

ASSESSMENT REPORT

Section 75W Modification Botany Industrial Park (DA 30/98 MOD 2)

1. BACKGROUND

The Botany Industrial Park (BIP) is a complex of chemical manufacturing and storage facilities which cover an area of around 74 hectares in the suburb of Banksmeadow, in the City of Botany Bay local government area (refer to **Figure 1**).

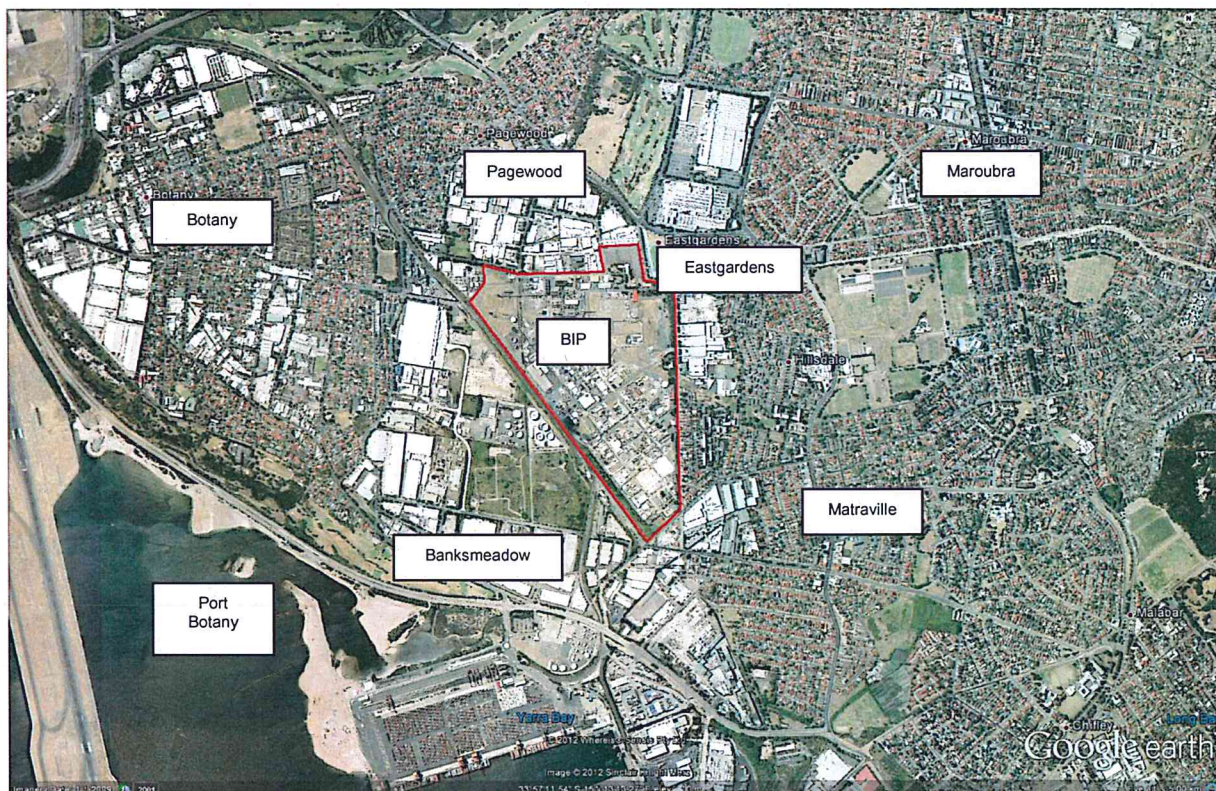


Figure 1: Botany Industrial Park Location

Imperial Chemical Industries (or ICI), first commenced operations on the BIP site in 1942 manufacturing carbon bisulphide and chlorine related products. Over the next 55 years, ICI went on to produce a range of chemicals used in various domestic and industrial products.

In July 1997, the ICI Group underwent some restructure and divestment of its various activities, including the formation of a new company called Orica Ltd (Orica). Following the changes in ownership and name in 1998, Orica conducted a review of its company strategy and operations.

On 16 December 1998, the then Minister for Planning approved a development application (DA 30/98) from Orica for the subdivision of the BIP site into 9 lots (refer to **Figure 2**). After the subdivision of the BIP site, Orica proceeded to sell its surfactants business to Huntsman

and later formed a joint venture company with ExxonMobil to manufacture various plastic based products which is referred to as Qenos.

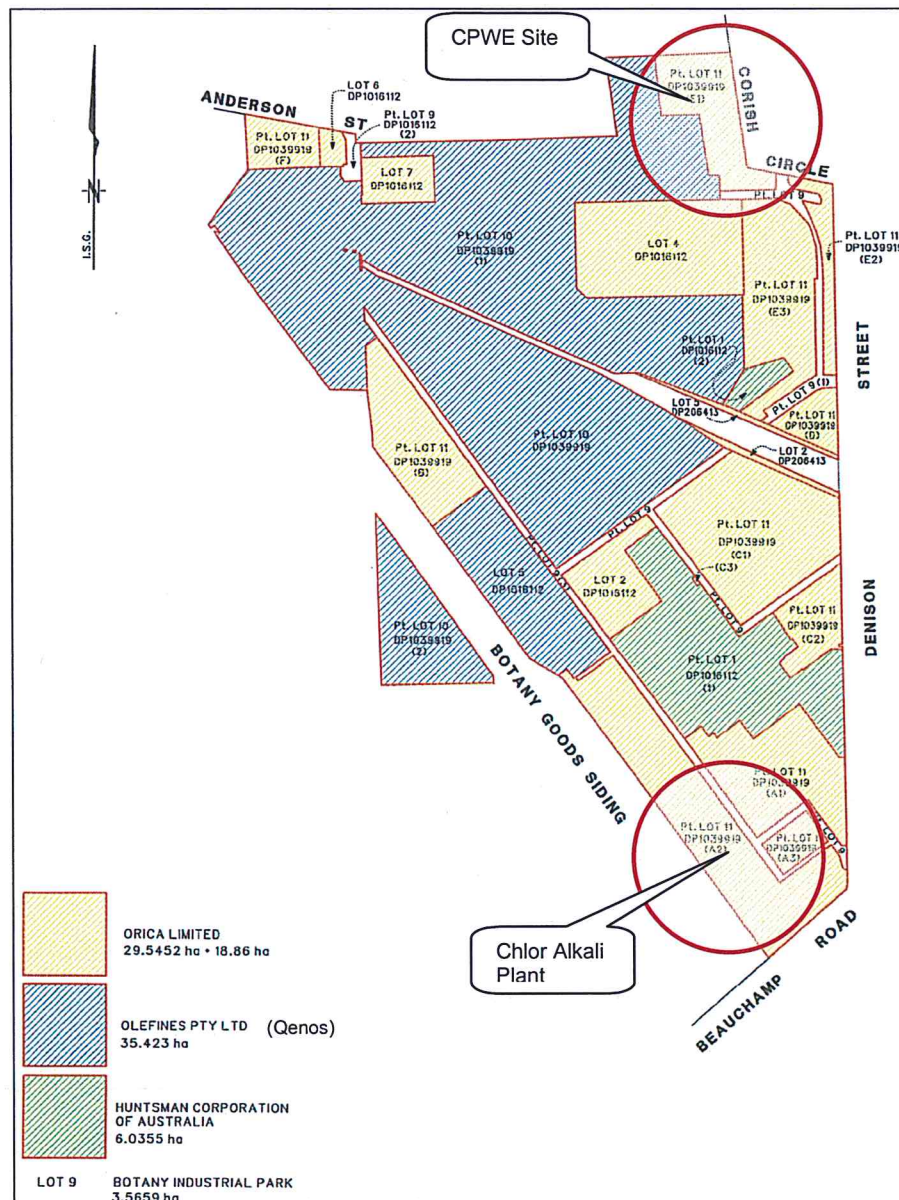


Figure 2: Botany Industrial Park Allotments (DA No. 30/98)

Original Subdivision (DA 30/98)

As part of the approval of the original subdivision in 1998, the conditions required Orica to form a Special Purpose Company (SPC) comprising Orica, Huntsman and Qenos. The primary responsibility of the SPC is to ensure that the management of hazards and risks across the BIP are undertaken in an effective and coordinated manner. The SPC is responsible for the preparation and implementation of safety management systems, fire safety studies, site emergency plans, cumulative risk assessments, noise reduction programs and stormwater management across the BIP site.

Furthermore, the conditions also required that a covenant be applied to all land within the BIP and the covenant be placed on the title of each lot within the BIP. This covenant requires that all landowners comply with the conditions of DA 30/98.

Car Park Waste Emplacement Remediation Approval (06 0197)

From the 1960s, Orica operated a chlorinated solvents plant which produced industrial solvents for use as dry cleaning fluids and refrigerants. The waste products from the solvents plant led to contamination of the underlying ash bed and sandy soil which were then excavated and relocated to the north eastern corner of the BIP. The contaminated material was then enclosed in a liner and covered with bitumen. This area is referred to as the Car Park Waste Encapsulation (CPWE) site (refer to **Figure 2**).

On 12 November 2009, the Director-General (as delegate of the then Minister for Planning) approved a major project application from Orica under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for the remediation of the CPWE site. This approval allowed for the treatment of contaminated material, consolidation of land holdings by individual owners within the BIP and changes to lot boundaries.

Following the successful remediation of the site, Orica deemed that the CPWE was surplus to its future requirements. As the CPWE is positioned on the boundary of the BIP, Orica considered that it represents an ideal opportunity for other industrial development to occur provided it is compatible with surrounding land uses.

Council Subdivision Approval (10/486)

On 21 December 2010, Orica lodged a development application with the City of Botany Bay Council (Council) for the industrial subdivision of the abovementioned portion of the CPWE land (3 lots and an existing private internal road) into 22 smaller lots and associated public roads.

Due to the time taken by Council to undertake the assessment, Orica proceeded to make a deemed refusal application to the Land and Environment Court (LEC) to have the application determined.

During the Court proceedings and at the request of Council, the Department provided technical advice and recommended conditions to Council on matters relating to hazards and risks. In particular, the Department provided advice on whether the future development of the subdivided site would increase cumulative risks from the BIP.

On 31 August 2012, the LEC determined to approve the subdivision application (refer to **Figure 3**).

Inconsistency between the LEC and Minister Subdivision Layout

The approval by the LEC of Orica's subdivision application (the area shaded yellow in **Figure 3**) created an inconsistency with the Minister's subdivision consent under DA 30/98 (refer to **Figure 2**). As a result, Orica sought to excise the LEC approved subdivision area from the BIP which would enable Orica to proceed with the future development of this land.

Excise of Land (DA 30/98 MOD 1)

On 29 January 2013, the Department approved a modification request to the Minister's subdivision approval for the BIP (DA 30/98) to correct the inconsistency with the Court subdivision consent. This resulted in land being excised from the BIP (shown in **Figure 3**) for future development. In effect, the excise of the land removed:

- the requirement for the subdivided lots to become a member of the SPC; and
- the existing covenant on the land title from the subdivided lots.

The remaining land within the BIP was not altered from the 1998 subdivision approval (DA 30/98) and is still subject to the conditions of DA 30/98.



Figure 3: Land excised from the BIP

2. PROPOSED MODIFICATION

The 1998 development consent (DA 30/98) was approved for the subdivision of the site into 9 lots and established the site as the BIP. In addition, DA 30/98 included conditions that require the coordinated management of hazards and risks and environmental impacts.

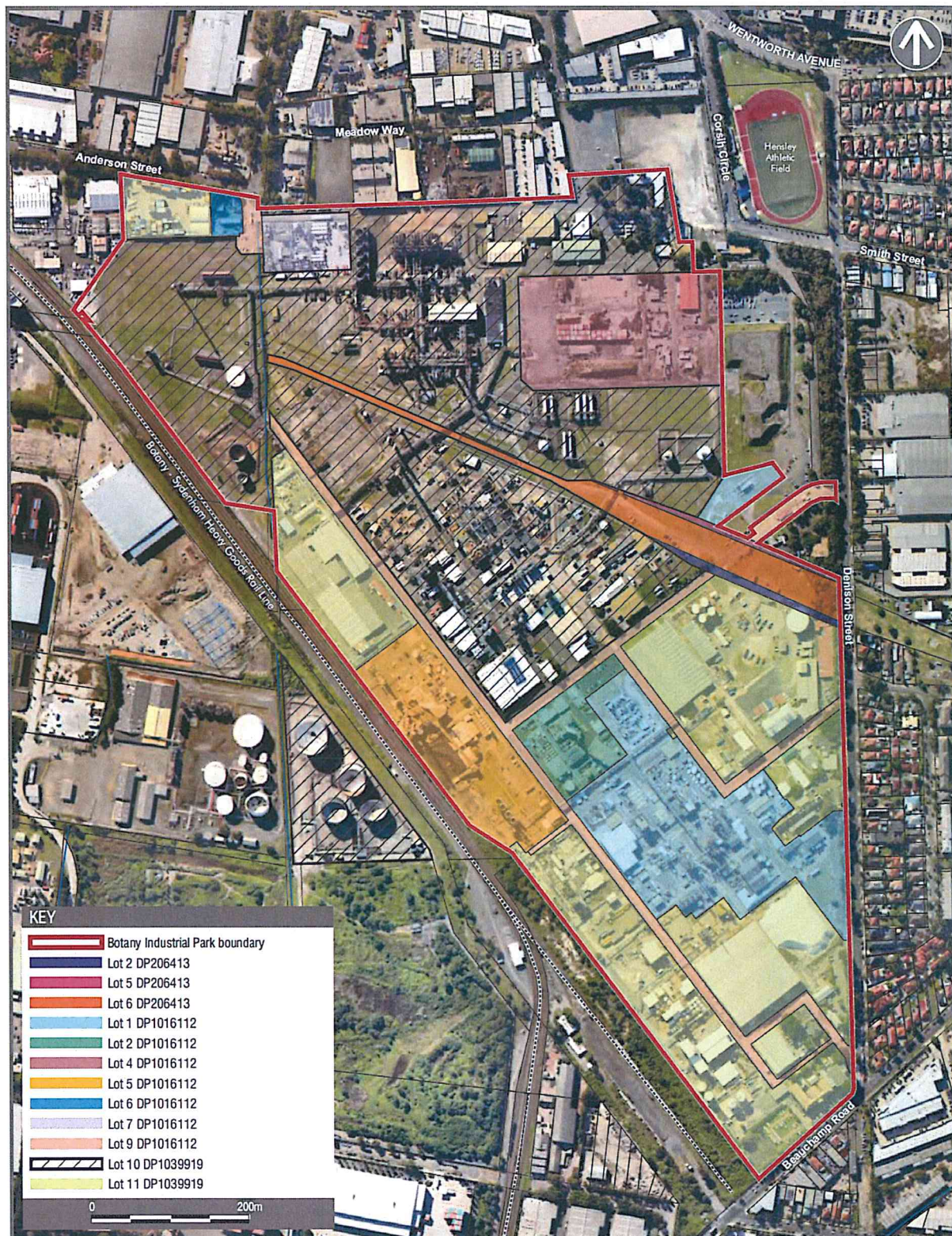
On 20 October 2014, Orica (the Applicant) lodged a Section 75W modification request to contemporise the conditions of the consent to reflect current practice and legislation and to subdivide the Applicant's land within the BIP to reflect on-site operations. The Applicant provided additional information on 24 March 2015 and 1 June 2015 which further detailed the existing management systems that have since been implemented.

This modification request does not propose to alter the existing operations on site. The proposed modifications are detailed in **Table 1** below.

Table 1: Proposed Modifications

Item	Proposed modification
1	<u>Contemporise the conditions of the development consent</u> The Applicant has outlined that since the original consent was granted, there have been significant changes to environmental and planning requirements including the introduction of the <i>Work Health and Safety Act 2011</i> and the regulation of Major Hazard Facilities. In addition, the management of environmental issues has also evolved and are now addressed or regulated under separate approvals and/or legislation. For example, current and future pollution reduction programs are now regulated through the Environment Protection Licences for individual operations. In order to minimise duplication of requirements, the Applicant seeks to contemporise the conditions of the consent to be consistent with current practice and legislation. Further, existing conditions would be updated to reflect existing management plans, assessments and studies that have been undertaken for the BIP. These include the site safety management systems, site fire safety studies, site emergency plan, site cumulative risk assessment and site noise reduction program.
2	<u>Amend the subdivision plan</u> In reviewing its current landholdings and operations within the BIP, the Applicant identified that the existing subdivision layout plan (see Figure 4) does not reflect its on-site operations. As such, the Applicant is seeking to subdivide its land (Lot 11 DP 1039919) from six lots into 11 lots (see Figure 5). This would allow the Applicant to categorise the subdivided lots based on the operational requirements and to assist with the management of how the land is used. The lots would be categorised under: - <u>Operational</u>: land used for the Applicant's operational requirements, principally the operation of the chlor-alkali plant. - <u>Legacy</u>: land that is contaminated and/or used for the storage of regulated hazardous wastes and would be the subject of ongoing contamination/waste management. - <u>BIP uses</u>: land that is used to provide BIP utilities/services or occupied by other BIP members.

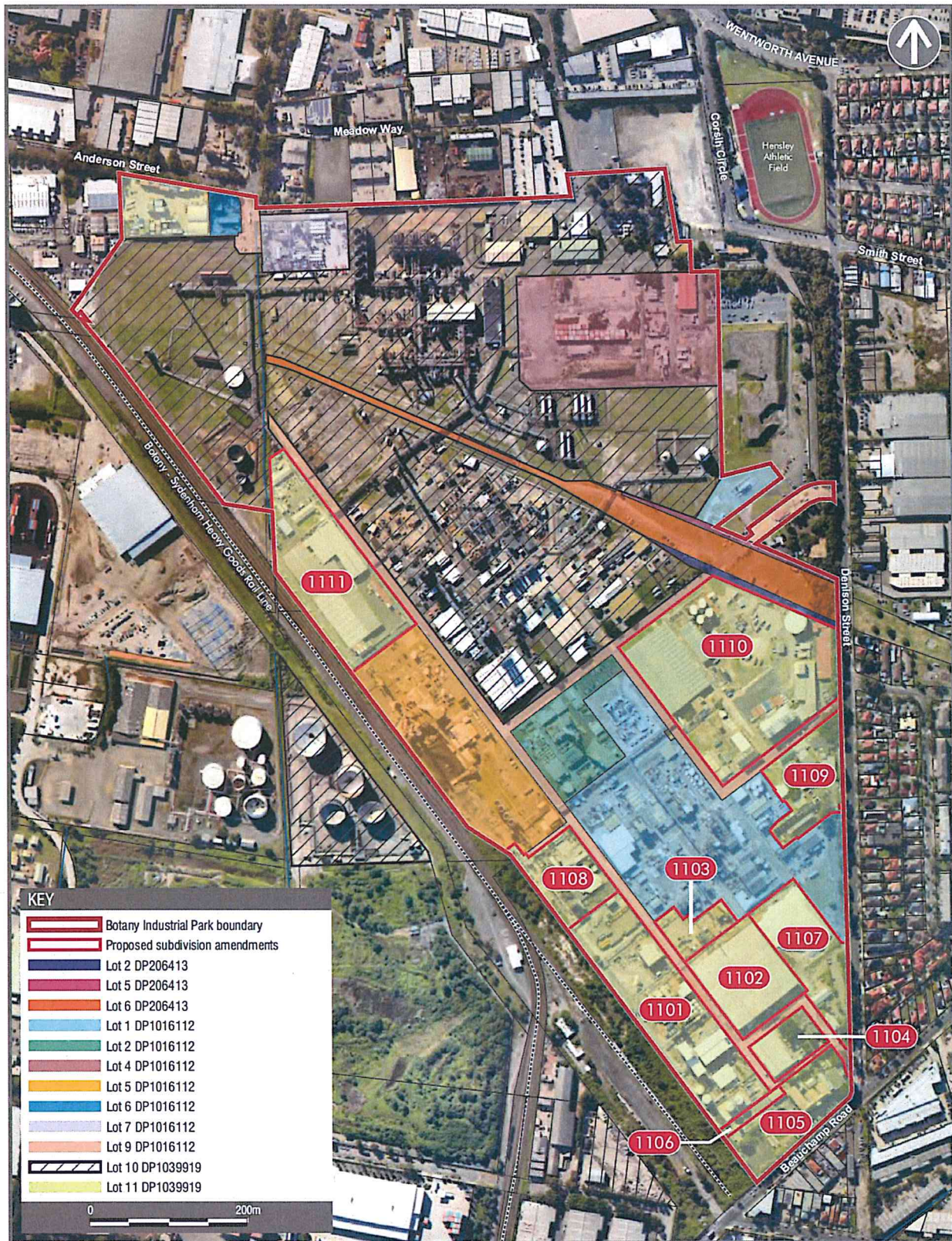
Item	Proposed modification
	- Strategic: land that is not actively used by the Applicant or other BIP members for operational purposes. These lots may provide future development opportunities. Table 2 describes the land use and classification of the proposed lots.



AECOM

CURRENT APPROVED SUBDIVISION
Botany Industrial Park

Figure 4: Current subdivision layout of Orica's land within the BIP



AECOM

PROPOSED AMENDMENTS TO SUBDIVISION
Botany Industrial Park

Figure 5: Proposed subdivision layout of Orica's land within the BIP

Table 2: Land use classification of proposed lots (extract from Environmental Assessment)

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.

3. STATUTORY CONSIDERATION

Statutory Framework

Under clause 8J (8) of the *Environmental Planning and Assessment Regulation 2000*, development consent DA 30/98 is considered to be an approval under Part 3A of the EP&A Act for the purposes of modification and can be modified by the Minister under section 75W of the EP&A Act.

In accordance with Clause 12 of Schedule 6A of the EP&A Act, section 75W of the EP&A Act as in force immediately before its repeal on 1 October 2011, continues to apply to any such modification. It should be noted that whilst the modification process is taking place under section 75W of the EP&A Act, any modified consent would remain a development consent under Part 4 of the EP&A Act.

The Department notes that:

- the primary function and purpose of the approved project would not change as a result of the proposed modification; and
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of consent.

Therefore, it is considered that the proposed modification is within the scope of section 75W of the EP&A Act. Consequently, the Department considers that the modification request should be assessed and determined under Section 75W of the EP&A Act rather than requiring a new development or project application to be lodged.

Approval Authority

The Minister was the consent authority for the original development, and is consequently the consent authority for this modification request.

On 16 February 2015, the Minister for Planning delegated responsibility for determination of applications under section 80 of the EP&A Act to Directors and Managers who report to the Executive Director, Planning Services where:

- the relevant local Council/s has not made an objection;
- a political donations disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

The Department is satisfied that the modification request meets the terms of the delegation as Council did not object to the proposal, a political donations disclosure statement has not been made and no public submissions were received. As such, the Manager, Industry Assessments may determine the modification request under delegated authority.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under Section 75W of the EP&A Act, the Minister is required to make the modification request publicly available on the Department's website. Upon receipt, the modification request was placed on the Department's website and following a review of the modification request, the Department did not believe formal public notification of the modification request was necessary. Notwithstanding, the Department sought comments from the City of Botany Bay Council (Council), the Environment Protection Authority (EPA) and the Hillsdale-Eastgardens Resident Action Group.

A summary of the issues raised in submissions is provided below, a copy of each of these submissions can be found in Appendix B.

4.2 Submissions

Council did not object to the proposed modification however, sought clarity relating to the responsibilities of the various SPC members and noted that there should be no impact upon the environmental performance and management of the BIP.

In addition, Council recommended a number of revisions to the proposed amendments to the conditions of consent. The recommended revisions include:

- various recommendations to hazard and risk related conditions particularly in relation to the preparation of site wide management systems;
- the retention of a community consultative committee; and
- the SPC being responsible for the ongoing remediation of contaminated land.

The **Environment Protection Authority (EPA)** did not object to the proposed modification however, noted that the proposed modifications should not have an impact upon the stormwater management system for the BIP and the EPA's regulation of the system.

The Department is satisfied that the above concerns raised by Council and the EPA in relation to the environmental performance, management and regulation of the BIP would not be impacted upon by the proposed modifications. The Department has reviewed the proposal and has considered Council's submission in its recommended conditions.

The Department did not receive any public submissions.

4.3 Response to Submissions

The Applicant provided a response to the issues raised in submissions on 24 March 2015 and provided further additional information on 1 June 2015 responding to issues raised by the Department. The Applicant provided clarification on existing management systems that have since been implemented and now governed under new legislation and the roles and responsibilities of SPC shareholders and members.

5. ASSESSMENT

In its assessment of the merits of the proposal the Department considered:

- the section 75W Modification Assessment for the proposed modification (see Appendix A);
- submissions from the government agencies (see Appendix C);
- relevant environmental planning instruments, policies and guidelines; and
- relevant provisions of the EP&A Act, including the objects of the EP&A Act.

The key issues raised in the Department's assessment of the original consent was the coordinated management of hazards and risks for the BIP, the management of existing contamination issues and ensuring that there would be no increase in the offsite risk.

As such, the Department has carefully considered the proposed amendment to the subdivision plan as it identifies lots that may provide future development opportunities. In addition, the proposed contemporisation of conditions, include amendments to the coordinated management of hazards and risks for the BIP.

Subdivision

The Department acknowledges that the modification request does not seek to alter the existing operations within the BIP. The proposed subdivision of the Applicant's land within the BIP would facilitate the categorisation of the land to reflect on-site operations and would assist with the management of how the land is used.

The Department notes that the proposed subdivision of Orica's land within the BIP does not include any additional land use or rezoning. As such, there would not be any impact or change to the hazard and risk profile of the site.

Notwithstanding, the recommended conditions do not detract from any future use being subject to their individual assessment. The Department recommends a new condition and plan be incorporated into the consent to reflect the new plan.

Contemporise conditions

The Department notes that there have been significant changes to environmental and planning requirements since the original subdivision consent was approved in 1998, including the introduction of the *Work Health and Safety Act 2011* and the regulation of Major Hazard Facilities. As such, it is acknowledged that a number of the conditions should be modernised to reflect the current regulatory regime in NSW and minimise the duplication of requirements.

In addition, existing conditions would be updated to reflect existing post approval requirements that have since been satisfied. These include the site safety management systems, site fire safety studies, site emergency plan, site cumulative risk assessment and the site noise reduction program.

The Department agrees in principle with the majority of the proposed amendments to the conditions of consent. However, the Department has recommended that a number of the Applicant's proposed amendments are revised to ensure that the intent of the original condition is retained. The Department's consideration of the proposed modifications to the conditions is outlined in **Table 3**.

The Department's assessment concludes that the hazards and risks associated with the BIP would be appropriately managed via implementation of the recommended modifying conditions of consent.

Overall, as there would be no change to the operations within the BIP, the Department is satisfied there would be no impact upon the environmental performance of the site.

The recommended conditions have been reviewed by the Applicant who did not raise any objection.

Table 3: Assessment of the proposed amendments

Condition		Proposal	Consideration
Schedule 2			
Condition 1 – Development description		The modification request seeks to amend the condition to include the current modification request.	The Department agrees with the proposed amendment.
Condition 5 – Annual environmental performance and compliance report		This condition requires the SPC to provide a co-ordinated overview of all operations within the BIP to the Secretary. The modification request seeks to amend the condition to reduce the frequency of reporting from an annual basis to when requested by the Secretary.	The Department acknowledges that each operation within the BIP operates under separate development consents which includes an annual report on the environmental performance and compliance requirements for each individual operation. The Department agrees that a coordinated annual report of all operations within the BIP is onerous however, Huntsman for example, operates under an old development consent which does not require environmental reporting. As such, the Department recommends that the condition be amended to require a report to be undertaken every 3 years.
Condition 6 – Annual report detailing the responsibilities identified in Schedule 3		This condition requires the SPC to provide an annual report on the requirements of Schedule 3. In particular, conditions 1 to 4 of Schedule 3 relate to the Hazard and Risk requirements imposed on the SPC. The modification request seeks to delete the condition as the SPC is well established and has demonstrated compliance with its responsibilities.	The Department agrees that an annual report is too onerous however, it does not consider it appropriate to delete the condition in its entirety as this condition enables the Secretary to require the SPC to comply with any reasonable requirements following the Secretary's review of the annual report. Therefore, the Department recommends that the condition be amended to require a report to be undertaken every 3 years.
Schedule 3			
Condition 1 – Site safety management systems		There is an existing Site Safety Management System for the BIP that was prepared by Orica. This condition requires that each individual operation within the BIP must develop and maintain a safety management system that	The Department acknowledges that safety management systems exist for the existing operations within the BIP and that the proposed amendment is to require that they be consistent with current practice and legislation. As such, the Department agrees with the proposed amendment.

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	is consistent with Orica's Site Safety Management System. The modification request seeks to remove the reference to Orica's Site Safety Management System and to amend this condition to require that each operation within the BIP maintain individual safety management systems that are consistent with current practice and legislation.	
Condition 2 – Site fire safety study	This condition requires the SPC to prepare a Site Fire Safety Study which would incorporate the fire safety studies of the individual operations. The modification request seeks to retain the requirement for the SPC to maintain the Site Fire Safety Study and for each operation to maintain individual fire safety studies. In addition, the request seeks to update the condition to reflect current practice and legislation and remove the specification for when the studies should be updated and approved by the Secretary and the NSW Fire Brigades.	The Department acknowledges that fire safety studies exist for the existing operations within the BIP and therefore agrees with the proposed amendment in principle. However, the Department recommends that components of the original condition be retained, particularly in relation to when the study should be updated and approved by the Secretary and the NSW Fire Brigades.
Condition 3 – Site emergency plan	This condition requires the SPC to prepare a Site Emergency Plan which would incorporate the fire safety studies of the individual operations. The modification request seeks to amend this condition to reflect current practice and legislation and to update and maintain the existing site emergency plan that is now in place.	The Department acknowledges that there is an existing Site Emergency Coordination Plan for the BIP and therefore agrees with the proposed amendment in principle. However, the Department recommends that components of the original condition be retained, particularly in relation to requiring the plan to be updated and approved by the Secretary.

	In addition, the request seeks to remove the specification for when the emergency plan should be updated and approved by the Secretary.	
Condition 4 – Site cumulative risk assessment	This condition requires the SPC to prepare and maintain an up to date cumulative risk assessment for the BIP and requires each member of the SPC to contribute relevant information to the risk assessment. The modification request seeks to amend the condition to acknowledge that a site cumulative risk assessment has been completed and to reword the update requirement to 'from time to time as may be required by the Department'.	The Department agrees with the proposed amendment in principle. However, it is recommended that the proposed wording is amended to better reflect the intent of the condition which is to maintain an updated Quantitative Risk Assessment for the BIP. In particular, the modified condition should be more prescriptive to provide more clarity and require the site cumulative risk assessment for the BIP to be updated as a minimum every 5 years or when there is significant change at the BIP, rather than the proposed 'from time to time as may be required'.
Condition 5 – Site noise reduction program	This condition required the SPC to prepare a noise reduction program to minimise the overall noise from the BIP. The modification request seeks to delete this condition as the noise reduction program has been completed and noise is now regulated through individual Environment Protection Licences (EPLs) or development consents.	The Department acknowledges that this condition has been satisfied and that any required noise regulation and reduction programs can be undertaken via Pollution Reduction Programs under the relevant EPLs.
Condition 6 – Stormwater improvement plan	This condition requires the SPC to prepare a Stormwater Improvement Plan for the BIP. The modification request seeks to amend the condition to reflect current legislation changes and acknowledge the completion of stormwater improvement works.	The EPA did not object to the proposed modification request and noted that the proposed subdivision would not have a material effect on the management of the stormwater system. Notwithstanding, the EPA noted that they have an ongoing interest in the stormwater management system and are regulating the system through the EPLs of the individual operations.
	The Applicant has outlined that stormwater	The Department agrees with the proposed amendment in

	is managed through the EPLs for individual facilities within the BIP. As such, the request seeks to specify that the SPC would be responsible for the appropriate management of the stormwater system that is common to all site parties in order to avoid any duplication of requirements. In addition, the proposal would remove the requirement of the plan to be updated annually and submitted to EPA for approval.	principle however, recommends that the proposed wording be amended to require the stormwater improvement plan to the common areas of the BIP, be maintained and provided to the EPA upon request.
Condition 7 – Future development proposals	This condition requires the SPC to review any development application, construction certificate or modification to any consent. The modification request seeks to amend the condition to reflect the different members of the SPC.	The Department agrees with the proposed amendment in principle. However, it is recommended that the proposed wording is amended to better reflect the intent of the condition which is to ensure adequate consideration has been given to the integrated operations of the site. The modified condition should also note the difference between SPC shareholders and members.
Condition 8 – Site services and infrastructure	The condition requires the SPC to ensure common site services and infrastructure are maintained in accordance with Orica standards. The modification request seeks to amend the condition to replace the reference from 'Orica standards' to 'BIP standards'.	The Department agrees with the proposed amendment in principle. However, the intent of the condition is to ensure that site services and infrastructure is maintained to a standard agreed upon by the shareholders of the SPC. The Department therefore recommends that the proposed condition is reworded to reflect this intent.
Condition 9 – Community consultation	This condition requires the SPC to establish a Community Consultative Committee (CCC) and provide regular information of the performance of the BIP to the CCC. The condition also specifies the required compilation of the CCC representatives and consultation requirements including meeting facilities and site access. The modification request seeks to amend	Council noted that in order to provide certainty to the Community and Council, the compilation of the representatives of the CCC should be retained. The existing condition requires the CCC to include at minimum two representatives from the SPC, four community representatives and Council. The Department agrees that greater flexibility should be included in the condition in relation to consultation requirements, however, considers the representation on the CCC should remain. The revised condition reflects this position.

	this condition to remove the representative requirements and to simplify consultation requirements. This condition requires SPC to ensure there is adequate security for the BIP. The modification request seeks to amend the condition to reflect current legislation and acknowledge existing security and access arrangements.	The Department agrees with the proposed amendment.
Condition 10 – Site security and controlled access management		
Condition 11 – Landscaping	This condition requires the SPC to maintain the outer boundary landscaping for the BIP and for any landscaping to be to the satisfaction of Council. The modification request seeks to delete the condition given that landscaping exists and is well established.	The Department acknowledges that site landscaping exists and is well established however, it does not consider that the condition should be deleted in its entirety. The Department has recommended an amended condition that removes the redundant requirement for landscape plans to be submitted to the satisfaction of Council and instead, require that the SPC be responsible for maintaining the landscaping on the outer boundary of the BIP. The Department agrees with the proposed deletion of Condition 12.
Condition 12 – Pollution reduction system	This condition requires the SPC to be responsible for any existing site pollution reduction programs. The modification request seeks to delete the condition as current and future pollution reduction programs are now regulated through individual Environment Protection Licence's or development consents.	
Condition 13 – Site contamination and remediation	This condition requires SPC to ensure that management of existing site contamination issues is not impeded and to notify the relevant agencies when there is any potential impact on site contamination. The modification request seeks to delete the	The Department agrees with the proposed deletion of Condition 13.

	condition as contaminated land is now regulated through the Contaminated Land Management Act 1997 and subject to individual development assessment.	
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6. CONCLUSION

The Department has assessed the proposed modification in accordance with the requirements in Clause 8B of the EP&A Regulation. This assessment has found that the proposed modification would not have any environmental impacts as there is no change to the existing site operations.

The contemporisation of the conditions of consent would ensure that the management of the site, particularly in relation to hazards and risks, would be undertaken in accordance with current practice and legislative requirements. In addition, the proposed new plan of subdivision would reflect the current operations within the BIP. Notwithstanding, the proposed modifications do not seek to alter existing operations on site or involve any additional land use.

The Department considers that the proposed modification is acceptable, particularly given that separate development approval is required for any future development within the BIP. The Department is satisfied that the existing and modified conditions would ensure consistency with other approvals relating to the BIP and the ongoing management and regulation of existing and future operations within the BIP.

7. RECOMMENDATION

Under delegation of the Minister, it is **RECOMMENDED** that the Manager, Industry Assessments:

- **approve** the proposed modification under Section 75W of the EP&A Act; and
- **sign** the attached instrument (tagged A).

Ashley Cheong
Planning Officer



Joanna Bakopanos
Team Leader
Industry Assessments

Approved:



Chris Ritchie
Manager
Industry Assessments

APPENDIX A – Environmental Assessment

APPENDIX B – Project Approval for DA 30/98

APPENDIX C – Submissions from Agencies