

Modification of Minister's Consent

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

As delegate of the Minister for Planning under delegation executed on 16 February 2015, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Chris Ritchie
Manager
Industry Assessments

Sydney 6 AUGUST 2015

SCHEDULE 1

Development Consent:	DA 30/98 granted by the then Minister for Urban Affairs and Planning on 16 December 1998
For the following:	Subdivision of the Botany Industrial Park
On land comprising:	The area illustrated by Drawing No. B87210 (Rev A) submitted with Development Application No. 30/98 (subject to final survey) and as amended by Figure 4 prepared by AECOM Australia Ltd, dated 14 January 2014 and included in Attachment A to the development consent, known as 16-20 Beauchamp Road, Matraville in the Botany Bay local government area
Modification:	DA 30/98 MOD 2: • contemporise the subdivision of land owned by Orica within the site (Lot 11 DP 1039919); and • contemporise the existing conditions of consent that relate to Major Hazard Facilities and other environmental management and reporting requirements.

SCHEDULE 2

The development consent is modified by:

1. in Schedule 1, replacing all the Abbreviations and Interpretation terms as follows:

Act	<i>Environmental Planning and Assessment Act, 1979</i>
Applicant/Orica	Orica Limited and its successors in title
BIP	Botany Industrial Park
Class A	The owners of the SPC (Orica Limited, Huntsman Corporation Pty Ltd and Olefines Pty Ltd, and their successors in title) or any other person that is issued with Class A shares in accordance with the constitution of the SPC
Shareholders	
Council	City of Botany Bay Council
CPWE	Area subject to MP 06_0197 for the remediation of the car park waste encapsulation area located in the north east corner of the BIP
DA	Development Application
Department	Department of Planning and Environment
EPA	Environment Protection Authority
LEP	Local Environmental Plan
Minister	Minister for Planning
Regulation	<i>Environmental Planning and Assessment Regulation, 2000</i>
RMS	Roads and Maritime Services
Secretary	Secretary of the Department of Planning and Environment, or delegate
SEE	Statement of Environmental Effects
SPC	Special Purpose Company
Subject Land	Area illustrated by Drawing No. B87210 (Rev 6), submitted with Development Application No. 30/98 (subject to final survey) and as amended by Figure 4, prepared by AECOM Pty Ltd dated 14 August 2014 and included in Attachment A.

2. in Schedules 2 and 3, replacing all references to "Director-General" with "Secretary".
3. in Schedule 2, replacing Condition 1 with the following:
 1. The subdivision shall be carried out in accordance with the Statement of Environmental Effects (SEE), dated 11 September, 1998, and Drawing No. B87210 (Rev 6), submitted with Development Application No. 30/98 (subject to final survey) and as amended by Drawing No. NA50613011 prepared by Cardno (NSW/ ACT) Pty Ltd, dated 10 January 2013, and as amended by Environmental Assessment titled *S75W Modification Assessment Contemporisation of the Botany Industrial Park Subdivision* submitted with modification request DA 30/98 MOD 2 dated 14 August 2014 and prepared by AECOM Australia Pty Ltd.
4. in Schedule 2, replacing Condition 5 with the following:
 5. Within three years from the date of approval of modification request DA 30/98 MOD 2 and every three years thereafter, the SPC shall provide a report to the Secretary on the environmental performance and compliance with all conditions of consent for developments within the BIP.

5. in Schedule 2, replacing Condition 6 with the following:
 6. Within three years from the date of approval of modification request DA 30/98 MOD 2 and every three years thereafter, the SPC shall submit a triennial report to the Secretary for approval. This report shall detail the implementation of responsibilities identified in Schedule 3 of this consent, as well as any other matter that may require further investigation. The SPC shall comply with the reasonable requirements arising from the Secretary's assessment of this report.
6. in Schedule 3, replacing Condition 1 with the following:
 1. Site Safety Management Systems
All members of the SPC shall maintain a Safety Management System for their own operations, consistent with the requirements of *Hazardous Industry Planning Advisory Paper No. 9 – Safety Management Systems* (DoP, 2011) and the *Work Health and Safety Regulation 2011*.
7. in Schedule 3, replacing Condition 2 with the following:
 2. Site Fire Safety Study
 - (a) The SPC shall maintain an up-to-date Fire Safety Study for the BIP.
 - (b) All members of the SPC shall maintain a Fire Safety Study for their own operations. Each study shall cover the relevant aspects of *Hazardous Industry Planning Advisory Paper No. 2 – Fire Safety Study Guidelines* (DoP, 2011) and the New South Wales Government's "Best Practice Guidelines for Contaminated Water Retention and Treatment Systems".
 - (c) Any member of the SPC who proposes changes which potentially affect its Fire Safety Study shall also review the BIP Fire Safety Study and provide information for updating of the BIP Fire Safety Study, if an update is required.
 - (d) Any revision that would result in a significant change to the BIP Fire Safety Study shall be submitted for the approval of the Secretary and the New South Wales Fire Brigades.
8. in Schedule 3, replacing Condition 3 with the following:
 3. Site Emergency Plan
 - (a) The SPC shall maintain an up-to-date Site Emergency Coordination Plan for the BIP.
 - (b) All members of the SPC shall maintain an Emergency Plan for their own operations, consistent with the requirements of *Hazardous Industry Planning Advisory Paper No. 1 – Industry Emergency Planning Guidelines* (DoP, 2011).
 - (c) Any member of SPC proposing changes which may affect the BIP Emergency Coordination Plan shall provide the SPC with relevant information to allow update the BIP Emergency Coordination Plan.
 - (d) Any revision that would result in a significant change to the BIP Emergency Coordination Plan shall be submitted to the Secretary for approval.
9. in Schedule 3, replacing Condition 4 with the following:
 3. Site Cumulative Risk Assessment
 - (a) The SPC shall maintain an updated Quantitative Risk Assessment for the BIP. This Risk Assessment shall be updated:

- i. if there is a change at the BIP, which will significantly change the results of the Risk Assessment; or
 - ii. if required by the Secretary; or
 - iii. in accordance with the provisions of the *Work Health and Safety Regulation 2011*; or
 - iv. at least every 5 years.
 - (b) Each quantitative risk assessment (or update to such an assessment) shall include individual, fatality, injury and irritation risks and societal risks using the most recently available population and meteorological data. Each quantitative risk assessment (or update to such an assessment) shall be in accordance with *Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis* (DoP, 2011).
 - (c) Each member of SPC shall provide the relevant information and resources to the SPC to ensure that each quantitative risk assessment (or update to such an assessment) is reviewed and updated as necessary.
 - (d) Each quantitative risk assessment (or update to such an assessment) shall be submitted to the Secretary for approval.
10. in Schedule 3, deleting Condition 5.
11. in Schedule 3, replacing Condition 6 with the following:
6. Stormwater Management
- The SPC shall ensure that there is appropriate management in place for that part of the stormwater system that is common to all parties within the subject land and provide relevant information to the EPA upon request.
12. in Schedule 3, replacing Condition 7 with the following:
7. Approval of Development proposals
- (a) The SPC shall ensure that there is a procedure in place for the internal review by all Class A Shareholders of the SPC of any Development Application, Part 4A certificate or any application to modify any consent, approval or certificate prior to lodgement of such an application with the relevant consent authority or certifying authority.
 - (b) The SPC shall ensure that adequate consideration of the application has been given with regard to the integrated operations of the site.
13. in Schedule 3, replacing Condition 8 with the following:
8. Management of Site Services and Infrastructure
- The SPC shall ensure that the common site services and infrastructure are maintained to a standard agreed by the Class A Shareholders.
14. in Schedule 3, replacing Condition 9 with the following:
9. Community Consultation
- The SPC shall maintain a Community Consultative Committee, which shall meet regularly. The Committee shall include at least two representatives from the SPC as well as positions to be occupied by four community representatives and Council, should it wish to participate. The SPC shall provide regular information and environmental performance results of the BIP to the Committee.

15. in Schedule 3, replacing Condition 10 with the following:
 10. Site Security and Controlled Access Management
The SPC shall ensure adequate security for the perimeter of the BIP. Access to the BIP shall be a standard comparable with the objectives of the Work Health and Safety Regulation 2011 (Chapter 9).
16. in Schedule 3, replacing Condition 11 with the following:
 11. Landscaping of the Site, regeneration, general improvement and maintenance
 - (a) The SPC shall be responsible for ensuring the ongoing health and maintenance of the outer boundary landscaping for the BIP.
17. in Schedule 3, deleting Conditions 12 and 13.
18. replacing Attachment A with new Attachment A which illustrates the revised BIP boundary and subdivision layout.

ATTACHMENT A – BOTANY INDUSTRIAL PARK BOUNDARY AND SUBDIVISION LAYOUT



Proposed Lots	Current/ Intended Use and Rationale
Operational Land	
1101	This proposed lot is currently occupied by the main chlorine plant and ancillary services for Orica's chlor-alkali plant. Proposed lot 1101 together with proposed lots 1102, 1103 and 1104, comprise the current full operational requirements of Orica within the BIP. Proposed lot 1101 is separated from proposed lots 1102, 1103 and 1104 by internal BIP roads.
1102	This proposed lot was formerly contaminated with mercury and was one of Orica's legacy sites. The site will be remediated, including construction of a concrete slab on the site. This proposed lot is intended to be used in the future to accommodate the salt stockpile for the Orica chlor-alkali plant.
1103	This proposed lot accommodates the cooling tower and acid storage infrastructure for Orica's chlor-alkali plant. The proposed lot is separated from proposed lot 1102 by an internal BIP road, over which Botany Industrial Park Pty Ltd has an easement, effectively severing the connection between the two operational Orica lots.
1104	This proposed lot currently houses the workshops and ancillary storage for Orica's chlor-alkali plant.
Legacy Land	
1110	The majority of this proposed lot is currently occupied by Orica's hexachlorobenzene (HCB) storage facilities. The residual component of the residual lot is used for heavy vehicle parking. Alternative uses for this site are unlikely until such time as an alternative to ongoing storage of HCB is identified.
1111	This proposed lot is currently exclusively used for the storage of HCB. As with proposed lot 1110, this lot is unlikely to be utilised for alternative uses until such time as an alternative to ongoing storage of HCB is identified.
BIP Uses	
1108	This proposed lot is currently occupied by the BIP site fire services and training ground. It is also the location of the BIP's stormwater control facilities. As this land is used for BIP utilities and services, it is desirable to establish it as a separate lot from Orica operational and legacy lands.
1109	Orica currently leases the offices on this proposed lot to Huntsman for use as its main office. Under current arrangements with this land forming part of the larger Lot 11 DP 1039919, Orica is only able to offer Huntsman short-term leases of the offices. It is proposed to establish this land as a separate lot to allow the flexibility to offer longer-term leases.
Strategic Land	
1105	This proposed lot is occupied by the heritage-listed Main Administration Building – "Orica" and Mature Ficus (listed under clause 31 of the Three Ports SEPP), including associated carparking and facilities. The heritage item represents an important structure to be maintained and managed, and offers the potential for beneficial re-use. It has been historically leased to external third-parties as office space, but is currently and is currently occupied by Orica and KBR. Establishing this land as a separate lot would provide greater flexibility in leasing arrangements similar to those which have been historically experienced on the site. Leasing of this proposed lot would also commercially support the ongoing management and maintenance of the heritage item.
1106	Orica has been considering alternatives to access to the heritage-listed buildings on proposed Lot 1105, rather than using the current entry/exits off Beauchamp Road and Denison Street. Reserving this proposed lot for potential future use as an internal road may offer the opportunity to provide a safer, dedicated internal access route to Lot 1105 and the southern end of the BIP site via the existing signalised Beauchamp Road/Perry Street intersection. In the longer term, it may be a safer viable alternative for access to the south of the BIP site, if future development of the adjacent rail corridor or industrial lands further to the south is contemplated.