30 September 2025

Our Ref: SSD-2024/4
Our Contact: Jay Shah (02) 9562 1657

Deana Burn
Department of Planning and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Dear Madam,

RE: Request for Advice – 16-20A Beauchamp Road, BANKSMEADOW NSW 2019 – Modification 6 to existing chlorine production facility involving addition of liquification and packaging component.

Thank you for consulting Bayside Council and requesting our comments on the State Significant Development (SSD) on Modification 6 (DA35/98-Mod-6) for the proposed modification to provide liquification and packaging component to the existing chlorine production facility at 16-20A Beauchamp Road, BANKSMEADOW NSW 2019.

The Proposal

With reference to the modification report, it is understood that the project involves the construction and operation of a Chlorine Liquefaction Plant (CLP) to enable on-site liquefaction and packaging of chlorine. The proposed CLP will provide redundancy if the existing CLP at Laverton becomes non-operational or is no longer able to meet market demands. In this scenario, the proposed CLP would produce liquified chlorine as required to compensate for any loss of production volume at the Laverton CLP. The proposed CLP will have a maximum production capacity of 50 tonnes per day (tpd) but will typically operate at a reduced rate to meet regional demand for bulk liquefied chlorine.

Liquefied chlorine will be stored on-site in a stock tank and be distributed primarily via 13-tonne chlorine tankers, with additional capability to fill and distribute chlorine in drums and cylinders if required. By servicing NSW clients locally, the transport of bulk chlorine by road from Victoria would no longer be required, resulting in shorter freight distances for bulk liquefied chlorine. The project does not involve an increase to the existing approved maximum production capacity of 35,000 tonnes per annum of chlorine products.

The plant will be housed in a containment building designed with comprehensive safety measures, including a scrubbing system to manage any potential emissions. The project will also involve the relocation of the existing sodium hypochlorite loading bay to an adjacent area to accommodate the new facility. In normal operations, the space required for drum and cylinder filling functions will be used to store drums and cylinders that are currently stored in an outdoor storage area, significantly reducing offsite risk. The project

has been designed with inherent safety features and will integrate proven IXOM processes currently used at the Laverton facility.

Council provided preliminary consultation feedback on the draft SEARs on 24 June 2024 based on the scoping report prepared by Element Environment on behalf of IXOM Operations Pty Ltd. Issues that were raised for consideration related to the following:

- Contamination
- Traffic, Parking and Access
- Stormwater and Floodplain Management
- Environmental Impacts
- Building Height Control Regulation
- Heritage Impact
- Amenity Impact
- Inconsistent Lot Descriptions

Council staff have reviewed the Modification Application and would like to raise the following comments to be considered as part of Modification 6:

SEPP (Transport and Infrastructure) 2021

The subject site is located within Port Botany area under Chapter 5 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, which is the prevailing EPI. This area is characterised by uses dependent on the Port, such as logistics and heavy manufacturing uses. The site is in the Botany Industrial Park (BIP) and surrounding land use is mainly industrial. The residential properties are located to the east of Denison Street, which is located approximately 200 metres from the subject site.

The site is identified within the IN1 General Industrial zone and the objectives of the IN1 zone are as follows:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To facilitate and encourage port related industries that will contribute to the growth and diversification of trade through the port.*
- *To enable development for the purposes of business premises or office premises associated with, and ancillary to, port facilities or industries.*
- *To encourage ecologically sustainable development.*

The proposal is consistent with the objectives of the zone. Specifically, it retains general industrial activities in the industrial area of Banksmeadow by continuing to utilise land for industrial uses.

Contamination

The following comments are provided by Council's Environmental Scientist:

DSI

A DSI was completed, comprising a desktop review, site inspection, 25 (fill and natural) soil and 8 soil vapour samples from eight boreholes, asbestos quantification, and an assessment against HIL-D for commercial/industrial land use. The site inspection found the eastern portion had part of a former warehouse structure, was being used for storage of disused equipment and found ACM in form of bonded cement fragments. The western portion was being used as a driveway to service the SHTLB and found associated infrastructure from the plant. Surrounding land uses comprise a range of current and former BIP plant.

The DSI identified contamination posing a potentially unacceptable health risk comprising a range of chlorinated hydrocarbons in soil vapour, mercury in soil vapour, and bonded asbestos fragments on the ground surface. Hydrocarbons and mercury however did not exceed the soil criterion. It was deemed likely that the source of hydrocarbon contamination extends beyond the development boundaries. Asbestos was not reported within sampling locations. However, it was reasoned to likely still be found within parts of the fill and below hardstand surfaces as boreholes are not the best sampling method to detect asbestos. As such, a RAP was prepared to address these issues and render the site suitable.

RAP

Following a remedial options assessment, the preferred remediation options were determined. Asbestos impacted soils will be managed via on-site containment with a permanent physical separation. Mercury and chlorinated hydrocarbon impacted soils will be retained within unsaturated media below hardstand and managed via vapour barriers underlying the proposed building.

Permanent hardstand structures will be underlain by a visual marker layer (overlying the contaminated material) followed by validated sub-grade material. The marker layer will consist of a bright orange non-woven polyester continuous filament. The vapour barrier is recommended to be a sprayed bituminous membrane across the extent of the building underlying the pavement. Perimeter asbestos air monitoring will be conducted during any ground disturbance activities within the site.

A Remediation Environmental Management Plan (REMP) shall be prepared (prior to remediation commencement) to document all monitoring and management measures required to be implemented. A thorough contingency plan has been developed, including unexpected finds (e.g. hazardous substances/tanks/sumps/pits), failure of the vapour liner, and emissions/pollution complaints during the storage and handling of hydrocarbons/mercury/asbestos contaminated soils.

The RAP recommends a Long-Term Site Environmental Management Plan (LTSEMP) to be prepared to ensure the vapour barriers installed control potential exposures to hydrocarbons, mercury, and asbestos. What should be included in the LTSEMP has been defined. The LTSEMP is to be made legally enforceable through the anticipated development consent. Finally, a Validation Report will be completed at the end of remediation activities to document the remediation measures. It will provide details on the installation and certification of the vapour barrier, vapour validation sampling, imported soils, the asbestos containment, material tracking, and quality assurance/controls.

The RAP concludes that, subject to the successful implementation of measures outlined in the RAP, that the site can be made suitable for the proposed industrial redevelopment and that the risks posed by contamination can be managed to be adequately protective of human health and the environment.

Recommendations

There are no ASS-related requirements for the proposed development. The DSI and RAP were prepared to sufficient detail in order to characterise, assess, and manage the site appropriately. While it is not Council's preference that a LTSEMP will be prepared, given the need for long-term management of the site, it will be required in order to monitor the proposed below ground marker layer and below building vapour barrier, given the nature of contamination at the site. Mercury and chlorinated hydrocarbons were detected in soil vapour at potentially unacceptable levels, along with surface asbestos and inferred subsurface asbestos. No soil contamination was identified. Groundwater was not tested, however, given the proposed cut and fill plans and depth of groundwater found, groundwater is not expected to be intercepted during the proposed works. Council agrees with the justifications that this is the most preferred remediation strategy and that the site will be made suitable upon implementation of the RAP methodologies and recommendations, and the preparation of a LTSEMP.

The following condition is recommended:

Conveyancing Act Registration

Should the remediation require residual contamination at the site to be managed, a restriction as to use under Section 88B of the Conveyancing Act 1919 is to be registered on the title of [insert Lot and DP/SP] with the following terms of restriction on use:

The registered proprietor must not use or otherwise undertake development on the land hereby burdened except in accordance with the provisions of the Long-Term Environmental Management Plan [Enter Name of Plan] ref: [Enter Details], prepared by [Enter Details], dated [Enter Details].

The name of the person or authority empowered to release, vary or modify the restriction will be Bayside Council.

Environmental Health

Council's Environmental Health officers concluded that the information provided for the project of this scale and nature is inadequate to conduct an accurate assessment for environmental health and public safety implications.

The proposed modification by IXOM to construct a new chlorine liquefaction and packaging plant at Banksmeadow is a development of significant environmental and safety risk, particularly given its location in a densely populated area with a documented history of industrial incidents. The preliminary documentation provided by the proponent is critically insufficient to justify consent. It fails to address legally mandated requirements for high-risk chemical facilities and provides a superficial account of the project's implications.

The best interest of Bayside Council and its community is to ensure that all potential risks are not merely acknowledged but are fully quantified, mitigated, and managed in a transparent manner. The recommendation to DPHI to halt the assessment until a comprehensive and legally compliant submission is provided is a necessary and responsible course of action to protect the public and the environment.

Detailed implications and additional information required to assess the application can be found in Appendix A alternatively a summary of the response is provided below:

Adequacy of Documentation and Implications for Bayside Council

1. Risk and Adequacy of Documentation

Given the highly hazardous nature of chlorine, a comprehensive Quantitative Risk Assessment (QRA) is critical. The Modification Report must be rigorously reviewed to ensure it adequately assesses all potential risks to the community and environment.

The QRA must:

- Identify all potential Major Hazard Incidents (MHIs) such as leaks, spills, fires, or explosions.

- Quantify the likelihood and consequences of these events, including off-site impacts.

- Model the worst-case scenario release and its potential impact on the surrounding industrial and residential areas, including impacts on public transport routes and critical infrastructure.

- Consider the cumulative risk posed by the new facility in conjunction with other existing industries in the Banksmeadow/Botany Industrial Park area.

- Assess the adequacy of the proposed containment building, scrubbing system, and other safety measures. The report should detail how these measures align with the principles of inherent safety and best practice.

- The Pollution Incident Response Management Plan (PIRMP), a mandatory requirement under the Protection of the Environment Operations Act 1997 (POEO Act), must be reviewed for its effectiveness and for how it would be integrated with Council's own emergency management procedures and those of other emergency services like Fire and Rescue NSW (FRNSW). The PIRMP must be regularly tested and include clear communication protocols to inform the community in the event of an incident.

2. Environmental Health and Regulatory Compliance

From an environmental health perspective, the proposed development must comply with numerous legislative instruments as follows:

- Environmental Planning and Assessment Act 1979 (EP&A Act): As a State Significant Development (SSD), the project is assessed under this Act. The consent authority's role is to provide expert advice on local impacts and should confirm that the proposal aligns with the principles of ecologically sustainable development and the Bayside Local Environmental Plan (LEP). The consent authority should specifically seek

confirmation that potential off-site impacts (e.g., from emissions or spills) have been thoroughly considered and mitigated.

- Protection of the Environment Operations Act 1997 (POEO Act): This Act is the primary piece of legislation governing environmental protection in NSW. The Proponent (IXOM) will require an Environment Protection Licence (EPL) from the NSW Environment Protection Authority (EPA) for the operation of the new plant, as chlorine production is a "scheduled activity." The consent authority should confirm that the Proponent has engaged with the EPA and that the application for a license is progressing. Also request that the EPL conditions are consistent with the Council's environmental health objectives, particularly regarding air quality, water pollution, and waste management.

- Work Health and Safety Regulation 2017: While SafeWork NSW is the primary authority for on-site health and safety, the Council has an interest in ensuring the safety of workers and the public. Under this regulation, a hazardous chemical manifest and a site plan are required for facilities storing hazardous chemicals above certain threshold quantities. Given the scale of the proposed plant, the consent authority should seek confirmation that these documents have been prepared and lodged with SafeWork NSW and local emergency services (FRNSW). The consent authority should also inquire about how the project, which significantly reduces the need for road transport of chlorine from Victoria, will adhere to the Dangerous Goods (Road and Rail Transport) Act 2008 and the Australian Dangerous Goods Code (ADG Code) for the local distribution of chlorine. The movement of dangerous goods through the Bayside LGA poses a risk, and the Proponent's claim of reduced overall risk must be supported by a robust transport risk assessment.

- Environmentally Hazardous Chemicals Act 1985: This Act is administered by the EPA and regulates the use, storage, and transport of environmentally hazardous chemicals. Chlorine is a substance likely to be subject to a Chemical Control Order. The Proponent must demonstrate compliance with any such orders and prove that the facility's design and operational procedures will prevent environmental harm.

- Contaminated Land Management Act 1997: The site at Banksmeadow is located within an area with a history of industrial land use and potential legacy contamination. While the proposal involves the construction of a new building, a comprehensive assessment of the risk posed by disturbing any pre-existing contaminated land should be provided. The Proponent must have a detailed plan for the management of excavated soil and an Unexpected Finds Protocol to address the discovery of any previously unknown contamination. The Council should request confirmation that this aspect has been addressed in consultation with the EPA.

3. Conclusion and Recommendations

In conclusion, the Proponent's application for a new chlorine liquefaction and packaging plant at Banksmeadow is a high-risk proposal that requires an extremely detailed and rigorous assessment. While the Proponent's intention to provide local redundancy and reduce long-distance freight is commendable, Council's primary concern is the protection of its community and local environment.

Council recommends that the DPHI require the Proponent to provide:

- A fully detailed Quantitative Risk Assessment (QRA) that includes a worst-case scenario and a cumulative risk analysis for the entire Banksmeadow industrial area.

- Evidence of consultation and compliance with all relevant regulatory authorities, including the NSW EPA for the EPL, and SafeWork NSW for hazardous chemical storage and handling.

- A comprehensive PIRMP that is integrated with local emergency services and includes a clear community communication strategy.

- A robust Transport Risk Assessment for the distribution of chlorine within the Bayside LGA, demonstrating full compliance with the Dangerous Goods (Road and Rail Transport) Act 2008 and the ADG Code.

Councils' recommendation and conclusion on the Advisory report is attached in Appendix A and provides greater detail or requirements.

4. Detailed Assessment of Implications for Bayside Council

4.1 Environmental Health and Safety Implications

4.1.1 The Hazards of Chlorine: Physicochemical and Health Risks

Chlorine is a highly hazardous chemical with severe health and physicochemical risks. The Safety Data Sheet (SDS) for chlorine classifies it as "Fatal if inhaled" (H330), as well as causing "severe skin burns and eye damage" (H314) and "serious eye damage" (H318). It is also highly toxic to aquatic life (H400) and can cause or intensify fires as a potent oxidizer (H270). The potential for a release of this toxic gas is a primary concern for any community located near a facility that manufactures or stores it.

The proponent's summary mentions a containment building with a scrubbing system. While this is a baseline control measure, a complete assessment requires detailed documentation of its design specifications, effectiveness, and capacity to handle a worst-case scenario. The ability of the scrubber to effectively neutralize a large-scale, rapid release of chlorine gas must be proven with engineering analysis and dispersion modelling. The reliance on a scrubbing system alone is insufficient without a detailed explanation of fail-safe mechanisms and a formal risk assessment that quantifies the probability of system failure and the magnitude of a resulting off-site consequence.

4.1.2 Proximity to Sensitive Receivers: Assessment of Off-Site Risk

The location of the proposed facility, while within an industrial area, is a critical vulnerability due to its close proximity to a dense urban population and several sensitive receivers. The nearest residential dwellings are approximately 480m to the east , and of much greater concern are the numerous schools within a potential impact zone. Matraville Public School is located just 0.63km from the site. Other nearby schools include St Agnes' Catholic Primary School (0.82km) and Champagnat Catholic College (1.36km).

A major incident, such as a large-scale release of liquefied chlorine gas, could have catastrophic off-site consequences for these vulnerable populations. Chlorine has an "Immediately dangerous for life and health" (IDLH) concentration of 10 parts per million

(ppm). A study on chlorine dispersion modeling notes that a large release from a 1-ton cylinder could produce "severe health effects" at distances of at least 1,000 meters. The distance to Matraville Public School (630m) is well within this potential impact zone. The proponent has not provided any dispersion modeling to demonstrate the extent of the affected area in a worst-case scenario. The existing noise assessment from a previous SSD application (DA35/98) is insufficient for this purpose as it only addresses noise-related amenity, not the life-threatening consequences of a toxic gas release.

A proper risk assessment must be based on a quantitative, scientifically backed dispersion model that maps the potential extent of the hazard zone under various meteorological conditions. The proponent's failure to provide such an assessment, particularly given the site's proximity to schools, is a profound and unacceptable deficiency in the application.

Table 2: Major Hazard Facility (MHF) Status Analysis for the Banksmeadow CLP

Chemical	**WHS Reg 2017 Sch 15 MHF Threshold (tonnes)**	**Proposed Capacity / Storage**	**MHF Status**
Chlorine	25	50 tpd production, plus "stock tank" and "13tonne chlorine tankers"	Highly likely to be an MHF, triggering mandatory licensing and documentation requirements.

4.2 Transport and Logistics Analysis

4.2.1 On-Site Storage and Handling

The project summary specifies that liquefied chlorine will be stored on-site in a stock tank and distributed via 13-tonne tankers, drums, and cylinders. The on-site management of chlorine, a dangerous good, must adhere to strict protocols to prevent incidents, including the segregation of incompatible chemicals. A chemical reaction between chlorine-based products (like sodium hypochlorite, which is handled on-site) and acids can release toxic and corrosive chlorine gas. The proposed project involves the relocation of the existing sodium hypochlorite loading bay, which requires a detailed safety review to ensure that it does not increase the risk of cross contamination or an incident.

4.2.2 Assessment of Road Transport Risks and Local Network Impact

The proponent’s claim that the project will lead to "shorter freight distances" for bulk chlorine is a statement that misrepresents the full extent of the transport risk. The reduction in a single, long-distance trip from Victoria is being traded for a higher frequency of shorter-distance, high-risk trips on the local Bayside road network. An incident involving a 13-tonne chlorine tanker on a local road, in a densely populated urban area, carries a significantly higher risk to the public than an incident on a major inter-state highway.

The transport of such a hazardous substance within the local government area would pose an extreme and immediate risk to public health, property, and the environment in the event of an accident. This critical shift in the risk profile has not been addressed in the proponent's summary. Bayside Council must request a formal Transport Risk Assessment that models potential routes, traffic conditions, and the off-site consequences of an accident. The assessment must demonstrate how these daily transport risks will be

mitigated to an acceptable level, including proposing specific, low-risk routes within the LGA that avoid schools and other sensitive areas.

4.2.3 Consistency with NSW and Bayside Freight Strategies

While the National Heavy Vehicle Regulator (NHVR) manages the national road network, the management of local roads falls under Bayside Council's purview. Any significant increase in the volume of dangerous goods transport must be planned in coordination with Council's transport strategies. The submitted summary is silent on the specific local routes that would be used, and this information is essential for Bayside Council to properly assess the project's impact on local infrastructure and community safety.

4.3 Historical Context and Cumulative Risk

4.3.1 The Site's Industrial Legacy

The Banksmeadow site and the broader Botany Industrial Park have a long history of industrial operations and associated environmental contamination. Orica, a former operator, had manufacturing activities at Botany for over 80 years, during which soil and groundwater contamination with chlorinated hydrocarbons (CHCs) and elemental mercury occurred. A ban on domestic bore water use has been in effect for a 20km radius since 2003, and an ongoing, multi-million-dollar groundwater cleanup project has been operating since 2005 to prevent contaminated plumes from reaching Botany Bay. The contamination is not fully remediated, with "residual contaminants" remaining in source areas.

4.3.2 Analysis of Past Incidents at Banksmeadow

The historical context of the site is not merely a background detail; it is a fundamental consideration for any new high-risk development. A recent incident in February 2023 at a chemical manufacturing plant on Denison Street, Banksmeadow, serves as a stark reminder of the inherent risks of such operations in this area. A fault in a cooling tower led to a controlled burn of ethylene gas and the risk of a structural collapse that could have impacted six trailers storing highly flammable hydrogen. The incident required a multi-agency emergency response from Fire and Rescue NSW (FRNSW), NSW Police, NSW Ambulance, the NSW EPA, and SafeWork NSW, and resulted in a precautionary evacuation order for an 800m zone.

The proposed CLP must not be assessed in a vacuum. It represents an addition to an already high-risk environment with a documented legacy of environmental contamination and a recent history of a major incident that required community evacuation. The proponent's summary, which makes no mention of this historical context, fails to address the critical question of how the new plant will contribute to or be impacted by the overall cumulative risk of the Botany Industrial Park. The proposal's integrity is severely compromised by its failure to explicitly address how the project will be safely integrated into a site with ongoing remediation and a demonstrated potential for major incidents.

Table 3: Critical Risk Assessment of the CLP Proposal

Identified Risk	**Potential Consequences**	**Proponent's Proposed Mitigation**	**Report's Assessment of Adequacy**

Chlorine Gas Release	Fatality, severe burns, environmental damage, and community evacuation.	Containment building and scrubbing system [User Query].	Inadequate. No quantitative dispersion model provided. The effectiveness of the scrubbing system for a major incident is unproven. No analysis of worst-case, offsite consequences on nearby schools And residents.
Local Road Transport Incident	Leak or explosion of a 13-tonne tanker causing severe harm in a high-density urban area.	Shorter freight distances from Victoria [User Query].	Inadequate. The risk is not reduced; it is redistributed from a lower-risk interstate highway to a higher-risk local urban network. No formal transport risk assessment provided.
Cumulative Site Risk	New plant exacerbates existing environmental and safety risks from historical contamination and recent incidents.	"Proven IXOM processes" [User Query].	Inadequate. No explicit analysis of how the new project will interact with or be impacted by ongoing site remediation efforts or the pre-existing high-risk environment.
Failure to Comply with MHF Regulations	Prosecution under WHS Act, fines up to $10M for corporations, and risk of fatality.	Not addressed in the summary.	Inadequate. The proposal is highly likely to be an MHF, triggering mandatory legal requirements. No MHF Safety Case, SMS, or Emergency Plan summary provided.

5. Adequacy of the Submitted Modification Report

Based on the proponent's summary provided for review, the Modification Report is manifestly inadequate for a project of this nature and scale. A project that is highly likely to be an MHF and is located in an area with documented environmental and safety risks cannot be assessed based on a high-level description of its purpose and equipment.

5.1 Gap Analysis of the Modification Report

The submitted summary is notably deficient in several key areas. It fails to provide any details on:

- Total Maximum Storage Quantity: The document mentions a stock tank and 13 tonne tankers but provides no total quantity, a fundamental piece of information for determining MHF status and assessing on-site risk.

- Formal Risk and Safety Assessments: The summary is silent on the preparation of a formal Safety Case, a Safety Assessment, or a Safety Management System (SMS), all of which are mandatory for an MHF. The absence of a quantitative risk assessment, including dispersion modeling for a toxic gas release, is a critical gap that prevents any meaningful evaluation of the off-site risk.

- Pollution Incident Response Management Plan (PIRMP): There is no mention of a PIRMP, which is a legal requirement for an EPL holder. A complete application must include a detailed plan outlining procedures for immediate notification and coordinated response with emergency services and authorities.

- Transport Risk Assessment: The statement about "shorter freight distances" is a qualitative claim without any supporting quantitative analysis of the risks of daily transport on local roads.

- Emergency Planning and Consultation: The summary lacks any detail on a site-specific emergency plan and makes no mention of consultation with key stakeholders such as Bayside Council, NSW Health, or local emergency services, which is a mandatory requirement for MHF operators.

5.2 Review of the Proponent's Safety and Risk Management Documentation

The proponent’s statement that the project will integrate "proven IXOM processes currently used at the Laverton facility" and "inherent safety features" is a claim that cannot be validated without the submission of formal, auditable documents. While IXOM claims to be an industry leader in chemical risk management and emergency response, such general claims are not a substitute for the site-specific, legally mandated documentation required by NSW law. The absence of a Safety Case and other formal risk management documents in the application summary suggests a fundamental failure to comply with the regulatory expectations for a project of this kind.

5.3 Evaluation of Proposed Emergency Planning and Community Engagement

The submitted summary provides no details on emergency planning beyond a mention of a scrubbing system. This is a major deficiency. Under the WHS Regulation, an MHF operator must prepare a detailed emergency plan in consultation with emergency services and the local council. The plan must be tested to ensure its workability and must include a strategy for communicating with the community in the event of an incident. Given the recent history of a precautionary evacuation in the area , the community's need for transparent and effective emergency communication is critical. The proponent's application is inadequate in its current form as it does not demonstrate a commitment to these necessary safety and community engagement measures.

6. Preliminary Advice and Recommendations

Based on the detailed analysis of the proposed modification and the provided documentation, Bayside Council's preliminary advice to DPHI is to not proceed with the determination of this application until the proponent submits further comprehensive and legally mandated information. The current submission is insufficient to allow for a proper assessment of the project's risks and its implications for the Bayside community.

6.1 Request for Further Information and Technical Studies

Bayside Council formally recommends that DPHI requires the proponent to submit the following documents as a prerequisite for any further assessment:

- Formal MHF Notification and Status: The proponent must provide the formal notification to SafeWork NSW and the subsequent determination of MHF status.

- MHF Safety Case: A complete and detailed Safety Case that includes a Safety Assessment, Safety Management System, and Emergency Plan, all prepared in accordance with the Work Health and Safety Regulation 2017.

- Chlorine Gas Dispersion Model: A quantitative model that maps the off-site consequences of a worst-case scenario chlorine gas release, demonstrating the potential impact on nearby residential areas, schools, and other sensitive receivers.

- Transport Risk Assessment: A detailed analysis of the daily road transport risks, including proposed local routes, risk mitigation measures, and a formal analysis of the trade-off between reduced interstate travel and increased local transport frequency.

- Pollution Incident Response Management Plan (PIRMP): A complete PIRMP prepared in accordance with the Protection of the Environment Operations Act 1997.

- Site-Specific Cumulative Risk Assessment: A study that explicitly acknowledges the site's environmental history and recent incidents, demonstrating how the new plant will not exacerbate pre-existing risks or interfere with ongoing remediation efforts.

6.2 Recommended Conditions of Consent for DPHI

If the proponent's revised submission is deemed adequate and the project proceeds, Bayside Council recommends the following conditions be attached to any future consent:

- Licensing Prerequisite: Construction and operation must be conditional upon the proponent obtaining all necessary licences from the NSW EPA (EPL) and SafeWork NSW (MHF licence) prior to the commencement of works. Emergency Plan Testing: The on-site emergency plan must be formally and regularly tested in collaboration with Fire and Rescue NSW and Bayside Council.

- Transport Route Restrictions: Consent should mandate the use of specific, preapproved heavy vehicle routes within the LGA that minimise transit through sensitive community areas.

- Community Communication: The proponent must establish and maintain a proactive and transparent communication protocol with the Bayside community, including regular updates on site operations and an accessible process for reporting concerns.

Heritage

The subject site at 16-20A Beauchamp Road, Banksmeadow is not identified as a heritage item on Schedule 5 of the Bayside Local Environmental Plan 2021. It is however located in the vicinity of a heritage item listed on the SEPP (Transport and Infrastructure) 2021. The description on Part 5.5, Clause 5.31 of the SEPP (Transport and Infrastructure) 2021 is as follow:

Banksmeadow	Main Administration Building—"Orica" and Mature Ficus	Corner of Denison and Beauchamp Streets	Lot 11, DP 1039919

The extent of the proposal is confined to the subject site, which is shown to be entirely outside the lot boundary of the heritage listed property identified at the corner of Denison and Beauchamp Streets. There are no anticipated negative impacts to the European heritage item in the vicinity of the subject site.

An AHIMS basic search has revealed no Aboriginal sites or Aboriginal places declared or recorded within 1km area of the subject site. In addition, the site is already significantly altered and highly disturbed. Although unlikely, it remains unknown if there are potential buried Aboriginal artefacts or objects within the extent of the site. It is suggested that a management protocol is in place during the site works should the event of unexpected finds arise.

Environmental Strategy

The following comments are provided by Council's Environment Team. Relating to stormwater, the proposal will need to address:

1. Compliance with *Fisheries Management Act 1994* and not cause any harm to the conservation of key fish habitat in Kamay (Botany Bay) located 1km south of the site, see image below

2. Compliance with the NSW Protection of the Environment Operations Act 1997 (POEO Act) which aims to protect, restore and enhance the quality of the environment in the context of ecologically sustainable development and to reduce risks to human health and prevent degradation of the environment.

3. No stormwater flows (including excess flows) are permitted to be discharged to Springvale Drain and/or Kamay Botany Bay that would 'cause pollution and/or cause adverse impacts' on Kamay Botany Bay ecosystems. This measure is necessary to protect the sensitive Kamay Botany Bay ecosystems including NPWS Towra Point Reserve, Posidonia, Halophila and Zostera seagrasses, corals, sponges, ascidians,

nudibranches, kelp, sea squirts, sea fans, Endangered White seahorses Hippocampus whitei, sea dragons, pipehorses, fish, turtles, Australian Fur-seal, Dugong, Southern Right Whale, Humpback whale, shorebird habitat and migratory and endangered birds, Wandering Albatross and White-bellied Sea Eagle. This measure is also required to protect the public who access the bay for both primary (swim, snorkel, dive) and secondary (boating) contact. This protection measure is consistent with Bayside's position with Sydney Water, that Bayside objects to wastewater overflows being discharged into the Mill Stream which is connected to Kamay Botany Bay.

4. Protection and regeneration of Kamay Botany Bay is a priority, being delivered through partnerships between Bayside Council, NSW & Federal government, SSROC, Sydney Coastal Councils Group, Georges Riverkeeper, Cooks River Alliance, Gamay Rangers, universities and institutions, Sydney Ports, Sydney Airport and others.

5. The Proposal has an opportunity to consider and align itself with the La Perouse Gamay Rangers 'GAMAY SEA COUNTRY PLAN MARCH 2025 – 2035', in particular Part 3 Sea Country Planning which includes management priorities and objectives, and PART 4 Implementation.

Landscape

Any landscape works on site should comply with the landscape requirements outlined in the Bayside Landscape Technical Specification and Sections 3.7 and 6.1/6.4 of the Bayside DCP unless specified otherwise by Bayside Council, the Department of Planning NSW or other authority.

Traffic, Parking and Road Safety

The following comments are provided by our Traffic Engineering department:

1. How many employees are expected on-site in Scenario 2 (when the VIC plant is not operational)?
2. How many spaces would they take up on-street and off-street?
3. If Scenario 2 intended to be a temporary or permanent measure, should it occur?

Council is concerned that if scenario 2 is intended to be either permanent or long-term temporary, or the number of employees, even on a short-term temporary basis, is too high, then using Beauchamp Road is not appropriate.

The following information is required:

1. Swept path diagrams that show:
   a. Semis or tall rigids entering the Repack facility
   b. B-Doubles entering the Ferrous Loading Bay

2. Where on Second Street are B-Doubles to wait to enter the Hypo Load Bay? How can the likelihood of conflicts be reduced?

These comments relate to concerns regarding performing reversing manoeuvres or waiting on-street.

Stormwater management

All areas used for the storage and handling of bulk chemical liquids or any other materials which may pollute stormwater shall be isolated from the site's stormwater system, located undercover, and fully bunded so that no spills or chemicals are directed to the public stormwater system. Bunding shall be in accordance with the latest NSW Government guidelines. The storage of hazardous and chemical liquids shall meet the latest requirements of the NSW EPA and WorkCover Authority. The chemical storage shall be protected from inundation by floodwaters in all flood events.

Objection from community members

Council received a submission from a community group Hillsdale Eastgardens Resident Action Group (HERAG) which has previously been sent through to the DPHI for consideration.

The objection from community member group identified that the Orica replacement chlorine plant was unlawfully approved in November 1998. This has not been substantiated by Council.

The objection stressed the requirement of a proper risk assessment of the chlorine transport route and notification to the affected residents.

The objection reiterates the point that the Orica replacement chlorine plant was unlawfully approved in November 1998. Thus, the application for the proposed modification (Mod 6) should not be considered. The objection provides details about the grounds on which the claim of unlawful approval is made.

It is recommended that the DPHI considers and assesses SEPP (Resilience and Hazards) 2021, SEPP No. 33, HIPAP No.6 and note the concerns expressed by HERAG.

We trust that the Department will carefully consider Council's submission when assessing this proposal.

If you require any further information, please do not hesitate to contact Jay Shah, Development Assessment Planner on (02) 9562 1657 or via email: jay.shah@bayside.nsw.gov.au.

Yours sincerely,

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