

Regulatory, Planning and Assessment.MBisson/GMansfield
Reference: SDC2021/0004.02
Phone: 02 4974 2000

18 June 2021

Shaun Williams
Senior Environmental Assessment Officer
Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

Reply by planning portal: <https://www.planningportal.nsw.gov.au>

Dear Mr Williams

15 GREENLEAF ROAD, KOORAGANG ORICA AMMONIUM NITRATE EXPANSION PROJECT (MP08_0129-MOD 6) - NEW AMMONIUM TANK

I refer to the Department's notification of 3 June 2021 advising Orica Pty Ltd has submitted a request for the Secretary's Environmental Assessment Requirements (SEARs) for a proposed modification (Mod 6) to the Major Projects Approval (MP08_0129) for the Orica ammonium nitrate expansion project on land known as 15 Greenleaf Road, Kooragang. The proposed modification is for the installation of an additional 30,000 tonne ammonia tank. The Department has requested City of Newcastle (CN) provide advice on any key issues to be addressed in the SEARs.

The submitted Scoping Report and plans have been reviewed and it is recommended the following matters are addressed in the SEARs:

1. Relevant Environmental Planning Instrument

The Scoping Report has not addressed State Environmental Planning Policy (Three Ports) 2013 the relevant environmental planning instrument for the site.

2. Flooding

The site is subject to flooding. For more detail on the acceptable floor levels and other construction requirements the applicant should obtain a Flood Information Certificate from CN. The development, as proposed to be modified, is to comply with the relevant requirements of Section 4.01- Flood Management of the Newcastle Development Control Plan 2012.

The Modification Application is to also consider the various documents and legislative changes included in the NSW Government's flood-prone land package which will commence on 14 July 2021.

3. Cranes and tall structures

The project includes the installation of a 46m high ammonia tank and the installation of an upgraded ammonia storage flare as part of the stair tower structure to the new tank to a height of approximately 50m.

The subject site is located within the protected airspace of RAAF Base Williamtown and Newcastle Airport. The use of a mobile crane or installation of a structure having a height exceeding 30m above ground level on the subject site triggers the requirements of the publication 'The Operation of Cranes and Tall Structures in the Vicinity of Newcastle Airport' (Department of Defence, 2013). A copy of which can be found on CN's website at:

<https://newcastle.nsw.gov.au/development/application-guide/development-application-process/prelodgement>

The Modification Application is to have regard to the requirements of the above document. For further enquiries about the document or the requirements the applicant should contact RAAF Base Williamtown by phone: 02 4034 7888 or email at WLM.ABCP@defence.gov.au.

4. Section 7.12 Local Infrastructure Contribution

Condition 13 of the Project Approval (MP08_0129) dated 1 December 2009 required the proponent to pay a monetary contribution of \$272,000 to Council (now City of Newcastle) in accordance with the former Newcastle Section 94A Development Contributions Plan 2006.

According to the Scoping Report the capital investment value of the project is approximately \$80m. The Modification Application is to consider CN's Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019 (Update Dec 2020).

The Modification Application is to be supported by a cost of development report for the modified development prepared by a suitably qualified person in accordance with the requirements of clause 25J of the *Environmental Planning and Assessment Regulation 2000*.

If you have any questions in relation to the various matters raised in this letter, please contact Geof Mansfield, Principal Planner on 4974 2767 or by email on gmansfield@ncc.nsw.gov.au .

Yours faithfully



Michelle Bisson
MANAGER REGULATORY, PLANNING AND ASSESSMENT