

Response to Submissions

State Significant Development Application (SSD 9691)

Warehouse and Distribution Facility

Lot 9 DP 1205673

28 McPherson Street, Banksmeadow



Prepared for Orica Australia Pty Ltd

**Submitted to the Department of Planning, Industry and
Environment**

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1 Introduction

1.1 Background

This Response to Submissions (RtS) has been prepared by Keylan Consulting Pty Ltd (Keylan) on behalf of Orica Australia Pty Ltd (the Applicant).

The RtS is submitted following the public exhibition of the Environmental Impact Statement (EIS) for a Warehouse and Distribution Facility at 28 McPherson Street, Banksmeadow (the site) in the Bayside local government area (LGA).

The site is legally described as Lot 9 DP 1205673 (Lot 9) and forms part of a broader 18.3 hectares industrial estate, formerly referred to as the 'Southlands' industrial estate.

The State significant development (SSD) application (SSD 9691) and supporting EIS sought approval for:

- an elevated concrete platform to support buildings and hardstand areas with a clearance height of 2.5 metres above the compensatory flood storage area below
- two warehouse buildings with a combined gross floor area (GFA) of 19,780 m²
- two ancillary offices with a combined GFA of 2,000 m²
- a maximum building height of 13.7 metres for each warehouse building
- a total of 117 car parking spaces
- landscaping works within easements along the site boundary

The development is proposed to be constructed in two stages:

- Stage 1 involves the construction of the elevated concrete deck to allow the issuance of a Section A Site Audit Statement by an Environment Protection Authority (EPA) accredited site auditor once the deck is in place
- Stage 2 involves the construction of the warehouse buildings, offices, landscaping and associated hardstand areas on the deck

The warehouse buildings will be used for the storage and distribution of general merchandise including goods arriving from nearby Port Botany. Vehicle access to the site will be provided from McPherson Street.

1.2 Public exhibition

The SSD application and supporting EIS were lodged with the Department of Planning, Industry and Environment (DPIE) in March 2020. The EIS was publicly exhibited from 15 April to 14 May 2020.

A summary of the submissions received during the public exhibition period is provided at **Section 2**. A response to the matters raised is provided in **Section 4** (public authority submissions) and **Section 5** (public submissions).

1.3 Project amendments

The project has been amended since the public exhibition to include the following:

- subdivision of Lot 9 to create one additional lot which will contain infrastructure associated with Orica's groundwater treatment plant within the Botany Industrial Park
- reconfiguration of the office space for the development to establish a primary office in Warehouse 1 to service the entire site, with a smaller office area in Warehouse 2 to provide operational support for that warehouse
- minor changes to stormwater drainage and landscaping

A detailed description of the project amendments is provided in **Section 3**.

1.4 Supplementary information

In response to submissions received, the Applicant has undertaken additional visual impact assessment of the proposed development (Appendix E).

Also provided is a draft section 88B instrument to establish easements across the site for ongoing access by Orica for future remedial activities (Appendix F).

2 Summary of submissions

The application received a total of 19 submissions during the exhibition period, including eleven submissions from public authorities and eight submissions from the public and organisations. A summary of the submissions is provided below.

2.1 Public authority submissions

Eleven submissions were received from the following public authorities:

- Bayside Council
- Randwick City Council
- Environment Protection Authority
- Transport for NSW
- Fire and Rescue NSW
- Sydney Water
- Environment, Energy and Science Division within DPIE
- Port Authority NSW
- NSW Health
- Crown Lands
- DPIE Water Group and Natural Resources Access Regulator (NRAR)

DPIE also provided comments on the SSD application. The Environment, Energy and Science Division within DPIE, Ports Authority of NSW, NSW Health, Crown Lands NSW and DPIE Water and NRAR did not provide any comments on the application.

The key matters raised by Council and the public authorities primarily related to:

- Flooding and stormwater impacts and the function of the compensatory flood storage area
- Section 88B instrument and the legal requirements of the instrument
- Contamination and remediation infrastructure, including easements and access
- Traffic and parking
- Biodiversity
- Community consultation
- Hazards
- Visual impacts
- Urban design and landscaping
- Consistency with previous approvals
- Landowners consent
- Noise
- Air quality
- Waste

A detailed response to the matters raised in the public authority submissions and in response to DPIE's comments is provided in **Section 4**.

2.2 Public and organisation submissions

A total of eight submissions were received from the public and organisations. This included submissions from Sydney Airport Corporation, AirServices Australia, NSW Ports, Australian Rail Track Corporation and Ausgrid.

The key matters raised in the public and organisation submissions primarily related to:

- the importance of habitat and the vegetated compensatory flood storage area
- contamination and site remediation
- increased traffic generation
- managing aircraft obstacle limitations during construction and operation
- access to power supply infrastructure and rail corridor

A detailed response to the matters raised in the public and organisation submissions is provided in **Section 5**.

3 Project amendments

The project has been refined in response to the matters raised by Bayside and Randwick Councils, public authorities and the community. The amendments to the project are summarised below:

- subdivision of Lot 9 to facilitate the ongoing operation of the groundwater treatment infrastructure
- consolidation of office gross floor area (GFA)
- minor changes to landscaping and site drainage

Further detailed description of the project amendments is provided below.

3.1 Subdivision

The application is amended to include the subdivision of Lot 9 into two separate land parcels. The subdivision is proposed to create an additional lot which contains existing infrastructure associated with Orica's groundwater treatment plant (GTP) within the Botany Industrial Park (BIP).

The Botany Groundwater Cleanup Project involves the extraction of contaminated groundwater from three containment lines to achieve hydraulic containment and the treatment of that groundwater at the GTP.

One of the hydraulic containment lines associated with the Botany Groundwater Cleanup Project is located along the southern (McPherson Street) boundary of Lot 9 (Figure 1). Orica continues to operate and maintain the GTP infrastructure and requires ongoing access to the GTP infrastructure.



Figure 1: Infrastructure associated with the Botany Groundwater Clean-Up Project (Source: Keylan)

The proposed amendment involves the subdivision of existing Lot 9 DP 1205673 into two lots, with Lot 1 (approximately 0.1224 ha) being an approximate 10 m wide strip of land fronting McPherson Street and the remainder of the parent Lot becoming Lot 2 (approximately 3.995 Ha). The current plan of subdivision of Lot 9 is provided in Figure 2, with the proposed plan of subdivision shown in Figure 3 and Appendix A.

Access into Lot 2 will continue to be provided by Nant Street and Orica will establish a right of way and easement for services over the proposed Lot 1 to allow ongoing direct access to McPherson Street. The GTP infrastructure is undergrounded for a section adjoining Springvale Drain in order for level access direct to McPherson Street to be maintained.

The proposed additional lot does not make any material changes to the current use of the land and simply replaces an easement with a lot boundary. This would remain consistent with the requirements of the Orica Southlands MP 06_0191 project approval, specifically conditions 15 and 16.

Should the proposed amendments be approved, the Applicant would withdraw modification application MP 06_0191 MOD 5 which proposes a similar amendment to the plan of subdivision.

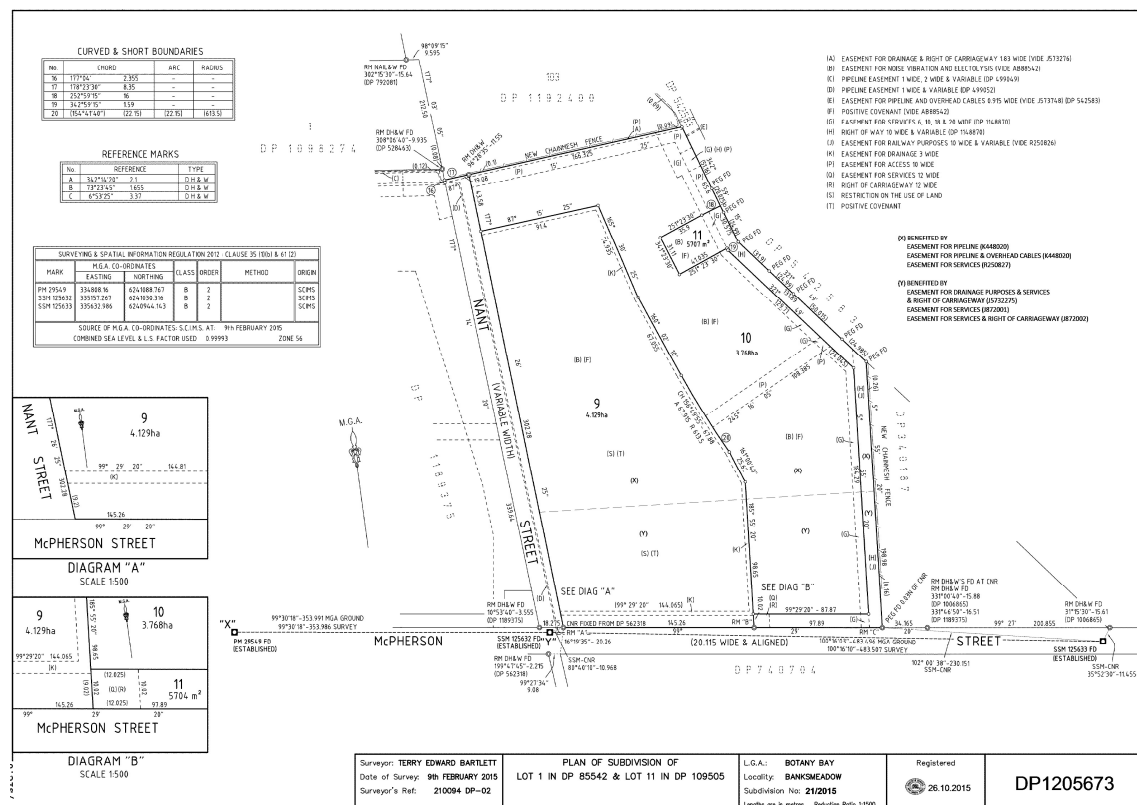
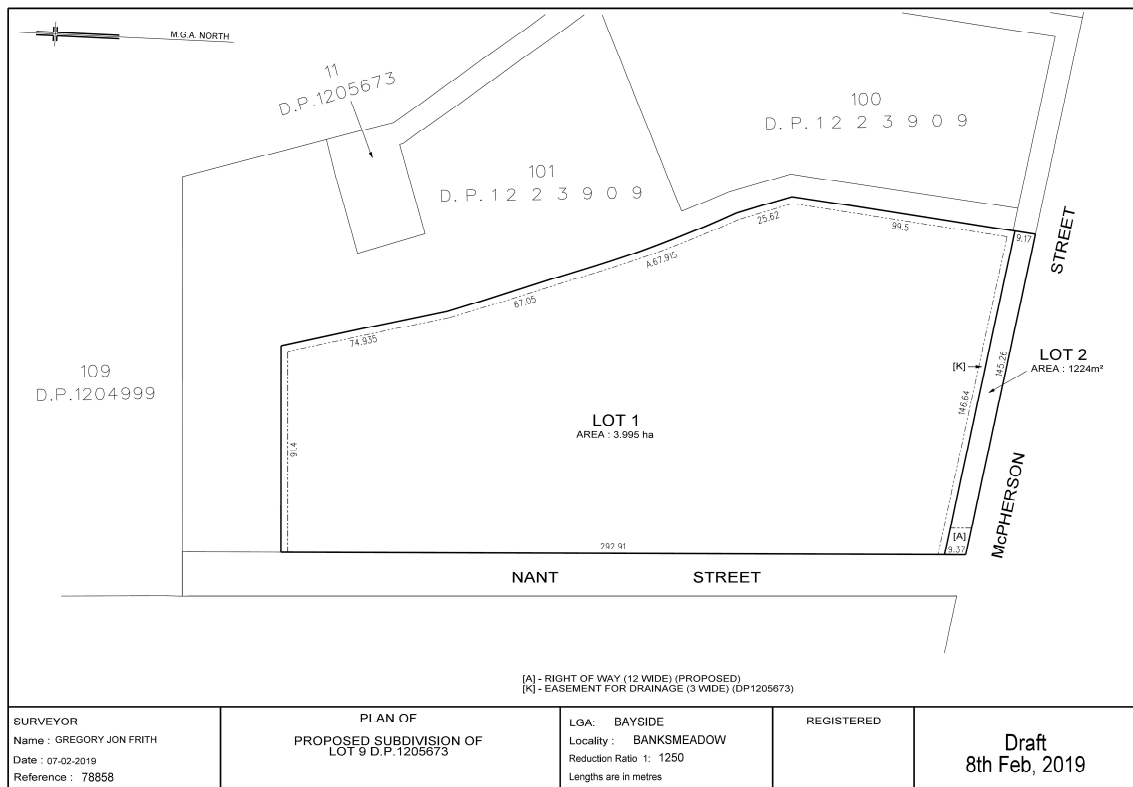


Figure 2: Registered Plan of Subdivision Lot 9 DP 1205673



3.2 Consolidation of Office GFA

The proposed development layout is amended to consolidate the majority of office space servicing the site to Warehouse 1 with a smaller office space for managing docking operations at Warehouse 2 (Figure 4).

A comparison of the amended office GFA against that proposed in the EIS is provided in Table 1 and amended architectural plans provided in Appendix B.

Table 1: Amended office GFA

	Office GFA (m²)	
	EIS	Amended Application
Warehouse 1	1,000	1,720
Warehouse 2	1,000	280
Total	2,000	2,000

Layout changes include the removal of the mezzanine office floor level in Warehouse 2 and associated changes to the car parking configuration, with no change to the number of parking spaces servicing Warehouse 2.

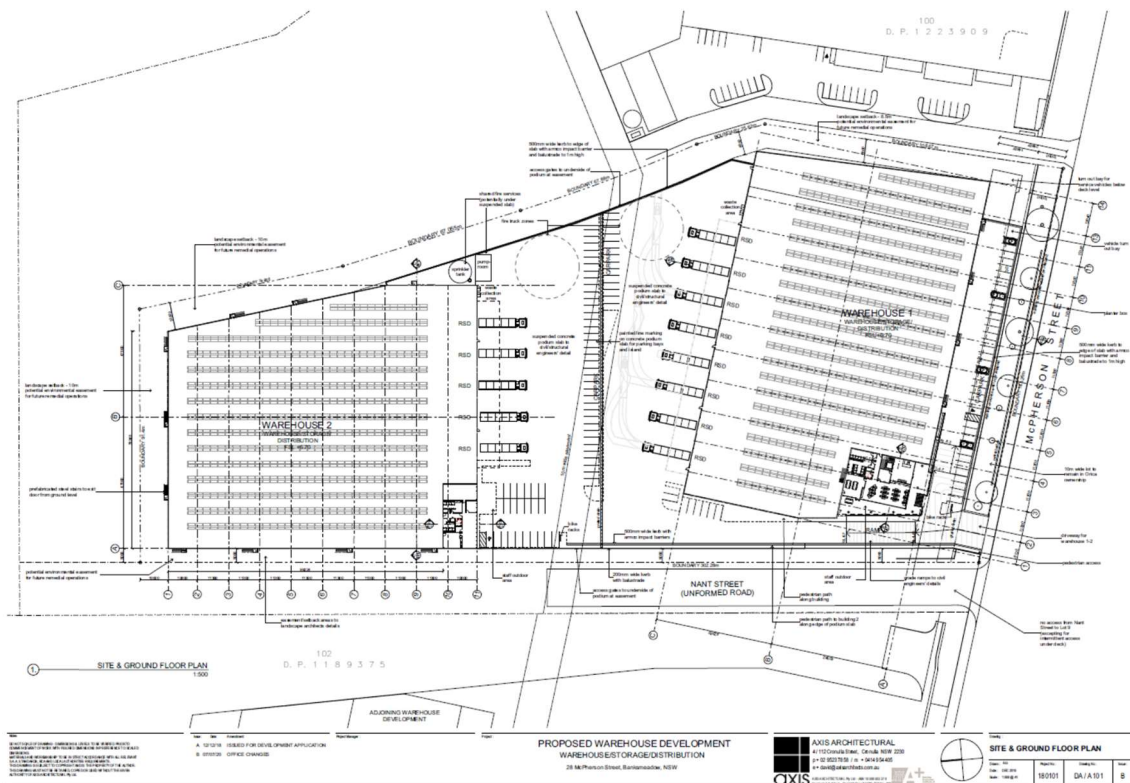


Figure 4: Revised layout plan (Source: Axis Architectural)

3.3 Amended civil engineering and landscaping plans

The amended application includes minor amendments to the civil engineering and landscape designs, included in Appendix C and D, respectively.

Amendments to the civil design plans include

- rainwater harvesting tanks for each warehouse and additional detail around discharge scour protection and flood signage location (drawings Co9349.12-DA41 and Co9349.12-DA42) and
- revised barrier layer specifications to specify the use of single-graded durable aggregate or recycled concrete with permeability rate greater than the natural underlying sand (drawing Co9349.12-DA30).

Landscape plans have been amended to include large planting bays in the front southern car park to provide additional planting and screening along the front elevation.

4 Response to public authority submissions

Tables 1 to 7 below provides a response to the submissions revised from DPIE and other public authorities, including:

- Department of Planning, Industry and Environment (Table 2)
- Bayside Council (Table 3)
- Randwick City Council (Table 4)
- Environment Protection Authority (Table 5)
- Transport for NSW (Table 6)
- Fire and Rescue NSW (Table 7)
- Sydney Water (Table 8)

4.1 Department of Planning, Industry and Environment

Table 2: Response to DPIE comments

Ref.	Matters raised	Response
A1	1. Flooding <i>Clarification is required whether the Flood Impact Assessment has considered the impacts on flooding of the proposed barrier/capping layer across the site and the implications of the flood detention basin being permanently covered by the proposed concrete platform.</i>	The barrier layer was included in the modelling of the developed site condition as discussed in Section 3.2.2.2 Topographic Modifications of the Flood Impact Assessment Report (EIS Appendix F). The underside of the concrete slab (platform for development buildings at RL 6.4 AHD) is well above the 1:100 year flood and is also above the PMF level as reported in Section 5.2 Design Flood Results (EIS Appendix F). Accordingly, the concrete platform does not impact on the design level or the PMF. The permeability specifications for the barrier layer are based on a single-graded durable aggregate that will allow water to permeate at greater rates than the natural underlying sands. This will ensure the potential for ponding water below the slab is minimal. Refer Appendix C for further information.
A2	<i>The Department notes the comments from Randwick City Council regarding the potential for the proposed development to reduce the volume of the flood detention basin on site and requests further details in this regard.</i>	Refer to response to Randwick City Council submission in Section 4.3. Note that the flood modelling included the reduced volume of the compensatory flood storage area (detention basin) due to both the proposed barrier layer and the concrete piers that support the proposed deck. Accordingly, the proposed development is designed, and can be built, in such a way that does not interfere with or affect the use of the land for the purposes of a compensatory flood storage area.

Ref.	Matters raised	Response
A3	<i>Further details are required as to which surrounding lands rely on the site as a flood detention basin.</i>	The site is located within the Springvale and Floodvale Drains catchment (Section 1.2 of EIS Appendix F). As the site is towards the downstream end of the catchment there is limited development between the site and the outlet of Springvale Drain into Botany Bay near Botany Road. Refer to Appendix G for figures showing the existing (pre-development) peak 1% AEP flood depth and inundation and the corresponding predicted changes in peak flood level due to the development. The flood depth mapping indicates no significant existing flood risk to property downstream of the site. The impact mapping shows that the proposed development does not increase flood risk.
A4	<i>It is requested the Applicant provide details of other developments that have adopted a similar built form design response within a flood detention basin and provide details on how the impacts of that design on the function of the basin were mitigated.</i>	Elevated/suspended slabs are a common built form employed to minimise encroachment into existing flow path/flood storage areas. Examples of this type of development include: 35 Davis Road, Wetherill Park, where industrial buildings have been built on a deck allowing flood waters under the deck exactly as proposed in this instance 2 South Street, Rydalmere - a warehouse suspended over floodwaters from Subiaco Creek, constructed in the last year 605 Princes Highway, Kogarah – McDonalds adjacent Muddy Creek within the Bayside LGA The requirement for additional mitigation is a site-specific constraint dependent on the nature of the flow environment and identified impacts of proposed works, with each site treated on merits.

Ref.	Matters raised	Response
A5	2. Section 88B Instrument <i>The Department notes that a Section 88B instrument is in place, preventing the use of land at grade within the site for any purpose except the maintenance of the flood detention basin. As per the comments from Bayside council, it is requested the applicant provide clear and detailed advice on how it intends to satisfy the legal requirements of the Instrument noting that works are required at ground level to accommodate the proposed development. Alternatively, it is requested that the Applicant provide a draft amended Section 88B instrument demonstrating any changes required as a result of the proposed development.</i>	Please refer to legal advice on this matter in Appendix H. As noted in section 2.4.3 of the EIS, the Positive Covenant requires the landowner to maintain the lot for the purposes of a flood detention basin but is worded to allow any uses that are approved by a consent authority and that do not interfere with or affect the maintenance of the site for the purposes of a flood detention basin. Under the S88B Instrument: - clause 5.1 provides that Orica must not: - use the land at grade within the Land for any purpose except the maintenance of the flood detention basin located within the Land; or - erect or permit to be erected any permanent structure on the Land except with the consent of the “Prescribed Authority” (includes Council); - clause 5.1 is subject to clauses 5.2 and 5.3; and - clause 5.3 contemplates that the restriction under clause 5.1 does not restrict, limit or in any way apply to the uses or activities on the Land that: - are conducted with the approval of the relevant consent authority (where such approval is required by law); and - do not interfere with or affect the Land for the purposes of a flood detention basin. Therefore, the Covenant requiring the maintenance of the land for a compensatory flood storage area allows for the potential development of the land provided any development is approved by the relevant consent authority (as defined under the instrument) and is designed and built in a way that does not

Ref.	Matters raised	Response
		interfere with or affect the maintenance of the land for the purposes of a flood detention basin. While the proposed development involves the construction of structures within the basin, the purpose of these structures is to allow for the ongoing use of Lot 9 in DP 1205673 as a compensatory flood storage area (i.e. flood detention basin). The Flood Impact Assessment considers the effects of the structures on flooding. The assessment concludes that there are no discernible impacts on existing flood conditions as a result of the proposed warehouse development. This demonstrates that the proposed development is designed, and can be built, in such a way that does not interfere with or affect the maintenance of this land for the purposes of a compensatory flood storage area. Therefore, the requirements of clause 5.3 are met and Orica can obtain development consent for, and carry out, the proposed development on the site.
A6	3. Stormwater <i>The Department notes the concerns raised by Bayside Council regarding the stormwater management system and requests further details on which surrounding lands discharge to the site, discharge points from the site and clarification whether owner's consent is required to discharge into Springvale Drain.</i>	There is no formalised discharge into Springvale Drain from the site. The site currently relies on infiltration and will similarly rely on this in the future. The proposal does not increase impervious areas on the site as the deck simply drains into the compensatory flood detention area below, which is to be capped with a barrier layer of permeable material. In flood events the floodwater rises out of Springvale Drain and crosses Nant Street and extends onto the subject site. Refer also to responses to comments by Bayside Council in Section 4.2.

Ref.	Matters raised	Response
A7	Further details are required on whether the proposed barrier/capping layer will impact the natural permeability of the site and details are required on the potential for the ponding of water below the suspended slab.	A barrier layer is proposed as a working platform for piling machinery during construction and ongoing management of potential asbestos contamination issues. Further details are provided in Appendix C. The specification is based on providing a single-graded durable aggregate that will allow water to permeate at greater rates than the natural underlying sands. This will ensure the potential for ponding of water below the slab is minimal.
A8	4. Contamination The Department requests confirmation that a Section A Site Audit Statement will be completed prior to the commencement of stage 2 works as described within the Environmental Impact Statement (EIS) (pg. 10).	Stage 2 works will not commence until a Section A Site Audit Statement is issued.
A9	The EIS describes the remediation strategy as on site containment using marker and barrier layers across the site and construction on a suspended slab with an undercroft area to provide a passive venting system. The Department requests further details regarding the composition and permeability of the capping layer and the long term management of the undercroft area (including on-going access arrangements) and potential environmental impacts such as dust emissions, odour, stagnant water and the loss of evaporation.	The barrier layer is not intended to be an impermeable cap, as this is not required for remediation (the open-sided undercroft prevents migration of ground gas/vapours into the overlying structures). As a result, the RAP (Section 5.6.2) specifies that the physical barrier layer shall be a porous material that allows infiltration of floodwater. This infiltration is required to prevent odour/stagnant water issues and addresses issues associated with lower evaporation rates after the development. As casual access will be prevented from the area (by fencing) there is a very low potential for dust to be generated from the area. The material that forms the upper layer of the barrier is not likely to cause dust unless it is highly disturbed, The Long-Term Environmental Management Plan (LTEMP) that will be required by

Ref.	Matters raised	Response
		the Site Auditor will also address maintenance of the area to ensure that ponding of water and dust emissions are acceptable
A10	5. Traffic <i>The Department notes the comments from TfNSW regarding the Traffic Impact Assessment (TIA), particularly regarding the level of service for key intersections. It is suggested the Applicant consult directly with TfNSW when preparing the revised TIA.</i>	Please refer to comments in response to TfNSW submission in Section 4.5 and report prepared by Traffix (Appendix I)
A11	<i>Further justification is required for the location of the driveway access noting the concerns raised by Bayside Council.</i>	Please refer to comments in response to Bayside Council submission in Table 3 (Section 4.2).
A12	6. Biodiversity/landscaping <i>A detailed description and justification is required for the extent and type of landscaping proposed with reference to previous approvals for the site and Bayside Council's comments (including justification for any departures from the Botany Bay Development Control Plan). The Department encourages the Applicant to further consult with Bayside Council and the community when preparing a Response to Submissions.</i>	The proposed landscaping is consistent with the species described in the Vegetation Management Plan (VMP) prepared to satisfy the requirements of the Orica Southlands project approval (MP_0161). Geoscapes' site assessment of the existing vegetation planted along the northern and eastern perimeter identified gaps in planting due to establishment failure or natural attrition. Proposed planting to infill these areas is detailed on the landscape plans and follows the original species identified in the VMP. Further planting is proposed for the western boundary and northern carpark with species to be consistent with those in the VMP. Whilst the Applicant has designed the development to meet Development Control Plan (DCP) requirements where possible, we also note that the Botany Bay DCP clearly states that it does not apply to land covered by the Three Ports SEPP (i.e., this site). We

Ref.	Matters raised	Response
		also note that, as per clause 11 of <i>State Environmental Planning Policy (State and Regional Development) 2011</i>, DCPs do not apply to State significant development.
A13	<i>The Office of Environment and Heritage requested a green roof, cool roof or green wall be incorporated into the Development as part of its comments provided on the Secretary's Environmental Assessment Requirements. The Department and Bayside Council note this has not been addressed.</i>	The Applicant has considered the provision of green roof and green walls and while acknowledging the environmental benefits of the type of systems described, this is unsuitable and problematic for this particular development. Typically, a green roof would work well on a residential or commercial building due to their use and structure but are not suitable for the lightweight structures found in industrial warehousing. A green roof for the warehousing would be difficult to maintain due to height and safety considerations. There also does not appear to be any other warehousing in the area that has a green roof on such a lightweight roofing structure. In relation to a green wall we note that the site is not highly visible so the inclusion of a green wall is not seen as necessary to screen or soften any elevation. The site will be landscaped generally in accordance with the requirements of the Botany DCP (notwithstanding that the DCP does not apply to State significant development). As noted in the EIS (Table 10), the principles of ecologically sustainable development are incorporated into the project design through measures such as onsite water treatment and drainage systems, energy efficient lighting design, rainwater tanks for stormwater harvesting, incorporating building materials with recycled content (such as steel) and through the provision of bicycle parking to encourage active transport.

Ref.	Matters raised	Response
A15	7. Community consultation <i>Further details are required on how stakeholders were consulted, the issues that have been raised by the relevant stakeholder and details of the Applicant's specific response to these issues, including how the proposed development has been amended to address and mitigate each issue.</i>	Community consultation is described in Section 5 of the EIS. Key issues raised during the development of the proposal include: - Initial plans sought to use access via Nant Street but this was altered after discussions with Council - Adjoining owners requested additional advice on ground vapours. Additional modelling was done and provided to neighbouring properties with the support of the Auditor - Consultation with the EPA Accredited Site Auditor led to increased accessibility under the deck and height requirement to allow suitable access for low-mast drill rigs. The community, through the Orica Botany Liaison Committee, was kept informed during the development of the EIS and advised of the public exhibition. This document provides details of amendments made following the EIS exhibition and responses to issues raised in community submissions (see Table 9).
A16	8. Hazards <i>The EIS refers to the Quantitative Risk Assessment model for the Botany Industrial Park and a limit on the population density for different development types in the surrounding area. Further information is required on how the proposed development will ensure compliance with this requirement once operational (should development consent be granted).</i>	The Applicant is aware of the societal risk issue and the population density relating to societal risk. The population allocation of up to 170 people (average daytime population) will be adequate for the site. To embody this population density and to deal with the actual risk issue for the area, we would anticipate that this issue be dealt with in two ways: - the inclusion of a condition of development consent noting that the site is approved for normal warehousing and distribution activities. If more intensive operations such as high population sortation or a multiple occupancy warehouse is proposed, separate development approval will be required. - a condition of consent requiring the preparation of a practical Site Emergency Management Plan, prepared by a suitable

Ref.	Matters raised	Response
		Risk Consultant with knowledge of the BIP operations and QRA, identifying protocols for all workers on the site. Therefore, regardless of populations the management and operation of the site should have a practical useable manual to deal with risk and emergency procedures.
A17	9. Groundwater treatment infrastructure/easements for remediation <i>It is noted the Environment Protection Authority (EPA) is regulating a long-term remediation project on the site to manage groundwater contamination. As per the comments from the EPA, it is requested further details be provided of the easements proposed to ensure further remediation work can be undertaken by Orica on the northern portion of the site in the future, if required, should the land be sold.</i>	A range of draft easements have been prepared to allow access around and under the deck on an ongoing basis. Copies of the draft easements are attached at Appendix F.
A18	<i>The EIS notes that existing Groundwater Treatment Plant (GTP) infrastructure along the McPherson Street frontage will need to be lowered to accommodate site access. The Department requests further information on the extent of works required and evidence that the EPA have no objection to the works.</i>	The GTP infrastructure will remain unchanged except for the modification of a single groundwater monitoring well (MWB03S/I/D) which will be lowered into a pit by Orica in the new driveway. The repositioning of the well is a straightforward exercise and is a typical installation for numerous ground water monitoring wells. The well will still be accessible and it will not impact the operation of the GTP.
A19	10. Landscaping/visual impacts <i>A greater level of assessment of the visual impacts of the proposed development is required with reference to surrounding building heights, bulk and scale, setbacks, materials, colours and landscaping.</i>	Geoscapes has provided a revised Visual Impact Assessment (VIA) Report (Appendix E) which addresses these matters.

Ref.	Matters raised	Response
		The VIA assesses potential visual impacts on seven representative viewpoints surrounding the project, including residences along Stephen Road. The VIA notes that, because of the site's central location in the industrial precinct, the proposed development is expected to be completely screened from the vast majority of these viewpoints, with minimal visual impacts from receptors that would have views to the development. Based on the concealed nature of the development and its industrial surroundings, the VIA concludes that the visual impacts from all viewpoints would range from none to negligible, with the exception of a minor impact from McPherson Street.
A20	11. Consistency with previous approvals <i>Details as to the consistency of the proposed development with previous approvals on the site must be provided, including the potential for the proposed development to contradict any existing conditions of consent or easements that apply to the land.</i>	The proposed development is designed to maintain the operation and capacity of the compensatory flood storage area and to maintain ongoing access by Orica for future remediation requirements. Similarly, the ongoing operation of the development would be undertaken to ensure the requirements of the S88B Instrument are met.
A21	12. Landowner's consent <i>Landowner's consent is required to support the development application and should be provided as soon as possible.</i>	Landowner's consent has been obtained and provided separately to the Department (letter dated 18 August 2020).
A22	13. EIS comments <i>The subdivision plan at Figure 8 is incorrect regarding the layout of Lots 1 to 6.</i>	We note that the application does not apply to Lots 1 to 6 as shown on Figure 8 in the EIS, which was provided for context regarding easements over Lot 9, which are unchanged.

Ref.	Matters raised	Response
A23	Clarification is required of any potential impacts on Sydney Water's Southern Western Sydney Ocean Outfall Sewer (SWSOOS) located within the vicinity of the site.	There is no impact on the Southern Western Sydney Ocean Outfall Sewer (SWSOOS). It is not located on the subject site and no works are proposed on or around the SWSOOS.
A24	There are inconsistencies with how the landscape setbacks are described within the EIS, particularly in relation to the southern boundary (pp. 32 and 39).	The landscape setbacks as described in Section 3.4 (p 39) of the EIS is correct and is shown in the revised Architectural Plans in Appendix D of the EIS.

4.2 Bayside Council

Table 3: Response to Bayside Council submission

Ref.	Matters raised	Response
<i>Flooding and Stormwater</i>		
B1	<u><i>Flooding</i></u> <i>The applicant is to liaise with Council and the SES to install flood water depth signs on McPherson Street, both at Springvale Drains and at Floodvale Drains, and in front of the property, to warn road users;</i>	The indicative location of the flood water depth sign on the site is provided in Appendix C (drawing Co9349.12-DA41). Signage requirements for Springvale Drain and Floodvale Drain remains the responsibility of Council and the SES.
B2	<u><i>Stormwater Quality</i></u> <i>The flood storage area under the building will be flooded frequently even in a minor rain event. Access to the undercroft area access must be restricted to avoid risk of drowning. Signage is to be provided to warn the employees and visitors.</i>	Access to the undercroft area is restricted to authorised personnel and confined space requirements. The undercroft area will include a mesh steel fence around the perimeter of the underside of the suspended deck to ensure restricted access and allow flood water to enter and exit unimpeded. Signage will be provided to warn employees and visitors at the access gates that the area is prone to flooding. Refer to Appendix C (updated drawings Co9349.12-DA41 and DA42) showing location of proposed signage.
B3	<i>An infiltration system is not suitable for water quality treatment in the same manner that an infiltration system is not a suitable method of stormwater management for an industrial site. It cannot be confirmed that the various industrial activities (historical) at any point in time conducted on the site will not result in unacceptable levels of ground pollution. Also there is a high likelihood that a significant quantity of stormwater will not be treated by the system (including stormwater runoff from the upstream sites). Hence, the ground floor slab and roof drainage</i>	Groundwater beneath the compensatory flood storage area (storage basin) is impacted with chlorinated hydrocarbons and as a result stormwater from hard surfaces of the proposed development is of significantly better quality. As the storage basin has no outlet pipe the majority of stormwater entering the storage basin will infiltrate to groundwater. Due to groundwater contamination currently present beneath the storage basin a series of extraction wells located along McPherson Street operate to prevent it from migrating from the site. As a result, infiltration of

Ref.	Matters raised	Response
	<i>system is to be designed to entirely treat run-off and meet pollutant reduction targets prior to discharging into the basin below;</i>	stormwater from the development into the storage basin is not considered to pose an environmental risk and it is likely to improve groundwater quality over time. In addition to the above, the proposed water quality treatment is generally in line with the previously approved (Stage 1) Southlands Estate stormwater strategy. The water quality treatment for the proposed development will include utilisation of rainwater harvesting tanks at ground level to minimize water demand. It is also proposed to provide 200um 'pit insert' treatment devices at ground level stormwater collection points to remove gross pollutants (GP's) and total suspended solids (TSS) prior to discharge into the storage basin where final filtration will be performed. This method of disposal is consistent with the overall precinct strategy and approved adjoining developments. We also refer to the recent adjoining development at 28A McPherson Street approved by Bayside Council (DA-2017/1071). The water quality strategy for the adjoining development consisted of enviropods at the surface inlet stormwater collection pit prior to discharge into the existing storage basin via dedicated drainage easements. This is consistent with the strategy proposed for this development, noting the proposed treatment train has demonstrated compliance with Councils load-based pollution reduction targets through MUSIC modelling.
B4	<i>The locations and specifications of water quality treatment devices need to be shown on the civil engineering plans; and</i>	The proposed water quality treatment devices which include rainwater harvesting tanks are shown in Appendix C (revised drawings Co9349.12-DA41 and Co9349.12-DA42)
B5	<i>The MUSIC model should use the latest available rainfall data. Section 7.3.2 of the Civil Engineering Report states the MUSIC</i>	The MUSIC model has been prepared in line with the Draft NSW MUSIC Modelling Guidelines (Sydney Metro CMA).

Ref.	Matters raised	Response
	<i>modelling has relied on the rainfall data from the 1962 to 1966 period.</i>	
B6	<u>Stormwater Management</u> <i>More details are needed for the ground floor slab drainage. An even distribution of drainage flow across the site into the storage basin below is required. Concentrated discharges are not supported from the ground floor slab into the basin.</i>	Proposed locations of stormwater discharge from the ground floor slab drainage into the storage basin below are shown in Appendix C (drawings Co9349.12-DA41 and DA42). Stormwater discharge is proposed to be distributed through the existing storage basin with the provision of 11 discharge locations spaced regularly over the site. The Applicant proposes to provide energy dissipators per the NSW Office of Water Guidelines for discharge to natural waterways. The recent development at 28A McPherson Street has been constructed with two concentrated piped discharge locations into the existing storage basin.
B7	<i>Further information is required on the connection detail for discharge from the site. It appears that Nant Street operates like a weir/part of the basin and hence stormwater discharge from the site is through Nant Street into the open Springvale Drain. This needs to be confirmed by the applicant, as Council does not wish to see piped discharge from this site into the catchment.</i>	Piped discharge from the development is not proposed, and no changes to the inlet and outlet of the approved and constructed compensatory flood storage area are proposed. Refer to the above response (B6) relating to drainage outlets to the compensatory flood storage area being dispersed throughout the site.
B8	<i>Further details are needed regarding the remediation required for the site:</i> <i>- What are the materials of the capping layer? Will this impact the natural permeability of the basin?</i> <i>- What is the purpose of the road base – is it just temporary during construction?</i> <i>- How will the basin area be maintained?</i>	Remediation on the site is detailed in the EIS with a Remediation Action Plan (EIS Appendix G) and a Site Audit Statement B2 issued by the NSW EPA Accredited Site Auditor (EIS Appendix G1).

Ref.	Matters raised	Response
	- Will existing vegetation be completely removed? - A copy of the music model, hydraulic and flood assessment model shall be provided to Council for record.	
B9	<u>Fence and landscaping</u> <i>The proposed landscaping and black mesh fence adjacent to Nant Street have the potential to block overland flow into the undercroft of the building. The western site boundary must be maintained largely open (appropriate open form fencing – pool fencing) to ensure the floodwaters can pass unimpeded into the undercroft area. This will require appropriate planting and fencing and an ongoing maintenance regime to minimise vegetation growth.</i> <i>- Note: The existing drain which runs parallel to Nant Street requires substantial clearing of overgrown vegetation. The proposed development may need to be subject to a legal agreement to provide maintenance to control the growth of vegetation in the drain.</i>	Fencing around the compensatory flood storage area will be regularly inspected including after flooding events. Any debris potentially obstructing flood flows would be removed. We note that the Springvale Drain, parallel to Nant Street, is not owned by Orica and is Crown Land and, therefore, is not the responsibility of Orica to maintain.
	<u>Biodiversity</u>	
B11	<u>Grey-headed flying fox:</u> <i>Mapping undertaken by EcoLogical Australia for Bayside Council has identified foraging habitat to the west of the subject site (adjoining the rail corridor). Therefore, it is requested that any vegetation removal that could potentially loss in foraging habitat for grey headed flying fox is replaced on site, or alternative foraging habitat is provided in consultation with Bayside Council;</i>	As outlined in the BDAR (WSP 2018, EIS Appendix J), no remnant native vegetation or associated Plant Community Types were recorded in the development site or development footprint. All site vegetation was introduced by replanting following earthworks in 2015. No foraging habitat for the grey-headed flying fox (GHFF) will be removed by the proposal. Therefore, replanting of feed tree species for the GHFF is not required.

Ref.	Matters raised	Response
B12	<u>Green and Golden Bell Frog:</u> <i>It is noted that the BDAR reported no green and golden bell frogs were located on site. It is requested that the applicant contacts Dr Arthur White (who provided input into the development of the frog ponds for the previous development) to ascertain his input into the likelihood of the green and golden bell frogs on site and potential loss of foraging habitat;</i>	It is important to note that Springvale Drain and the two compensatory frog ponds are not on the subject site and are located to the west of the site on the other side of Nant Street. The Applicant has contacted Dr Arthur White who has confirmed that no green and golden bell frog (GGBF) or GGBF tadpoles have been recorded within the two compensatory ponds since they were installed and the likelihood of their occurrence on site was extremely low (pers, comm., 10 July 2020). Mitigation measures could be incorporated into a flora and fauna sub plan of the Construction Environment Management Plan (CEMP) to minimise the potential of GGBF occurring within the site during construction. This would include engaging a suitably qualified ecologist with at least 5 years' experience in ecology of the GGBF to undertake pre-clearance surveys prior to construction.
B13	<i>This site is mapped within the Connected Corridor mapping as supporting area for biodiversity. This is not referenced in the BDAR and needs to be addressed;</i>	Noted. This does not change the findings of the BDAR
B14	<i>Council also has a record from Bionet that Cattle Egret have been sighted previously on the site, but this bird was not included in the BDAR report. This sighting should be clarified via Bionet and, if required, added into the BDAR;</i>	Noted. The Cattle Egret record was from 2006 and is therefore considered historic. The Cattle Egret is not a predicted ecosystem credit species. However occasional, rare occurrences within the study area are possible. As outlined in the BDAR, the habitats within the development site are unlikely to constitute important habitat for migratory species. The habitat present is unlikely to support significant proportions

Ref.	Matters raised	Response
		of the population of any migratory species nor are the habitats critical to any life stage of these species.
B15	<i>It is also noted that the Office of Environment and Heritage in their SEARs response requested that a Green Roof, Cool Roof or Green Wall be incorporated into the development. This does not appear to have been addressed.</i>	Refer to response A13.
B16	<i>The following comment included in Council's SEARs response has still not been addressed:</i> <i>'It is acknowledged that the site was subject to replanting and vegetation schedule as part of original the Orica Southlands Remediation and Warehouse Development (MP 06_0191) and subsequent modifications. However, there is still a need to ensure that any actions negotiated with community groups in regards to the development of Southlands and the flood detention basin are not compromised as part of this proposed development.'</i> <i>In particular it is noted the Orica Southlands Project Landscape management plan was developed in consultation with former Botany Council and the community. This plan identified that the pallet of species planting species matched the East Coast Banksia scrubland species community and in particular the flood detention basin was to include screen plantings of locally-occurring native plant species to be planted in mulched areas around the perimeter and within the basin. The remainder of the non-planted areas were to be grass seeded with 'Parkland Blend'. The lower parts of the basin were to be planted with native sedges.</i>	The existing vegetation on the site is a result of replanting that occurred in approximately 2015 following significant site earthworks. The vegetation that currently exists on site is therefore all recently introduced. The land is currently zoned IN1 under the Three Ports SEPP and therefore contains land use objectives aimed at industrial use adjoining the Port. Therefore, the use of the land for industrial purposes is consistent with the applicable zoning of the site. Planting on the site is proposed in excess of the 10% landscape area required in the DCP, with the proposed targeted edge planting to enhance what is already there. Whilst the Applicant has endeavoured to meet DCP requirements, as previously noted the Botany Bay DCP does not apply to the site, as DCPs do not apply to State significant development.

Ref.	Matters raised	Response
	<i>While it is acknowledged that this application will maintain and enhance, where possible, edge planting around the perimeter of the site, as highlighted above there will still be substantial vegetation loss in terms of green space in the local area. The application needs to include more significant compensatory and mitigation options to reflect the proposed loss of this vegetation and of loss of local biodiversity. These measures should be developed in consultation with the community and Bayside Council and identified in the BDAR.</i>	
Traffic and Parking		
B17	<i>The proposed development will see an increase in traffic to access Botany Road in the southbound direction via Exell Street if the street network is kept as is</i>	TRAFFIX has been provided with updated traffic survey counts of the Botany Road / Exell Street priority intersection, which was conducted on Thursday 5 December 2019. Accordingly, SIDRA intersection modelling was undertaken to determine the impact of the anticipated traffic generation of the development on this intersection based on the latest counts, with the outputs of the updated SIDRA intersection model provided in Appendix I. The level of service for the Botany Road / Exell Street intersection remains unchanged (LoS A), with negligible increases to the intersection delay of 0.1 and 0.7 seconds during the AM and PM peak periods, respectively. Accordingly, the intersection is operating well for all scenarios, with no external changes to the road network considered necessary to facilitate the proposal.
B18	<i>There are concerns regarding the location of the proposed access and its proximity to Nant Street, the laneway adjacent to the site. It is noted that the access would be located on the southwest</i>	We note that Nant Street is primarily utilised as the main access for the Qenos Tank Farm with access restricted by a security gate. Additionally, it is located within the flood zone and would need to

Ref.	Matters raised	Response
	<i>corner of the site, situated within approximately 3.1 metres from Nant Street</i>	be raised to accommodate public vehicles, which could compromise the flood management objectives of the area. Therefore, Nant Street is not regarded as a typical intersection and as such the location of the proposed access is considered appropriate.
B19	<i>The access width of 8 metres appears to only narrowly accommodate the B-doubles entry and exit and should be about 12.5m at least, as per AS2890.2;</i> <i>The applicant should be requested to provide a secondary access driveway or demonstrate the queuing in and out can be accommodated in a combined driveway;</i> <i>Swept paths need to detail how two truck vehicles driving in opposing directions can enter and exit the site simultaneously through the driveway;</i>	A swept path analysis has been conducted at the vehicular access for the maximum sized vehicles anticipated on-site, being 26 m B-Doubles and 19 m Articulated Vehicles (AV). This analysis is included in Appendix I, which demonstrates satisfactory vehicle movements, with sufficient room to accommodate potential queuing on-site. As such, a secondary access driveway is not considered necessary for the development.
B20	<i>The western car park adjacent to the proposed Warehouse 1 is also within close proximity of the swept paths of B-doubles. Whilst there is no issue with the current arrangement, issues may arise if they intersect with the parking spaces and/or structures;</i>	Appendix D of the TIA in EIS Appendix I includes swept path analysis of circulating commercial vehicles which indicates sufficient clearance to the western parking spaces adjacent to Warehouse 1.
B21	<i>The applicant should be required to pay contributions towards the improvement of traffic devices in the area to better manage traffic in this precinct;</i>	The Applicant is prepared to pay contributions in accordance with the requirements of Council's contributions plan. Additional contributions towards traffic calming devices is unnecessary given the predicted traffic impacts due to the development do not generate the need for road upgrades or improvements.
B22	<i>The TIA should further expand on the sources for the traffic and parking generation requirements;</i>	The parking requirements for the development were sourced from the Botany Bay Development Control Plan 2013 (DCP).

Ref.	Matters raised	Response
		Traffic generation rates were sourced from the RMS Technical Direction TDT 2013/04a, which provides traffic generation rates for industrial estates with recommended rates of 0.52 vehicle trips per 100m ² GFA and 0.56 vehicle trips per 100m ² GFA for the AM and PM peak periods, respectively.
B23	<i>The active transport options should be further expanded, identifying nearby pedestrian routes and any limitations for pedestrians in the area. An increase in the amount of bicycle parking and end of trip facilities is encouraged. A dedicated workplace “green” travel plan (including Transport Access Guides) will be required for the development either via conditions of consent or as part of the approval documentation regarding the operations of the facility.</i>	A detailed Green Travel Plan (GTP) to reduce the reliance on cars by promoting the use of sustainable transport can be prepared for the development prior to operation in response to such a condition of consent.
B24	<i>Additional swept path analysis needs to be provided for the sharp bend between Hills Street and McPherson St. There have been safety concerns in the past months related to B-doubles having difficulty turning at that bend. ‘No stopping’ restrictions may need to be implemented to facilitate swept paths;</i>	Additional swept paths for the Hills Street and McPherson Street intersection are not considered necessary, given the intersection already accommodates existing 26.0m B-Double vehicles servicing other existing industrial developments in the area.
B25	<i>A requirement for item C3 of Botany DCP for a non B-double route may be necessary: ‘A Road Pavement Performance Analysis Report along the local roads of the proposed B-Double route to and from the site is required to ensure existing road pavement can perform adequately under the anticipated traffic loading generated from the heavy vehicle movements.’</i>	The proposed B-Double routes to and from the development would utilise existing RMS approved 26.0m B-Double routes and not traverse through local residential roads. Accordingly, these existing routes are considered appropriate to accommodate B-Double vehicles, noting McPherson Street has also undergone recent upgrades by Section 94 Contributions

Ref.	Matters raised	Response
Contamination		
B26	<i>The recommendations of the Site Audit Report (J1130.39R-rev0 – 16 May 2019) should be adopted as conditions of consent.</i>	Noted. A Section A Site Audit Statement will be issued prior to the commencement of Stage 2 works demonstrating remediation has achieved the RAP objectives.
B27	<i>It is noted that one monitoring well for the groundwater plume monitoring will need to be lowered into a pit to allow construction of the new access driveway. This will be part of the EPA's management of the residual contaminated groundwater plume beneath the site.</i>	Noted
Urban Design and Landscaping		
B29	<i>The landscape area provided is below the minimum required. The present layout provides only 3,093sq.m. The development shall be redesigned to achieve the 10% required, plus include sustainable approaches;</i>	Geoscapes has added a calculation to drawing SSD-00 (Appendix D). The area calculated is 4,538 sq.m which represents 11% of the site area. We have also previously noted that the Botany Bay DCP clearly states that it does not apply to land covered by the Three Ports SEPP (this site), nor do DCPs apply to State significant development.
B30	<i>The car park shall be redesigned to meet all controls included in Part 3L.6 of Botany Bay DCP;</i>	Due to the nature of the proposed construction with elevated deck over the compensatory flood storage area, it is not possible to meet these controls. The trees cannot be planted in natural ground. Trees in large raised planter boxes in the southern carpark have been added to meet this initiative.

Ref.	Matters raised	Response
		However, the Landscape Plans have been amended to include large planting bays in the front southern car park to provide additional planting and screening along the front elevation. Whilst the Applicant has attempted to meet all DCP requirements we note that the Botany Bay DCP does not apply to the proposal as it is State significant development.
B31	<i>Frontage to McPherson Street should include a 3m landscape setback with canopy trees along the entire site. Further planting should be included to maximise the landscape setback with planting;</i>	The front 10 metre strip of land to be retained by Orica has already been planted under previous approvals to maintain access and operation of the GTP infrastructure, which included consideration of opportunities to replenish and supplement the landscaping. Additional landscape planting may restrict the passage of critical groundwater infrastructure and access needs.
B32	<i>Deep soil area required – 10% of the site plus landscape setback to frontage street;</i>	As noted above, 11% of the site area will be landscaped, which is also available for deep soil. Previous planting to the Orica owned strip of land to the McPherson Street frontage was approved under previous consents and further planting to the street frontage setback is constrained due to the existing GTP infrastructure and access requirements. This was examined in previous approvals.
B33	<i>Setbacks should comply with Part 6.3.5: Setbacks – Botany Bay DCP;</i>	All setbacks required by the DCP are met or exceeded.
B34	<i>The following should be included in the proposal:</i> <i>- Rainwater harvesting for reuse in irrigation and other uses;</i>	Rainwater harvesting is proposed as part of the stormwater design for the proposed facility as described in Section 7.4 of the Civil Engineering Report (EIS Appendix K).

Ref.	Matters raised	Response
	- Include 100% of planting scheme native and indigenous species. Deciduous species may be included where sun access is required; and - All proposed planting shall be low water requirements, and with low maintenance.	Refer to revised drawings showing the location and sizes of the proposed rainwater tanks.
B35	Considering the vast extend of the proposal, a more ecologically-sustainable approach is required to reduce the urban heat island effect. Some elements that can be included in the proposal are: - <u>Green roof with a detention layer</u>: This will reduce or remove totally the requirement of a detention tank elsewhere within the project. This element will purify rainwater before reaching water tank(s), reduce energy consumption, and reduce noise below the roof, and all other environmental, social and economic benefits that a green roof can provide; - <u>Regular green roofs</u>: Extensive (150mm deep) or intensive (more than 150mm deep) green roofs. The proposed carpark building can include this treatment which also will minimise the visual impact of the large built form. The green treatment can provide an attractive presentation of the enterprise seen from the air and neighbouring buildings from adjacent business areas. The green roof includes a vegetated layer, growing medium, and a waterproof membrane. Plants grown in sectioned lots are acceptable, however, potted plants/planter boxes which cover less than 30% of available rooftop space are not considered as a green roof. Additional to the minimum 30% vegetation cover, a green roof can include facilities for renewable energy, water collection infrastructure, walkways, furnishings and the like;	Refer response A13

Ref.	Matters raised	Response
	- <u>Green Walls</u>: Green walls are either free-standing or part of a building that is partially or completely covered with vegetation. The wall may incorporate soil and/or inorganic material as the growing medium. There are two main types of green wall: green façades and living walls. Green façades are made up of climbing plants either growing directly on a wall or on specially designed supporting structures. The plant's shoot system grows up the side of the building while being rooted in the ground. With a living wall, modular panels are affixed to the wall and geo-textiles, irrigation and a growing medium combine to support a dense network of plants; - Green facades: A green facade is a system that mimics self-clinging plants but uses an engineered, trellis system to support the climbing plants off the building surface; - Bioswales within planter beds to filter water before entering the water way; - Permeable or porous pavers: in particular in parking spots, where traffic is not high, permeable pavers or interlocking system unit pavers can be included to reduce runoff and maximised the water filtration across paved areas.	
B36	<u>Materials Selection</u>: Given the size of the structures proposed the use of high quality and interesting materials to contribute to a positive streetscape and building elevations and articulation of massive extent of materials; Material properties to consider: - Suitability to the location and exposure to view from the street and adjacent open areas; - Thermal properties including insulation and thermal sink;	External materials proposed are not dissimilar to adjoining developments along McPherson Street and the local industrial area. The building street facade for the main warehouse building consists of painted precast concrete dado wall with metal wall cladding above to roof level. The scale of the metal cladding is broken down by providing three types of colorbond standard colours placed in a random pattern along the length of the building.

Ref.	Matters raised	Response
	- Reflectivity in general but specifically in the context of close proximity to airport and solar panels or other objects on the roof; - Maintenance, durability and life cycle expectation; - Use of recycled materials; - Embodied energies of fabrication, assembly, transport, and reuse; - Textural aesthetic quality and visual interest; and - Extent, scale and proportion in context of the overall building and its application.	The main office is a combination of prefinished aluminium wall cladding and aluminium glazing frames with horizontal sun shading screens. The combination of the materials provides a high quality finish to the overall façade addressing the street frontage that will blend within the existing industrial character of the area.
B37	Signage material and lighting is to be consistent with the architectural treatment. Signage should be sensitively located so as not to detract from the facade or streetscape and not be excessive in scale or quantity. Materials and lighting of the sign should complement the architecture;	Street and building signage is to be proposed under separate application/s by the future occupant. External building signage will be discrete so as not to overshadow or dominate building facades
B38	<u>Safety and security – CPTED Principles:</u> - Maximise passive surveillance of street and public areas, and parking areas, should be visible from adjacent properties; - Ensure building design limits the ability for unauthorized entries; - Design to ensure clear demarcation between the public and private realm; - Ensure the design does not provide areas with minimal or no surveillance; and - For safety and way-finding reasons, public parking should be located within the public parking zone near the street front adjacent the cross-over.	A large corner office building overlooks the entry / exit point of the site and the front carparking area for onsite surveillance. The building has limited access to the rear with only authorised vehicle movement permitted. The street front parking area is designated for staff and visitors only and will be illuminated by lighting installed in the car park and building entry. Wayfinding signage will be established to direct any visitor to the front parking area with no access to the rear warehouse operation of the site.
B39	<u>Hardstand and Paving Areas:</u> - The treatment of hardstand and paving areas will have significant implications for the quality and quantity of stormwater	The overall building area of the site is on a raised podium platform due to site conditions.

Ref.	Matters raised	Response
	<i>generated by a site, as well as having implications for microclimate and amenity;</i> <i>- Permeable surfaces should be maximised in order to reduce stormwater runoff; and</i> <i>- The swept paths of trucks should be identified and any areas available for landscape within the large area paving made available for swales with trees to mitigate the effects of flooding, water treatment and the provision of shade for environmental and visual amenity.</i>	Water runoff is directed to the below podium areas and distributed across the site as nominated by civil engineering requirements. The site is therefore unique as while it will create a large podium area, that area will drain directly into a permeable compensatory flood storage area below. Swept path analysis has been incorporated into the design of the development, including landscaping.
Noise Impact		
B40	<i>The Acoustic Report states that the majority of construction works will be undertaken in accordance with the NSW Interim Construction Noise Guideline (NSW ICNG) during the standard daytime working hours of:</i> <i>7.00 am to 6.00 pm Monday to Friday</i> <i>8.00 am to 1.00 pm on Saturdays.</i> <i>The Acoustic Report also states 'limited works may be conducted outside of these hours provided they are managed so as to generate noise levels below the relevant ICNG Noise Management Levels';</i> <i>Every effort should be made to ensure 'noise related' works are undertaken within the nominated hours.</i>	Noted – the Applicant will comply with the requirements of the NSW ICNG as indicated in the EIS.
Air Quality		
B41	<i>No objections raised in relation to the Air Quality Impact Assessment (SLR – February 2019)</i>	Noted

Ref.	Matters raised	Response
Waste		
B42	<i>Provided the principles stated in the Construction Waste Management Plan and Operational Waste Management Plan are adhered to, no objections are raised.</i>	Noted
Section 88B Instrument		
B43	<i>Council's SEARs response stated that, as well as the flooding implications of the at-grade structures being proposed, the applicant also needed to explain what the legal implications are of the inclusion of these structures at grade. The use of the land at grade for purposes other than for the maintenance and management of the flood detention basin is contrary to Condition 8A of Modification 2 of the original warehouse development consent (MP 06_0191). The use of the land at grade within the Easement Site for any purpose except the maintenance of the flood detention basin located within the Easement Site is also contrary to clause 5.1(a) of the Section 88B instrument.</i> ... <i>The Instrument confirms that Council is empowered to release, vary or modify the restriction on use of the land. However, before doing so, the Proponent needs provide clear and detailed advice on how it has satisfied, or intends to satisfy, the legal requirements enshrined in both the conditions attached to the consent and the relevant clauses contained in the Instrument.</i>	Refer to response A5
B44	<i>Furthermore, Council has recently made a submission on MOD 5 of MP 06_0191. Council's comments were as follows:</i>	The proposed subdivision subject to MOD 5 of MP 06_0191 is incorporated into the SSD application subject of this report as an amendment to the application as discussed in Section 3.1 .

Ref.	Matters raised	Response
	<i>'Council has no objection in principle to the proposed modification of the consent granted under 06/0191 provided:</i> <i>1. The intent and requirements of Conditions 15 and 16 continue to be upheld by the proposed subdivision;</i> <i>2. The intent and requirements of Condition 8A continue to be upheld by the proposed subdivision; and</i> <i>3. The proponent commits to making the necessary request to Council as the authority to release vary or modify the easement.'</i> <i>Unfortunately the EIS and supporting documents continue to be silent on this matter, other than to state the following in the EIS:</i> <i>'The Positive Covenant requires the landowner to maintain the lot for the purposes of a flood detention basin but is structured in such a way as to allow any uses that are approved by a consent authority and that do not interfere with or affect the maintenance of the site for the purposes of a flood detention basin.</i> <i>The development is proposed to be constructed upon an elevated concrete platform that will be constructed with a minimum clearance of approximately 2.5 m above the existing flood detention basin below. The development will therefore be designed to ensure no impact on the site's existing flood storage capacity.'</i>	

4.3 Randwick City Council

Table 4: Response to Randwick City Council submission

Ref.	Matters raised	Response
C1	1. Whether the proposed development will compromise the functionality of the existing flood detention basin and increase the flooding risk in the area <i>To date Lot 9 DP 1205673 has not been developed as it is subject to restrictions on title allowing future development subject to the flood storage being maintained. Council is concerned that the construction of the proposed suspended concrete platform may compromise the required flood basin profile such that it will not meet the designated volume and function of the flood detention basin as mandated in the 2012 approval.</i> <i>In particular, from reviewing the proposed plans of the development, the ramps to the raised concrete platform and the piles supporting the platform will be at grade. Council is concerned at the flooding implications of these at grade structures which would reduce the storage capacity of the flood detention basin and may also have an impact on the predicted flow of floodwaters.</i> <i>Council notes that the majority of the flood modelling locations for the proposed development are shown around the perimeter of the site and only one is located in the centre of the site where the flood levels are deepest. Council queries the adequacy of the modelling in relation to the impact on the existing peak water depths and velocities at the site and in relation to the criteria for the extent of the surrounding area that will be impacted by flooding as a result of the proposed development.</i>	Refer to response A5 which demonstrates that the function of the compensatory flood storage area will not be impeded by the proposed development and structures within the basin. As noted in response A2, the flood modelling includes the reduced volume of the compensatory flood storage area (detention basin) due to both the proposed barrier layer and the concrete piers that support the proposed deck. The Flood Impact Assessment considers the effects of the structures on flooding. The assessment found that there are no discernible impacts on existing flood conditions as a result of the proposed warehouse development. Accordingly, the proposed development is designed, and can be built, in such a way that does not interfere with or affect the use of the land for the purposes of a compensatory flood storage area.

Ref.	Matters raised	Response
C2	2. Whether the suspended concrete platform over the existing site will result in a loss of open space and existing native habitat and associated biodiversity <i>A condition of the development consent for the Southlands development required a Landscape Management Plan to be developed in 2013. This Landscape Plan specified and directed the planting of the designated flood basin in the subject site, and its perimeters, to be undertaken with appropriate local native plant species. The proposed development will detrimentally affect vegetation established in the detention basin under this Landscape Management Plan with a significant proportion quite likely to die. This will necessitate an equivalent or larger area of compensatory habitat to be established on the site to counteract this potential loss. This compensatory habitat should comprise deep soil plantings where trees can be established. Approval for the proposed development should only be granted if appropriate controls are established for compensatory wider front, side and rear setbacks to increase the permeability of the site. Furthermore, this permeability should be commensurate with the flood volumes and functions designated in the 2012 approval as discussed in point 1 above.</i>	The land on Lot 9 under MP 06_0161 and the s88B instrument is dedicated for use as a compensatory flood storage area (detention basin) and is not intended to provide habitat function or native vegetation. The compensatory flood storage area was seeded and partially planted following significant earthworks that fully cleared the site in 2015. As noted in the EIS, the landscape design aims to retain the substantial plantings along the northern and eastern boundaries of the site and to include further plantings where gaps in the vegetation are currently present. We also note that the site's approved function as a compensatory flood storage area and the associated public access restrictions mean the site does not perform an open space function. The area has not been used as any form of accessible open space as it has been fenced off and retained by Orica. Therefore, the proposed development would not result in a loss of open space.
C3	3. What traffic impacts the development will have on the local road network from the proposed development <i>Council recommends that a detailed construction traffic management plan (CTMP) be developed for the proposed development.</i> <i>The CTMP must provide designated travel routes for all construction vehicles. The designated travel routes must use</i>	A detailed CTMP will be prepared prior to the issue of a construction certificate in response to any future DA Condition of Consent. The indicative truck routes to and from site were outlined and summarised in the TIA report (Reference: 12.060r03v04, dated 11 February 2019) as follows:

Ref.	Matters raised	Response
	<i>designated state roads, Botany Road and Foreshore Drive, for movements to and from the site. There must be no use of local residential streets by construction vehicles.</i>	Truck routes to site: 1. Trucks will arrive on Foreshore Road, eastbound 2. Turn left onto Botany Road, north westbound 3. Turn right onto Hills Street, northbound 4. Continue onto McPherson Street, eastbound 5. Arrive onto site Trucks routes from site: 1. Trucks will depart site onto McPherson Street, westbound 2. Continue along McPherson Street, westbound 3. Turn left onto Exell Street, southbound 4. Turn left onto Botany Road, south-eastbound 5. Turn right onto Foreshore Road, westbound
C4	4. Other design considerations <i>Design of development above existing vegetated flood detention basin area should ensure no adverse impacts on stormwater quality through incorporation of appropriate stormwater quality control measures during construction and following construction.</i>	Stormwater quality measures during construction shall be in accordance with the requirements of the 'Blue Book', <i>Managing Urban Stormwater, Soils and Construction</i> (Landcom, 1998). A draft construction stormwater management plan has been included in Section 8 of the Civil Engineering Report (EIS Appendix K). An erosion and sediment control plan, consistent with the requirements of the Blue Book has been included in the submission and shown on drawing C09349.12-DA20 in Appendix C. Operational stormwater quality measures (following construction and during operation of the facility), which meet Bayside Council's water quality pollution reduction targets, are proposed and described in Section 7 of the Civil Engineering Report (EIS Appendix K). The specified measures, which include primary collection of gross pollutants, sediments and some nutrients, and tertiary treatment of fine sediment and nutrients and

Ref.	Matters raised	Response
		hydrocarbons have been documented on the stormwater drainage plans included in Appendix C.
	<i>Design of the required vapour mitigation measures for the proposed buildings/structures should be reviewed by the Site Auditor to ensure that any vapours from the contaminated groundwater under the subject site, and in the adjacent Springvale drain, do not pose a risk to future workers or visitors.</i>	Noted and agreed. The Site Audit Report and Statement (SAS B) that accompanied the EIS concluded that the proposed vapour mitigation measures (the open sided undercroft) were appropriate for addressing risks to future workers and visitors to the site. In addition, a detailed human health risk assessment undertaken in 2019 by Environmental Risk Sciences (EnRiskS) (referenced in the Site Audit Statement/Report) concluded that risks to future workers/visitors associated with potential vapours from Springvale Drain were low and acceptable.
	<i>The design for the warehouses should also include the use of recycled water on site for nonpotable uses from storm water harvesting and onsite rainwater tanks to reduce loads on existing stormwater systems.</i>	Rainwater harvesting is proposed as part of the stormwater design for the proposed facility as described in Section 7.4 of the Civil Engineering Report (EIS Appendix K). Revised drawings (in Appendix C) show the location and sizes of the proposed rainwater tanks.
	<i>Buildings should also be designed to maximise the benefits of solar energy through appropriate orientation and installation of photovoltaic panels to offset energy use for the warehouse facilities. Council understands that Orica's intention (as publicly stated in their community newsletter dated December 2018) is to sell the land with the development approved and that they do not plan to implement the development - that will be done by future purchaser(s). Council recommends that any ongoing obligations and requirements be specified in the conditions of consent and an 88B instrument on the land title to ensure they are adhered to by any future landowners.</i>	The Applicant would accept conditions of development consent requiring the use of renewable energy where reasonable and feasible.

4.4 Environment Protection Authority

Table 5: Response to EPA submission

Ref.	Matters raised	Response
D1	<u>Matters to be addressed prior to determination</u> <i>Future site access / easements</i> <i>Given the importance of maintaining site access, the EPA recommends that the proponent be requested to provide further detail on the proposed easements prior to any project approval being granted.</i>	Further detail on easements and site access is provided in Appendix F.
D2	<u>Matters to be addressed with conditions</u> <i>Site remediation / validation and suitability for proposed use</i> <i>Should the proposal be approved, it is recommended that the following be required through conditions of consent:</i> <i>Implementation of the Site Auditor-approved remediation action plan, with any revisions of the plan to be reviewed by an EPA-accredited Site Auditor.</i> <i>Implementation of the conditions outlined in Site Audit Statement SA263/6 dated 16 May 2019.</i> <i>A two-stage development as indicated in the Environmental Impact Statement (i.e. the first stage involving implementation of remedial measures including placement of the slab, followed by a second stage of warehouse development).</i>	The Applicant accepts these requirements to be included as conditions of consent.

4.5 Transport for NSW

Table 6: Response to TfNSW submission

Ref.	Matters raised	Response
E1	Container Storage <i>It is requested that the applicant provides the following information as part of the applicant's Response to Submissions (RtS):</i> - Storage space should be identified, particularly where storage will include dangerous goods being stored on site; and - Any interaction of the lifting equipment and the site traffic should be assessed, noting that the loading bay adjoins the car park.	No specific container storage areas or hazardous storage areas are proposed but the Applicant would anticipate a condition of development consent requiring further details on any hazardous storage, should that be required in the future.
E2	Design Vehicle <i>It is requested consideration should be given to the use of PBS 2B vehicles as these vehicles are currently permitted for some movements within the port precinct.</i>	In reference to the TIA report, the development is able to accommodate 19.0m long AVs and 26.0m B-Double vehicles. As such, the 26.0m B-Double vehicle is the maximum permissible vehicle on-site, noting that the existing road network geometry would likely prevent access for larger vehicles. Therefore, PBS 2B are not permitted on-site.
E3	Safety at Site Access <i>It is requested that the applicant undertakes a Road Safety Audit for the proposed Orica entry/exit as part of the applicant's Response to Submissions, in accordance with Austroads Guide to Road Safety Part 6: Managing Road Safety Audits and Austroads Guide to Road Safety Part 6A: Implementing Road Safety Audits by an independent TfNSW accredited road safety auditor. Based on the results of the road safety audit, the applicant shall review the design drawings and implement safety measures if required.</i>	A Road Safety Audit (RSA) can be undertaken prior to operation of the development in accordance with Austroads Guide to Road Safety Part 6: Managing Road Safety Audits and Austroads Guide to Road Safety Part 6A: Implementing Road Safety Audits. The RSA would include, but not be limited to an assessment of the potential risks associated with conflicts at the vehicle access, the adjacent neighbouring driveway and driver visibility. The outcomes of the RSA would therefore be used to implement any additional safety and mitigating measures (if required).

Ref.	Matters raised	Response
		Accordingly, this is a matter that can be undertaken in response to the DA Conditions of Consent.
E4	Vehicle Movements to and from Port Botany <i>It is requested that the applicant should identify the likely volume of vehicle movements to and from Port Botany (from stevedores and from container storage yards) in the Traffic Report as the document states that this traffic will exist, and in part justifies the use of the Three Ports SEPP lands on this basis.</i>	Reference should be made to the response to NSW Ports comments (Table 10). More specifically, SIDRA intersection modelling was undertaken with an additional four (4) heavy vehicles to and from Penrhyn Road. The results are presented in Table 4 in the Traffix response in Appendix I and indicate that the distribution of heavy vehicles to and from Penrhyn Road would have a negligible impact towards the performance of the intersection, given the minimal number of heavy vehicles generated by the development during the network peak periods.
E5	Alternate Route into the site <i>It is requested that the proponent consider the use of the alternate route into via Stephen Road into the site to alleviate traffic turning right into Botany Road from the signalised intersection (east approach) which according to the SIDRA modelling will extend beyond the 55m storage capacity and particularly worsen in the AM.</i>	The alternate route via Stephen Road was not considered, given imposed traffic conditions at the Botany Road / Hills Street intersection preventing vehicles greater than 12.5 metres from turning onto Hills Street. Although, it is recognised that this could provide an alternate route for light vehicles, the majority of vehicles were distributed to Foreshore Road, given the majority of workers are envisaged to utilise the M5 via General Homes Drive (refer to response E7). An Operational Traffic Management Plan (OTMP) can be prepared for the development prior to occupation that can highlight alternate travel routes for staff of the development in order to assist in alleviating traffic at the Botany Road / Foreshore Road / Penrhyn Road intersection.
E6	SIDRA Modelling <i>The proponent should provide complete details of the traffic distribution of vehicles and movements travelling east and west, turning left and right at Botany Road / Foreshore Road. This</i>	The SIDRA intersection model for the Botany Road / Foreshore Road / Penrhyn Road intersection utilised the following traffic survey counts:

Ref.	Matters raised	Response
	<i>should include the number of vehicles and movements used in the modelling, as well as further explanation on the data used for future projected traffic distribution. This required to better justify the reported LoS results and why the traffic distribution provided is different to the current intersection performance.</i>	• TIA (Reference: 12.060r03v04, dated 11 February 2019) utilised traffic counts from TIS that were conducted on Thursday 25 October 2018 between 7:30am-9:30am and 4:00pm-6:00pm; and • Updated traffic counts for this intersection that were conducted on Thursday 5 December 2019 between 5:00am-12:00pm and 12:00pm-8:00am. In addition to the above, reference should be made to the Traffix response in Appendix I which provides the update SIDRA Intersection model summary of the updated traffic surveys. This demonstrates that the intersection of Botany Road / Foreshore Road / Penrhyn Road experiences a LoS C and B during the AM and PM peak period, respectively during the existing scenario. There are no changes to the LoS with minor increase to the intersection delay in the future scenarios.
E7	<i>An explanation of the distribution has not been detailed in the TIA. TfNSW assumes this is a result of the right turn bay into Botany Road already being at capacity. If there are more vehicles expected to turned right from Botany Road into Botany Road, this would result in a longer queue and potentially require extension of the right turn bay. It is requested that the proponent review the distribution and mitigation measures any accordingly.</i>	The approximate traffic distributions for inbound traffic to the development are outlined below: • 16% from the Botany Road and Hills Road intersection; • 13% to and from Botany Road (eastern approach); and • 71% to and from Foreshore Road (western approach). The Community 'Workers place of residence' for the Bayside Area (2016 Census data), was generally utilised to identify the traffic distributions, with the following considered noteworthy: • From the total number of people working within the Bayside LGA, 81.9% of workers reside outside the area, with 18.0% of workers residing locally;

Ref.	Matters raised	Response
		- The main proportion of people working within the Bayside LGA were identified to reside in the western and southern LGAs from the development, with the highest proportion of workers identified from Rockdale (16.2%) and Sutherland (11.3%); - Workers residing from the northern LGAs of Sydney and Inner West equated to 8.6%; and - Workers residing from Botany and Randwick equate to 14.6%. In light of the above, the proportion of workers arriving at the eastern approach of Botany Road was estimated to be 13%, with the remaining 16% applied to the Botany Road / Hills Street intersection, which was anticipated to account for a small proportion of traffic from the north, south and western areas. Accordingly, the majority of workers were identified to reside from the western/southern suburbs and were therefore anticipated to utilise the M5, hence the high proportion (71%) of inbound traffic being distributed onto the western approach of Foreshore Road.
E8	<i>It is requested that the proponent review the Hills Road queue length.</i>	With reference to the TIA report and intersection of Botany Road and Hills Street, the queue length for vehicles turning right from Botany Road onto Hills Street in the existing scenario during the AM peak period is 34.0 metres. It is noted that the queue distance extends to 49.5 metres in the future scenario. Therefore, all queues can be accommodated within the right turn short lane provided with no changes required to the existing arrangement.

4.6 Fire and Rescue NSW

Table 7: Response to FRNSW submission

Ref.	Matters raised	Response
G1	<i>The following recommendations are provided following a review of relevant parts of the Report and appendices.</i> <i>As there is limited evidence of the proposed fire and life safety systems for the site, consultation with FRNSW be undertaken by way of the Fire Engineering Brief Questionnaire (FEBQ) process prior to the issue of the relevant construction certificate.</i> <i>While there is currently no requirement for a Fire Safety Study, FRNSW may request one be undertaken at a later stage should information be provided such that it is deemed that the development poses unique challenges to the response to and management of an incident.</i>	Noted. The Applicant would accept conditions requiring consultation with FRNSW prior to issue of a construction certificate

4.7 Sydney Water

Table 8: Response to Sydney Water submission

Ref.	Matters raised	Response
H1	<i>Potable water servicing should be available via a 150mm DICL watermain (laid in 1987) on McPherson Street. Amplifications or adjustment may be required</i> <i>Wastewater servicing should be available via a 75mm PE wastewater main (laid in 2015) within the property boundary. Amplifications or adjustment may be required</i>	Noted Consultation with Sydney Water is underway regarding water servicing and wastewater infrastructure

5 Response to public and organisation submissions

The SSD application received a total of 8 submissions from the public and organisations. The matters raised in the submissions have been reviewed by the Applicant and are addressed in Table 9 and Table 10 below.

Table 9: Response to public submissions

Matters raised	Response
Lynda Newnam	
Contamination and remediation - contamination risks associated with the development - effect of the development on the ability to manage groundwater contamination - vapour impacts and management - impact of structures affecting flood storage capacity and non-compliance with consent conditions - potential flooding or tsunami risks	The development is designed to maintain access to groundwater treatment infrastructure, with a variety of easements established on the site and under the proposed stage 1 deck to allow continued access by Orica. The easements are also designed to allow access for installation of additional groundwater monitoring or treatment infrastructure (such as monitoring, extraction and/or injection wells) should the need arise. Only minor amendments to existing GTP infrastructure are proposed by way of the lowering of a single monitoring well required to accommodate the access ramp to the warehouses from McPherson Street. Additionally, the application is amended to include a proposed subdivision to create a separate lot to access and maintain the groundwater treatment infrastructure on the site. The proposed development will not materially alter the way that Orica approaches remediation of the groundwater contamination beneath the site. Direct access is not required for the remediation approach(es) that will be adopted. The proposed exclusion fencing is also designed to ensure the function of the compensatory flood storage area is not impeded. The development is designed to ensure the concentration of vapours above the compensatory flood storage area do not impact the development, with sufficient space between the barrier layer and

Matters raised	Response
	undercroft to ensure adequate airflow to disperse any vapours that may arise. While enclosure of the site to prevent vapours was suggested by Aust Equity (EIS Table 6), the undercroft will not be fully enclosed. Also refer to response A5 in relation to the impacts of the structures on the function of the compensatory flood storage area, noting the flood modelling incorporated these structures and the conclusion of the flood specialists that the structures associated with the development would not impede the function of the compensatory flood storage area. As noted in responses A2 and A5, the Flood Impact Assessment modelling demonstrates that the proposed development would not impede or affect the function of the compensatory flood storage area. The modelling also indicates the site would be unaffected by flooding during all floods including a probable maximum flood event (water levels up to 5 m AHD). Section 7 of the Flood Impact Assessment report includes discussion on a flood emergency response plan for the development. This notes that the best response is to remain on site given it is elevated above the flood levels. This is likely to also be relevant for tsunami risk.
Biodiversity • requirement for a vegetated detention basin • low canopy coverage within the former City of Botany Bay LGA • removal of vegetation on the site and subsequent impacts on fauna including local frog, bird and bee species	The primary purpose of the compensatory flood storage area is flood management. The vegetation is required to ensure the surface of the compensatory flood storage area (storage basin) is stabilised. With the proposed development, the stabilisation of the storage basin will be achieved by the proposed barrier layer.

Matters raised	Response
adequacy of the biodiversity assessment	Furthermore, the proposed development is consistent with the IN1 land use zone under the Three Ports SEPP. The BDAR was undertaken consistent with the requirements of NSW and Commonwealth biodiversity assessment policy including the <i>Biodiversity Assessment Methodology</i> (OEH 2017) and <i>Significant Impact Guidelines 1.1 - Matters of National Environmental Significance</i> (Australian Government, 2013). As noted in the response B12 and Appendix J, Springvale Drain and the two compensatory frog ponds are not on the subject site and are located to the west of the site on the other side of Nant Street. Therefore, the off-site compensatory frog ponds would not be impacted by the removal of vegetation on the site. The BDAR also found that habitat linkages, particularly to the Penrhyn estuary, are compromised due to the development surrounding the site and extensive clearing in the area. Also refer to Appendix J for further comments in response to biodiversity matters raised in submissions.
Traffic Generation The warehouse will generate additional traffic, and this will increase existing traffic issues in the area	Traffic impacts were assessed in the EIS Appendix I. Please refer to comments in response submissions and the report prepared by Traffix (Appendix I). These assessments indicate that the proposed development will not detrimentally impact traffic conditions in the surrounding road network with no changes to the intersection performance levels compared with existing conditions.
Hazard and Risk	As noted in response A16 and the EIS (Section 8.4 and EIS Appendix H) a Hazard and Risk Assessment determined that the societal risk

Matters raised	Response
<i>This subdivision has added to the risk and encroachment on the heavy industrial activities of neighbours at the Botany Industrial Park</i>	of the development would have very little impact in relation to the overall societal risk of the BIP.
Community Consultation <i>At the Orica community consultative committee meeting on 10 March 2020 Southlands was not discussed. It had not been discussed since the November 2018 meeting. At meetings in 2019 we were told that it was on hold awaiting the BIP risk analysis.</i>	The Orica Botany Liaison Committee (OBLC) was kept informed during the development of the EIS and the Applicant advised the OBLC of the public exhibition as soon as it became aware of the exhibition period, which occurred after the 10 March 2020 meeting.
Green Roof	Refer to response A13, which notes that a green roof was considered, however found to not be suitable for this type of development.
Name Withheld - Kingsford	
<i>Both Randwick and Bayside Councils (taking out National Parks and Centennial Park) have low vegetation coverage, with Bayside below Randwick. The 5ha vegetated flood detention basin at Southlands (McPherson Street) is important in the local region of North Botany Bay/South Ward for providing habitat particularly as the site adjoins the rail corridor. It also has air quality benefits for the people who work around the area.</i>	As noted in the above response to Lynda Newnam's submission, the primary purpose of the compensatory flood storage area is flood management. The vegetation is required to ensure the surface of the storage basin is stabilised. With the proposed development, the stabilisation of the storage basin will be achieved by the proposed barrier layer. Consideration of the impacts on frog habitat and the GGBF is provided in response B12 and Appendix J. As outlined in the BDAR (and in accordance with the requirements of <i>Significant Impact Guidelines 1.1 – Matters of National Environmental Significance</i> (Australian Government, 2013)), the habitats within the development site are unlikely to constitute important habitat for migratory species. The habitat present is unlikely to support significant

Matters raised	Response
	population of any migratory species nor are the habitats critical to any life stage of these species.
<i>Additional warehousing space will add to the traffic congestion which is already a concern.</i>	Impacts of the development on traffic congestion were assessed in the EIS and Traffic Impact Assessment Report (EIS Appendix I). Recent traffic survey data from December 2019 was obtained and the traffic modelling was updated accordingly. Refer to the Traffix response provided in Appendix I. The updated modelling shows that the development would not cause unacceptable delays at key intersections and no upgrades to the road network are required to accommodate the development generated traffic. Further information in response to traffic issues raised in submissions is provided in the response to both Councils and TfNSW in Table 3, Table 4 and Table 6, respectively, and response to NSW Ports in Table 10, below.

Table 10: Response to organisation submissions

Matters raised	Response
Sydney Airport	
<i>No objection to the erection of this development to a maximum height of 20.4 metres AHD.</i> <i>The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc. Should you wish to exceed this height a new application must be submitted.</i>	Noted
<i>Should the height of any temporary structure and/or equipment be greater than 15.24 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.</i>	Noted
<i>Approval to operate construction equipment (ie cranes) higher than the proposed development should be obtained prior to any commitment to construct.</i>	Noted
<i>It is recommended that proposed land uses which have high population densities should be avoided.</i>	Noted
NSW Ports	
Intersection Analysis <i>The Traffic Impact Assessment (TIA) prepared by Traffix dated 11 February 2019 submitted with the development application provides in our view an unsatisfactory assessment of the traffic impacts of the proposed development on the surrounding road network.</i> <i>Although the TIA identifies the Botany Road / Foreshore Road / Penrhyn Road as a key intersection, the intersection performance</i>	Refer to the Traffic Impact Assessment (TIA) response (Traffix, 2020) provided in Appendix I. Traffix has received updated traffic survey counts of the Botany Road / Foreshore Road / Penrhyn Road intersection, which was conducted on Thursday 5 December 2019. Revised SIDRA intersection modelling was undertaken to determine the impact of the anticipated traffic generation of the development.

Matters raised	Response
<i>analysis over-estimates the current performance and under-estimates the impacts of the additional traffic on this intersection.</i> ... <i>NSW Ports is concerned with the TIA does not provide a true representation of the current poor performance of the intersection in certain approaches, and that the additional traffic from the development will result in the performance of certain approaches to even poorer performance. This can likely result in long delays, long queues and unsafe road user behaviour. It can also impact on the public opinion and reputation of the freight task in this part of the city.</i> ... <i>NSW Ports requests that the Traffic Impact Assessment be updated to individually assess the impact the development will have on the approaches of this intersection at the AM and PM peak periods and the specific movements as proposed by the development.</i> ... <i>There is also no consideration that heavy vehicles will proceed through the intersection to Penrhyn Road, despite this being the access route to Patrick Stevedores – a potential origin / destination for container imports or exports ... As such, consideration should be made for trucks travelling north / south through this intersection</i>	The outputs of the updated SIDRA intersection model are provided in Attachment 1 of the TIA response (Appendix I). The revised modelling indicates the Botany Road / Foreshore Road / Penrhyn Road experiences a minor increase in average intersection delay of 4.0 and 2.2 seconds in the AM and PM peak periods, respectively, with no change to the level of service resulting from the development. The northward movement through this intersection results in no change to the level of service during the AM and PM peak periods as a result of the development. As such, the anticipated traffic generation of the proposed development only results in a minor differences in the intersection delay with +6.6 and -1.9 seconds in the AM and PM peak, respectively
The Australian Environmental Network and School	
<i>In all this time there has been an expectation that Orica would provide the Botany community with some form of environmental compensation. Suggested environmental projects have ranged from tree planting projects to a large environmental project proposed for</i>	The land on Lot 9 under MP 06_0161 and the s88B instrument is dedicated for use as a compensatory flood storage area and is not intended to provide habitat function or native vegetation.

Matters raised	Response
<i>Southland in 2006 that would link frog ponds to areas of the Detention Basin and Springvale Drain.</i> <i>Orica's current proposal for Southland is to concrete over the Detention Basin to construct warehouse buildings. Orica's intention is to maximise revenue from Orica's last remaining parcel of Botany land.</i>	The compensatory flood storage area was seeded and partially planted following significant earthworks that fully cleared the site in 2015. Also note (as per previous comments) that the land is zoned IN1 General Industrial which indicates its intended future use for development of this nature.
<i>Orica is committed to adhere to "Worlds Best Practice" in the clean up of the contamination at Botany. 2020 OBLC Review consultants have offered their opinion that breakthrough technology will be necessary to destroy the contamination that remains.</i> <i>This breakthrough technology, if and when it becomes available may require access to the contamination to be applied. In the meantime Orica's Ground Water Treatment Plant will need to operate indefinitely and microbes present in the natural clean up processes will need support with microbiological research.</i> <i>Orica could establish a significant environmental project on this valuable parcel of Orica land. A "Worlds Best Practice" environment research project, a vision for the future where the potential of the natural environmental clean up processes can be explored.</i> <i>Orica's Southland Research Centre can become a focus and a location communities and schools can turn to for information on how to protect, clean up and support our environment and the natural world.</i>	Previous investigations by Orica have identified and field-tested a number of remediation technologies that are demonstrably effective in remediating the groundwater contamination. These technologies do not require direct access to the contamination and may be deployed in strategic upgradient locations. At present, the existing hydraulic containment and ex situ treatment of groundwater ('pump and treat') is considered to be the most effective cleanup technology, and it is effectively reducing groundwater contaminant concentrations throughout the aquifer. The proposed development will not affect this. In time, the concentrations will be reduced to a point when the cleanup methodology can transition to the other technologies that Orica has identified and tested.
Ausgrid	
<i>Ausgrid encourages the proponent to continue to discuss their connection application requirements directly with Ausgrid.</i>	Noted – the detailed design of the new entry will include details of all services in this location, including Ausgrid underground cables.

Matters raised	Response
<i>Ausgrid has underground cables buried along McPherson St hence suitable precautions should be adopted by the development regarding the construction and ongoing operation of the facility in the vicinity of these cables, in particular consideration for the entry driveway that will facilitate high volume of heavy traffic from McPherson St.</i>	
ARTC	
<i>It is critical that access to the ARTC rail corridor at McPherson Street is remains unencumbered. This road is utilised for maintenance and operations access to ARTC land and will likely be utilised for the upcoming Botany Yard Bidirectional Signalling Project.</i>	Noted – the Applicant will prepare a CTMP which would include measure to ensure access to the rail corridor at the end of McPherson Street is maintained.

6 Conclusion

This RtS has been prepared by Keylan Consulting Pty Ltd on behalf of Orica Australia Pty Ltd (the Applicant) to support a SSD application for a Warehouse and Distribution Facility at 28 McPherson Street, Banksmeadow in the Bayside LGA.

The RtS provides a response to the matters raised in submissions received from Council, public authorities and the community following the exhibition of the SSD application and supporting EIS in April and May 2020.

The RtS proposes a number of amendments to the project, including:

- subdivision of Lot 9 to create one additional lot which will contain infrastructure associated with Orica's groundwater treatment plant within the Botany Industrial Park
- reconfiguration of the office space for the development to establish a primary office in Warehouse 1 to service the entire site, with a smaller office area in Warehouse 2 to provide operational support for that warehouse
- minor changes to stormwater drainage and landscaping design plans

The conclusions and recommendations provided in the accompanying technical reports confirm the development is consistent with the site's zoning and intended future use and will not have a significant or detrimental impact on the amenity of the surrounding locality or on the existing environment.

Further, the development is justified on the basis that will result in the efficient and effective use of a vacant industrial land parcel to provide much needed warehousing, storage and distribution space that is located close to the Sydney CBD and Port Botany trade corridor without compromising its primary function as a compensatory flood detention basin.

Based on the above, the development is considered to be in the public interest and therefore warrants approval.