

Modification of Minister's Approval

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

As delegate for the Minister for Planning, under the Instrument of Delegation executed on 11 October 2017, 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 26 OCTOBER

2018

File OBJ16/11729

SCHEDULE 1

Development Consent (DA 35/98), granted by the former Minister for Urban Affairs and Planning on 6 November 1998 for the installation of the replacement Chlor-Alkali Plant to produce 35,000 tonnes per annum gaseous chlorine at Botany Industry Park, Matraville in the Bayside local government area (formerly Botany local government area).

SCHEDULE 2

This consent is modified as follows:

1. In abbreviations and interpretation section, delete the definitions for the Department, the Director-General, the Council, the Applicant and Site and insert the following definitions in alphabetical order:

Applicant	IXOM Operations Pty Ltd, or any other person(s) carrying out any development which this consent applies
Council	Bayside Council
Department	NSW Department of Planning and Environment
Planning Secretary	Planning Secretary (or delegate)
Site	Site of the development, being Lot 110 DP 1204999 (formerly Lot 1, DP 608153)
2. Delete all references to "Director-General" and replace with "Planning Secretary".
3. Delete all references to "shall" and replace with "must".
4. Delete Condition 1 and replace with:
 1. The Applicant must carry out the development generally in accordance with:
 - (a) the Environmental Impact Statement dated June 1998, prepared by Dames & Moore Pty Ltd and drawing number B73359 RevA;
 - (b) modification application MOD-180-11-2005-i with respect to replacement of the sodium hypochlorite loading bays; upgrade of sodium the hypochlorite tank farm; and replacement of the technicians' changing room;
 - (c) modification application MOD-12-1-2006 with respect to the demolition of the decommissioned ChlorAlkali plant buildings at the Botany Industrial Park;
 - (d) the letter to the Department dated 4 May 2006 prepared by Robert Evans, Site Environment Engineer, Orica relating to hazard reduction measures;
 - (e) MOD 3 to relocate the sodium hypochlorite plant;

- (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;
 - (g) modification request 35/98 MOD 5, including supporting documentation prepared by IXOM Operations Pty Ltd dated 27 June 2018, 31 August 2018 and 9 October 2018; and
 - (h) the conditions of this consent.
5. Delete Condition 1A. and replace with the following:
- 1A. If there is any inconsistency between the plans and documentation listed under Condition 1 above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this consent prevail to the extent of any inconsistency.
6. Insert new Conditions 1C. to 1E. after Condition 1B.
- 1C. In addition to meeting the specific performance criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the development.
- 1D. The Applicant must comply with all written requirement(s) of the Planning Secretary arising from the Department's assessment of:
- (a) Any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this consent (including any stages of these documents); and
 - (b) The implementation of any actions or measures contained within these documents.
- 1E. The Applicant must ensure all buildings and structures, and any alterations or additions to existing buildings and structures are constructed in accordance with the relevant requirements of the National Construction Code.
7. Insert new subheadings and Conditions 10A to 10E after Condition 10:

HAZARDS AND RISK - MOD 5

PRE-CONSTRUCTION

- 10A. Prior to completion of detailed design, the applicant must consult with SafeWork NSW on the identification and implementation of the controls to reduce risks so far as is reasonably practicable.
- 10B. The Applicant must prepare the studies set out under (a) and (b) below (the pre-construction studies). Construction, other than of preliminary works that are outside the scope of the hazard studies, must not commence until study recommendations have been considered and, where appropriate, acted upon. The Applicant must submit the studies to the Planning Secretary no later than one month prior to the commencement of construction of MOD 5 (other than preliminary works), or within such further period as the Planning Secretary may agree:
- (a) CONSTRUCTION SAFETY STUDY
Construction Safety Study for the MOD 5, prepared in accordance with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 7, 'Construction Safety' guideline. The study must include and not be limited to identifying hazards and safeguards relevant to commissioning of the Repack facility.
 - (b) HAZARD AND OPERABILITY STUDY
A Hazard and Operability Study for the MOD 5, chaired by a qualified person, independent of the modified development, approved by the Planning Secretary prior to the commencement of the study. The study must be consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 8, 'HAZOP Guidelines'. The study report 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.
The study must be based on the detailed design of the facility and sufficiently cover all MOD 5 processes, including the operation of existing tanks, plant and equipment.

PRE-COMMISSION

- 10C. Prior to operating the new operation under MOD 5, the Applicant must implement the controls required to reduce risk so far as is reasonably practicable.

- 10D. Prior to commissioning, the Applicant must update the Fire Safety Study under Condition 9, and the Emergency Plan and Safety Management System under Condition 10 to include all aspects relevant to MOD 5. Commissioning must not commence until Fire Safety Study recommendations have been considered and, where appropriate, acted upon.
- 10E. The Applicant must comply with all reasonable requirements of the Planning Secretary on the implementation of any measures arising from the studies in respect of Conditions 10B and 10D within such time as the Planning Secretary may agree.
8. Insert new Condition 19C and after Condition 19B.
- 19C. Prior to the commencement of construction of MOD 5, the Applicant must prepare a Construction Environment Management Plan (CEMP) for the approval of the Planning Secretary, which details relevant construction methodology and key mitigation measures. The CEMP for MOD 5 must include:
- (a) controls for the potential direct exposure to soil potentially impacted by mercury;
 - (b) erosion and sediment controls including the management of any stormwater or groundwater that may accumulate in the development footprint;
 - (c) details of the management strategy for handling, classification and disposal of any contaminated soil;
 - (d) an unexpected finds protocol which is to be enacted where mercury concentrations in the soil excavated during construction of MOD 5 exceed the 893 mg/kg mercury threshold;
 - (e) construction and demolition waste management;
 - (f) traffic management; and
 - (g) construction noise and vibration management.
9. Insert new Condition 19D after Condition 19C.
- 19D. The Applicant must:
- (a) not commence construction works required under MOD 5 until the CEMP is approved by the Planning Secretary; and
 - (b) carry out the construction works of MOD 5 in accordance with the CEMP approved by the Planning Secretary.