



10 August 2015

NSW Planning Assessment Commission Determination Report

Modification Request for Kurnell Refinery Conversion (SSD 5544 MOD 1)

1. INTRODUCTION

Caltex Refineries (NSW) Pty Ltd (the Applicant) has submitted an application to modify the Approval for the Kurnell Refinery Conversion (SSD 5544). The modification application has been submitted under Section 96(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Kurnell Refinery is located on the Kurnell Peninsula within the Sutherland Shire Council area, lying approximately 15km south of Sydney's CBD. The site has an area of approximately 187 hectares.

2. PROPOSAL

Background to the Approved

On 7 January 2014, the Planning Assessment Commission approved a State Significant Development application (SSD 5544) for the conversion of the site's existing refinery to a finished product import and distribution terminal.

Proposed modification

The modification application seeks approval to demolish and remove redundant infrastructure as part of the Kurnell Refinery conversion works.

The demolition work would be carried out primarily within the Caltex terminal as well as in the following areas;

- Silver Beach;
- Kurnell Wharf;
- Continental Carbon Pipeway; and
- Road reserves along Captain Cook Drive, Prince Charles parade and Cook Street.

3. DELEGATION TO THE COMMISSION

The modification application was referred to the Commission for determination under the terms of the Ministerial delegation dated 14 September 2014 because reportable donations were made by the Applicant.

Joe Woodward was nominated as the Commission member for the project.

4. SITE VISIT

The Commissioner visited the site and surrounding area on 7 August 2015.

5. DEPARTMENT'S ASSESSMENT REPORT

The Department's Assessment Report identified the following key issues:

- Soil and groundwater impacts;
- Demolition hazards and risks; and

- Noise impacts.

The Department's Report recommended approval of the modification application subject to the proposed conditions. In summary, the Department was satisfied that, subject to the implementation of the recommended conditions, the impacts of the demolition works would be mitigated and/or managed to ensure an acceptable level of environmental performance.

6. MEETINGS

6.1 Applicant

The Commission met with the Applicant and its consultant on 7 August 2015. The purpose of the meeting was to get a better understanding of the proposal as well as inspect the proposed demolition works.

7. COMMISSION'S CONSIDERATION

Having considered the information available, the following key issues emerged for the modification application:

- Noise;
- Contamination; and
- Time limit of consent.

7.1 Noise

The Commission requested additional information regarding noise from the Department. The Department provided further advice that the EPA had provided in regards to the proposed conditions of consent.

The Applicant states within their application that during the removal of pipe in the right of ways (ROW) there is the possibility of the noise criteria being exceeded. The Commission agrees with the Department that the assessment for noise was quite conservative and notes that the Applicant has a comprehensive list of noise controls to minimise noise and whilst there is a possibility of exceedances' of the noise guideline level, this is unlikely to occur in practice. Furthermore, the impact period for any individual property to be exposed to noise will only be 2 weeks.

The Commission has made an amendment to the proposed condition C19. The Commission has amended the condition to require that no works take place on public holidays.

*C19. High noise generating construction and demolition works, including the pipeline removal works within the Eastern and Western Rights of Ways, shall be confined to less sensitive times of the day, and shall not be undertaken **on Sundays or public holidays or outside of the hours 7:00am and 6:00pm Monday to Saturday.***

The Commission is satisfied that the potential noise impacts of the development can be appropriately managed through the conditions of consent.

7.2 Contamination

The Commission discussed the potential issue of contamination arising from the proposed modification. The Commission is satisfied that any contamination that may occur from demolition works will be managed by the groundwater monitoring program and the existing water treatment system. The Commission also acknowledges that the wider contamination of the site will be regulated by the EPA.

7.3 Consent Time period

While the Applicant detailed in their application that the proposed demolition works would take two years to complete, the Department provided a condition that allows five years for the works to be complete. After discussions with the Applicant, it was agreed that three years was sufficient time to allow for the project to be completed and condition B7A has been amended to read as follows:

*B7A The demolition works associated with the development shall not extend beyond **3 years** from the date of consent of MOD 1.*

8. COMMISSION'S DETERMINATION

Accordingly, after careful consideration of the relevant information for the modification application, the Commission agrees with the Department that it should be approved, subject to the above changes to the Department's recommended conditions. The signed Instrument of Approval to reflect the approved modifications is attached.



Joe Woodward
Member of the Commission

APPENDIX 1
Minutes of Meeting/Site Visit with Applicant

Meeting note taken by Johanna Lee	Date: Friday, 7 August 2015	Time: 10:00am
Project: Kurnell Refinery Conversion		
Meeting place: Kurnell Refinery		
Attendees: PAC Members: Joe Woodward PAC Secretariat: Johanna Lee Jos Kusters (Caltex Senior Environmental Specialist); Jeff Andrews (Caltex Decommissioning and Demolition Project Lead); Craig Collard (Caltex Demolition Execution Superintendent) and Rachel O'Hara (URS Senior Environmental Specialist)		
The purpose of the meeting is to discuss the modification and inspect the site.		
<u>General</u> <ul style="list-style-type: none"> • The shut down on the site began in September 2014. • The majority of the scope is located within the Caltex boundaries only the right of ways are located outside of the site. <u>Timeframe</u> <ul style="list-style-type: none"> • The proposed schedule for the works is August 2015 to the end of 2017. Applicant confirmed a time limit of 3 years for the consent would be satisfactory. <u>Noise</u> <ul style="list-style-type: none"> • Queried why the proposed condition for work hours did not make reference to not working on public holidays. The Applicant explained that this was a historical condition that was carried over. Agreed that adding no work on public holidays would be acceptable. • Clarification was requested on the 2 week respite referred to in noise assessment. Caltex explained that the pipe proposed to be removed has been split up into section which will take approximately two weeks to complete. At completion Caltex will move on and have no need to return to that section. <u>Monitoring</u> <ul style="list-style-type: none"> • Discussed the proposed monitoring of air, water, groundwater and noise. Caltex also outlined how they communicate information with the community via quarterly meetings and letter drops. It was acknowledged that the proposed monitoring and public communication of information proposed was satisfactory. <u>Contamination</u> <ul style="list-style-type: none"> • Contractors will be trained on Contamination Management. • Caltex already working with EPA and have provided previous contamination investigations to EPA who have identified some gaps. Caltex are working on a gap closure plan. • A number of wells have been put in to help identify contaminations. • Wells owned by members of the local community are tested every 7 years 2015 is a test year. • Asbestos management –fully enclosed areas for removal which only licensed contractors are allowed within and there is an onsite fulltime occupational hygienist overlooking the removal. 		
Documents: Nil		
Outcomes/Agreed Actions: Nil		
Meeting closed at 11:50am		