

**INQUIRY INTO KOORAGANG ISLAND ORICA
CHEMICAL LEAK**

Name: Mr Steve Haigh

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Orica Inquiry

My name is Steve Haigh. I welcome the opportunity to place my concerns on the public record about the Orica complex.

I live in proximity of the Orica complex in Matraville.

For many years Orica has been able to systematically breach state laws with little or no consequence. Orica has been allowed to self regulate. However it shouldn't be up to the the perpetrator to provide information to the community about what is to happen following legislative breaches by a company. It should be up to the regulators.

Another issue of Orica self regulating and breaching state laws occurred with the application for the Orica replacement chlorine plant in 1998. The perpetrator, Orica, provided information in the Orica 1998 EIS that was not consistent with the requirements of dangerous goods movements contained in SEPP 33. The application was approved in 1999.

The Orica 1998 EIS at page 51 stated; *As the proposed development does not increase the risk associated with the transportation of potentially hazardous materials, and in some cases actually results in a reduction in the risk, this issue should not form a critical part in the decision on whether the development should be accepted.*

In a recent Supreme Court hearing, John McCracken, risk consultant, in an affidavit stated that the argument that a proposed development might not increase risk as a reason for not undertaking a transport risk assessment is without foundation and is invalid.

In the Preliminary Hazard Analysis (PHA) for the Port Botany Expansion IV.I Introduction: *SEPP 33 requires a transport study to be undertaken when the number of dangerous goods movements to and from the site is above a threshold.* Dangerous goods movements per year were presented in the PHA. A transportation study was undertaken. A review of transportation of all dangerous goods to surrounding population lining the route was undertaken. At page 10: Risk Results were presented. Transport Risk Contour Legend presented contours for 1x10.6 and 1x10.7.

Orica 1998 EIS Appendix F: *The number of full tankers or trucks transporting chlorine to and from the site will be 3020 per annum. The number of full HCl (hydrochloric acid) tankers will be 2,900 per annum.*

Applying SEPP 33, Scope and Application 1.3: *SEPP 33 applies to any proposals which fall under the policies definition of potentially hazardous industry.*

Applying SEPP 33 page 21: Table 2. Transportation Screening Thresholds; The cumulative annual threshold for transportation of chlorine is more that 100 vehicle movements per annum. 3020 vehicle movements per year breaches the annual threshold for transportation of chlorine significantly.

Applying SEPP 33 page 21: *If any of the above tests result in a screening threshold being exceeded, the proposed development should be considered potentially hazardous and SEPP 33 will apply. In such cases a PHA is required to be submitted with the development application. The PHA should be prepared in accordance with HIPAP No 6-Guidelines for Hazard Analysis.*

HIPAP No 11- Route Selection: Executive Summary; *The Department has developed an integrated assessment process for safety assurance of development proposals which are potentially hazardous. The integrated hazards-related assessment process comprises: a PHA undertaken to support the development application by demonstrating that risk levels **do not prelude approval**.* At 1.2 Purpose and Scope of the Guidelines; *Provide a means for assuring consent authorities, developers and the public that all factors, including risk, have been adequately assessed and that routes are acceptable to the community.*

It would appear that Orica has breached the requirements of SEPP 33 and been allowed to self regulate matters pertaining to a development application for the replacement chlorine plant without concurrence of the regulators.

The question must be asked, SHOULD THE REPLACEMENT CHLORINE PLANT HAVE BEEN APPROVED OR NOT IN 1999?

If approval should not have been granted, the community would not have the problem that it has today from unacceptable risk from toxic gas leakages, from fixed plant and transportation of dangerous goods to and from the Orica chlorine plant.

Regards

Steve Haigh