native Mix Low P</td> <td>12/12/2019</td> <td>370</td> </tr> <tr> <td colspan="3">TOTAL</td> <td>864</td> </tr> </tbody> </table> <p>The Specification for the native mix was sighted (copy provided). This was sourced from a landscape supply company and comprised of mulch & compost, double washed sand and sandy loam.</p>	Source	Material Type	Date	Import Qty (m ³)	1-13 Gloucester Ave, Burwood	VENM	27/11/2019	576	VENM	28/11/2019	704	VENM	29/11/2019	480	VENM	4/12/2019	592	VENM	13/12/2019	192	Patricia St, Mays Hill	VENM	6/12/2019	640	TOTAL			3184	Source	Material Type	Date	Import Qty (m ³)	ANL Martins Creek Rd, Badgerys Creek	Native Mix Low P	11/12/2019	480		Native Mix Low P	12/12/2019	370	TOTAL			864		
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CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
SOIL & WATER – Erosion and Sediment Control Plan				
C44	The Applicant must prepare and implement an Erosion and Sediment Control Plan for construction and demolition to the satisfaction of the Secretary and in accordance with <i>Managing Urban Stormwater: Soils and Construction, 2004</i> , or its latest version.	<p>The pre-demolition management plans, which included the Erosion and Sediment Control Plan (Note: Combined with Soil and Water Management Plan), were approved by the DP&E on 5-Mar-2015 (DP&E approval letter, dated 5-Mar-2015, copy provided).</p> <p>The Soil and Water Management Plan is available on the CTCP website (https://www.vivaenergy.com.au/operations/clyde/clyde-terminal-conversion-project).</p> <p>No areas of erosion or poor sediment control were observed during the site inspection.</p>	Compliant	
C45	Prior to the commencement of construction or demolition, the Applicant must implement suitable erosion and sediment control measures on-site, in accordance with the Erosion and Sediment Control Plan.	<p>Grass has been grown on the former Mobil tank farm site to minimise run-off of suspended solids (refer to Appendix B.3, Table 11, ID # 10).</p> <p>Bags containing gravel are provided along some surface drains (refer to Appendix B.3, Table 11, ID # 13).</p> <p>No incidents have occurred since the previous IEA that have resulted in Viva Energy receiving a Notice, Order or Penalty Notice from the EPA due to run-off and off-site discharge of sediments (refer to Section 4.3.1). Therefore, this condition has been assessed as 'compliant'.</p>	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
SOIL & WATER – Discharge Limits				
C46	The Development must 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.	Section 120 of the POEO Act relates to the prohibition of the pollution of waters and a person who pollutes any waters is guilty of an offence. No incidents have occurred since the previous IEA that have resulted in Viva Energy receiving a Penalty Notice from the EPA (refer to Section 4.3.1). Therefore, this condition has been assessed as 'compliant'.	Compliant	
C47	The Applicant must ensure that signs are displayed and maintained adjacent to all stormwater drains on the site clearly indicating 'Stormwater Only'.	Viva Energy advised that the drains sighted within the terminal site drain to the main interceptors and are not therefore for 'stormwater only'. Drains for 'stormwater only' are located in the car parking areas at the main office building (Note: This building has been demolished since the previous IEA). 'Stormwater only' signs were observed to be provided at this area (refer to Appendix B.3, Table 11, ID # 14).	Compliant	
SOIL & WATER – Foreshore Management				
C48	The Applicant must ensure the foreshore and inter-tidal areas on the site are fully protected. This includes preventing the storage of any machinery, materials, equipment, supplies, or waste receptacles within or adjacent to the inter-tidal area.	The intertidal areas are fenced off; therefore, it was not possible to access these areas. However, no evidence was sighted during the site inspection to indicate non-compliance with this condition.	Compliant	
SOIL & WATER – Bunding				
C49	The Applicant must store all chemicals, fuels and oils used on-site in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards, and/or the EPA's <i>Storing and Handling of Liquids: Environmental Protection – Participants Handbook</i> .	All tanks containing hydrocarbons or water treatment chemicals that were sighted during the site inspection were observed to be bunded.	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
		<p>Note: The EPA's <i>Storing and Handling of Liquids: Environmental Protection – Participants Handbook</i> is no longer available.</p> <p>The integrity of the bund walls is maintained by application of shot-creting (refer to Appendix B.3, Table 11, ID # 3).</p> <p>Viva Energy advised that there have been no changes to bunding since the previous IEA other than to install a small splash shield on the bund wall at T53. The splash shield was observed during the site inspection.</p> <p>It was not possible to verify that all materials are stored in accordance with all relevant Australian Standards; however, no specific areas of concern were identified. Consequently, this was categorised as 'compliant'.</p>		

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
SOIL & WATER – Water Management Plan				
C50	<p>The Applicant must update and implement the Water Management Plan for the site for construction, demolition and operation, to the satisfaction of the Secretary. The plan must:</p> <ul style="list-style-type: none"> (a) be approved by the Secretary prior to the commencement of construction or demolition and be provided to the EPA and NOW; (b) include mitigation measures for managing surface water and industrial water including, but not limited to the Management and Mitigation Measures in Appendix C; (c) include a Surface Water Management Plan, that: <ul style="list-style-type: none"> • describes the water management system on site, including plans of the stormwater system and oily water/wastewater system; • demonstrates compliance with any requirements of the EPL and/or Council with respect to stormwater and wastewater management; (d) include a Groundwater Management Plan, that: <ul style="list-style-type: none"> • details the procedures for testing, dewatering, storage, movement and treatment of any groundwater; and (e) include a Leachate Management Plan describing procedures for preventing the generation of leachate from waste stockpiles. 	<p>The pre-demolition management plans, which included the Water Management Plan for the construction and demolition phases (Note: Combined with Soil Management Plan), were approved by the DP&E on 5-Mar-2015 (DP&E approval letter, dated 5-Mar-2015, copy provided). This includes consideration of surface water, groundwater and leachate.</p> <p>The Environmental Management Manual (EMM) for the operations phase was approved by the DP&E on 17-Sep-2015 (DP&E approval letter, dated 17-Sep-2015, copy provided). The current (draft) version of the EMM is dated 01-Dec-2021 (Note: only the previous version, dated 10-May-2018, is available on the website).</p> <p>The EMM does not include a cross-reference to this consent condition and does not appear to address all of the requirements. For example:</p> <ul style="list-style-type: none"> (d) Groundwater monitoring has continued throughout the demolition and construction and operation activities (refer to CC # C17 and EPL # U1.1); however, groundwater management is not addressed in the EMM. (e) Leachate is generated from the sludge dewatering facility (refer to EPL # O4.2), which is collected and directed to the Biotreater, however, leachate management is not addressed in the EMM. 	<p>Compliant (Construction and Demolition phases)</p> <p>Non-Compliant (Operations phase)</p>	<p>2022/01 – The EMM should be periodically reviewed and updated to ensure it addresses all relevant conditions from the development consent. For example, the EMM should be amended to fully address CC # C50 as it applies to the operations phase of the EST.</p>

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
WASTE MANAGEMENT				
C51	The Applicant must assess, classify and manage all liquid and non-liquid wastes generated at the site during construction, demolition and operation in accordance with the EPA's <i>Waste Classification Guidelines Part 1: Classifying Waste, December 2009</i> , or its latest version and dispose of all wastes to a facility that may lawfully accept the waste.	<p>Waste classifications are included on the Viva Waste Summary spreadsheet (copy provided for 2021). This spreadsheet includes the EPA waste classification (general solid (non-putrescible), hazardous, liquid waste or special waste) and the waste code (J100, J120, N100, N205, N220 or N/A) for each waste material.</p> <p>The Viva Waste Summary spreadsheet also identifies the transporter (Suez or Cleanaway Industrial Solution), transport certificate number (where relevant), receiving facility and the proposed treatment.</p> <p>Example records, including the transport certificate (2T01143315, copy provided), were sighted for 'black slops' from cleaning of drains on 9 Feb. 2021. This was transported to 'Tox Free-South Windsor' for recycling.</p>	Compliant	
C52	Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by a licence under the POEO Act, if such a licence is required in relation to that waste.	Refer to EPL # L5.4 to L5.5 and 5.8 to 5.9.	Compliant	
C53	The Applicant must manage the chemical fixation and treatment of organic solvents, contaminated blue metals and empty drums or macro-encapsulation of waste in accordance with the EPA <i>Specific Immobilisation Approval and the EPA Waste Classification Guidelines Part 2: Immobilisation of Waste, April 2008</i> , or its latest version.	Viva Energy advised that chemical fixation / macro-encapsulation has not been undertaken and no waste of this type is listed in the 'Viva Waste Summary 2021' spreadsheet (copy provided). Consequently, this condition was categorised as 'not triggered'.	Not Triggered	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
C54	The Applicant must manage all materials and waste containing Scheduled Chemical Waste and polychlorinated biphenyls in accordance with the applicable Chemical Control Order or in accordance with a licence under the <i>Environmentally Hazardous Chemicals Act, 1985</i> .	Viva Energy advised that this has not been triggered since previous IEA (PCBs were previously disposed off-site prior to electrical works as noted in a previous IEA) and no waste of this type is listed in the 'Viva Waste Summary 2021' spreadsheet (copy provided). Consequently, this condition was categorised as 'not triggered'.	Not Triggered	
C55	The Applicant must manage all materials and waste containing radioactive substances in accordance with the <i>Radiation Control Act, 1990, Radiation Control Regulation, 2013</i> and the requirements of the EPA.	Viva Energy advised that this has not been triggered since previous IEA but may happen in future (Two radioactive sources have been identified that will need to be replaced and disposed of). No waste of this type is listed in the 'Viva Waste Summary 2021' spreadsheet (copy provided). Consequently, this condition was categorised as 'not triggered'.	Not Triggered	
C56	The Applicant must retain all sampling and waste classification data for the life of the Development in accordance with the requirements of the EPA.	Refer to CC # C51.	Compliant	
WASTE MANAGEMENT – Waste Management Plan				
C57	The Applicant must update and implement the Waste Management Plan for the site for construction, demolition and operation to the satisfaction of the Secretary. This Plan must : (a) be approved by the Secretary prior to the commencement of construction or demolition and be provided to the EPA; (b) detail the type and quantity of waste to be generated during construction, demolition and operation; (c) detail the materials to be reused or recycled, either on or off site;	The pre-demolition management plans, which included the Waste Management Plan, were approved by the DP&E on 5-Mar-2015 (DP&E approval letter, dated 5-Mar-2015, copy provided). This covered the construction and demolition phases. The Environmental Management Manual (EMM) includes a cross-reference to this consent condition for the operations phase. The EMM was approved by the DP&E on 17-Sep-2015 (DP&E approval letter, dated 17-Sep-2015, copy provided). The Waste (and Resource Recovery) Management Plan and EMM are available on the CTCP website	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
	<p>(d) detail the procedures for handling, storage, collection of recycling and disposal of waste;</p> <p>(e) include measures to manage stockpiles, including ensuring stockpiles are covered or stored undercover on sealed and bunded areas, are no higher than 5 metres and have height markers installed; and</p> <p>(f) include the Management and Mitigation Measures included in Appendix C.</p>	<p>https://www.vivaenergy.com.au/operations/clyde/clyde-terminal-conversion-project).</p> <p>(e) There are no existing stockpiles, but some remediated soil is located in a low mound behind the main control room. This was sighted during the site inspection (refer to Appendix B.3, Table 11, ID # 15).</p> <p>It was not possible to verify that all waste materials have been managed in accordance with the Waste Management Plan and EMM (particularly for early phases); however, no specific areas of concern were identified, and waste materials are being tracked (refer to CC # C51). Consequently, this condition was categorised as 'compliant'.</p>		
BIODIVERSITY – Biodiversity Management Plan				
C58	<p>The Applicant must prepare and implement a Biodiversity Management Plan for the Development to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared in consultation with Council and OEH;</p> <p>(b) be approved by the Secretary prior to the commencement of construction or demolition;</p> <p>(c) detail measures to be taken to minimise impacts on flora and fauna, including:</p> <p>(i) inspection by a suitably qualified ecologist of buildings and structures (including exterior casings and insulations on stacks) to be demolished for the presence of microbats; and</p> <p>(ii) procedures for the safe relocation of microbats by a suitably qualified ecologist prior to the commencement of demolition works;</p>	<p>The pre-demolition management plans, which included the Biodiversity Management Plan, were approved by the DP&E on 5-Mar-2015 (DP&E approval letter, dated 5-Mar-2015, copy provided).</p> <p>The Biodiversity Management Plan is available on the CTCP website https://www.vivaenergy.com.au/operations/clyde/clyde-terminal-conversion-project).</p> <p>(c) Eco Logical Australia Pty Ltd (ELA) were commissioned by Viva Energy Australia Pty Ltd (Viva Energy) to provide pre-demolition microbat assessment (copy provided) of the main office building. It is reported that an ecologist undertook the surveys between 11 am and 12 midday, on Tuesday, 14 January 2020 and that no direct or indirect evidence of microbat occupancy was recorded during the survey.</p>	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
	<p>(d) include an updated <i>Plan of Management: Restoration of Green and Golden Bell Frog Habitat, Clyde, October 2013</i> for the construction, demolition and operation, incorporating:</p> <ul style="list-style-type: none"> • specific measures to be implemented such as frog-proof fences to exclude Green and Golden Bell Frogs from construction and demolition areas; • plans for the implementation and ongoing management of artificial breeding habitats; • monitoring protocols including long-term low frequency frog monitoring and a <i>Gambusia</i> monitoring program of the ponds and artificial breeding habitats; • active management procedures for ensuring ponds remain free of <i>Gambusia</i> including manually drying out small and intermediate ponds on an annual basis; <p>(e) include an updated Wetland Management Plan to include the creation of habitat opportunities for the Green and Golden Bell Frog; and</p> <p>(f) include a pest, vermin and noxious weed management plan.</p>	<p>(d), (e) An alternate concept design and revised plan of management for the Green and Golden Bell Frog (GGBF) habitat was evaluated by the University of NSW. This located the breeding ponds adjacent to the wetland area, with separate ponds to keep them free of <i>Gambusia</i> ('Mosquito Fish'). A revised Plan of Management was subsequently prepared (see below).</p> <p>It is reported in the 'EPBC Act Referral 2013/6878, Clyde Terminal Conversion Project, Annual Compliance Report – 2019' (copy provided) that the "Revised Plan of Management: Restoration of Green and Golden Bell Frog habitat, Clyde Terminal, January 2019" was approved by DoEE on 02 April 2019.</p> <p>Four lined ponds of different depths have now been constructed adjacent to the wetland area. These are fenced off and were filled by rainwater (refer to Appendix B.3, Table 11, ID # 7 & 8).</p> <p>The handover meeting records from the frog habitat construction company to the company (Dragonfly Environmental) that manages the ponds were sighted (dated 15/1/2020, copy not provided).</p> <p>Ongoing management of the frog habitat is provided by Dragonfly Environmental. Viva Energy require an annual submission from Dragonfly Environmental to cover the subsequent management requirements (e.g. ongoing maintenance works, etc.). The most recent annual submission was sighted (dated 24 February 2022, copy provided).</p> <p>(f) Actions to manage potential pests / vermin (e.g. clean up of litter) and weeds are included in the Biodiversity Management Plan. Viva Energy advised no specific pests (only occasional fox sightings).</p>		

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
HERITAGE MANAGEMENT – Archival Record				
C59	<p>The Applicant must commission an archival photographic and documentary recording of the existing fabric and operation of the Clyde Refinery. The archival recording must:</p> <ul style="list-style-type: none"> (a) be prepared by an appropriately qualified heritage expert, in accordance with the <i>Heritage Council Guidelines on Photographic Recording of Heritage Items Using Film or Digital Capture 2006</i>; (b) ensure the photographic recording is undertaken prior to demolition works taking place; (c) be submitted to the Heritage Council of NSW, the Council Library and the NSW State Library one month prior to the completion of demolition of the key refinery processing units; (d) include the recording of oral histories from past and present staff regarding the operations of the Clyde Refinery; (e) ensure the documentary recording contains a detailed timeline of representative pieces of equipment and tankfarms, together with copies of plans and schematics; (f) include a photographic archival recording of the former Clyde Refinery infrastructure. These may be staged to capture those elements being deconstructed prior to demolition works and the broader context of the equipment should be captured prior to its removal; and (g) include a photographic archival recording of the stacks. 	<p>It is reported in a previous IEA report that the auditors viewed the archival photographic and documentary recording. This was not sighted during the current IEA.</p> <p>An email from Viva Energy to the DP&E was sighted (dated 18-Dec-2015, copy provided), in which it is reported that confirmation of the delivery of the archival photographic record, archival equipment record and the oral history was attached from:</p> <ol style="list-style-type: none"> 1) NSW State Library 2) NSW Heritage Council 3) Parramatta Heritage <p>The attachments were not sighted; however, the DP&E has acknowledged receipt of this information to satisfy Condition C59 (email from DP&E, dated 3-Feb-2016, copy provided).</p>	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
C59A	<p>Prior to the commencement of the additional demolition works described in SSD 5147 MOD 1, the Applicant must update the archival record required by Condition C59 of this schedule. The updated record must include photographic archival recording of:</p> <ul style="list-style-type: none"> (a) the State Office Building; (b) the MTS1 35kV switch yard; (c) Tank T106; (d) LPG spheres V137 and V140; and (e) the LPG truck loading gantry. 	<p>The 'Stage 2 Archival Recording – Dec 2019' was sighted (copy not provided). This was observed to include photographic record of (a) to (e).</p>	<p>Compliant</p>	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
HERITAGE MANAGEMENT – Heritage Management Plan				
C60	<p>The Applicant must prepare and implement a Heritage Management Plan for the on-going management of heritage items on the site. The plan must:</p> <ul style="list-style-type: none"> (a) be prepared by an appropriately qualified heritage expert in consultation with Council; (b) be submitted to the Secretary for approval no later than 3 months from the date of this consent; (c) include an Archaeological Research Design and Methodology to manage subsurface impacts (if they occur), to the area of archaeological potential identified around the Bitumen Gantry through the removal of foundations or other invasive works; (d) include details for the relocation of the memorial to John Simpson Fell, Horace Liddon Spencer and Albert Edward Ward to a publicly accessible area, to be agreed in consultation with Council; and (e) include measures for the management of archaeological potential at the historical residential area along Devon Street and the second bitumen gantry. 	<p>An Historical Archaeological Assessment (HAA) was undertaken (dated May-2015, copy provided). It is concluded in the HAA that there are no archaeological resources on the site with research potential. This was acknowledged by the DP&E following their review of the HAA (letter dated 8-Jul-2015, copy provided) and the DP&E agreed that the Archaeological Research Design and Methodology required in C60(c) was not required.</p> <p>(d) The memorial stone has been relocated to outside the facility (nearer to gate 2).</p> <p>It is reported in the letter from the DP&E that “Viva has adequately satisfied all requirements of condition C60” (letter dated 8-Jul-2015, copy provided).</p>	Compliant	
HERITAGE MANAGEMENT – Unexpected Finds Protocol				
C61	<p>If any archaeological relics are uncovered during the course of the work, then all works must cease immediately in that area and the OEH Heritage Branch contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW Heritage Act 1977 may be required before further works can continue in that area.</p>	<p>Viva Energy advised that this has not been triggered. Although not verifiable, this would appear to be consistent with the HAA (refer to CC # C60).</p>	Not Triggered	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
C62	If Aboriginal objects are uncovered during work, excavation or disturbance of the area, work must stop immediately. The Regional Operations Group of the OEH is to be contacted. Aboriginal archaeological excavation must be co-ordinated with any proposed investigation of non-indigenous material.	Viva Energy advised that this has not been triggered. Although not verifiable, this would appear to be consistent with the HAA (refer to CC # C60).	Not Triggered	
LIGHTING & SIGNAGE – Lighting				
C63	The Applicant must ensure that the lighting associated with the Development: (a) complies with the latest version of <i>AS 4282(INT) – Control of Obtrusive Effects of Outdoor Lighting</i> ; and (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.	Example lighting was observed during the site inspection and did not appear to be obtrusive. No complaints have been recorded relating to lighting since the previous IEA (refer to Section 4.2.1).	Compliant	
LIGHTING & SIGNAGE – Signage				
C64	The Applicant must not install any advertising signs on site without the written consent of the Secretary.	Viva Energy advised that new advertising signs had not been installed. This could not be verified within the scope of the IEA; however, no advertising signs were observed during the site visit that appeared to be new. Therefore, this CC was categorised as 'compliant'.	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
SCHEDULE D ENVIRONMENTAL MANAGEMENT, REPORTING & AUDITING				
ENVIRONMENTAL MANAGEMENT – Environmental Management Strategy				
D1	<p>The Applicant must prepare and implement an Environmental Management Strategy for the Development to the satisfaction of the Secretary. This strategy must:</p> <ul style="list-style-type: none"> (a) be submitted to the Secretary for approval within 3 months of the date of this consent; (b) provide the strategic framework for environmental management of the Development; (c) identify the statutory approvals that apply to the Development; (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the Development; (e) describe the procedures that would be implemented to: <ul style="list-style-type: none"> • keep the local community and relevant agencies informed about the construction, demolition and operation and environmental performance of the Development; • receive, handle, respond to, and record complaints; • resolve any disputes that may arise during the course of the development; • respond to any non-compliance; • respond to emergencies; and 	<p>The Environmental Management Strategy (EMS) is available on the CTCP website (https://www.vivaenergy.com.au/operations/clyde/clyde-terminal-conversion-project).</p> <p>The version of the EMS (Rev.3) on the website is dated 10-May-2018 and includes the items listed in (b) to (f). Note: The management plans (item f) are listed in Appendix D of the EMS document; however, these are made available on the website as separate documents.</p> <p>The process for management of complaints is included in Section 3.3 of the EMS.</p> <p>The first version (v.0, dated April 2015) was accepted by the DP&E (letter from DP&E dated 16-Jun-2015, copy provided). It is noted in this letter that “the EMS is a working document and may be updated following an annual review, audit or incident. Such updates do not require subsequent approvals by the Department.”</p>	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
	(f) 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. 			
ENVIRONMENTAL MANAGEMENT – Management Plan Requirements				
D2	<p>The Applicant must ensure that the Management Plans required under this consent are prepared in accordance with any relevant guidelines, and include:</p> <p>(a) detailed baseline data;</p> <p>(b) a description of:</p> <ul style="list-style-type: none"> • the relevant statutory requirements (including any relevant approval, licence or lease conditions); • any relevant limits or performance measures/criteria; and • the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the Development or any management measures; <p>(c) a description of the measures that 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 	<p>The pre-demolition management plans were approved by the DP&E on 5-Mar-2015 (DP&E approval letter, dated 5-Mar-2015, copy provided). This included the:</p> <ul style="list-style-type: none"> • Dilapidation Report (refer to CC # B12). • Construction / Demolition Safety Study (refer to CC # C14). • Contamination Management Plan (refer to CC # C17) and Water Management Plan (refer to CC # C50). • Noise Management Plan (refer to CC # C25). • Air Quality Management Plan (refer to CC # C31). • Traffic Management Plan (refer to CC # C36). • Flood Emergency Response Plan (refer to CC # C42). • Waste Management Plan (refer to CC # C57). • Biodiversity Management Plan (refer to CC # C58). <p>Some of the requirements (e.g. protocol for incidents and complaints) are also included in the EMS (Refer to CC # D1).</p>	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
	<ul style="list-style-type: none"> • effectiveness of any management measures (see (c) above); (e) a contingency plan to manage any unpredicted impacts and their consequences; (f) a program to investigate and implement ways to improve the environmental performance of the Development over time; (g) a protocol for managing and reporting any: <ul style="list-style-type: none"> • incidents; • complaints; • non-compliances with statutory requirements; and • exceedances of the impact assessment criteria and/or performance criteria; and (h) a protocol for periodic review of the plan. <p><i>Note: The Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.</i></p>			
ENVIRONMENTAL MANAGEMENT – Revision of Strategies, Plans & Programs				
D3	<p>Within 3 months of the submission of:</p> <ul style="list-style-type: none"> (a) an annual review under Condition D4 of this schedule; (b) an incident report under Condition D5 and D6 of this schedule; (c) an audit report under Condition D7 of this schedule; and (d) any modifications to this consent, 	<p>Strategies, plans, and programs required under the consent have been progressively updated. For example, the following have been revised since the previous IEA:</p> <ul style="list-style-type: none"> • A “Revised Plan of Management: Restoration of Green and Golden Bell Frog habitat, Clyde Terminal” was completed in January 2019 (refer to CC # C58). • The Clyde Asbestos Management Plan is dated 19/03/2021 (Rev. 3, copy provided). 	<p>Compliant [(a) and (c)]</p> <p>Not Triggered [(b)]</p> <p>Non-Compliant [(d)]</p>	Refer to 2022/01 in Section 4.1.3.

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
	<p>the Applicant must review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of the Secretary.</p> <p><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>	<ul style="list-style-type: none"> • The current version of the Pollution Incident Response Management Plan is Rev. 3, dated 30-June-2021 (copy provided). • An updated Operational Air Quality Monitoring Program has been submitted to DP&E (email from DP&E dated 14-Jan-2021, copy provided). • The current version of the Clyde Terminal Emergency Response Plan (ERP) (SC-OPS-ER08-0004-PL) is Rev. 6.01, dated 18-03-2022 (copy provided). <p>(a) The Annual Environmental Performance Review (AEPR) reports for 2018, 2019 and 2020 do not identify any specific revisions to strategies, plans, and programs (refer to CC # D4) other than the “Revised Plan of Management: Restoration of Green and Golden Bell Frog habitat, Clyde Terminal” (see below).</p> <p>(b) Conditions D5 and D6 do not appear to have been triggered since the previous IEA.</p> <p>(c) Most of the recommendations from the previous IEA did not relate to revision of strategies, plans, and programs (refer to Section 4.3.5), however:</p> <ul style="list-style-type: none"> • The flood maps have been updated in Volume 4 of the Clyde Terminal Emergency Response Plan (ERP) (refer to CC # C42 and Recommendation No. 2018/04 in Section 4.3.5). • A “Revised Plan of Management: Restoration of Green and Golden Bell Frog habitat, Clyde Terminal” was completed in January 2019 (refer to CC # C58 and Recommendation No. 2018/06 in Section 4.3.5). <p>(d) The revision dates for some documents (e.g. EMM on the website, which is dated 10-May-2018) predate the MOD 1 approval (dated 29-July-2019); however, it is</p>		

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
		<p>noted in the Modification Report (dated 14-Jan-2019, copy provided) that the modification works would be undertaken through the existing EMS (and associated sub-plans) and EMM. This appears reasonable based on the nature of the MOD 1 works; however, the current EMM is still in draft (dated 1-Dec-2021) and does warrant updating to reflect some other changes (e.g. changes to the EPL and CCs) and a recommendation has been included in this IEA (refer to Recommendation No. 2022/01). Note: some documents have been amended and submitted to the Department (e.g. Operational Air Quality Monitoring Program – see above).</p>		
REPORTING – Annual Review				
D4	<p>By the end of July each year, or other timing as may be agreed by the Secretary, the Applicant must review the environmental performance of the Development to the satisfaction of the Secretary. This review must:</p> <p>(a) describe the construction and demolition activities that were carried out in the previous calendar year, and the construction and demolition activities proposed to be carried out in the coming calendar year;</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>Also refer to Section 4.2.2.</p> <p>The Annual Environmental Performance Review (AEPR) reports for 2018, 2019 and 2020 are available on the CTCP website (https://www.vivaenergy.com.au/operations/clyde/clyde-terminal-conversion-project).</p> <p>Note: The 2021 AEPR report is not on website as it is not due for submission to the DP&E until 31 July 2022 (viz. each report is for a calendar year and must be submitted by July of the following year).</p> <p>The 2020 AEPR report includes the items listed in (a) to (f) and was accepted by the DP&E (letter from DP&E dated 13/08/2021, copy provided).</p> <p>It is reported in the AEPR reports that groundwater monitoring was not required during the reporting periods. Although there are no specific limits relating to groundwater monitoring in the CCs or EPL, groundwater contamination was discussed in Section 17 of the EIS,</p>	Non-Compliant (Groundwater)	Refer to 2022/02 in Section 4.2.2.

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
	<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>	<p>monitoring is a management and mitigation measure included in Appendix C of SSD 5147 MOD 1 and monitoring is being undertaken (refer to CC # C50 and EPL # U1.1). It has been recommended that this aspect be included in the AEPR reports (refer to Section 4.2.2).</p>		
REPORTING – Incident Reporting				
D5	<p>Within 24 hours of the occurrence of an incident that causes (or may cause) harm to the environment, the Applicant must notify the Secretary and any other relevant agencies of the incident.</p>	<p>Only minor incidents have been reported within site (refer to Section 4.2.1); therefore, this CC does not appear to have been triggered since the previous IEA.</p>	Not Triggered	
D6	<p>Within 7 days of the detection of the incident, the Applicant must provide the Secretary and any relevant agencies with a detailed report on the incident.</p>	<p>Refer to CC # D5.</p>	Not Triggered	
INDEPENDENT ENVIRONMENTAL AUDIT				
D7	<p>Within a year of the date of this consent, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the Development. This audit must:</p> <p>(a) be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;</p> <p>(b) include consultation with the relevant agencies;</p>	<p>The Development Consent for the Clyde Terminal Conversion project (DA No. SSD 5147) is dated 14 January 2015.</p> <p>The previous IEA was undertaken on 15-17 and 31 May 2018 and the audit was completed on 25 July 2018 when the audit report was presented to site management (copy provided).</p>	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
	<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 (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 Secretary.</i></p>	<p>Due to the impact of COVID restrictions, an extension to the usual 3-year period specified in this CC was granted by the Department (refer to Appendix D).</p> <p>The previous IEA appears to have addressed the requirements of this consent condition. Receipt of the previous IEA report was acknowledged by the DP&E (letter from DP&E dated 10-Sept-2018, copy provided) and was noted to “generally satisfy the requirement of Schedule D, Condition D7”.</p> <p>Adoption and implementation of the action plan was also supported by the DP&E (letter from DP&E dated 10-Sept-2018, copy provided).</p>		
D8	<p>Within 3 months of commissioning this audit, or as otherwise agreed by the Secretary, the Applicant must submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report and a program for implementation.</p>	<p>The previous IEA was undertaken on 15-17 and 31 May 2018 and the audit was completed on 25 July 2018 when the audit report was presented to site management (copy provided).</p> <p>Receipt of the previous IEA report was acknowledged by the DP&E (letter from DP&E dated 10-Sept-2018, copy provided) and was noted to “generally satisfy the requirement of Schedule D, Condition D7”.</p> <p>Adoption and implementation of the action plan was also supported by the DP&E (letter from DP&E dated 10-Sept-2018, copy provided).</p>	Compliant	

CC #	Condition of Development Consent	Finding/s	Compliance Assessment	Corrective Action/s
ACCESS TO INFORMATION				
D9	<p>The Applicant must, to the satisfaction of the Secretary:</p> <p>(a) make the following information publicly available on its website:</p> <ul style="list-style-type: none"> • the documents referred to in Condition B2 of this consent; • current statutory approvals for the Development; • approved strategies, plans or programs; • a summary of the monitoring results of the Development, which have been reported in accordance with the various plans and programs approved under the conditions of this consent; • a complaints register, updated on a quarterly basis; • copies of any annual reviews (over the last 5 years); • any independent environmental audit, and the Applicant’s response to the recommendations in any audit; and • any other matter required by the Secretary; and <p>(b) keep this information up-to-date.</p> <p><i>Note: This requirement does not require any confidential information to be made available to the public.</i></p>	<p>The documents referred to in CC # B2, statutory approvals, approved management plans, complaints register (dated March 2022), annual reviews (2015 to 2021) and IEA reports (2016 and 2018) are available on the Viva Energy website https://www.vivaenergy.com.au/operations/clyde/clyde-terminal-conversion-project).</p> <p>Monitoring results (from January 2018 to March - April 2022) are reported on the Viva Energy website https://www.vivaenergy.com.au/sustainability/environment/environmental-reporting).</p> <p>The previous IEA includes Viva Energy’s response to the recommendations (some of which are also included in the AEPR reports, which are also available on the Viva Energy website).</p> <p>It was not possible to verify that the complaints register has been updated quarterly; however, this does not appear to be critical given the low number of recorded complaints and the most recent version is dated March 2022 (refer to Section 4.2.1).</p>	Compliant	

B.2 Conditions from Environment Protection Licence

Relevant conditions from the EPL are included in this Section.

Table 10 Audit Findings (Relevant Conditions from EPL)

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s												
1 Administrative Conditions																
A1 What the licence authorises and regulates																
A1.1	<p>This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.</p> <p>Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.</p> <table border="1" data-bbox="237 943 864 1299"> <thead> <tr> <th>Scheduled Activity</th> <th>Fee Based Activity</th> <th>Scale</th> </tr> </thead> <tbody> <tr> <td>Contaminated soil treatment</td> <td>Contaminated soil treatment</td> <td>Any annual handling capacity</td> </tr> <tr> <td>Waste processing (non-thermal treatment)</td> <td>Non-thermal treatment of hazardous and other waste</td> <td>Any annual processing capacity</td> </tr> <tr> <td>Chemical storage</td> <td>Petroleum products storage</td> <td>> 100000 kL storage capacity</td> </tr> </tbody> </table>	Scheduled Activity	Fee Based Activity	Scale	Contaminated soil treatment	Contaminated soil treatment	Any annual handling capacity	Waste processing (non-thermal treatment)	Non-thermal treatment of hazardous and other waste	Any annual processing capacity	Chemical storage	Petroleum products storage	> 100000 kL storage capacity	<p>Activities observed during the site inspection appeared to comply with the listed scheduled activities.</p> <p>Note: This condition does not include a scale limit for these scheduled activities.</p> <p>Note: This condition was amended (see red text) in response to DA No. SSD 9302 for the Western Area Remediation Project. Therefore, this amendment was excluded from the current IEA.</p>	Compliant	
Scheduled Activity	Fee Based Activity	Scale														
Contaminated soil treatment	Contaminated soil treatment	Any annual handling capacity														
Waste processing (non-thermal treatment)	Non-thermal treatment of hazardous and other waste	Any annual processing capacity														
Chemical storage	Petroleum products storage	> 100000 kL storage capacity														

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s						
A2 Premises or plant to which this licence applies										
A2.1	<p>The licence applies to the following premises:</p> <table border="1" data-bbox="253 459 846 823"> <thead> <tr> <th>Premises Details</th> </tr> </thead> <tbody> <tr> <td>CLYDE TERMINAL</td> </tr> <tr> <td>DURHAM STREET</td> </tr> <tr> <td>CAMELLIA</td> </tr> <tr> <td>NSW 2142</td> </tr> <tr> <td>PART LOT 2 DP 224288, PART LOT 1 DP 383675, PART LOT 101 DP809340, PART LOT 100 DP 1168951</td> </tr> </tbody> </table>	Premises Details	CLYDE TERMINAL	DURHAM STREET	CAMELLIA	NSW 2142	PART LOT 2 DP 224288, PART LOT 1 DP 383675, PART LOT 101 DP809340, PART LOT 100 DP 1168951	<p>This was current at the time of the IEA; however, Viva Energy advised that DPs may change in 1-2 months as the western area (~35 ha) is separated off.</p>	Note	
Premises Details										
CLYDE TERMINAL										
DURHAM STREET										
CAMELLIA										
NSW 2142										
PART LOT 2 DP 224288, PART LOT 1 DP 383675, PART LOT 101 DP809340, PART LOT 100 DP 1168951										
A2.2	<p>In relation to condition A2.1 the premise is defined on the drawing labelled "Clyde Terminal E.P.L. No. 570 Licenced Discharge Points" drawing No. CLR_0126667_0004 Rev. 1 (EPA Ref. DOC21/70815-1).</p>	<p>This drawing is available on the Viva Energy website: https://www.vivaenergy.com.au/sustainability/environmental-reporting (Note: It is included in the Environment Monitoring Data document).</p>	Note							

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
A3 Information supplied to the EPA				
A3.1	<p>Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.</p> <p>In this condition the reference to "the licence application" includes a reference to:</p> <p>a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998;</p> <p>and</p> <p>b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.</p>	<p>Based on the information on the EPA website, EPL No. 570 has been in place since at least 2002 and there have been 42 licence variations since 2002.</p> <p>It was not possible to verify that all works and activities are being carried out in accordance with the proposal contained in the licence application. However, Viva Energy advised that there is regular consultation with EPA (including two site inspections per year) and no issues relating to this condition were raised by the EPA during consultation prior to the site visit. Therefore, it has been categorised as 'compliant'.</p>	Compliant	
2 Discharges to Air and Water and Applications to Land				
P1 Location of monitoring/discharge points and areas				
P1.1	<p>The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.</p> <p><i>REFER TO EPL FOR TABLE</i></p>	<p>Note: This condition was added (see red text) in response to DA No. SSD 9302 for the Western Area Remediation Project. Therefore, this condition was excluded from the current IEA.</p>	-	

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
P1.2	<p>The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.</p> <p><i>REFER TO EPL FOR TABLE</i></p>	<p>There are 8 Licensed Discharge Points (LDPs) listed on the EPL. These are numbered: 1, 2, 4, 25, 26, 28, 29 and 30.</p> <p>LDP 1 = Biotreater effluent discharge LDP 2 = Main interceptor pump out LDP 4 = B2 system pump out LDP 25 = Flexible discharge point LDP 26 = B2 system monitoring point LDPs 28 and 29 = Overflows from ex-LBA interceptors LDP 30 = Outlet serving ex-LBA interceptor</p> <p>Note: LDPs 23, 24 and 27 have been removed from the EPL since the previous IEA. These were flexible discharge points that are no longer required.</p>	Note	
3 Limit Conditions				
L1 Pollution of waters				
L1.1	<p>Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.</p>	<p>Section 120 of the POEO Act relates to the prohibition of the pollution of waters and a person who pollutes any waters is guilty of an offence.</p> <p>No incidents have occurred since the previous IEA that have resulted in Viva Energy receiving a Penalty Notice from the EPA (refer to Section 4.3.1). Therefore, this condition has been assessed as 'compliant'.</p>	Compliant	
L1.2	<p>All wastewater generated by soil contamination activities must be disposed of off-site to a licensed facility that can lawfully receive the wastewater.</p>	<p>Note: This condition was added (see red text) in response to DA No. SSD 9302 for the Western Area Remediation Project. Therefore, this condition was excluded from the current IEA.</p>	-	

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s																			
L2 Load limits																							
L2.1	<p>The actual load of an assessable pollutant discharged from the premises during the reporting period must not exceed the load limit specified for the assessable pollutant in the table below.</p>	<p>The following Load Based Licence (LBL) data is provided on the EPA website (EPL No. 570):</p> <table border="1" data-bbox="896 531 1536 794"> <thead> <tr> <th rowspan="2">Assessable Pollutant</th> <th colspan="3">Load (kg)</th> </tr> <tr> <th>2018-2019</th> <th>2019-2020</th> <th>2020-2021</th> </tr> </thead> <tbody> <tr> <td>Benzene (Air)</td> <td>334</td> <td>262</td> <td>280</td> </tr> <tr> <td>Volatile organic compounds – Summer</td> <td>19,695</td> <td>15,547</td> <td>15,503</td> </tr> <tr> <td>Volatile organic compounds</td> <td>71,948</td> <td>52,213</td> <td>53,890</td> </tr> </tbody> </table> <p>Note: Data for July 2021 to June 2022 was not available for the current IEA. These comply with the limits specified in EPL # L2.2 below.</p>	Assessable Pollutant	Load (kg)			2018-2019	2019-2020	2020-2021	Benzene (Air)	334	262	280	Volatile organic compounds – Summer	19,695	15,547	15,503	Volatile organic compounds	71,948	52,213	53,890	Compliant	
Assessable Pollutant	Load (kg)																						
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Volatile organic compounds	71,948	52,213	53,890																				
L2.2	<p>The actual load of an assessable pollutant must be calculated in accordance with the relevant load calculation protocol.</p> <table border="1" data-bbox="235 1034 828 1244"> <thead> <tr> <th>Assessable Pollutant</th> <th>Load limit (kg)</th> </tr> </thead> <tbody> <tr> <td>Benzene (Air)</td> <td>26000.00</td> </tr> <tr> <td>Volatile organic compounds – Summer (Air)</td> <td></td> </tr> <tr> <td>Volatile organic compounds (Air)</td> <td>1250000.00</td> </tr> </tbody> </table> <p>Note: An assessable pollutant is a pollutant which affects the licence fee payable for the licence.</p>	Assessable Pollutant	Load limit (kg)	Benzene (Air)	26000.00	Volatile organic compounds – Summer (Air)		Volatile organic compounds (Air)	1250000.00	Refer to EPL # L2.1.	Compliant												
Assessable Pollutant	Load limit (kg)																						
Benzene (Air)	26000.00																						
Volatile organic compounds – Summer (Air)																							
Volatile organic compounds (Air)	1250000.00																						

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
L3 Concentration limits				
L3.1	For each monitoring/discharge point or utilisation area specified in the table below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.	Refer to EPL # L3.4.	Note	
L3.2	Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.	Refer to EPL # L3.4.	Note	
L3.3	To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table.	<p>Monitoring results (from January 2018 to March - April 2022) for all LDPs are reported on the Viva Energy website (https://www.vivaenergy.com.au/sustainability/environmental-reporting).</p> <p>Only the listed pollutants have been identified in the monitoring results as having been discharged via an LDP. Whilst it was not possible to verify that other pollutants have not been discharged, the nature of the facilities and operations would suggest that this is unlikely and Viva Energy have not received any Agency Notices, Orders, Penalty Notices or being subject to any Prosecutions associated with environmental performance of the CTCP since the previous IEA. Therefore, this has been categorised as 'compliant'.</p>	Compliant	
L3.4	Water and/or Land Concentration Limits <i>REFER TO EPL FOR TABLE</i>	<p>Note: The sampling method, units of measure, and frequency of monitoring is specified at EPL # M2.4 (e.g. daily during any discharge for pH at LDP 2) and the required concentration limit/s are specified at EPL # L3.4 (e.g. pH 6.0—9.0 at LDP 2).</p> <p>Discharge normally occurs from LDP 1 (Biotreater effluent discharge), which requires monthly monitoring (refer to EPL</p>	Compliant	

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
		<p># M2.1) to determine compliance with the concentration limits specified at EPL # L3.4.</p> <p>Monitoring for some of the LDPs is only required when there is a discharge. Consequently, some limits only apply when there is a discharge (refer to EPL # L3.5).</p> <p>Monitoring results (from January 2018 to March - April 2022) for all LDPs are reported on the Viva Energy website (https://www.vivaenergy.com.au/sustainability/environmental-reporting).</p> <p>The monitoring records reported on the Viva Energy website for the period since the previous IEA comply with the limits specified at EPL # L3.4; however, the monitoring results for LDP 1 for February 2019 include the following note: "Sample taken though not analysed due to an error in the chain of custody process". This has been categorised as 'non-compliant' for EPL # M2.1 due to failure to analyse the sample. Despite the absence of one analysed sample for LDP 1, EPL # L3.4 has been categorised as 'compliant' since the monitoring results for LDP 1 are consistently well below the licence limits across the 4-year period and there is no indication of the Biotreater being offline.</p>		
L3.5	<p>An exemption exists for Condition L3.1 for concentration limits of Total Suspended Solids (TSS) for Points 2 and 4. Within 48 hours of a rain event, water discharged at Points 2 and 4 must not exceed 80 milligrams per litre (mg/L) of TSS.</p>	<p>Monitoring results (from January 2018 to March - April 2022) for all LDPs are reported on the Viva Energy website (https://www.vivaenergy.com.au/sustainability/environmental-reporting). This has been categorised as 'compliant' since there were no reported discharges at Points 2 and 4 since the previous IEA (refer to Section 4.2.1).</p>	Compliant	

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s															
L3.6	The water that is permissible to be discharged from points 1, 2, 4, 25 must not contain any visible oil or grease.	Monitoring results (from January 2018 to March - April 2022) for all LDPs are reported on the Viva Energy website (https://www.vivaenergy.com.au/sustainability/environmental-reporting). This has been categorised as 'compliant' since there were no reported instances of visible oil or grease at Point 1 (refer to Section 4.2.1) and there were no reported discharges at Points 2, 4 and 25 since the previous IEA.	Compliant																
L4 Volume and mass limits																			
L4.1	<p>For each discharge point or utilisation area specified below (by a point number), the volume/mass of:</p> <p>a) liquids discharged to water; or;</p> <p>b) solids or liquids applied to the area;</p> <p>must not exceed the volume/mass limit specified for that discharge point or area.</p> <table border="1" data-bbox="253 922 846 1185"> <thead> <tr> <th>Point</th> <th>Unit of Measure</th> <th>Volume/Mass Limit</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>kilolitres per day</td> <td>4000</td> </tr> <tr> <td>2</td> <td>kilolitres per day</td> <td>5000</td> </tr> <tr> <td>4</td> <td>kilolitres per day</td> <td>5000</td> </tr> <tr> <td>30</td> <td>kilolitres per day</td> <td>5000</td> </tr> </tbody> </table>	Point	Unit of Measure	Volume/Mass Limit	1	kilolitres per day	4000	2	kilolitres per day	5000	4	kilolitres per day	5000	30	kilolitres per day	5000	<p>Note: The required volume limits are specified at EPL # L4.1 and the frequency of monitoring is specified at EPL # M7.1. Discharge normally occurs from LDP 1 (Biotreater effluent discharge), which requires ongoing monitoring with a flow meter and continuous logger (refer to EPL # M7.1). Viva Energy advised that discharge from 2, 4, 30 does not normally occur (These are to discharge directly from an interceptor or basin, which is not normal operation as this requires circulation of contents and a delay for testing). Monitoring results (from January 2018 to March - April 2022) for all LDPs are reported on the Viva Energy website (https://www.vivaenergy.com.au/sustainability/environmental-reporting). It is noted that there has been no reported discharge from LDP 2, 4 or 30 since the previous IEA, which is consistent with the feedback from the Viva Energy personnel.</p> <p>For LDP 1, the maximum daily discharge volume (based on measured flow rates when discharging) since the previous IEA varies from 991 kl/day to 2,729 kl/day. Viva Energy advised that the maximum recorded flowrate is probably close to the capacity of the pump (not verified).</p>	Compliant	
Point	Unit of Measure	Volume/Mass Limit																	
1	kilolitres per day	4000																	
2	kilolitres per day	5000																	
4	kilolitres per day	5000																	
30	kilolitres per day	5000																	

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
L5 Waste				
L5.1	The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.	Refer to EPL # L5.4 to L5.5 and 5.8 to 5.9.	Note	
L5.2	This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence.		Note	
L5.3	<p>Except as provided by any other condition of this licence, only the Hazardous and/or Liquid and/or Restricted Solid waste listed below may be generated and/or stored at the premises.</p> <ul style="list-style-type: none"> a) A100 Waste resulting from surface treatment of metals and plastics; b) B100 Acidic solutions or acids in solid form; c) C100 Basic solutions or bases in solid form; d) D120 Mercury; mercury compounds; e) D140 Chromium compounds (hexavalent and trivalent); f) D210 Nickel compounds; g) D220 Lead; lead compounds; h) D270 Vanadium compounds; i) D330 Inorganic sulfides; j) D360 Phosphorus compounds excluding mineral phosphates; 	<p>Due to the size of the facility, it was not possible to verify that only the listed categories of waste have been generated and/or stored at the premises since the previous IEA. However, it was noted that this list includes wastes that are typical for a terminal operation (e.g. J120, N120 and N205) and the 'Viva Waste Summary' spreadsheet (copy provided for 2021) only includes materials listed under this condition (i.e. J100, J120, N100, N205 or N/A) or permitted under L5.16 (i.e. Asbestos N220). Consequently, this condition has been categorised as 'compliant'.</p> <p>The EPL does not appear to currently permit the generation, storage or disposal of PFAS wastes. Viva Energy should consult with the EPA to determine if the EPL needs to be amended to address any future wastes of this type at the terminal.</p>	Compliant	2022/03 - The EPL does not appear to currently permit the generation, storage or disposal of PFAS wastes. Viva Energy should consult with the EPA to determine how the EPL should be amended to address any potential future wastes of this type at the terminal.

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
	<ul style="list-style-type: none"> k) F100 Waste from the production, formulation and use of inks, dyes, pigments, paints, lacquers and varnish; l) G110 Organic solvents excluding halogenated solvents; m) J100 Waste mineral oils unfit for their original intended use; n) J120 Waste oil/water, hydrocarbons/water mixtures or emulsions; o) J160 Waste tarry residues arising from refining, distillation, and any pyrolytic treatment; p) M100 Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCB's), polychlorinated naphthalenes (PCN's), polyterphenyls (PCT's) and/or polybrominated biphenyls (PBB's). q) M150 Phenols, phenol compounds including chlorophenols; r) M250 Surface active agents (surfactants), containing principally organic constituents and which may contain metals and inorganic materials; s) M260 Highly odorous organic chemicals (including mercaptans and acrylates); t) N100 Containers and drums which are contaminated with residues of substances referred to in this list; u) N120 Soils contaminated with a waste; v) N140 Fire debris and fire wash waters; w) N160 Encapsulated, chemically-fixed, solidified or polymerised wastes; x) N190 Filter cake; 			

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
	<ul style="list-style-type: none"> y) N230 Ceramic-based fibres with physicochemical characteristics similar to those of asbestos; z) R100 Clinical and related wastes; aa) T190 (or N205) Residues from industrial waste treatment/disposal operations; bb) Z100 Organic compounds (i.e. aliphatic nitrogen compounds); and cc) Z110 Inorganic compounds 			
L5.4	<p>Except as provided by any other condition of this licence, only the Hazardous and/or Liquid and/or Restricted Solid wastes listed below may be received at the premises from Viva Energy's EPA-licensed premises at Greenwich (Gore Bay Terminal, EPL 661) and Rosehill (Parramatta Terminal, EPL 660) for treatment, processing, reprocessing or disposal at the premises:</p> <ul style="list-style-type: none"> a) J100 Waste mineral oils unfit for their original intended use; b) J120 Waste oil/water, hydrocarbons/water mixtures or emulsions; c) M260 Highly odorous organic chemicals (including mercaptans and acrylates); and d) N120 Soils contaminated with a controlled waste. <p style="color: red;">Waste listed below may also be received from the Mascot Jet A1 fuel pipeline and/or Clyde to Gore Bay pipeline in the event of an emergency incident for storage at the premises. The storage area must be hardstand and bunded.</p> <ul style="list-style-type: none"> a) J120 Waste oil/water, hydrocarbons/water mixtures or emulsions, and b) N120 Solids contaminated with a controlled waste. 	<p>Viva Energy advised that oily water was previously received from Gore Bay (now discontinued) and that this condition was more relevant when operating the refinery (i.e. when transferring crude).</p> <p>New (red) text has been added to the EPL since the previous IEA to permit waste being brought back to the terminal if there is a leak from the pipelines. No waste of this type is currently on site.</p> <p>This condition does not appear to have been triggered since the previous IEA.</p>	Not Triggered	

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
L5.5	The licensee may receive Hazardous and/or Liquid and/or Restricted Solid waste from Viva Energy's EPA-licensed premises at Greenwich (Gore Bay Terminal, EPL 661) without the need for waste tracking records, however a record of any waste received must be made and retained at the Clyde Terminal.	<p>'Spent' activated carbon (AC) is received from Gore Bay, which is then trucked off-site (Note: This is categorised as Waste Code N205 - Residues from industrial waste treatment/disposal operations). The quantity transported to the Terminal is recorded on the 'Viva Waste Summary' spreadsheet (copy provided for 2021).</p> <p>Some sludge from slops tanks at Gore Bay is also being transported to the Terminal. The quantity transported to the Terminal is recorded on the 'Viva Waste Summary' spreadsheet (c. multiple examples over last couple of years).</p>	Compliant	
L5.6	<p>Except as provided by any other condition of this licence, only the Hazardous and/or Liquid and/or Restricted Solid waste listed below may be received via pipeline only from the EPA-licensed premises at Silverwater (Sydney Metropolitan Pipeline, EPL 1969) and Joint User Hydrant Installation (JUHI) for treatment, processing, reprocessing or disposal at the premises without the need for waste tracking.</p> <p>a) J120 Waste oil/water, hydrocarbons/water mixtures or emulsions.</p>	Viva Energy advised that there is no longer a pipeline connecting to Silverwater and the JUHI pipeline only discharges from the terminal (i.e. so would not normally receive waste oil/water). This condition does not appear to have been triggered and may no longer be applicable for the EST.	Not Triggered	2022/04 – Viva Energy should consult with the EPA to determine if EPL #L5.6 can be removed from the EPL.

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
L5.7	<p>Except as provided by any other condition of this licence, only the Hazardous and/or Liquid and/or Restricted Solid wastes listed below may be treated, processed, reprocessed or disposed of at the premises.</p> <ul style="list-style-type: none"> a) A100 Waste resulting from the surface treatment of metals and plastics, b) C100 Basic solutions or bases in solid form, c) J120 Waste oil/water, hydrocarbons/water mixtures or emulsions, d) M260 Highly odorous organic chemicals (including mercaptans and acrylates), e) N120 Soils contaminated with a controlled waste, f) N160 Encapsulated, chemically-fixed, solidified or polymerised wastes, and g) T190 Residues from industrial waste treatment / disposal operations. 	<p>During the site inspection, the waste materials observed to be treated, processed, reprocessed or disposed of at the premises appeared to comply with the listed materials. For example:</p> <ul style="list-style-type: none"> • Soil contaminated with a controlled waste at the land farm area (refer to Appendix B.3, Table 11, ID # 6). • Waste oily water at the interceptors and Biotreater (refer to Appendix B.3, Table 11, ID # 16). 	Compliant	
L5.8	<p>Except as provided by any other condition of this licence, only the Hazardous and/or Liquid and/or Restricted Solid waste listed below may be received from the EPA-licensed premises at Port Kembla (Park Pty Ltd, EPL 654) for treatment or processing at the premises without the need for waste tracking:</p> <ul style="list-style-type: none"> (a) J120 Waste oil/water, hydrocarbons/water mixtures or emulsions. 	<p>Viva Energy advised that this is uncommon (maybe once in 2014) but has been done since cessation of refining (not verified). Personnel interviewed during the audit could not recollect this having occurred since the previous IEA and it may have been a 'one-off' event. The 'Viva Waste Summary' spreadsheet (copy provided for 2021) does not include any record of receiving J120 waste from Port Kembla. Consequently, this condition was categorised as 'not triggered'.</p>	Not Triggered	<p>2022/05 – Viva Energy should consult with the EPA to determine if EPL # L5.8 can be removed from the EPL.</p>

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
L5.9	<p>Except as provided by any other condition of this licence, only the Hazardous and/or Liquid and/or Restricted Solid waste listed below may be received from the Viva Energy refinery at Geelong Victoria (Victorian EPA licence number 46555) for treatment, processing reprocessing or disposal at the premises.</p> <p>a) C100 Basic solutions or bases in solid form.</p>	<p>Caustic may be trucked to the Terminal from the refinery at Geelong Victoria. This is used in the Biotreater.</p> <p>Viva Energy advised that the Biotreater was originally provided for the refinery operations and is not required to treat the oily water from the terminal operations. A simpler 'polishing' to reduce TSS may be sufficient.</p> <p>If the Biotreater is decommissioned, then caustic will not be needed in future.</p> <p>The 'Viva Waste Summary' spreadsheet (copy provided for 2021) does not include any record of receiving C100 waste from Geelong. Consequently, this condition was categorised as 'not triggered'.</p>	Not Triggered	<p>2022/06 – If the Biotreater is decommissioned, then Viva Energy should consult with the EPA to determine if EPL # L5.9 can be removed from the EPL.</p>
L5.10	<p>After onsite treatment to reduce hydrocarbon contamination of soil or sediment to less than 1% on a weight basis, such treated waste must be disposed of onsite in the area marked "Treated Material Onsite Disposal Site (TPH < 1%)" as shown on drawing number CLR_0126667_0004 Rev1 (EPA ref. DOC21/70815-1), or offsite to a facility that can lawfully accept that waste.</p>	<p>The "Treated Material Onsite Disposal Site (TPH < 1%)" is located near the main control room and was sighted during the site inspection. There was no evidence of material having been disposed of in other areas; however, this was not fully verifiable due to the size of the facility.</p> <p>Some waste material from the land farm (sludge from geobags) have been transported from site. These are listed on the 'Viva Waste Summary' spreadsheet (copy provided for 2021).</p>	Compliant	
L5.11	<p>The licensee must comply with the conditions as specified in this licence or where no specific conditions are outlined in this licence, the licensee must comply with the Protection of the Environment Operations (Waste) Regulation 2014.</p>	<p>It is noted that this regulation primarily applies to Scheduled Waste disposal facilities (i.e. EPA-licensed landfills) and Scheduled Waste facilities that are not Scheduled Waste disposal facilities (e.g. EPA-licensed waste processing, resource recovery and waste storage facilities).</p> <p>This condition has been categorised as 'compliant' based on the findings of L5.1 to L5.10 above.</p>	Compliant	

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
L5.12	The Licensee must ensure that only Virgin Excavated Natural Material, Excavated Natural Material or other material approved in writing by the EPA is brought onto the Western Area of the premises.	Note: This condition was added (see red text) in response to DA No. SSD 9302 for the Western Area Remediation Project. Therefore, this condition was excluded from the current IEA.	-	
L5.13	The Licensee must keep records of all material imported onto the Western Area from off-site, including: a) the classification of the material b) the volume of the material. The Licensee must keep the records on-site and provide the records to EPA officers, if requested. The records must be kept for the length of the project described under SSD 9302.	Note: This condition was added (see red text) in response to DA No. SSD 9302 for the Western Area Remediation Project. Therefore, this condition was excluded from the current IEA.	-	
L5.14	The Licensee must assess and classify all liquid and non-liquid wastes to be taken off the Western Area in accordance with the latest version of EPA's Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014) and dispose of the wastes to a facility that may lawfully accept the wastes.	Note: This condition was added (see red text) in response to DA No. SSD 9302 for the Western Area Remediation Project. Therefore, this condition was excluded from the current IEA.	-	
L5.15	The Licensee must ensure any waste material imported to the Western Area for remediation, is in accordance with the requirements of a Resource Recovery Order and Exemption issued under the Protection of the Environment Operations (Waste) Regulation 2014.	Note: This condition was added (see red text) in response to DA No. SSD 9302 for the Western Area Remediation Project. Therefore, this condition was excluded from the current IEA.	-	

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
L5.16	<p>The Licensee must identify, separate and dispose of asbestos from the Western Area in accordance with the requirements of SafeWork NSW, the Work Health and Safety Regulation 2017 and relevant guidelines.</p> <p>Note: For the purpose of this licence, the Western Area refers to the section of the premises where soil contamination works, approved under SSD 9302, are being undertaken.</p>	<p>Note: This condition was added (see red text) in response to DA No. SSD 9302 for the Western Area Remediation Project. Therefore, this condition was excluded from the current IEA.</p>	-	
L6 Noise limits				
L6.1	<p>The licensee must implement all feasible and reasonable noise and vibration mitigation and management measures at the premise to minimise noise and vibration impacts in accordance with the Interim Construction Noise Guidelines (DECC, 2009).</p>	<p>Note: This condition was added (see red text) in response to DA No. SSD 9302 for the Western Area Remediation Project. Therefore, this condition was excluded from the current IEA.</p>	-	

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s											
L6.2	<p>Hours of operation – Contaminated Soil Treatment</p> <p>Soil contamination treatment works or activities approved under SSD 9302, may only be undertaken at the premises during the following times:</p> <table border="1" data-bbox="253 512 846 927"> <thead> <tr> <th>Activity</th> <th>Day</th> <th>Time</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Preparation works, remediation works (excluding the DTD Plant) And demobilisation</td> <td>Monday – Friday</td> <td>7 am to 6 pm</td> </tr> <tr> <td>Saturday</td> <td>8 am to 5 pm</td> </tr> <tr> <td>DTD Plant operation and maintenance works</td> <td>Monday – Sunday</td> <td>24 Hours</td> </tr> </tbody> </table>	Activity	Day	Time	Preparation works, remediation works (excluding the DTD Plant) And demobilisation	Monday – Friday	7 am to 6 pm	Saturday	8 am to 5 pm	DTD Plant operation and maintenance works	Monday – Sunday	24 Hours	<p>Note: This condition was added (see red text) in response to DA No. SSD 9302 for the Western Area Remediation Project. Therefore, this condition was excluded from the current IEA.</p>	-	
Activity	Day	Time													
Preparation works, remediation works (excluding the DTD Plant) And demobilisation	Monday – Friday	7 am to 6 pm													
	Saturday	8 am to 5 pm													
DTD Plant operation and maintenance works	Monday – Sunday	24 Hours													

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
L6.3	<p>Soil contamination treatment works and activities may be carried out outside the hours specified in Condition L5.1 under the following circumstances:</p> <ul style="list-style-type: none"> a) works that are inaudible at the nearest sensitive receiver; b) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; c) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm; <p>or</p> <ul style="list-style-type: none"> d) works agreed to in writing by the Planning Secretary. 	<p>Note: This condition was added (see red text) in response to DA No. SSD 9302 for the Western Area Remediation Project. Therefore, this condition was excluded from the current IEA.</p>	-	

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
L7 Potentially offensive odour				
L7.1	<p>No condition in this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.</p> <p>Note: Section 129 of the Protection of the Environment Operations Act 1997 provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.</p>	<p>Odour from the storage tanks is minimised by the use of Geodome and floating roofs.</p> <p>No offensive odours were detected during the site inspection.</p> <p>The Complaints Register is available on the CTCP website (https://www.vivaenergy.com.au/operations/clyde/clyde-terminal-conversion-project).</p> <p>The Complaints Register includes records of complaints from 2015 onwards and there are no records of complaints due to air quality (including odours) since the previous IEA (also refer to Section 4.2.1).</p> <p>Odour surveys have been undertaken in 2018, 2019, 2020 as part of air quality monitoring program, with a summary included in the AEPR reports (also refer to Section 4.2.2). Based on the low level of odour detected, Viva Energy advised that they may discontinue future odour surveys.</p>	Compliant	
L8 Other limit conditions				
L8.1	<p>The licensee may receive less than 100 tonnes per annum of biotreater sludge from another biological wastewater treatment plant in quantities sufficient for re-seeding (innoculating) the biological wastewater treatment plant.</p> <p>Note: For the purposes of this licence, biotreater sludge used for re-seeding (inoculating) the biological wastewater treatment plant is not considered to be a waste.</p>	<p>Viva Energy advised that re-seeding of the biological wastewater treatment plant has not been required since the previous IEA.</p> <p>Viva Energy advised that the Biotreater was originally provided for the refinery operations and is not required to treat the oily water from the terminal operations. A simpler 'polishing' to reduce TSS may be sufficient.</p> <p>If the Biotreater is decommissioned, then Biotreater sludge for re-seeding will not be needed in future.</p>	Not Triggered	2022/07 – If the Biotreater is decommissioned, then Viva Energy should consult with the EPA to determine if EPL # L8.1 can be removed from the EPL.

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
4 Operating Conditions				
O1 Activities must be carried out in a competent manner				
O1.1	Licensed activities must be carried out in a competent manner. This includes: a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.	Overall, based on the findings of this audit (including the site inspection), Viva Energy appear to be undertaking the licensed activities in a competent manner. Although some non-compliances were identified, these are considered low risk and therefore, this condition has been categorised as 'compliant'.	Compliant	
O2 Maintenance of plant and equipment				
O2.1	All plant and equipment installed at the premises or used in connection with the licensed activity: a) must be maintained in a proper and efficient condition; and b) must be operated in a proper and efficient manner.	Overall, based on the findings of this audit (including the site inspection), Viva Energy appear to be maintaining and operating the equipment in a proper and efficient condition / manner.	Compliant	

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
O3 Dust				
O3.1	The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.	<p>This has been categorised as ‘compliant’ based on the following observations:</p> <ul style="list-style-type: none"> • Grass has been grown on the former Mobil tank farm site to minimise dust generation and run-off of suspended solids (refer to Appendix B.3, Table 11, ID # 10). • There have been no recorded dust complaints from neighbours since the previous IEA (refer to Section 4.2.1). • An example SWMS for ‘Stockpile Cartage and Backfill’ was sighted (job no. 101353, dated 10/11/2021, copy provided), which includes example dust control measures (e.g. stopping works if too windy, wetting down of load if required to avoid dust from soil during transport, etc.). • There are fewer areas on site where dust generation may occur than were sighted during the previous IEA (particularly as the western area has now been separated and partially redeveloped). 	Compliant	
O4 Processes and management				
O4.1	The licensee must ensure that any liquid and/or non-liquid waste at its premise that is generated, stored, processed, reprocessed or disposed, or any combination of those activities, is assessed and classified in accordance with the EPA Waste Classification Guidelines as in force from time to time.	Waste classifications are included on the Viva Waste Summary spreadsheet (copy provided for 2021). This spreadsheet includes the EPA waste classification (general solid (non-putrescible), hazardous, liquid waste or special waste) and the waste code (J100, J120, N100, N205, N220 or N/A) for each waste material. It was noted that this list includes wastes that are typical for a terminal operation.	Compliant	

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
O4.2	Oily sludge and/or soil contaminated with hydrocarbon may be treated in the landfarm area or the sludge dewatering facility as defined by the shaded area labelled "Landfarm" and "Sludge dewatering facility" on drawing 'Environmental Protection Licence No.570 Licenced Discharge Points' - CLR_0126667_0004 Rev 1 (EPA ref. DOC21/70815-1).	The land farm area and sludge dewatering facility were sighted during the site inspection (refer to Appendix B.3, Table 11, ID # 5 & 6). Treatment of this type of waste was not observed anywhere else on site.	Compliant	
O4.3	Treated soil contamination with hydrocarbons and/or oily sludge may be disposed of in the disposal area as defined by the shaded area labelled "Treated Material Onsite Disposal Site (TPH < 1%)" on drawing 'Environmental Protection Licence No.570 Licenced Discharge Points' - CLR_0126667_0004 Rev 1 (EPA ref. DOC21/70815-1), or disposed offsite to a facility that can lawfully accept that class of waste.	Refer to EPL # L5.10.	Compliant	
O4.4	The licensee must store all chemicals, fuels and oils used for the development in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's <i>Storing and Handling of Liquids: Environmental Protection – Participants Manual</i> (Department of Environment and Climate Change, 2007).	Refer to CC # C49.	Compliant	
O5 Waste management				
O5.1	The licensee must ensure that waste identified for recycling is stored separately from other waste.	The central waste transfer station was sighted during the site inspection and appeared to be well organised (refer to Appendix B.3, Table 11, ID # 4).	Compliant	
O5.2	All above ground tanks containing material that is likely to cause environmental harm must be bunded or have an alternative spill containment system in place.	All tanks containing hydrocarbons or water treatment chemicals that were sighted during the site inspection were observed to be bunded (refer to Appendix B.3, Table 11, ID # 1).	Compliant	

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
05.3	<p>The licensee must ensure that suitable measures (e.g. high/low alarms, control valves with interlock control, one way valves) are installed on all tanks, ponds or clarifiers and associated pipes and hoses to prevent the spillage of waste.</p>	<p>Tank gauging systems are provided for the storage tanks. Each tank has two gauges – primary and independent with deviation alarm with yearly inspection and testing.</p> <p>The potential for overflow of the Biotreater, DAF and sand filter was discussed with Viva Energy personnel and only overflow of DAF was identified as a potential event. The DAF was not operational at time of IEA (Viva Energy advised that this is to be decommissioned when the Biotreater is decommissioned).</p> <p>Overflow of the DAF would require two pumps to fail over a prolonged period and there would be no release to environment as overflowed material would flow back to the interceptors.</p> <p>Due to the size of the facility, it was not possible to verify that measures exist to prevent all spillages from all sources; however, no specific non-compliances were identified.</p>	Compliant	
O6 Other operating conditions				
06.1	<p>Discharges to Duck River at Point 23, 24, and 25 must only be a result of dewatering from bunded areas in the tank farm or from water pressure testing of chemical storage tanks within the premises.</p>	<p>There are no fixed pumps in the bunds, so they are drained as required (prioritise based on need to access). The bunds normally drain to the interceptors, but when dewatering a bund following a hydrotest, the water discharged to the river via LDP 25.</p> <p>Monitoring results (from January 2018 to March - April 2022) for all LDPs are reported on the Viva Energy website (https://www.vivaenergy.com.au/sustainability/environmental-reporting). The reported results for LDP 25 indicate that there have been no discharges at this LDP since January 2018.</p>	Compliant	

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
O6.2	<p>Air emissions</p> <p>All plant and equipment installed at the premises or used in connection with the licensed activity:</p> <p>a) must be maintained in a proper and efficient condition; and</p> <p>b) must be operated in a proper and efficient manner.</p>	Note: This condition was added (see red text) in response to DA No. SSD 9302 for the Western Area Remediation Project. Therefore, this condition was excluded from the current IEA.	-	
O6.3	The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.	Note: This condition was added (see red text) in response to DA No. SSD 9302 for the Western Area Remediation Project. Therefore, this condition was excluded from the current IEA.	-	
O6.4	All operations and activities occurring at the premises must be carried out in a manner that will prevent or minimise the emissions of dust from the premises.	Note: This condition was added (see red text) in response to DA No. SSD 9302 for the Western Area Remediation Project. Therefore, this condition was excluded from the current IEA.	-	
O6.5	The licensee must implement a protocol for determining carbon bed breakthrough and carbon bed replacement for the Biopile Soil Vapour Extraction System(s). The protocol must be developed with the objective of operating the Soil Vapour Extraction System(s) in a proper and efficient manner. This must include as a minimum, monitoring as per the requirements of Condition M2.5.	Note: This condition was added (see red text) in response to DA No. SSD 9302 for the Western Area Remediation Project. Therefore, this condition was excluded from the current IEA.	-	
O6.6	The total exposed excavation area must not exceed 900 m ² at any time. For the purposes of this condition, an exposed excavation area means a disturbed ground surface as a result of the Stage 2 remediation works.	Note: This condition was added (see red text) in response to DA No. SSD 9302 for the Western Area Remediation Project. Therefore, this condition was excluded from the current IEA.	-	

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
O6.7	Stockpiles of unclassified contaminated material and stockpiles of contaminated material that has been identified as requiring onsite treatment must be covered at all times using a physical cover or suitable suppressant, except during periods when material is being added or removed from the stockpile.	Note: This condition was added (see red text) in response to DA No. SSD 9302 for the Western Area Remediation Project. Therefore, this condition was excluded from the current IEA.	-	
O6.8	Stockpiles of unclassified contaminated material and stockpiles of contaminated material that has been identified as requiring onsite treatment must be processed and, if required, moved to the biopile are for remediation as soon as reasonably practicable.	Note: This condition was added (see red text) in response to DA No. SSD 9302 for the Western Area Remediation Project. Therefore, this condition was excluded from the current IEA.	-	
5 Monitoring and Recording Conditions				
M1 Monitoring records				
M1.1	The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.		Note	
M1.2	All records required to be kept by this licence must be: <ul style="list-style-type: none"> a) in a legible form, or in a form that can readily be reduced to a legible form; b) kept for at least 4 years after the monitoring or event to which they relate took place; and c) produced in a legible form to any authorised officer of the EPA who asks to see them. 	SGS undertake the testing of the samples. Monitoring records for laboratory testing are emailed from SGS to Viva Energy. Viva Energy can also login to view the laboratory certificates. Records were sighted during the IEA dating back to 2014 via the 'SGS Engage' system (sighted, screenshot provided). Four years of monitoring results (from January 2018 to March - April 2022) for all LDPs are reported on the Viva Energy website (https://www.vivaenergy.com.au/sustainability/environmental-reporting).	Compliant	

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
M1.3	<p>The following records must be kept in respect of any samples required to be collected for the purposes of this licence:</p> <ul style="list-style-type: none"> a) the date(s) on which the sample was taken; b) the time(s) at which the sample was collected; c) the point at which the sample was taken; and d) the name of the person who collected the sample. 	<p>SGS undertake the testing of the samples.</p> <p>Viva Energy operators fill in the Chain of Custody (CoC) Form. Two example completed CoC forms were provided:</p> <ul style="list-style-type: none"> • A sample taken at LDP 1 on 3 February 2022. • Samples taken at LDPs 4, 26, 28 and 29 on 8 March 2022. <p>Both example completed CoC forms include the date and time the sample was collected, the point at which the sample was taken and the name of the person who collected the sample.</p> <p>Note: Item (d) is not applicable for the volume recorded at LDP 1 as this is recorded by a data logger.</p>	Compliant	

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
M2 Requirement to monitor concentration of pollutants discharged				
M2.1	<p>For the purposes of Condition M2.1, Special Frequency 1 means that monitoring must be carried out monthly during any discharge at Point 1. If results of sample analysis indicate possible exceedances of the discharge limits for pollutants at Point 1 as specified in the table in condition L3.4, sampling from Point 1 must be carried out daily during any discharge until sample analysis confirms that the concentrations of pollutants are below the pollutant concentration limits for Point 1.</p> <p>Note: Daily sampling from Point 1 as defined by Special Frequency 1 is only required to be carried out for analytes suspected of exceeding concentration limits in the licence for relevant pollutants.</p>	<p>Monitoring results (from January 2018 to March - April 2022) for all LDPs are reported on the Viva Energy website (https://www.vivaenergy.com.au/sustainability/environmental-reporting). The reported results for LDP 1 indicate that monitoring has been undertaken monthly (since January 2018), with one exception (see below). There are no exceedances of the concentration limits in the licence reported since the previous IEA for the monthly samples (i.e. no records that would have then triggered daily sampling).</p> <p>The monitoring results for February 2019 include the following note: "Sample taken though not analysed due to an error in the chain of custody process". This is reported as the only non-compliance for the 2019 Annual Return (viz. "Monthly sample from EPA Sample Point 1 (Biotreater discharge) was not analysed") and the EPA has categorised this non-compliance as "Appropriate Action taken by licensee". The Annual Return included details of the action implemented to avoid recurrence of this circumstance, i.e. implementation of a monthly work order to check and file sample results every month. Consequently, this condition has been categorised as 'non-compliant' and a recommendation has not been included.</p>	Non-Compliant	
M2.2	<p>Results of daily sampling at Point 1 as defined by Special Frequency 1 are not to be used when determining compliance with condition L3.1. The licensee must provide a representative sample from Point 1 during discharge in accordance with condition M2.1.</p>	<p>Not triggered (refer to EPL # M2.1).</p>	Not Triggered	

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
M2.3	For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:	Refer to EPL # M2.4.	Note	
M2.4	Water and/ or Land Monitoring Requirements <i>REFER TO EPL FOR TABLE/S</i>	<p>Note: The sampling method, units of measure, and frequency of monitoring is specified at EPL # M2.4 (e.g. daily during any discharge for pH at LDP 2) and the required concentration limit/s are specified at EPL # L3.4 (e.g. pH 6.0—9.0 at LDP 2).</p> <p>Discharge normally occurs from LDP 1 (Biotreater effluent discharge), which requires monthly monitoring (refer to EPL # M2.1).</p> <p>Monitoring for some of the LDPs is only required when there is a discharge (e.g. LDPs 28 and 29, which only require monitoring when there is an overflow event).</p> <p>Monitoring results (from January 2018 to March - April 2022) for all LDPs are reported on the Viva Energy website (https://www.vivaenergy.com.au/sustainability/environmental-reporting).</p> <p>The monitoring records reported on the Viva Energy website for the period since the previous IEA appear to comply with the sampling method, units of measure, and sample frequencies specified at EPL # M2.4. However, this was categorised as ‘non-compliant’ due to the one exception as noted above for EPL # M2.1 since the error in the chain of custody process did not enable the “obtaining of results by analysis”.</p>	Non-Compliant	

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
M2.5	<p>Air Monitoring Requirements <i>REFER TO EPL FOR TABLE/S</i></p>	<p>Note: This condition was added (see red text) in response to DA No. SSD 9302 for the Western Area Remediation Project. Therefore, this condition was excluded from the current IEA.</p>	-	
M2.6	<p>Special Frequency 2 means sampling is to be taken every weekday during the first week of biopile operations and until the Proof of Performance Verification Report (as per Special Condition E1.1) is submitted and approved in writing by the EPA.</p> <p>Following approval from the EPA, monitoring frequency will be amended to:</p> <ul style="list-style-type: none"> • Once every weekday for an SVE system which has an estimated lead vessel breakthrough time less than 30 days; and • Once every week for an SVE system which has an estimated lead vessel breakthrough time more than 30 days. 	<p>Note: This condition was added (see red text) in response to DA No. SSD 9302 for the Western Area Remediation Project. Therefore, this condition was excluded from the current IEA.</p>	-	
M2.7	<p>Special Method 2 means the method referred to in Table 6.5 in the Clyde Western Area Remediation Project Stage 2 Air Emissions Verification Report, dated 11 June 2021 (DOC21/550979).</p>	<p>Note: This condition was added (see red text) in response to DA No. SSD 9302 for the Western Area Remediation Project. Therefore, this condition was excluded from the current IEA.</p>	-	

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
M3 Testing methods - concentration limits				
M3.1	<p>Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:</p> <ul style="list-style-type: none"> a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or b) if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place. <p>Note: The Protection of the Environment Operations (Clean Air) Regulation 2021 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".</p>	<p>Note: This condition was added (see red text) in response to DA No. SSD 9302 for the Western Area Remediation Project. Therefore, this condition was excluded from the current IEA.</p>	-	

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
M3.2	Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.	<p>It was not possible to verify use of the Approved Methods Publication (or other approved methods) during the audit; however:</p> <ul style="list-style-type: none"> testing of pollutant concentrations is undertaken by SGS Australia Pty Ltd, which is a NATA accredited laboratory (Accreditation No. 2562, site no. 4354) and accredited for compliance with ISO/IEC 17025 (refer to https://www.nata.com.au/accredited-facility). Viva Energy were not aware of any requests to use non-approved methods, and this was not identified as an issue during consultation with the EPA representative (refer to Section 2.3.1). <p>Therefore, this EPL condition has been categorised as 'compliant'.</p>	Compliant	
M4 Testing methods - load limits				
M4	Note: Division 3 of the <i>Protection of the Environment Operations (General) Regulation 2021</i> requires that monitoring of actual loads of assessable pollutants listed in L2.2 must be carried out in accordance with the relevant load calculation protocol set out for the fee-based activity classification listed in the Administrative Conditions of this licence.	AECOM undertake the load-based calculations using the TANKS software, which is a method accepted by the EPA. The results are then reported in Section D of the Annual Return to the EPA (copies provided for 2020 and 2021). The actual load calculation method is also listed in the Annual Return for each pollutant (e.g. '280 (other EPA approved method)').	Compliant	

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
M5 Recording of pollution complaints				
M5.1	The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.	The complaints register is available on the CTCP website: https://www.vivaenergy.com.au/operations/clyde/clyde-terminal-conversion-project . This includes records of complaints from 2015 onwards (also refer to Section 3). There have been no recorded complaints since the previous IEA. Additional details are recorded in the MYOSH database (refer to EPL # M5.2).	Compliant	
M5.2	The record must include details of the following: a) the date and time of the complaint; b) the method by which the complaint was made; c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; d) the nature of the complaint; e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and f) if no action was taken by the licensee, the reasons why no action was taken.	The process for management of complaints is included in Section 3.3 of the EMS (copy provided) and includes the requirements listed under a) to f). The complaints register is available on the CTCP website: https://www.vivaenergy.com.au/operations/clyde/clyde-terminal-conversion-project . Note: The information required for a) to f) is included in MYOSH rather than the register on the website. There have been no recorded complaints since the previous IEA.	Compliant	

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
M5.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	The complaints register is available on the CTCP website: https://www.vivaenergy.com.au/operations/clyde/clyde-terminal-conversion-project . This includes records of complaints associated with the CTCP project from 2015 onwards (also refer to Section 3). Records in MYOSH date back to c. 2016. There have been no recorded complaints since the previous IEA.	Compliant	
M5.4	The record must be produced to any authorised officer of the EPA who asks to see them.	This was categorised as 'not triggered' since there have been no recorded complaints since the previous IEA.	Not Triggered	
M6 Telephone complaints line				
M6.1	The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.	The process for management of complaints is included in Section 3.3 of the EMS (copy provided). A 24-hour telephone number (including for complaints) is provided on the Viva Energy website (https://www.vivaenergy.com.au/operations/clyde/clyde-and-parramatta-terminals).	Compliant	
M6.2	The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.	A 24-hour telephone number (including for complaints) is provided on the Viva Energy website (https://www.vivaenergy.com.au/operations/clyde/clyde-and-parramatta-terminals).	Compliant	
M6.3	The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.		Note	

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
M7 Requirement to monitor volume or mass				
M7.1	<p>For each discharge point or utilisation area specified below, the licensee must monitor:</p> <p>a) the volume of liquids discharged to water or applied to the area;</p> <p>b) the mass of solids applied to the area;</p> <p>c) the mass of pollutants emitted to the air;</p> <p>at the frequency and using the method and units of measure, specified below.</p> <p style="text-align: center;"><i>REFER TO EPL FOR TABLE/S</i></p>	<p>Note: Only the volume of liquids discharged to water under item a) applies for the LDPs listed in the EPL that are associated with SSD 5147 MOD 1.</p> <p>Note: The frequency of monitoring and sampling method is specified at EPL # M7.1 (e.g. daily during any discharge by flow meter and continuous logger at LDP 1) and the required volume limit/s are specified at EPL # L4.1 (Note: Volume limits only apply for LPDs 1, 2, 4 and 30 – e.g. 5,000 kilolitres per day at LDP 2).</p> <p>Monitoring results (from January 2018 to March - April 2022) for all LDPs are reported on the Viva Energy website (https://www.vivaenergy.com.au/sustainability/environmental-reporting). It is noted that:</p> <ul style="list-style-type: none"> LDP 1 is being monitored by a flow meter and continuous logger (sighted during site inspection) as required by this condition (also refer to EPL # L4.1). There has been no reported discharge from LDP 2, 4 or 30 since the previous IEA. 	Compliant	

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
6 Reporting Conditions				
R1 Annual return documents				
R1.1	<p>The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:</p> <ol style="list-style-type: none"> 1. a Statement of Compliance, 2. a Monitoring and Complaints Summary, 3. a Statement of Compliance - Licence Conditions, 4. a Statement of Compliance - Load based Fee, 5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan, 6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and 7. a Statement of Compliance - Environmental Management Systems and Practices. <p>At the end of each reporting period, the EPA will provide to the licensee notification that the Annual Return is due.</p>	<p>Submission of the Annual Returns is recorded on the EPA website. Annual Returns are submitted electronically.</p> <p>Since the previous IEA, Annual Returns have been submitted on 27-Aug-2018, 03-Sep-2019, 26-Aug-2020 (copy provided) and 30-Aug-2021 (copy provided). The Annual Return for 2021-2022 is pending.</p>	Compliant	
R1.2	<p>An Annual Return must be prepared in respect of each reporting period, except as provided below.</p>	Refer to EPL # R1.1.	Compliant	

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
R1.3	<p>Where this licence is transferred from the licensee to a new licensee:</p> <ul style="list-style-type: none"> a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period. 	<p>The change of licensee (Shell to Viva Energy) was managed as an update to the licence. This is evidenced by the licence variation records on the EPA website.</p>	Compliant	
R1.4	<p>Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:</p> <ul style="list-style-type: none"> a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or b) in relation to the revocation of the licence - the date from which notice revoking the licence operates. 	<p>Refer to EPL # R1.3.</p>	Not Triggered	
R1.5	<p>The Annual Return for the reporting period must be supplied to the EPA via eConnect EPA or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').</p>	<p>Submission of the Annual Returns is recorded on the EPA website.</p> <p>Since the previous IEA, Annual Returns have been submitted on 27-Aug-2018, 03-Sep-2019, 26-Aug-2020 (copy provided) and 30-Aug-2021 (copy provided). The Annual Return for 2021-2022 is pending.</p> <p>Note: All Annual Returns are now required to be submitted electronically (i.e. not by registered post).</p>	Compliant	

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
R1.6	<p>Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date. The notification must specify:</p> <ul style="list-style-type: none"> a) the assessable pollutants for which the actual load could not be calculated; and b) the relevant circumstances that were beyond the control of the licensee. 	<p>Since the previous IEA, Annual Returns have been submitted on 27-Aug-2018, 03-Sep-2019, 26-Aug-2020 (copy provided) and 30-Aug-2021 (copy provided). The Annual Return for 2021-2022 is pending.</p>	Not Triggered	
R1.7	<p>The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.</p>	<p>Electronic records were sighted during the IEA showing retention of Annual Returns dating back to 2007.</p>	Compliant	
R1.8	<p>Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:</p> <ul style="list-style-type: none"> a) the licence holder; or b) by a person approved in writing by the EPA to sign on behalf of the licence holder. <p>Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.</p> <p>Note: An application to transfer a licence must be made in the approved form for this purpose.</p>	<p>Submission of the Annual Returns is recorded on the EPA website.</p> <p>The annual returns for 2019-2020 and 2020-2021 were sighted (copies provided). The Statement of Compliance (Section H) in both Annual Returns has been signed.</p> <p>Note: The pages in the Monitoring and Complaints Summary section have not been separately signed as this is now covered by the signature in the Statement of Compliance (Section H).</p>	Compliant	

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
R2 Notification of environmental harm				
R2.1	Notifications must be made by telephoning the Environment Line service on 131 555.	Only minor incidents have been reported within the site (refer to Section 4.2.1); therefore, this CC does not appear to have been triggered since the previous IEA.	Not Triggered	
R2.2	<p>The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.</p> <p>Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.</p>	Only minor incidents have been reported within the site (refer to Section 4.2.1); therefore, this CC does not appear to have been triggered since the previous IEA.	Not Triggered	
R3 Written report				
R3.1	<p>Where an authorised officer of the EPA suspects on reasonable grounds that:</p> <p>a) where this licence applies to premises, an event has occurred at the premises; or</p> <p>b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.</p>	Only minor incidents have been reported within the site (refer to Section 4.2.1); therefore, this CC does not appear to have been triggered since the previous IEA.	Not Triggered	
R3.2	The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.	Refer to EPL # R2.2 and R3.1.	Not Triggered	

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
R3.3	<p>The request may require a report which includes any or all of the following information:</p> <ul style="list-style-type: none"> a) the cause, time and duration of the event; b) the type, volume and concentration of every pollutant discharged as a result of the event; c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort; e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants; f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and g) any other relevant matters. 	Refer to EPL # R2.2 and R3.1.	Not Triggered	
R3.4	<p>The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.</p>	Refer to EPL # R2.2 and R3.1.	Not Triggered	

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
R4 Other Notifications				
R4.1	<p>The licensee must provide to the EPA air quality performance reports. The first report must be provided to the EPA by close of business on the Friday of the first week that the Soil Vapour Extraction systems are in operation. Weekly reporting is required until the Proof of Performance Verification Report (as per Special Condition E1.1) is submitted and approved in writing by the EPA.</p> <p>Following written approval by the EPA, reporting may occur at a frequency of one report per 4 weeks. These reports must be provided to the EPA by close of business every 4th Friday while the Soil Vapour Extraction Systems are in operation. This includes a final report which must be submitted at the completion of biopile remediation works.</p> <p>The report must include but is not limited to:</p> <ul style="list-style-type: none"> a) The monitoring data as required under condition M2.5 b) Actions taken to prevent activated carbon bed breakthrough at all times, including but not limited to: <ul style="list-style-type: none"> i. Actions taken during normal work hours ii. Actions taken outside of normal work hours iii. Evaluation of the remaining capacity and lifespan of each GAC bed iv. implementation of the contingency adsorption vessel as detailed in 101353 - Clyde WARP Remediation - Work Procedure 09A SVE 	<p>Note: This condition was added (see red text) in response to DA No. SSD 9302 for the Western Area Remediation Project. Therefore, this condition was excluded from the current IEA.</p>	-	

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
	<p>Breakthrough Management Procedure, Revision 1, dated 24 August 2021.</p> <p>c) Demonstrating the adequacy of the Soil Vapour Extraction system in preventing fugitive emissions from remediation biopiles at all times. This must include reference to but not be limited to:</p> <p>i. Outcomes of the cover inspections as per 101353 - Clyde WARP Remediation - Work Procedure 09A SVE Breakthrough Management Procedure, Revision 1, dated 24 August 2021.</p> <p>ii. Monitoring results for process parameters undertaken within each soil vapour extraction system (including pressure and flowrate).</p> <p>iii. Any corrective actions implemented to prevent fugitive emissions from biopiles.</p> <p>d) Monitoring data collected as per the air quality management procedure including any action taken when ambient VOC concentrations measured trigger the action levels identified in the Clyde Western Area Remediation Project Stage 2 Air Emissions Verification Report, dated 11 June 2021.</p> <p>Note: Unless otherwise advised, the air quality performance reports must be submitted to info@epa.nsw.gov.au</p>			

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
7 General Conditions				
G1 Copy of licence kept at the premises or plant				
G1.1	A copy of this licence must be kept at the premises to which the licence applies.	<p>A hyperlink to the EPA's licence search website page is provided on the Viva Energy website (sighted) at: https://www.vivaenergy.com.au/sustainability/environmental-reporting.</p> <p>Viva Energy advised that the EPL is also held at the main control room (not verified due to COVID restrictions). This was categorised as 'compliant' because site personnel were able to easily locate the current EPL (via the website link) even though a hard copy was not sighted at the premises.</p>	Compliant	
G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.	<p>A hyperlink to the EPA's licence search website page is provided on the Viva Energy website (sighted) at: https://www.vivaenergy.com.au/sustainability/environmental-reporting.</p>	Compliant	
G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	<p>A hyperlink to the EPA's licence search website page is provided on the Viva Energy website (sighted) at: https://www.vivaenergy.com.au/sustainability/environmental-reporting.</p>	Compliant	
G2 Signage				
G2.1	The location of all licensed discharge point numbers listed in the table in condition P1.1 must be clearly marked by signs at the premise. Signs must include the point identification number used in this licence and be located as close as practical to the point.	The locations of accessible LDPS were visited during the site inspection. These are clearly marked by signs (refer to Appendix B.3, Table 11, ID # 17).	Compliant	

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
G3 Other general conditions				
G3.1	Completed Programs <i>REFER TO EPL FOR TABLE/S</i>	Note: There are no current PRPs.	Note	
8 Pollution Studies and Reduction Programs				
U1 Soil and Groundwater monitoring program				
Reporting on Soil and Groundwater Monitoring and Investigation Activities				
U1.1	On or before 31 March 2011 and annually thereafter, a report must be submitted to the RegOps.MetroRegulation@epa.nsw.gov.au . The report must include: <ul style="list-style-type: none"> (a) a summary of groundwater monitoring results for the previous 12 months; (b) details of any soil or groundwater investigations undertaken and the results of such investigations; (c) details of the progress against works proposed in the previous year's report; (d) an update of the conceptual site model (CSM) if conditions change significantly; (e) an update of the Soil and Groundwater Monitoring Program (SGMP) if required. 	The Annual Progress Report for 2021 was sighted (Dated 31-Mar-2022, copy provided). Sections 3-7 of this report address the items (a) to (e). It is concluded in this report that contamination remains well characterised and the monitoring well network remains suitable to assess potential changes in environmental conditions. Evidence of submission of the report to the EPA was not verified.	Compliant	
9 Special Conditions				
E1 Proof of Performance Verification Report				
E1.1	Within 1 month of post commissioning of biopile remediation at the premises, the licensee must submit a Proof of Performance Verification Report (the	Note: This condition was added (see red text) in response to DA No. SSD 9302 for the Western Area Remediation Project. Therefore, this condition was excluded from the current IEA.		

EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s						
	<p>Verification Report) to the EPA at info@epa.nsw.gov.au. The Verification Report must:</p> <ul style="list-style-type: none"> a) Include the results of proof of performance monitoring as detailed in table 1 below. The monitoring must be conducted at each point source discharge for each biopile undergoing remediation. b) Include a discussion on the operating conditions at the time of proof of performance testing, and a demonstration that monitoring was undertaken at reasonable worst-case emissions c) Include a comparison of the emission rates determined from the results in (a) with the emissions rates utilised in the Air Quality Impact Assessment submitted for project approval. d) Should the results of the comparison in (c) show emission rates from post commissioning testing are higher than those contained in the Air Quality Impact Assessment, an assessment of potential impacts must also be included. <p style="text-align: center;">Table 1 – Post commissioning monitoring</p> <table border="1" data-bbox="255 1075 846 1238"> <thead> <tr> <th>Air pollutant</th> <th>Frequency</th> <th>Test Method</th> </tr> </thead> <tbody> <tr> <td>Volatile organic compounds</td> <td>Special Frequency 1</td> <td>TM-34</td> </tr> </tbody> </table> <p>Note: Special frequency 1 means two (2) rounds of post commissioning testing at each biopile point source discharge.</p>	Air pollutant	Frequency	Test Method	Volatile organic compounds	Special Frequency 1	TM-34			
Air pollutant	Frequency	Test Method								
Volatile organic compounds	Special Frequency 1	TM-34								



EPL #	Condition of EPL	Finding/s	Compliance Assessment	Corrective Action/s
	<p>Note: The proof of performance monitoring as required in table 1 must be undertaken during a period of reasonable worst-case emissions.</p> <p>Note: The EPA may amend the conditions of this licence upon review of the Verification Report.</p>			


B.3 Site and Equipment Inspections


Some findings from the site and equipment inspections are included in Appendix B.1 and B.2. Additional findings are listed below.



Table 11 Audit Findings (Site and Equipment Inspections – 24 March 2022)



ID #	Finding/s	Corrective Action/s
1	<p>Tanks were observed to be in bunded areas (hydrocarbons and water treatment chemicals).</p> <p style="text-align: center;">Photograph 1 Example Storage Tanks</p> <div style="display: flex; justify-content: space-around;">   </div>	



ID #	Finding/s	Corrective Action/s
2	<p>Quick flush systems are installed to dewater the storage tanks.</p> <p style="text-align: center;">Photograph 2 Example Quick Flush System</p> <div style="display: flex; justify-content: space-around;">   </div>	

ID #	Finding/s	Corrective Action/s
3	<p>Some tank farm bund walls have been reinforced with shot-creting.</p> <p style="text-align: center;">Photograph 3 Example Shot-Creting of Tank Farm Bund Walls</p> <div style="display: flex; justify-content: space-around;">   </div>	



ID #	Finding/s	Corrective Action/s
4	<p>The waste transfer station was sighted during the site inspection and appeared to be well organised.</p> <p style="text-align: center;">Photograph 4 Waste Transfer Station</p> <div style="display: flex; justify-content: space-around;">  </div>	

ID #	Finding/s	Corrective Action/s
5	<p>The sludge dewatering area was observed during the site inspection.</p> <p style="text-align: center;">Photograph 5 Sludge Dewatering Area</p> <div style="display: flex; justify-content: space-around;">   </div>	


ID #	Finding/s	Corrective Action/s
6	<p>The land farm area was observed during the site inspection.</p> <p style="text-align: center;">Photograph 6 Land Farm Area</p> <div style="display: flex; justify-content: space-around;">   </div>	



ID #	Finding/s	Corrective Action/s
7	<p>The frog habitat includes multiple ponds and appears to be well established.</p> <p style="text-align: center;">Photograph 7 Frog Habitat</p> <div style="display: flex; justify-content: space-around;">   </div>	

ID #	Finding/s	Corrective Action/s
8	<p>The frog habitat is isolated from the terminal area by a screen fence and gate. It was observed that there are some gaps around the gate to the frog habitat area. These gaps should be closed off.</p> <p style="text-align: center;">Photograph 8 Fence and Gate for Frog Habitat</p> <div style="display: flex; justify-content: space-around;">   </div>	<p>2022/08 – It was observed that there are some gaps around the gate to the frog habitat area. These gaps should be closed off to isolate the frog habitat from the terminal area.</p>


ID #	Finding/s	Corrective Action/s
9	<p>Areas where demolition has occurred (Phase 3) were observed.</p> <p style="text-align: center;">Photograph 9 Examples of Phase 3 Demolition Areas</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>Site of Former LPG Tanks</p>  </div> <div style="text-align: center;"> <p>Site of Former Main Office Building</p>  </div> </div>	


ID #	Finding/s	Corrective Action/s
10	<p>Grass has been grown on the former Mobil tank farm site to minimise dust generation and erosion.</p> <p>Photograph 10 Grass at Reclaimed Mobil Tank Farm Area</p> 	



ID #	Finding/s	Corrective Action/s
11	<p>Substation 32 was observed to be constructed on a platform above ground level.</p> <p style="text-align: center;">Photograph 11 Substation 32</p> 	





ID #	Finding/s	Corrective Action/s
12	<p>Flood warning signs were observed to be installed near a turnstile entry to the site.</p> <p style="text-align: center;">Photograph 12 Example Flood Warning Sign</p> <div style="display: flex; justify-content: space-around;">   </div>	

ID #	Finding/s	Corrective Action/s
13	<p>Sand / gravel bags are provided along some surface drains to act as a coarse filter. Some bags were observed to have degraded.</p> <p style="text-align: center;">Photograph 13 Example of Bags Adjacent to Surface Drains</p> <div style="display: flex; justify-content: space-around;">   </div>	<p>2022/09 – The degraded sand / gravel bags observed along some of the surface drains should be replaced (or removed if no longer required).</p>

ID #	Finding/s	Corrective Action/s
14	<p>A 'Stormwater only' sign was observed to be provided on the stormwater drain near the entrance to the terminal site.</p> <p>Photograph 14 Example 'Stormwater Only' Sign</p> 	

ID #	Finding/s	Corrective Action/s
15	<p>The area used for remediated soils was sighted during the site inspection.</p> <p style="text-align: center;">Photograph 15 Area for Remediated Soil</p> 	

ID #	Finding/s	Corrective Action/s
16	<p>The ex-LBA and main interceptors were sighted.</p> <p style="text-align: center;">Photograph 16 Example Interceptors</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>Example Ex-LBA Interceptor</p>  </div> <div style="text-align: center;"> <p>Example Main Interceptor</p>  </div> </div>	

ID #	Finding/s	Corrective Action/s
17	<p>Signage was observed for the LDPs (refer to EPL # G2.1).</p> <p style="text-align: center;">Photograph 17 Example Signs for LDPs</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>LDP 1</p>  </div> <div style="text-align: center;"> <p>LDP 28</p>  </div> </div> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>LDP 29</p>  </div> <div style="text-align: center;"> <p>LDP 30</p>  </div> </div> <p>A sign was observed on the ground near the ex-LBA interceptors. This was labelled 'EPA Licenced Discharge Point 1 Water Pump out'. This sign should be removed as it is understood to be obsolete.</p>	<p>2022/10 – A sign was observed on the ground near the ex-LBA interceptors. This was labelled 'EPA Licenced Discharge Point 1 Water Pump out'. This sign should be removed as it is understood to be obsolete.</p>

Appendix C Auditor Approval



Ms Erica Salazar Zarate
Viva Energy Australia Pty Ltd
Gate 3 Durham St
Rosehill NSW 2142

23 November 2021

Dear Ms Zarate

Independent Environmental Audit - Auditor Approval Shell Clyde Refinery Conversion - SSD-5147

I refer to your submission (SSD-5147-PA-5) seeking the agreement of the Planning Secretary of the Department of Planning, Industry and Environment (Department) for a suitably qualified, experienced and independent auditor to undertake an Independent Environmental Audit (IEA) of the Shell Clyde Refinery Conversion.

In accordance with Condition D7 of SSD-5147 (the Approval) and the NSW Government Independent Audit Post Approval Requirements 2020 (IPAR), the Secretary has agreed to the following auditor of Arriscar Pty Ltd:

- Mr Philip Skinner

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

The Independent Audit must be prepared, undertaken and finalised in accordance with the requirements of Condition D7 of SSD-5147. The Department also recommends consideration be given to the PAR to the extent that it does not contradict Condition D7 of SSD-5147. Failure to meet these requirements will require revision and resubmission.

<https://www.planning.nsw.gov.au/-/media/Files/DPE/Other/Assess-and-regulate/About-Compliance/independent-audit-post-approval-requirements-2020-05-19.pdf>

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

If you wish to discuss the matter further, please contact Michelle Larkin on 02 9995 6799.

Yours sincerely



Julia Pope

Appendix D Audit Extension



Department of Planning and Environment

Ms Erica Salazar Zarate
Viva Energy Australia Pty Ltd
Gate 3 Durham St
Rosehill NSW 2142

25 March 2022

Dear Ms Zarate

Shell Clyde Refinery Conversion (Viva Energy) - SSD-5147 Independent Environmental Audit Extension Request

I refer to your request (SSD-5147-PA-10) for an extension of time to undertake and submit an Independent Environmental Audit (IEA) of the Shell Clyde Refinery Conversion as required under Conditions D7 and D8 of the project approval SSD-5147.

The Department notes that the extension is required due to delays in the internal and external audit schedule resulting from COVID-19 restrictions.

As a nominee of the Planning Secretary, I agree to the extension of time as follows:

1. 31 March 2022: IEA undertaken
2. 30 June 2022: Submission of final IEA report.

Please append a copy of this letter to the IEA report.

If you wish to discuss the matter further, please contact Michelle Larkin, Compliance Officer, on 02 9995 6799 or compliance@planning.nsw.gov.au

Yours sincerely



Julia Pope
Team Leader Compliance - Metro
Compliance

As nominee of the Planning Secretary

Appendix E Independent Audit Declaration Form

Project Name	Clyde Terminal Conversion
Consent Number	SSD 5147
Description of Project	Conversion of Clyde refinery to a finished petroleum products import, storage and distribution terminal including demolition of the redundant infrastructure
Project Address	Gate 5, Durham Street, Rosehill NSW 2142
Proponent	Viva Energy Australia
Title of Audit	Independent Environmental Audit
Date	28 June 2022

I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:

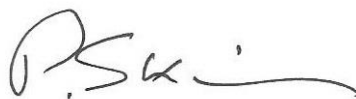
- i. the audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Compliance Requirements (Department 2019)*;
- ii. the findings of the audit are reported truthfully, accurately and completely;
- iii. I have exercised due diligence and professional judgement in conducting the audit;
- iv. I have acted professionally, objectively and in an unbiased manner;
- v. I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- vi. I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- vii. neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- viii. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

- a) Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- b) The *Crimes Act 1900* contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of Auditor Philip Skinner

Signature



Qualification Exemplar Global AU: *Management systems auditing*
Exemplar Global EM: *Environmental management systems*
Exemplar Global TL: *Leading management systems audit teams*

Company Address Level 26, 44 Market Street, Sydney NSW 2000