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6 May 2026

Deana Burn
Specialist Planner
Department of Planning, Housing and Infrastructure

By email: Deana.Burn@planning.nsw.gov.au

EPA Advice on MOD 6 Chlorine Liquefaction Plant – DA35/98-MOD-6.

Dear Deana

I am writing in response to your request for the NSW Environment Protection Authority (EPA) to review the letter received from the Applicant dated 20 April 2026 and the Submissions Report for the proposed MOD 6 Chlorine Liquefaction Plant (DA35/98-MOD-6) located at 16-20 Beauchamp Road, Banksmeadow.

The EPA has reviewed the following documents:

- *Letter of Response to EPA Part 2 Submission and EPA Advice on Submissions Report – prepared by Element Environment Pty Ltd dated 20 April 2026.*
- *Chlorine Liquefaction Plant Submissions Report prepared by Element Environment 30 March 2026.*

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 Proposal is approved by the Department of Planning, Housing and Infrastructure (DPHI).

The EPA has reviewed the information and notes it has addressed the EPA's submission on this project from 15 April 2026 and 30 September 2026.

Please find the EPA's comments and recommendations attached as **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

NSW Environment Protection Authority

As the environmental steward and regulator of our State we are committed to a sustainable future. Join us on our mission to protect tomorrow together.

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A handwritten signature in black ink, appearing to read 'Jackson', with a stylized, cursive script.

Christie Jackson
Unit Head – Industry Assessments
NSW Environment Protection Authority



Attachment A – NSW Environment Protection Authority (EPA) Submission on Submissions Report for proposed MOD 6 Chlorine Liquefaction Plant (Application DA25/98-MOD-6) at 16-20 Beauchamp Road, Banksmeadow.

The EPA recommends that DPHI consider the following conditions as part of their determination of the application, should the project be approved.

Matters to be addressed with conditions:

1. Air Quality

Exhaust Stack

The final design of the exhaust stack and of the pollution control system must allow for emission testing requirements and have consideration for the requirements outlined in Australian Standard AS4323.1 Stationary source emissions - Selection of sampling positions (2021).

Post-commissioning verification study

The EPA recommends that the Applicant perform a Post-Commissioning Verification Study to verify the air emissions from the new chlorine liquefaction and packaging plant within 6 months of commissioning the new chlorine liquefaction and packaging plant.

The Applicant must:

- a) Engage a suitably qualified person to undertake the emissions sampling;
- b) Undertake sampling for all pollutants listed in the table below for Point 1, Point 3 and Point 4;
- c) Select all sampling positions for the air monitoring in accordance with TM-1;
- d) Undertake sampling when the plant is operating at full capacity and provide a suitable characterisation of the emissions during normal plant operations.

Pollutant	Units of measure	Frequency	Sampling Method
Chlorine	mg/m ³	Special Frequency 1	TM-7
Dry gas density	kg/m ³	Special Frequency 1	TM-23
Oxygen	Percent	Special Frequency 1	TM-25
Temperature	Celsius	Special Frequency 1	TM-2
Velocity	Metres per second	Special Frequency 1	TM-2
Volumetric flowrate	Cubic metres per second	Special Frequency 1	TM-2

The results of the post commissioning emission verification must be presented in a detailed report to the EPA within six weeks of completing the monitoring.

The report must contain, as a minimum:

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- All monitoring results;
- A detailed description of the sampling locations;
- All information listed under Analytical report, Stationary source monitoring in accordance with the *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*,
- Details of plant operating conditions at the time of testing;
- A comparison of monitoring results with the standards of concentration prescribed in the Protection of the Environment Operations (Clean Air) Regulation (2021) and the emission parameters assessed in the *Air Quality Impact and Greenhouse Gas Assessment Chlorine Liquefaction Plant - Modification to State Significant Development Consent* (TAS, 2025).
- A comparison with the continuous measurements from the inline monitoring.

2.Noise

Construction Noise

All feasible and reasonable noise mitigation measures and work practices should be implemented during the construction phase of the proposal, to minimise impacts to surrounding sensitive receivers. Construction activities should be carried out during the recommended standard hours in Table 1 of the Interim Construction Noise Guideline (ICNG).

Operational Noise

The Applicant holds Environment Protection Licence (EPL) 20547 and contains noise limits under Condition L4. The EPA considers that the proponent has adequately assessed the noise impacts of the proposal and recommends that the existing EPL noise conditions continue to apply to the premises, inclusive of the proposed chlorine liquefaction plant.

3.Contaminated Land Management

The EPA provides the following recommendations:

- 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.
- The Applicant must submit to the Planning Secretary for information a Construction Quality Assurance Plan (CQAP) and interim audit advice which confirms the CQAP that has been reviewed and endorsed by the auditor. The CQAP must include the detailed design of the vapour barrier proposed to be installed underlying the complete footprint of the proposed building on the site. The detailed design of the vapour barrier must be prepared by an appropriately qualified and experienced specialist contractor. The CQAP must only be implemented once it is considered appropriate by the site auditor and any changes to the CQAP must be approved in writing by the site auditor.
- The Applicant must submit to the Planning Secretary for information a Materials Tracking Plan (MTP) and interim audit advice which confirms the MTP has been reviewed and endorsed by the auditor. All movement of mercury and chlorinated hydrocarbons impacted materials that are subject to long-term management on the site are required to

be subject to the MTP if relocated during development works to confirm they are retained above groundwater levels. The MTP must only be implemented once it is considered appropriate by the site auditor and any changes to the MTP must be approved in writing by the site auditor.

- The Applicant must submit to the Planning Secretary for information a final Validation Report and interim audit advice which confirms the Validation Report has been reviewed and endorsed by the site auditor.
- At completion of the site audit, the site auditor must issue a section A2 site audit statement (accompanied by a Long-Term Environmental Management Plan (LTEMP) which includes an Asbestos Management Plan and Asbestos Register) and the accompanying site audit report which certifies the land is suitable for the proposed use.
- The site audit statement accompanied by the LTEMP 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 associated with a section A2 site audit statement must be complied with.

The EPA recommends DPHI 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.

4.Greenhouse Gas Assessment

The requirements of the EPA Large Emitters Guide (LEG) do not apply to this proposal however the EPA recommends that DPHI advises the Applicant that the EPA is preparing guidance for the preparation and implementation of various climate change related guidelines, including but not limited to Climate Change Mitigation and Adaptation Plans. The EPA advises that preparation of Climate Change Mitigation and Adaptation (CCMAP) may be required under the EPA's regulatory framework, including conditions in the Environment Protection Licence.

5.Environmental Management Plan

The EPA recommends DPHI advises the Applicant the Environmental Management Plan (EMP) will need to be updated and provided to the EPA as part of the detailed engineering phase of the development.

Prior to the commissioning of the Chlorine Liquefaction Plant (CLP), the Applicant must prepare and submit to the satisfaction of the Planning Secretary, following consultation with the EPA, an updated Environmental Management Plan (EMP) for the site.

The updated EMP must include but is not limited to the following:

- a) Reflect current premises conditions, including:
 - all existing installed plant, equipment and systems,
 - current environmental risks associated with site operations, and
 - existing mitigation and control measures implemented at the premises.
- b) Detail the premises effluent and stormwater management systems, including:
 - stormwater and effluent drainage locations, flow paths and discharge points,
 - drainage and treatment system capacity,
 - a site layout plan showing stormwater and effluent infrastructure,
 - operational procedures for stormwater and effluent management, and
 - roles and responsibilities for operation, inspection, maintenance and incident response.
- c) Incorporate the final detailed design and operation of the Chlorine Liquefaction Plant, including:
 - a layout plan showing the CLP and associated stormwater and effluent infrastructure,
 - identification of any internal drains associated with the CLP,
 - confirmation that internal drainage is directed to the existing effluent treatment system or other appropriately approved infrastructure, and
 - measures to prevent contamination of clean stormwater during both normal operations and abnormal or incident conditions.

6.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.

7.Operational and Incident Generated Waste Management

The EPA has considered the Proponents submissions relating to waste management during normal operations and during incident response activities and recommends that the:

- a) Quantity of chemicals required for the Liquefaction Building Scrubber is always maintained at site to treat worst case chlorine leakage.
- b) Required capacity is always available at site to store the chemicals that are produced Liquefaction Building Scrubber operation for worst case chlorine leakage scenario.

8.Environmental Mass Balance

The Submissions Report states the Applicant recommends a maximum of 50 tonnes of gaseous chlorine can be processed per day by the proposed Chlorine Liquefaction Plant (CLP). The EPA recommends that DPHI advises the Applicant that the total amount of gaseous chlorine processed in the Chlorine Liquefaction Plant must not exceed 50 tonnes per day.