

Melbourne

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29 September, 20¹⁶/₁₄ 

Bianca Thornton
Planner
Industry Assessments
Department of Planning and Assessment
Level 22, 320 Pitt Street
Sydney 2001

Dear Bianca

Re: Response to Submissions (BIP Subdivision)

Orica provides the following comments to the Department of Planning and Assessment ('the Department') below in response to the submissions:

NSW EPA (30 August 2016)

- The NSW EPA ('the EPA') stated that they had no fundamental objection to the proposed subdivision approval. However they noted there were intricacies involved with the further subdivision of the BIP and associated responsibilities for shared assets.
- Orica met with NSW EPA and the Department on 20 September to discuss the EPA's concerns.
- Orica committed to providing the EPA a BIP map (on aerial photo) showing delineation of current land ownership, occupation and management. Furthermore, Orica will meet with the EPA prior to submitting any applications for development or alternate use of the proposed Lots to ensure clarity is retained with respect to licenced areas and responsibility for common BIP resources.

Botany Council (now Bayside Council) (29 August 2016)

- Council noted that new land owners, if in future any Lots are divested, should be made aware of contamination concerns on the properties. Orica notes that the Section 149 certificates for the site indicate the land may potentially be contaminated. Furthermore, the land is subject to a declaration under the Contaminated Land Management Act.
- Orica will not divest any parcels of land without thorough investigation followed by the assessment of a NSW EPA Accredited Contaminated Sites Auditor.

Fire and Rescue (14 September 2016)

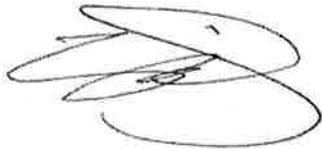
- Fire and Rescue noted concerns regarding access to the new Lots in the event of an emergency. Orica acknowledges this concern, however it is important to remember the current proposal does not permit any change in land use or modification to the land and will result in no changes to existing access arrangements. In the event of any future application for a change in land use or modification to emergency access or infrastructure, Orica commits to prior consultation with Fire and Rescue.
- Orica notes Fire and Rescues concerns regarding the proposed annexing of the Fire Water tank into proposed Lot 111¹¹ ~~5~~. Although, as expressed above, this proposal constitutes no changes to land use or access, Orica will remove the proposed Lot from the application so the tank remains within the larger Orica owned Lot 1110. If there are any proposed land use changes within Lot 1110 in future, Orica will (as requested by Fire and Rescue) ensure the assets are protected via a covenant on title. A revised subdivision figure is attached.
- All current Fire and emergency assets on site are protected by covenants and maintained via a Utility Services Agreement to which all BIP parties are party to. Orica agrees that any significant changes to the fire and emergency assets would trigger the requirement to consult with Fire and Rescue and potentially revise the Fire Safety Study (FSS).

SafeWork NSW (email 6 September 2016)

- Safework noted in their correspondence the potential for risks to new occupants in the proposed Lots presented by current hazardous activities or storage of hazardous materials.
- Orica notes the proposed modification do not permit any changes to the current land use. Any changes to the current land use would trigger a review of the potential risks in the development application process. Any intensification of current use (ie shifting of Orica staff into different locations) would trigger an internal assessment of the potential risks. Any assessment would build on, but not necessarily be limited to, the BIP QRA (Sherpa 2012).

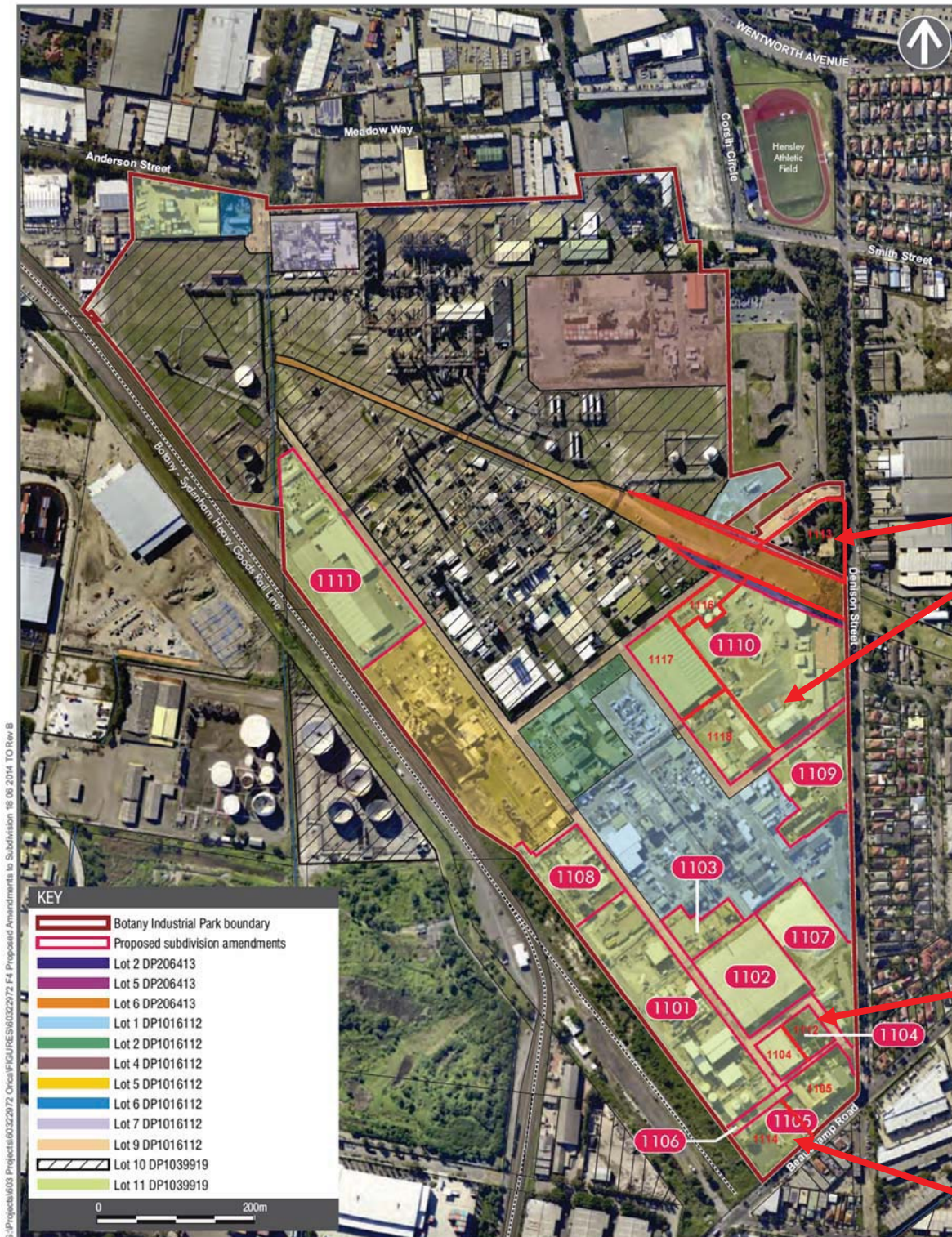
Please call me if you would like to discuss further.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Steve Corish', written over a large, loopy, circular flourish.

**Steve Corish
Environment Manager**

Figure 1 Revised Subdivision Plan



**MINOR BOUNDARY MODIFICATIONS TO SUIT LONG TERM LEASE
& SEPARATION OF ORCA OWNED LAND ON THE BIP –
Modification 3 to DA 30/98 (amended 29 Sep 2016)**

