

# 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

2018

File: EF18/8796

### SCHEDULE 1

|                                  |                                                                                                    |
|----------------------------------|----------------------------------------------------------------------------------------------------|
| <b>Application No:</b>           | SSD 5544 MOD 4                                                                                     |
| <b>Applicant:</b>                | Caltex Petroleum Australia Pty Ltd                                                                 |
| <b>Consent Authority:</b>        | Minister for Planning                                                                              |
| <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 4 – Extension of the Demolition Works Period                                          |

### SCHEDULE 2

This consent is modified as follows:

- Delete the definitions for “Development” and “Secretary” and insert the following definitions in alphabetical order:

|                    |                                                                                                                                                                                                                                          |
|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Development        | The development described in the EIS and RTS and depicted in Appendix A, being for the conversion of the existing Kurnell Refinery to a finished product import and distribution terminal, as modified by the conditions of this consent |
| Planning Secretary | The Secretary of the Department of Planning and Environment, or nominee                                                                                                                                                                  |
- Insert the following definition in alphabetical order:

|       |                                                                                                                                                                                                                                                               |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| MOD 4 | Modification application to SSD 5544 for the extension of the demolition works period, as described in <i>Section 4.55(1A) Modification – Extension of Time for SSD 5544 MOD 1 Demolition Works</i> , prepared by AECOM Australia Pty Ltd, dated 15 June 2018 |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
- Delete all references to “Secretary” and replace with “Planning Secretary”.
- Delete all references to “shall” and replace with “must”.

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

5. 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; and
  - (g) MOD 4.

6. Delete Condition B7A and replace with the following:

- B7A. The demolition works associated with the development must not extend beyond 10 June 2019.

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

7. Delete Condition D9 and replace with the following:

- D9. The Applicant must, to the satisfaction of the Planning Secretary:
- (a) make the following information publicly available on its website:
    - the EIS;
    - MOD 1 and its accompanying documents;
    - MOD 2 and its accompanying documents;
    - MOD 3 and its accompanying documents;
    - MOD 4 and its accompanying documents;
    - 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 Planning Secretary; and
  - (b) keep this information up to date.

*Note: This requirement does not require any confidential information to be made available to the public.*