

**MODIFICATION OF A DEVELOPMENT CONSENT UNDER SECTION 96 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

(R93/00077, DA 14/96 MOD 03-99)

I, the Minister for Urban Affairs and Planning, pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979, modify the development consent referred to in Schedule 1 in the manner set out in Schedule 2.



Andrew Refshauge MP
**Deputy Premier,
Minister for Urban Affairs and
Planning,
Minister for Aboriginal Affairs and
Minister for Housing**

Sydney, 25 June 1999

SCHEDULE 1

Development consent granted by the Minister for Urban Affairs and Planning on 6 September, 1996 to a development application (DA 14/96) submitted by Boral Resources (NSW) Pty Ltd for the construction and operation of a concrete batching plant, an asphalt plant and associated materials handling facility at Burrows Road South, St Peters, as amended by the consents granted by the Minister on 12 May 1997, pursuant to section 102 of the unamended Environmental Planning and Assessment Act 1979 (the Act) and 8 December 1998, pursuant to section 96 of the Act.

SCHEDULE 2

The development consent is modified by replacing the words in Condition 2(i) with those given below and inserting a new sub heading "SAFETY STUDIES" with three new conditions, nos 42 to 44.

2. The development shall be carried out :

- (i) as described as option "A" in the Environmental Impact Statement (EIS), as modified by supplementary material prepared by S A Smits and Associates Pty Ltd, dated April 1996, June 1996, 21 September 1998 and 25 September 1998 and details of the butane gas storage tank prepared by the applicant dated 22 March 1999; and clarifications provided in letters and faxes dated 7 May 1999 and 21 May 1999.

SAFETY STUDIES

42. Prior to introduction of butane to the site, the applicant shall confirm in writing to the Director-General that all recommendations made, including the development of a Safety Management System, in the preliminary hazard analysis prepared as part of the modification application dated 19 March 1999 to use butane gas, have been implemented. The Safety Management System should be developed in accordance with the principles detailed in the Department of Urban Affairs and Planning's Hazardous Industry Planning Advisory paper No. 9, "Safety Management".
43. At least one month prior to the commencement of construction of the butane system (except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as the Director-General may agree, the Applicant shall prepare and submit for the approval of the Director-General the studies set out under subsections (a) and (b). Construction, other than of preliminary works, shall not commence until approval has been given by the Director-General and, with respect to the fire safety study, approval has also been given by the Commissioner of the NSW Fire Brigades.

(a) FIRE SAFETY STUDY

A fire safety study for the butane system. This study shall cover all aspects detailed in the Department of Urban Affairs and 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 shall also be submitted for approval, to the NSW Fire Brigades.

(b) HAZARD AND OPERABILITY STUDY

A Hazard and Operability Study for the butane system, chaired by an independent qualified person approved by the Director-General prior to the commencement of the study. The study shall be carried out in accordance with the Department of Urban Affairs and Planning's Hazardous Industry Planning Advisory Paper No. 8, "HAZOP Guidelines".

44. HAZARD AUDIT

No later than two months after the commencement of operation of the butane system, or within such further period as the Director-General may agree, the Applicant shall carry out a comprehensive hazard audit of the butane system and within one month of the audit submit a report to the Director-General. The study shall be carried out in accordance with the Department of Urban Affairs and Planning's Hazardous Industry Planning Advisory Paper No. 5, "Hazard Audit Guidelines". The report shall include a program for the implementation of the recommendations made in the audit, with firm completion dates. The audit shall be carried out at the applicant's expense by a duly qualified independent person or team approved by the Director-General prior to commencement of the audit. Further audits shall be carried out every three years or as determined by the Director-General and a report of each audit shall within a month of the audit be submitted to the Director-General.