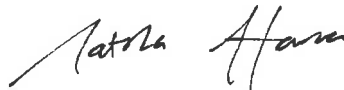


# Notice of Modification

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

As delegate of the Minister for Planning under delegation dated 16 February 2015, I modify the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Natasha Harras  
Acting Director  
Regional Assessments

Sydney 27<sup>th</sup> October 2015

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### SCHEDULE 1

**Development Approval:** MP09\_0147 granted by the Minister for Planning on 18 May 2012

**For the following:** Remediation of Former Orica Villawood Site

**Applicant:** Orica Australia Pty Ltd

**Consent Authority:** Minister for Planning

**The Land:** Pt Lot 1 DP 634604

**Modification:** **MP09\_0147 MOD 2:** modification to allow for reinstatement of the part of the site with asbestos-impacted treated soil.

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### SCHEDULE 2

The above approval is modified as follows:

- (a) Schedule 2 Condition 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~stuck-out~~ words/numbers as follows:
2. The Proponent shall carry out the project generally in accordance with the:
    - a) EA;
    - b) Statement of Commitments (see Appendix A);
    - c) Plans set out in Appendix B, Appendix C, Appendix D and Appendix E;
    - d) Submissions Report;
    - e) approved Technology Assessment (see condition 9 in this Schedule);
    - f) approved Remedial Action Plan (see condition 1 of Schedule 3);
    - g) Modification application 09\_0147 Mod 1 prepared by Orica Australia and dated 25 February 2013;
    - h) **Modification application 09\_0147 MOD 2 prepared by Orica Australia and dated 1 September 2015;** and
    - i) conditions of this approval.

- (b) Schedule 2 Condition 5 is amended by the insertion of the **bold and underlined** words and deletion of the ~~struck-out~~ words as follows:
5. Once the project has physically commenced, the project shall be undertaken over a maximum period of two years from the date of commencement of the works, **or the 31 December 2015 (whichever is the latter)** unless otherwise agreed with the Director-General **Secretary**. The Proponent shall notify the Director-General **Secretary** in writing upon commencement of Site Establishment.
- (c) Schedule 3 is amended by the insertion of the following new Condition 26:

#### **Asbestos Management**

- 26. If treated soil is found to contain asbestos, the Proponent shall, with the agreement of the EPA, Site Auditor, and Council, reuse the treated soil in areas of the site that are unlikely to be disturbed in the future, subject to the following:**
- a) placement of a cover layer of 300mm of imported virgin excavated natural material or excavated natural material, separated from the underlying soils by a geofabric marker layer across all areas of the site where potentially asbestos-impacted directly heated thermal desorption treated soils have been placed (ie. the western stockpile area), and all areas of the site where asbestos-containing materials may be present in site soils that were not required to be remediated under the Remedial Action Plan because they already met the site risk-based criteria in respect of chemical contaminants;**
  - b) contouring of the site surface and construction of drainage works to minimise erosion of the soil cover by runoff;**
  - c) stabilisation of the site surface to minimise erosion of the cover by wind; and**
  - d) documentation of these activities in the remediation validation report, long-term Environmental Management Plan (EMP), Site Audit Report and other relevant documentation.**

- (d) Schedule 4 is amended by the insertion of the following new Condition 10 as follows:

#### **Long-Term Environmental Management Plan**

- 10. The Proponent shall prepare a long-term Environmental Management Plan (EMP) for the approval of the Site Auditor. The EMP is to document how the site is to be managed into the future and, amongst other provisions, is to include:**
- a) a detailed site survey which defines the extent of potential asbestos-impacted soil on the site;**
  - b) a description of the measures to be implemented to ensure the ongoing availability of the EMP for current and future owners and occupiers of the site; and**
  - c) provisions which prevent future disturbance of site soils or any intrusive activities except under a specific Construction Environmental Management Plan (CEMP) which is also to be approved by a Site Auditor.**

**The EMP shall be prepared by a suitably qualified and experienced person in consultation with the EPA within once month of the completion of the remediation works, or as otherwise agreed with the Secretary.**

**A copy of the approved EMP shall be submitted to the Secretary, the EPA and Council in conjunction with the notice of completion required under**

**Clause 17 of State Environmental Planning Policy No 55—Remediation of Land.**

**End of Modification**