



Viva Energy (formerly Shell) Clyde Terminal Conversion

*State Significant
Development
Modification Assessment
(SSD 5147 MOD 1)*



July 2019

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Cover photo

Viva Energy Australia, Parramatta (Department of Planning, Industry and Environment 2017)

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Glossary

Abbreviation	Definition
ACP	Asbestos Control Plan
AHD	Australian Height Datum
Applicant	Viva Energy Australia Pty Ltd
AQIA	Air Quality Impact Assessment
BMP	Biodiversity Management Plan
CBD	Central Business District
Council	Parramatta City Council
dB(A)	Decibels
Department	Department of Planning, Industry and Environment
DWP	Demolition Works Plan
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPA	Environment Protection Authority
EPL	Environment Protection Licence
FHA	Final Hazard Analysis
GBT	Gore Bay Terminal
GGBF	Green and Golden Bell Frog
GPOP	Greater Parramatta and Olympic Peninsula
HIPAP	Hazardous Industry Planning Advisory Paper
ICNG	Interim Construction Noise Guideline
km	Kilometre/s
LGA	Local government area
LPG	Liquid petroleum gas
LUSS	Land Use Safety Study
m	Metre/s
MHF	Major Hazard Facility
Minister	Minister for Planning and Public Spaces
NA	Noise Assessment
NSW	New South Wales
Planning Secretary	Planning Secretary of the Department of Planning, Industry and Environment
RTS	Response to Submissions
SEE	Statement of Environmental Effects
SHI	Statement of Heritage Impact
SSD	State Significant Development
VOC	Volatile organic compounds
WRRP	Waste and Resource Recovery Plan



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1. Introduction

This report provides an assessment of an application to modify the State significant development consent (SSD) for the Viva Energy (formerly Shell) Clyde Terminal Conversion (SSD 5147).

The modification application seeks approval for the demolition of redundant tanks and site infrastructure, the retention of two tanks for gasoline storage, the extension of the approved construction period from four years to five years, and administrative amendments to modify or remove completed conditions.

The application was lodged on 17 January 2019 by Viva Energy Australia Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

The Applicant operates a finished petroleum product import, storage and distribution terminal (the terminal) at 9 Devon Street, Rosehill in the Parramatta local government area (LGA) (see **Figure 1**).

Between 1928 and 2012, the site operated as both a crude oil refinery and a petroleum products storage and distribution facility. Following a review of its operations, the Applicant (then known as the Shell Company of Australia Limited) announced its decision to cease refining crude oil at the terminal in response to increased competition from new, large-scale refineries in the Asia-Pacific region, which have considerably larger refining capacity. However, the site would continue to operate as an import, blending, storage and distribution facility for finished petroleum products.

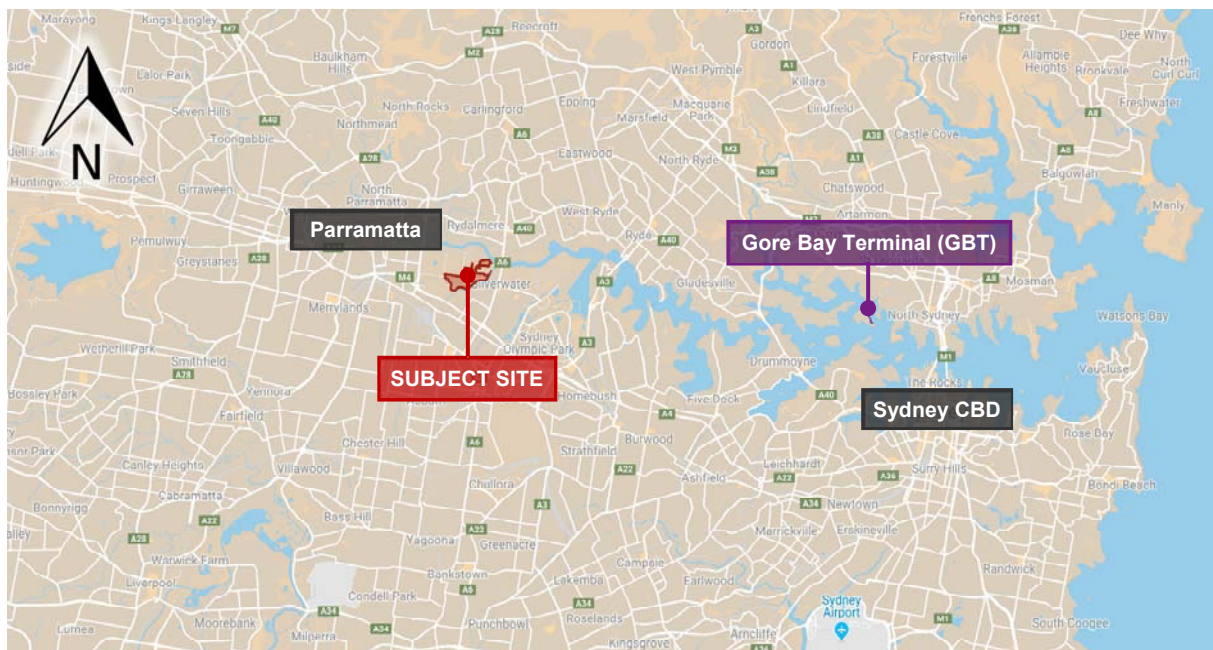


Figure 1 | Site Context

To facilitate the conversion, the Applicant sought development consent (SSD 5147) to convert the Clyde Refinery to a finished petroleum product import, storage and distribution terminal, referred to as the Viva Energy (formerly Shell) Clyde Terminal Conversion. The Clyde Terminal Conversion was approved on 14 January 2015 and works commenced in early 2015. The development was considered necessary to facilitate the conversion of the terminal

into a more efficient finished petroleum products terminal, while also providing a safe and reliable supply of petroleum fuels to New South Wales (NSW).

The terminal receives finished petroleum products including gasoline, diesel and jet fuel via a 19 kilometre (km) long underground pipeline from the Applicant's Gore Bay Terminal (GBT), located in the Lane Cove LGA (see **Figure 1**). The GBT receives petroleum products imported via ship, which are then pumped directly to the terminal, or stored temporarily at the GBT and transferred to the terminal when pipeline capacity allows.

1.2 Subject Site

The terminal is located within the Camellia Industrial Estate in Rosehill, approximately 3 km west of Parramatta and 16 km west of the Sydney central business district (CBD). The site has an area of approximately 86 hectares and is relatively level and low lying, at an elevation between 2-5 metres (m) Australian Height Datum (AHD).

Vehicular access to the site is primarily from James Ruse Drive along Grand Avenue to the main site entrance on Durham Street (see **Figure 2**). Grand Avenue is also used to access the majority of other industrial premises in the Camellia Industrial Estate and Rosehill Racecourse. The terminal can also be accessed from Parramatta Road, via Wentworth Street, Kay Street and Unwin Street.

The site is surrounded by industrial land uses and natural features (see **Figure 2**), including:

- a wetland immediately to the north-east (forms part of the subject site)
- Parramatta River immediately to the north
- Parramatta Terminal immediately to the north-west, for road distribution of petroleum products by the Applicant (does not form part of the subject site)
- light industrial uses and Rosehill Racecourse immediately to the west
- mangrove vegetation and Duck River immediately to the south and east.

The nearest residential areas are located in Rydalmere, 400 m to the north-east and Silverwater, 600 m to the south. The residential area of Rosehill is located 1 km to the west and is separated from the site by Rosehill Racecourse and James Ruse Drive.

The site is subject to an existing Environment Protection Licence (EPL) No. 570 issued by the Environment Protection Authority (EPA). The site is also identified as a Major Hazard Facility (MHF) under the Work Health and Safety Regulation 2011.

1.3 Approval History

On 14 January 2015, development consent was granted by the then Planning Assessment Commission (as delegate of the then Minister for Planning) for the conversion of the existing Clyde Refinery to a finished petroleum product import, storage and distribution terminal (SSD 5147). The development consent permits the following:

- demolition of redundant refinery processing equipment and storage tanks
- conversion of existing storage tanks to store finished fuels
- upgrading of electrical, fire-fighting, wastewater, lighting and safety shutdown systems
- repairing of bunds and spill management infrastructure
- on-going operation of the site as a finished petroleum products terminal.

As of June 2019, the Applicant has consolidated the majority of terminal assets into the new terminal footprint and undertaken upgrades where necessary. Redundant refinery processing equipment has largely been demolished, while the remainder of the demolition works (two tankfarm areas) are expected to be completed by the end of 2019.

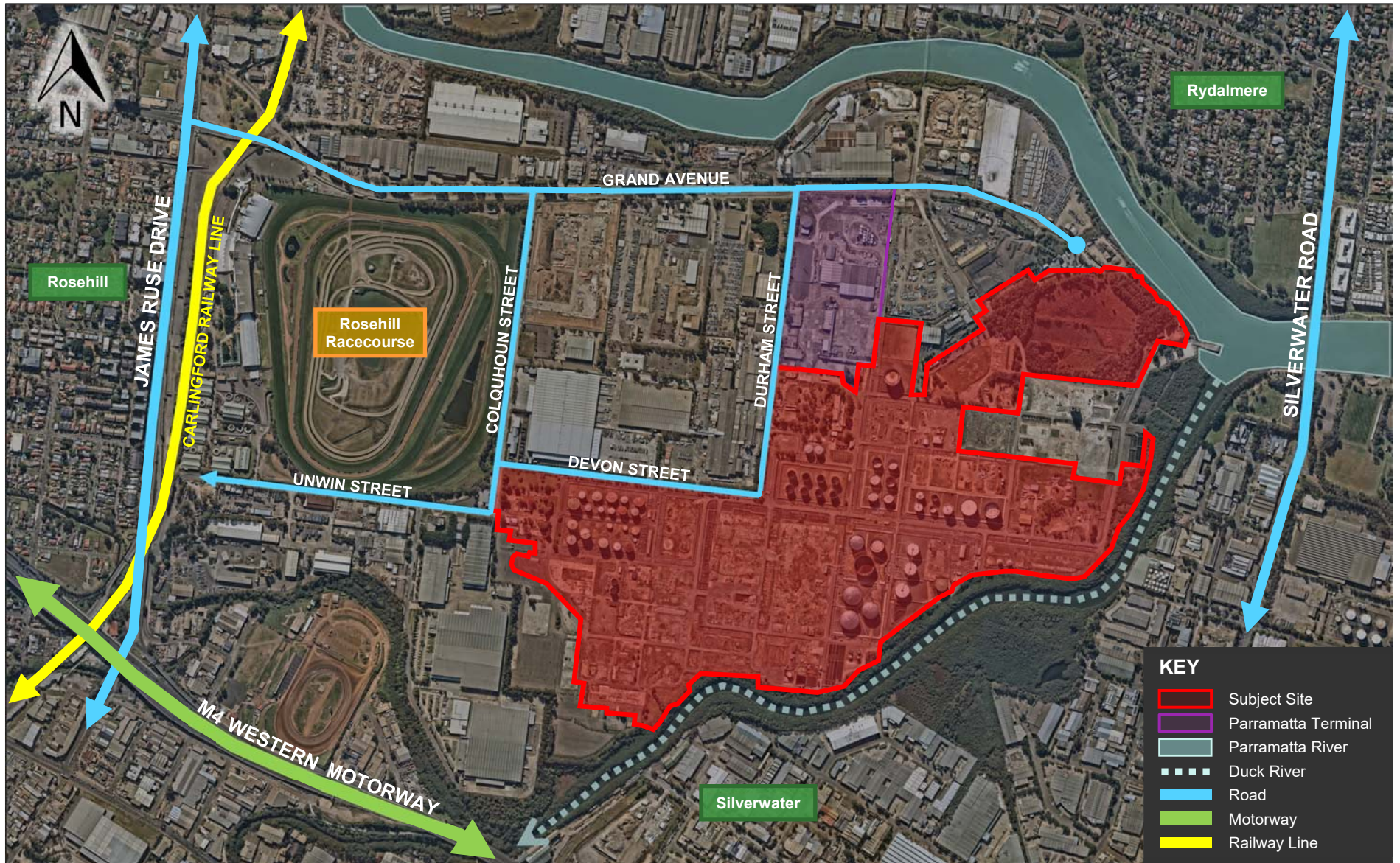


Figure 2 | Site Location

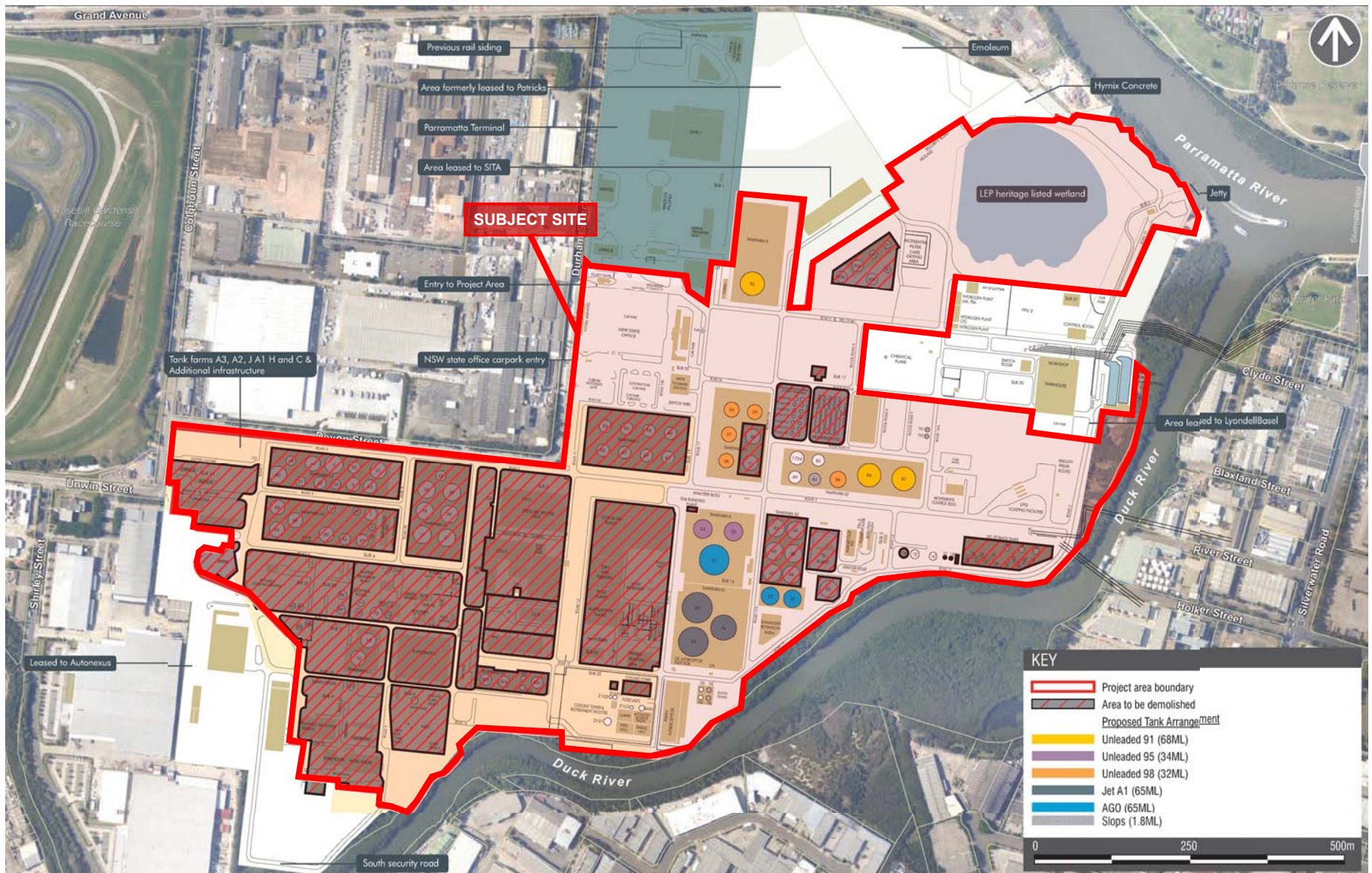


Figure 3 | Overview of conversion works approved under SSD 5147



2. Proposed Modification

On 17 January 2019, the Applicant lodged a modification application under section 4.55(1A) of the EP&A Act to modify development consent SSD 5147. The modification is described in full in the Statement of Environmental Effects (SEE) included in **Appendix B**, summarised in **Table 1** and is illustrated in **Figures 4** to **10** below.

Table 1 | Summary of Modifications

Aspect	Proposed modification	Applicant's justification
Additional demolition works	Demolition of the State Office Building, the former 35kV switch yard (MTS1), Tank 106 (slops tank), two liquid petroleum gas (LPG) (butane) spheres (V137 and V140), and the LPG (butane) loading gantry (see Figures 4 to 9 below).	Tank 106 and the LPG (butane) infrastructure were originally used to store by-products generated during crude oil processing, which has not occurred since the cessation of refinery operations at the site in 2012. The additional demolition works are considered necessary to remove redundant infrastructure at the site, further minimising ongoing maintenance costs and improving safety for terminal workers.
Retention of two tanks	Retention of Tanks 40 and 41 for gasoline storage (see Figure 10).	The retention of Tanks 40 and 41 (initially approved for demolition) would provide additional flexibility for terminal operations, and subsequently improve the operational efficiency of the development.
Extension of the construction period	Extension of the approved construction period from four years to five years.	The extension would allow for the completion of the on-site Green and Golden Bell Frog (GGBF) habitat restoration works, which experienced delays during the detailed design phase.
Administrative condition amendments	Amendment or removal of a number of conditions from SSD 5147. A full list of the conditions proposed to be amended and/or removed is provided in Appendix C .	The amendments would facilitate the proposed modification, and further streamline the Applicant's ongoing compliance requirements.



Figure 4 | Terminal infrastructure proposed to be retained or demolished as part of the modification

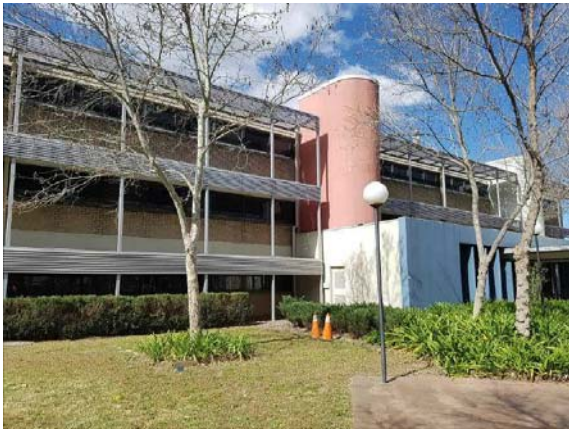


Figure 5 | View of the State Office Building and associated landscaping (proposed to be demolished)



Figure 6 | View of the former 35kV switch yard (MTS1) (proposed to be demolished)



Figure 7 | View of Tank T106 (slops tank) to the left (proposed to be demolished)



Figure 8 | View of the two LPG (butane) spheres (V137 and V140) (proposed to be demolished)



Figure 9 | View of the LPG (butane) truck loading gantry looking north-east (proposed to be demolished)



Figure 10 | View of Tanks 40 and 41 looking north (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* falls within the integrated planning framework for Sydney (see **Figure 11**) 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.

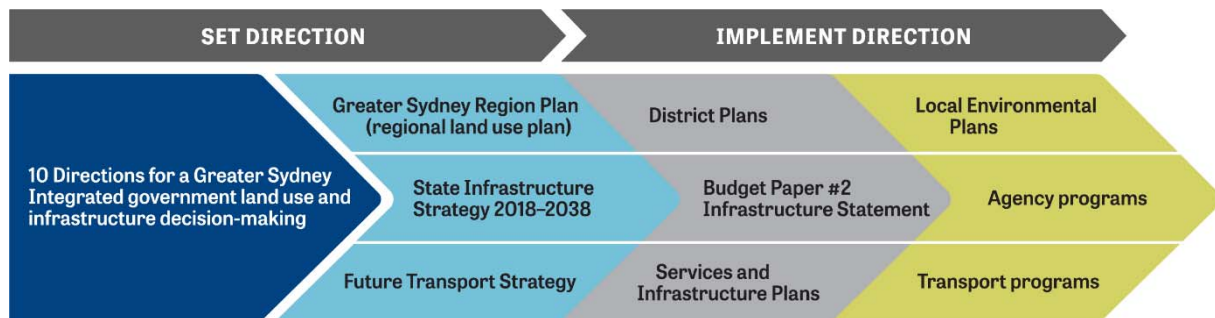


Figure 11 | Integrated Planning for Greater Sydney

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

- supporting the continued development of the Greater Parramatta and Olympic Peninsula (GPOP) Collaboration Area (see Objective 15)
- supporting the continued development of the city’s freight and logistics network (see Objective 16)
- ensuring the site is retained and managed as a fuel storage and distribution terminal (see Objective 23).

3.2 Central City 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 in the Central City District, which is the central and major component of the Central River City.

The proposed modification is consistent with the priorities and actions set out in the Central City District Plan as the site would continue to:

- support the development of the GPOP Collaboration Area (see Planning Priority C8 and associated actions)
- be retained and managed as a fuel storage and distribution terminal (see Planning Priority C11 and associated actions).



4. Statutory Context

4.1 Scope of Modifications

The Department of Planning, Industry 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 development 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 development 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 Minister for Planning and Public Spaces (the Minister) is the consent authority for the application under section 4.5(1) of the EP&A Act. Under the Minister's delegation of 11 October 2017, the Director, Industry Assessments, may determine the application under delegation as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are no public submissions in the nature of objections.



5. 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 State significant development. Accordingly, the application was not notified or advertised, however, it was made publicly available on the Department's website on Friday 18 January 2019 and referred to Parramatta City Council (Council) and the relevant public authorities for comment.

5.1 Submissions

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

Council did not object to the modification, but raised concerns in relation to the removal of trees during demolition works, the protection of Duck River, wetlands and riparian vegetation, the potential presence of microbats, and the removal of completed conditions.

The **EPA** advised the proposed amendments would not constitute a scheduled activity under the *Protection of the Environment Operations Act 1997*, and would therefore not require amendment of the development's existing EPL.

The following public authorities and service providers did not object to the modification, and indicated they had no specific comments:

- the Office of Environment and Heritage (including a separate submission from its Heritage Division)
- the Natural Resources Access Regulator
- the Department of Industry – Lands and Water Division
- the Department of Primary Industries
- SafeWork NSW.

Fire and Rescue NSW was also notified of the modification application, but did not make a submission.

5.2 Response to Submissions Letter

On 18 April 2019, the Applicant provided a Response to Submissions (RTS) on the issues raised during notification of the proposed modification (see **Appendix B**). The RTS included further information regarding the number of trees to be removed during the demolition of the State Office Building, the management and mitigation measures in place to protect flora and fauna at the site and provided additional justification in relation to the removal of completed conditions from the development consent. The RTS was made publicly available on the Department's website and provided to Council to consider whether it adequately addressed the issues raised.

Council noted the commitments made by the Applicant in relation to the protection of flora and fauna, but requested additional management and mitigation measures to ensure:

- inspections for the presence of microbats are undertaken by a suitably qualified ecologist
- any microbats encountered are relocated prior to the commencement of the additional demolition works.

Council also reiterated that it does not support the removal of conditions where they have been 'completed' or considered 'redundant' because the works have been carried out.



6. Assessment

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

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

The Department's assessment of the modification application is provided in **Table 2** below.

Table 2 | Assessment of Issues

Findings	Recommendation
Hazards and risk	
<ul style="list-style-type: none">• The existing development consent includes conditions to manage hazards and risk associated with the approved demolition works and operational activities, including the preparation of a demolition safety study, a fire safety study and a site-wide emergency plan.• In support of the proposed modification, the Applicant updated the development's Final Hazard Analysis (FHA) to incorporate the proposed modification works.• In 2015, the Department (in partnership with Council) developed a Land Use and Infrastructure Implementation Plan for the adjacent Camellia urban renewal precinct. As part of this project a Land Use Safety Study (LUSS) was prepared, which converted the risk model previously used by the Applicant to the TNO RiskCurves system (the LUSS model). The Applicant has subsequently relied upon the LUSS model to prepare the updated FHA.• The updated FHA noted that while the risk contour for industrial land uses (50 per million per year) would extend marginally into the adjacent Parramatta Terminal (approximately 10 m), the affected land is also owned by the Applicant.• The industrial contour would not reach buildings, muster points or populated areas at the Parramatta Terminal, and the Applicant advised it has put in place a joint emergency response plan to further mitigate any risk.• The updated FHA also found the removal of LPG (butane) infrastructure would result in a reduction in the development's risk profile to the south and west of the site, when compared to the original FHA.• Consequently, the Department is satisfied the updated FHA is consistent with the guidance provided in the Department's <i>Hazardous Industry Planning Advisory Paper (HIPAP) No. 6 – Hazard Analysis</i>, and has been	<ul style="list-style-type: none">• Condition C2 is to be updated to remove references to LPG tanker operations.• New conditions C2A, C2B and C3A are to be inserted, requiring the Applicant to update the development's demolition safety study, fire safety study and emergency plan to include the modification works.

Findings

Recommendation

prepared in accordance with the relevant land use safety criteria defined in *HIPAP No. 4 – Risk Criteria for Land Use Safety Planning*.

- The Department's assessment concludes the proposed modification would not increase the risk to surrounding land uses, provided all risk reduction measures and recommendations in the updated FHA are implemented and maintained.
- To ensure the development continues to operate in a safe manner, the Department has recommended several conditions requiring the Applicant to update the development's hazard-related studies and plans to include the modification works.

Ecology

- The existing development consent requires the Applicant to prepare and implement a Biodiversity Management Plan (BMP) for the site to minimise potential impacts to flora and fauna during the approved demolition works and operational activities.
- The proposed modification has the potential to impact upon native flora and fauna at the site as a result of the additional demolition works. The Applicant also seeks to extend the approved construction works period by one year, to allow for the completion of the GGBF habitat restoration works in the north-eastern wetland area.
- The Applicant advised the proposed modification would require minor clearing of native and exotic vegetation (landscaped garden areas) to facilitate the demolition of the State Office building (refer to **Figure 5**).
- The Applicant concluded any potential impacts to ecology associated with the additional demolition works would be managed in accordance with the development's existing Demolition Works Plan (DWP) and BMP.
- Council advised it did not object to the extension of the construction works period, but raised concerns in relation to the scale of vegetation clearing required and the potential presence of microbats in the buildings and structures to be demolished.
- The Applicant clarified that the demolition of the State Office Building would require the removal of up to 31 trees, none of which are listed as threatened in NSW or contain significant habitat opportunities such as hollows. The Applicant also highlighted the existing management and mitigation measures currently in place to protect flora and fauna at the site.
- Council advised it had no further concerns in relation to the proposed vegetation clearing, but requested the Applicant ensure:
 - buildings and structures are inspected for the presence of microbats by a suitably qualified ecologist prior to their demolition
 - any microbats encountered during the inspection are relocated prior to the commencement of the additional demolition works.
- The Department considers the additional demolition works would not result in any additional ecological impacts beyond those previously assessed as part of SSD 5147, while the extension of the construction works period will allow for the enhancement of existing GGBF habitat at the site.
- Condition B6 is to be updated to provide the Applicant with additional time to complete the GGBF habitat restoration works.
- Condition C58 is to be updated to ensure microbats are relocated by a suitably qualified ecologist prior to the commencement of the additional demolition works.

Findings

Recommendation

- The Department's assessment concludes the potential ecological impacts associated with the modification works can be appropriately managed by the existing conditions of consent and the Applicant's management plans, subject to the implementation of the additional microbat management measures requested by Council.
- The Department has subsequently recommended the Applicant update its BMP to include the microbat inspection and relocation procedures requested by Council.
- The Department has also recommended Condition B6 be updated to provide the Applicant with additional time to complete the GGBF habitat restoration works.

Noise

- The existing development consent includes conditions for the Applicant to manage noise impacts during approved demolition works.
- The additional demolition works proposed by the Applicant have the potential to generate additional noise at the nearest sensitive receivers.
- In support of the modification, the Applicant undertook an additional noise assessment (NA) based on the background information and criteria presented in the original Environmental Impact Statement (EIS).
- The NA assumed a worst-case scenario with all demolition plant operating simultaneously at the nearest site boundary with no shielding. The assessment found the noise levels generated by the additional demolition works may exceed the applicable criteria at three residential receivers by up to three decibels (dB(A)).
- The NA noted this situation would not occur in practice as the additional demolition works would:
 - not be located in close proximity to the site boundary
 - not be undertaken simultaneously
 - be restricted to daytime hours only (7:00 am to 6:00 pm Monday to Friday, and 8:00 am to 5:00 pm Saturdays), with no works on Sundays or public holidays.
- In addition, the predicted noise levels are unlikely to result in strong community reaction to noise, as they would not exceed the 75 dB(A) 'highly noise affected' level specified in the Interim Construction Noise Guideline (ICNG).
- The NA subsequently concluded the potential noise impacts of the modification works would result in negligible off-site impacts, subject to the continued implementation of the Applicant's management measures, the DWP, the Noise and Vibration Management Plan and the existing conditions of consent.
- Both Council and the EPA did not raise any concerns in relation to noise and vibration impacts.
- The Department accepts that it is unlikely the additional demolition works would be undertaken simultaneously or in close proximity to the site boundary.
- No additional conditions are recommended.

Findings	Recommendation
<ul style="list-style-type: none"> While the proposed modification may result in short-term noise impacts, the Department considers the additional demolition works would be consistent with those already undertaken at the site. In addition, the proposed cumulative noise impacts would not exceed the 75 dB(A) 'highly noise affected' level specified in the ICNG. The Department's assessment concludes the potential noise impacts of the proposed modification can be appropriately managed through the existing conditions of consent and the Applicant's management plans. Accordingly, no additional conditions are recommended. 	
Air quality	
<ul style="list-style-type: none"> The existing development consent includes conditions for the Applicant to manage air quality impacts during approved demolition works and operational activities. The proposed modification has the potential to increase the volume of dust, volatile organic compounds (VOC) and odour emissions, resulting from the handling and removal of demolition materials and the ongoing use of Tanks 40 and 41 to store premium unleaded petrol. In support of the modification, the Applicant prepared an Air Quality Impact Assessment (AQIA) based on background information and criteria presented in the development's EIS. The AQIA found dust emissions generated during the additional demolition works would be minimal, while VOC and odour emissions resulting from the ongoing use of Tanks 40 and 41 would continue to represent a significant reduction in emissions when compared to the site's former use as a refinery. The AQIA subsequently concluded the potential air quality impacts of the modification works would result in negligible off-site impacts, subject to the continued implementation of the Applicant's management measures and the conditions of consent. Both Council and the EPA did not raise any concerns in relation to air quality impacts. The Department is satisfied the potential air emissions associated with the proposed modification are minimal and would still be significantly less than the emissions generated during the operation of the refinery. The Department's assessment concludes the potential air quality impacts associated with the modification can be appropriately managed by the existing conditions of consent and the Applicant's management plans. Accordingly, no additional conditions are recommended. 	<ul style="list-style-type: none"> No additional conditions are recommended.
Non-Aboriginal heritage	
<ul style="list-style-type: none"> The site is located in close proximity to a number of local heritage items, while the development's EIS previously found the terminal site to be of State historical, associative, rarity and representative significance. In support of the modification, the Applicant prepared a Statement of Heritage Impact (SHI) to address any potential impacts to heritage significance which may result from the additional works. 	<ul style="list-style-type: none"> New Condition C59A is to be inserted, requiring the Applicant to undertake photographic archival recording of the additional

Findings	Recommendation
<ul style="list-style-type: none"> The SHI found the additional demolition works would have a minor negative impact to the heritage significance of the terminal, while the retention of Tanks 40 and 41 would have a minor positive impact. The SHI also noted that the State Office Building is not linked to a key historical phase associated with the development of the Clyde Refinery, and has an incidental association with the historically significant activity of the site. The SHI concluded any negative impacts to heritage significance associated with the additional demolition works would be appropriately managed through the existing conservation measures contained within the development consent. Both Council and the OEHS's Heritage Division did not raise any concerns in relation to non-Aboriginal heritage. The Department has subsequently incorporated the SHI's findings into the recommended conditions, whereby the Applicant will be required to update the development's photographic archival record to include the additional buildings and structures to be demolished. The Department concludes any heritage impacts associated with the additional demolition works would be minimal, subject to the recommended conditions of consent. 	buildings and structures to be demolished.

Waste management

<ul style="list-style-type: none"> The Applicant currently manages waste on-site in accordance with its Waste and Resource Recovery Plan (WRRP) and existing EPL. The DWP and Asbestos Control Plan (ACP) for the approved demolition works also contain additional management strategies for the handling, storage and disposal of demolition waste. The modification works would generate various waste streams including scrap metal, concrete and brick waste, asbestos, general waste and contaminated soil. These waste streams and their correlating management are outlined in the existing WRRP. The Applicant has indicated that demolition waste would be reused or recycled where possible, and any materials to be disposed of off-site would be sent to licensed facilities in accordance with the WRRP. Both Council and the EPA did not raise any concerns regarding waste management. The Department is satisfied any waste generated by the additional demolition works would be appropriately managed by the development's existing DWP, ACP and WRRP. Accordingly, no additional conditions are recommended. 	<ul style="list-style-type: none"> No additional conditions are recommended.
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Amendment/removal of 'completed' conditions

Surrender of existing development consents

<ul style="list-style-type: none"> Under Condition B8 of the development consent, 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. 	<ul style="list-style-type: none"> Condition B8 and Appendix B are to be updated to reference the amended list of
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Findings	Recommendation
<ul style="list-style-type: none"> Following a review of the list in Appendix B, the Applicant concluded a number of development consents which fall outside the site were incorrectly included in this appendix. The Applicant has subsequently requested Condition B8 and Appendix B be updated to ensure only those consents which apply to the site are required to be surrendered. Both Council and the EPA did not raise any concerns in relation to the amended list of development consents to be surrendered. Consequently, the Department has recommended Condition B8 and Appendix B are updated to reference the amended list. <p>Consultation, demolition and heritage management conditions</p> <ul style="list-style-type: none"> The Applicant has also requested the removal of several conditions relating to consultation with WorkCover and demolition and heritage management from the development consent (see Table 3), on the basis that the works to which they relate have been completed. Council advised it does not support the removal of conditions where they have been 'completed', noting they provide record of the works originally approved under the development consent. In addition to Council's comments, the Department notes a number of the plans and requirements which the Applicant is seeking to remove would continue to remain relevant beyond the construction and demolition periods of the development. Accordingly, the Department does not support the removal of these conditions at this time, and has not included their removal within the recommended modification instrument. <p>Management and mitigation measures</p> <ul style="list-style-type: none"> In support of the proposed modification, the Applicant has requested a number of minor amendments to the development's management and mitigation measures. The Applicant has requested these amendments to incorporate the modification works and ensure the terminology used in the management and mitigation measures aligns with its current on-site operations. Both Council and the EPA did not raise any concerns in relation to the proposed amendments. The Department is satisfied the amendments are minor in nature, and would ensure the Applicant's commitments remain relevant to the ongoing operation of the site. Accordingly, the Department has recommended Appendix C be updated to include the Applicant's amended management and mitigation measures. 	<p>development consents to be surrendered.</p> <ul style="list-style-type: none"> Conditions relating to consultation with WorkCover, demolition and heritage management remain in the development consent. Appendix C is to be updated to include the Applicant's amended management and mitigation measures.



7. Evaluation

The Department has assessed the proposed modification and SEE, and considered the submissions provided by Council and the relevant public authorities. The Department has also considered the objects and the relevant considerations under section 4.55 of the EP&A Act. The Department considers the proposed modification would not result in significant environmental impacts to the surrounding environment beyond those which have previously been assessed.

The proposed modification is consistent with the demolition works approved under the development consent and would allow the Applicant to remain viable and competitive in the NSW market. The demolition and removal of the State Office Building and redundant on-site infrastructure would eliminate ongoing maintenance costs and reduce any potential risks to the operating terminal, its workers, the local community and the environment.

The Department has recommended a number of conditions to manage the potential hazard and risk, ecology and heritage impacts of the proposed modification. Although there may be some short-term impacts associated with the additional demolition works and the extended construction period, the Applicant would continue to manage these impacts under the existing management plans and in consultation with the EPA, Council and the local community. The Department is satisfied the proposal would not impact on the current operation of the site as a finished fuel import and distribution terminal.

Overall, the modification would result in long-term beneficial impacts by reducing the terminal's overall risk to surrounding land uses and allowing for the completion of the GGBF habitat restoration works. Consequently, the Department is satisfied that the modification should be approved, subject to the recommended modifying conditions of consent.



8. Recommendation

It is recommended that the Director, Industry Assessments, as delegate of the Minister:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 5147 MOD 1 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **modify** the consent SSD 5147
- **signs** the attached modification instrument (**Appendix E**).

Recommended by:



16/7/19

Patrick Copas
Planning Officer
Industry Assessments

Recommended by:



18/7/19

Joanna Bakopanos
Team Leader
Industry Assessments



9. Determination

The recommendation is **Adopted** by:

Chris Ritchie

Director

Industry Assessments

29/7/19.



Appendices

Appendix A – List of Documents

The Department has considered the:

- Section 4.55(1A) modification (Modification 1) to SSD 5147, AECOM Australia Pty Ltd on behalf of Viva Energy Australia Pty Ltd, dated 14 January 2019 and all attachments
- Viva Energy Clyde Conversion Project: SSD 5147 Modification 1 - Response to Submissions, prepared by AECOM Australia Pty Ltd on behalf of Viva Energy Australia Pty Ltd, dated 18 April 2019
- submissions received from Council and the relevant public authorities
- Clyde Terminal Conversion Project – Environmental Impact Statement, prepared by AECOM Australia Pty Ltd on behalf of the Shell Company of Australia Ltd, dated 18 November 2013
- State Significant Development Assessment: Shell Clyde Terminal Conversion, SSD 5147, prepared by the Department of Planning and Environment, dated October 2014
- Greater Sydney Region Plan, a Metropolis of Three Cities – Connecting people, prepared by the Greater Sydney Commission, dated March 2018
- Our Greater Sydney 2056, Central City District Plan – Connecting communities, prepared by the Greater Sydney Commission, dated March 2018
- existing conditions of consent in SSD 5147
- 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:

<https://www.planningportal.nsw.gov.au/major-projects/project/12636>

Appendix C – Condition Amendment List

Table 3 | Overview of conditions proposed to be amended or removed

Condition No.	Description	Change proposed by Applicant
-	Schedule A – Applicant details	Update
-	Schedule A – Land details	Update
B2	Terms of consent	Update
B6	Limits of consent – Construction works period	Update
B8	Surrender of existing development consents	Update
C10	WorkCover requirements – Preventative and recovery barriers	Removal
C11	WorkCover requirements – LPG vessels	Removal
C15	Preparation and implementation of a Stack Demolition Management Plan	Removal
C26	Blasting hours	Removal
C27	Preparation and implementation of a Blast Management Plan	Removal
C58	Preparation and implementation of a Biodiversity Management Plan	Update
C59	Archival photographic and documentary recording of the existing fabric and operation of the refinery	Update
C60	Preparation and implementation of a Heritage Management Plan	Removal
D1	Preparation and implementation of an Environmental Management Strategy	Update
D3	Revision of strategies, plans and programs	Update
D9	Public access to information	Update
Appendix A	Development plans	Update
Appendix B	Consents to be surrendered	Update
Appendix C	Management and mitigation measures	Update

Appendix D – Submissions

Available on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/12636>

Appendix E – Notice of Modification