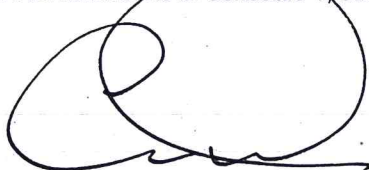


# Notice of Modification

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

As delegate of the Minister for Planning and Infrastructure, under the delegation executed on 14 September 2011, I hereby modify the conditions of the project approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Chris Wilson  
Executive Director  
Major Projects Assessment

Sydney

17 DECEMBER

2012

### SCHEDULE 1

The project approval (MP 08\_0221) for Stage 2 of the Incitec Remediation Project, granted by the Deputy Director-General, as delegate of the Minister for Planning and Infrastructure, on 11 November 2010.

### SCHEDULE 2

1. In the Table of Contents insert new heading "SCHEDULE 5: REMEDIATION OF THE SITE BY EMPLACEMENT OF CONTAMINATED MATERIALS IN THE PASMINCO CONTAINMENT CELL"

Plans and Programs required	11
Validation of Remediation works	11

2. In the list of definitions delete:

The DECCW	Department of Environment, Climate Change and Water
The Department	Department of Planning
Director-General	Director-General of Department of Planning, or delegate
EPA	Environment Protection Authority as part of the DECCW
Minister	Minister for Planning

and insert in alphabetical order

Department	Department of Planning and Infrastructure
Director-General	Director-General of the Department of Planning and Infrastructure or nominee
EPA	Environment Protection Authority
Minister	Minister for Planning and Infrastructure
Pasminco	The remediation of the former Pasminco Cockle Creek Smelter Pty Ltd site (now subject to deed of company arrangement), under the approval (06_0184) and modified by 06_0184 MOD 1, 06_0184 MOD 3 and 06_0184 MOD 4, granted by the Director-General, as delegate of the Minister for Planning and Infrastructure, on 24 December 2007
MOD 1	The remediation of contaminated material from the Incitec site through emplacement in the Pasminco containment cell constructed in accordance with the document titled "Environmental

3. Replace all references to DEC with EPA.
4. Replace Condition 2 with the following:
  2. The Proponent shall carry out the project generally in accordance with the:
    - (a) EA;
    - (b) RAP;
    - (c) response to submissions;
    - (d) statement of commitments (see Appendix 1);
    - (e) VRA;
    - (f) MOD 1; and
    - (g) conditions of this approval.
5. Insert new condition 4A following condition 4:
  - 4A The Proponent shall undertake the remediation of the site in accordance with:
    - (a) the conditions in Schedule 2, 3, and 4; OR
    - (b) the conditions in Schedule 5 (MOD 1).

6. Insert new Schedule 5 following Schedule 4:

**SCHEDULE 5  
REMEDATION OF THE SITE BY EMPLACEMENT OF CONTAMINATED MATERIALS IN THE PASMINCO  
CONTAINMENT CELL**

7. Insert new condition 63:
  63. Remediation of the site shall be undertaken in accordance with MOD 1. Any changes to the staging plan described by MOD 1 shall be submitted to the Site Auditor and the EPA for approval.

**Plans and Programs required**

8. Insert new condition 64:
  64. All environmental management, monitoring and reporting requirements associated with MOD 1 shall be undertaken in accordance with the Pasminco approval (06\_0184).

**Validation of Remediation works**

9. Insert new condition 65:
  65. Upon completion of the remediation works within the site, final validation reports on the remediation, including the results of any groundwater monitoring program, shall be prepared by an appropriately qualified and experienced consultant on behalf of the Proponent. These reports shall be consistent with guidelines made or approved by the EPA under Section 105 of the *Contaminated Land Management Act 1997*.
10. Insert new condition 66:
  66. Validation reports prepared under condition 65 shall be reviewed by the Site Auditor. Site Audit Statement(s) and Summary Site Audit Report(s) shall be prepared by the Site Auditor certifying whether the remedial works within each stage and/ or area of the site have been carried out in accordance with the approved RAWPs, the conditions of this approval and any recommendations made the Site Auditor, and whether the remediated part of the site is suitable for its intended land use.
11. Insert new condition 67:
  67. Validation reports and associated Site Audit Statements and Summary Audit Reports shall be prepared for the Incitec site, and be submitted to the Director-General and the EPA. No land within the Incitec site shall be sold or released for development unless approval of the validation report and associated Site Audit Report and Statement for that land have been obtained from the Director-General and the EPA.