

16 April 2021

Thomas Bertwistle  
Department of Planning, Industry and Environment  
GPO Box 39  
SYDNEY NSW 2001  
Reply by planning portal: <https://www.planningportal.nsw.gov.au>

Dear Mr Bertwistle,

**RE: GREENLEAF ROAD, KOORAGANG - ORICA AMMONIUM NITRATE EXPANSION  
PROJECT (MP08\_0129-MOD 4) - NEW NITRATE EFFLUENT TANK**

I refer to the Department's request for additional information dated 9 April 2021. Please find below Orica's response to the information requests below.

*1. Future of Effluent Pond*

*It is acknowledged that the development results in the existing effluent pond being made redundant, with the ESS stating the pond will be decommissioned in future. It is unclear if the decommissioning of the pond forms part of the modification application.*

*Please provide further details on the timeline of the decommissioning of the effluent pond. If the removal forms part of this application, please provide details on the process of decommissioning and update plans to demonstrate its removal.*

Following our discussion, Orica advise there will be two stages associated with the project in terms of the existing pond:

Stage 1 - Decommissioning

The pond will be decommissioned on cutover to the tank. The tie in points identified as "TIP" in the hexagons shown on Figure 3 (Plan View) supplied in the ESS show where existing lines will be cut and the new pipework (as shown in green on the diagram) connected for the tank. Any redundant pipework will be either removed, or blanked as required. The pond will be drained of effluent following cutover. The empty pond will stay in this "made-safe" state, without any process inputs or outputs until the second stage outlined below.

## Stage 2 – Liner removal and levelling

The second stage of the pond closure involves the removal of the liner and levelling of the pond footprint and will occur after decommissioning. This will involve the following steps:

1. Removal of any redundant pipework or equipment obstructing access
2. HDPE liner removal
3. Grading of the clay pond walls to existing ground level
4. Compaction and levelling of the pond footprint to existing ground level

Importation of fill material is not anticipated to be required for site levelling. This is likely to occur within 12 months of decommissioning, however exact timing is not determined. A revised Figure 3 is attached referencing this correspondence in accordance with our discussions.

### *2. Development Contributions - Section 7.12 Local Infrastructure Contribution*

*Condition 13 of the Project Approval (MP\_0066) dated December 2009 required the proponent prior to operation 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. It is recommended the applicant is required to submit a cost of development report for the modified development. Such report would assist the Department to make an informed decision as to whether to change the infrastructure contribution required under condition 13. The current plan is CN's Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019 (Update Dec 2020).*

It is Orica's understanding that Section 7.12 contributions (formerly Section 94) are to assist council in maintaining adequate public infrastructure, as a result of increased demand associated with a development. During negotiations between Orica and Newcastle City Council in 2009 it was acknowledged that it was difficult to apply a conventional Section 94 contribution calculation to the Expansion Project (08\_0129), as there was no clear correlation between the expansion of the Kooragang Island site and increased demand on local public infrastructure. While Orica contributed to a local community project to the value of \$272,000, there was a valid argument that no development contribution payment should be required for the project.

In the case of this proposed modification, it will also create no additional demand on public services, and therefore Orica believe a renegotiation of the expansion project's original Section 94 contribution of \$272,000 is not warranted. This is consistent with the Department's determinations in relation to previous modifications of 08\_0129.

Furthermore, the proposed modification:

1. Does not intensify, enlarge or expand the development, and
2. Is in essence in its entirety a refitting or refurbishment project replacing the existing pond which is at end of design life with an improved tank and secondary containment bund.

As such Clause 3g) of 25J Section 7.12 levy - determination of proposed cost of development applies to the project costs, which states the following development costs are to be excluded:

*(g) the costs of fittings and furnishings, including any refitting or refurbishing, associated with the development (except where the development involves an enlargement, expansion or intensification of a current use of land),*

It should also be noted that Port of Newcastle own and maintain the infrastructure on Walsh Point, Kooragang Island where the site is located, not the City of Newcastle.

Finally, Orica Kooragang Island prides itself on being a part of the local community and makes considerable effort to fulfil its role as a corporate citizen. Since 2009, Orica has donated in excess of \$2M to local community and sporting groups for a range of events, equipment and facilities, particularly in the Stockton area as part of its Community Investment Program and will this year donate approximately \$316,000 as part of the ongoing program.

Please contact me if you require any further information.

Yours sincerely



Nathan Robinson

**Senior Specialist Environment – Kooragang Island**

**Attachments:**

**Attachment A**

- "Figure 3 – Nitrates Tank Plan View - Version 2" (supercedes file "210310 Figure 3 - Nitrates Tank Plan view.pdf" included in the original Environmental Assessment)
- also supplied separately via portal as file "210416 Fig 3 - Nitrates Tank Plan - V2.pdf"

[illegible]