

Regulatory, Planning and Assessment.MBisson/GMansfield
Reference: SDC2021/0004.03
Phone: 02 4974 2000

13 September 2021

Thomas Bertwistle
Environmental Assessment Officer
Department of Planning, Industry and Environment
4 Parramatta Square
PARRAMATTA NSW 2150

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

Dear Mr Bertwistle

15 GREENLEAF ROAD, KOORAGANG - ORICA AMMONIUM NITRATE EXPANSION PROJECT (MP08_0129-MOD 5) – PRILL TOWER SCRUBBER

I refer to the Department's electronic notification of 25 August 2021 advising Orica Australia Pty Ltd has submitted a Section 4.55 (1A) application seeking consent to further modify the Project Approval (MP08_0129) and inviting City of Newcastle (CN) to provide advice.

The submitted Modification Report (MR) and plans have been reviewed and the following advice is provided for your consideration:

1. Traffic

The additional traffic generated by this proposal is to be managed in accordance with an approved site construction traffic management plan in the interests of traffic safety. In this regard, if this matter is not already addressed by an existing condition of consent the imposition of the following condition is recommended.

A Construction Traffic Management Plan is to be prepared by a suitably qualified person to ensure the provision for safe, continuous movement of traffic and personal within the site during the construction period, such being implemented prior to the commencement of site works associated with this development proposal.

2. Stormwater Management

For the management of any runoff generated over the new foundation slabs and machinery, if this matter is not already addressed by an existing condition of consent the imposition of the following condition is recommended.

All new impervious surfaces, including driveways and paved areas are to be drained to the nominated discharge controls, full details are to be included in documentation for a Construction Certificate application.

3. Section 7.12 Local Infrastructure Contribution

As stated in the MR, condition 13 of the Project Approval (MP-0066) dated December 2009 required Orica to pay a monetary contribution to Newcastle City Council under the Newcastle Section 94A Development Contributions Plan 2006. CN's current plan Section 7.12 Newcastle Local infrastructure Contributions Plan 2019 (Updated Dec 2020) applies to the land.

The modified development involves the installation of irrigated fibre-bed scrubbing technology to reduce air emissions from the existing Prill Tower with a capital investment of approximately \$39 million and once operational no additional staff will be employed.

While a consent authority may impose, as a condition of development consent, a Section 7.12 levy required towards the provision, extension or augmentation of public amenities or public services, there is no requirement for a demonstrated nexus between the development and the infrastructure to be funded. Regardless, in this case a Section 7.12 contribution is not imposed under the Plan as the costs of fittings and furnishings, including any refitting or refurbishing, associated with the development does not involve an enlargement, expansion or intensification of the current use of land.

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

Yours faithfully



Michelle Bisson
MANAGER REGULATORY, PLANNING AND ASSESSMENT