

# Modification of Development Consent

## Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning and Public Spaces 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 Assessment**

Sydney

24 March 2021

### SCHEDULE 1

#### Development Consent

**Development Consent:** 09\_0147 granted by the Deputy Director-General for Minister for Planning and Infrastructure on 18 May 2012

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

#### Modification 3

**Modification Application:** 09\_0147-Mod-3

Modification to the development consent, including:

- a revised condition for the LTEMP for the Site; and
- subdividing the Site in two lots and requiring easements, including a Public Positive Covenant to be registered on the new Lot 1.

**Applicant:** Orica Australia Pty Ltd

**Consent Authority:** Minister for Planning and Public Spaces

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

### SCHEDULE 2

This consent is modified as follows:

1. Delete references to Proponent and replace with Applicant.
2. Delete the definition for Proponent
3. Insert the following definitions in alphabetical order:

|           |  |
|-----------|--|
| Applicant | Orica Australia Pty Ltd, or any person carrying out any development to which this approval applies |
|-----------|--|

|     |                             |
|-----|-----------------------------|
| GMP | Groundwater Management Plan |
|-----|-----------------------------|

|  |   |
|--|---|
| LTEMP  | Long-term Environmental Management Plan   |
| Modification Assessments   | The document assessing the environmental impacts of a proposed modification of this consent and any other information submitted with the following modification applications made under the EP&A Act:                                       |
| a)   | Modification application 09_0147 Mod 1 prepared by Orica Australia Pty Ltd and dated 25 February 2013;  |
| b)   | Modification application 09_0147 Mod 2 prepared by Orica Australia Pty Ltd and dated 1 September 2015; and  |
| c)   | Major Project Approval MP09_0147 Mod 3 application – Remediation of Former Orica Villawood prepared by DBL Property and dated November 2020.  |
| Planning Secretary   | Planning Secretary of the Department (or delegate)  |
| Public Positive Covenant   | Public positive covenant under section 88E of the Conveyancing Act 1919 (NSW) in favour of the NSW Environment Protection Authority requiring compliance with the obligations in the GMP for the purpose of ongoing management of the land. |
| 4. Delete the definition for “Council” and insert the following definition:    |   |
| Council  | Canterbury Bankstown Council  |
| 5. Delete the definition for “Department” and insert the following definition: |   |
| Department   | Department of Planning, Industry and Environment  |

#### **In Schedule 4: TERMS OF APPROVAL**

6. Delete Condition 2 and replace with the following:
  2. The Applicant must 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, Appendix E and Appendix F;
    - 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 Assessments; and
    - h. conditions of this approval.

#### **In Schedule 4: ENVIRONMENTAL MANAGEMENT, REPORTING AND REVIEW**

7. Delete Condition 10.
8. Insert new conditions, in order, as follows:
  10. Within three months of the date of the approval of modification application 09\_0147-Mod-3 and prior to the issue of a Subdivision Certificate, the Applicant must prepare the LTEMP for the Project, consistent with relevant guidelines and environmental standards and to the satisfaction of the Site Auditor and the Planning Secretary. The LTEMP must:
    - a. be prepared by a suitably qualified and experienced person(s);
    - b. be prepared in consultation with the EPA;
    - c. be generally in accordance with the modification application 09\_0147-Mod-3;
    - d. identify where the LTEMP applies and who is responsible for implementing the LTEMP;
    - e. identify the objectives of the LTEMP;
    - f. identify the nature and location of any remaining contamination on Site;
    - g. detail procedures for managing and monitoring any remaining contamination, including contamination that has potential for off-site migration, so that it does not present an unacceptable risk to either the on-site or off-site environment;

- h. identify triggers that would indicate if further management or remediation is required;
  - i. include measures to be implemented if any parts of the remediated area are required to be physically disturbed;
  - j. incorporate a programme for ongoing monitoring and review to ensure that the LTEMP remains contemporary with relevant guidelines and environmental standards;
  - k. include mechanisms to report results to the EPA; and
  - l. be written in plain language to be understood by all personnel involved in the maintenance activities on the Site.
11. Within three months of the date of the approval of modification application 09\_0147-Mod-3 and prior to the issue of a Subdivision Certificate, the Applicant must prepare the GMP for the Project, consistent with relevant guidelines and environmental standards and to the satisfaction of the Site Auditor and the Planning Secretary. The GMP must:
- a. be prepared by a suitably qualified and experienced person(s);
  - b. be prepared in consultation with the EPA;
  - c. be generally in accordance with the modification application 09\_0147-Mod-3;
  - d. identify where the GMP applies and who is responsible for implementing the GMP;
  - e. identify the objectives of the GMP;
  - f. identify the location of monitoring bores and any remaining contamination;
  - g. detail procedures for managing and monitoring any groundwater contamination, including triggers that would indicate if further management or remediation is required;
  - h. incorporate a programme for ongoing monitoring and review to ensure that the GMP remains contemporary with relevant guidelines and environmental standards; and
  - i. include mechanisms to report results to the EPA.
12. Following the issue of a Subdivision Certificate the Applicant must:
- a. implement the approved LTEMP and GMP, including conducting all activities (including maintenance) in accordance with the approved LTEMP and GMP for the duration of occupation and operation of each lot, as required by the Site Audit Statement and Public Positive Covenant;
  - b. provide evidence to the Planning Secretary that the LTEMP and GMP are listed on the planning certificates for both proposed Lot 1 and proposed Lot 2, issued under section 10.7 of the EP&A Act.
13. Prior to the issue of a Subdivision Certificate, the Applicant must provide the Certifier evidence that all matters required to be registered on title, including all easements and the Public Positive Covenant, have been prepared and are included on the plan of subdivision for registration at Land Registry Services.
14. The Applicant must subdivide the Site in accordance with the subdivision plan listed in Appendix F.

**Add a new Appendix F – Subdivision Plans and include the following plan:**

