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30 September 2025

Deana Burn
Planning Officer
Department of Planning, Housing and Infrastructure

By email: deana.burn@planning.nsw.gov.au

EPA second letter of advice - Orica Chlor-Alkali Plant Modification (DA35/98-Mod-6)

Dear Deana

I am writing in response to your request for the NSW Environment Protection Authority (EPA) to provide advice for the construction and operation of a Chlor-Alkali Plant (CLP) (DA35/98-Mod-6) at 16-20 Beauchamp Road, Banksmeadow (the project). The EPA is responding to the Proposal in two parts, the first was provided in a letter dated 23 September (2025) to the Department of Planning, Housing and Infrastructure (DPHI) addressing air, noise and greenhouse gas emissions, this will be the second letter of response that the EPA is providing addressing contaminated land management (CLM) and dangerous goods.

The EPA has reviewed the following documents:

- Chlorine Liquefaction Plant Modification to State significant Development: Modification Report (rev.3.) prepared by Element Environment Pty Limited (August 2025).
- Dangerous Goods Transport Risk Assessment (rev.1) prepared by Sherpa Consulting (March 2025).
- Quantitative Risk Assessment Report Proposed Chlorine Liquefaction Plant Modification to Chloralkali Facility Botany Industrial Park (rev.2) prepared by Sherpa Consulting Pty Ltd (July 2025).
- *Detailed Site Investigation (rev.1)* prepared by JBS&G Australia Pty Ltd (February 2025).
- *Remedial Action Plan (RAP) (rev. A)* prepared by JBS&G Australia Pty Ltd (January 2025).

The EPA understands the proposal is for the construction and operation of a Chlor-Alkali Plant to enable on-site liquefaction and packaging of chlorine that will have a maximum production capacity of 50 tonnes per day of liquid chlorine.

The Applicant currently holds environment protection licence No. 20547 under the *Protection of the Environment Operations Act 1997* (POEO Act) for general chemicals storage, non-thermal treatment of hazardous and other waste, waste storage - hazardous, restricted solid, liquid, clinical and related waste and asbestos waste and dangerous goods production. The EPA notes that a Licence Variation will be required if the Department of Planning, Housing and Infrastructure (DPHI) approves this proposal.

The EPA has reviewed the supporting documents and notes that it does provide the information required to allow us to complete our assessment. The EPA has the following comments and

NSW Environment Protection Authority

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recommendations in **Attachment A**.

If you have any questions about this request, please contact Jenny Gustafson via email at environmentprotection.planning@epa.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'N. Vlasoff', written in a cursive style.

Nick Vlasoff
A/Unit Head – Environment Protection Planning
Environment Protection Authority

Attachment A – Recommended Conditions of Consent

The following comments and recommendations are provided for DPHI's consideration.

Contaminated Land Management

The EPA reviewed the Detailed Site Investigation (DSI) and Remedial Action Plan (RAP) for the Proposal and reminds DPHI that the proposed site is regulated under the *Contaminated Land Management Act (1997)* (Notice No. 20204441, 20201704, 20194419, 20172802, 20174405, 21074). The EPA identified the following for DPHI's consideration when making its determination:

- The DSI identified that the site contains asbestos in surface soil samples, and mercury and chlorinated hydrocarbons in soil vapour that exceeds the appropriate guideline criteria and may pose a risk to human health.
- The Groundwater was not sampled as part of the investigation however the site is within the Botany Groundwater Cleanup (BGC) area which is regulated by the EPA under a Voluntary Management Proposal. The site's groundwater is known to be contaminated with chlorinated hydrocarbons and other contaminants sourced from the historical industrial land use practices.
- The Applicant has not engaged an accredited site auditor to certify that the site is suitable for the proposal.

Remedial Action Plan

The EPA reviewed the Remedial Action Plan (RAP) and is satisfied with the proposed remediation strategy. The proposed detailed remedial options assessment in Table 4.1 of the RAP includes:

- capping and containing asbestos containing material under hardstand surfaces and a marker layer which will be surveyed;
- installation of a vapour barrier beneath the complete footprint of the proposed building to prevent vapour intrusion into buildings from mercury and chlorinated hydrocarbons within soil and soil vapours beneath the site; and
- preparation of a Long-Term Environmental Management Plan to be implemented to ensure the capping of asbestos is maintained and that the vapour barrier is not compromised to ensure the ongoing protection of workers.

The EPA recommends DPHI request the Applicant implement the preferred remedial options detailed in the RAP for the site.

Site Auditor

The Secretary Environmental Assessment Requirements (SEARs) required a suitable and qualified consultant to be engaged and to determine if the proposed site is suitable following remedial works. Considering the nature of the contamination at the Site the EPA recommends DPHI consider that the Applicant engages an EPA accredited site auditor to ensure the independent verification that the investigations, remedial works and validation adhere to the appropriate standards, procedures and guidelines and that it is independently verified that the site is suitable for the proposed use.

The EPA recommends that DPHI request the Applicant to engage an NSW EPA accredited site auditor to:

- review the DSI
- determine if the RAP is appropriate to make the site suitable for the proposed use
- review the validation report and Long-Term Environmental Management Plan (LTEMP); and

- issue a section A site audit statement which certifies the site has been made suitable for the proposed land use subject to implementation of an approved LTEMP following the remediation.
- The Applicant must engage a NSW EPA accredited site auditor throughout the duration of works to manage contamination.
- The Applicant must submit to the Planning Secretary for information interim audit advice from the site auditor that certifies that the Detailed Site Investigation (DSI) and Remedial Action Plan (RAP) are appropriate. The RAP must only be implemented once it is considered appropriate by the site auditor and any changes to the RAP must be approved in writing by the site auditor.
- At the completion of remediation and site validation works, the site auditor must issue either a section A1 site audit statement or a section A2 site audit statement (accompanied by a Long-Term Environmental Management Plan and the accompanying site audit report which states that the land is suitable for the proposed use.
- The site audit statement and site audit report certifying the site is suitable for the proposed use must be submitted to the Planning Secretary no later than one month before the use of the proposed development.
- During occupation and/or use of the land, the ongoing obligations of any LTEMP plan associated with a section A2 site audit statement must be complied with.

The EPA also recommends that for increased certainty on the merits of this modification application, DPHI should consider requesting the Applicant to submit an interim audit advice prepared by an accredited site auditor commenting on the adequacy and appropriateness of the RAP submitted as part of the Proposal.

The EPA recommends DPHI to remind the Applicant of the following:

- The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site so as to result in significant contamination [note that this would render the Applicant the ‘person responsible’ for the contamination under section 6(2) of *Contaminated Land Management Act* (CLM Act)].
- The processes outlined in *State Environmental Planning Policy (Resilience and Hazards) 2021* must be followed in order to assess the suitability of the land and any remediation required in relation to the proposed use.
- The EPA should be notified under section 60 of the CLM Act for any contamination identified which meets the triggers in the Guidelines for the Duty to Report Contamination www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf
- The EPA recommends the use of “certified consultants”. Please note that the EPA’s Contaminated Land Consultant Certification Policy [Engaging a consultant | EPA](#) supports the development and implementation of nationally consistent certification schemes in Australia, and encourages the use of certified consultants by the community and industry. Note that the EPA requires all reports submitted to the EPA to comply with the requirements of the CLM Act to be prepared, or reviewed and approved, by a certified consultant.

Dangerous Goods & Emergency Scenarios

The EPA has reviewed the Modification Report, Quantitative Risk Assessment and Dangerous Goods Transport Risk Assessment and recommends that DPHI request the Applicant:

- Consider that quantity of chemicals required for Liquefaction Building Scrubber is always maintained at site to treat worst case chlorine leakage.
- During operation one chlorine tank should remain empty and standby to accommodate any chlorine storage tank leak.
- The Chlorine liquefaction system, building, ventilation, and scrubber should be designed minimum to the standards of “AS 2927, *The storage and handling of liquefied chlorine gas*”.
- All chlorine inventory should be stored within the Chlorine Liquefaction Building for all modes of operation.

Safety Management System

- That control measures, performance indicators and performance standards should be developed for the entire scope of modification and integrated with Safety Management System before commissioning of the modification.

Site design

- The design needs to incorporate measures to identify any leakages in the building with appropriate alarms and response plans.
- Relevant studies need to be conducted to thoroughly investigate the claims of availability and effectiveness of entire Liquefaction Scrubber System elements.