

Consolidated Consent

As delegate of the Minister for Planning and Infrastructure under delegation from the Minister dated 14 September 2011, the Planning Assessment Commission of New South Wales (the Commission) approves the development application referred to in Schedule A, subject to the conditions specified in Schedules A to D.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

MODIFICATIONS

MOD 1 2015 – Demolition of Redundant Refinery Infrastructure

MOD 2 2017 – ACS Management Works

MOD 3 2017 – Tank 101 Demolition Works

MOD 4 2018 – Extension of Demolition Works Period

MOD 5 2019 – ASC Containment Cell and CWO Pipeline

MOD 6 2020 – Extension of ACS Management Works Period

Sydney

2013

SCHEDULE A

Application No:

SSD 5544

Applicant:

Caltex Refineries (NSW) Pty Ltd

Consent Authority:

Minister for Planning & Infrastructure

Land:

Caltex Terminal – 2 Solander Street, Kurnell

| | | |
|----------------------|-----------------------|-----------------------|
| Lot 56, DP 908 | Lot 79, DP 8135 | Lot D, DP 361103 |
| Lot 57, DP 908 | Part Lot 122, DP 8135 | Part Lot F, DP 361103 |
| Lot 62, DP 908 | Part Lot 123, DP 8135 | Lot G, DP 361103 |
| Part Lot 11, DP 7632 | Part Lot 124, DP 8135 | Lot J, DP 362655 |
| Part Lot 12, DP 7632 | Part Lot 125, DP 8135 | Lot K, DP 362655 |
| Lot 189, DP 7632 | Lot 48, DP 9564 | Lot H, DP 362655 |
| Lot 190, DP 7632 | Lot 77, DP 9564 | Lot 570, DP 752064 |
| Lot 43, DP 8135 | Lot 78, DP 9564 | Lot 24, DP 776328 |
| Lot 44, DP 8135 | Lot 81, DP 9564 | Lot 1, DP 1044690 |
| Lot 45, DP 8135 | Part Lot 1, DP 215818 | Lot 25, DP 776328 |
| Lot 46, DP 8135 | Part Lot 2, DP 215818 | Lot 283, DP 752064 |
| Part Lot 77, DP 8135 | Lot 1, DP 215819 | Lot 1, DP 132055 |
| Lot 78, DP 8135 | Lot B, DP 338897 | |

Continental Carbon Pipeline – Lot 2, DP 215818

Silver Beach – Lot 3, DP 1665618

Kurnell Wharf – Lot 456, DP 1413279

Development:

Conversion of the existing Kurnell Refinery to a finished product import and distribution terminal.

MOD 6 2020 – Extension of ACS Management Works Period

TABLE OF CONTENTS

| | |
|--|------------|
| DEFINITIONS | iii |
| ADMINISTRATIVE CONDITIONS..... | 1 |
| OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT | 1 |
| TERMS OF CONSENT | 1 |
| LIMITS OF CONSENT | 1 |
| LASPING OF CONSENT | 1 |
| SURRENDER OF EXISTING DEVELOPMENT CONSENTS | 1 |
| STATUTORY REQUIREMENTS | 2 |
| AMENDED ENVIRONMENT PROTECTION LICENCE (EPL) REQUIREMENT | 2 |
| STRUCTURAL ADEQUACY | 2 |
| DEMOLITION..... | 2 |
| OPERATION OF PLANT AND EQUIPMENT | 2 |
| PROTECTION OF PUBLIC INFRASTRUCTURE | 2 |
| STAGED SUBMISSION OF PLANS OR PROGRAMS | 3 |
| DISPUTE RESOLUTION | 3 |
| COMPLIANCE | 3 |
| ENVIRONMENTAL PERFORMANCE AND MANAGEMENT | 4 |
| HAZARDS AND RISKS..... | 4 |
| SOIL AND WATER | 7 |
| NOISE AND VIBRATION | 10 |
| AIR QUALITY MANAGEMENT | 12 |
| HERITAGE MANAGEMENT | 13 |
| ENERGY EFFICIENCY AND GREENHOUSE GAS EMISSIONS | 14 |
| TRANSPORT AND ACCESS..... | 14 |
| WASTE MANAGEMENT..... | 15 |
| BIODIVERSITY & ECOLOGY..... | 16 |
| ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING..... | 20 |
| ENVIRONMENTAL MANAGEMENT | 20 |
| REPORTING..... | 23 |
| INDEPENDENT ENVIRONMENTAL AUDIT | 23 |
| ACCESS TO INFORMATION | 24 |
| <u>APPENDICES</u> | |
| APPENDIX A - PLANS..... | 25 |
| APPENDIX B - CONSENTS TO BE SURRENDERED..... | 27 |
| APPENDIX C - MANAGEMENT AND MITIGATION MEASURES | 29 |

DEFINITIONS

| | |
|------------------------------|--|
| Applicant | Caltex Refineries (NSW) Pty Ltd, or its successor |
| ACS | Asbestos Contaminated Soils |
| ACS 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 and MOD 6 |
| BCA | Building Code of Australia |
| Blue Book Volume 1 | <i>Managing Urban Stormwater: Soils and Construction Volume 1 4th Edition (Landcom 2004)</i> |
| Construction | The carrying out of works including minor excavation works, conversion works, the erection of other infrastructure and/or commissioning works covered by this consent |
| Council | Sutherland Shire Council |
| CQAP | Construction Quality Assurance Plan, titled Containment Cell Construction Works Construction Quality Assurance Plan – Kurnell Asbestos Contaminated Soil Management Project, Revision Draft, prepared by AECOM Services Pty Ltd, dated March 2017 |
| Day | The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays |
| Department | Department of Planning and Environment |
| Demolition | The demolition, excavation and removal of redundant refinery processing units, tanks, pipeways/pipelines and other infrastructure, covered by this consent, including the ACS management works |
| 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 |
| Eastern ROW | Eastern Right of Way, which contains various pipelines that run between Kurnell Wharf and the Caltex Terminal |
| EIS | Environmental Impact Statement titled <i>Kurnell Refinery Conversion</i> , prepared by URS Australia Pty Ltd, dated May 2013, as modified by the Response to Submissions report. |
| EMP | Environment Management Plan |
| ENM | Excavated Natural Materials |
| EPA | Environment Protection Authority |
| EP&A Act | <i>Environmental Planning & Assessment Act 1979</i> |
| EP&A Regulation | <i>Environmental Planning & Assessment Regulation 2000</i> |
| EPL | Environmental Protection Licence |
| EFRT | External Floating Roof Tank |
| Evening | The period from 6pm to 10pm |
| Feasible | Feasible relates to engineering considerations and what is practical to build |
| Heritage | Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement |
| Heritage Item | An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> |
| Heritage Management Strategy | Heritage Management Strategy titled <i>Caltex Kurnell Refinery Demolition: Heritage Impact Statement</i> , prepared by Australian |

MOD 6 2020 – Extension of ACS Management Works Period

| | |
|----------------------------------|---|
| | Museum Consulting for URS Australia Pty Ltd, dated February 2014, version 3 |
| HRA | Hazard Risk Analysis titled Hazard and Risk Analysis of the proposed Caltex Kurnell Refinery Demolition Works (HRA), prepared by Planager Pty Ltd dated November 2014 and enclosed in Appendix B of the SEE |
| Incident | An incident causing or threatening material harm to the environment, and/or an exceedance of the limits or performance criteria in this consent |
| Land | In general, the definition of land is consistent with the definition in the EP&A Act |
| LGA | Local government area |
| Material harm to the environment | Harm to the environment is material if it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial |
| Minister | Minister for Planning, (or delegate) |
| Mitigation | Activities associated with reducing the impacts of the Project |
| MOD 1 | Modification application to SSD 5544 for demolition works, as described in the SEE and as generally depicted in Appendix A, being the demolition and removal of redundant tanks, pipelines and infrastructure |
| MOD 2 | Modification application to SSD 5544 for the ACS Management Works, as described in the <i>Statement of Environmental Effects ACS Management Project</i> , prepared by Aecom Australia Pty Ltd, dated October 2016, as modified by the Response to Submissions prepared by Aecom Australia Pty Ltd, dated January 2017 |
| MOD 3 | Modification application to SSD 5544 for the Tank 101 demolition works, as described in the <i>Statement of Environmental Effects Tank 101 Demolition Works</i> , prepared by AECOM Services Pty Ltd, dated August 2017, as modified by the letter dated 3 October 2017 from AECOM Services Pty Ltd |
| 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 |
| MOD 5 | Modification application to SSD 5544 for amendments to the ACS management works and CWO Pipeline removal works, as described in the <i>Modification Report Kurnell Refinery Conversion Project SSD 5544 Modification 5</i> , prepared by AECOM Australia Pty Ltd, dated 11 February 2019, as modified by the letter dated 20 March 2019 from AECOM Services Pty Ltd |
| MOD 6 | Modification application to SSD 5544 for the extension of the ACS management works period, as described in the <i>Modification Report Kurnell Refinery Conversion Project SSD 5544 Modification 6</i> , prepared by AECOM Australia Pty Ltd, dated 14 November 2019 |
| Negligible | Small and unimportant, such as to be not worth considering |
| NEPM | National Environment Protection (Assessment of Site Contamination) Measure established by the National Environment Protection Council 2013 |
| Night | The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays |
| NOW | NSW Office of Water in the Department of Primary Industries |
| OEH | Office of Environment and Heritage |
| Operation | Means the operation of the Development once the construction works have been fully completed and the Site has reached its end state terminal operations, but does not include commissioning trials |

MOD 6 2020 – Extension of ACS Management Works Period

| | |
|----------------------|--|
| | of equipment or temporary use of parts of the Development during construction. |
| Planning Secretary | The Secretary of the Department of Planning and Environment, or nominee |
| PHA | Preliminary Hazard Analysis |
| POEO Act | Protection of the Environment Operations Act 1997 |
| Privately-owned Land | Land not owned by the Proponent or where a private agreement does not exist between the Proponent and the land owner |
| RAP | Remedial Action Plan titled Draft – ACS – Modification Works – Remediation Action Plan, Revision 1, prepared by Aecom dated June 2017 |
| Refined Product | Gasoline (Unleaded Petrol, Premium Unleaded Petrol, and Super Premium Unleaded Petrol), Diesel, Jet Fuel and Fuel Oil. |
| Reasonable | Reasonable relates to the application of judgment in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements. |
| RMS | Roads and Maritime Services |
| RTS | Response to Submissions report with the title “Response to Submissions - Kurnell Refinery Conversion” prepared by URS Australia Pty Ltd and dated September 2013. |
| SEE | Statement of Environmental Effects titled Kurnell Refinery Demolition, prepared by URS Australia Pty Ltd, dated November 2014, as modified by the Response to Submission report titled Kurnell Refinery Demolition Response to Submissions prepared by URS Australia, dated March 2015 |
| Sensitive Receiver | Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children’s day care facility. |
| Site | The land listed in Schedule A, and as depicted in Appendix A |
| Site Auditor | As defined in the Contaminated Land Management Act 1997 |
| Site Audit Report | As defined in the Contaminated Land Management Act 1997 |
| Site Audit Statement | As defined in the Contaminated Land Management Act 1997 |
| Western ROW | Western Right of Way, which contains the Cooling Water Outlet Pipeline that runs between the Caltex Terminal and Botany Bay. |
| VENM | Virgin Excavated natural materials |
| VOC | Volatile organic compounds |

SCHEDULE B

ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- B1. The Applicant **must** implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the development.

TERMS OF CONSENT

- B2. The Applicant **must** carry out the Development **generally** 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;**
 - (h) **MOD 5; and**
 - (i) **MOD 6.**
- B3. If there is any inconsistency between the above documents, the most recent document **must** prevail to the extent of the inconsistency. However, the conditions of this Consent **must** prevail to the extent of any inconsistency.
- B4. The Applicant **must** comply with any reasonable requirement(s) of the **Planning Secretary** arising from the Department's assessment of:
- (a) any reports, plans or correspondence that are submitted in accordance with this consent; and
 - (b) the implementation of any actions or measures contained within these reports, plans or correspondence.
- B5. Subject to confidentiality, the Applicant **must** make all documents required under this consent available for public inspection on request.

LIMITS OF CONSENT

- B6. The Applicant **must** not store in excess of 925 megalitres (ML) of refined product on the Site at any one time, unless otherwise agreed to in writing by the **Planning Secretary**.
- B7. The construction works associated with the Development **must** not extend beyond five (5) years from the date of approval.

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

B7B. Notwithstanding Condition B7A, the ACS Management Works must not extend beyond 31 March 2020.

LAPSE OF CONSENT

- B8. This consent **must** lapse five years from the date of this consent unless any part of the Project is physically commenced (within the meaning of section 95 of the EP&A Act) on or before that day, in accordance with any consent or development consent, on the Land to which the consent relates.

SURRENDER OF EXISTING DEVELOPMENT CONSENTS

- ~~B9. Within six (6) months of ceasing refining operations, or as otherwise agreed in writing by the Director-General, the Applicant must surrender all existing development consents for the site listed in Appendix B in accordance with Clause 97 of the EP&A Regulation.~~

MOD 6 2020 – Extension of ACS Management Works Period

- B10. Within six (6) months of the issue of a Compliance Certificate or Occupation Certificate for the following development consents, or as otherwise agreed in writing by the **Planning Secretary**, the Applicant **must** surrender the following consents in accordance with Clause 97 of the EP&A Regulation.
- (a) DA 13/0195 – Stormwater Drainage Upgrade; and
 - (b) DA 12/0238 – Construction of a switch room.
- B11. Nothing in this consent alters or modifies the following development consents:
- (a) SSD 5353 – Port and Berthing Works;
 - (b) DA 13/0335 – Construction and operation of a Bio-Pile Pilot Trial to treat Hydrocarbon impacted soils;
 - (c) DA 09/840 – Jet Fuel Remediation;
 - (d) DA 11/1090 – Remediation of Limestone Pits; and,
 - (e) MP 11/0004 – Caltex Jet Fuel Pipeline Upgrade Project.

STATUTORY REQUIREMENTS

- B12. The Applicant **must** ensure that all licences, permits and approval/consents are obtained as required by law and maintained as required throughout the life of the Development. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approval/consents.

AMENDED ENVIRONMENT PROTECTION LICENCE (EPL) REQUIREMENT

- B13. Prior to the commencement of construction, the Applicant must apply to the EPA to vary the Environment Protection Licence (EPL) for the Kurnell Refinery (Licence No. 837) to permit the Development.

B13A. The Applicant **must apply to the EPA to vary the EPL if additional scheduled activities are required to be undertaken as result of the demolition works.**

STRUCTURAL ADEQUACY

- B14. The Applicant **must** ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures are constructed in accordance with the relevant requirements of the BCA.

Notes: Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.

DEMOLITION

B15. Deleted

OPERATION OF PLANT AND EQUIPMENT

- B16. The Applicant **must** ensure that all plant and equipment used for the Development is:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

COOLING WATER OUTLET PIPELINE REMOVAL

B16A. The cooling water outlet pipeline must be removed from beneath Silver Beach north of Prince Charles Parade and up to 20 metres seaward from the low tide mark in Botany Bay as shown in Appendix A of this consent.

PROTECTION OF PUBLIC INFRASTRUCTURE

- B17. Prior to the commencement of construction, the Applicant **must**:
- (a) prepare a dilapidation report of the public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - (b) submit a copy of this report to the **Planning Secretary** and Council.

B17A. Prior to the commencement of demolition works, the Applicant **must:**

MOD 6 2020 – Extension of ACS Management Works Period

- (a) prepare a dilapidation report of the public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
- (b) submit a copy of this report to the Planning Secretary and Council.

B18. The Applicant **must**:

- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
- (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

STAGED SUBMISSION OF PLANS OR PROGRAMS

B19. With the approval of the Planning Secretary, the Applicant may:

- (a) submit any strategy, plan or program required by this consent on a progressive basis; and/or
- (b) combine any strategy, plan or program required by this consent.

Notes:

- If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program **must** clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages and the trigger for updating the strategy, plan or program.
- There must be a clear relationship between the strategy, plan or program that are to be combined.

DISPUTE RESOLUTION

B20. In the event that a dispute arises between the Applicant and Council or a public authority other than the Department, in relation to a specification or requirement applicable under this consent, the matter must be referred by either party to the Planning Secretary, or if not resolved, to the Minister, whose determination of the dispute **must** be final and binding to all parties. For the purpose of this condition, 'public authority' has the same meaning as provided under Section 4 of the Act.

COMPLIANCE

- B21. The Applicant **must** ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.
- B22. The Applicant **must** be responsible for environmental impacts resulting from the actions of all persons that it invites onto the site, including contractors, sub-contractors and visitors.

SCHEDULE C

ENVIRONMENTAL PERFORMANCE AND MANAGEMENT

HAZARDS AND RISKS

Terms of Approval

C1. The Applicant **must**:

- (a) carry out the Development in accordance with the PHA;
- (b) implement all control measures proposed in the PHA;
- (c) implement all actions proposed by Caltex in response to the recommendations from the Buncefield incident investigation report (Kurnell Buncefield Review - Final, submitted to the Department May 2013).
- (d) implement all proposed actions listed in Caltex's response to the Department's requests for additional information and clarifications (Caltex Response to D&I Queries of Caltex Submitted QRA – August 2013).

C1A. The Applicant **must** implement the recommendations in section 6 of the document titled Hazard and Risk Analysis of the proposed Caltex Kurnell Refinery Demolition Works (HRA), prepared by Planager Pty Ltd and enclosed in Appendix B of the SEE.

Demolition

C1B. The Applicant **must** ensure that relevant demolition work associated with the development is carried out in accordance with Australian Standard AS 2601:2001: The Demolition of Structures, or its latest version and the requirements of the Work Health and Safety Regulation 2011.

C1C. The Applicant **must** ensure that major demolition works as defined under the Work Health and Safety Regulation 2011 are undertaken by licensed demolition experts.

Commissioning

C2. The Applicant must commission the Development in accordance with Table 1 below:

Table 1: Development Commissioning

| System Description | Estimated Commencement of Commissioning | Estimated Commencement of Operation of System |
|--------------------|---|---|
| Jet | 1 March 2014 | 1 June 2014 |
| Diesel | 1 April 2014 | 1 July 2014 |
| Gasoline | 1 May 2014 | 1 August 2014 |
| Slop | 1 May 2014 | 1 August 2014 |

Pre-construction

C3. At least one month prior to the commencement of construction of the Development (except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as the Planning Secretary may agree, the Applicant must prepare, in consultation with WorkCover NSW, and submit for the approval of the Planning Secretary, the studies set out under subsections (a) to (d) (the pre-construction studies) of this Condition. Construction, other than for preliminary works, must not commence until approval has been given by the Planning Secretary and, with respect to the Fire Safety Study, approval has also been given by Fire and Rescue NSW.

- (a) Construction Safety Study

A Construction Safety Study, consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 7, 'Construction Safety'. For developments in which the construction period exceeds six (6) months, the commissioning portion of the Construction Safety Study may be submitted two months prior to the commencement of commissioning.

- (b) Fire Safety Study

MOD 6 2020 – Extension of ACS Management Works Period

A Fire Safety Study for the Development. This study must cover the relevant aspects of the Department of Planning's Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study Guidelines' and the New South Wales Government's 'Best Practice Guidelines for Contaminated Water Retention and Treatment Systems'. The study must also be submitted for approval to Fire and Rescue NSW.

(c) Hazard and Operability Study/s

A Hazard and Operability Study/s for the Development, chaired by an independent qualified person. The study/s must be consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 8, 'HAZOP Guidelines'.

The study report/s must be accompanied by a program for the implementation of all recommendations made in the report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented.

(d) Final Hazard Analysis

A Final Hazard Analysis of the Development, consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'.

The FHA must re-evaluate and confirm all relevant data and assumptions from the Preliminary Hazard Analysis.

Pre-Demolition

C3A. At least one month prior to the commencement of demolition works (except for those preliminary works that are outside the scope of the hazard studies), or within such further period as the Planning Secretary may agree, the Applicant must prepare and submit for the approval of Planning Secretary the studies set out under subsections (a) to (b). Demolition, other than of preliminary works, must not commence until approval has been given by the Planning Secretary.

(a) FIRE WATER SYSTEM REVIEW

A review of the Firewater System to detail which parts of the system will be removed and/or retained. This review must include a list of measures that will be implemented to ensure that the firefighting capabilities of the Caltex Terminal will not be compromised during or as a result of the demolition works.

(b) DEMOLITION SAFETY STUDY

The study must report on the status of implementation of the recommendations outlined in the HRA for the demolition works, enclosed as Appendix B of the SEE. The study must include examples of the hazards control plans developed for high risk activities and task based risk assessments of the process safety related hazards.

C3B. Prior to commencement of the Tank 101 demolition works described in MOD 3, the Applicant must update the Demolition Safety Study prepared by Caltex (approved 11 December 2016), required under Condition C3A(b) to include a demolition management plan for the Tank 101 demolition works. The demolition management plan for the Tank 101 demolition works must be prepared in consultation with the Department.

Pre-commissioning

C4. The Applicant must develop, in consultation with WorkCover NSW, and implement the plans and systems set out under subsections (a) to (b) of this Condition. No later than two months prior to the refinery process units shutting down, or within such further period as the Planning Secretary may agree, the Applicant must submit, for the approval of the Planning Secretary, documentation describing those plans and systems.

(a) Emergency Plan

A comprehensive Emergency Plan and detailed emergency procedures for the Development. This plan must include consideration of the safety of all people outside of the Development who may be at risk from the Development. The plan must be consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'.

(b) Safety Management System

A document setting out a comprehensive Safety Management System, covering all on-site operations and associated transport activities involving hazardous materials. The document must clearly specify all

MOD 6 2020 – Extension of ACS Management Works Period

safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. Records **must** be kept on-site and **must** be available for inspection by the **Planning Secretary** upon request. The Safety Management System **must** be consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'.

An inspection, testing and preventive maintenance program should be developed, implemented and maintained to ensure the reliability and availability of the key safety critical equipment is, at a minimum, consistent with the data estimated in the PHA.

- C4A. No later than one month prior to the commencement of the demolition works, or within such a further period as the Planning Secretary may agree, the Applicant must submit for the approval of the Planning Secretary an updated Emergency Plan and detailed emergency procedures. The plan must be in accordance with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 1, 'Industry Emergency Planning Guidelines' and must provide information of the emergency arrangements during the demolition works.
- C4B. Prior to commencement of the Tank 101 demolition works described in MOD 3, the Applicant must update and implement the Emergency Plan required under Condition C4(a) to incorporate the Tank 101 demolition works. The plan must include information of the emergency arrangements during the tank demolition works and a copy of the plan must be submitted to the Planning Secretary.
- C5. Prior to the commencement of commissioning the first asset within each system (see Condition C2), the Applicant must submit a Pre-Commissioning Plan and Pre-Startup Safety Review Checklists to the Planning Secretary.

Pre-Startup

C6. Pre-Startup Compliance Report

One month prior to the commencement of operation of the first asset in each of the four systems (see Condition C2), the Applicant must submit to the Planning Secretary, a report detailing compliance with Conditions C3, C4 and C5 of this consent. The report must be prepared in consultation with WorkCover NSW, and must include:

- (a) dates of study/plan/system submission, approval, commencement of construction and commissioning;
- (b) actions taken or proposed, to implement the recommendations and safety-related control measures in the studies/plans/systems; and
- (c) responses to each requirement imposed by the Planning Secretary under Condition C7 of this consent.

Note: Compliance with Condition C4 may not be achievable until after such time as the documentation describing the plans and systems required under that condition have been developed. A subsequent report may therefore be required to be prepared and submitted after the documentation required by Condition C4 has been developed.

Post-Startup

C7. Post-Startup Compliance Report

Three months after the refinery process units shut down, the Applicant must submit to the Director- General, a report that has been prepared in consultation with WorkCover NSW verifying that:

- (a) the Emergency Plan required under Condition C4(a) is effectively in place and that at least one emergency exercise has been conducted; and
- (b) the Safety Management System required under Condition C4(b) has been fully implemented and that records required by the system are being kept.

The report must be prepared in consultation with WorkCover NSW.

C7A. Fire Safety Study Review

One month prior to the completion of demolition works, or within such further period as the Planning Secretary may agree, the Applicant must submit for the approval of the Planning Secretary, a revised Fire Safety Study for the Caltex Terminal. This study must cover the relevant aspects of the Department's Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study Guidelines' and the New South Wales Government's 'Best Practice Guidelines for Contaminated Water Retention and Treatment Systems'. The study must also be submitted to NSW Fire and Rescue for approval.

MOD 6 2020 – Extension of ACS Management Works Period

Ongoing

C8. Hazard Audit

Twelve months after all four systems being fully operational and every three years thereafter, or at such intervals as the **Planning Secretary** may agree, the Applicant **must** carry out a comprehensive Hazard Audit of the Development and within one month of each audit submit a report to the **Planning Secretary**.

The audits **must** be carried out at the Applicant's expense by a qualified person or team, independent of the Development, approved by the **Planning Secretary** prior to commencement of each audit. Hazard Audits **must** be consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit Guidelines' (HIPAP No. 5).

The audit reports **must**, in addition to the requirements provided in HIPAP No 5:

- (a) verify implementation of all actions proposed by Caltex in response to the recommendations from the Buncefield incident investigation report (*Kurnell Buncefield Review - Final*, submitted to the Department May 2013).
- (b) verify implementation of all actions listed in Caltex's response to the Department's requests for additional information and clarifications (*Caltex Response to DP&I Queries of Caltex Submitted QRA – August 2013*).
- (c) confirm that the throughput and storage quantities of potentially hazardous materials are consistent with the PHA.
- (d) verify that an inspection, testing and preventative maintenance program has been developed, implemented and maintained to ensure the reliability and availability of the key safety critical equipment.
- (e) verify implementation of any measures arising from the reports submitted in respect of Conditions C2 to C5 of this consent.

The audit report must be accompanied by a program for the implementation of all recommendations made in the audit report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented.

C9. Further Requirements

The Applicant **must** comply with all reasonable requirements of the **Planning Secretary** in respect of the implementation of any measures arising from the reports submitted in respect of Conditions C1 to C8 of this consent inclusive, within such time as the **Planning Secretary** may agree.

Fire Risk Management During Demolition

C9A. The Applicant **must**:

- (a) ensure the emergency procedures detailed in condition C4A, address and mitigate, as far as reasonably practical, the consequences of potential fire and hazmat incidents during demolition works and the potential health risks to firefighters undertaking emergency operations in relation to foreseeable fire/hazmat scenarios;
- (b) ensure two copies of the emergency procedures detailed in condition (a) above are located at the demolition areas;
- (c) ensure appropriate first aid firefighting equipment is provided on site;
- (d) ensure that plant operators and demolition contractors are trained to undertake first aid firefighting in the event of an incident; and
- (e) ensure that comprehensive and specific risk control measures are developed and implemented for Scenario 5 detailed in Table 3, Section 4 of the HAZDEM. The control measures developed must incorporate comprehensive training of demolition contractors in regard to the requirements for the control of ignition sources at the site.

SOIL AND WATER

Discharge of Water

- C10. The Development **must** comply with section 120 of the *Protection of the Environment Operations Act 1997*, which prohibits the pollution of waters, except as expressly provided in an EPL.

MOD 6 2020 – Extension of ACS Management Works Period

Erosion and Sediment Control

C11. During the construction and demolition works associated with the Development, the Applicant must implement suitable erosion and sediment control measures on-site, in accordance with the relevant requirements in the latest version of the Managing Urban Stormwater: Soils and Construction Guideline and the relevant Management and Mitigation measures contained within Appendix C of this consent.

Imported Soil

C11A. The Applicant must:

- (a) ensure that only VENM or any other material approved in writing by the EPA is used as fill in the Eastern ROW and Western ROW;
- (b) ensure that the material used as backfill for Silver Beach is of similar grain size and colour characteristics;
- (c) be permitted to use only VENM or any other material that meets all of the conditions of a Resource Recovery Order issued by the EPA under the Protection of the Environment Operations (Waste) Regulation 2014 for use in the Caltex Terminal.
- (d) ensure that any VENM or other materials used by the Applicant are fit for purpose and are only used as specified by the relevant Resource Recovery Exemption issued by the EPA.
- (e) keep accurate records of the volume and type of fill to be used; and
- (f) make these records available to the Department upon request.

C11B. During demolition works, the Applicant must implement suitable erosion and sediment control measures for managing temporary stockpiles, in accordance with the relevant requirements in the latest version of the Managing Urban Stormwater: Soils and Construction – Volume 1 and the relevant Management and Mitigation measures contained within Appendix C of this consent.

Water Management Plan

C12. The Applicant must prepare and implement a Water Management Plan for construction works and site operations to the satisfaction of the Planning Secretary. The plan(s) must:

- (a) be prepared in consultation with the EPA;
- (b) be approved by the Planning Secretary (refer to Conditions D1 and D2 for timing);
- (c) In addition to the standard requirements for management plans (see Condition D3), this plan must include a Surface Water Management Plan, that:
 - includes a description of the water management system on site, including the:
 - stormwater system; and,
 - oily water / wastewater system.
 - includes plans for the above two components of the systems; and
 - demonstrates compliance with any requirements of the EPL and/or the EPA.

C12A. The Applicant must update and implement the Soil and Water Management Plan for the demolition works to the satisfaction of the Planning Secretary. This plan is to update the plan approved under condition C12 and must also:

- (a) be submitted to the Planning Secretary for approval (See condition D1A for timing);
- (b) include a description of soil and water issues associated with the demolition works;
- (c) include measures for managing soils that are excavated and stockpiled on site including erosion and sediment control measures for stockpiles and disturbed areas;
- (d) include details of water management and monitoring requirements during demolition works; and
- (e) include procedures for corrective action in the event that potential contaminants of concern are identified in the groundwater from the quarterly groundwater monitoring program.

Groundwater

C13. In the event that groundwater is intersected during construction and demolition works the Applicant must:

- (a) obtain the necessary water licences or approvals from NOW;
- (b) develop a Groundwater Management Plan for the testing, dewatering, storage, movement and treatment of any groundwater in consultation with the NOW, to the satisfaction of the Planning Secretary.

MOD 6 2020 – Extension of ACS Management Works Period

Acid Sulphate Soils (ASS) Management Plan

- C14. If Acid Sulfate Soils (ASS) are encountered during construction **demolition works**, the Applicant **must** take steps to prevent further oxidation of exposed ASS, and will cease all excavation work until an ASS Management Plan is prepared for the Development to the satisfaction of the **Planning Secretary**. This Plan must:
- (a) be prepared in consultation with the EPA and Council by a suitably qualified and experienced expert;
 - (b) be approved by the **Planning Secretary** prior to the continuation of any excavation works;
 - (c) outline the investigations that have been undertaken to test for the presence of ASS in accordance with the NSW State Government's *Acid Sulphate Soils Manual* (ASSMAC 1998);
 - (d) detail the protocols to be put in place and followed;
 - (e) detail how the ASS will be tested, handled and stockpiled;
 - (f) detail measures to prevent erosion and sedimentation of ASS; and, if necessary
 - (g) outline how the ASS will be disposed of off-site (e.g. at a licensed facility).

Contamination Management

- C15. The Applicant **must** prepare and implement a Contamination Management Plan for the construction works. The Plan **must**:
- (a) be prepared in consultation with the EPA and NSW Health;
 - (b) be to the satisfaction of the **Planning Secretary** (refer to Condition D1 for timing);
 - (c) outline measures for managing potentially contaminated soil and groundwater, including soil testing, classification, handling, storing and disposal;
 - (d) detail the measures that will be employed to prevent erosion and sedimentation of contaminated soil;
 - (e) detail measures for periodically testing surface water run-off that may accumulate during excavation works for elevated levels of contamination, with any water that is found to have elevated levels of contaminants being disposed of via the on-site Wastewater Treatment Plant.
 - (f) detail measures for managing asbestos encountered during works, including disturbances of soil and release of asbestos into the air;
 - (g) outline how all contaminated soil and associated waste material would be managed in accordance with the *Protection of the Environment Operations Act 1997* and associated regulations and characterised in accordance with the EPA's *Waste Classification Guidelines*;
 - (h) detail how the storage, disposal and transport of asbestos waste would be undertaken in accordance with the *Protection of the Environment Operations (Waste) Regulations*; and
 - (i) assess any likely impact on existing remediation projects and, if any impacts are identified, provide details as to the measures that **must** be taken to reduce or avoid that impact.

- C15A. The Applicant **must** update and implement the Contamination Management Plan for the demolition works to the satisfaction of the **Planning Secretary**. This plan is to update the plan approved under condition C15 and **must** also:

- (a) be submitted to the **Planning Secretary** for approval (See condition D1A for timing);
- (b) detail measures for the identification and monitoring of potentially contaminated soils and groundwater including the use of excavation visual and olfactory indicators; and
- (c) include measures for managing potentially contaminated soils and groundwater during ground disturbance and excavation works;

Asbestos Management

- C15B. The Applicant **must** ensure that any asbestos encountered during the demolition works is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in accordance with the requirements of WorkCover and relevant guidelines, including:

- (a) *Work Health and Safety Regulation 2011*;
- (b) *Model Code of Practice – How to Manage and Control Asbestos in the Workplace, 2011 Safe Work Australia*;
- (c) *Model Code of Practice – How to Safely Remove Asbestos, 2011 Safe Work Australia*; and
- (d) *Protection of the Environment Operations (Waste) Regulation 2005*.

NOISE AND VIBRATION

Construction Noise Limits

C16. The Applicant **must** ensure that the construction noise generated by the Development does not exceed the criteria defined in Table 2 below.

Table 2: Construction Noise Criteria(dB(A))

| Location | Day | Evening |
|--|---------------|--------------|
| | LAeq (15 min) | LAeq (15min) |
| R2-30D Cook Street | 46 | 40 |
| At any other residence or other noise sensitive receiver | 50 | 45 |

Notes:

- To identify a residential receiver location, refer to Appendix F of the EIS.
- Noise generated by the Development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.

Operational Noise Limits

C17. The Applicant **must** ensure that the operational noise generated by the Development does not exceed the Criteria for residential receivers are summarised in Table 3 below:

Table 3: Operational Noise Limits dB(A)

| Location | Day | Evening | Night | |
|-------------------------------------|---------------|---------------|---------------|-------------------|
| | LAeq (15 min) | LAeq (15 min) | LAeq (15 min) | L _{Amax} |
| At any private residential receiver | 60 | 50 | 50 | 55 |

Notes:

- To identify a residential receiver location, refer to Appendix F of the EIS.
- Noise generated by the Development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.
- These criteria have been developed for this specific Development, however it is recognised that the site is zoned for heavy industrial purposes and that ultimately the amenity of the area should be controlled by the criteria contained in Table 2.1 of the Industrial Noise Policy.

Hours of Construction and Operation

C18. With the exception of works identified in conditions C19 and C20, the Applicant **must** comply with the hours detailed in Table 4.

Table 4: Construction, Demolition & Operation Hours

| Activity | Day | Time |
|--------------|-----------------|-------------------|
| Construction | Monday – Sunday | 7:00am to 10:00pm |
| Demolition | Monday – Sunday | 7:00am to 10:00pm |
| Operation | Monday – Sunday | 24 hours |

C19. High noise generating construction and demolition works, including the pipeline removal works within the Eastern and Western Right of Ways, and the Tank 101 demolition works described in MOD 3, **must** be confined to less sensitive times of the day, and **must** not be undertaken on Sundays or public holidays or outside of the hours 7:00am and 6:00pm Monday to Saturday.

C20. Construction works outside of the work hours identified in condition C18 above may be undertaken in the following circumstances:

- (a) works that are inaudible at nearest sensitive land receivers;
- (b) works that are consistent with Caltex's existing maintenance procedures and are in accordance with the existing EPL;
- (c) works agreed to in writing by the EPA or the Department;
- (d) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
- (e) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm.

Operating Conditions

C21. The Applicant **must**:

- (a) implement all reasonable and feasible noise management and mitigation measures to prevent and minimise operational, low frequency and traffic noise generated by the proposal;
- (b) minimise the noise impacts of the development during adverse meteorological conditions when noise criteria do not apply;
- (c) maintain the effectiveness of any noise suppression equipment on plant at all times and ensure defective plant that may generate offensive noise is not used operationally until fully repaired; and
- (d) regularly assess noise monitoring data and relocate, modify and/or stop operations to ensure compliance with the relevant conditions of this consent.

Noise Management Plan

C22. The Applicant **must** prepare and implement a Noise Management Plan for construction works and site operations. The plan(s) **must**:

- (a) be prepared and implemented by a suitably qualified and experienced person, in consultation with the EPA;
- (b) be approved by the **Planning Secretary** (refer to Conditions D1 and D2 for timing);
- (c) describe the measures that will be implemented to minimise noise from the construction and operation of the development including:
 - all reasonable and feasible measures being employed on site;
 - maintain equipment to ensure that it is in good order;
 - traffic noise is effectively managed; and
 - the noise impacts of the development are minimised during any meteorological conditions when the noise criteria in this consent do not apply;
 - identification of high noise generating construction activities, including proposed times when these works will be carried out (including respite periods if required) and mitigation measures to minimise adverse impacts from these activities;
 - compliance with the relevant conditions of this consent.
- (d) includes a noise monitoring program that:
 - **must** be carried out until otherwise agreed to in writing by the **Planning Secretary**;
 - is capable of evaluating the performance of the Development; and,
 - includes a protocol for determining exceedances of the relevant conditions of this consent and responding to complaints.

C22A. The Applicant must update and implement the Noise Management Plan for the demolition works to the satisfaction of the Planning Secretary. This plan is to update the plan approved under condition C22 and must also:

- (a) be approved by the Planning Secretary (refer to conditions D1A and D2 for timing);**
- (b) outline the procedures for the notification of all potentially affected persons at least one week prior to and during high noise generating works;**
- (c) implement reasonable and feasible noise and vibration management and mitigation measures during the demolition activities within the Caltex Terminal;**
- (d) implement reasonable and feasible noise and vibration monitoring and management measures during removal of the pipelines from the Eastern and Western ROW to minimise noise and vibration impacts generated by the pipeline removal works; and**
- (e) include strategies for monitoring vibration impacts on buildings with medium to high heritage significance proposed to be retained within the Caltex Terminal.**

Construction Vibration

C23. The Applicant **must** aim to achieve the following construction **and demolition** vibration goals:

- (a) for structural damage, the vibration limits set out in the *German Standard DIN 4150-3: Structural Vibration - effects of vibration on structures*; and
- (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: A Technical Guideline* (Department of Environment and Conservation, 2006).

AIR QUALITY MANAGEMENT

Dust Generation During Construction

C24. The Applicant **must** carry out all reasonable and feasible measures to minimise dust generated during construction **and demolition works**.

C25. During Construction **and demolition works**, the Applicant **must** ensure that:

- (a) all trucks entering or leaving the site have their loads covered;
- (b) trucks associated with the Development do not track dirt onto the public road network; and
- (c) any dirt on public roads as a result of the development is promptly removed.

Offensive Odour

C26. The Applicant **must** not cause or permit the emission of offensive odours from the site, as defined under Section 129 of the POEO Act.

Operating Conditions

C27. The Applicant **must**:

- (a) implement all reasonable and feasible dust and odour mitigation measures to prevent and minimise odour and dust emissions from operations;
- (b) prevent and minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events;
- (c) minimise any visible off-site air pollution; and
- (d) minimise surface disturbance of the site, other than as permitted under this consent.

Air Quality Management Plan

C28. The Applicant **must** prepare and implement an Air Quality Management Plan for the proposed construction works. The plan **must**:

- (a) be prepared and implemented by a suitably qualified and experienced expert in consultation with the EPA and NSW Health;
- (b) be approved by the **Planning Secretary** prior (refer to Condition D1 for timing);
- (c) describe the measures that would be implemented on site to ensure:
 - i. the control of air quality and odour impacts of the Development;
 - ii. that these controls remain effective over time;
 - iii. that all reasonable and feasible air quality management practice is employed;
 - iv. the air quality impacts are minimised during adverse meteorological conditions and extraordinary events; and
 - v. compliance with the relevant conditions of this consent.
- (d) describes the air quality & odour management system;
- (e) includes an air quality monitoring program that:
 - i. is capable of evaluating the performance of the proposal;
 - ii. includes a protocol for determining any exceedances of the relevant conditions of consent and responding to complaints;
 - iii. adequately supports the air quality management system; and
 - iv. evaluates and reports on the effectiveness of the air quality management system.

C28A. The Applicant must update and implement the Air Quality Management Plan for the demolition works to the satisfaction of the Planning Secretary. This plan is to update the plan approved under condition C28 and must also:

- (a) be approved by the Planning Secretary (refer to conditions D1a and D2 for timing);
- (b) outline procedures for VOC, odour and dust deposition monitoring and suppression methods during excavation works and where potential hydrocarbon contamination is present; and
- (c) include dust suppression measures and procedures for dust monitoring during operation of the concrete crusher.

Air Quality Verification

C29. The Applicant must carry out an air quality verification study for the development. The study must:

- (a) be prepared by a suitably qualified expert;
- (b) be completed within 24 months of the commencement of operations, or as otherwise agreed to by the Planning Secretary;
- (c) be based on the average of emissions over a continuous 12 month period after commencement of operations, taking into account the throughput and type of fuel;
- (d) include a validation of the accuracy of the modelling predictions in the EIS;
- (e) verify that compliance with any limits or conditions in the EPL are achieved;
- (f) verify, using reasonable means, the effectiveness of any emission control measures that have been implemented to minimise air quality impacts; and
- (g) demonstrate compliance with the relevant regulatory criteria.

HERITAGE MANAGEMENT

Archival Record

C30. The Applicant must commission an appropriately qualified heritage expert to undertake an archival photographic recording of the existing fabric and operation of the Kurnell Refinery while the plant is still operational and during the decommissioning process. The recording should include a range of media and must be undertaken in accordance with the current Heritage Council Guidelines on Photographic Recording of Heritage Items Using Film or Digital Capture (2006).

The archival recording must be submitted to the Heritage Council of NSW, Sutherland Shire Library and the NSW State Library within 12 months of the closure of the refinery and prior to the removal or demolition of any existing elements.

Heritage Management Strategy

C31. The Applicant must prepare and implement a Heritage Management Strategy for the Australian Oil Refinery site prior to shut-down of the refinery plant. The Strategy must:

- (a) be prepared by a suitably qualified person in consultation with Council and the Heritage Council of NSW;
- (b) be submitted to the Planning Secretary for approval at least 2 months prior to the shut-down of the refinery plant;
- (c) review the heritage significance of the Australian Oil Refinery site; and
- (d) set out a framework to minimise or mitigate the loss of heritage value during the decommissioning process, and for the ongoing management of the Site's heritage during present and future works.

C31A. The Applicant must:

- (a) continue to implement the Heritage Management Strategy prior to and during the demolition works; and
- (b) implement the recommendations stated in Chapter 4 and 5 of the document titled: *Caltex Kurnell Refinery Demolition: Heritage Impact Statement by Australian Museum Consulting for URS Australia Pty Ltd, October 2014.*

Other Heritage Management and Mitigation Measures

C32. The Applicant must, prior to shut-down of the refinery:

- (a) form an in-house team to manage documentation and interpretation of the history of the refinery, including the production of a colour book;

MOD 6 2020 – Extension of ACS Management Works Period

- (b) liaise with the Mitchell Library to prepare a photographic record of the site and people associated with the refinery for inclusion in the library's archives; and
- (c) engage a professional photographer to prepare a photographic exhibition of the refinery. The location(s) and duration of the exhibition must be to the satisfaction of Council and the NSW Heritage Council.

C32A. Within two months of its scheduled demolition, the Applicant must undertake a final review of the adaptive reuse capabilities of highly significant buildings which are proposed to be demolished as per the recommendations of the Heritage Management Strategy.

C32B. Within two months of its scheduled demolition, the Applicant must complete appropriate archival records of items to be demolished as per the recommendations of the Heritage Management Strategy and other initiatives supported by the Heritage Division of the OEH.

~~C32C. The Applicant must implement the recommendations in section 5.2 of the document titled *Caltex Kurnell Refinery Demolition: Heritage Impact Assessment*, prepared by Australian Museum Consulting and enclosed in Appendix F of the SEE, for the pipeline removal works on Silver Beach to the satisfaction of Council.~~

Potential for Discovery of Aboriginal and Non-Aboriginal Heritage Objects

C33. If during the course of construction and demolition the Applicant becomes aware of any previously unidentified heritage object(s), all work likely to affect the object(s) must cease immediately and the Heritage Council of New South Wales must be notified immediately in accordance with section 146 of the *Heritage Act 1977*. Relevant works must not recommence until written authorisation from the Heritage Council of NSW is received by the Applicant.

C34. If during the course of construction and demolition the Applicant becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) must cease immediately and the OEH informed in accordance with section 89A of the *National Parks and Wildlife Act 1974*. Relevant works must not recommence until written authorisation from OEH is received by the Applicant.

ENERGY EFFICIENCY AND GREENHOUSE GAS EMISSIONS

Managing Energy Efficiency & Greenhouse Gas Emissions

C35. The Applicant must implement all reasonable and feasible measures to minimise:

- (a) energy use; and
- (b) greenhouse gas emissions;

throughout the life of the development, to the satisfaction of the Planning Secretary.

TRANSPORT AND ACCESS

Traffic Management Plan

C36. The Applicant must prepare and implement a Traffic Management Plan for construction and operations, to the satisfaction of the Planning Secretary. The plan must:

- (a) be prepared in consultation with Council and implemented by a suitably qualified and experienced person;
- (b) be approved by the Planning Secretary (Refer to Conditions D1 and D2 for timing);
- (c) detail the measures that would be implemented to ensure road safety and network efficiency during construction and operation including (but not limited to):
 - installation of signage and implementation of maximum speeds limits on internal roads; and
 - final details of the proposed traffic control measures;
 - details for the rationalisation of the entry and exit to the Site, particularly if the weigh station is no longer required, to improve the management of traffic and parking for members of the general public in this area;
- (d) include a plan showing the route to be used by heavy vehicles during construction and operation;
- (e) detail the access and parking arrangements for the site during construction and operation;
- (f) include a Driver Code of Conduct that details the traffic management measures to be implemented during construction and operation to:
 - minimise the impacts of the development on the local and regional road network;
 - minimise conflicts with other road users; and

MOD 6 2020 – Extension of ACS Management Works Period

- ensure truck drivers use specified routes.
- (g) describe the measures that will be implemented to ensure:
 - the nominated heavy vehicle route is used;
 - drivers adhere to the code of conduct; and
 - compliance with the relevant conditions of this consent.
- (h) include a program to monitor the effectiveness of these measures; and
- (i) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.

C36A. The Applicant **must** update and implement the Traffic Management Plan for the demolition works to the satisfaction of the **Planning Secretary**. This plan is to update the plan approved under condition C36 and **must** also:

- (a) be prepared in consultation with Council;
- (b) be approved by the **Planning Secretary** (refer to conditions D1A for timing);
- (c) include the designated routes for demolition traffic to the demolition areas within the site;
- (d) include details of traffic management arrangements for the cooling water outlet and intake pipeline removal works within the road reserves; and
- (e) outline the procedures for the notification of all potentially affected persons prior to and during the pipeline removal works within the road reserves.

C36B. The Applicant **must** ensure that the pipeline removal works along the road reserves on Captain Cook Drive, Prince Charles Parade and Cook Street are undertaken in consultation with Council and do not take place during public events or public holidays in Kurnell.

Car Parking

C37. The Applicant **must** provide sufficient parking facilities on-site for construction, **demolition** and operational personnel, and heavy vehicles, to ensure that construction, **demolition** and operational traffic associated with the Development do not utilise public and residential streets or public parking facilities for parking.

C37A. Within 18 months after commencement of the demolition works, the Applicant **must**:

- (a) complete a review, in consultation with Council, of the Cook Street approach to the Caltex Terminal site considering issues relating to signage, car parking arrangements, vehicle flows and the future of the weighbridge; and
- (b) include a timetable of implementation of the findings of this review.

Note: The implementations of the findings of this review may require further approval under the EP&A Act.

WASTE MANAGEMENT

Waste Management On-Site

C38. The Applicant **must**

- (a) minimise the waste generated on site; and
- (b) ensure that the waste generated by the development is appropriately stored, handled and disposed of, to the satisfaction of the **Planning Secretary**.

C39. The Applicant **must** ensure that any waste generated on the site during construction and **demolition** is classified in accordance with the EPA's Waste Classification Guidelines and disposed of to a facility that may lawfully accept the waste.

C39A. The Applicant **must** ensure that all hazardous materials identified in the structures to be demolished are removed prior to demolition where it is safe and practical to do so.

C39B. The Applicant **must** ensure that the reuse of any materials (including soil, scrap metal or building materials) on site must be fit for purpose and must not result in any adverse impacts to the environment.

C39C. Where it is safe and practical to do so, the Applicant should as far as practicable sort all waste materials generated during demolition works to maximise opportunities for the beneficial reuse and recycling of such waste materials.

MOD 6 2020 – Extension of ACS Management Works Period

Waste Management Plan

- C40. The Applicant **must** prepare and implement a Waste Management Plan for the construction works and site operations to the satisfaction of the **Planning Secretary**. This Plan **must**:
- (a) be prepared in consultation with the EPA;
 - (b) be approved by the **Planning Secretary** (refer to timing in Conditions D1 and D2);
 - (c) detail the type and quantity of waste to be generated by construction and operational phases of the development;
 - (d) detail the materials to be reused or recycled, either on or off site; and
 - (e) detail the procedures for handling, storage, collection of recycling and disposal of waste.

Demolition Waste and Resource Management Plan

- C40A. The Applicant **must** prepare and implement a Demolition Waste and Resource Management Plan for the demolition works to the satisfaction of the **Planning Secretary**. This plan is to update the plan approved under condition C40 and **must** also:
- (a) be prepared in consultation with the EPA;
 - (b) be approved by the **Planning Secretary** (refer to condition D1a for timing);
 - (c) outline the measures for the removal, storage and disposal of all waste materials generated during the demolition works; and
 - (d) outline the waste reuse and recovery strategy for the demolition works.

Waste Received from Off-Site

- C41. The Applicant **must** not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*, if such a licence is required in relation to that waste.
- C41A. The Applicant **must** ensure that the removal of the cooling water outlet pipeline 20 metres seaward from the low tide mark in Botany Bay is carried out in a manner that minimises the potential for disturbance and/or spread of *Caulerpa taxifolia*.

BIODIVERSITY & ECOLOGY

Biodiversity Management Plan

- C42. The Applicant **must** prepare and implement a Biodiversity Management Plan for the development to the satisfaction of the **Planning Secretary**. This plan **must**:
- (a) be prepared in consultation with the Council;
 - (b) be approved by the **Planning Secretary** (Refer to Conditions D1 and D2 for timing);
 - (c) include measures to be taken to minimise impacts on flora and fauna;
 - (d) include a program with timeframes for implementation of the relevant recommendations contained in the Ecology Impact Assessment in Appendix I of the EIS, and the Management and Mitigation Measures contained in Chapter 19 of the EIS to minimise impacts on flora and fauna and maintain the biodiversity value of the site and surrounding environment.

Pest, Vermin & Noxious Weed Management

- C43. The Applicant **must**:
- (a) implement suitable measures to manage pests, vermin and declared noxious weeds on site;
 - (b) measures to be taken to prevent the spread of any identified noxious/exotic weeds off site; and
 - (c) inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or noxious weeds are not present on site in sufficient numbers to pose an environmental hazard, or cause the loss of amenity in surrounding area.

Note: For the purposes of this condition, noxious weeds are those species subject to an order declared under the Noxious Weed Act 1993.

C43A. The Applicant **must** update and implement the Biodiversity and Weed Management Plan for the demolition works to the satisfaction of the **Planning Secretary**. This plan is to consolidate the plans approved under conditions C42 and C43 and **must** also:

- (a) be prepared in consultation with the OEH;
- (b) be approved by the **Planning Secretary** (Refer to condition D1A for timing); and
- (c) include details of pre-clearing inspections and frog exclusion measures to be undertaken prior to excavation along the Continental Carbon Pipeway Right of Way.

Continental Carbon Pipeline

C43B. Within three months after the removal of the Continental Carbon Pipeline, the Applicant **must** prepare a strategy, in consultation with the OEH, for the active management of the former pipeline route including a program for weed management and removal as outlined in Management and Mitigation Measure K6 in Appendix C of this consent. The Applicant **must** have commenced implementation of this strategy six months after the removal of the Continental Carbon Pipeline.

Cooling Water Outlet Management Plan

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) outline the measures to be taken to minimise potential marine ecology impacts including measures to:~~
 - ~~• minimise sediment plumes particularly during backfilling activities;~~
 - ~~• minimise the potential for hydrocarbon contamination from the pipeline;~~
 - ~~• minimise disturbance and impact on any seagrass communities; and~~
 - ~~• maintain machinery and equipment; and~~
 - ~~• exclude people and animals from the works both landward and seaward;~~
- (e) include details of the odour suppression measures during the pipeline removal works.
- ~~(f) include details of the works on Silver Beach including:~~
 - ~~• measures to minimise impacts to the affected sand dunes on Silver Beach including dune erosion and damage to vegetation; and~~
 - ~~• strategies for stabilising and restoring the affected sand dunes including exclusion measures and revegetation strategies.~~

Protection of Marton Park Wetland

C44. To ensure that the measures implemented to protect Marton Park Wetland from sedimentation, erosion and possible contaminants related to the stormwater drainage upgrade works approved by Sutherland Shire Council (DA 13/0195), are successful, monitoring of Marton Park Wetland must be undertaken after completion of the stormwater upgrade works, until otherwise agreed with Council, to ensure there are no detrimental impacts on the wetland. Caltex is to prepare a monitoring plan and submit it to Council for approval prior to completion of stormwater drainage upgrade works.

VISUAL

Lighting

C45. The Applicant **must** ensure that the lighting associated with the development:

- (a) complies with the latest version of AS 4282(INT) – *Control of Obtrusive Effects of Outdoor Lighting*; and
- (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Signage and Fencing

C46. The Applicant **must** not install any advertising signs on site without the written Consent of the **Planning Secretary**.

SITE SECURITY

Site Security

C47. The Applicant **must** ensure that:

- (a) site fencing and security gates are installed to the satisfaction of the **Planning Secretary**; and
- (b) the security gates on site are locked whenever the site is unattended.

ACS MANAGEMENT WORKS

Site Auditor

C48. Prior to commencement of the ACS management works, the Applicant **must** provide evidence that an EPA accredited Site Auditor has been appointed to review and approve the RAP and long-term environmental management plan (LTEMP) (see Conditions C54 and C55, respectively).

Remedial Action Plan

C49. Prior to commencement of the ACS management works, the Applicant **must** ensure the RAP is reviewed and approved by the Site Auditor. The Site Auditor **must** be satisfied the design and construction methods outlined in the CQAP will achieve a level of containment which meets the remedial objectives described in the RAP.

A copy of the Site Audit Report, Site Audit Statement **must** be provided to the EPA and Planning Secretary, which demonstrates the appropriateness of the RAP.

Note: The Site Auditor should consider the Construction Quality Assurance Procedures in relation to the Environmental Guidelines: Solid Waste Landfills (EPA, 2nd Edition, 2016)

Containment Cell

C50. Prior to commencement of the ACS management works, the Applicant **must** prepare a Containment Cell Management Plan (CCMP) for the ACS management works. The plan **must** be prepared in accordance with Condition D3 and **must**:

- (a) be prepared by a suitably qualified and experienced person(s), in consultation with the EPA;
- (b) be approved by the **Planning Secretary**;
- (c) describe details of the cell construction and filling activities including soil acceptance criteria for the containment cell;
- (d) describe the measures that will be implemented to ensure the control of soil, surface water, groundwater, air quality and noise impacts associated with the ACS management works;
- (e) include a register to detail the type and volume of material excavated and disposed of as part of the ACS management works; and
- (f) include details of dust, asbestos, waste and groundwater monitoring requirements.

C51. The Applicant **must** only place ACS sourced from within the site in the containment cell.

C52. Upon completion of the construction aspects associated with the ACS management works (which includes closure of the containment cell), the Applicant **must** prepare a Containment Cell Final Report. The report **must**:

- (a) be submitted to the EPA;
- (b) confirm the containment cell has been constructed in accordance with the CQAP; and
- (c) include a summary of the waste classification data (including characterisation and tracking) and monitoring data required under Condition C50 (e) and (f).

Long Term Environmental Management Plan

- C53. Prior to the completion of the construction aspects associated with the ACS management works, the Applicant in consultation with the EPA, must prepare a LTEMP for the containment cell, to the satisfaction of the Site Auditor. A copy of the Site Audit Report and Site Audit Statement must be provided to the EPA and Planning Secretary, which demonstrates the appropriateness of the LTEMP.
- C54. Upon completion of the construction aspects associated with the ACS management works (which includes closure of the containment cell) closure of the containment cell, the Applicant must:
- (a) implement the approved LTEMP and manage the containment cell in accordance with the approved LTEMP; and
 - (b) ensure the containment cell is listed on the relevant planning certificate for the land, issued under Section 149(5) of the EP&A Act, for the site.

Pipeway Validation

- C55. Upon completion of the construction aspects associated with the ACS management works, the Applicant must prepare a Validation Report of the pipeways. The report must:
- (a) be submitted to the EPA and the Planning Secretary for review;
 - (b) be prepared in accordance with the RAP and the *Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites* (OEH 2011);
 - (c) include details of the following:
 - (i) sampling and analysis plan and sampling methodology; and
 - (ii) results of any validation sampling, compared to relevant guidelines/criteria.

SCHEDULE D

ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Construction Environment Management Plan

D1. The Applicant must prepare and implement a Construction Environmental Management Plan for the Development to the satisfaction of the Planning Secretary. The Plan must:

- (a) be prepared in consultation with Sutherland Shire Council and the EPA;
- (b) be submitted to the Planning Secretary for approval no later than four (4) weeks prior to the commencement of construction, or within such period otherwise agreed by the Planning Secretary;
- (c) identify the statutory Consents that apply to the Development;
- (d) consolidate all relevant management plans and monitoring programs required in the conditions of this Consent;
- (e) outline all environmental management practices and procedures to be followed during construction and demolition works associated with the Development;
- (f) describe all activities to be undertaken on the site during construction of the Development, including a clear indication of construction stages;
- (g) incorporate all relevant management and mitigation measures contained in the EIS and RTS;
- (h) detail how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts. In particular, the following environmental performance issues must be addressed in the Plan:
 - (i) Human Health and Ecological Risk management - which must be mitigated and managed in accordance with Section 6.2 of the *"Human Health and Ecological Qualitative Risk Assessment"* report prepared by URS, dated 28 February 2013 and the relevant Management and Mitigation Measures contained in Appendix C of this consent;
 - (ii) Biodiversity management (See Condition 42);
 - (iii) Pest, Vermin & Noxious Weed management (See Condition C43);
 - (iv) Soils and Erosion management (See Condition C11);
 - (v) Contamination management (See Condition C15);
 - (vi) Noise and Vibration management (See Condition C22);
 - (vii) Air Quality management (See Condition C28);
 - (viii) Stormwater and Wastewater management (See Condition C12);
 - (ix) Traffic management (See Condition C36);
 - (x) Heritage management (Aboriginal and non-Aboriginal) (See Condition 33 & 34);
 - (xi) Waste and Resource management (See Condition C40);
 - (xii) Groundwater management, including measures which are consistent with the relevant Management and Mitigation Measures contained in Appendix C of this consent;;
 - (xiii) Acid Sulfate Soils management – if required (See Condition C14);
 - (xiv) Emergency (including spill) management;
 - (xv) means for assessing (and where identified) for managing interactions and cumulative impacts from the concurrent construction of other development works in the area should these coincide with the Development (e.g. the Caltex Ports and Berthing upgrade, remediation projects);
- (i) describe the roles and responsibilities for all relevant employees involved in construction and demolition works associated with the Development;
- (j) include arrangements for community consultation, including consultation with the NSW Department of Education and local schools at key stages of the development that may affect school operations, to identify issues and mitigate impacts throughout the course of the Development.
- (k) Include a complaints handling procedure during construction and demolition and operation; and,
- (l) include appropriate procedures to allow the regular review of the requirements of each plan to ensure that they are effective and allow for adaptive management to address contingencies that may arise over the life of the development.

The approval of a Construction Environmental Management Plan does not relieve the Applicant of any requirement associated with this development consent. If there is an inconsistency with an approved Construction Environmental Management Plan and the conditions of this development consent, the requirements of this development consent prevail.

Construction of the Development must not commence until written Consent of this plan has been received from the Planning Secretary.

Demolition Environmental Management Plan

D1A. The Applicant **must** prepare and implement a Demolition Environmental Management Plan for the demolition works to the satisfaction of the **Planning Secretary**. This plan must:

- (a) be prepared in consultation with Council, EPA and NSW Health;
- (b) be submitted to the **Planning Secretary** for approval no later than four (4) weeks prior to the commencement of the demolition works, or within such period otherwise agreed by the **Planning Secretary**;
- (c) identify the statutory approvals and consents that apply to the development;
- (d) consolidate all relevant management plans and monitoring programs required in the conditions of this Consent;
- (e) outline all environmental management practices and procedures to be followed during demolition works associated with the development;
- (f) describe all activities to be undertaken on the site during demolition works associated with the development, including a clear indication of demolition stages;
- (g) incorporate all relevant management and mitigation measures contained in the SEE;
- (h) detail how the environmental performance of the demolition works will be monitored, and what actions will be taken to address potentially adverse environmental impacts. In particular, the following environmental performance issues **must** be addressed in the Plan:
 - i. Biodiversity and weed management (See Condition C43A);
 - ii. Soils and water management (See Condition C12A);
 - iii. Contamination management (See Condition C15A);
 - iv. Noise and vibration management (See Condition C22A);
 - v. Air quality management (See Condition C28A);
 - vi. Stormwater and wastewater management (See Condition C12A);
 - vii. Traffic management (See Condition C36A);
 - viii. Demolition waste and resource management (See Condition C40A);
 - ix. Groundwater management, including measures which are consistent with the relevant Management and Mitigation Measures contained in Appendix C of this consent;
 - x. Acid sulfate soils management (See Condition C14);
 - xi. Heritage management strategy (See Condition C31);
 - xii. Cooling water outlet management (see Condition C42B);
 - xiii. pipeline removal works on Kurnell Wharf, including details of the timing and program of works, demolition and removal techniques, and the measures to manage traffic and access to the wharf.
 - xiv. means for assessing (and where identified) for managing interactions and cumulative impacts from the concurrent construction of other development works within the site should these coincide with the Development (e.g. the Caltex Ports and Berthing upgrade, remediation projects);
 - xv. describe the roles and responsibilities for all relevant employees involved in the demolition works associated with the Development;
- (i) include details of a community notification protocol to notify potentially affected persons (including the local community and surrounding industries) of works which are likely to cause significant adverse impacts to the environment;
- (j) include a complaints handling procedure; and
- (k) include appropriate procedures to allow the regular review of the requirements of each plan to ensure that they are effective and allow for adaptive management to address issues that may arise over the life of the development.

The approval of a Demolition Environmental Management Plan does not relieve the Applicant of any requirement associated with this development consent. If there is an inconsistency with an approved Demolition Environmental Management Plan and the conditions of this development consent, the requirements of this development consent prevail.

Demolition works **must** not commence until written approval of this plan has been received from the **Planning Secretary**.

Operational Environmental Management Plan

- D2. The Applicant **must** prepare and implement an Operational Environmental Management Plan for the project to the satisfaction of the **Planning Secretary**. This Plan must:
- (a) be approved by the **Planning Secretary** prior to the commencement of operations;
 - (b) provide the strategic framework for environmental management of the Development;
 - (c) identify the statutory approvals that apply to the Development;
 - (d) include a copy of all relevant management plans and monitoring programs relevant under this consent, including:
 - (i) Water Management Plan (See Condition C12);
 - (ii) Noise Management Plan (See Condition C22);
 - (iii) Traffic Management Plan (See Condition C36);
 - (iv) Waste Management Plan (See Condition C40);
 - (v) Biodiversity Management Plan (See Condition 42); and,
 - (vi) Pest, Vermin & Noxious Weed Management (See Condition C43).
 - (e) outline all environmental management practices and procedures to be followed during operation;
 - (f) describe all activities to be undertaken on the site during operation;
 - (g) detail how the environmental performance of the operation of the project will be monitored, and what actions will be taken to address identified adverse environmental impacts;
 - (h) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;
 - (i) describe the procedures that will be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the project;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise during the course of the project;
 - respond to any non-compliance; and
 - respond to emergencies; and
 - (j) include:
 - copies of any strategies, plans and programs approved under the conditions of this consent; and
 - a clear plan depicting all the monitoring required to be carried out under the conditions of this consent.
 - (k) a copy of the Long Term Environmental Management Plan (see Condition 53) for the ACS management works.

Management Plan Requirements

- D3. The Applicant **must** ensure that the Management Plans required under this consent are prepared in accordance with any relevant guidelines, and include:
- (a) detailed baseline data;
 - (b) a description of:
 - the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - any relevant limits or performance measures/criteria; and
 - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
 - (c) a description of the measures that will be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
 - (d) a program to monitor and report on the:
 - impacts and environmental performance of the development; and
 - effectiveness of any management measures (see (c) above);
 - (e) a contingency plan to manage any unpredicted impacts and their consequences;
 - (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (g) a protocol for managing and reporting any:
 - incidents;
 - complaints;
 - non-compliances with statutory requirements; and
 - exceedances of the impact assessment criteria and/or performance criteria; and
 - (h) a protocol for periodic review of the plan.

*Note: The **Planning Secretary** may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.*

Annual Review

- D4. By 31 December 2014 and annually thereafter, or as otherwise agreed in writing by the **Planning Secretary**, the Applicant **must** review the environmental performance of the Development to the satisfaction of the **Planning Secretary**. This review must:
- (a) describe the development that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current calendar year;
 - (b) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, which includes a comparison of these results against:
 - the relevant statutory requirements, limits or performance measures/criteria;
 - the monitoring results of previous years; and
 - the relevant predictions in the EIS;
 - (c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
 - (d) identify any trends in the monitoring data over the life of the Development;
 - (e) identify any discrepancies between the predicted and actual impacts of the Development, and analyse the potential cause of any significant discrepancies; and
 - (f) describe what measures will be implemented over the current calendar year to improve the environmental performance of the Development.

Revision of Strategies, Plans & Programs

- D5. Within three months of:

- (a) an approval of a modification;
- (b) a submission of an incident report under Condition D6;
- (c) an approval of an Annual Review under Condition D4; or
- (d) a completion of an audit under Condition D7.

the Applicant must review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of the **Planning Secretary**.

Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the development.

REPORTING

Incident Reporting

- D6. The Applicant **must** notify the **Planning Secretary** and any other relevant agencies of any incident or potential incident with actual or potential significant off-site impacts on people or the biophysical environment associated with the development as soon as practicable after the Applicant becomes aware of the incident. Within 7 days of the date of this incident, the Applicant **must** provide the **Planning Secretary** and any relevant agencies with a detailed report on the incident.

INDEPENDENT ENVIRONMENTAL AUDIT

- D7. Within a year of the date of this consent, and every 3 years thereafter, unless the **Planning Secretary** directs otherwise, the Applicant **must** commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:
- (a) be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the **Planning Secretary**;
 - (b) include consultation with the relevant agencies;
 - (c) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent and any relevant EPL and/or Water License (including any assessment, plan or program required under these approvals);
 - (d) review the adequacy of any approved strategy, plan or program required under these approvals; and

- (e) recommend measures or actions to improve the environmental performance of the development, and/or any assessment, plan or program required under these approvals.

Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Planning Secretary.

- D8. Within 3 months of commissioning this audit, or as otherwise agreed by the Planning Secretary, the Applicant **must** submit a copy of the audit report to the Planning Secretary, together with its response to any recommendations contained in the audit report.

ACCESS TO INFORMATION

- D9. The Applicant **must**, to the satisfaction of the Planning Secretary:

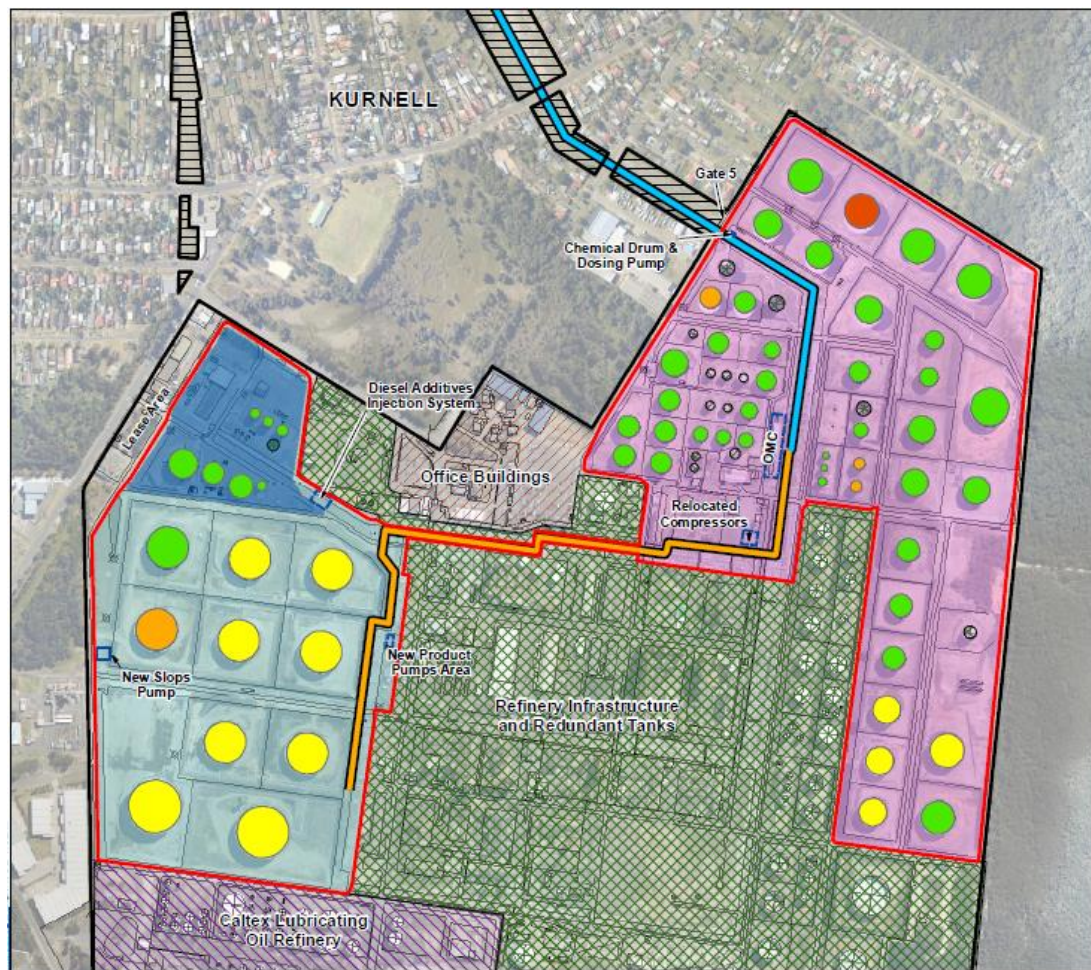
- (a) make the following information publicly available on its website:
- the EIS;
 - MOD 1 and its accompanying documents;
 - MOD 2 and its accompanying documents;
 - MOD 3 and its accompanying documents;
 - MOD 4 and its accompanying documents;
 - MOD 5 and its accompanying documents;
 - MOD 6 and 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.

APPENDIX A - PLANS



Figure 1: The Site and Development Area.



Legend

- The Site
- Project Area
- New Infrastructure

Pipeline

- Pipeline Easement 1
- Pipeline Easement 2

Tank Conversion

- Conversion Required
- No Works Required
- Change of Service
- Restore in Kind

Tank Areas

- Eastern Tanks Area
- Western Tanks Area
- Office Buildings
- Refinery Infrastructure and Redundant Tanks
- Caltex Lubricating Oil Refinery (CLOR)
- Pipeline Right of Way
- Waste Water Treatment Plant (WWTP)



Figure 2 – Proposed Development

Proposed Demolition Works



Figure 3: Proposed demolition works

MOD 6 2020 – Extension of ACS Management Works Period

**APPENDIX B-
CONSENTS TO BE SURRENDERED**

| DA # | Description |
|------------------|---|
| DA13/0727 | Demolition of Transfer Pump House |
| DA12/0111 | Demolition of CLOR Satellite Control Building |
| DA12/0635 | Construction of Boundary Fence |
| DA12/0880 | Replacement of an existing Motor Control Centre |
| DA11/1135 | Remediation of Service Station |
| DA10/0999 | Modification to existing Jet Fuel Facilities |
| DA10/0690 | Demolition of existing structures and construction of new temporary contractor facilities |
| DA10/0272 | New Substation Building |
| DA09/0835 | Erection of two (2) new two (2) storey buildings and one (1) single storey building and relocation of an existing building to be used for office and amenities. |
| MA10/0171 | Modification to approved consent |
| MA10/0007 | Modification to DA09/0840 |
| DA09/0480 | Extend operating hours of existing lab |
| MA 07/0310 | Amendment to Development consent |
| P3A 06/0160 | Crude Storage Tank |
| MA 06/0429 | Amendment to DA06/0873 |
| DA06/0873 | Diesel Storage Tank |
| DA06/0917 | Construction of an LPG Odorant Hut |
| DA06/1490 | Electricity Substation |
| DA05/0241 | Bitumen Storage Tank |
| DA05/1443 | Ancillary Development to Carbon Black Plant |
| DA04/0554 | Decommissioning and Dismantling of the Stand-by Flare |
| DA30_2_2004 | Clean Fuels Project |
| MOD-120-8-2005-i | Clean Fuels MOD 1 |
| MOD-112-9-2006-i | Clean Fuels MOD 2 |
| MOD 30-2-2004-i | Clean Fuels MOD 3 |
| MOD 30-2-2004-i | Clean Fuels MOD 4 |
| DA02/2151 | Furnace Replacement |
| DA01/2696 | Replacement Electrical Substation |
| DA01/2482 | Demolition of Redundant Plant |
| DA01/2019 | Stormwater Pipeline |
| DA 99/1816 | Storage Tanks — Ampol |
| DA 99/0452 | Extensions to existing switch room |
| DA 99/0266 | Advertising |
| DA 98/0053 | Secondary water treatment facilities |
| DA 94/1497 | Provision of a new fire water system |
| DA 93/849 | Installation of facilities for the production, storage and tanker loading of propylene-rich Liquid Petroleum Gas (LPG) material |
| DA 91/0088 | Addition to shop |
| DA 139/79 | Construction of two storage tanks |

**APPENDIX C -
Consolidated Management and Mitigation Measures**

FOR INFORMATION ONLY

MOD 6 2020 – Extension of ACS Management Works Period