

Melissa Prochazka

From: Jason Wall <jwall@ausgrid.com.au>
Sent: Friday, 16 November 2018 5:38 PM
To: Melissa Prochazka
Cc: Keiran Fleming; Property; Paul Nakhle
Subject: RE: Request for SEARs for Orica Southlands Warehouse Estate (SSD 9691) - 28 McPherson Street, Banksmeadow.

Thanks Melissa,

Ausgrid's recommendations are:

- Prepare an Infrastructure Management Plan in consultation with relevant agencies, detailing information on the existing capacity and any augmentation and easement requirements of the development for the provision of utilities including staging of infrastructure.
- Identify any potential impacts of the proposed construction and operation on the existing utility infrastructure and service provider assets, and demonstrate how these will be protected or impacts mitigated.

Regards,

Jason Wall
Program Development Manager
(02) 9269 7133

From: Melissa Prochazka <Melissa.Prochazka@planning.nsw.gov.au>
Sent: Wednesday, 14 November 2018 11:00 AM
To: Jason Wall <jwall@ausgrid.com.au>
Subject: RE: Request for SEARs for Orica Southlands Warehouse Estate (SSD 9691) - 28 McPherson Street, Banksmeadow.

Hi Jason,

As promised, please find attached DRAFT SEARs for the Orica Southlands Warehouse Estate (SSD 9691).

Kind regards,

Melissa Prochazka

Senior Planning Officer (Part-time: Monday to Thursday)
Industry Assessments
Department of Planning & Environment
Level 29 | 320 Pitt Street | GPO Box 39 SYDNEY NSW 2001
T 02 8289 6695 E melissa.prochazka@planning.nsw.gov.au

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From: Melissa Prochazka
Sent: Monday, 12 November 2018 6:41 PM
To: Jason Wall <jwall@ausgrid.com.au>



Bayside Council

Serving Our Community

21 November 2018

Our Ref: F18/679

Contact: John McNally – 9562 1652

Kane Linwood
Team Leader – Industry Assessments
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Attn: Melissa Prochazka – Senior Planning Officer
By Email: melissa.prochazka@planning.nsw.gov.au

Dear Mr Linwood,

Re: Request for SEARs – Orica Southlands Warehouse Estate (SSD 9691) – 28 McPherson Street, Banksmeadow

Thank you for your letter of 7 November 2018 requesting comments on the request for Secretary's Environmental Assessment Requirements (SEARs) in connection with a proposed State Significant Development at 28 McPherson Street, Banksmeadow, legally described as Lot 9 DP 1205673 (the Site).

The Proposal

Council understands that Keylan Consulting Pty Ltd (the consultant), on behalf of Orica Australia Pty Ltd (the proponent), has contacted the Department of Planning and Environment (the DPE) to request that the DPE issues SEARs for the following proposed development at the Site:

- Construction of two warehouse buildings with floor areas of 11,630sq.m. and 10,635sq.m for Warehouses 1 and 2 respectively;
- Car-parking provision of 60 spaces and 57 spaces for Warehouses 1 and 2 respectively;
- The warehouses, car-parking and hardstand areas to be constructed on a suspended concrete platform above an existing compensatory flood storage area; and
- The suspended platform to be supported by a grid of piles constructed approximately 1.5m above ground level.

Council understands that the proposed development:

- Has a capital investment value of over \$50 million;
- Is for the purpose of warehousing;
- Will be at one location; and
- Will be related to the same operation.

Eastgardens Customer Service Centre
Westfield Eastgardens
152 Bunnerong Road
Eastgardens NSW 2036, Australia
ABN 80 690 785 443 Branch 004

Rockdale Customer Service Centre
444-446 Princes Highway
Rockdale NSW 2216, Australia
ABN 80 690 785 443 Branch 003
DX 25308 Rockdale

Phone 1300 581 299
T (02) 9562 1666 F 9562 1777
E council@bayside.nsw.gov.au
W www.bayside.nsw.gov.au

Postal address: PO Box 21, Rockdale NSW 2216



Telephone Interpreter Services - 131 450

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The proposed development therefore meets the criteria of State Significant Development in accordance with Schedule 1, Clause 12(1) of State Environmental Planning Policy (State and Regional Development) 2011.

Background

On 16 April 2012, project approval (MP 06_0191) (the Approval) was granted for the Orica Southlands Remediation and Warehouse Development by the then Minister for Planning and Infrastructure. Condition 15 of Schedule 2 of this approval states the following:

‘Easements for services, drainage, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must:

- a) be created over those lots pursuant to the *Conveyancing Act, 1919*;
- b) be in accordance with the easement plan SRD DA017 (D) at Appendix 5 of this approval; and
- c) be to the satisfaction of Council or the Principal Certifying Authority.’

Condition 8 of Schedule 3 of the approval states the following:

‘The Proponent shall provide flood storage, in accordance with the EA and PPR, to compensate for the amount lost due to filling within the floodplain of Springvale and Floodvale Drains. The compensatory flood storage shall:

- a) be constructed to the east of Springvale Drain and immediately upstream of McPherson Street;
- b) include a control structure on the Springvale Drain to control flows into the detention basin;
- c) include a low flow pipe to allow draining of the detention basin;
- d) be constructed in accordance with the report *Orica Southlands Remediation and Development Project Hydraulic Modelling Report and Response to Exhibition Submissions/Comments* – (Report Ref: 204617, 29th November 2010, Revision 3 by Aurecon); and
- e) be carried out to the satisfaction of the Director-General.’

Both conditions were subject to minor changes as part of the subsequent modifications to the approval. Condition 8A was also added through Modification 1 (14 August 2013) of the approval, and was further amended in Modification 2 (22 April 2015) of the approval to state the following:

‘Prior to the issue of a Subdivision Certificate, the Proponent shall register a section 88B/E instrument pursuant to the *Conveyancing Act, 1919* over Lot 6 and Lot 9 requiring the maintenance and management of the flood detention basin and prohibiting the use of the land at grade other than for the maintenance of the flood detention basin.’

The Section 88B Instrument (the Instrument), at clause 5.1, states the following:

‘5.1 Subject to clauses 5.2 and 5.3, the owner of the Lot Burdened must not:

- (a) use the land at grade within the Easement Site for any purpose except the maintenance of the flood detention basin located within the Easement Site; or
- (b) erect or permit to be erected any permanent structure on the Easement Site except with the consent of the Prescribed Authority.'

Clause 5.3 of the Instrument goes on to state the following:

- 5.3 Despite any clause in this instrument, clause 5.1 does not restrict, limit or in any way apply to uses or activities conducted on the Easement Site which:
- (a) are conducted with the approval of the relevant consent authority (where such approval is required by law); and
 - (b) do not interfere with or affect the maintenance of the Easement Site for the purposes of a flood detention basin.'

Bayside Council Comments

Council has no objection in principle to the creation of additional warehousing floorspace on the land within the area over which the State Environmental Planning Policy (Three Ports) 2013 (the SEPP) is the relevant planning legislation. However, while warehouse or distribution centres are permitted with consent by the SEPP, it is essential that the following matters are dealt with comprehensively in any Environmental Impact Statement (EIS) which accompanies a development application for the proposal:

Restriction of the use of the land and positive covenant:

As detailed above, the restriction on the use of land and positive covenant affecting the site states that, inter alia, the owner must not use the land at grade within the Easement Site for any purpose except the maintenance of the flood detention basin located within the Easement Site. Strictly speaking, the ramps to the raised concrete platform and the piles supporting the platform will be at grade. In addition, the cross section on drawing SK – A 202 submitted in support of the SEARs request would appear to show most of Warehouse 2 situated at grade.

As well as the flooding implications of these at grade structures mentioned in the 'Flooding' section below, the applicant also needs 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 Approval. 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 will be contrary to clause 5.1(a) of the Section 88B instrument. The introduction of uses or activities conducted on the Easement Site could possibly interfere with or affect the maintenance of the Easement Site for the purposes of a flood detention basin, which would be contrary to clause 5.3(b) of the Instrument.

The Instrument confirms that Council is empowered to release, vary or modify the restriction on use of the land. However, before doing so, Council will require the Proponent to clearly demonstrate how the proposed development is able to ensure compliance with the restriction on use enshrined in both the conditions attached to the Approval and the relevant clauses contained in the Instrument. Without such a guarantee, Council may refuse to consider modifying or releasing the restriction on use of land.

Strategic Planning Context –

Notwithstanding the above, the EIS should demonstrate that the development proposal is generally consistent with all relevant planning strategies, plans and Environmental Planning Instruments, including:

- The SEPP;
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (State and Regional Development) 2011;
- Relevant s9.1 Directions (formerly s117 Directions);
- Towards Our Greater Sydney 2056 – Greater Sydney Commission;
- Premier's Priorities – NSW Government;
- Future Transport Strategy 2056 – NSW Government;
- NSW State Infrastructure Strategy 2018-2038 – NSW Government;
- Eastern City District Plan – Greater Sydney Commission;
- Botany Bay Planning Strategy 2013; and
- Botany Bay LEP 2013.

Flooding –

Modelling assumptions:

- a) Existing buildings blocking flow or allowing flow through –

Council notes that the modelling was completed with an assumption that the new buildings will allow water to flow through and around. As Council is not aware of how the adjacent buildings function in a flood and whether they will provide storage, it is therefore worth checking how sensitive the flow paths are to this assumption. The flood study in the EIS should therefore include a sensitivity analysis of the assumption. In this alternative scenario the adjacent building areas should totally block flow.

- b) Obstruction caused by piers under proposed building –

Further analysis is required in a flood study of the impact on flood flows and the reduction in storage capacity caused by the proposed piers. This should include an assessment from a structural engineer on whether the assumed pier diameter/width and spacing used in the modelling is appropriate for this structure and site, as well as the total volume of these piers to determine the reduction to available flood storage. The blockage assessment should be in accordance with ARR2016, with discussion of site specific risks and results.

c) Raising of Nant Street –

The raising of Nant Street and the use of culverts under the raised road has not been modelled. The model only shows the ramps being raised and the remainder of Nant Street remaining at its current level.

To provide access to the site in flood events (even relatively minor flood events), Nant Street would need to be raised in its entirety. Furthermore, if there are multiple culverts there is a risk of blockage, and the modelling doesn't account for this. Further information on this should, therefore, be included in the flood study in the EIS

Safe access to the site and evacuation plan:

The flood study should also include an assessment of flood risk for the users of the site, providing information on site accessibility and evacuation measures. This should include a comprehensive flood risk management plan including site access, flood warning, site evacuation strategy up to the PMF level and emergency vehicle access etc.

The applicant also needs to clarify whether the entirety of Nant Street will be raised or only where the access ramps are proposed. The text in the SEARs appears to conflict with the hydraulic modelling that shows no change in depth for the majority of the road (with only the ramps raised).

Council also has concerns regarding the location of a new access way (road) in close proximity to the drain, which is in a high velocity flow area (floodway). This creates a hazard for road users, accessing the site. The applicant should provide an assessment of the risk of the proposed Nant Street access as it relates to vehicles and pedestrians/cyclists accessing the site during a flood event. This should include analysis of alternative access points.

The flood depth on the proposed Nant Street is shown on a flood plan for a few flood scenarios, however it should also be stated in text in a table for a range of flood events to highlight the frequency of flooding and depth of flooding that will occur. It appears from the plots of flood depth that the road will be inundated to 1m in the 5% AEP flood event. An assessment should be made of the flood event during which flood waters will prevent access to the site i.e. possibly 20% AEP or 10% AEP.

An assessment of the duration of the flood should be included in the assessment of risk (associated with access to the site). Access via Nant Street appears to require modification and lifting of this road which will reduce the capacity of the adjacent channel. If the road level is to be adjusted during construction of the road the design flood level should be assessed based on this road design. If culverts are to be used to allow flow under the access road details of culverts and appropriate blockage factors must be incorporated into the model.

Traffic and Transport –

Notwithstanding the preliminary advice provided by Traffix which supports the request for SEARs, the following matters should, as a minimum, be dealt with in a detailed Traffic Report in the EIS:

- A quantitative Traffic Impact Assessment which details all daily and peak traffic and transport movements likely to be generated during construction and operation of the development, and the ability of the existing and future transport networks to accommodate these transport movements;
- An assessment of predicted impacts on road safety and the capacity of the road network to accommodate the development;
- Details of the current daily and peak hour vehicle, public transport, pedestrian and bicycle movements and existing traffic and transport facilities provided on the road network in the surrounding area;
- Details of the type of heavy vehicles likely to be used during the operation of the development and a cumulative assessment of the predicted impacts of these vehicles, including existing and future performances of nearby key intersections;
- Details of access to, from and within the site, including details of vehicle circulation of the largest light and heavy vehicle anticipated to access the site, including swept path analysis;
- Details of any road upgrades or new roads required, including any turning lanes and sight distance requirements;
- Details of any likely dangerous goods to be transported on roads to and from the site;
- Details of impact of the proposed development on existing and future public transport, walking and cycling infrastructure in the surrounding area;
- Demonstration of the measures to be implemented to encourage employees of the development to make sustainable travel choices, including walking, cycling, public transport and car sharing;
- Justification of the level of car parking provided on the site including a demonstration of compliance with appropriate parking standards;
- Preparation of a Construction Traffic Management Plan which includes, but is not limited to:
 - An assessment of traffic and transport impacts during construction and how these impacts will be mitigated for any associated traffic, pedestrians, cyclists and public transport operations;
 - Details of vehicle routes, numbers of construction vehicles, hours of operation, access management and traffic control measures for all stages of construction;
 - Details of anticipated peak hour and daily construction vehicle movements to and from the site;
 - An assessment of road safety at key intersections;
 - Details of access arrangements of workers to and from the site, including details of temporary cycling and pedestrian access during construction;
 - Details of emergency vehicles and service vehicle movements; and
 - Assessment of cumulative impacts associated with other construction activities in the surrounding area.

Contamination –

Whilst an appropriate consideration of the unique contamination history and issues at the site has been addressed in Section 7.3 of the SEARs request and in the Site Auditor Advice Letter dated 15 February 2018 provided by C.M. Jewell & Associates, the EIS should also include the additional information also referred to in these documents. This should provide a detailed assessment of the extent and nature of any contamination at the site.

Land Use Safety Risk –

The Site is affected by the following constraint/hazard areas:

- Botany Industrial Park 500m risk referral area; and
- Botany/Randwick Land Use Safety Study area.

Notwithstanding the preliminary advice provided by Sherpa Consulting which supports the request for SEARs, the EIS should include details of a preliminary risk screening completed in accordance with State Environmental Planning Policy No. 33 – Hazardous and Offensive Development, and Applying SEPP 33, with a clear indication of class, quantity and location of all dangerous goods and hazardous materials associated with the development. Should a preliminary screening indicate the project is ‘potentially hazardous’, the EIS should include a preliminary hazard analysis, which should be prepared in accordance with Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis, and Multi-Level Risk Assessment.

In addition, the EIS needs to examine not just whether the proposed development poses an unacceptable risk to the surrounding area, but also whether there is potential exposure to the proposed development from existing risks, e.g. from Botany Industrial Park.

In this regard, the EIS should also include a risk assessment undertaken in accordance with Hazardous Industry Planning Advisory Paper No. 6 – Hazard Analysis. This should demonstrate that the development complies with relevant quantitative and qualitative risk criteria in Hazardous Industry Planning Advisory Paper No. 10 – Land Use Safety Planning.

Urban Design/Visual Impact –

Whilst it is accepted that the warehousing and concrete platform structures are proposed in an extensive area of industrial development, the EIS should still include a visual impact assessment which examines the development layout and design having regard to any potential views from surrounding residential areas or other sensitive sites.

Biodiversity –

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. The EIS should, therefore, include an assessment of the proposal’s biodiversity impacts in accordance with relevant legislation and best practice.

Noise and Vibration –

Council acknowledges the proponent’s intention to include a comprehensive Noise and Vibration Impact Assessment as part of the EIS. This should include an assessment of nearby sensitive receivers, cumulative impacts of other developments and details of proposed mitigation, management and monitoring measures.

Air Quality –

Council acknowledges the proponent's intention to include an assessment of potential impacts on local and regional air quality, including details of any proposed mitigation measures that will prevent (or reduce) the generation and emission of dust particles. As stated in the SEARs request, the air quality assessment should demonstrate compliance with the applicable regulatory framework, including the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Clean Air) Regulation 2010. The assessment should also demonstrate consistency with the relevant Environment Protection Authority guidelines.

If you require any further clarification of any of the above comments, please contact Council's officer, John McNally – Urban Planner, on 9652 1652 or at john.mcnally@bayside.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'C. Harley'.

Clare Harley
Manager Strategic Planning

Melissa Prochazka

From: Luisa Maguire
Sent: Thursday, 15 November 2018 2:54 PM
To: Melissa Prochazka
Subject: FW: [13 Planning and Assessment] Fwd: Request for SEARs for Orica Southlands Warehouse Estate (SSD 9691) - 28 McPherson Street, Banksmeadow.

Regards

Luisa Maguire

Luisa Maguire

DA Coordinator | Key Sites and Industry Assessments

Department of Planning & Environment

320 Pitt Street | GPO Box 39 | Sydney NSW 2001

T 02 8289 6757 E luisa.maguire@planning.nsw.gov.au



Planning &
Environment

From: Mohammed Rahman <mohammed.rahman@crowland.nsw.gov.au>
Sent: Thursday, 15 November 2018 1:57 PM
To: Lands Ministerials <lands.ministerials@industry.nsw.gov.au>; Luisa Maguire <Luisa.Maguire@planning.nsw.gov.au>; Mohammed Rahman <mohammed.rahman@crowland.nsw.gov.au>
Subject: Fwd: [13 Planning and Assessment] Fwd: Request for SEARs for Orica Southlands Warehouse Estate (SSD 9691) - 28 McPherson Street, Banksmeadow.

Hi,
A Land status investigation on Orica Southlands Warehouse Estate (SSD 9691) - 28 McPherson Street, Banksmeadow. shows that there is no Crown land features exist.
Therefore, No comment from Crown land.
Thank you.
Regards,

Mohammed H Rahman | Natural Resources Management Officer Sydney
Regional Services

Department of Industry, Lands and Water Division

PO Box 2185 DANGAR NSW 2309

T: 02 9842 8331 | F: 02 8836 5365 | E: mohammed.rahman@crowland.nsw.gov.au

W: www.crowland.nsw.gov.au

----- Forwarded message -----

From: Ross Barton at Crown Lands <wrike@wrike.com>

Date: Fri, 9 Nov 2018 at 10:01

Subject: [13 Planning and Assessment] Fwd: Request for SEARs for Orica Southlands Warehouse Estate (SSD 9691) - 28 McPherson Street, Banksmeadow.

To: <mohammed.rahman@crowland.nsw.gov.au>



Department of Industry

OUT18/17568

Melissa Prochazka
Key Sites and Industry Assessments
NSW Department of Planning and Environment

melissa.prochazka@planning.nsw.gov.au

Dear Ms Prochazka

**Orica Southlands Warehouse Estate (9691)
Comment on the Secretary's Environmental Assessment Requirements (SEARs)**

I refer to your email of 8 November 2018 to the Department of Industry (DoI) in respect to the above matter. Comment has been sought from relevant branches of Lands & Water and Department of Primary Industries (DPI), and the following requirements for the proposal are provided:

DoI - Water

- The identification of an adequate and secure water supply for the life of the project. This includes confirmation that water can be sourced from an appropriately authorised and reliable supply. This is also to include an assessment of the current market depth where water entitlement is required to be purchased.
- A detailed and consolidated site water balance.
- Assessment of impacts on surface and ground water sources (both quality and quantity), related infrastructure, adjacent licensed water users, basic landholder rights, watercourses, riparian land, and groundwater dependent ecosystems, and measures proposed to reduce and mitigate these impacts.
- Proposed surface and groundwater monitoring activities and methodologies.
- Consideration of relevant legislation, policies and guidelines, including the NSW Aquifer Interference Policy (2012), the Guidelines for Controlled Activities on Waterfront Land (2018) and the relevant Water Sharing Plans (available at <https://www.industry.nsw.gov.au/water>).

Any further referrals to Department of Industry can be sent by email to landuse.enquiries@dpi.nsw.gov.au.

Yours sincerely

Simon Francis
Senior Policy Officer, Assessment Advice
Lands and Water - Strategy and Policy
19 November 2018



DOC18/856322-1

Department of Planning and Environment
F.A.O Ms Melissa Prochazka
320 Pitt Street
SYDNEY NSW 2000

Email: Melissa.prochazka@planning.nsw.gov.au

Dear Ms Prochazka,

Orica Southlands Warehouse Estate (SSD 9691) – 28 McPherson Street, Banksmeadow

I refer to your letter to the NSW Environment Protection Authority (EPA) received by email on 8 November 2018, seeking input for the Secretary's Environment Assessment Requirements (SEARs) to assist with the preparation of an Environmental Impact Statement (EIS) for the development of two warehouse buildings in the area known as Southlands at 28 McPherson Street, Banksmeadow (the site).

On the basis of the information provided, the proposal does not constitute a Scheduled Activity under Schedule 1 of the Protection of the Environment Operations Act 1997 (POEO Act). The EPA does not consider that the proposal will require an Environment Protection Licence (EPL) under the POEO Act. Accordingly, with regards to licenced activities, the EPA has no comments regarding the proposal.

However, this site lies within the area that has been declared as having contamination that is significant enough to warrant regulation under the *Contaminated Land Management Act 1997*, (Orica Botany Groundwater Project, Declaration Ref. 21074). As such, the EPA has provided recommendations for the SEARs in relation to ensuring appropriate assessment and management of contamination, in **Attachment A**.

If you have any further questions, please do not hesitate to contact Olivia Patterson on 02 9995 5798 or Olivia.patterson@epa.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rob Hogan', written over a circular stamp or seal.

21 November 2018

ROB HOGAN
Manager Contaminated Land Regulation
Environment Protection Authority

ATTACHMENT A

EPA's Recommended Secretary's Environmental Assessment Requirements – Orica Southland Warehouse Estate (SSD 9691) - 28 McPherson Street, Banksmeadow (the site).

CONTAMINATION

The proposed warehouse site is located within the Orica Groundwater Remediation Project declared area. This declared area relates to the groundwater contamination from the Botany Industrial Park to the north, where chlorinated solvents were released into groundwater. The declaration was made by the EPA on 9 February 2005 and the ongoing remediation of the groundwater contamination is being undertaken by Orica Australia Pty Ltd under a Voluntary Management Proposal (Notice 20151711 as amended by Notices 20164428 and 20174415).

The site comprises open ground adjacent to a lined drainage channel (Springvale Drain) and is accessible to the public. The site is predominantly flat but has been shaped to suit flood storage and is highly disturbed because of major earthworks that took place in 2014-2015.

The northern area of the site overlies a dense non-aqueous phase liquid (DNAPL) plume, which is contributing to contamination in groundwater, which is flowing south through the site area. This contaminant plume has elevated concentrations of carbon tetra-chloride, vinyl chloride and 1,2-dichloroethane. It is noted that the highest concentrations are located at depth.

The site itself is surrounded by monitoring wells for the groundwater plumes and the southern boundary of the site forms part of Orica's 'primary containment line'; a line of extraction wells along the north of McPherson Street, which pump water to the groundwater treatment plant on the Botany Industrial Park, to the north in order to contain the contaminated groundwater.

Orica and a representative from Orica's development consultants attended a briefing meeting at the EPA offices on 14 November 2018 regarding this proposal. The attendees were James Stening, Orica and Jeff Lord, DBL Property as well as Olivia Patterson, Christina Low and Larissa Borysko from the EPA. During the meeting the EPA was briefed that the proposal had been reviewed by Chris Jewell, an EPA accredited site auditor. It was agreed that having a freeboard of 2.5m under the floor slab of the warehouses would allow for site access to services, and groundwater well installation if required. The EPA was also advised that asbestos had been identified in near surface soils and this was proposed to be managed with capping, including use of a geofabric marker.

The EPA recommends the EIS address the following items:

- Ensure that the current infrastructure required to carry out Orica's obligations under the VMP Ref. 20151711 as amended by 20164428 and 20174415, will not be damaged or destroyed during redevelopment, or if damaged or destroyed during works, is repaired or replaced without affecting the ongoing remediation of groundwater.
- Provide design plans to ensure safe heights under the floor slab of the warehouses, to allow for access to maintenance and installation of services, including future groundwater well installations and soil borings.
- Develop a Remediation Action Plan (RAP) that will ensure that the asbestos and any other identified contamination in soils is either remediated or managed in a way that prevents exposure to site users. The RAP must also ensure that the building construction does not expose site users to vapour generated by the DNAPL identified in the north of the site, and the associated contaminated groundwater.

- Prepare a management plan to ensure that the developed site is maintained in such a way that the potential risk to human health and the environment is not increased.
- Engage a NSW contaminated site auditor accredited by the EPA to review the works including the Remediation Action Plan, and prepare a Part B Site Audit Statement and Site Audit Report to certify if the land will be suitable for the intended use subject to any remediation plans.
- Engage a NSW contaminated site auditor accredited by the EPA to produce a part A Site Audit Statement and Report following the completion of remedial works to certify that the land will be suitable for the intended use following the proposed construction works.

The following guidance should be considered in accordance with the proposal:

- State Environmental Planning Policy 55 Remediation of Land
- NSW EPA Sampling Design Guidelines, 1995
- Guidelines for the NSW Site Auditor Scheme, 3rd edition, October 2017
- Guidelines for the assessment and management of groundwater contamination, March 2007
- NEPM (assessment of Site Contamination) Measure 1999 (April 2013).

Melissa Prochazka

From: Fire Safety <FireSafety@fire.nsw.gov.au>
Sent: Thursday, 15 November 2018 2:36 PM
To: Melissa Prochazka
Subject: Secretary's Environmental Assessment Requirements (SEARs) – Orica Southlands Warehouse Estate (SSD 9691) – 28 McPherson Street, Banksmeadow

Dear Melissa,

In regards to your email correspondence dated the 7th November 2018, Fire & Rescue NSW confirms receipt of the SEARs report for Orica Southlands Warehouse Estate (SSD 9691) – 28 McPherson Street, Banksmeadow.

It has been the experience of FRNSW that large isolated buildings (warehouses) pose unique challenges to firefighters when responding to and managing an incident. Factors such as high and potentially hazardous fuel loads, facility layout, and design of fire safety systems have a significant impact on the ability to conduct firefighting operations safely and effectively. Consultation with organisations such as FRNSW throughout the development process enables the design and implementation of more effective fire safety solutions that help to mitigate the impact of incidents when they occur.

FRNSW recommends that the development proposal undergoes a potentially hazardous or potentially offensive industry screening assessment under SEPP 33.

FRNSW requests the opportunity to review and comment on the forthcoming SEPP 33 screening assessment and EIS.

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 it is deemed that the development poses unique challenges to the response to and management of an incident.

If you have any further queries regarding this matter, please contact the Fire Safety Branch on 9742 7434 quoting your reference number.

Regards,



Administration Officer

FIRE SAFETY ADMINISTRATION UNIT
COMMUNITY SAFETY DIRECTORATE

T: 02 9742 7434 [LinkedIn](#)
E: firesafety@fire.nsw.gov.au
1 Amarina Ave, Greenacre, NSW 2190
Locked Mail Bag 12, Greenacre, NSW 2190
www.fire.nsw.gov.au



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Office of Environment & Heritage

DOC18/863491
SSD 9691

Luisa Maguire
DA Coordinator
Key Sites and Industry Assessments
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Maguire

Request for SEARs – Orica Southlands Warehouse Estate SSD 9691, No. 28 McPherson Street, Banksmeadow

Thank you for your e-mail received 8 November 2018, requesting comments from the Office of Environment and Heritage (OEH) on the Secretary's Environmental Assessment Requirements (SEARs) for the above State Significant Development.

OEH has reviewed the Request for SEARs Report by Keylan consulting Pty Ltd dated November 2018 and provides the following comments and its recommendations in Attachment A.

Building Design

OEH recommends the new building incorporate a Green Roof, Cool Roof and/or Green Wall into their design.

The benefits of Green Roofs, Cool Roofs and Green Walls are outlined in the OEH (2015) Urban Green cover in NSW Technical Guidelines which can be found at the following link:

<http://climatechange.environment.nsw.gov.au//Adapting-to-climate-change/Green-cover>

Green roofs are roof surfaces that are partially or fully vegetated. Cool roofs use reflective material to reflect and emit more solar energy than dark coloured roofs. Green walls are vegetated systems that are grown on the vertical façade of the building envelope.

Green roofs and cool roofs can have a strong regulating effect on the temperature of roofs and building interiors, reducing the energy needed for cooling and the impact of the Urban Heat Island effect. Green walls can reduce heating and air-conditioning requirements. The provision of an Intensive Green roof or Green Wall would increase habitat and biodiversity at the site, particularly if local provenance plant species are used from the relevant native vegetation community (or communities).

It is recommended the NSW and ACT Governments Regional Climate Modelling (NARCLiM) climate change projections developed for the Sydney Metropolitan area are used to inform the building design and asset life of the project. These include over 100 climate variables, including temperature,

rainfall, hot days and cold nights, severe Forest Fire Danger Index (FFDI) and are publicly available online and at fine resolution (10km and hourly intervals) for 20-year time periods: 2020-2039 near future and long-term 2060-2079. Further, sustainable design measures such as green roofs should be incorporated into the project design to maximise the long-term ecologically sustainable development outcomes of the proposal. The climate change projections for the Sydney Metropolitan area are found at the following link:

<https://climatechange.environment.nsw.gov.au/Climate-projections-for-NSW/Climate-projections-for-your-region/Metro-Sydney-Climate-Downloads>

A separate response may be provided on heritage matters by the Heritage Division of OEH as delegate of the Heritage Council of NSW.

Should you have any queries regarding this matter, please contact Bronwyn Smith Senior Project Officer on 9873 8604 or Bronwyn.smith@environment.nsw.gov.au

Yours sincerely

S. Harrison 14/11/18

SUSAN HARRISON
Senior Team Leader Planning
Greater Sydney
Communities and Greater Sydney Division

Attachment A – OEH Environmental Assessment Requirements – SSD 9691

Biodiversity

1. Biodiversity impacts related to the proposed development are to be assessed in accordance with Section 7.9 of the Biodiversity Conservation Act 2017 the Biodiversity Assessment Method and documented in a Biodiversity Development Assessment Report (BDAR). The BDAR must include information in the form detailed in the Biodiversity Conservation Act 2016 (s6.12), Biodiversity Conservation Regulation 2017 (s6.8) and Biodiversity Assessment Method, including an assessment of the impacts of the proposal (including an assessment of impacts prescribed by the regulations).
2. The BDAR must document the application of the avoid, minimise and offset framework including assessing all direct, indirect and prescribed impacts in accordance with the Biodiversity Assessment Method.
3. The BDAR must include details of the measures proposed to address the offset obligation as follows;
 - The total number and classes of biodiversity credits required to be retired for the development/project;
 - The number and classes of like-for-like biodiversity credits proposed to be retired;
 - The number and classes of biodiversity credits proposed to be retired in accordance with the variation rules;
 - Any proposal to fund a biodiversity conservation action;
 - Any proposal to conduct ecological rehabilitation (if a mining project);
 - Any proposal to make a payment to the Biodiversity Conservation Fund.

If seeking approval to use the variation rules, the BDAR must contain details of the reasonable steps that have been taken to obtain requisite like-for-like biodiversity credits.
4. The BDAR must be submitted with all spatial data associated with the survey and assessment as per Appendix 11 of the BAM.
5. The BDAR must be prepared by a person accredited in accordance with the Accreditation Scheme for the Application of the Biodiversity Assessment Method Order 2017 under s6.10 of the *Biodiversity Conservation Act 2016*.

Aboriginal cultural heritage

6. The EIS must identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the development and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR). This may include the need for surface survey and test excavation. The identification of cultural heritage values must be conducted in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (OEH 2010), and guided by the Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (DECCW, 2011)
7. Consultation with Aboriginal people must be undertaken and documented in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW). The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the ACHAR.

8. Impacts on Aboriginal cultural heritage values are to be assessed and documented in the ACHAR. The ACHAR must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the ACHAR must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to OEH.

Note that a due diligence report is not acceptable, a ACHAR must be prepared.

Water and soils

9. The EIS must map the following features relevant to water and soils including:
- Acid sulfate soils (Class 1, 2, 3 or 4 on the Acid Sulfate Soil Planning Map).
 - Rivers, streams, wetlands, estuaries (as described in s4.2 of the Biodiversity Assessment Method).
 - Wetlands as described in s4.2 of the Biodiversity Assessment Method.
 - Groundwater.
 - Groundwater dependent ecosystems
 - Proposed intake and discharge locations
10. The EIS must describe background conditions for any water resource likely to be affected by the development, including:
- Existing surface and groundwater.
 - Hydrology, including volume, frequency and quality of discharges at proposed intake and discharge locations.
 - Water Quality Objectives (as endorsed by the NSW Government <http://www.environment.nsw.gov.au/ieo/index.htm>) including groundwater as appropriate that represent the community's uses and values for the receiving waters.
 - Indicators and trigger values/criteria for the environmental values identified at (c) in accordance with the ANZECC (2000) Guidelines for Fresh and Marine Water Quality and/or local objectives, criteria or targets endorsed by the NSW Government.
 - Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions <http://www.environment.nsw.gov.au/research-and-publications/publications-search/risk-based-framework-for-considering-waterway-health-outcomes-in-strategic-land-use-planning>
11. The EIS must assess the impacts of the development on water quality, including:
- The nature and degree of impact on receiving waters for both surface and groundwater, demonstrating how the development protects the Water Quality Objectives where they are currently being achieved, and contributes towards achievement of the Water Quality Objectives over time where they are currently not being achieved. This should include an assessment of the mitigating effects of proposed stormwater and wastewater management during and after construction.
 - Identification of proposed monitoring of water quality.
 - Consistency with any relevant certified Coastal Management Program (or Coastal Zone Management Plan)
12. The EIS must assess the impact of the development on hydrology, including:
- Water balance including quantity, quality and source.

- b. Effects to downstream rivers, wetlands, estuaries, marine waters and floodplain areas.
- c. Effects to downstream water-dependent fauna and flora including groundwater dependent ecosystems.
- d. Impacts to natural processes and functions within rivers, wetlands, estuaries and floodplains that affect river system and landscape health such as nutrient flow, aquatic connectivity and access to habitat for spawning and refuge (e.g. river benches).
- e. Changes to environmental water availability, both regulated/licensed and unregulated/rules-based sources of such water.
- f. Mitigating effects of proposed stormwater and wastewater management during and after construction on hydrological attributes such as volumes, flow rates, management methods and re-use options.
- g. Identification of proposed monitoring of hydrological attributes.

Flooding and coastal hazards

13. The EIS must map the following features relevant to flooding as described in the Floodplain Development Manual 2005 (NSW Government 2005) including:
 - a. Flood prone land.
 - b. Flood planning area, the area below the flood planning level.
 - c. Hydraulic categorisation (floodways and flood storage areas)
 - d. Flood Hazard.
14. The EIS must describe flood assessment and modelling undertaken in determining the design flood levels for events, including a minimum of the 5% Annual Exceedance Probability (AEP), 1% AEP, flood levels and the probable maximum flood, or an equivalent extreme event.
15. The EIS must model the effect of the proposed development (including fill) on the flood behaviour under the following scenarios:
 - a. Current flood behaviour for a range of design events as identified in 14 above. This includes the 0.5% and 0.2% AEP year flood events as proxies for assessing sensitivity to an increase in rainfall intensity of flood producing rainfall events due to climate change.
16. Modelling in the EIS must consider and document:
 - a. Existing council flood studies in the area and examine consistency to the flood behaviour documented in these studies.
 - b. The impact on existing flood behaviour for a full range of flood events including up to the probable maximum flood, or an equivalent extreme flood.
 - c. Impacts of the development on flood behaviour resulting in detrimental changes in potential flood affection of other developments or land. This may include redirection of flow, flow velocities, flood levels, hazard categories and hydraulic categories
 - d. Relevant provisions of the NSW Floodplain Development Manual 2005.
17. The EIS must assess the impacts on the proposed development on flood behaviour, including:
 - a. Whether there will be detrimental increases in the potential flood affection of other properties, assets and infrastructure.
 - b. Consistency with Council floodplain risk management plans.
 - c. Consistency with any Rural Floodplain Management Plans.

- d. Compatibility with the flood hazard of the land.
- e. Compatibility with the hydraulic functions of flow conveyance in floodways and storage in flood storage areas of the land.
- f. Whether there will be adverse effect to beneficial inundation of the floodplain environment, on, adjacent to or downstream of the site.
- g. Whether there will be direct or indirect increase in erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
- h. Any impacts the development may have upon existing community emergency management arrangements for flooding. These matters are to be discussed with the NSW SES and Council.
- i. Whether the proposal incorporates specific measures to manage risk to life from flood. These matters are to be discussed with the NSW SES and Council.
- j. Emergency management, evacuation and access, and contingency measures for the development considering the full range of flood risk (based upon the probable maximum flood or an equivalent extreme flood event). These matters are to be discussed with and have the support of Council and the NSW SES
- k. Any impacts the development may have on the social and economic costs to the community as consequence of flooding.

(END OF SUBMISSION)

Melissa Prochazka

From: Ryan Bennett <rbennett@portauthoritynsw.com.au>
Sent: Monday, 12 November 2018 5:07 PM
To: Luisa Maguire
Cc: Melissa Prochazka
Subject: RE: Request for SEARs for Orica Southlands Warehouse Estate (SSD 9691) - 28 McPherson Street, Banksmeadow.

Hello Luisa

Port Authority of NSW has no comments on the Request for SEARs for SSD 9691.

Kind regards,

Ryan Bennett | Senior Planning and Sustainability Manager

Port Authority of New South Wales

Level 4, 20 Windmill Street | Walsh Bay NSW 2000 Australia

T: +61 2 9296 4674

www.portauthoritynsw.com.au

From: Luisa Maguire [mailto:Luisa.Maguire@planning.nsw.gov.au]
Sent: Thursday, 8 November 2018 1:33 PM
To: Ryan Bennett <rbennett@portauthoritynsw.com.au>
Cc: Melissa Prochazka <Melissa.Prochazka@planning.nsw.gov.au>
Subject: Request for SEARs for Orica Southlands Warehouse Estate (SSD 9691) - 28 McPherson Street, Banksmeadow.

Good Afternoon,

Please find attached Request for SEARs for Orica Southlands Warehouse Estate (SSD 9691) - 28 McPherson Street, Banksmeadow.

A request that you review the attached information and provide details of any key issues and assessment requirements by **Wednesday 21 November 2018**.

Please assure all correspondence is to be directed to relevant planner.

If you have any questions, please contact Melissa Prochazka on (02) 8289 6695 or via email at melissa.prochazka@planning.nsw.gov.au.

Regards

Luisa Maguire

Luisa Maguire

DA Coordinator | Key Sites and Industry Assessments

Department of Planning & Environment

320 Pitt Street | GPO Box 39 | Sydney NSW 2001

T 02 8289 6757 E luisa.maguire@planning.nsw.gov.au

Disclaimer

This message is intended for the addressee named and may contain confidential information. If you are not the intended recipient, please delete it and notify the sender. Views expressed in this message are those of the individual sender, and are not necessarily the views of the Port Authority of New South Wales.



12 November 2018

Our Reference: SYD18/01792
DP&E Ref: SSD 9691

Team Leader
Department of Planning & Environment
320 Pitt Street
SYDNEY NSW 2000

Attention: Melissa Prochazka

Dear Sir/Madam

**REQUEST FOR SEARs – ORICA SOUTHLANDS WAREHOUSE ESTATE
28 McPHERSON STREET, BANKSMEADOW**

Reference is made to the Department's correspondence dated 7 November 2018, requesting Roads and Maritime Services (Roads and Maritime) to provide details of key issues and assessment requirements regarding the abovementioned development for inclusion in the Secretary's Environmental Assessment Requirements (SEARs).

Roads and Maritime requests that the following issues to be included in the transport and traffic impact assessment of the proposed development:

1. Daily and peak traffic movements likely to be generated by the proposed redevelopment including the impact on nearby intersections and the need/associated funding for upgrading or road improvement works (if required).

All affected intersections should be examined / modelled. These should include, but not be limited to:

- a. Botany Road and Hill Street;
 - b. Botany Road and Exell Street;
 - c. Exell Street and McPherson Street;
 - d. McPherson Street and Nant Street;
 - e. Botany Road and Foreshore Road.
2. Details of the proposed accesses and the parking provisions associated with the proposed redevelopment including compliance with the requirements of the relevant Australian Standards (ie: turn paths, sight distance requirements, aisle widths, etc).
 3. Proposed number of car parking spaces and compliance with the appropriate parking codes.

Roads and Maritime Services

4. Details of light and heavy vehicle movements (including vehicle type and likely arrival and departure times).
5. To ensure that the above requirements are fully addressed, the transport and traffic study must properly ascertain the cumulative study area traffic impacts associated with the redevelopment (and any other known proposed developments in the area). This process provides an opportunity to identify a package of traffic and transport infrastructure measures required to support future development. Regional and local intersection and road improvements, vehicular access options for adjoining sites, public transport needs, the timing and cost of infrastructure works and the identification of funding responsibilities associated with the development should be identified.
6. Roads and Maritime requires the Environmental Assessment report to assess the implications of the proposed development for non-car travel modes (including public transport use, walking and cycling); the potential for implementing a location-specific sustainable travel plan (eg 'Travelsmart' or other travel behaviour change initiative); and the provision of facilities to increase the non-car mode share for travel to and from the site. This will entail an assessment of the accessibility of the development site by public transport.

If you have any further inquiries in relation to this development application Kerry Ryan would be pleased to take your call on 8849 2008 or by email: development.sydney@rms.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'BEPeg' or similar, with a stylized flourish at the end.

Brendan Pegg
Senior Land Use Planner
Sydney Division, South East Precinct

Planning Secretary's Environmental Assessment Requirements

Section 4.12(8) of the *Environmental Planning and Assessment Act 1979*
Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*

Application Number	SSD 9691
Project Name	Orica Southlands Warehouse Estate
Development	Establishment of a warehouse estate, comprising: • a suspended concrete platform above the flood detention basin to support warehouse buildings and hardstand / parking areas • construction of two warehouse buildings for the storage and distribution of general merchandise including goods arriving from Port Botany
Location	28 McPherson Street, Banksmeadow in the Bayside Local Government Area (Lot 9 DP 1205673)
Applicant	Orica Limited
Date of Issue	14 December 2018
General Requirements	The environmental impact statement (EIS) must be prepared in accordance with, and meet the minimum requirements of, clauses 6 and 7 of Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i> (the Regulation). In addition, the EIS must include: • a detailed description of the development, including: – the need for the proposed development – justification for the proposed development – likely staging of the development – likely interactions between the development and existing, approved and proposed operations in the vicinity of the site – plans of any proposed building works • consideration of all relevant environmental planning instruments, including identification and justification of any inconsistencies with these instruments • a risk assessment of the potential environmental impacts of the development, identifying the key issues for further assessment • a detailed assessment of the key issues specified below, and any other significant issues identified in this risk assessment, which includes: – a description of the existing environment, using sufficient baseline data – an assessment of the potential impacts of all stages of the development, including any cumulative impacts, taking into consideration relevant guidelines, policies, plans and statutes – a description of the measures that would be implemented to avoid, minimise, mitigate and if necessary, offset the potential impacts of the development, including proposals for adaptive management and/ or contingency plans to manage significant risks to the environment • a consolidated summary of all the proposed environmental management and monitoring measures, highlighting commitments included in the EIS The EIS must also be accompanied by a report from a qualified quantity surveyor providing: • a detailed calculation of the capital investment value (CIV) (as defined in clause 3 of the Regulation) of the proposal, including details of all assumptions and components from which the CIV calculation is derived.

	The report shall be prepared on company letterhead and indicate applicable GST component of the CIV • an estimate of jobs that will be created during the construction and operational phases of the proposed development • certification that the information provided is accurate at the date of preparation
Key issues	The EIS must address the following specific matters: • Statutory and Strategic Context – including: – detailed justification that the proposed land use is permissible – details of any proposed consolidation or subdivision of land – a description of how the proposal complies with the land restrictions contained within the section 88B(E) public covenant instrument for the land pursuant to the <i>Conveyancing Act 1919</i> – a description of how the proposal is consistent with the relevant requirements of the project approval for the Orica Southlands Remediation and Warehouse Project (MP_06_0191) (as modified) – demonstration that the proposal is consistent with all relevant planning strategies, environmental planning instruments, adopted precinct plans, draft district plan(s) and adopted management plans and justification for any inconsistencies. The following must be addressed: - o State Environmental Planning Policy (Three Ports) 2013 - o Greater Sydney Region Plan: A Metropolis of Three Cities - o Our Greater Sydney 2056: Eastern City District Plan - o Future Transport Strategy 2056. • Suitability of the Site – including: – an analysis of site constraints, such as hazard and risk, flooding impacts and road access to the site – a detailed justification that the site is suitable for the scale of the proposal and any constraints identified, having regard to the sites surrounds and the potential contamination, flooding and hazard impacts • Community and Stakeholder Engagement – including: – a detailed community and stakeholder participation strategy which identifies who in the community has been consulted and a justification for their selection, other stakeholders consulted and the form(s) of consultation, including a justification for this approach – a report on the results of the implementation of the strategy including issues raised by the community and surrounding land owners and occupiers that may be impacted by the proposal – details of how issues raised during community and stakeholder consultation have been addressed and whether they have resulted in changes to the proposal – details of the proposed approach to future community and stakeholder engagement based on the results of consultation • Hazards and Risk – including: – a preliminary risk screening completed in accordance with State Environmental Planning Policy No. 33 – Hazardous and Offensive Development and Applying SEPP 33 (DoP, 2011), with a clear indication of class, quantity and location of all dangerous goods and hazardous materials associated with the development. Should preliminary screening indicate that the development is "potentially hazardous," a Preliminary Hazard Analysis (PHA) must be prepared in accordance with Hazardous Industry Planning Advisory Paper No. 6 - Guidelines for Hazard Analysis (DoP, 2011) and Multi-Level Risk Assessment (DoP, 2011) – an evaluation and assessment of the risks posed by the Botany Industrial Park complex on the development and demonstrate that the

	development complies with the risk criteria for development in the vicinity of potentially hazardous facilities published in Hazardous Industry Planning Advisory Paper No. 10 – Land Use Safety Planning (DoP, 2011). The assessment must be undertaken in consultation with BIP, must be based on the most recently available data and must demonstrate that the development would not result in any increase of the overall societal risk in the area – address all relevant recommendations published in Botany-Randwick Industrial Area Land Use Safety Study (DUAP 2001) • Flooding – a detailed hydrological and hydraulic assessment which includes the following: – a comprehensive assessment of the impact of flooding on the development for the full range of flood events up to the probable maximum flood. – an assessment of the impacts of the development on flood behaviour (i.e. levels, velocities and duration of flooding) and on adjacent, downstream and upstream areas – details of proposed floor levels for all proposed habitable structures on the site having considered the full range of flood events up to the probable maximum flood – an emergency response plan for the site, which includes consideration of site accessibility, a flood-free access to and from the development site and evacuation measures in extreme flood events • Contamination – including: - assessment of the extent and nature of any contamination of the soil, groundwater and soil vapour including the potential risks to human health and the environmental receptors near the site - a remediation action plan (RAP) detailing the measures that will be undertaken to remediate and manage any contamination identified at the site - the engagement of a Site Auditor accredited under the <i>Contaminated Land Management Act 1997</i> NSW Site Auditor Scheme - a Section B Site Audit Statement and Site Audit Report prepared by a NSW Site Auditor, certifying site suitability for the intended use subject to the implementation of an appropriate RAP • Traffic and Transport – including: – a Traffic Impact Assessment prepared in accordance with relevant guidelines – details of all daily and peak traffic and transport movements likely to be generated by the development including the impact on the nearby intersections and the need/associated funding for the upgrading or road improvements works (if required) – impacts on the safety and capacity of the surrounding road network and access points, using SIDRA or similar modelling, to assess impacts from current traffic counts and cumulative traffic from existing and proposed development – demonstrate that sufficient loading/unloading, car parking and pedestrian and cyclist facilities have been provided for the development – details and a justification of access to, from and within the site (vehicular and pedestrian) – details of road upgrades, new roads or access points required for the development, if necessary • Soils and Water – including: – a description of the water demands and a breakdown of water supplies, including a detailed site water balance – identification of any water licensing requirements under the <i>Water Act 1912</i> or <i>Water Management Act 2000</i> – details of proposed erosion and sediment controls during construction
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	– an assessment of potential impacts on surface and groundwater resources, drainage patterns, soil (stability, salinity and acid sulfate soils), related infrastructure, watercourses and riparian land and proposed mitigation, management and monitoring measures • Infrastructure Requirements – including: – a detailed written and/or graphical description of infrastructure required on the site – identification of any infrastructure upgrades required off-site to facilitate the development, and describe any arrangements to ensure that the upgrades will be implemented in a timely manner and maintained – detailed design plans to demonstrate the development will allow safe heights under the floor slab of the warehouse, to allow for access and maintenance and installation of service – an infrastructure delivery and staging plan, including a description of how infrastructure on and off-site will be co-ordinated and funded to ensure it is in place prior to the commencement of construction – an assessment of the impacts of the development (construction and operation) on existing infrastructure surrounding the site – consideration of the <i>Civil Aviation (Buildings Control) Regulation 1988</i> (Cwth) • Biodiversity – including: – an assessment of the proposal's biodiversity impacts in accordance with the <i>Biodiversity Conservation Act 2016</i>, including the preparation of a Biodiversity Development Assessment Report (BDAR) where required under the Act, except where a waiver for preparation of a BDAR has been granted • Urban Design and Visual – including: – consideration of the layout and design of the development having regard to the surrounding vehicular, pedestrian and cycling networks – detailed plans showing suitable landscaping and urban green cover design which incorporates endemic species • Noise and Vibration– including: – a quantitative noise and vibration impact assessment undertaken by a suitably qualified person in accordance with the relevant Environment Protection Authority guidelines and including an assessment of nearby sensitive receivers – cumulative impacts of other developments – details of proposed mitigation, management and monitoring measures • Air Quality – including: – an assessment of the air quality impacts (including dust) during the construction and operation of the development, in accordance with the relevant Environment Protection Authority guidelines – details of proposed mitigation, management and monitoring measures • Waste – including: – details of the quantities and classification of all waste streams to be generated on site during the development – details of waste storage, handling and disposal during the development – details of the measures that would be implemented to ensure that the development is consistent with the aims, objectives and guidance in the NSW Waste Avoidance and Resource Recovery Strategy 2014-2021
Plans and Documents	The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the Regulation.

	You should provide these as part of the EIS rather than as separate documents
Consultation	During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners In particular you must consult with: • Bayside Council • Office of Environment and Heritage • Environment Protection Authority • Roads and Maritime Services • Transport for NSW • Department of Industry – Crown Lands and Water • Ausgrid • AirServices Australia • Civil Aviation Safety Authority • Sydney Airport • Sydney Water • surrounding local residents and stakeholders • any other public transport or community service providers The EIS must describe the consultation process and the issues raised and identify where the design of the development has been amended in response to these issues. Where amendments have not been made to address an issue, a short explanation should be provided
Further consultation after 2 years	If you do not lodge a Development Application and EIS for the development within 2 years of the issue date of these SEARs, you must consult further with the Secretary in relation to the preparation of the EIS
References	The assessment of the key issues listed above must take into account relevant guidelines, policies, and plans as identified. While not exhaustive, the following attachment contains a list of some of the guidelines, policies, and plans that may be relevant to the environmental assessment of this proposal

ATTACHMENT 1

Technical and Policy Guidelines

The following guidelines may assist in the preparation of the environmental impact statement. This list is not exhaustive and not all of these guidelines may be relevant to your proposal.

Many of these documents can be found on the following websites:

<http://www.shop.nsw.gov.au/index.jsp>
<http://www.australia.gov.au/publications>
<http://www.epa.nsw.gov.au/>
<http://www.environment.nsw.gov.au/>
<http://www.dpi.nsw.gov.au/>

Policies, Guidelines & Plans

Aspect	Policy / Methodology
Hazards and Risk	State Environmental Planning Policy No. 33 – Hazardous and Offensive Development Applying SEPP 33 – Hazardous and Offensive Development Application Guidelines (DUAP) Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis Planning Advisory Paper No. 4 – Risk Criteria for Land Use Safety Planning (DoP 2011)
Soils and Water	
<i>Contamination</i>	National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPC) State Environmental Planning Policy No. 55 – Remediation of Land Managing Land Contamination - Planning Guidelines SEPP 55 – Remediation of Land (DUAP and EPA) Guidelines for the assessment and management of groundwater contamination (EPA, March 2007) Guidelines for the NSW Site Auditor Scheme, 3rd edition (EPA, October 2017)
<i>Acid Sulfate Soils</i>	Acid Sulfate Soil Manual (ASSMAC) Managing Urban Stormwater: Soils & Construction (Landcom)
<i>Erosion and Sediment</i>	Design Manual for Soil Conservation Works - Technical Handbook No. 5 (Soil Conservation Service of NSW) Soil and Landscape Issues in Environmental Impact Assessment (DLWC) Wind Erosion – 2nd Edition
<i>Groundwater</i>	National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC) NSW State Groundwater Policy Framework Document (DLWC) NSW State Groundwater Quality Protection Policy (DLWC) NSW State Groundwater Quantity Management Policy (DLWC) Draft The NSW State Groundwater Dependent Ecosystem Policy (DLWC) NSW Aquifer Interference Policy (NOW) Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources (NOW) 2011
<i>Stormwater</i>	Bunding and Spill Management (EPA) Managing Urban Stormwater: Strategic Framework. Draft (EPA)

Policies, Guidelines & Plans

Aspect	Policy / Methodology
	Managing Urban Stormwater: Council Handbook. Draft (EPA)
	Managing Urban Stormwater: Treatment Techniques (EPA)
	Managing Urban Stormwater: Source Control. Draft (EPA)
	Managing Urban Stormwater: Harvesting and Reuse (DEC)
<i>Flooding</i>	NSW Floodplain Development Manual (2005)
<i>Wastewater</i>	National Water Quality Management Strategy: Guidelines for Sewerage Systems - Effluent Management (ARMCANZ/ANZECC)
	National Water Quality Management Strategy: Guidelines for Sewerage Systems - Use of Reclaimed Water (ARMCANZ/ANZECC)
	National Water Quality Management Strategy - Guidelines For Water Recycling: Managing Health And Environmental Risks (Phase1) (EPHC, NRMMC & AHMC)
Traffic, Transport and Access	
	<i>Roads Act 1993</i>
	State Environmental Planning Policy (Infrastructure) 2007
	Guide to Traffic Generating Development (Roads and Maritime Services)
	Road Design Guide (Roads and Maritime Services)
	Austroads Guide to Traffic Management – Pt 12: Traffic Impacts of Development
	Austroads Guidelines for Planning and Assessment of Road Freight Access in Industrial Areas
	NSW Long Term Transport Master Plan
Biodiversity	
	The Biodiversity Assessment Method (OEH, 2017)
Heritage	
	Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011)
	Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010)
	Draft Guidelines for Aboriginal Cultural Impact Assessment and Community Consultation (Department of Planning 2005)
	Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW 2010)
	<i>Heritage Act 1977</i>
Noise and Vibration	
	Assessing Vibration: A Technical Guide (DEC, 2006)
	Noise Policy for Industry (EPA, 2017)
	Environmental Criteria for Road Traffic Noise (EPA, 1999)
	Noise Guide for Local Government (EPA, 2013)
	Interim Construction Noise Guideline (DECC, 2009)
Hazards and Risk	
<i>Air Quality</i>	Protection of the Environment Operations (Clean Air) Regulation 2002
	Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales (DEC)
	Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (EPA 2016)
<i>Greenhouse Gas</i>	Guidelines for Energy Savings Action Plans (DEUS, 2005)
	AGO Factors and Methods Workbook (AGO)
Waste	
	Waste Avoidance and Resource Recovery Strategy 2014-21 (EPA)
Visual	

Policies, Guidelines & Plans

Aspect	Policy / Methodology
	Control of Obtrusive Effects of Outdoor Lighting (Standards Australia, AS 2482)
	State Environmental Planning Policy No 64 - Advertising and Signage
	Urban Green cover in NSW Technical Guidelines (OEH, 2015)
Social	
	Social Impact Assessment Guideline (Department of Planning and Environment)

ATTACHMENT 2

Government Authority Responses to Request for Key Issues

Friday, 16 November 2018
Reg No.: 18/0912

TO: NSW PLANNING & ENVIRONMENT

Notice to Proponent Property Development

Dear Sir/Madam

Application for approval pursuant to s.183 Airports Act - Notification of decision under Reg 15A(2) of the Airports (Protection of Airspace) Reg's 1996

Proposed Activity: PROPERTY DEVELOPMENT

Location: 28 MCPHERSON STREET, BANKSMEADOW

Proponent: NSW PLANNING & ENVIRONMENT

Date: 09/11/2018

Sydney Airport received the above application from you.

This location lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 15.24 metres above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority.

The application sought approval for the PROPERTY DEVELOPMENT to a height of 17.7 metres Australian Height Datum (AHD).

In my capacity as Airfield Design Manager and an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, in this instance, I have no objection to the erection of this development to a maximum height of 17.7 metres AHD.

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.

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.

Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.

Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.

Information required by Sydney Airport prior to any approval is set out in Attachment A.

"Prescribed airspace" includes "the airspace above any part of either an Obstacle Limitation Surface (OLS) or Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) surface for the airport (Regulation 6(1)).

The height of the prescribed airspace at this location is 51 metres above AHD.

Planning for Aircraft Noise and Public Safety Zones

Current planning provisions (s.117 Direction 3.5 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning tool for Sydney Airport was endorsed by Airservices in December 2012 (Sydney Airport 2033 ANEF).

Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided.

Yours Sincerely



Peter Bleasdale
Airfield Design Manager

NOTE:

1. a person who conducts a controlled activity otherwise than with or in accordance with an approval commits an offence against the Act.
 - s. 183 and s. 185 Airports Act 1996.
 - Penalty: 250 penalty units.
2. if a structure is not authorised, the Federal Court may order a person to carry out remedial works, mark or light, or reduce the height of or demolish, dismantle or remove a structure.

Attachment A

Application for Approval of Crane Operation

[Sections s.182, 183, Airports Act 1996]

[Airports (Protection of Airspace) Regulations 1996 – Reg 7]

TO: Sydney Airport Corporation Ltd

c/- Airport Design Services
Locked Bag 5000
Sydney International Airport
NSW 2020
Email: airspaceprotection@syd.com.au

APPLICATION PURSUANT TO AIRPORT (PROTECTION OF AIRSPACE) REGULATIONS REG 7:

- (a) Pursuant to s. 183 of the *Airports Act 1996* and Reg 7 of the *Airports (Protection of Airspace) Regulations 1996*, the Proponent must apply through the Airport to the Secretary of the Department of Infrastructure and Regional Development for approval of the operation ("controlled activity") set out in the **Schedule**.
- (b) An Application for approval must be given to the Airport at least 28 days before commencement of the operation.
- (c) The operation must not commence without approval, and must only proceed in compliance with any conditions imposed on such approval.
- (d) Sydney Airport has delegated authority from the Secretary to determine "short term" operations (less than 3 months).
- (e) The Airport is required to invite submissions from CASA and Airservices regarding the proposed operation.

- (f) The Secretary and the Airport, as applicable, may request further information before determining an application.
- (f) The **"Important Notes"** must be read and accepted.
- (g) The Proponent must complete this Application and provide it to Sydney Airport, with a copy to the Council as part of the relevant Development Application.

CERTIFICATE BY PROPONENT:

I certify that the Application for approval is complete to the best of my knowledge.

Dated:

Signature of Proponent:

Title of signatory:

Schedule to Application for Approval of Crane Operation

Information required by the Airports (Protection of Airspace) Reg's – Reg 7:

APPLICANT::[Proponent]

Of:

Contact:

Phone:

Email:

1. Description of proposed crane operation:

-

2. Period of Operation:

- fromto

3. Days and hours of operation:

- days:
- hours:

4. Location:

- Address:
- Mapping Grid of Australia (MGA94) co-ordinates:
 - oE
 - oN

5. Details of crane height

- (i) maximum height: metres above ground
- (ii) maximum height: metres AHD
- (iii) resting crane height: metres AHD

6. Purpose of the crane operation:

-

7. Reference to relevant Development Application:

- Council and DA reference:

SAFETY CASE FOR ACTIVITY: The Proponent proposes the following safety case:

-
.....

**IMPORTANT NOTES TO APPLICATION FOR APPROVAL OF CRANE OPERATION WHICH IS A
CONTROLLED ACTIVITY**

[Airports Act 1996]

[Airports (Protection of Airspace) Regulations 1996]

1. Section 182: defines "*controlled activities*" – includes intrusions by cranes into prescribed airspace.
2. Section 187: if a controlled activity is carried out without approval, or is carried out otherwise than in accordance with an approval, the Federal Court may order a person to carry out remedial work on a building, structure or thing; to mark it or light it or both; to reduce its height.
3. Section 183: a person who carries out a controlled activity without the approval of the Secretary or Airport commits an offence against section 183 of the Act.

Penalty: 250 penalty units for each such offence.
4. Regulation 8: a building authority that receives a proposal for a building activity that, if undertaken, would constitute a controlled activity in relation to an airport must give notice of the proposal to the airport.

Penalty: 50 penalty units for each such offence.
5. If the activity is a short term activity (less than 3 months), the Airport will determine the application pursuant to delegated authority from the Secretary.
6. If the activity is a long term activity (greater than 3 months), the Secretary will determine the application.
7. If the activity is a long term intrusion into PANS-OPS, the application will not be approved. [Reg 9].
8. The Airport will give notice of the application to, and invite submissions from, the Civil Aviation Safety Authority of Australia (CASA) and Airservices Australia. [Reg 10].
9. Upon receipt of submissions from CASA and Airservices, the Airport will refer the application and any submissions from CASA and Airservices, as well as the Airport, to the Secretary, or will determine the application itself if it is a short term activity.

The Secretary or the Airport will notify you in writing of their decision.
10. Neither the Secretary or the Airport will approve any activity if CASA advises that carrying out the activity would have an unacceptable effect on the safety of existing or future air transport operations into or out of the Airport. [Reg14(6)].

23rd November 2018

Melissa Prochazka
Team Leader
Social Infrastructure Assessments
Department of Planning & Environment
GPO Box 39, Sydney NSW 2001

Dear Ms Prochazka

**Sydney Water input to SEARs for Orica Southlands Warehouse Estate (SSD 9691) – 28
McPherson Street, Banksmeadow**

Thank you for your letter of 7 November 2018 seeking Sydney Water's input on the Secretary's Environmental Assessment Requirements for the abovementioned proposal. We have reviewed the proposal and provide the following comments for your consideration. Sydney Water requests that the Department of Planning and Environment include the following Secretary's Environmental Assessment Requirements relating to the provision of water-related services for the subject site:

Water-related Infrastructure Requirements

1. The proponent of development should determine service demands following servicing investigations and demonstrate that satisfactory arrangements for drinking water, wastewater, and recycled water (if required) services have been made.
2. The proponent must obtain endorsement and/or approval from Sydney Water to ensure that the proposed development does not adversely impact on any existing water, wastewater or stormwater main, or other Sydney Water asset, including any easement or property. When determining landscaping options, the proponent should take into account that certain tree species can cause cracking or blockage of Sydney Water pipes and therefore should be avoided.
3. Strict requirements for Sydney Water's stormwater assets (for certain types of development) may apply to this site. The proponent should ensure that satisfactory steps/measures been taken to protect existing stormwater assets, such as avoiding building over and/or adjacent to stormwater assets and building bridges over stormwater assets. The proponent should consider taking measures to minimise or eliminate potential flooding, degradation of water quality, and avoid adverse impacts on any heritage items, and create pipeline easements where required.

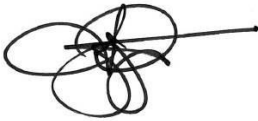
Integrated Water Cycle Management

4. The proponent should outline any sustainability initiatives that will minimise/reduce the demand for drinking water, including any alternative water supply and end uses of drinking and non-drinking water that may be proposed, and demonstrate water sensitive

urban design (principles are used), and any water conservation measures that are likely to be proposed. This will allow Sydney Water to determine the impact of the proposed development on our existing services and required system capacity to service the development.

If you require any further information, please contact Growth Planning and Development on 02 8849 4269 or e-mail urbangrowth@sydneywater.com.au.

Yours sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Fernando Ortega
A/Manager, Growth Planning and Development

Kane Winwood
Team Leader, Industry Assessments
Department of Planning & Environment
GPO Box 39
Sydney NSW 2001

Attention: Melissa Prochazka

Dear Mr. Winwood,

Request for SEARs

Orica Southlands Warehouse Estate (SSD 9691) – 28 McPherson Street, Banksmeadow

Thank you for your letter sent on 7 November 2018 requesting Transport for NSW (TfNSW) input to the Secretary's Environmental Assessment Requirements (SEARs) for the subject State Significant Development (SSD) application.

TfNSW has reviewed the Applicant's request for SEARs and provide the following input.

Transport and Accessibility (Construction and Operation)

The Environmental Impact Statement (EIS) for the subject development should include a Traffic and Transport Impact Assessment that provides, but is not limited to, the following:

- details all daily and peak traffic and transport movements likely to be generated (light and heavy vehicle, public transport, pedestrian and cycle trips) during construction and operation of the development;
- details of the current daily and peak hour vehicle, public transport, pedestrian and bicycle movements and existing traffic and transport facilities provided on the road network located adjacent to the proposed development;
- an assessment of the operation of existing and future transport networks including public transport, pedestrian and bicycle provisions and their ability to accommodate the forecast number of trips to and from the development;
- details the type of heavy vehicles likely to be used (e.g. B-doubles) during the operation of the development and the impacts of heavy vehicles on nearby intersections;
- details of access to, from and within the site to/from the local road and strategic (motorway) network including intersection location, design and sight distance (i.e. turning lanes, swept paths, sight distance requirements);
- impact of the proposed development on existing and future public transport and walking and cycling infrastructure within and surrounding the site;
- an assessment of the existing and future performance of key intersections providing access to the site (Botany Road with Foreshore Road), and any upgrades (road/intersections) required as a result of the development;
- an assessment of predicted impacts on road safety and the capacity of the road network to accommodate the development;

- demonstrate the measures to be implemented to encourage employees of the development to make sustainable travel choices, including walking, cycling, public transport and car sharing;
- appropriate provision, design and location of on-site bicycle parking, and how bicycle provision will be integrated with the existing bicycle network;
- details of the proposed number of car parking spaces and compliance with appropriate parking codes and justify the level of car parking provided on the site;
- details of access and parking arrangements for emergency vehicles;
- detailed plans of the proposed layout of the internal road network and parking provision on-site in accordance with the relevant Australian Standards;
- the existing and proposed pedestrian and bicycle routes and end of trip facilities within the vicinity of and surrounding the site and to public transport facilities as well as measures to maintain road and personal safety in line with CPTED principles; and
- preparation of a draft Construction Traffic Management Plan which includes:
 - details of vehicle routes, number of trucks, hours of operation, access management and traffic control measures for all stages of construction;
 - assessment of cumulative impacts associated with other construction activities;
 - an assessment of road safety at key intersections;
 - details of anticipated peak hour and daily truck movements to and from the site;
 - details of access arrangements for workers to/from the site, emergency vehicles and service vehicle movements;
 - details of temporary cycling and pedestrian access during constructions;
 - an assessment of traffic and transport impacts during construction and how these impacts will be mitigated for any associated traffic, pedestrians, cyclists and public transport operations.

Transport policies and guidelines

Relevant policies and guidelines that could assist with the preparation of the Traffic and Transport Impact Assessment include:

- Guide to Traffic Generating Development (Roads and Maritime Services)
- Road Design Guide (Roads and Maritime Services)
- Austroads Guide to Traffic Management – Part 12: Traffic Impacts of Development
- Austroads Guidelines for Planning and Assessment of Road Freight Access in Industrial Areas
- Cycling Aspects of Austroads Guides
- Australia Standards AS2890.3 (Bicycle Parking Facilities)
- Integrated Public Transport Service Planning Guidelines: Sydney Metropolitan Area 2013 (TfNSW)

Strategic planning context

The EIS should detail how the proposed development will be consistent and align with the objectives, goals and directions of the following:

- Greater Sydney Region Plan
- Western City District Plan
- Future Transport Strategy 2056

- Future Transport – Greater Sydney Services and Infrastructure Plan
- NSW Freight & Ports Plan 2018-2023

If you require any further information regarding this matter, please contact Ken Ho, Transport Planner, via email at ken.ho@transport.nsw.gov.au. I hope this has been of assistance.

Yours sincerely



19/11/2018

Mark Ozinga

**Principal Manager, Land Use Planning & Development
Freight, Strategy & Planning**

CD18/10195