

Modification of Minister's Approval

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

As delegate for the Minister for Planning and Public Spaces, 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 *1 OCTOBER* 2019

File: OBJ17/07855

SCHEDULE 1

Development Consent (DA 367-11-2002-i), granted by the former Minister for Infrastructure and Planning on 16 September 2003 for the construction and operation of a chemical storage and distribution centre and associated infrastructure at 2 Swettenham Road in the Campbelltown local government area.

SCHEDULE 2

This consent is modified as follows:

In Schedule 2:

1. Delete the definitions for Department, Director-General, Operation and insert the following definitions in alphabetical order:

Department	NSW Department of Planning, Industry and Environment
MOD 3	Modification Application DA 367-11-2002-i and accompanying documents titled 'Section 75W Environmental Assessment for Upgrading and Completion of Stage 4 of the Development Consent for Redox Pty Ltd, 2 Swettenham Road, Minto' prepared by Benbow Environmental and dated September 2018, as modified by the 'Response to Submissions – Redox Pty Ltd, 2 Swettenham Road, Minto', prepared by Benbow Environmental and dated April 2019
Operation	any activity required for, or associated with, the receipt, warehousing, handling, decanting, dilution, blending, mixing, dissolving, packaging or redistribution of dangerous or non-dangerous goods at, on or from the site
Planning Secretary	Planning Secretary under the Act, or nominee

2. Replace all references to "Director-General" with "Planning Secretary" and "shall" with "must", wherever occurring.
3. In Condition 1.2(r), after the words "26 July 2005", delete the word 'and'.
4. Delete condition 1.2(s) and replace with new conditions (s) and (t), as follows:

(s) MOD 3; and

(t) the conditions of this consent.

5. In Condition 1.3a), after the words 'condition 1.2a) to' delete the condition reference '1.2r)' and replace with '1.2t)'
6. In Condition 1.3b), after the first and second instances of the words 'condition 1.2a)', delete the condition references '1.2r)' and replace with '1.2t)'.
7. Insert new subheading and conditions 1.3A and 1.3B, as follows:

1.3A Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:

- a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
- b) the implementation of any actions or measures contained in any such document referred to in condition 1.3Aa).

Limits of Consent

1.3B The Applicant must comply with the maximum storage quantities of chemicals outlined in the table below.

Dangerous Goods Class	Quantity (t)
Non Dangerous Goods	15,795
Class 3 Flammable Liquids	900
Class 5.1 Oxidising Substances	250
Class 6.1 Toxic Substances	850
Class 8 Corrosive substance in packages	2,110
Class 8 corrosive substances in bulk	540
Total	20,445

8. Insert new condition 4.3A after condition 4.3, as follows:

- 4.3A The Applicant must store all chemicals, fuels and oils used on-site in accordance with:
- a) the requirements of all relevant Australian Standards; and
 - b) 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 (b) above, the most stringent requirement must prevail to the extent of the inconsistency.

9. Insert new conditions 4.6A immediately after Condition 4.6, as follows:

- 4.6A No later than two months prior to commencement of works associated with MOD 3, or within such further period as the Planning Secretary may agree, the pre-commissioning studies described in condition 4.6a) to c) inclusive are to be updated in the same manner as they were prepared to incorporate the works associated with MOD 3.

10. Immediately before Condition 4.36, delete the subheading 'Acetic Acid Scrubber' and insert instead new subheading 'Wet Scrubbers'.
11. In Condition 4.36, delete the words "acetic acid scrubbers" after the words "commission and operate the" and insert instead the words "the wet scrubbers approved under MOD 3", and delete the word "scrubber" after the words "emissions from the" and insert instead the words "wet scrubbers".
12. Delete Condition 4.37, and insert new Condition 4.37, as follows:

- 4.37 Within three months of the commissioning of the wet scrubbers approved under MOD 3, the Applicant must submit an Air Emissions Verification Report to the satisfaction of the EPA and the Planning Secretary. The report must:

- a) include the analytical results for post-commissioning monitoring undertaken for each of the wet scrubbers for the acid and alkali-based product and food processing areas

- b) include details of the post-commissioning monitoring, which must be undertaken in accordance with the EPL
 - c) compare the discharge concentrations from post commissioning monitoring with the emission limits contained in the EPL
 - d) describe the measures that would be implemented and the timing for the implementation of these measures to ensure compliance, if any non-compliances are detected during this monitoring.
- 13. In condition 5.8(a), delete the words “, including those required under the Clean Water Regulation (Class R Classification)” after the words “to be tested”.
- 14. In Condition 5.8, after the words “operation of the development”, insert the new sentence, as follows:

The frequency of the stormwater quality monitoring program may be altered with the prior written approval of the Planning Secretary.
- 15. In condition 7.5c)(iv), delete the words “to meet discharge requirements for Class R (Restricted) Waters under the Clean Water Regulations” after the words “flows from the site”.
- 16. Insert new subheading and conditions 7.6A to 7.6B, after condition 7.6, as follows:

REVISION OF STRATEGIES, PLANS AND PROGRAMS

7.6A. Within three months of:

- a) the submission of an Annual Environmental Management Report under condition 8.3;
- b) the submission of an incident report under condition 8.1;
- c) the submission of an Independent Audit under condition 5.13;
- d) the approval of any modification of the conditions of this consent; or
- e) the issue of a direction of the Planning Secretary under condition 1.3A.

the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.

7.6B If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

Note: *This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.*