

1 December 2014

Mr Ashley Cheong
Planning Officer
Major Projects Assessment
Department of Planning & Environment
23-33 Bridge Street
Sydney NSW 2000

Dear Mr Cheong

RE: Modification Request for the Botany Industrial Park – DA 30/98 MOD 2

The Council has received notification from the Department regarding the above mentioned modification application. The proposed modification involves amendments to the internal allotment boundaries and updating the existing conditions of consent to reflect current legislation and environmental management and reporting requirements.

Based on the information provided by the Department, Council provides the following comments:

Schedule 2

- **Condition 5** – The environmental performance and compliance of Botany Industrial Park (BIP) may adversely impact the nearby properties, especially residential properties located on Denison Street. Hence, NSW Environment Protection Authority (EPA) and Council should be included as part of the condition.
- **Condition 6** – Take into the consideration the potential risks and impacts of the BIP, the reporting on the implementation of responsibilities identified in Schedule 3 (including other matters that may require further investigation) should be maintained.

Schedule 3

- The SPC should maintain an up-to-date Site (i.e. overall area coordinated by the BIP) Safety Management System for the BIP.
- The subdivision of the site may enable future developments within the BIP. Hence, the Site Cumulative Risk assessment report shall be maintained as a 'living document' and updated as modification occurs in the BIP.
- The Safety Management Systems, Fire Safety Study, Emergency Plan and Cumulative Risk Assessment (developed for each facility) should be consistent with the Site Safety Management Systems, Site Fire Safety Study, Site Emergency Plan, Site Cumulative Risk Assessment for the BIP.

- Any modification or revision to the Site Safety Management Systems, Site Fire Safety Study, Site Emergency Plan, Site Cumulative Risk Assessment should be referred to the Secretary and relevant agencies (i.e. NSW Fire Brigades) for approval.
- The intent of Condition 6 is to ensure pollution and stormwater are appropriately managed in the BIP. Hence, it is recommended the *Protection of the Environment Operations (POEO) Act 1997* be included in Condition 6.
- To provide certainty to the community and Council, the compilation of the Community Consultative Committee (i.e. representatives) should be retained as part of Condition 9. In addition, the Secretary shall agree on the selection of the Chairperson for the Committee.
- The ongoing remediation of contaminated land at the BIP is not always related to individual development applications (as advised in the Modification Assessment), the SPC must be responsible for the management of the legacy contamination issues at the BIP. Future and current developments must not impede the access or other issues when remediation is required outside of the area Orica currently operates or have remediation and management equipment and facilities in. The following wording should replace Condition 13 (Schedule 3) of the development approval: *"The SPC shall be responsible for ensuring that management of legacy site contamination issues is not impeded."*
- It is unclear whether the existing and future lessees of the BIP (i.e. BOC Gases, KBR Engineering, Transfield Services and Air Liquide) are required to maintain a Safety Study, Emergency Plan and Cumulative Risk Assessment for their facilities and operations as these companies are not members of the SPC.
- Definition for "Class A Shareholders of the SPC" and "SPC members" must be provided.
- Council noted that landscaping had been established on the outer boundary landscaping for the BIP. However, the SPC should retain the responsible for maintaining this landscaping.

Other

- The proposed amendments **must not** result in the deterioration or reduction in the amenity of the locality and environmental performance/management of the BIP.
- Lot 11 DP 1039919 consist of seven existing parcels of lands, not six parcels as referred in the Section 75W Modification of Assessment prepared by AECOM dated 14 August 2014. Clarification (i.e. current/intended use and rationale) is required for the parcel located on the north-western corner of the Botany Industrial Park (fronting Anderson Street).
- Development approval is required for any new development or use (i.e. Salt Stockpile for the Orica chlor-alkali plant) on the subdivided lots.
- No additional work, use or amendment is to be approved as part of this modification approval.
- The modification must not impact on the existing services and infrastructure (i.e. underground cable) on the site.
- The modification application (06_197 Mod 5) must not interfere with the implementation of Development Application Consent No.10/486 and the terms of that consent granted by Land and Environment Court dated 12 September 2012.
- The subdivided lots must comply with relevant development approval and conditions.

Should you have any queries please contact Mr Gilead Chen – Senior Strategic Planner on (02) 9366 3566 or the writer on (02) 9366 3520.

Yours faithfully

A handwritten signature in black ink, appearing to be 'CM' followed by a long horizontal flourish.

Catherine McMahon
Principal Planner