



Ms Carolyn McNally  
Secretary  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

17 November 2017

Dear Ms McNally

**Determination of Modification Application  
Kurnell Refinery Conversion Works (SSD 5544 MOD 3)**

Thank you for your Department's letter received on 7 November 2017, referring the above modification application to the Planning Assessment Commission for determination under Ministerial delegation of 14 September 2011. Mr John Hann, Dr Marcus Lincoln-Smith and Mr Soo-Tee Cheong constituted the Commission to determine the application.

Caltex Australia Petroleum Pty Ltd applied under section 96(2) of the *Environmental Planning and Assessment Act 1979* to modify the development consent for the Kurnell Refinery Conversion Works to permit the demolition and removal of fuel storage Tank 101 on the site.

The Commission has considered carefully the Department's environmental assessment report, all information provided by the applicant, recommendations from government agencies, including Sutherland Shire Council and section 96 and 79C of the *Environmental Planning and Assessment Act 1979*.

The key matter for this application is the applicant's approach to the management of noise impacts associated with the demolition of Tank 101. The Commission has reviewed the Department's assessment of these matters and is satisfied that:

- the predicted noise impacts compared to criteria from the demolition of Tank 101, are limited to two adjacent residential properties;
- the elevated cumulative noise impacts would be limited to daylight hours, occur over a short, four-week timeframe and would be associated with specific activities which would not occur uniformly during the demolition process;
- the existing 2.5 m high tank bund is likely to mitigate some of the predicted noise impacts;
- other aspects of the proposed modification including contaminated soil, and impacts to surface water, groundwater and air quality, could be appropriately managed through existing management plans and conditions of consent, as amended for the modification; and
- the New South Wales Environment Protection Authority has reviewed the modification and considers that the potential impacts of the demolition can be managed under the existing operation and management programs, as amended for the modification.

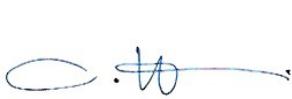
The Commission notes that the applicant has managed the removal of the adjacent Tank 102 without complaint from the Kurnell community and has a community consultation and engagement program.

The Commission also notes that the demolition project would address community concerns and support for the removal of Tank 101.

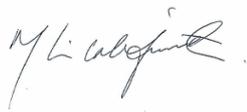
The removal of Tank 101 would permanently eliminate the risk posed by this facility to the workers, operating terminal, local community and the environment.

The Commission considers the proposed modification does not fundamentally change the essential nature of the approved development as the site would continue to be used as an approved finished fuel product import and distribution terminal. In the Commission's view, the proposed changes are within the scope of section 96(2) and may be considered for approval by the Commission.

For the reasons set out above, the Commission has determined to approve the modification application subject to the conditions set out in the instrument of approval.



**Mr John Hann (Chair)**  
**Member of the Commission**



**Dr Marcus Lincoln-Smith**  
**Member of the Commission**



**Mr Soo-Tee Cheong**  
**Member of the Commission**

cc. The Hon. Anthony Roberts, MP  
Minister for Planning  
GPO Box 5341  
SYDNEY NSW 2001