



# ***Caltex Kurnell Refinery Conversion***

*State Significant  
Development  
Modification Assessment  
(SSD 5544 MOD 5)*



May 2019

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### **Cover photo**

Kurnell Wharf, Sydney (Department of Planning and Environment 2018)

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# Glossary

Abbreviation	Definition
ACS	Asbestos contaminated soil
AHD	Australian Height Datum
Applicant	Caltex Refineries (NSW) Proprietary Limited
CCMP	Containment Cell Management Plan
Consent	Development Consent
Commission	Independent Planning Commission
Council	Sutherland Shire Council
CWO	Cooling water outlet
CWOMP	Cooling Water Outlet Management Plan
DEMP	Demolition Environmental Management Plan
Department	Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPL	Environment Protection Licence
km	Kilometres
LGA	Local government area
m	Metres
Minister	Minister for Planning and Public Spaces
NSW	New South Wales
Planning Secretary	Planning Secretary of the Department of Planning and Environment
RAP	Remedial Action Plan
Region Plan	A Metropolis of Three Cities – The Greater Sydney Region Plan
ROW	Right of way
SAS	Site Audit Statement
SEE	Statement of Environmental Effects
SSD	State Significant Development



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# 1. Introduction

This report provides an assessment of an application to modify the State significant development consent (SSD) for the conversion of the Caltex Kurnell Refinery (SSD 5544).

The modification application was lodged on 11 February 2019 by Caltex Refineries (NSW) Proprietary Limited (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The modification application seeks approval for an increase in the final capacity of the asbestos contaminated soil (ACS) containment cell, an extension to the duration of the ACS management works period, and the retention of a section of the cooling water outlet (CWO) pipeline beneath Prince Charles Parade and the dune area of Silver Beach. In addition, the application seeks to amend or remove conditions and management and mitigation measures which have been completed.

## 1.1 Background

The Applicant operates a finished fuel product import and distribution terminal (the terminal) at 2 Solander Street, Kurnell in the Sutherland local government area (LGA) (see **Figure 1**).



Figure 1 | Site Location

Between 1956 and 2014, the site was used as both an oil refinery and a storage and distribution terminal. Following a review of its operations in July 2012, the Applicant announced it would cease its refining operations. However, the site would continue to import finished and processed fuels, including gasoline, diesel and jet fuel for storage and distribution to its market customers.

To facilitate the conversion, the Applicant sought development consent (SSD 5544) to convert the Kurnell Refinery to a finished product import and distribution terminal, referred to as the Kurnell Refinery Conversion Works. The Kurnell Refinery Conversion Works was approved on 7 January 2014 and commenced in late 2014. The works were considered necessary to ensure operations within Australia remain viable, while also guaranteeing a safe and reliable supply of petroleum fuels to New South Wales (NSW) and the Australian Capital Territory. The works involved the conversion of existing infrastructure to allow for the site to operate as a terminal, and the shutdown of the existing refinery (completed in 2016).

The Applicant modified its development consent to undertake the demolition of redundant refinery infrastructure (SSD 5544 MOD 1), which commenced in late 2015 and was originally expected to be completed by mid-2018. The modification permitted the demolition and removal of redundant tanks, pipes and infrastructure within the terminal and on Silver Beach, Kurnell Wharf and various road reserves surrounding the site, including Captain Cook Drive, Prince Charles Parade, and Cook Street.

The development consent was modified again in late 2017 to allow for the on-site management of ACS via on-site containment. ACS was mainly contained in sections of the redundant pipe network, at depths of around 0.2-0.5 metres (m) below ground level (see **Figure 2**). The modification permitted the construction of an on-site aboveground containment cell with a maximum airspace capacity of up to 24,500 tonnes (t) of ACS, as well as associated leachate management and groundwater monitoring systems.

As of May 2019, the Applicant has completed the majority of the on-site demolition works, including the removal of existing refinery process units, redundant storage tanks and other associated refinery infrastructure. Excavation of ACS in the vicinity of the redundant pipe network is expected to be completed by mid-2019, while the closure of the ACS containment cell will be finalised by November 2019.

## 1.2 Subject Site

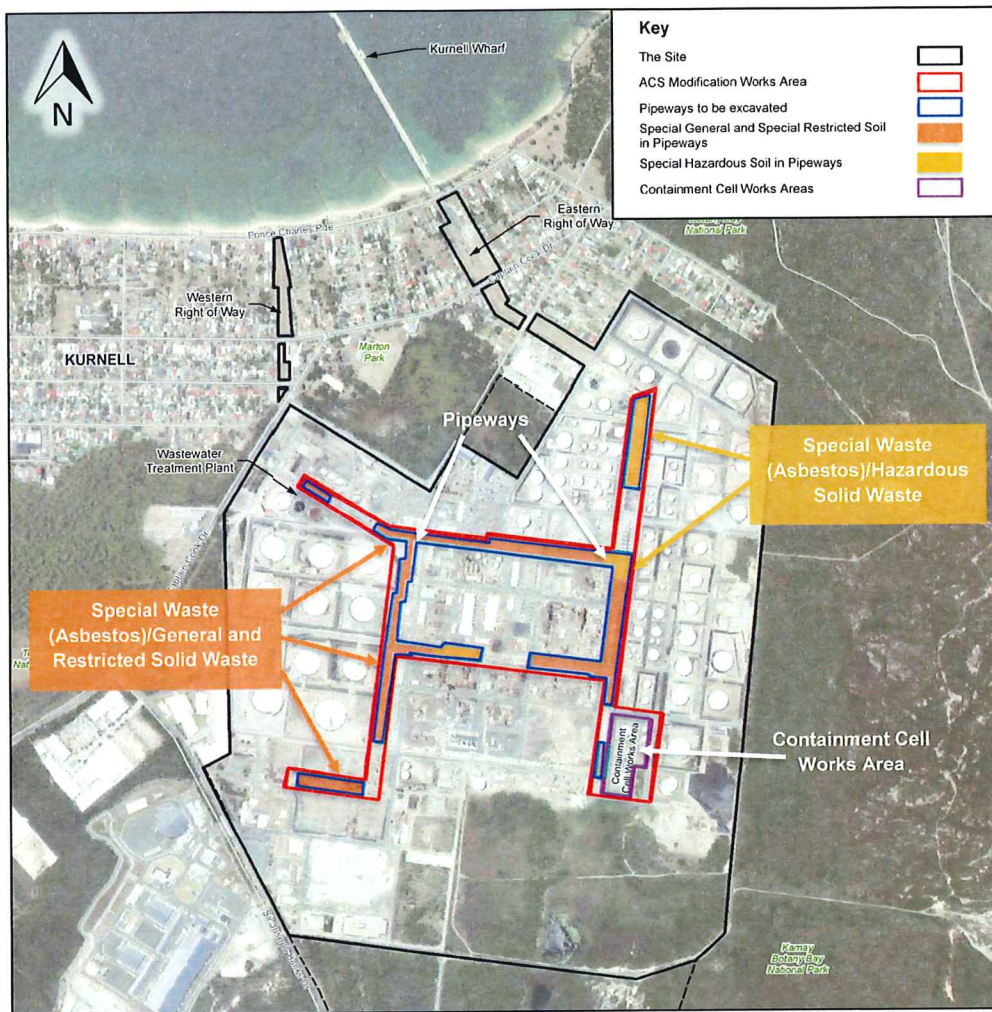
The terminal is located on the Kurnell Peninsula, within the Sutherland LGA, and is located approximately 15 kilometres (km) south of the Sydney CBD and 4 km south-east of Sydney Airport. The site has an area of approximately 187 hectares and is relatively level and low lying, at an elevation between 5-10 m Australian Height Datum (AHD).

Road access to the site is via Solander Street, off Captain Cook Drive. The site is surrounded by residential and industrial land uses and natural features (see **Figure 1**), including:

- the community of Kurnell village immediately to the north and north-west
- Quibray Bay Aquatic Reserve and Towra Point Nature Reserve (a RAMSAR wetland) to the west
- light industrial uses and the Sydney Desalination Plant to the west and south-west
- Kamay Botany Bay National Park to the east.

The closest sensitive receiver to the site is located approximately 30 m to the north of the site on Cook Street. The site is also subject to an existing Environment Protection Licence (EPL) No. 837 issued by the Environment Protection Authority (EPA).





**Figure 2 |** Location of ACS containment works approved under SSD 5544 MOD 2

### 1.3 Approval History

On 7 January 2014, development consent was granted by the former Planning Assessment Commission (the PAC) for the Kurnell Refinery Conversion Works (SSD 5544). The development consent permits the conversion of the Kurnell Refinery to a finished product import and distribution terminal, including modification of existing fuel storage tanks and extension of product pipelines for gasoline, diesel and jet fuel.

SSD 5544 has been the subject of four previous modifications. A summary of each modification is provided in **Table 1** below.

**Table 1 |** Summary of previous modifications to the development consent

MOD Number	Summary of Modifications	Approval Date
MOD 1	The modification permitted demolition and removal of redundant refinery process units, tanks, pipelines, pipe ways and infrastructure at the site.	10 August 2015
MOD 2	The modification permitted on-site containment and management of ACS present at the site.	27 October 2017
MOD 3	The modification permitted demolition and removal of Tank 101 in the far north-eastern corner of the site.	17 November 2017
MOD 4	The modification permitted extension of the demolition works period until 10 June 2019.	9 August 2018





## 2. Proposed Modification

On 11 February 2019, the Applicant lodged a modification application under section 4.55(1A) of the EP&A Act to modify development consent SSD 5544. The modification is described in full in the Statement of Environmental Effects (SEE) included in **Appendix B** and is illustrated in **Figure 3** below.

The modification application proposes the following:

- an increase in the final capacity of the ACS containment cell from 15,300 m<sup>3</sup> to 22,240 m<sup>3</sup>
- an extension in the duration of the ACS management works period by seven months, until 30 November 2019
- the retention of portions of the CWO pipeline beneath Prince Charles Parade and the dune area of Silver Beach
- the amendment or removal of conditions and management and mitigation measures which have been completed.

The changes proposed under the subject modification are described in further detail below.

### 2.1 ACS containment cell

Under SSD 5544 MOD 2, the original design of the ACS containment cell placed the base of the cell's leachate pump at the approximate existing ground level. However, during detailed design of the cell, the Applicant identified that this design would require a significant volume of fill to achieve the grades required to drain leachate into the sumps. Accordingly, the Applicant set the base of the leachate sumps below the existing ground level, which allowed existing soil to be used to grade the base of the cell. This change has resulted in a subsequent increase in the capacity of the cell, from 15,300 m<sup>3</sup> to approximately 22,240 m<sup>3</sup>. This additional capacity would provide contingency for variability in the density of soils, additional ACS encountered in the redundant pipe network, and containment of ACS from other parts of the site.

### 2.2 ACS management works period

Under the development consent (as modified), the Applicant is required to ensure all ACS management works are completed by 30 April 2019. The ACS management works include:

- construction of the ACS containment cell
- excavation of ACS from the redundant pipe network and subsequent filling of the ACS containment cell
- closure of the ACS containment cell once full.

The Applicant is seeking to extend the duration of the ACS management works period by seven months, until 30 November 2019. The Applicant has advised the extension is necessary to accommodate delays experienced due to adverse weather, ongoing discussions with the EPA, and finalisation of the containment cell design. It is anticipated the excavation of ACS from the redundant pipe network will be completed by mid-2019, following which the ACS containment cell will be closed. However, the Applicant is seeking an extension until 30 November 2019 to provide additional contingency, should further delays be encountered.

### 2.3 Retention of a section of the CWO pipeline

Under the development consent (as modified), the Applicant is required to remove the CWO pipeline from beneath the terminal site, the western right of way (ROW), Council roads, under Silver Beach and up to 20 m seaward from the low tide mark in Botany Bay. The CWO pipeline is 1.8 m in diameter, and is located

approximately 4 m below ground level. As of May 2019, the Applicant has removed the CWO pipeline from beneath the terminal site, the western ROW and to the north of the Silver Beach dune area (see **Figure 3**). The Applicant is also in discussions with Council regarding the future management of the CWO pipeline beneath Torres Street, Bridges Street and Captain Cook Drive.

With the agreement of Council, the Applicant is seeking the retention of a 35 m section of the CWO pipeline located beneath the Prince Charles Parade road reserve and the Silver Beach dune area. This section of the pipeline would be maintained *in situ*, and has subsequently been capped, filled with a flowable concrete grout and sealed. The Applicant has advised the retention of this section of the CWO pipeline would remove the need to undertake significant excavation underneath Prince Charles Parade and the dune area of Silver Beach, and subsequently reduce potential impacts upon the local community and the environmentally sensitive dune area.

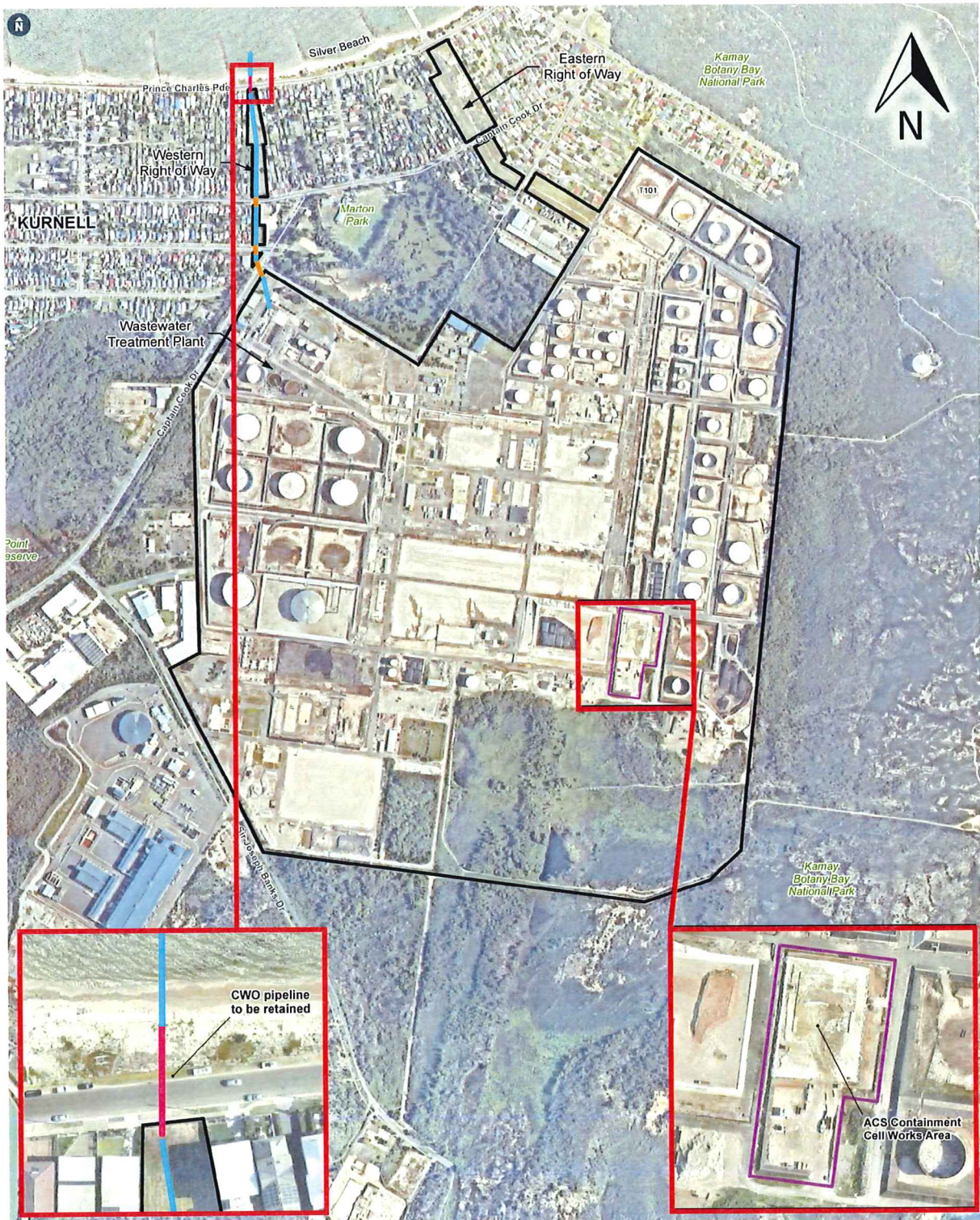
## 2.4 Amendment/removal of completed conditions

The Applicant is also seeking to amend or remove a number of conditions where the works they relate to have been completed. This includes subsequent amendments to the Applicant’s management and mitigation measures. An overview of the conditions proposed to be amended/removed and the matters to which they relate is provided in **Table 2** below.

**Table 2** | Overview of conditions proposed to be amended or removed

Condition No.	Description	Change proposed by Applicant
B9	Surrender of existing development consents	Removal
C2	Commissioning of terminal systems	Removal
C3	Preparation of hazard-related plans prior to the commencement of construction	Removal
C3A	Preparation of hazard-related plans prior to the commencement of demolition works	Removal
C4A	Preparation of an updated Emergency Plan prior to the commencement of demolition works	Removal
C5	Submission of pre-commissioning plans and pre-startup safety review checklists	Removal
C6	Submission of a pre-startup compliance report for each terminal system	Removal
C7	Submission of a post-startup compliance report for each terminal system	Removal
C7A	Preparation of a revised Fire Safety Study prior to the completion of demolition works	Removal
C30	Archival photographic recording during operation and decommissioning of the refinery.	Removal
C31	Preparation of a Heritage Management Strategy	Removal
C32 – C32B	Other heritage management and mitigation measures	Removal
D1	Preparation of a Construction Environment Management Plan	Removal
Appendix B	List of existing development consents to be surrendered	Removal
Appendix C	Management and mitigation measures	Update





- KEY**
- Site boundary
  - ▭ CWO pipeline – Proposed to be retained
  - ▭ CWO pipeline – Removed to date
  - ▭ CWO pipeline – Yet to be removed
  - ▭ ACS containment cell works area

**Figure 3** | Location of the ACS containment cell and the section of CWO pipeline proposed to be retained

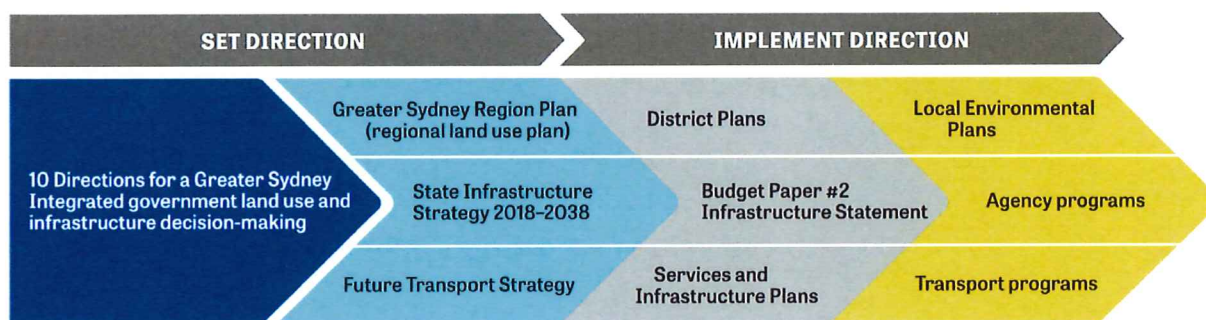




## 3. Strategic Context

### 3.1 Greater Sydney Region Plan

The vision of the Greater Sydney Region Plan 2018, *A Metropolis of Three Cities* (the Region Plan) falls within the integrated planning framework for Sydney (see **Figure 4**) and seeks to meet the needs of a growing and changing population by transforming Greater Sydney into a metropolis of three cities – the Western Parkland City, the Central River City and the Eastern Harbour City. It brings new thinking to land use and transport patterns to boost Greater Sydney’s liveability, productivity and sustainability by spreading the benefits of growth.



**Figure 4** | Integrated Planning for Greater Sydney

The proposed modification would continue to support the directions and objectives of the Region Plan by ensuring:

- the terminal (and the ACS containment cell) are not compromised by encroachment from sensitive land uses (see Objective 23)
- management of ACS at the site is undertaken in a safe and cost-effective manner, without the need for this material to be transported from the site (see Strategy 35.1)
- the ecology and heritage of the Silver Beach dune area is not compromised or disturbed as a result of excavation works (see Objective 25).

### 3.2 South District Plan

The Greater Sydney Commission has released six district plans encompassing Greater Sydney, which will guide the delivery of *A Metropolis of Three Cities*. The subject site is located within the South District, which forms part of the Eastern Harbour City.

The proposed modification is consistent with Planning Priority S10 and S11 of the *South District Plan*, as the amended ACS containment cell design would improve the operational efficiency of the terminal and facilitate the future development of new industrial and urban services activities on unused sections of the site. In addition, the proposed modification would assist in protecting the environmentally sensitive Silver Beach dune area through the retention of part of the CWO pipeline (see Planning Priority S13).



## 4. Statutory Context

### 4.1 Scope of Modifications

The Department of Planning and Environment (the Department) has reviewed the scope of the modification application and is satisfied the proposed modification would result in minimal environmental impacts, and relates to substantially the same development as the original development consent on the basis that:

- the primary function and purpose of the approved liquid fuel terminal would not change as a result of the proposed modification
- the modification is of a scale that warrants the use of section 4.55(1A) of the EP&A Act
- the approved fuel storage capacity of the liquid fuel terminal would remain unchanged as a result of the proposed modification
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of consent.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

### 4.2 Consent Authority

The Independent Planning Commission (the Commission) is the consent authority for the purposes of section 4.55(1A) of the EP&A Act and in accordance with clause 8A(2) of State Environmental Planning Policy (State and Regional Development) 2011, as a reportable political donation was made by the Applicant in the past two years.



## 5. Engagement

### 5.1 Department's Engagement

Clause 117(3B) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to SSD. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website on 15 February 2019, and was referred to Sutherland Shire Council (Council), the EPA and the Office of Environment and Heritage (OEH) for comment.

During the notification period, a total of three submissions were received, none of which objected to the proposed modification.

**Council** requested verification that the existing conditions of consent relating to the ACS management works have been satisfied, and that a copy of the development's revised Site Audit Statement (SAS) and Remedial Action Plan (RAP) be supplied for its review.

Council did not object to the extension of the ACS management works period or the retention of the CWO pipeline beneath Prince Charles Parade and the Silver Beach dune area.

The **EPA** requested further information regarding the timing of the construction of the ACS containment cell, the differences between the increased capacity of the ACS containment cell and the volume of ACS to be removed from the redundant pipe network, and the potential impacts of the modification upon leachate generation and groundwater quality.

The EPA also provided comments on the development's revised SAS and Site Audit Report, which do not form part of the subject modification.

The **OEH** requested the Applicant provide an assessment of the potential impacts of the modification upon biodiversity values at the site, in accordance with the requirements of the *Biodiversity Conservation Act 2016*.

### 5.2 Response to Submissions

On 20 March 2019, the Applicant provided a Response to Submissions (RTS) on the issues raised during notification of the proposed modification (see **Appendix B**). The RTS was made publicly available on the Department's website and provided to Council, the EPA and the OEH to consider whether it adequately addressed the issues raised. A summary of their responses is provided below:

- **Council** indicated it had no further comments in relation to the ACS management works, but reiterated its request that a copy of the development's revised SAS and RAP be supplied for its review. Following the receipt of these documents from the Applicant, Council indicated it had no further comments in relation to the proposed modification.
- The **EPA** sought clarification regarding soil sampling undertaken by the Applicant within the redundant pipe network, the submission of the development's revised RAP, and the difference between the capacity of the ACS containment cell and the volume of ACS removed from the redundant pipe network. Following the receipt of additional information from the Applicant addressing these matters, the EPA indicated it had no further comments in relation to the proposed modification.



- The **OEH** noted it supports the retention of the CWO pipeline beneath the Silver Beach dune area, but sought further clarification from the Applicant that the proposed modification would not increase the impact of the development upon biodiversity values. The Applicant subsequently noted the ACS containment cell has been constructed in a heavily disturbed section of the site, while the retention of the CWO pipeline beneath the Silver Beach dune area would avoid adverse ecological impacts previously assessed under SSD 5544 MOD 2. Following the receipt of this additional information from the Applicant, the OEH indicated it had no further comments in relation to the proposed modification.



## 6. Assessment

The Department has assessed the merits of the proposed modification. During this assessment, the Department has considered the:

- SEE provided to support the proposed modification (see **Appendix B**)
- submissions received from State government authorities and Council (see **Appendix C**)
- RTS and additional information provided by the Applicant (see **Appendix D**)
- assessment report for the original development application and subsequent modification applications
- existing conditions of consent (as modified)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

As the modification is primarily minor in nature and does not seek to change the production capacity of the site, the original studies assessed as part of the original development application and subsequent modifications are considered to remain valid for this modification.

The Department's assessment of the modification application is provided in **Table 3** below.

**Table 3** | Assessment of Issues

Findings	Recommendation
<b>Increase in the capacity of the ACS containment cell</b>	
<ul style="list-style-type: none"><li>• The development consent (as modified) permits the construction of an on-site aboveground ACS containment cell with a maximum airspace capacity of up to 24,500 tonnes of ACS.</li><li>• As part of its determination of SSD 5544 MOD 2, the PAC concluded the containment of ACS on the site in a suitably designed and constructed containment cell is an appropriate remediation outcome, having regard to the potential transport, work safety and long-term management risks associated with other disposal options.</li><li>• Following amendments made to the base of the containment cell during detailed design, the Applicant is seeking approval for a subsequent increase in the capacity of the cell, from 15,300 m<sup>3</sup> to approximately 22,240 m<sup>3</sup>, to provide additional contingency during the ACS management works. The final height of the containment cell would not change as a result of the amended design.</li><li>• The Applicant's assessment of the modification noted the amended capacity would not result in additional impacts to groundwater beyond those previously assessed as part of SSD 5544 MOD 2. In addition, as the footprint of the containment cell remains the same, the amended design would not increase the volume of leachate produced by the cell.</li></ul>	<ul style="list-style-type: none"><li>• Condition B2 is to be updated to ensure the filling and closure of the ACS containment cell is undertaken in accordance with the documentation submitted in support of this modification.</li></ul>

- Following the receipt of additional information from the Applicant, the EPA and Council indicated they had no further comments in relation to the amended containment cell capacity (see **Section 5**).
- The Department considers the amended capacity of the ACS containment cell would provide additional contingency during the finalisation of the ACS management works.
- Any potential impacts in relation to groundwater and leachate would be minor in nature, and would continue to be effectively managed through the existing development consent (as modified), the Demolition Environmental Management Plan (DEMP), and the Containment Cell Management Plan (CCMP).
- The Department's assessment concludes the amended design would continue to facilitate the safe and efficient containment of on-site ACS, and further support the conversion of the site into a finished product import and distribution terminal.

#### Extension of time for ACS Management Works

- The Applicant is seeking to extend the duration of the approved ACS management works period by seven months until 30 November 2019, to accommodate delays experienced due to adverse weather, ongoing discussions with the EPA, and finalisation of the containment cell design.
  - The proposed extension has the potential to impact upon nearby sensitive receivers primarily in relation to air quality and noise impacts.
  - The Applicant has indicated the proposed extension would not involve any additional works beyond those which were previously assessed and approved as part of SSD 5544 MOD 2.
  - The Applicant's assessment of the extension noted any potential impacts experienced during the extended ACS management works period would be of the same scale as those previously assessed by the Department, and would continue to be managed in accordance with the environmental protection measures contained in the CCMP and the existing development consent (as modified).
  - The EPA and Council did not object to the extension, subject to the Applicant satisfying all existing conditions of consent relating to the ACS management works.
  - While the modification would extend the period in which nearby sensitive receivers may experience potential impacts associated with the on-site ACS management works, the Department's notes such impacts would continue to be effectively managed through the existing development consent (as modified) and the development's CCMP.
  - In addition, the ACS containment cell is located in the south-eastern corner of the site and is shielded from nearby sensitive receivers by existing tanks and infrastructure (see **Figure 3**).
- Condition B7B is to be amended to reference '30 November 2019', instead of '30 April 2019'.



- To date, the Applicant has not received any complaints regarding the ACS management works, and will continue to update the local community on the ACS management works as part of its quarterly community meetings.
- The Department concludes the extension of the approved ACS management works period would ultimately allow for the completion and closure of the ACS containment cell, reducing any potential risk to the operating terminal, on-site workers, the local community and the surrounding environment.

#### Retention of a section of the CWO Pipeline

- Under the development consent (as modified), the Applicant is required to remove the CWO pipeline from beneath the terminal site, the western ROW, Council roads, under Silver Beach and up to 20 m seaward from the low tide mark in Botany Bay.
  - As part of its assessment of SSD 5544 MOD 1, the Department concluded the removal of the CWO pipeline would result in minimal impacts to Silver Beach and Council's road reserves, subject to the implementation of a CWO Management Plan (CWOMP) and the works being undertaken in consultation with Council.
  - Since the determination of SSD 5544 MOD 1, the Applicant has come to an agreement with Council to retain a 35 m section of the CWO pipeline beneath the Prince Charles Parade road corridor and the Silver Beach dune area. The Applicant is subsequently seeking the retention of this section of the pipeline as part of the current modification.
  - The retention of this section of the pipeline has the potential to impact coastal processes within the dune area and the future installation of services within the road corridor.
  - The Applicant's assessment of the proposed modification concluded the CWO pipeline is:
    - located approximately 4 m below the surface of the Silver Beach sand dune, and consequently is unlikely to impact upon coastal processes in this area
    - located approximately 3.2 m below the existing ground level in the Prince Charles Parade road corridor, and consequently is unlikely to impact upon the future installation of services in this area.
  - The EPA and the OEHL did not object to the retention of this section of the CWO pipeline, while Council noted the capping and filling of this section was previously completed in consultation with Council.
  - The Department considers the retention of the CWO pipeline beneath Prince Charles Parade and the Silver Beach dune area would not result in any additional environmental impacts beyond those previously assessed as part of SSD 5544 MOD 1. The removal of the remaining sections of the
- Conditions B16A and C32C are to be removed.
  - Condition C43C is to be updated to remove references to marine ecology impacts and works beneath the Silver Beach dune area.

CWO pipeline would continue to be undertaken in accordance with the development's CWOMP and in consultation with Council.

- The Department's assessment concludes the retention of this section of the CWO pipeline is acceptable and would continue to ensure the potential impacts of the development upon the local community and the environmentally sensitive dune area are minimised.
- The Department has subsequently recommended the removal of those conditions which specifically relate to the section of the CWO pipeline located beneath Prince Charles Parade and the Silver Beach dune area.

#### Amendment/removal of 'completed' conditions

##### Surrender of existing development consents

- Under Condition B9 of the development consent (as modified), the Applicant is required to surrender all existing development consents for the site in accordance with clause 97 of the EP&A Regulation. Appendix B provides a list of the State and local development consents which must be surrendered.
- On 22 March 2016, the Applicant formally surrendered those development consents which had been issued by Sutherland Shire Council.
- On 24 March 2016, the Applicant formally surrendered those development consents which had been issued by the State government.
- Consequently, the Department has recommended the removal of Condition B9 and Appendix B from the development consent.

- Condition B9 and Appendix B are to be removed.

- Conditions relating to hazards, construction and heritage management remain in the development consent.

##### Hazards, construction and heritage management conditions

- The Applicant has also requested the removal of a number of hazards, construction and heritage management conditions from the development consent, and subsequent amendments to the development's management and mitigation measures (see **Table 2**).
- The Applicant has requested the removal of these conditions on the basis that:
  - the works to which they relate have been completed or
  - as a result of the current modification they are no longer relevant.
- However, the Department notes the plans and requirements referred to in these conditions and the updated management and mitigation measures would continue to remain relevant beyond the construction and demolition periods of the development, or are directly referenced in other conditions within the consent which contain ongoing requirements.
- Accordingly, the Department does not support the removal of these conditions or management and mitigation measures at this time, and has not included their removal within the recommended modification instrument.





## 7. Evaluation

The Department has assessed the proposed modification and SEE, and considered the submissions provided by Council, the EPA and the OEH. The Department has also considered the objectives and the relevant considerations under section 4.55 of the EP&A Act. The Department considers the proposed modification is appropriate on the basis that:

- it will not result in any additional environmental impacts beyond the approved finished fuel product import and distribution terminal
- the increase in the capacity of the ACS containment cell is minor in nature, and would provide additional contingency during the finalisation of the ACS management works
- the extension of the ACS management works period would allow for the completion and closure of the ACS containment cell, reducing any potential risk to the operating terminal, on-site workers, the local community and the surrounding environment
- the retention of the section of the CWO pipeline beneath Prince Charles Parade and the Silver Beach dune area would continue to ensure the potential impacts of the development upon the local community and the environmentally sensitive dune area are minimised.

Following on from its assessment, the Department considers the modification application is approvable, subject to the modification conditions outlined in **Appendix E**. This assessment report is hereby presented to the Commission for determination.

  
**Chris Ritchie** 6/6/19.  
Director  
Industry Assessments

  
**Anthea Sargeant** 12/6/19  
Executive Director  
Key Sites & Industry Assessments



# Appendices

## Appendix A – List of Documents

The Department has considered the:

- Section 4.55(1A) modification (Modification 5) to SSD 5544, prepared by AECOM Australia Pty Ltd, dated 11 February 2019 and all attachments
- Letter titled 'Caltex Kurnell Refinery Conversion Project: Modification to the ACS management works and CWO Pipeline removal works (SSD 5544 MOD5) – Response to Submissions' prepared by AECOM Services Pty Ltd, dated 20 March 2019
- Email titled 'RE: HPE Content Manager OEH Response/Attachment Document: DOC19/174941-7: Scanned and Signed letter – Response to Submissions – Caltex Kurnell Refinery' prepared by AECOM Services Pty Ltd, dated 25 March 2019
- Email titled 'RE: Request for clarification – Response to Submissions – Caltex Kurnell Refinery Conversion Works (SSD 5544 MOD 5)' prepared by Caltex Refineries (NSW) Pty Ltd, dated 5 April 2019
- submissions received from Council and the relevant public authorities
- Environmental Impact Statement – Kurnell Refinery Conversion, prepared by URS Australia Pty Ltd, dated May 2013
- State Significant Development Assessment: Caltex Kurnell Refinery Conversion SSD 5544, prepared by the Department of Planning and Infrastructure, dated December 2013
- Statement of Environmental Effects – ACS Management Project, prepared by AECOM Australia Pty Ltd, dated October 2016
- Section 96(2) Modification Assessment: On-site Management of ACS, SSD 5544 MOD 2, prepared by the Department of Planning and Environment, dated 12 October 2017
- Letter titled 'Determination of Modification Application – Kurnell Refinery Conversion Works (SSD 5544 MOD 2)' prepared by the Planning Assessment Commission, dated 27 October 2017
- Greater Sydney Region Plan, A Metropolis of Three Cities – Connecting people, prepared by the Greater Sydney Commission, dated March 2018
- Our Greater Sydney 2056, South District Plan – Connecting communities, prepared by the Greater Sydney Commission, dated March 2018
- existing conditions of consent in SSD 5544 (as modified)
- relevant environmental planning instruments, policies and guidelines
- relevant requirements of the EP&A Act.



## Appendix B – Modification Application

Available on the Department's website at:

[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9890](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9890)

## Appendix C – Submissions

Available on the Department's website at:

[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9890](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9890)



## Appendix D – Response to Submissions

Available on the Department's website at:

[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9890](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9890)

## Appendix E – Notice of Modification