

# Notice of Modification

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

As delegate for the Minister for Planning, I approve the modification to project approval 06\_0028 subject to the conditions in schedule 2.



Richard Pearson  
Deputy Director-General

Sydney

10 July

2009

File No: 9042166

## SCHEDULE 1

**Project Approval:** Granted by the Minister for Planning on 12 August 2006.

**In respect of:** Project application 06\_0028 made by Orica Australia Pty Ltd, in relation to Lot 11 in DP 1039919, Matraville in the Botany local government area.

**For the following:** Hexachlorobenzene (HCB) waste repackaging plant.

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## SCHEDULE 2

### The project approval is modified by:

1. Replacing existing condition 1 with new condition 1 as follows:

#### **Terms of Approval**

1.1 The Proponent shall carry out the project generally in accordance with the:

- a) Major Project Application 06\_0028;
- b) *Proposed Hexachlorobenzene (HCB) Waste Re-Packaging Plant, Botany Industrial Park, Environmental Assessment under Part 3A of the Environmental Planning and Assessment Act 1979, Final – Revision 0*, prepared by Orica Australia Pty Ltd and dated 18 April 2006;
- c) Modification (06\_0028 Mod 1) of the project approval to alter air quality monitoring requirements, dated 9 January 2007;
- d) Modification (06\_0028 Mod 2) of the project approval to rectify inconsistencies with the Environment Protection Licence (EPL 2148), dated 16 February 2009;
- e) Modification application (06\_0028 Mod 3) with supporting documents titled *Storage of Repackaged HCB Waste at the Botany Industrial Park* prepared by Orica, dated 31 March 2009 and *Proposal to Install a Temporary Enclosure over Store H* prepared by Orica, dated 4 June 2009; and
- f) conditions of this approval.

2. Insert the following new condition after condition 1.4:

#### **Limits of Approval**

1.4a Repackaged HCB waste may be stored on site for a maximum of 5 years from the date of this modification.

3. Insert the following new condition after condition 1.6:

#### **Statutory Requirements**

1.6a) The Proponent shall obtain a Building Certificate from Council in accordance with Section 149A of the Act for the HCB repackaging building. A Building Certificate application must be lodged with Council within one month of the date of this modification. A copy of the certificate shall be provided to the Director-General.

4. Insert the following new condition after condition 1.6a):

1.6b) The Proponent shall ensure that any new buildings and structures for the project are constructed in accordance with the relevant requirements of the Building Code of Australia.

#### *Notes:*

- *Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for any building works.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.*

5. Insert the following new condition after condition 1.6b):

1.6c) The Proponent shall ensure that the temporary enclosure over Store H is disassembled within 6 months of completion of repackaging works in this location.

6. Insert the following new condition after condition 2.34:

**HCB Waste Management Strategy**

- 2.35) The Proponent shall use the area named Depot 11/54 adjacent to the existing HCB Store D only for storage of low-level waste, Dangerous Goods Class 9.

7. Replace existing condition 3.6 with new condition 3.6 as follows:

**Air Quality Performance Verification**

- 3.6 The Proponent shall include the project in the Local Air Monitoring Program currently undertaken to monitor local ambient air quality as part of the Groundwater Cleanup Project. The Proponent shall conduct two ambient air quality monitoring rounds within 12 months of the project commencing operation.

A report providing the results of the monitoring shall be submitted to the Director-General and DECC within 28 days of completion of each monitoring round. A copy of the monitoring report shall also be provided to Council.