



Your reference DOC16/429666
Contact: Stuart Clark 9995 6835

Ms Bianca Thornton
Industry Assessment
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Botany Industrial Park Subdivision (DA 30/98 MOD 3)

Dear Ms Thornton,

I refer to your correspondence to the Environment Protection Authority (EPA) dated 16 August 2016 (DA 30/98 MOD 3). The EPA has reviewed the proponent's (Orica's) information and relevant attachments in support of the proposed modifications. In 1997/98, the ICI Group (the Botany Industrial Park) was subdivided into nine major lots with three major companies, Qenos Pty Ltd, Huntsman Pty Ltd and Orica Australia Pty Ltd.

Orica requested a sub-division of the BIP (DA30/98 MOD2) in late 2014 to delineate the operational land from legacy land and relevant changes to the BIP. The EPA responded in April 2015 stating that it supported the changes and the modification was appropriate however noted that one of the most integral parts of the operational framework of BIP is the stormwater management and infrastructure.

In 2015 Orica diversified its chemical operations to sell its non-mining chemicals division to private equity group Blackstone (now trading as IXOM chemical operations) for \$750 million. Orica retains the environmental "legacy" projects on the BIP and IXOM has leased the relevant operational components of the chemicals operational plant.

The EPA completed the relevant changes to the Orica Environment Protection Licence (EPL) 2148 and introduced a new EPL 20547 for IXOM.

The EPA understands that the current proposal is to:

- better delineate between IXOM/Orica occupied land and annex off common BIP assets and;
- segregate the BIP assets on Orica land that cannot be moved to allow greater flexibility.

Better delineation of all the BIP parties is always considered an improvement at the BIP. Segregation of the BIP assets from Orica land is inevitable and the EPA understands that the land should be segregated appropriately.

However the continued modifications to parcel lots into smaller portions, the segregation of lots from Orica to IXOM and the sale of BIP lots, at what is already a complex site, raises concerns at the EPA. The EPA requires better delineation of ownership of lots, ownership of plant on each lot, arrangements for the shared infrastructure and the ownership and management of the stormwater management systems.

The EPA would like to consult with Orica (as the proponent for the BIP modification) to discuss:

- Improved definition of delineation of ownership and long term lease of lots;
- Ownership of plant on each lot; and
- Shared infrastructure between the lots

As part of the modification approval the EPA requests that, as a minimum, the Department of Planning and Environment require Orica to consult and liaise with the EPA. Additionally, the EPA encourages the Department of Planning and Environment – as the agency that approved the BIP subdivision – to be actively involved in discussions on the above issues.

If you have any questions or concerns in relation to this matter please contact Mr Stuart Clark on (02) 9995 6835.

Yours sincerely



30 August 2016

James Goodwin
Unit Head Sydney Industry
Environment Protection Authority