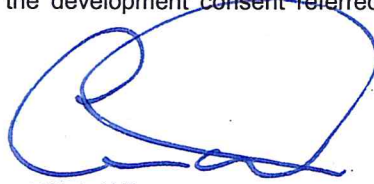


Notice of Modification

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure, under the delegation executed on 14 September 2011, I hereby modify the conditions of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Chris Wilson
Executive Director
Major Projects Assessment

Sydney

10 SEPTEMBER

2012

SCHEDULE 1

Development Consent

Construction and operation of a replacement Chlor-Alkali plant at the Botany Industrial Park DA 35/98 granted by the Minister on 6 November 1998.

SCHEDULE 2

1. In the list of definitions delete:

Department	Department of Urban Affairs and Planning
Director-General	the Director-General of the Department of Urban Affairs and Planning
DLWC	Department of Land and Water Conservation

and insert in alphabetical order:

Department	Department of Planning and Infrastructure,
Director-General	The Director-General of the Department
NOW	NSW Office of Water

2. Replace all references to the Director-General of Urban Affairs and Planning with the Director-General
3. Replace all references to DLWC with NOW
4. Replace existing condition 1f) Schedule 2 with the following:
 - (f) modification application 35/98 Mod 4, in relation to replacement of caustic tanks lodged with the Department of Planning and Infrastructure on 13 April 2012 and accompanied by an environmental assessment prepared by Parsons Brinckerhoff dated May 2012; and
 - (g) the conditions of this consent.
5. replace existing condition 1A Schedule 2 in with the following:
 - 1A In the event of an inconsistency between the conditions of this consent and any document listed from condition 1a) to 1f) inclusive, the conditions of this consent shall prevail to the extent of the inconsistency; and
6. Insert the following new condition 1B after existing condition 1A Schedule 2:

1B The Applicant shall construct the spill containment area of the caustic tanks in accordance with:
AS 3780-2008 The storage and handling of corrosive substances.

7. replace existing condition 9 Schedule 2 with the following:

9 Prior to commencement of construction of Mod 4, 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'*.

8. Insert the following new condition 19B after condition 19A Schedule 2:

19B Prior to the commencement of the construction of Mod 4, the Applicant shall prepare a Construction Environmental Management Plan (CEMP) (in consultation with the EPA and to the satisfaction of the Director-General. The CEMP shall reflect the works proposed as part of Mod 4 and shall include:

- (a) the results of the recent soil sampling undertaken by Orica and documented in the Figure titled *Orica Botany Caustic Tank Project* and dated 02/08/2012;
- (b) measures, such as additional sampling and/or remedial measures, to manage any areas of shallow soil contamination;
- (c) details of the management strategy for the handling, treatment and disposal of any contaminated material
- (d) a defined heavy vehicle route restricted to the arterial road network and contractor induction requiring the use the defined route;
- (e) construction noise and vibration management measures including:
 - monitoring of heritage listed items during the use of any vibration intensive equipment; and
 - safe working distances for the vibration intensive equipment;
- (f) soil sedimentation and runoff control measures;
- (g) management measures to control dust; and
- (h) waste management measures.

9. replace existing condition 46A Schedule 2 with the following:

46A The Applicant shall provide a supplementary report including a photographic record of any equipment or structure decommissioned or demolished as a result of Mod 4. Copies of the supplementary report shall be provided to the Director-General and the City of Botany Bay Council prior to demolition.