

Modification of Development Consent

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

As delegate of the Minister for Planning and Public Spaces 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.


Joanna Bakopanos
A/Director
Industry Assessments

Sydney

21 July 2026

File: DA35/98-Mod-6

SCHEDULE 1

Development Consent

Development Consent: DA35/98 granted by the Minister for Urban Affairs and Planning on 6 November 1998

For the following: Installation of replacement Chlor-alkali plant to produce 35,000 tonnes per annum of gaseous chlorine

Modification 6

Modification Application: DA35/98-Mod-6
Modification to construct and operate a chlorine liquefaction plant

Applicant: IXOM Operations Pty Ltd

Consent Authority: Minister for Planning and Public Spaces

The Land: 16 – 20 Beauchamp Road Matraville 2036
Lots 1101, 1102, 1103 and 1104 DP 1227173

SCHEDULE 2

The consent is modified as follows:

In Schedule 1

1. In the section titled 'In respect of land being:' delete the words 'Lot 1, DP 608153' and replace with:

Lot 1101, 1102, 1103, 1104 and 1105 DP 1227173

In the Abbreviations and Interpretation

2. Delete the following definitions:

Department	NSW Department of Planning and Environment
NOW	NSW Office of Water
Site	Site of the development, being Lot 101 DP 1204999 (formerly Lot 1, DP 608153)

3. Insert the following definitions in alphabetical order:

CAP	Chlor-Alkali Plant as described in DA 35/98
CLP	Chlorine Liquefaction Plant, as described in DA 35/98-Mod-6
Containment building	The building housing the CLP and chlorine transportable vessels as described in DA 35/98-Mod-6
Contingent mode of operation of the CLP	Production of liquefied chlorine and filling of all types of chlorine transportable vessels
Department	NSW Department of Planning, Housing and Infrastructure
Development	The development described in Schedule 1 and the EIS, including the works and activities comprising construction and operation of a replacement Chlor-Alkali Plant, as modified by the conditions of this consent
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPL	Environment Protection Licence 20547 issued under the Protection of the Environment Operations Act 1997
Entire facility	The whole facility within the development area up to and including DA35/98-Mod-6 including the existing chlor-alkali plant (CAP) and the chlorine liquefaction plant (CLP) and containment building
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm to the environment, and as a consequence of that environmental harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance Note: "Material harm" is defined in this consent
Material harm	Is harm that: a) involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or b) results in actual loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment) Note: This definition excludes "harm" that is either authorised under this consent or any other statutory approval Note: For the purposes of this definition, material harm excludes incidents captured by Work Health and Safety reporting requirements
Minister	NSW Minister for Planning and Public Spaces (or delegate)

Normal mode of operation of the CLP	Production of liquefied chlorine and filling of 13 tonne chlorine tankers. The filling of 920 kilogram chlorine drums and 70 kilogram chlorine cylinders may be permitted as part of inspection and maintenance
PHA	Preliminary Hazard Analysis titled 'Quantitative Risk Assessment Proposed Chlorine Liquefaction Plant Modification to Chlor Alkali Facility, Botany Industrial Park IXOM' (Revision 5), prepared by Sherpa Consulting dated 26 March 2026
RAP	Remedial Action Plan titled 'New Chlorine Liquefaction Plant, Denison Street, Banksmeadow NSW prepared by JBS&G dated 30 January 2025
Site	Site of the development, being Lot 1101, 1102, 1103, 1104 and 1105 DP 1227173 (formerly Lot 1, DP 608153)
Site Auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Transportable vessels	13 tonne tankers, 920 kilogram drums and 70 kilogram cylinders which contain or may contain chlorine, including those which are marked as empty and those which could be considered as transit storage

In Schedule 2: Conditions of Development Consent

4. In Condition 1, delete part (h) and replace with a new parts (h), (i) and (j) as follows:

- (h) modification application 35/98 Mod 6, including the Modification Report prepared by Element dated 13 August 2025 and Submissions Report prepared by Element dated 30 March 2026;
- (i) the plans in Appendix 1; and
- (j) the conditions of this consent.

5. Insert a new heading and new Conditions 2A and 2B after Condition 2 as follows:

OPERATING LIMITS

- 2A. The Applicant must ensure:
 - (a) the maximum production capacity of the Chlor-Alkali Plant (CAP) does not exceed 35,000 tonnes of gaseous chlorine per year; and
 - (b) the maximum production capacity of the Chlorine Liquefaction Plant (CLP) does not exceed 50 tonnes of liquid chlorine per day.
- 2B. The Applicant must ensure all 13 tonne bulk chlorine tankers exit from the entire facility by turning right out of Botany Industrial Park Gate 3.

6. Delete Condition 3.

7. Immediately after Condition 2B, insert a new heading and Conditions 3A to 3G as follows:

STORAGE LIMITS

- 3A. The storage of chlorine within the entire facility, at any one time, must not exceed the following number of vessels and quantities;
 - (a) 100 cylinders of up to 70 kilograms each;
 - (b) 200 drums of 920 kilograms each;
 - (c) 2 bulk chlorine tankers of 13 tonnes each; and
 - (d) 50 tonnes of liquid chlorine within a single insulated bulk storage tank on duty.
- 3B. Up to two, 50 tonne insulated bulk storage tanks may be located within the entire facility at any one time. Notwithstanding this:
 - (a) only one of these 50 tonne insulated bulk storage tank may store liquid chlorine in accordance with condition 3A; and
 - (b) the other bulk storage tank must not store liquid chlorine at the same time, must be kept on standby and may only be used for chlorine containment in the event of an emergency.

- 3C. The storage limits in Condition 3A only apply when the CLP described in DA35/98-Mod-6 is operational. The storage limits in Condition 17 continue to apply until the CLP is operational.
- 3D. All transportable vessels described in Condition 3A(a), (b) and (c), which may contain chlorine, including those which are marked as empty, and those which could be considered as transit storage, must always be stored and handled inside the containment building at all times.
- 3E. The Applicant must store and handle all chemicals, fuels and oils within the entire facility in accordance with:
- (a) the requirements of all relevant Australian Standards;
 - (b) *Australian Standard 2927 The storage and handling of liquefied chlorine gas* (AS 2927) or as agreed with SafeWork NSW; and
 - (c) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook* if the chemicals are liquids.
- In the event of an inconsistency between the requirements listed from (a) to (c) above, the most stringent requirement shall prevail to the extent of the inconsistency.
- 3F. The Applicant must store and maintain all chemicals and materials required to operate the containment building scrubber at the minimum stock level, at all times. The minimum stock level must be established based on operating the scrubber to treat the worst-case uncontrolled release of chlorine that may occur within the building.
- 3G. The Applicant must maintain minimum tank capacities to store and contain all chemicals and materials leaving the containment building scrubber based on operating the scrubber to treat the worse-case uncontrolled release of chlorine which may occur within the building.
8. Delete Conditions 7 to 13 and replace with new conditions 7 to 13A as follows:

Design Requirements

7. The Applicant must implement all actions, control measures, safeguards and recommendations described in the PHA.
- 7A. The CLP and containment building must be designed and operated in accordance with *Australian Standard 2927 The storage and handling of liquefied chlorine gas* (AS 2927) or as agreed with SafeWork NSW.
- 7B. Prior to finalising the detailed design of the CLP and containment building, the Applicant must consult with SafeWork NSW regarding any requirements under the *Work Health and Safety Act 2011*, *Work Health and Safety Regulation 2025* and SafeWork's advice on DA35/98-Mod-6 dated 11 May 2026.

Pre-construction

8. At least one month prior to the commencement of construction of the CLP or containment building (except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as the Planning Secretary may agree, the Applicant must prepare and submit for the approval of the Planning Secretary the studies set out below (the pre-construction studies). Construction, other than of preliminary works, must not commence until approval has been given by the Planning Secretary and, with respect to the Fire Safety Study, approval has also been given by Fire and Rescue NSW
- (a) A **Fire Safety Study** for the entire facility. The study must:
 - i. cover the relevant aspects of the Department's *Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study'* and the New South Wales Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*;
 - ii. consider potential changes to fire engineering design due to decoupling of the entire facility from utilities and services provided from neighbouring facilities within the Botany Industrial Park; and
 - iii. provide correspondence from Fire and Rescue NSW which specifies that all their operational requirements have been met.
 - (b) A **Hazard and Operability Study** for the CLP and containment building described under DA35/98-Mod-6. The study must:
 - i. be chaired by a qualified person, independent of the development and approved by the Planning Secretary prior to commencement of the study;

- ii. be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 8, 'HAZOP Guidelines'*;
 - iii. consider all tie-in and flow-on effects between MOD 6 and the existing chlor-alkali plant;
 - iv. consider all control measures and safeguards described in SafeWork NSW's submission of 11 May 2026. If the Applicant intends to defer the consideration of a control measure and safeguard, reasons must be documented in consultation SafeWork NSW; and
 - v. include an implementation program of all actions and recommendations made in the report. If the Applicant intends to defer the implementation of an action or recommendation, reasons must be documented.
- (c) A **Safety Integrity Level Allocation and Verification Studies** consistent with *Australian Standard 61508 Functional Safety of Electrical / Electronic / Programmable Electronic Safety-related Systems* and *Australian Standard 61511 Functional Safety - Safety Instrumented Systems for the Process Industry Sector*.
- (d) A **Final Hazard Analysis (FHA)** for the entire facility. The study must:
- i. be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'*;
 - ii. report on the consultation outcomes with SafeWork NSW in regard to the requirements under Condition 7B and include all actions arising from the consultation;
 - iii. re-evaluate and confirm all data and assumptions in the PHA, including justification of all differences between the PHA and FHA; and
 - iv. include a diagram showing the extent of the 1×10^{-9} per year individual fatality risk contour.
- (e) A **Construction Safety Study** prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 7 'Construction Safety'*. For developments in which the construction period exceeds six months, the commissioning portion of the Construction Safety Study may be submitted two months prior to commencement of commissioning. The study must also identify suitable locations for the storage and handling of all chlorine transportable vessels, during the construction and commissioning phases of the CLP and containment building.

Pre-commissioning

9. The Applicant must develop and implement the plans and systems set below. No later than two months prior to the commencement of commissioning of the CLP or containment building, or within such further period as the Planning Secretary may agree, the Applicant must submit for the approval of the Planning Secretary documentation describing those plans and systems. Commissioning must not commence until approval has been given by the Planning Secretary.
- (a) An updated **Emergency Plan** and detailed emergency procedures for the entire facility. The Emergency Plan must include consideration of the safety of all people outside of the development who may be at risk from the development. The plan must be prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'*.
 - (b) A document setting out an updated **Safety Management System** covering all on-site operations and associated transport activities involving hazardous materials. The document must clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. Records must be kept on-site and must be available for inspection by the Planning Secretary upon request. The Safety Management System must be developed in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'*.

Pre-startup

10. One month prior to the commencement of operation of the CLP, the Applicant must submit to the Planning Secretary, a **Pre-Startup Compliance Report** detailing compliance with Conditions 8 and 9, including:
- (a) dates of study/plan/system submission, approval, commencement of construction and commissioning;
 - (b) actions taken or proposed, to implement recommendations made in the studies/plans/systems; and
 - (c) responses to any requirement imposed by the Secretary under Condition 12A.

Post-startup

11. Three months after the commencement of operation of the CLP, the Applicant must submit to the Planning Secretary, a **Post-Startup Compliance Report** verifying:
- (a) compliance with Condition 2B and relevant procedures;
 - (b) the Emergency Plan required under Condition 9(a) is effectively in place and that at least one emergency exercise has been conducted; and
 - (c) the Safety Management System required under Condition 9(b) has been fully implemented and that records required by the system are being kept.

Hazard Audit

12. Three years after the date of consent of DA35/98-Mod-6 and every three years thereafter, or at such intervals as the Planning Secretary may agree, the Applicant must carry out a comprehensive **Hazard Audit** of the entire facility and within one month of each audit submit a report to the satisfaction of the Planning Secretary. The audits must:
- (a) be carried out at the Applicant's expense by a qualified person or team, independent of the development who have been approved by the Planning Secretary prior to commencement of the audit;
 - (b) be carried out in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit'*;
 - (c) include a review of the site Safety Management System and a review of all entries made in the incident register since the previous audit; and
 - (d) report the annual number of movements of tankers and flatbed trucks associated with the transport of transportable vessels loaded with chlorine.
- 12A. Within one month of completing each Hazard Audit carried out in accordance with Condition 12, the Applicant must submit a report to the satisfaction of the Planning Secretary for approval. The audit report must be accompanied by a program for the implementation of all recommendations made in the audit report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented.

Quantitative Risk Assessment

13. Five years after the date of consent of DA35/98-Mod-6 and every five years thereafter, or at such intervals as the Planning Secretary may agree, the Applicant must carry out a comprehensive **Quantitative Risk Assessment** (QRA) of the entire facility and submit the QRA report to the satisfaction of the Planning Secretary for approval. The QRA must:
- (a) be prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'* with risk results assessed against the Department's *Hazardous Industry Planning Advisory Paper No. 4, 'Risk Criteria for Land Use Safety Planning'* (HIPAP 4);
 - (b) consider all findings and recommendations from prior Hazard Audit reports under Condition 12 to verify that the design and operation of the entire facility remains consistent with the FHA;
 - (c) verify that the extent of all individual risk contours do not increase beyond the FHA results;
 - (d) consider and provide details on the most recent residential and employment population data and assumptions surrounding the entire facility;
 - (e) include a diagram showing the extent of the 1×10^{-9} per year individual fatality risk contour;
 - (f) report the risk contributors at locations where it could have significant impacts on the cumulative societal risk; and
 - (g) include a separate summary report which summarises the findings and results from the QRA, including and not limited to diagrams for individual risk contours and societal risk curves corresponding to the quantitative risk criteria in HIPAP 4. This separate report must be published by the Applicant on the facility operator's public website within one month of the Planning Secretary's approval of the QRA.
- 13A. The Applicant must comply with all reasonable requirements of the Planning Secretary in respect of the implementation of any measure arising from the reports submitted in respect of Conditions 7 to 13 inclusive within such time as the Secretary may agree.
9. Insert a Note after Condition 17 and a new Condition 17A as follows:
- Note:** *As noted in Condition 3C, Condition 17 only applies until the CLP as described in DA35/98-Mod-6 is constructed and operational. Once the CLP is operational Condition 3A applies.*
- 17A. The Applicant must ensure no tanker queuing or idling occurs on the public road network. All waiting, holding and loading activities shall be contained wholly within the site.
10. Insert new Conditions 20A and 20B after Condition 20 as follows:
- 20A. One month prior to the commencement of commissioning of DA35/98-Mod-6 and within 3 months of the date of consent of each modification thereafter, the Applicant must update the Environmental Management Plan (EMP) for the entire facility to the satisfaction of the Planning Secretary. The EMP must:
- (a) be prepared in consultation with the EPA;
 - (b) detail all existing installed plant, equipment and systems;

- (c) detail environmental risks and the mitigation and control measures implemented at the site;
 - (d) detail the site's effluent and stormwater management systems including:
 - i. effluent and stormwater drainage locations, flow paths and discharge points, including a site layout plan showing key infrastructure;
 - ii. drainage and treatment system capacity;
 - iii. operational procedures for effluent and stormwater management; and
 - iv. roles and responsibilities for operation, inspection, maintenance and incident response;
 - (e) include the final detailed design and operation of the CLP, including:
 - i. a layout plan showing the CLP and associated stormwater and effluent infrastructure;
 - ii. identification of any internal drains associated with the CLP;
 - iii. confirmation that internal drainage is directed to the existing effluent treatment system or other appropriately approved infrastructure; and
 - iv. measures to prevent contamination of clean stormwater during normal, abnormal or incident conditions.
 - (f) include the final detailed design and operation of subsequent modifications, including layout plans, environmental controls and management measures.
- 20B. The Applicant must:
- (a) not commence commissioning of the CLP until the EMP required by Condition 20A is approved by the Planning Secretary;
 - (b) not commence commissioning or operation of any new equipment installed as part of any modification approved after DA35/98-Mod-6 until the updated EMP for the modification is approved by the Planning Secretary; and
 - (c) implement the most recent version of the EMP approved by the Planning Secretary for the duration of the development.

11. Insert a new heading and new Conditions 21A to 21L after Condition 21 as follows:

REMEDIATION

Imported Soil

- 21A. The Applicant must:
- (a) ensure that only VENM, ENM, or other fill material approved in writing by EPA is brought onto the site for use as fill;
 - (b) keep accurate records of the volume and type of fill to be used; and
 - (c) make these records available to the Planning Secretary upon request.

Site Auditor

- 21B. Prior to the commencement of remediation works for the CLP and containment building, the Applicant must provide evidence to the Planning Secretary that a Site Auditor accredited under the *Contaminated Land Management Act, 1997* has been appointed, to independently review the implementation and validation of the remediation works. The scope of the audit is also to include consideration of the suitability of the long-term environmental management plan (LTEMP).

Remedial Works

- 21C. The Applicant must remediate the site in accordance with the design specifications and requirements detailed in the Remedial Action Plan *New Chlorine Liquefaction Plant, Denison Street, Banksmeadow NSW* (RAP) prepared by JBS&G dated 30 January 2025, and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*. Remediation works must be undertaken by a suitably qualified and experienced consultant(s).

Vapour Barrier

- 21D. Prior to the commencement of remediation works for the CLP and containment building, the Applicant must prepare a Construction Quality Assurance Plan (CQAP) to the satisfaction of the Planning Secretary. The CQAP must:
- (a) be reviewed and endorsed by the Site Auditor;
 - (d) include details of the Construction Quality Control and Construction Quality Assurance design, procedures, program and performance specifications to be achieved for the vapour barrier; and

- (e) be prepared as described in the RAP.

21E. The Applicant must:

- (a) not commence remediation works until the CQAP is approved by the Site Auditor;
- (b) ensure any revisions to the CQAP are reviewed and approved by the Site Auditor; and
- (c) implement the most recent version of the approved CQAP.

Materials Tracking Plan

21F. Prior to the commencement of remediation works for the CLP and containment building, the Applicant must prepare a Materials Tracking Plan (MTP) to the satisfaction of the Planning Secretary. The MTP must:

- (a) be reviewed and endorsed by the Site Auditor;
- (b) detail procedures for tracking materials impacted by mercury or chlorinated hydrocarbons that are relocated during remediation works to confirm they are retained above groundwater levels; and
- (c) be prepared as described in the RAP.

21G. The Applicant must:

- (a) not commence remediation works until the MTP is approved by the Planning Secretary;
- (b) implement the most recent version of the MTP approved by the Planning Secretary.

Validation Report

21H. Within three months of completion of the remediation works for the CLP and containment building, the Applicant must submit to the Planning Secretary, a Validation Report that has been reviewed and endorsed by the Site Auditor. The Validation Report must be prepared in accordance with the approved RAP and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

Long Term Environmental Management Plan

21I. Prior to finalisation of the Site Audit Statement and Site Audit Report, the Applicant must prepare a Long Term Environmental Management Plan (LTEMP) for the CLP and containment building. The LTEMP must:

- (a) detail the location, nature and extent of residual contamination at the site and the extent of the management area;
- (b) detail risk management measures to prevent potential exposure to groundwater contamination;
- (c) detail actions for maintaining the integrity of the containment area and vapour barrier;
- (d) include an asbestos register and asbestos management plan;
- (e) be prepared as described in the RAP;
- (f) include a program for ongoing monitoring and review to ensure the LTEMP remains contemporary with relevant environmental standards; and
- (g) detail mechanisms to report results to Council, EPA and the Planning Secretary.

21J. Upon completion of the Site Audit Statement and Site Audit Report, the Applicant must implement the approved LTEMP.

Site Audit Report and Site Audit Statement

21K. Within 3 months of the completion of the remediation works for the CLP and containment building, the Site Auditor must submit a Site Audit Statement (SAS) and Site Audit Report (SAR) to the EPA, Council and the Planning Secretary. The SAS and SAR must:

- (a) be prepared in accordance with the NSW Contaminated Land Management – Guidelines for the NSW Site Auditor Scheme 2017;
- (b) include the LTEMP required by condition 21I; and
- (c) demonstrate the site is suitable for its intended industrial land use with the implementation of the LTEMP.

Asbestos

21L. The Applicant must ensure that any asbestos encountered during the remediation and construction works for the CLP and containment building is monitored, handled, transported and disposed of by

appropriately qualified and licensed contractors in accordance with the requirements of SafeWork NSW and relevant guidelines, including:

- (a) *Work Health and Safety Regulation 2017*;
- (b) SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace December 2022;
- (c) SafeWork NSW Code of Practice – How to Safely Remove Asbestos December 2022; and
- (d) *Protection of the Environment Operations (Waste) Regulation 2014*.

12. Delete Condition 24 and replace with a new heading and new Conditions 24 and 24A as follows:

Independent Audit

24. At 3 yearly intervals, from the date of commencement of operation of the development, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit (Audit) of the development. Audits must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements in force at the time the Audit commences, as approved by the Planning Secretary and published on the Department's website.
- 24A. The Applicant must make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Planning Secretary and notify the Planning Secretary in writing at least seven days before this is done.

13. Delete Conditions 31, 32 and 33 and replace with new Conditions 31 and 32 as follows:

31. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and appropriately managed.
32. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in the EPL.

14. Insert a new heading and Conditions 43A to 43D after Condition 43 as follows:

AIR QUALITY

Air Quality Discharges

- 43A. The Applicant must install and operate equipment in line with best practice to ensure that the development complies with all load limits, air quality criteria / air emission limits and air quality monitoring requirements as specified in the EPL applicable to the site.

Exhaust Stack Design

- 43B. The Applicant must ensure the final design of the exhaust stack and pollution control system on the CLP and containment building allows for emission testing requirements and addresses the relevant requirements of Australian Standard AS4323.1 *Stationary source emissions – Selection of sampling positions 2021*.

Post-Commissioning Verification Study

- 43C. Within 6 months of commissioning the CLP and containment building, the Applicant must prepare a Post-Commissioning Verification Study in consultation with the EPA and to the satisfaction of the Planning Secretary. The study must:
- (a) be prepared by a suitably qualified and experienced air quality specialist;
 - (b) include sampling locations in accordance with the *Test Method 1 (TM-1) Selection of sampling positions* of the EPA's *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW*;
 - (c) include sampling for the air pollutants listed in Table 1 for EPL monitoring points 1, 3 and 4 (CLP);
 - (d) include sampling when the plant is operating at full capacity and provide a suitable characterisation of emissions during normal plant operations.

Table 1: Post-Commissioning Monitoring Requirements

Pollutant	Units of measure	Frequency	Sampling Method
Chlorine	mg/m ³	Special frequency 1	TM-7

Dry gas density	kg/m ³	Special frequency 1	TM-23
Oxygen	Percent	Special frequency 1	TM-25
Temperature	Celsius	Special frequency 1	TM-2
Velocity	Metres per second	Special frequency 1	TM-2
Volumetric flowrate	Cubic metres per second	Special frequency 1	TM-2

- 43D. Within 6 weeks of completing the Post-Commissioning Verification Study required by Condition 43C, the Applicant must provide a report to the EPA and to the satisfaction of the Planning Secretary. The report must:
- include all monitoring results;
 - detail all sampling locations;
 - include all information required for Analytical Reports detailed in the EPA's *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW*;
 - detail plant operating conditions at the time of testing;
 - compare monitoring results with the standards of concentration described in the *Protection of the Environment Operations (Clean Air) Regulation 2021* and the emission parameters assessed in the Air Quality Impact and Greenhouse Gas Assessment prepared by Todoroski Air Sciences dated 10 July 2025 submitted with DA35/98-Mod-6; and
 - compare results with the continuous measurements from inline monitoring.

15. Insert a Note after Condition 47 and new Conditions 48 and 48A as follows:

Note: *The requirements of Condition 47 may be incorporated into the Annual Report requirements of Condition 48, once the CLP is operational.*

48. One year after the date of consent of DA35/98-Mod-6 and every year thereafter, or at such intervals as the Planning Secretary may agree, the Applicant must prepare an **Annual Report** for the entire facility. This report must be published by the Applicant on the facility operator's public website and must include:
- environmental performance;
 - details of annual vehicle movements including dangerous goods and compliance with condition 2B;
 - compliance with the conditions of consent; and
 - include details of the types and numbers of community complaints received during the year.
- 48A. At least one month prior to the commencement of contingent mode of operation of the CLP, the Applicant must notify the Planning Secretary and provide:
- reasons for contingent mode of operation; and
 - start and end dates for contingent mode of operation.

16. Insert new headings and Conditions 58 to 64 after Condition 57 as follows:

FLOODING

58. Any structures below the 1% Annual Exceedance Probability plus 500 mm of freeboard must be constructed from flood compatible building components.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

59. The Applicant must notify the Department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident including:
- date, time and location;
 - a brief description of what occurred and why it has been classified as an incident;
 - a description of what immediate steps were taken in relation to the incident; and
 - identifying a contact person for further communication regarding the incident.
60. The Applicant must provide the Department with a subsequent incident report in accordance with the requirements set out in Appendix 2 (Incident Notification and Reporting Requirements).

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Management Plan Requirements

61. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) detailed baseline data;
 - (b) a condition compliance table for that plan;
 - (c) details of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures and criteria; and
 - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
 - (d) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - (e) a program to monitor and report on the:
 - (i) impacts and environmental performance of the development; and
 - (ii) effectiveness of the management measures set out pursuant to paragraph (d) above;
 - (f) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - (g) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (h) a protocol for managing and reporting any:
 - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
 - (ii) complaint;
 - (iii) failure to comply with statutory requirements; and
 - (i) a protocol for periodic review of the plan.

Note: *The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans*

Construction Environmental Management Plan

62. The Applicant must prepare a Construction Environmental Management Plan (CEMP) for the CLP and containment building in accordance with the requirements of Condition 61 and to the satisfaction of the Planning Secretary.
63. As part of the CEMP required under Condition 62 of this consent, the Applicant must detail measures to manage:
- (a) traffic;
 - (b) erosion and sediment;
 - (c) dust, noise and vibration;
 - (d) unexpected finds;
 - (e) waste; and
 - (f) community consultation and complaints handling.
64. The Applicant must:
- (a) not commence construction of the CLP until the CEMP is approved by the Planning Secretary; and
 - (b) carry out the construction of the CLP in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

Insert Appendices

17. Insert Appendix 1 and Appendix 2 as follows:

APPENDIX 1: DEVELOPMENT LAYOUT PLANS



Figure 1: Location of Chlorine Liquefaction Plant and Sodium Hypochlorite Loading Bay (DA35/98-Mod-6)

APPENDIX 2 - INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. All incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under condition 59 or, having given such notification, subsequently forms the view that an incident has not occurred.
3. Within **7 days** (or as otherwise agreed by the Planning Secretary) of the Applicant making the immediate incident notification (in accordance with condition 59), the Applicant is required to submit a subsequent incident report that:
 - (a) identifies how the incident was detected;
 - (b) identifies when the Applicant became aware of the incident;
 - (c) identifies any actual or potential non-compliance with conditions of consent;
 - (d) identifies further action(s) that will be taken in relation to the incident;
 - (e) a summary of the incident;
 - (f) outcomes of an incident investigation, including identification of the cause of the incident;
 - (g) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and
 - (h) details of any communication with other stakeholders regarding the incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary.

INCIDENT REPORT REQUIREMENTS

5. If requested by the Planning Secretary, within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
6. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.