

# Notice of Modification

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

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



Chris Ritchie  
**Director**  
**Industry Assessments**

Sydney **17 DECEMBER**

2015

---

### SCHEDULE 1

<b>Application Number:</b>	08_0129
<b>Proponent:</b>	Orica Australia Pty Ltd
<b>Approval Authority:</b>	Minister for Planning
<b>Land:</b>	15 Greenleaf Road, Lot 3 in DP 234288, Kooragang Island, Newcastle
<b>Project:</b>	Orica Ammonium Nitrate Expansion Project

---

### SCHEDULE 2

This approval is modified by:

**In the Definitions List:**

1. Inserting the following new definitions in alphabetical order:

EA (MOD 3)	Environmental Assessment titled <i>Orica Kooragang Island Ammonia Production Limit Increase</i> dated 28 April 2015 prepared by AECOM, and the associated response to submissions titled <i>Response to Submissions Report</i> dated 6 October 2015, prepared by Orica
MOD 3	The development as described in the EA (MOD 3), for an increase in the annual ammonia production limit

2. Inserting a new meaning for the following definition:

Project	The development as described in the EA, EA (MOD 1), EA (MOD 2) and EA (MOD 3) for the expansion of the existing ammonium nitrate manufacturing facility on the Project site, comprising modifications and upgrades to existing plants and infrastructure and the development of additional plants (NAP4 and NAP3) and associated infrastructure, as generally depicted in blue on the plan in Appendix A to enable an increase in production capacity from 500,000tpa to 750,000tpa
---------	---

## **In Schedule 2: Administrative Conditions**

### **Terms of Approval**

3. Replacing Condition 2 with the following:
  2. The Proponent shall carry out the Project in accordance with the:
    - a) EA
    - b) EA (MOD 1);
    - c) EA (MOD 2);
    - d) EA (MOD 3)
    - e) site layout plans (Appendices A and B); and
    - f) Statement of Commitments for the Project (Appendix C).
4. Replacing Condition 5a) with the following:
  - a) 385,000tpa of ammonia product;

## **In Schedule 3: Specific Environmental Conditions**

### **HAZARDS**

#### **Pre-construction**

5. Replacing the words 'Initial Operations and the Project' in Condition 14a) with the following:

Initial Operations and each Project stage.
6. Replacing the words 'for the Project' in Condition 14b) with the following:

for each Project stage.
7. Inserting the following words in Condition 14c) after the words 'of the Project':

as modified,
8. Replacing the words 'for the Project' in Condition 14d) with the following:

for each Project stage,

#### **Pre-commissioning**

9. Inserting the following words in Condition 15b) after the words 'to include the Project':

as modified,
10. Inserting the following words in Condition 15c) after the words 'to include the Project':

as modified,
11. Inserting a note at the end of Condition 15 as follows:

*Note: If a modification does not require an update of the studies listed in Conditions a) and c) above, the Proponent shall provide written justification to the satisfaction of the Secretary.*

#### **Hazard Audit**

12. Inserting the following words in Condition 20 after the words 'Initial Operations and the Project':

as modified,

#### **Further Requirements**

13. Inserting a new Condition 20B after Condition 20A as follows:
  - 20B. The Proponent shall ensure that the risk associated with increased shipping operations is reduced to so far as is reasonably practicable (SFARP), consistent with the *Work Health and Safety Regulation 2011* requirements and compliant with the land use criteria detailed in the NSW Department of

Planning's *Hazardous Industry Planning and Advisory Paper 4* (HIPAP 4), during each stage of the Project. Records of the risk reduction identification and implementation process shall be maintained.

**In Schedule 4: Environmental Management, Reporting and Auditing**

14. Inserting the following words in Condition 51(e) after the words 'EA (MOD 2)':

and EA (MOD 3);

15. Replacing Condition 51C with the following:

51C. The Proponent shall provide a report to the Secretary that summarises all ammonia flare activations. The report must be provided on a three monthly basis for the first 12 months of flare operation, commencing three months following the date of commissioning of the first flare. Following the first 12 months, the Proponent must provide the report annually to the Secretary by 31 March each year. The ammonia flare activation summary report must include, but is not limited to, the following:

- a) the date and time the ammonia flare activation occurred;
- b) the duration of the ammonia flare activation;
- c) the estimated quantity of ammonia directed to the flare during the flare activation period;
- d) details of operational parameters that affected destruction efficiency during the flare activation;  
and
- e) actions identified to prevent further flare activations.

16. Replacing the first bullet point in Condition 53(a) with the following:

- the EA, EA (MOD 1), EA (MOD 2) and EA (MOD 3);