

31st August 2018

Department of Planning & Environment
Att: Melissa Prochazka
Level 29 | 320 Pitt Street |
SYDNEY NSW 2001

Sent by Email:

melissa.prochazka@planning.nsw.gov.au

Copy: pamela.morales@planning.nsw.gov.au ;

Dear Melissa,

DA 35/98 MOD 5 - Ixom Chlor-Alkali Plant, Botany Industrial Park - Response to Submissions

We have received responses from the following stakeholders via the Department of Planning and Environment listed in Table 1. Table 1 identifies where individual stakeholder statements have been addressed. A response to each of the stakeholder statements is contained in the corresponding tables.

Table 1 Index of Stakeholders Statements & Ixom Response

Stakeholder	Stakeholder Statements & Ixom Response
Department of Planning and Environment (DP&E)	See Table 2
Bayside Council	See Table 3
NSW Environment Protection Authority (EPA)	See Table 4
Roads and Maritime Services	See Table 5
SafeWork NSW	See Table 6

Table 2 DP&E Stakeholder Statements & Ixom Response

DP&E Stakeholder Statements	Ixom Response
<p>The Department has reviewed the modification request and supporting documentation for the Chlor-Alkali Plant, Botany Industrial Park (DA 35/98 MOD 5) and requests further information on the following:</p> <ul style="list-style-type: none"> Section 7 – clarification on the correct reference for ‘Section 0’ on Page 40 (section 7.1) and Page 52 (section 7.9). Section 7.2 – further information on the proposed construction and operational truck haul routes to and from the Site. 	<p>‘Section 0’ should be Section 3.5’ on Page 40 ‘Section 0’ should be Section 7.14 on Page 52</p> <p>It's difficult to predict exactly where the demand and market will be coming from. However, we can advise on possible truck routes to get from and to the arterial road from the Site. This is</p>

DP&E Stakeholder Statements	Ixom Response
	illustrated AUS16-23-PM-102_r0 Appendix A attached.
Requested a simplified drawing showing storage areas (acid/alkali), loading bay, entrance, exit, and filling.	See attached "Simplified Site Layout Plan.pdf"
In the RTS, please provide an explanation and justification for the proposed change (layout) and updated figures.	The reason the layout has changed is to improve traffic flow. See attached "Simplified Site Layout Plan.pdf".
<p>The Department understands the Botany Industrial Park (BIP) has undergone numerous subdivisions since the approval of the Chlor-Alkali Plant was approved in 1998.</p> <p>In your response to submissions (RTS), can you please confirm the Lots and DPs the Chlor-Alkali Plant including the Repackage Facility occupies within the BIP.</p>	Chlor-Alkali Plant including the Repackage Facility occupies Lot 110 DP 1204999.

Table 3 Bayside Council Stakeholder Statements & Ixom Response

Bayside Council Stakeholder Statements	Ixom Response
<p>Council considers that the Modification should be assessed stringently against the SEARS, particularly in so far as the QRA is concerned, and ensuring that vehicle movements/increased risk resulting from the Modification has been adequately addressed. Of particular note is the more frequent vehicle movements, despite their reduced size under this Modification, which results in a net increase in chemicals being moved from the site.</p> <p>The impacts of more frequent vehicle movements and the cumulative risk generated from this Modification needs to be considered and assessed, along with cumulative air quality risk.</p>	<p>We have complied with the requirements of SEARS. As outlined in Section 7.2, "there will be negligible net change in Class 8 vehicle movements on Denison Street compared to the current CAP Class 8 transport."</p> <p>As outlined in Section 7.2, the Botany Repack Facility would eliminate one off-site truck movement for each unit of chemical repacked, by removing one destination (i.e. the incumbent repackers) from the supply chain. This significantly reduces the overall operational impact and risk on the wider NSW roads." This will not have a negative impact on the cumulative air quality.</p>
<p>If you seek clarification over any of the comments provided, please do not hesitate to contact me.</p>	<p>Noted</p>

Table 4 NSW EPA Stakeholder Statements & Ixom Response

NSW EPA Stakeholder Statements	Ixom Response
The NSW Environment Protection Authority (EPA) refers to your letter dated 28 June 2018, regarding the section 75W modification application submitted by Ixom Pty Ltd (Ixom) for the Chlor-Alkali Plant at Botany Industrial Park (DA 35/98 MOD 5).	Noted
The EPA understands Ixom proposes to construct a facility to enable the site to package selected chemicals, namely hydrochloric acid (HCl), liquid caustic soda (caustic, sodium hydroxide, NaOH) and sodium hypochlorite (hypo, NaOCl) into 200 litre drums and 1000 litre Intermediate Bulk Containers (IBCs) for dispatch.	Noted
<p>The EPA has reviewed Ixom's Environmental Assessment available on the Department of Planning and Environment's (DPE) website titled "<i>Botany Repack Facility Environmental Assessment DA 35/98 Modification 5</i>" and provides the following comments below.</p> <p><u>Contaminated Soil / Material / Land Management</u></p> <p>Section 3.5 of the Environmental Assessment report states that an investigation for Block A has been completed to satisfy the requirements under State Environmental Planning Policy No.55 – Remediation of Land (SEPP55), and that the proposed area of development "has already been remediated to address contamination from previous site operations". Appendix 6 of the Environmental Assessment Report contains a risk assessment review ("the review", dated 29 May 2018, prepared by Environmental Risk Sciences Pty Ltd) which states the following:</p> <p>"The Site Audit Statement completed for Block A concluded that the site was suitable as an open area on an industrial site. The long-term site environmental management plan states that no enclosed buildings can be erected on Block A without a human health and environmental risk assessment."</p>	<p>As outlined in Section 6.6, "Good ventilation would be provided using louver vents, open walls, roller door, whirly birds and large industrial pedestal fans"</p> <p>As outlined in Section 3.5, "a human health and environmental risk assessment was completed by Environmental Risk Sciences Pty Ltd (enRiskS)".</p> <p>As outlined in Section 9.6, Environmental Risk Sciences Pty Ltd (enRiskS) concluded that "based on the available information on the proposed development, and information on the residual levels of mercury that remain in soil in the areas where the building is proposed, no risk issues of concern have been identified for human health for future workers in the buildings".</p>
The review specifically addresses the risk associated with impacts from residual mercury in soils relevant to the proposed construction of industrial buildings on part of Block A. EPA notes that there will be minimised soil disturbance during construction activities (i.e. limited by the proposed	Noted

NSW EPA Stakeholder Statements	Ixom Response
<p>construction of a suspended slab where footings will be installed using screw piles), and that the review concludes that there is no human health risk issue of concern for construction workers and future workers in the proposed Block A buildings, alike.</p>	
<p>Section 6(2) of the CLM Act states that ‘a person is also responsible for significant contamination of land if the significant contamination occurred because an act or activity of the person resulted in a change in some pre-existing contamination of the land so that the contamination of the land became significant contamination’. Should the proposed development result in a change of risk in relation to any pre-existing contamination on the site to result in significant contamination, Ixom may be held responsible for the contamination under the CLM Act.</p>	Noted
<p>EPA notes that section 7.8 of the Environmental Assessment report provides details regarding the preparation and implementation of a Construction Environmental Management Plan (CEMP), which will include controls for the potential direct exposure to soils impacted by mercury. The preparation of the CEMP is also a requirement of the Long Term Site Environmental Management Plan (LTSEMP) currently in place for Block A. As a minimum, the CEMP should address issues such as material handling, waste classification and offsite disposal.</p>	Noted
<p>The CEMP must include an Unexpected Finds Protocol (UFP) which is to be enacted where mercury concentrations in contaminated soils exceed the 893 mg/kg threshold. The UFP must also include provisions for Ixom to notify (or re-notify) the EPA under Section 60 of the CLM Act for any contamination identified which triggers the requirements under the Guidelines for the Duty to Report Contamination (e.g. where mercury concentrations greater than 893 mg/kg are observed). For more information on the Guidelines on the Duty to Report, please visit the following link: www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf</p>	<p>Ixom will include a UFP which is enacted where mercury concentrations in contaminated soils exceed the 893 mg/kg threshold and Ixom notes the EPA's comments and will ensure it complies with the requirements of that provision of the CLM Act to the extent such requirements apply to Ixom.</p>
<p>Any contaminated land investigations, including remediation and validation works, must be carried out in accordance with the guidelines made or approved by the EPA under Section 105</p>	Noted

NSW EPA Stakeholder Statements	Ixom Response
of the <i>Contaminated Land Management Act 1997</i> (CLM Act). The following guidance materials are to be considered ¹ :	
EPA requires all reports submitted to be prepared, or reviewed and approved by a certified contaminated land consultant. EPA's Contaminated Land Consultant Certification Policy supports the development and implementation of nationally consistent certification schemes in Australia, and encourages the use of certified consultants by the community and industry. For more information, please visit the following link: http://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/clm/18520-contaminated-landconsultant-certification-policy.pdf?la=en	Noted
<u>Construction Impacts – Earthworks</u> As detailed above, the EPA notes that Ixom proposes to prepare a Construction Environmental Management Plan (CEMP) which will address the impacts of construction and earthworks on soil erosion and sedimentation. The CEMP should also cover the management of any stormwater or groundwater that may accumulate in the development footprint as well as management of contaminated soil.	Noted
<u>Noise Management</u> Ixom's current Environment Protection Licence No. 20547 (licence) contains noise limits and reporting requirements for the operation of plant and equipment located at BIP premises (Condition L4). Condition L5 of the licence also stipulates the hours of operation for construction works. The EPA notes that the proposed construction works would typically be undertaken during standard daytime construction hours of 7am - 3pm Monday to Friday, and if required, between 8am -1pm on Saturdays. This is consistent with the Ixom's current licence conditions.	Noted

¹• Technical Note: Investigation of Service Station Sites, 2014
<http://www.epa.nsw.gov.au/publications/contaminatedland/140315servstatsites>
 • NSW EPA Sampling Design Guidelines
www.epa.nsw.gov.au/resources/clm/95059sampgdline.pdf
 • Guidelines for the NSW Site Auditor Scheme (3rd edition) 2017
<https://www.epa.nsw.gov.au/publications/contaminatedland/17p0269-guidelines-for-the-nswsite-auditor-scheme-third-edition>
 • Guidelines for Consultants Reporting on Contaminated Sites, 2011
www.epa.nsw.gov.au/resources/clm/20110650consultantsglines.pdf
 • The National Environment Protection (Assessment of Site Contamination) Measures 1999 (NEPM 2013 amendment)

NSW EPA Stakeholder Statements	Ixom Response
<p><u>Operational Impacts -Hydrochloric Acid</u></p> <p>The EPA understands that Ixom proposes to install a new small scrubber for the vapours generated during the filling of IBCs and at the hydrochloric acid filling station. These vapours would be transferred to a stack and discharged to atmosphere. If the repack facility is approved the EPA would require more information on the scrubber and its controls.</p>	Noted
<p><u>Environment Protection Licence</u></p> <p>The Environmental Assessment states “... <i>this modification would not require a licence amendment to modify the location of monitoring/discharge points and areas or discharge limits and operating conditions set under the EPL, given no increase in the scale of chemical production levels</i>”. As discussed above, Ixom is proposing to install a new small scrubber for HCl vapour with discharge to atmosphere via a stack above the top of the shed roof. If the repack facility is approved, the EPA recommends Ixom submits a licence variation application including details of the new scrubber and its associated discharge point. The EPA would then assess the need to include the discharge point and any monitoring requirements on the licence.</p>	Ixom will submit a licence variation application including details of the new scrubber and its associated discharge point
<p><u>Intermediate Bulk Containers and drums</u></p> <p>While not explicitly stated in the Environmental Assessment, the EPA understands that the repackaging facility will only accept new, or cleaned and certified, IBCs and drums for filling. The facility will not be undertaking any washing, or container reconditioning activities.</p>	That's correct
<p>If you have any questions regarding the EPA's response, please contact Larissa Borysko on 02 9995 6843 or larissa.borysko@epa.nsw.gov.au</p>	Noted

Table 5 Roads & Maritime Services Stakeholder Statements & Ixom Response

Roads & Maritime Services Stakeholder Statements	Ixom Response
Reference is made to your letter dated 28 June 2018 with regard to the abovementioned development proposal, which was referred to Roads and Maritime Services (Roads and Maritime) for comment.	Noted
Roads and Maritime has reviewed the submitted application and raises no objection to Section 75W modification for Chlor-Alkali plant at Botany Industrial Park.	Noted
In addition to the above, the subject properties are affected by a road proposal as shown by pink colour on the attached aerial – “X” and defined by DP612057. However, Roads and Maritime would raise no objections on Property grounds to the submitted application provided any new buildings or structures, together with any improvements integral to the future use of the site, are erected wholly within the freehold property and clear of the proposed road widening (pink colour), unlimited in height or depth.	The facility is clear of the proposed road widening (pink colour), unlimited in height or depth.
Any inquiries can be directed to Jana Jegathesan by telephone on 8849 2313 or by email at development.sydney@rms.nsw.gov.au	Noted

Table 6 SafeWork NSW Stakeholder Statements & Ixom Response

SafeWork NSW Stakeholder Statements	Ixom Response
SafeWork NSW 1. Prior to completion of detailed design, applicant must consult with SafeWork NSW on the identification and implementation of the controls to reduce risks SFARP. - We will consult.	We will consult with SafeWork NSW on the identification and implementation of the controls to reduce risks SFARP
SafeWork NSW 2. Prior to operating the new modification, applicant must implement the controls required to reduce risk SFARP. - The controls will be in place.	We will implement controls required to reduce risk SFARP.

Yours sincerely

Jie Meng
Project Manager

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Appendix A – Possible Truck Routes to and from Arterial Roads

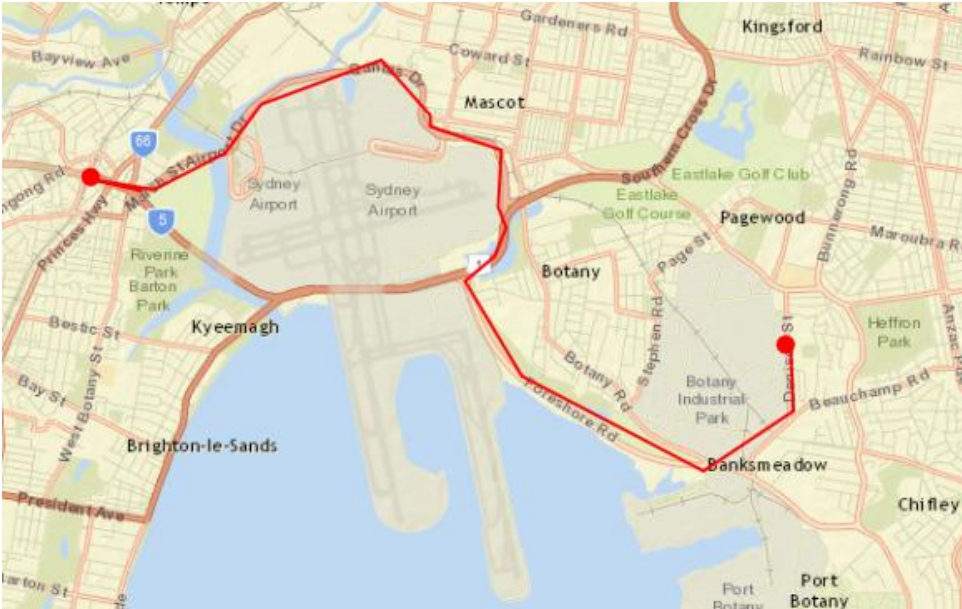


Figure 1 Possible alternative truck route to and from major arterial road (Princess Hwy)

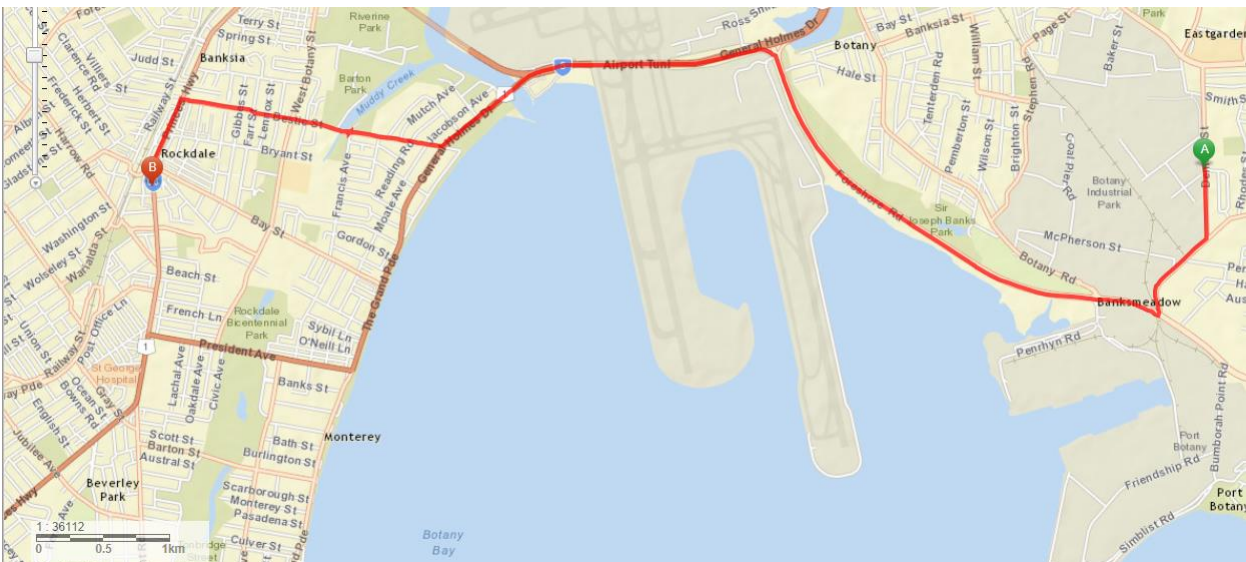
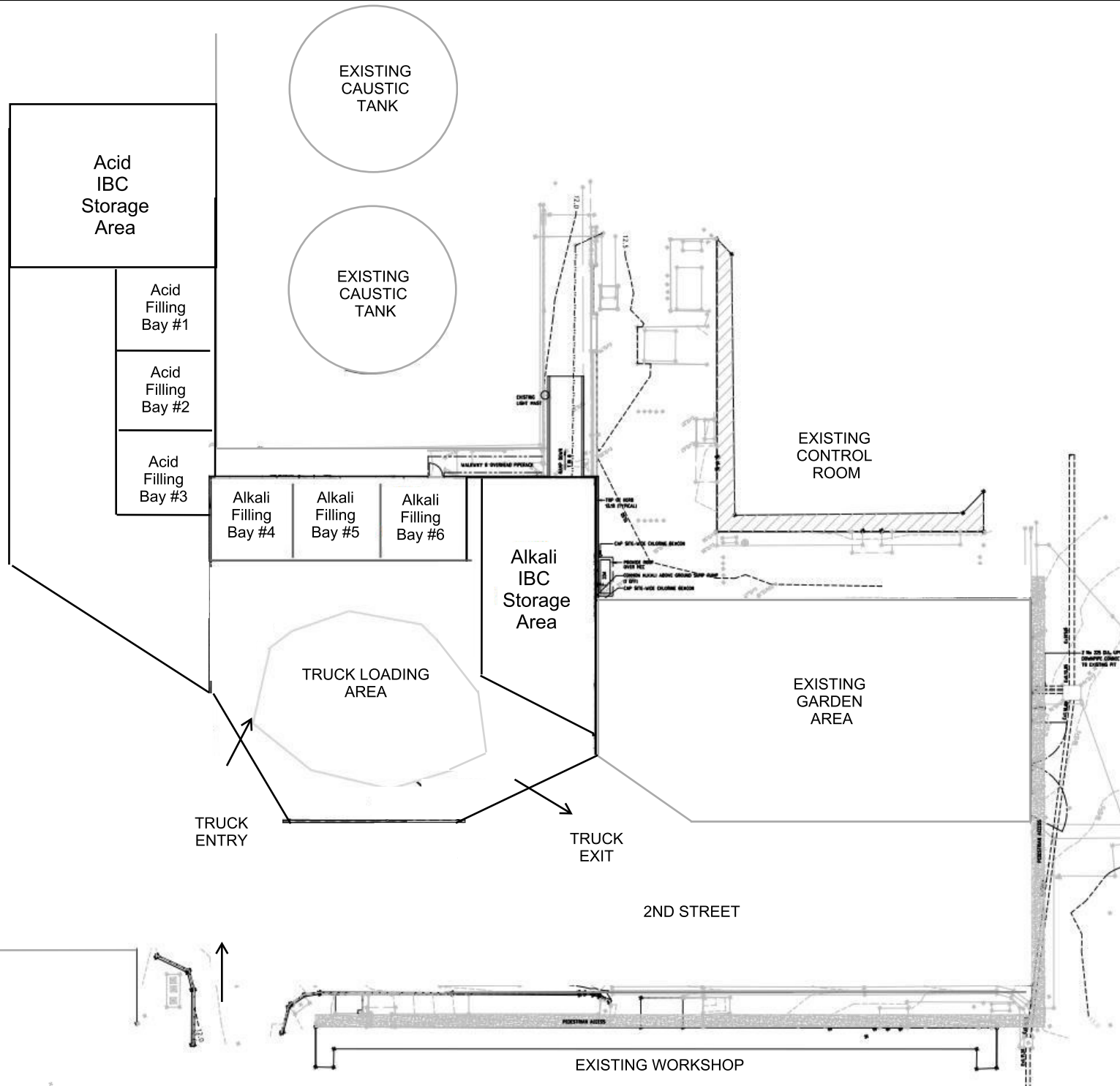


Figure 2 Possible alternative truck route to and from major arterial road (Princess Hwy)

EXISTING GROUND WATER TREATMENT PLANT DISCHARGE PIPELINE

EXISTING ROAD

EXISTING
ADMIN
BUILDING



NOTE:-

REFER TO DRAWING 16085 - PS01 FOR SLAB STRUCTURAL DETAILS AND SECTIONS

DENOTES EPOXY FLOOR COATING WITH NON-SLIP SAND OR SIMILAR INSTALLED TO MANUFACTURERS SPECIFICATIONS

BAY 1 - HYDROCHLORIC ACID
BAY 2 - FUTURE ACID
BAY 3 - FUTURE ACID
BAY 4 - FUTURE ALKALI
BAY 5 - CAUSTIC
BAY 6 - SODIUM HYPOCHLORITE

PRELIMINARY ONLY
NOT FOR CONSTRUCTION

No.	DESCRIPTION	DATE	BY
K	SIMPLIFIED DRAWING FOR DP&E RTS	13.08.18	J.McG.
J	DP&E ENVIRONMENTAL ASSESSMENT	09.05.18	J.McG.
H	REISSUED FOR CLIENT COMMENT	03.04.17	J.McG.
G	REISSUED FOR COMMENT	24.03.17	J.McG.
F	REISSUED FOR COMMENT	23.03.17	J.McG.
E	ISSUED FOR COMMENT	17.03.17	J.McG.
D	ISSUED FOR INFORMATION	14.02.17	J.McG.
C	ISSUED FOR INFORMATION	31.01.17	J.McG.
B	TRUCK TURNING REVISED	25.01.17	J.McG.
A	ISSUED FOR COMMENT	XX.XX	J.McG.
No.	DESCRIPTION	DATE	BY

ALL DIMENSIONS TO BE CHECKED ON THE JOB BEFORE COMMENCING ANY WORK OR SHOP DRAWINGS

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1 NICHOLSON STREET
EAST MELBOURNE


CLIENT

MANUFACTURING BUILDING
BOTANY BAY SITE
BOTANY REPACK

PROJECT

GENERAL ARRANGEMENT
SITE LAYOUT PLAN

TITLE

	JOB NUMBER				AUS16-23	
	SCALE				1:150 (A1 PLOT)	
	FEB.2017	K.B.	J.McG.			
	DATE	DRAWN	DESIGNED	CHECKED		

AUS16-23/PGA02 K
DRAWING NUMBER REV