

Modification of Development Consent

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 9 March 2022, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions outlined in Schedule 2.



Chris Ritchie
Director
Industry Assessments

Sydney

7 July 2022

SCHEDULE 1

Development Consent

Development Consent:

DA No. 246/96 granted by the then Minister for Urban Affairs and Planning on 14 January 1997

For the following:

expansion of an existing bulk liquid storage facility with associated loading/unloading facilities, pipelines, safety systems, landscaping and fencing, as modified

Modification 4

Modification Application:

DA246/96-Mod-4

Modification to:

- construct and operate a thermal oxidiser with liquid waste burning capability
- development of associated servicing and infrastructure adjacent to the existing combustor
- demolish and remove waste tank 1
- repurpose existing tank T-261 as a new waste tank

Applicant:

Terminals Pty Ltd

Consent Authority:

Minister for Planning

The Land:

45 Friendship Road, Port Botany

Lot 16 DP1126332
Lot 17 DP1126332
Lot 18 DP1126332
Lot 102 DP1182871

SCHEDULE 1

The consent is modified as follows:

Under 'In respect of land being'

1. Replace Lot 1, DP 62287 No. 11, Simblist Road Port Botany with the following:

45 Friendship Road, Port Botany

Lot 16 DP1126332

Lot 17 DP1126332

Lot 18 DP1126332

Lot 102 DP1182871

In the Definitions

2. Delete the words "DA No. 246/96 MOD 1 and DA No. 246/96 MOD 2" in the definition of "Development" and replace with the words "the conditions of this consent"
3. Insert the following definition in alphabetical order:

| | |
|---------------------|--|
| DA No. 246/96 MOD 4 | the development as described by modification application DA246/96-Mod-4, accompanying Statement of Environmental Effects and plans dated 18 November 2021, prepared by Urbis Pty Ltd, and Response to Submissions dated 21 March 2022, prepared by Quantem |
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SCHEDULE 2

In Schedule 2: Administrative Conditions

4. In Condition 2a), delete the words " , as modified by DA No. 246/96 MOD 1 and DA No. 246/96 MOD 2"
5. In Condition 2d), delete the word "and".
6. Delete Condition 2e) and replace with the following Conditions e) and f) as follows:

e) DA No. 246/96 MOD 4; and

f) conditions of this consent.
7. Immediately after Condition 2, insert new Condition 2A as follows:

2A. The conditions of this consent prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in conditions 2a) and 2c) to 2e), inclusive. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in conditions 2a) and 2c) to 2e), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.
8. Under Limits on Approval, insert new Condition 6A immediately after Condition 6 as follows:

6A. This consent does not approve the use of the Group 6 treatment plant approved as part of DA No. 246/96 MOD 4 to treat liquid waste that is not generated on the site.
9. Under Operation of Plant and Equipment, insert new condition 10A immediately after Condition 10 as follows:

10A. The Applicant must ensure the design and operation of the Group 6 treatment plant is generally consistent with the specifications and information contained in DA No. 246/96 MOD 4.

SCHEDULE 3

In Schedule 3: Specific Environmental Conditions

10. Under the heading 'Pre-commissioning' and immediately after Condition 12, insert new Condition 12AA as follows:

12AA. Prior to the commissioning of DA No. 246/96 MOD 4, the Applicant shall update the Emergency Plan and Emergency Services Information Package in consultation with Fire and Rescue NSW to incorporate any changes due to that modification. The plan and information package must be submitted to Fire and Rescue NSW and the Planning Secretary.

11. Insert new condition 25A immediately after Condition 25 as follows

25A. Within six months of the installation of the Group 6 treatment plant approved as part of DA No. 246/96 MOD 4, or within a timeframe as otherwise agreed with the Planning Secretary, the Applicant must undertake post-commission testing and prepare an air quality verification report (AQVR) in consultation with the EPA and to the satisfaction of the Planning Secretary. The AQVR must:

- a) verify the maximum calculated emission rates in the air quality impact assessment submitted in DA No. 246/96 MOD 4; and
- b) describe the additional mitigation measures to be implemented and the timing for implementation in the event the actual emission rates exceed the maximum calculated emission rates.

12. Replace Condition 34 with new Condition 34 as follows:

34. Throughout the life to the development, the Applicant shall periodically review, in consultation with the EPA, and:

- a) implement reasonable and feasible measures to avoid or minimise the waste generated by the development; and
- b) ensure the management of liquid waste is undertaken in accordance with best practice as reasonably practicable.

13. Replace Condition 35 with new Condition 35 as follows:

35. The Applicant shall ensure that all non-gaseous waste generated on site during construction and operation is classified in accordance with the EPA's *Waste Classification Guidelines: Part 1 Classifying Waste*.

14. Insert new condition 35A immediately after Condition 35 as follows:

35A. The Applicant may treat gaseous and liquid waste that are generated onsite and consistent with the specifications and information contained in DA No. 246/96 MOD 4 using the Group 6 treatment plant approved as part of DA No. 246/96 MOD 4.

15. Insert new condition 35B immediately after Condition 35A as follows:

35B. The Applicant shall ensure that all onsite generated solid waste and liquid waste that is not treated using the Group 6 treatment plant approved as part of DA No. 246/96 MOD 4 is transported to a facility that may lawfully receive the waste.

16. Insert new heading 'Waste Management Plan' and new Condition 35C immediately after Condition 35B as follows

Waste Management Plan

35C. Prior to the commencement of operation of DA No. 246/96 MOD 4, the Applicant must prepare a Waste Management Plan for the site in consultation with the EPA and to the satisfaction of the Planning Secretary. The Waste Management Plan must form part of the Environmental Management Strategy and must:

- a) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Environment Protection Authority, 2014);

18. Replace 'Figure 2' in Appendix A with the following

