

ADDENDUM REPORT

TO : Joint Regional Planning Panel
FROM : Rodger Dowsett, Director Planning and Development
CC :
FILE NO. : DA 11/272
DATE : 19 June 2012
SUBJECT : **Additional Information for Item 2012SYE011 Botany Bay – DA11/272 – Integrated Development: Alterations and additions to the existing industrial development including subdivision of the subject site into two lots – 128 Bunnerong Road, Pagewood.**

Joint Regional Planning Panel

The Addendum Report is submitted to the Joint Regional Panel for information purposes, in that it serves to advise the Panel that in respect of the risk implications of DCP 30 the Council has for abundant precaution taken advice from the Major Hazard Branch of the Department of Planning and Infrastructure.

An objection received in Section D of the Report to JRPP found on Page 24 discusses whether DCP 30 – Botany/Randwick Industrial Area Land Use Safety Study has application to this development.

Council on 13 June 2012 wrote to the Department of Planning and Infrastructure – Major Project Assessment to bring to the Department's attention that an objection received by the Council in respect of DA 11/272 being an objection prepared by Mr S Haigh.

The substance of this objection is twofold. The first of which is the long term planning implications of the subdivision in respect of its proximity to the Randwick/ Botany Risk Reduction Zone and secondly, the impact the development will have on the Dangerous Goods Route of Denison Street, which is a road nearby to the BATA site. A copy of Council's letter to the Department is attached.

Under letter dated 15 June 2012 the Department of Planning and Infrastructure responded to Council's letter and provided the following advice:

- "1. The 2001 study considered the risk to the surrounding area from fixed facilities in the Botany/Randwick industrial area. Hence, risks from the movement of dangerous goods along Denison Street and Stephen Road were not included. It should not be assumed, however, that these movements represent a significant risk. The study's*

recommendation that dangerous goods transport should be taken into account in assessment processes reflected a precautionary approach.

2. *Since the proposed development represents a reduction in dangerous goods movements to and from the BATA site it is unlikely that the proposed development would adversely affect dangerous goods transport risks in the study area.*
3. *The BATA site lies outside the 2001 study area and is also outside the consultation zones of the study. Recommendation 2.2 of the study is that normal merit-based assessment procedures should apply in this situation. Therefore, we consider that the 2001 Land Use Safety Study recommendations do not constitute a valid basis for the objection.*
4. *The advice from Corrs Chambers Westgarth appears to be consistent with the above observations."*

The advice provided by the Department in particular to Point 4 above concurs with the legal advice provided by Corrs Chambers Westgarth dated 8 June 2012 which is discussed on page 26 of the Report to JRPP, in that it concludes that the proposed development is neither a residential intensification or sensitive use intensification and the development will not result in increased traffic volumes or access points onto the designated dangerous goods route.

A copy of the Department's letter is attached.



Rodger Dowsett
Director Planning and Development.

Our Ref: RJ Dowsett/kp/DA 11/272

13 June 2012

NSW Department of Planning & Infrastructure
Major Hazards Branch
PO Box 39
SYDNEY NSW 2001

Dear Sir

**REF: 128 BUNNERONG ROAD PAGEWOOD
BRITISH AMERICAN TOBACCO PTY LTD (BATA)
DA 11/272**

The Council has now before it, as the planning authority, a development application (D/A 11/272) for the subdivision of the above land into two (2) lots, one lot being larger in area than the other and the contraction of the existing BATA industrial use to the smaller lot.

The larger lot is to be cleared of structures and is now the subject of an application to rezone the proposed lot to a mixed business/residential use.

The purpose of this letter is to bring to the Department's attention an objection received by the Council in respect of DA 11/272 being an objection prepared by Mr S Haigh.

A copy of this objection is enclosed.

The substance of this objection is two fold. The first of which is the long term planning implications of the subdivision in respect of its proximity to the Randwick/Botany Risk Reduction Zone and secondly, the impact the development will have on the Dangerous Goods Route of Denison Street, which is a road nearby to the BATA site.

Firstly, I am of the view the planning implications of the subdivision are best dealt with under the rezoning process and unless the Department has a view to the contrary I will not dwell upon this aspect of Mr Haigh's submission.

In respect of the Dangerous Goods Route of Denison Street, the applicant to DA 11/272 has produced advice from their solicitors Corrs Chambers Westgarth of which I enclose a copy for the Department's review.

Again I am of the view that the impact of the land's eventual use (as rezoned) is a matter for consideration under the rezoning process; as for dangerous goods to the industrial site of BATA (as contracted) there is a reduction in movements.

However the issue with the Dangerous Goods Route of Denison Street and Stephen Road is that the Council has no real information and/or statistics as to traffic flow upon either of these roads nor to the extent these two roads are utilised to transport dangerous goods.

This issue is therefore the subject of discussion at our meeting today and, as to whether or not the Department is of the view the submission of Mr Haigh's is of relevance to the subject development application. The Council is of the view that it is not, but again the Department's view is sought.

This application is scheduled for determination by the Joint Regional Planning Panel on the 20th June 2012 and a reply ahead of this date would be of assistance not only to Council but the Consent Authority

Yours faithfully

R J DOWSETT
DIRECTOR – PLANNING & DEVELOPMENT

Encl.



Planning & Infrastructure

Mr R J Dowsett
Director – Planning and Development
Botany Bay City Council
PO Box 331
MASCOT NSW 1460

Contact: Dr Derek Mullins
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Our ref:
Your ref: R J Dowsett/kp/DA 11/272
File: BATA Site DA 11-272.doc

15 June 2011

Dear Mr Dowsett

Subject: 128 BUNNERONG ROAD PAGEWOOD – BRITISH AMERICAN TOBACCO PTY LTD (BATA) – DA 11/272

Thank you for your letter dated 13 June 2012, bringing to the department's attention an objection to DA 11/72.

We note that the objection is primarily based on the BATA site's proximity to the Botany/Randwick industrial area and draws on the implications of the recommendations of the department's 2001 Botany/Randwick Land Use Safety Study, particularly those related to dangerous goods transport risks. It also draws on the requirements of DCP 30, insofar as the DCP implements recommendations of the study.

Since it is Council's responsibility to consider the applicability of DCP 30, the following advice focuses on the relevance of the department's 2001 study to the proposed development.

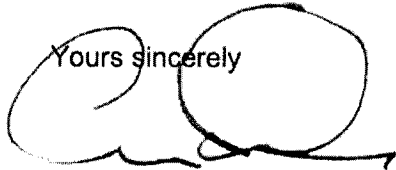
1. The 2001 study considered the risk to the surrounding area from fixed facilities in the Botany/Randwick industrial area. Hence, risks from the movement of dangerous goods along Denison Street and Stephen Road were not included. It should not be assumed, however, that these movements represent a significant risk. The study's recommendation that dangerous goods transport should be taken into account in assessment processes reflected a precautionary approach.
2. Since the proposed development represents a reduction in dangerous goods movements to and from the BATA site it is unlikely that the proposed development would adversely affect dangerous goods transport risks in the study area.
3. The BATA site lies outside the 2001 study area and is also outside the consultation zones of the study. Recommendation 2.2 of the study is that normal merit-based assessment procedures should apply in this situation. Therefore, we consider that the 2001 Land Use Safety Study recommendations do not constitute a valid basis for the objection.
4. The advice from Corrs Chambers Westgarth appears to be consistent with the above observations.

While the risks from dangerous goods movements are thought to be low and have been reducing since the 2001 study was carried out, the department acknowledges that there is a lack of current statistical information.

Accordingly, the department supports Council's proposal to gather statistics on dangerous goods movements along Denison Street, with a view to confirming that such movements do not represent a significant risk in the area. Once the statistics have been gathered, we would be happy to consult with Council on any risk implications.

Should you have any further queries, please contact Derek Mullins on 9228 6108.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Chris Wilson', written over the words 'Yours sincerely'.

15.6.12

Chris Wilson
Executive Director
Major Project Assessment