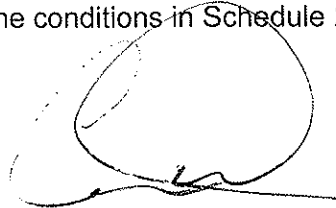


Notice of Modification

Section 96(1A) of the *Environmental Planning & Assessment Act 1979*

Under the Minister for Planning's delegation of 4 March 2009, I modify the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Chris Wilson
Executive Director

Sydney, 29 SEPTEMBER 2009

SCHEDULE 1

The development consent (DA 35/98) granted by the Minister on 6 November 1998 for the construction and operation of a replacement Chlor-Alkali plant in the Botany Industrial Park.

SCHEDULE 2

The development consent is modified by:

1) **Replacing existing condition 1e) with the following:**

1e) MOD 3 to relocate the sodium hypochlorite plant; and

2) **Inserting immediately after condition 1e) the following:**

1f) the conditions of this consent.

3) **Replacing existing condition 1A with the following:**

1A In the event of an inconsistency between a condition of this consent and the documents listed under a) to e) above, the conditions of consent shall prevail to the extent of the inconsistency.

4) **Replacing existing condition 8 with the following:**

8 Pre-Startup

The Applicant shall submit to the Director-General a report detailing compliance with conditions 9 and 10(a) one month prior to the commencement of operation of Mod 3.

5) Replacing existing condition 9 with the following:

HAZARD MANAGEMENT

9. Pre-Construction

Construction of Mod 3, other than of preliminary works that are outside the scope of the hazard studies set out under subsection 9(a) to 9(c) shall not commence until the study recommendations have been considered, and where appropriate, acted upon.

(a) *Fire Safety Study*

Prior to commencement of construction of Mod 3, the Applicant shall update the existing Fire Safety Study (FSS) consistent with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study Guidelines'*.

(b) *Hazard and Operability Study*

Prior to commencement of construction of Mod 3, the Applicant shall prepare a Hazard and Operability Study (HAZOP) for the relocation of the sodium hypochlorite plant. The HAZOP shall be chaired by an independent qualified person and shall be consistent with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 8 'HAZOP Guidelines'*

(c) *Construction Safety Study*

Prior to commencement of construction of Mod 3, the Applicant shall prepare a Construction Safety Study consistent with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 7 'Construction Safety Study Guidelines'*.

6) Replacing existing condition 10(a) with the following:

(a) *Emergency Plan*

Prior to commissioning Mod 3, the Applicant shall develop a new or updated Emergency Plan. The plan shall be consistent with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 1 'Industry Emergency Planning Guidelines'*.

7) Replacing existing condition 21 with the following:

21(a) Excavated material shall be screened, tested and disposed of in accordance with the Department of Environment, Climate Change and Water's *Waste Classification Guidelines 2008*. Testing shall include, but not be limited to, mercury and hexachlorobenzene.

21(b) Materials found to be contaminated shall be disposed of to an appropriately licensed facility and not reused on site for any purpose.

8) Insert new condition 26A immediately following condition 26:

27A Mod 3 shall comply with Australian Standard AS 3780 *The Storage and Handling of Corrosive Substances*.

9) Insert new condition 27A immediately following condition 27:

27A The Applicant shall dispose of any asbestos contaminated materials in accordance with the requirements of WorkCover NSW.

10) Inserting new condition 46A immediately following condition 46:

46A The Applicant shall provide a supplementary report for any equipment or structure decommissioned or demolished as a result of Mod 3. The report shall detail the chemical and manufacturing processes associated with the sodium hypochlorite plant with any oral history, photographic records and documentation including scale drawings. Copies of the supplementary report shall be provided to the Director-General and the City of Botany Bay Council.