

Notice of Modification

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

As delegate for the Minister for Planning, under the delegation dated 16 February 2015, I hereby modify the project approval referred to in Schedule 1, as set out in Schedule 2.



Chris Ritchie
Director
Industry Assessments

Sydney 12 NOVEMBER

2015

SCHEDULE 1

Application Number:	06_0197
Proponent:	Orica Australia Pty Ltd
Approval Authority:	Minister for Planning
Land:	Pt Lot 11 DP 1039919 Lot 4 DP 1016112 Pt Lot 9 DP 1016112 Pt Lot 10 DP 1039919 Botany Industrial Park (BIP), Banksmeadow, Botany Bay local government area
Project:	Remediation of Car Park Waste Encapsulation
Modification Number:	06_0197 MOD 6
Modification:	To facilitate the use of surplus validated soil

SCHEDULE 2

This Project Approval is modified as follows:

1. In Schedule 1, replacing land to which this project applies to reflect updated land title details as registered by the Land and Property Management Authority:

Land: Pt Lot 103 DP 1192400, Lot 4 DP 1016112, Pt Lot 9 DP 1016112 and Pt Lot 104 DP 1192400

In the definitions table:

2. Deleting the definition for Department, Director-General and Minister and inserting the following definitions in alphabetical order:

Department	The Department of Planning and Environment or its successors in title
Minister	The Minister for Planning
Secretary	The Secretary of the Department of Planning and Environment, or nominee

3. Including the following definitions in alphabetical order:

Earthworks Creation of the landscaped mounds and batters as described in Mod 6

Mod 6 The modification as described *Orica Botany Car Park Waste Encapsulation Remediation Project – Project Approval 06_0197 Modification 6 Revision 1* dated 1 October 2015 and *Car Park Waste Encapsulation Remediation Project – Project Approval 06_0197 Modification 6 – Response to Submissions* dated 1 October 2015

Stockpile A As identified in Figure 2 of *Orica Botany Car Park Waste Encapsulation Remediation Project – Project Approval 06_0197 Modification 6* dated 1 October 2015

In the Conditions:

4. Deletion of all instances of the word Director-General and insert instead the word Secretary.

5. Replacing Condition 2 I) of Schedule 2 with the following:

2 I) Modification request (06_0197 Mod 6) with supporting documentation titled *Orica Botany Car Park Waste Encapsulation Remediation Project – Project Approval 06_0197 Modification 6* and dated 1 October 2015 and *Car Park Waste Encapsulation Remediation Project – Project Approval 06_0197 Modification 6 – Response to Submissions* dated 1 October 2015

6. Replacing Condition 7 of Schedule 2 with the following:

7 Nothing in this approval permits the disposal and use of surplus validated soil from the project outside land owned by Orica described in Schedule 1, or outside land owned by Orica within the BIP except for:
a) use within part Lot 103 DP 1192400 owned by Qenos (as described in Mod 6); and
b) disposal at a licensed landfilling facility that can lawfully receive the surplus validated soil.

7. Replacing Condition 14 of Schedule 2 with the following:

14 The Proponent shall ensure that the adjustment of boundaries within the BIP is carried out in accordance with the figures contained in Appendix D. The boundary adjustment shall be completed within one year from the date of commencement of the works associated with Mod 6, unless otherwise agreed by the Secretary.

8. Inserting the following Condition 25A after Condition 25:

25A The Proponent shall remove the small stockpiles of material, as identified in Ramboll Environ's letter dated 7 July 2015, to a licensed landfilling facility that can lawfully receive the waste, prior to the redistribution of Stockpile A.

9. Inserting the following Condition 42A after Condition 42 of Schedule 3:

42A The Proponent shall ensure that earthworks associated with Mod 6 are stabilised and do not act as a source of sediment. Landscaping of the batters and landscaped mounds, using locally native species where possible, shall be completed within 3 months from the finalisation of the earthworks.

10. Inserting the following Condition 50 after Condition 49 of Schedule 3:

Surplus Validated Soil Management Plan

50 Prior to the commencement of the works associated with Mod 6, the Proponent shall prepare a Surplus Validated Soil Management Plan. The plan must:

- a) be submitted to and approved by the Secretary prior to the commencement of construction of the works associated with Mod 6;
- b) include a Tree Protection Plan which outlines how the trees adjacent to the works associated with Mod 6 will be protected during the works;
- c) include the management measures contained in the Environmental Assessment for Mod 6; and
- d) incorporate the relevant management and mitigation measures from the approved:
 - i) Air Quality Management Plan prepared in accordance with Condition 35 of Schedule 3
 - ii) Stormwater Management Plan prepared in accordance with Condition 41 of Schedule 3; and
 - iii) Noise Management Plan, prepared in accordance with Condition 48 of Schedule 3.

A copy of the plan shall be provided to Council prior to commencement of the construction works associated with Mod 6.

11. Inserting the following Condition 51 after Condition 50 of Schedule 3:

51 The Applicant shall carry out the works associated with Mod 6 in accordance with the Surplus Validated Soil Management Plan approved by the Secretary (as revised and approved by the Secretary from time to time), unless otherwise agreed by the Secretary.

12. Replacing Appendix D with new Appendix D which illustrates the revised boundary between part Lot 104 DP 1192400 and Lot 4 DP 1016112.

APPENDIX D BOUNDARY READJUSTMENT

