



# **Major Project Approval MP 06\_0191 - Southlands**

**Modification 5 under S. 4.55 1(a)**

**Additional Single Lot at Lot 9 DP 1205673  
– Proposed Lot 13**

**March 2020**



## DOCUMENT INFORMATION

Client	Project Name	Document Number	Document Title	Revision Status
Orica	Mod 5 – S. 4.55 amendment	1485/905/09	Southland major project Approval	Final

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Director

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The statements, opinions and estimates included in this report are given in good faith and in the belief that they are not false, misleading or incomplete. We present these estimates and assumptions as a basis for the reader's interpretation and do not present them as a certified valuation nor as results that will be actually achieved.

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## INTRODUCTION

DBL Property has been engaged by Orica to manage the subdivision of a small parcel of land at the former Southlands site.

The Modification Application proposes to modify the existing Southlands Consent (06\_0191) by the subdivision of existing Lot 9 and creating a small approx. 10-metre-wide parcel of land as a separate lot along McPherson Street. The original Southlands approval gave consent to 12 lots, this additional lot therefore increases the subdivision to 13 Lots;

The application therefore proposes Modification (Mod. 5) to MP 06\_0191, under S.4.55 1(a) to create one (1) additional Lot on the former Southlands estate.

The subdivision merely seeks to follow an existing site principle that sees the majority of the Orica GTP infrastructure in this location fully located on land owned by Orica.

This small portion had previously been shown on the Consent as an easement and Orica now wish to vary the easement to a separate Lot that will be maintained in Orica ownership.

In accordance with Clause 115(1) of the Environmental Planning and Assessment Regulation 2000, we confirm the following in respect of this Modification Application:

Clause 115(1)...	Requirement	Comment
(a)	The name and address of the applicant.	Orica Pty Ltd C/O DBL Property UGF, 437 Kent Street Sydney 2000
(b)	A description of the development to be carried out under the consent (as previously modified).	Orica Southlands Remediation & Warehouse Development Project: <ul style="list-style-type: none"><li>▪ site remediation works over the whole site (Areas 1, 2 and 3);</li><li>▪ flood mitigation and drainage works (over Areas 1, 2 and 3);</li><li>▪ staged subdivision of Areas 1, 2 and 3 into 12 lots;</li><li>▪ establishment of 6 industrial use warehouses in Area 1 with ancillary office components;</li><li>▪ traffic improvement works at the intersection of Hill Street and Botany Road;</li></ul>
(c)	The address, and formal particulars of title, of the land on which the development is to be carried out.	Address: 28 McPherson, Street, Banksmeadow Legal description: Lot 9 DP 1205673,
(d)	A description of the proposed modification to the development consent.	The Modification Application proposes to modify the Consent to the subdivision of existing Lot 9 by creating a small approx. 10-metre-wide parcel of land as a separate lot along McPherson Street. The original Southlands approval gave consent to 12 lots, this additional lot therefore increases the subdivision to 13 Lots.
(e)(ii)	A statement that indicates that the modification is intended to have the	Statement:



Clause 115(1)...	Requirement	Comment
	effect specified in the statement.	The minor amendments sought by the Modification Application are to add one parcel of land to allow Orica to maintain ongoing ownership of the land into the future to adequately service GTP infrastructure on that lot.
(f)	A description of the expected impacts of the modification.	The impacts of the Modification Application will be minor. In this regard, the land subdivision will make no difference to the environmental impacts at the site. Access the rear portion of the land will be maintained via Nant Street or via appropriate easements over the new lot.
(g)	An undertaking to the effect that the development (as to be modified) will remain substantially the same as the development that was originally approved.	Undertaking:  The modifications proposed by the Modification Application will result in a development that is materially and essentially the same as the development originally approved by the Consent.  In this regard, the Modification Application will make only minor amendment to the approved subdivision taking it from 12 to 13 lots;
(g)(1)	In the case of an application that is accompanied by a biodiversity development assessment report, the reasonable steps taken to obtain the like-for-like biodiversity credits required to be retired under the report to offset the residual impacts on biodiversity values if different biodiversity credits are proposed to be used as offsets in accordance with the variation rules under the <i>Biodiversity Conservation Act 2016</i> .	Not applicable
(h)	If the applicant is not the owner of the land, a statement signed by the owner of the land to the effect that the owner consents to the making of the application.	The applicant is the owner of the land which is the subject of the amendments and an owner's consent letter is attached.
(i)	A statement as to whether the application is being made to the Court (under section 4.55) or to the consent authority (under section 4.56)	Statement:  The application is being made to the Minister for Planning, being the consent authority.

## The Site

The subject site forms part of the original Southlands approval and relates to 28 McPherson Street, Banksmeadow, described as Lot 9, DP 1205673.

The original Southlands property description identified the entire site as:

*Lot 1 DP 254392, Lot 1 DP 1078077, Lot 1 DP 85542, Lot 11 DP 109505, and Lot 1 DP 873898, Crown Land containing 'Springvale Drain' (between Nant Street and Lot 1 DP 1078077 and Lot 1 254392)*



The Modification in particular, relates to a subdivision of Lot 9 in DP 1205673.



## The Groundwater Treatment Plant Infrastructure – To be maintained on Orica owned land

- As a result of historical manufacturing activities at the BIP, there is a legacy of groundwater contamination within the Botany Sands Aquifer.
- 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 Groundwater Treatment Plant.
- The existing groundwater monitoring infrastructure includes a network of shallow and deep groundwater monitoring wells designed to enable ongoing monitoring of both the hydraulic containment performance of the BGC Project as well as periodic (quarterly) 'chemical' monitoring of groundwater quality.
- One of these containment lines is located along the southern (McPherson Street) boundary of Southlands.
- Groundwater is extracted by a submersible pump suspended inside each extraction well, discharging into the transfer pipeline leading to the GTP. Extraction rates are designed to be adjustable in response to changes in groundwater flow patterns and reducing contamination levels over time.
- Monitoring wells were installed along the containment lines for sampling and measurement, to assess and optimise the effectiveness of the hydraulic containment.
- Orica continues to operate and maintain the GTP infrastructure and requires ongoing access to the GTP infrastructure.
- Ongoing access to the infrastructure and has been maintained at Southlands by way of continued land ownership of the land on which the assets sit.
- The subject site includes existing GTP infrastructure sitting directly behind the southern boundary fence/wall for the Southlands property (see image below). They are currently contained within Lot 9 (owned by Orica) and were shown on the original Southlands approval as being contained in an easement.



- All other GTP infrastructure on the former Southlands site are located on strips of land, approx.. 10 metres wide, that remain in Orica ownership.
- Orica now proposes that this portion of the infrastructure also be housed on a similar strip of land.
- The strip of land matches the other approximate 10-metre-wide strips of land that house the GTP infrastructure on the site.
- The 10-metre-wide strip allows for the pipework, wells and also an access pathway for maintenance vehicles to attend to the wells and pipelines as required.



**Existing GTP Infrastructure**



## The Existing Southlands Approval - 06\_0191

The existing Southlands approval was issued on 16 April 2012 and has been modified on 4 occasions. This Modification is therefore Modification No. 5.

The existing Consent grants approval to Stage 1 as modified which includes:

- site remediation works over the whole site (Areas 1, 2 and 3);
- flood mitigation and drainage works (over Areas 1, 2 and 3);
- staged subdivision of Areas 1, 2 and 3 into 12 lots;
- establishment of 6 industrial use warehouses in Area 1 with ancillary office components;
- traffic improvement works at the intersection of Hill Street and Botany Road;
- carparking as shown on Site Plan SRD DA006 (H) dated 22 June 12 in Appendix 4.

Subdivision was approved for 12 lots as shown on the subdivision plan SRD DA016(J). This was reinforced by Condition 13, as follows:

*13. The Proponent shall carry out the subdivision of the land north of McPherson in accordance with the subdivision plan SRD DA016(J) at Appendix 5 of this approval.*

A copy of subdivision plan SRD DA016(J) is attached at Appendix A.

This modification merely seeks to amend the approved subdivision from 12 to 13 lots.



## Proposed Amendment

This modification (Mod. 5) proposes to create one (1) additional lot on the site that covers the Orica Groundwater Treatment Plant (GTP) infrastructure running along McPherson Street frontage (currently on Lot 9). This infrastructure was previously shown (on the current approval) as being an easement for services. See attached approved plan of subdivision (SRD DA017(J)) in Appendix A.

However, to allow for ongoing internal GTP management and to allow for potential land sale options in the future, Orica have determined that the GTP infrastructure is best housed on a separate parcel of land to remain in Orica ownership. All other GTP infrastructure on the former Southlands site is retained on Orica owned lands. Accordingly, whilst the easement could maintain Orica's rights for access and maintenance, ownership of this strip is preferred.

The specific proposal therefore involves the subdivision of existing Lot 9 DP 1205673 into two lots, with Lot 1 (approx. 1,224 m<sup>2</sup>) being an approximate 10 m wide strip of land fronting McPherson Street and the remainder of the parent Lot becoming Lot 2 (approx. 3.995 Ha).

Access into Lot 2 will continue to be provided by Nant Street and Orica is looking at establishing a ROW and easement for services over proposed Lot 1 to allow ongoing direct access to McPherson Street. The GTP infrastructure is undergrounded for a section adjoining Springvale Drain, so level access direct to McPherson Street can be maintained.



# Environmental Assessment

## Statutory Considerations

The site is subject to provisions of State Environmental Planning Policy (Three Ports) 2013.

Under that SEPP, Clause 16 makes specific reference to subdivision, as follows:

**16 Subdivision – consent requirements**

*(1) Any land to which this Policy applies may be subdivided, but only with development consent.*

**Note.**

*Subdivision within the Lease Area by the Port Operator or a Port Corporation is exempt development.*

*(2) Development consent must not be granted for the subdivision of land that comprises, or on which there is, a State heritage item.*

The additional lot therefore requires development approval, per this Modification application.

The SEPP does not include a minimum lot size, so the lot as proposed is permissible with Consent.

The proposed lot has been discussed with Bayside Council and in telephone discussions with Council officers they advised that they understood the need for the new lot and had no objection to its creation.

## Environmental Considerations

The proposed additional lot does not make any material changes to the current Approval and simply replaces an easement with a lot boundary. Therefore, we do not see that the amendment will result in any change in the environmental impacts.

Access will be available to the rear larger lot either by way of Nant Street or by way of a newly established Right of Way over the 10-metre-wide strip. The access can be created without any impact to the GTP infrastructure.

Therefore, we see no statutory or merit based environmental impact resulting from the proposed modification.



## Proposed Modifications to Conditions

The following amendments are proposed to Consent MP 06\_0191:

### DEFINITIONS

**Project** - The development described in Schedule 1, the EA and PPR and defined as 'Stage 1 Works' as modified by 06\_0191 MOD 1 and 06\_0191 MOD 2 and 06\_0191 MOD 3 and 06\_0191 MOD 4 and **06\_0191 MOD 5**.

Add the following definition of Modification 5 to Definitions:

**Mod 5** - The modification as described in:

The Modification Report accompanying the Application to modify Project Approval 06/0191 – Orica Southlands Remediation and Warehouse Project prepared by DBL Property; Orica plan No. SRD SD01 (A) entitled Subdivision + Easements, dated 25 February, 2019; Draft Survey Plan prepared by Gregory John Frith, Plan of Proposed Subdivision of Lot 9, DP 1205673, dated 8 February, 2019.

### CONDITIONS

2. The Proponent shall carry out the Project generally in accordance with the:

- a) EA;
- b) Preferred Project Report Plans, cover dated 1 August 2012;
- c) Submissions Report; d) Statement of Commitments (see Appendix 1);
- e) Modification application 06\_0191 MOD 1 and supporting documents;
- f) Modification application 06\_0191 MOD 2 and supporting documentation;
- g) Modification application 06\_0191 MOD 3 and supporting documentation;
- h) the following plans outlined in Appendix 4 – Table 1;
- i) Modification application 06\_0191 MOD 4 and supporting documentation;
- j) Modification application 06\_0191 MOD 5 and supporting documentation; and**
- h) Conditions of this approval.

*If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency."*



## CONCLUSION

This report documents a Section 4.55 (1a) Modification to Project Approval 06\_0191 for land at 28 McPherson Street, Banksmeadow.

Major Project Approval 06\_0191 permitted the redevelopment of the site for remediation works, new warehouses, along with associated remediation, subdivision, flood mitigation works, internal roads, car parking and landscaping.

The proposed amendment comprises a minor modification to that approval merely adjusting the approved subdivision on the site to allow for one single additional lot.

The additional lot is proposed by Orica to house its Groundwater Treatment Plant infrastructure that currently sit at the front of Lot 9 on the approved plan. The new lot is a strip of land approximately 10 metres wide running along the front of Lot 9 at McPherson Street. It allows for ongoing access and maintenance of the GTP infrastructure.

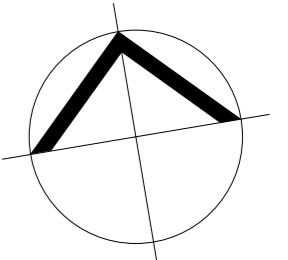
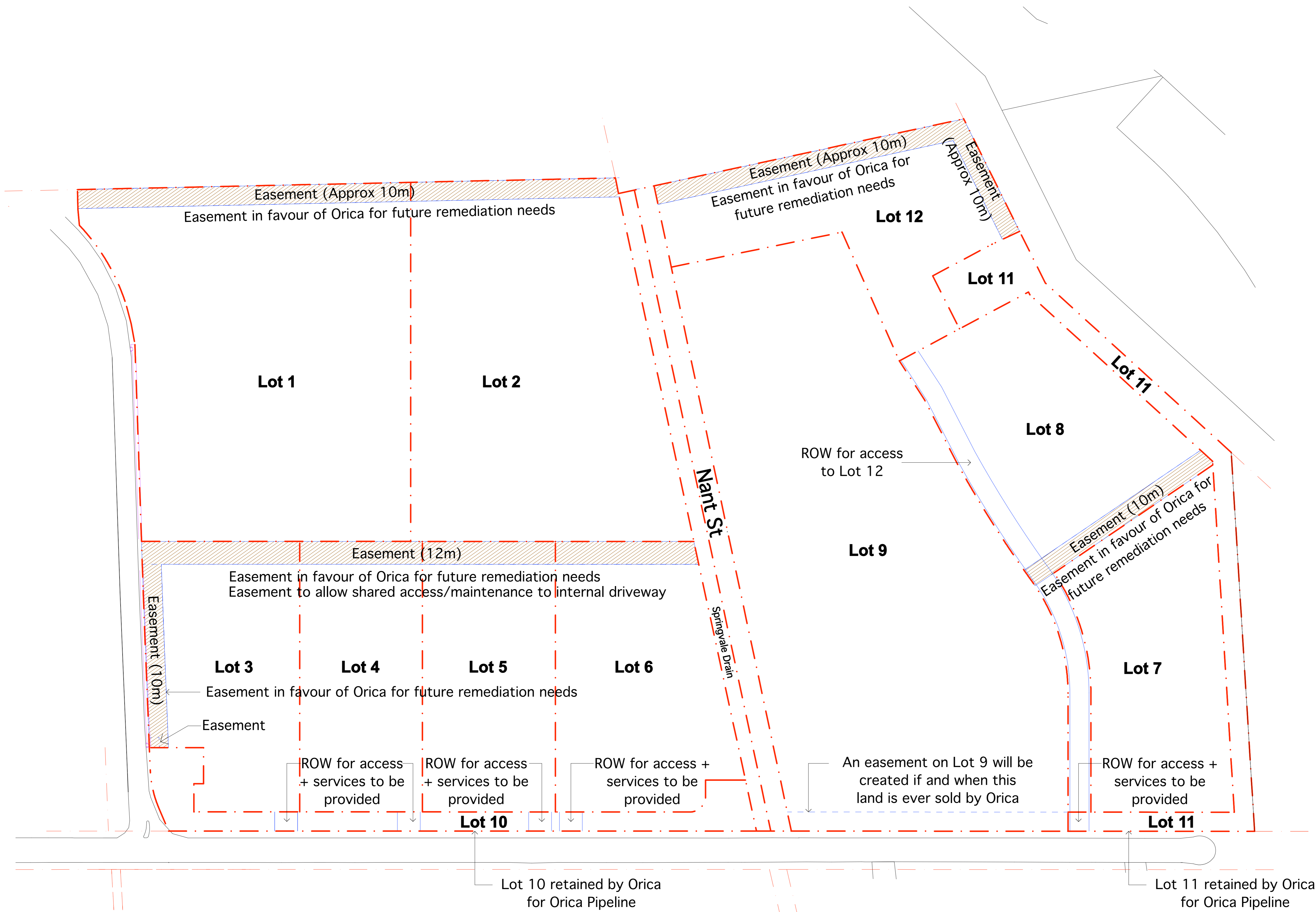
The proposed amendment therefore adds in a single lot (Lot 13) to the Approval and amends the conditions of approval to recognise Modification 5.

The modification proposed represents a relatively minor change to the approved development and we see no statutory or merit based environmental impact resulting from the proposed modification.

Therefore, we do not see that the amendment will result in any change in the environmental impacts.

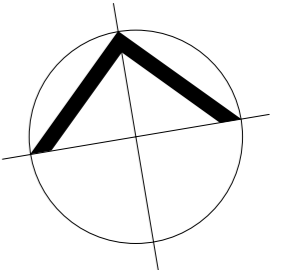
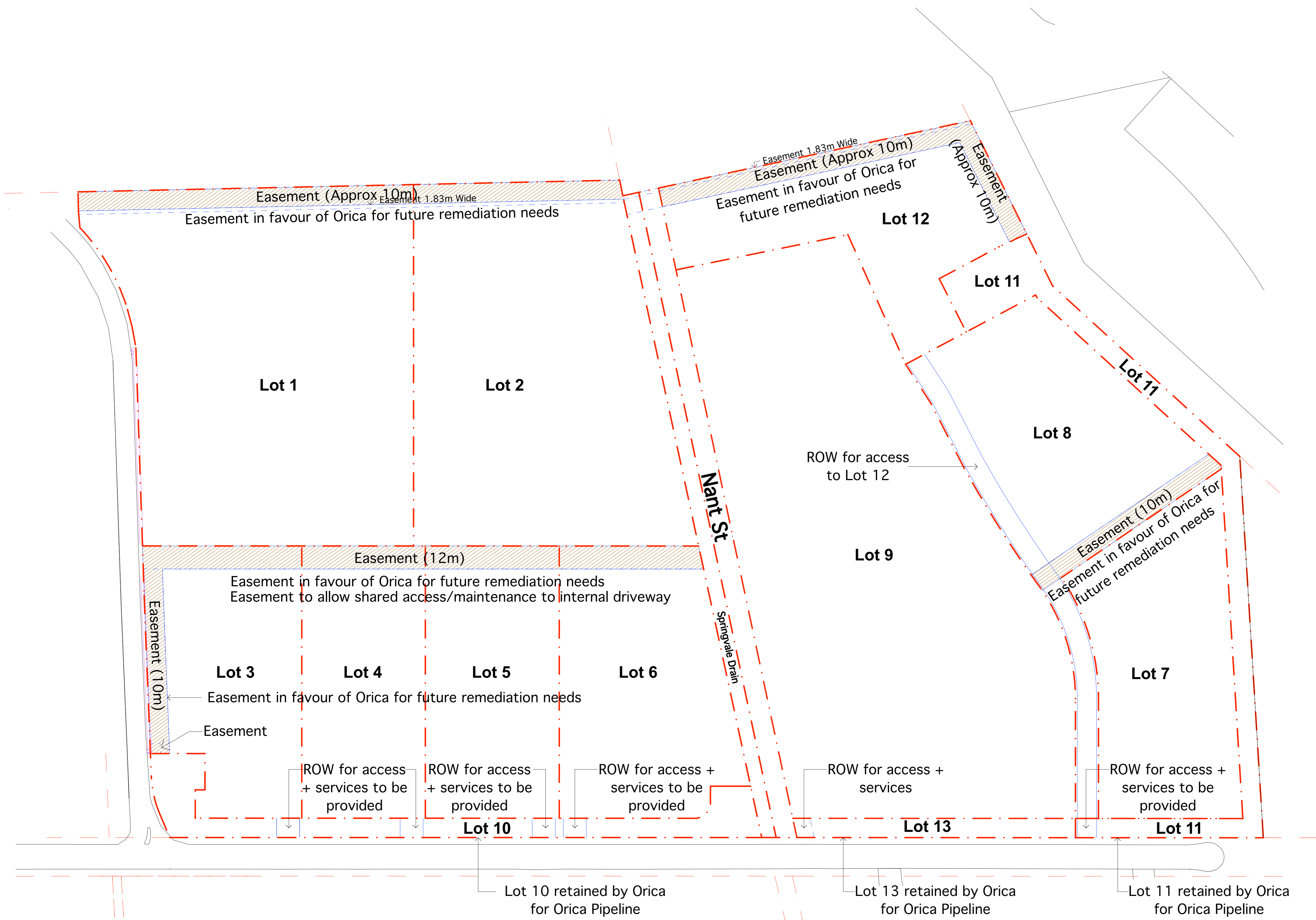


## **APPENDIX A – Existing Approved Subdivision Plan**





## **APPENDIX B - Proposed Amended Subdivision Plan**





## **APPENDIX C – Draft Plan of Subdivision**



11  
D.P.1205673

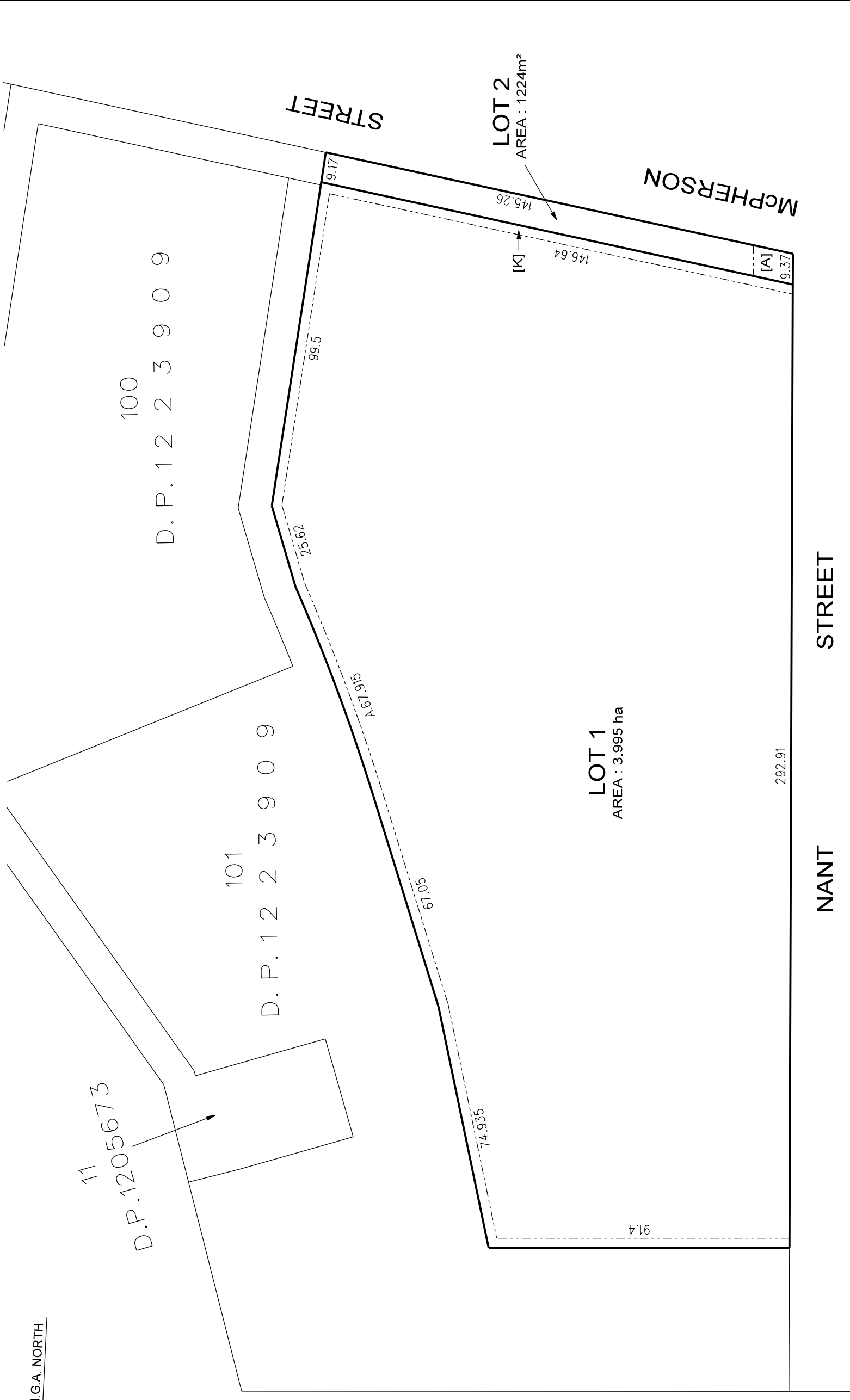
101  
D.P.123909

100  
D.P.123909

109  
D.P.1204999

LOT 1  
AREA : 3.995 ha

LOT 2  
AREA : 1224m<sup>2</sup>



[A] - RIGHT OF WAY (12 WIDE) (PROPOSED)  
[K] - EASEMENT FOR DRAINAGE (3 WIDE) (DP1205673)

SURVEYOR  
Name : GREGORY JON FRITH  
Date : 07-02-2019  
Reference : 78858

PLAN OF  
PROPOSED SUBDIVISION OF  
LOT 9 D.P.1205673

LGA: BAYSIDE  
Locality : BANKSMEADOW  
Reduction Ratio 1: 1250  
Lengths are in metres

REGISTERED

Draft  
8th Feb, 2019

PLAN FORM 6 (2017)	DEPOSITED PLAN ADMINISTRATION SHEET	Sheet 1 of 2 sheet(s)
<p>Registered: _____</p> <p>Title System: _____</p>	<p>Office Use Only</p> <p><b>Draft</b></p> <p><b>8th Feb, 2019</b></p> <p>Office Use Only</p>	
<p>PLAN OF</p> <p>PROPOSED SUBDIVISION OF</p> <p>LOT 9 D.P.1205673</p>	<p>LGA: BAYSIDE</p> <p>Locality: BANKSMEADOW</p> <p>Parish: BOTANY</p> <p>County: CUMBERLAND</p>	
<p style="text-align: center;">Survey Certificate</p> <p>I, <u>GREGORY JON FRITH</u></p> <p>of <u>RYGATE &amp; COMPANY PTY. LIMITED, SYDNEY</u></p> <p>a surveyor registered under the Surveying and Spatial Information Act 2002, certify that :</p> <p>*(a) The land shown in the plan was surveyed in accordance with the Surveying and Spatial Information Regulation 2017, is accurate and the survey was completed on _____</p> <p>*(b) The part of the land shown in the plan (*being/*excluding ^ _____ ) was surveyed in accordance with the Surveying and Spatial Information Regulation 2017, the part surveyed is accurate and the survey was completed on, _____ the part not surveyed was compiled in accordance with that Regulation, or</p> <p>*(c) The land shown in this plan was compiled in accordance with the Surveying and Spatial Information Regulation 2017.</p> <p>Datum Line : <u>"X" - "Y"</u></p> <p>Type : *Urban/*<del>Rural</del></p> <p>The terrain is *Level-Undulating / *<del>Steep Mountainous</del></p> <p>Signature : _____ Date : _____</p> <p>Surveyor Identification No : <u>1066</u></p> <p>Surveyor registered under the Surveying and Spatial Information Act 2002</p> <p>* Strike out inappropriate words.</p> <p>** Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey</p>	<p style="text-align: center;">Crown Lands NSW/Western Lands Office Approval</p> <p>I, _____ (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the shown herein have been given.</p> <p>Signature: _____</p> <p>Date: _____</p> <p>File Number: _____</p> <p>Office: _____</p>	
<p>Plans used in preparation of survey/<del>compilation</del></p> <p>D.P.</p> <p style="text-align: center;">If space is insufficient continue on PLAN FORM 6A</p>	<p style="text-align: center;">Subdivision Certificate</p> <p>I, _____</p> <p>* Authorised Person/*General Manager/*Accredited Certifier, certify that the provisions of s.109J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature : _____</p> <p>Accreditation number : _____</p> <p>Consent Authority : _____</p> <p>Date of endorsement : _____</p> <p>Subdivision Certificate number : _____</p> <p>File number : _____</p> <p>* Strike through if inapplicable.</p>	
<p>Surveyors Reference : <b>78858</b></p>	<p>Statements of intention to dedicate public roads, public reserves and drainage reserves, acquired/resume land.</p> <p style="text-align: center;">Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A</p>	

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Registered:

**Draft**  
**8th Feb, 2019**

PLAN OF  
PROPOSED SUBDIVISION OF  
LOT 9 D.P.1205673

- This sheet is for the provision of the following information as required :
- A schedule of lots and addresses - See 60(c) SSI Regulation 2017
  - Statements of intention to create and release affecting interests in accordance with section 88B Conveyancing Act 1919
  - Signatures and seals - see 195D Conveyancing Act 1919
  - Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

Subdivision Certificate number : .....

Date of Endorsement : .....

SCHEDULE OF LOTS AND ADDRESSES				
Lot	Street number	Street Name	Street Type	Locality
	N/A			
	N/A			

If space is insufficient use additional annexure sheet