

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
DETERMINATION OF A DEVELOPMENT APPLICATION UNDER SECTION 80(1) OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

I, the Minister for Planning, under Section 80(1) of the *Environmental Planning and Assessment Act, 1979* ("the Act") determine the Development Application ("the Application") referred to in Schedule 1 by granting Consent to the Application subject to the Conditions set out in Schedule 2.
The reason for the imposition of Conditions is to minimise any adverse environmental effects of the development, consistent with the objectives of the Act.

Andrew Refshauge MP
Minister for Planning

Sydney

23 July 2002

File No. S02//00023

SCHEDULE 1

Application made by:	BP Solar Pty. Ltd
To:	The Minister for Planning ("the Minister").
In respect of:	No.2 Australia Avenue, Homebush Bay, bearing lot no. 56 DP 773763
For the following:	Capacity Expansion of the Solar Cell and Module Plant.
Development Application:	DA-65-3-2002-i lodged with the Department of Planning on 15 March 2002, accompanied by a Statement of Environmental Effects prepared by Nexus Environmental Planning Pty Ltd dated 6 March 2002.
BCA Classification:	Manufacturing Plant Class 8
Note:	1) To ascertain the date upon which the Consent becomes effective, refer to Section 83 of the Act. 2) To ascertain the date upon which the Consent is liable to lapse, refer to Section 95 of the Act.

SCHEDULE 2

CONDITIONS OF DEVELOPMENT CONSENT

The following acronyms and abbreviations are used in this section:

Applicant, The	BP Solar Pty Ltd
Department, The	Department of Planning
Director-General, The	Director-General of the Department of Planning (or delegate)
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Premises, the	BP Solar site at 2 Australia Avenue, Homebush Bay
SEE	Statement of Environmental Effects

1 General

- 1.1 The Capacity Expansion of the Solar Cell and Module Plant (the Project) shall be carried out in accordance with:
 - the Development Application No.65-3-2002-i lodged with the Department on 15 March 2002, the SEE for the 'Proposed Capacity Expansion BP Solar, Solar Cell and Module Plant' prepared by Nexus Environmental Planning Pty. Ltd and dated 6 March 2002; and
 - these Conditions of Consent.
- 1.2 In the event of any inconsistency with the application or any of the above plans or reports, the Conditions of Consent granted by the Minister shall prevail.
- 1.3 It shall be the ultimate responsibility of the Applicant to ensure compliance with the Conditions of this Consent.
- 1.4 These Conditions do not relieve the Applicant of the obligation to obtain other approvals and licences from all relevant authorities required under any other Act. The Applicant shall comply with the terms and Conditions of such approvals and licences.

2 Compliance

- 2.1 The Applicant shall comply or ensure compliance with all the requirements of the Director - General in respect of the implementation of any measures arising from the Conditions of this Consent.
- 2.2 The Applicant must bring to the attention of the Director-General any matter that may require further investigation for compliance with these Conditions and the issuing of instructions from the Director-General for compliance with these Conditions. The Applicant must ensure that these instructions are implemented to the satisfaction of the Director-General within any time specified in the instructions.

3 Obligation to Prevent and Minimise Harm to the Environment

- 3.1 The Applicant shall take all practicable measures to prevent and minimise harm to the environment as a result of the construction and operation of the development.
- 3.2 If at any time the Director-General is made aware of the occurrence of any environmental impacts from the Project that pose serious environmental or amenity concerns, and are due to the failure of measures required by the Conditions of Development Consent to ameliorate the impacts, the Director-General may request the Applicant to cease the activities causing those impacts.
- 3.3 The Applicant may recommence the activities that were ceased, upon written advice by the Director-General that those concerns have been addressed to her satisfaction.
- 3.4 The Applicant shall comply with the requirements of the Director-General in respect of the implementation of the Conditions of this Development Consent, within such time as the Director-General may determine. The Director-General may request the Applicant to cease work until non-compliance has been addressed to the Director-General's satisfaction.
- 3.5 The Applicant will ensure that all contractors and sub-contractors are aware of, and comply with, the Conditions of this Consent.
- 3.6 The Applicant shall comply with all relevant Conditions prescribed in Part 7 of the *EP&A Regulation 2000*, as required by Section 80 A (11) of the Act.

4 Date of Commencement

- 4.1 The date of commencement shall be the date that the Applicant determines to proceed with the Project. The Applicant must provide the date in writing to the Director-General before commencement of the development.

5 Dispute Resolution

- 5.1 The Applicant shall endeavour to resolve any dispute arising out of the implementation of these Conditions.
- 5.2 Should this not be possible in the case of a dispute between the Applicant and a public authority, company or person (but excluding any dispute between the Applicant and its contractors and/or subcontractors engaged in the construction or operation of the Project), in the first instance either party can refer the matter to the Director-General for resolution and, if not resolved, to the Minister. The Minister's determination of the disagreement shall be final and binding on all parties.

6 Safety Studies

- 6.1 At least one month prior to the commencement of construction associated with this consent (except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as the Director-General may agree, the Applicant shall prepare and submit for the approval of the Director-General the studies set out under subsections (a) and (b). Construction, other than of preliminary works, shall not commence until approval has been given by the Director-General and, with respect to the fire safety study, approval has also been given by the Commissioner of the NSW Fire Brigades.

(a) Fire Safety Study

A fire safety study for the site. This study shall cover all aspects detailed in the Department's Hazardous Industry Planning Advisory Paper No. 2, "Fire Safety Study Guidelines" and the New South Wales Government's "Best Practice Guidelines for Contaminated Water Retention and Treatment Systems". The study shall also be submitted for approval, to the NSW Fire Brigades.

(b) Hazard and Operability Study

A Hazard and Operability Study for the Silane and Ammonia systems, chaired by an independent qualified person approved by the Director-General prior to the commencement of the study. The study shall be carried out in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 8, "HAZOP Guidelines".

- 6.2 No later than two months prior to the commencement of commissioning of the proposed development, or within such further period as the Director-General may agree, the Applicant shall prepare and submit for the approval of the Director-General the studies set out under subsections (a) and (b) (the pre-commissioning studies). Commissioning shall not commence until approval has been given by the Director-General.

(a) Emergency Plan

A comprehensive emergency plan and detailed emergency procedures for the proposed development. This plan shall include detailed procedures for the safety of all people outside of the development who may be at risk from the development. The plan shall be in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 1, "Industry Emergency Planning Guidelines".

(b) Safety Management System

A document setting out a comprehensive safety management system, covering all operations on site and associated transport activities involving hazardous materials. The document shall clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to procedures. Records shall be kept on-site and shall be available for inspection by the Director-General upon request. The Safety Management System shall be developed in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 9, "Safety Management".

In particular, the Safety Management System shall include systems to ensure safe operation of the Silane and Ammonia systems.

6.3 Hazard Audit

No later than two months after the commencement of operations, or within such further period as the Director-General may agree, the Applicant shall carry out a comprehensive hazard audit of the plant and within one month of the audit submit a report to the Director-General. The study shall be carried out in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 5, "Hazard Audit Guidelines". The audit shall be carried out at the applicant's expense by a duly qualified independent person or team approved by the Director-General prior to commencement of the audit. Further audits shall be carried out every two years or as determined by the Director-General and a report of each audit shall within a month of the audit be submitted to the Director-General.

7 Buildings and Structural Work

- 7.1 All building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 7.2 The Applicant shall comply with the consent to DA 194/00 issued by Auburn Council on 1 August 2000.
- 7.3 Prior to commencement of structural/building modifications, the Applicant shall obtain a certificate from a Structural Engineer confirming that the proposed works comply with the Building Code of Australia (BCA) and other statutory requirements. On completion of the works, a letter shall be obtained from the Structural Engineer confirming that the works have been satisfactorily completed.

8 Safety Matters

- 8.1 Prior to commencement of operations, the Applicant shall develop and implement safe procedures for:
 - connecting ammonia cylinders to the process, changeover and disconnection;
 - connecting silane cylinders to the process, changeover and disconnection
 - response to accidental releases of dangerous gases;
 - testing the ammonia and silane gas leak detection and emergency shutdown systems. The test frequencies shall be developed based on fractional dead time analysis.
 - testing the HF detection and alarm system.
- 8.2 The Applicant shall install a spray/deluge system in the LPG and silane cylinder storage areas to provide cooling in the event of a fire in the vicinity so as to pose a threat to the cylinders in storage. The system shall be designed in consultation with the NSW Fire Brigades.
- 8.3 The Applicant shall construct a bunded area in accordance with Australian Standard 1940 for the storage of the caustic soda IBC.
- 8.4 The Applicant shall prepare a hydraulic services submission for the fire hydrant system and forward it to the NSW Fire Brigades for assessment of suitability for the Brigades fire fighting operations. Any recommendations made by the Brigades shall be implemented.