

# Modification of Development Consent

## Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

The Independent Planning Commission, as the declared consent authority under clause 8A of the State Environmental Planning Policy (State and Regional Development) 2011 and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, approves the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.

Member of the Commission

Member of the Commission

Sydney

2019

File: EF19/3398

### SCHEDULE 1

<b>Application No:</b>	SSD 5544
<b>Applicant:</b>	Caltex Petroleum Australia Pty Ltd
<b>Consent Authority:</b>	Minister for Planning and Infrastructure
<b>Development:</b>	Conversion of the existing Kurnell Refinery to a finished product import and distribution terminal
<b>Date of Original Consent:</b>	7 January 2014
<b>Modification:</b>	SSD 5544 MOD 5 – Asbestos contaminated soils containment cell, cooling water outlet pipeline and administrative amendments

### SCHEDULE 2

This consent is modified as follows:

- Delete the definition for 'ACS management works' and replace with the following:

ASC management works	Asbestos Contaminated Soils management works as described in section 1.4 of the <i>Response to Submissions - ACS Management Works</i> prepared by Aecom Australia Pty Ltd, dated June 2017, and as modified by MOD 5
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- Insert the following definitions in alphabetical order:

Heritage Management Strategy	Heritage Management Strategy titled <i>Caltex Kurnell Refinery Demolition: Heritage Impact Statement</i> , prepared by Australian Museum Consulting for URS Australia Pty Ltd, dated February 2014, version 3
MOD 5	Modification application to SSD 5544 for amendments to the ACS management works and CWO Pipeline removal works, as described in the Modification Report Kurnell Refinery Conversion Project SSD 5544 Modification 5, prepared by AECOM Australia Pty Ltd, dated 11 February 2019, as modified by the letter dated 20 March 2019 from AECOM Services Pty Ltd

### **In Schedule B: Administrative Conditions**

3. Delete Condition B2 and replace with the following:
  - B2. The Applicant must carry out the Development in accordance with the:
    - (a) EIS;
    - (b) RTS;
    - (c) site layout plans and drawings in the EIS (see Appendix A);
    - (d) MOD 1;
    - (e) MOD 2;
    - (f) MOD 3;
    - (g) MOD 4; and
    - (h) MOD 5.
4. In Condition B7B, delete the word "April" and replace with the word "November".
5. Delete Condition B9 and the heading "Surrender of Existing Development Consents".
6. Delete Condition B16A and the heading "Cooling Water Outlet Pipeline Removal".

### **In Schedule C: Environmental Performance and Management**

7. Delete Condition C32C.
8. Delete Condition C43C and replace with the following:
  - C43C. The Applicant must prepare and implement a Cooling Water Outlet Management Plan for the demolition works. The plan must:
    - (a) be prepared in consultation with Council;
    - (b) be approved by the Planning Secretary (see condition D1A for timing);
    - (c) include details of the timing and excavation program for pipeline removal, demolition methods, details of stockpiling, removal or reuse of excavated materials and the use of imported soils; and
    - (d) include details of the odour suppression measures during the pipeline removal works.

### **In Schedule D: Environmental Management, Reporting and Auditing**

9. In Condition D9, insert a new dot point immediately after the words "MOD 4 and its accompanying documents" as follows:
  - MOD 5 and its accompanying documents;

### **In the Appendices**

10. Delete Appendix B and the heading "Appendix B – Consents to be Surrendered".
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