



Southlands Warehouse Estate Modification 1

Design Changes to Elevated Concrete Platform
State Significant Development Modification Assessment
(SSD-9691-Mod-1)

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Glossary

Abbreviation	Definition
Applicant	Goodman Property Services (AUST) Pty Ltd
Council	Bayside Council
Department	Department of Planning and Environment (DPE)
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
Minister	Minister for Planning
Planning Secretary	Secretary of the Department

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1 Introduction

This report provides the NSW Department of Planning and Environment's (the Department's) assessment of an application to modify the State significant development (SSD) consent for the Southlands Warehouse Estate (SSD-9691). The original SSD application approved the construction and operation of a warehousing and distribution facility on an elevated concrete platform above an existing flood detention basin. The modification application seeks consent to make further design changes to the approved elevated concrete platform.

The application was lodged on 14 February 2022 by Goodman Property Services (Aust) Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

The Applicant is constructing a warehouse and distribution facility at 28 McPherson Street, Banksmeadow (the site) in the Bayside local government area (see **Figure 1**). The site is legally described as Lot 9 DP 120563 and forms part of a broader 18.3 hectare (ha) industrial estate known as the 'Southlands Site'.

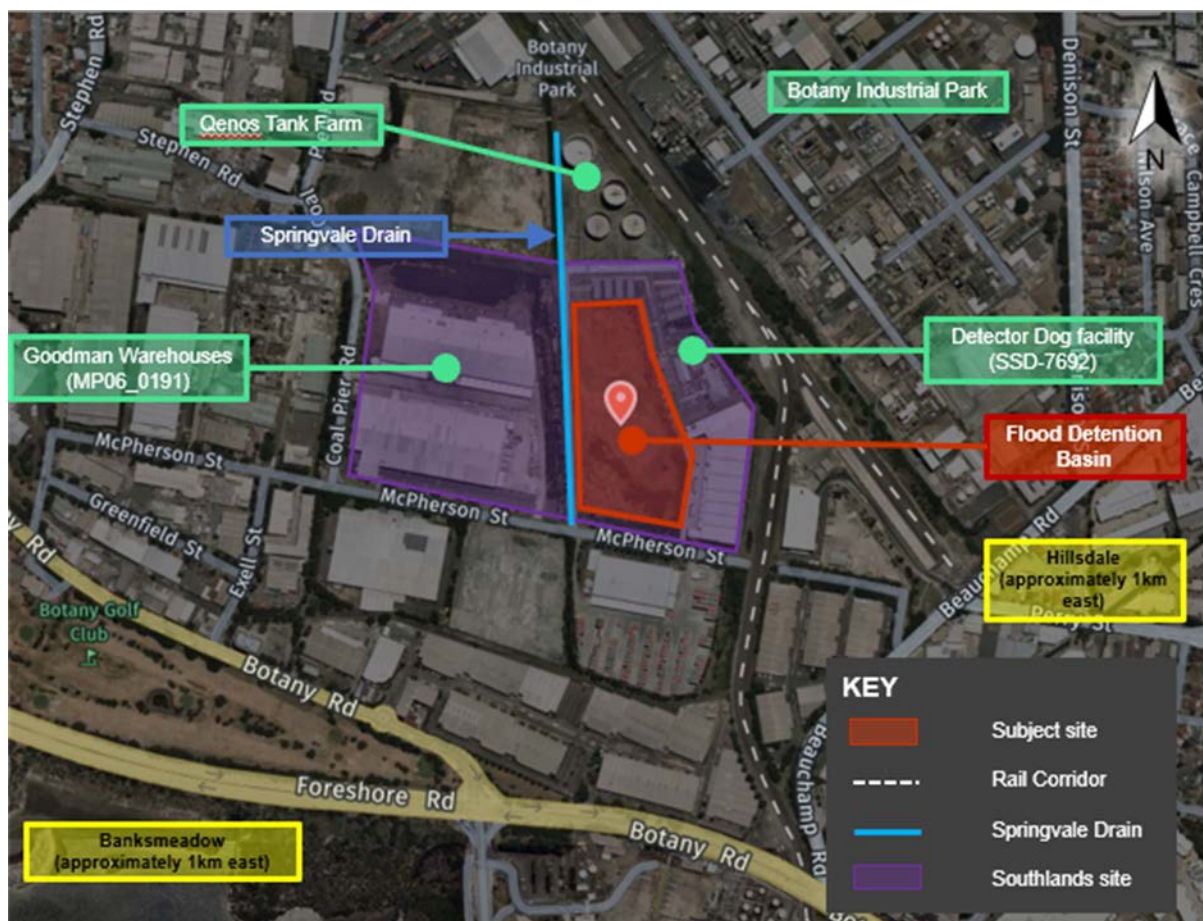


Figure 1 | Local Context Map

The Southlands site is known to be contaminated due to historic industrial activities associated with the nearby Botany Industrial Park (BIP). As part of a separate project approval (06_0191), the Southlands

site was remediated and developed into a warehousing estate. A compensatory flood detention basin was also constructed on Lot 9 DP 1205673 (the subject site).

The site is the last parcel of undeveloped land within the Southlands site. On 8 April 2021, development consent (SSD-9691) was granted to construct and operate a warehousing and distribution facility on the site by using the airspace above the existing flood detention basin. The site was originally owned by Orica Australia Pty Ltd (Orica) and was recently purchased by the Applicant. Groundwater monitoring infrastructure relating to the ongoing remediation works within the site remains under the ownership of Orica.

The Applicant is currently in the process of identifying future tenants for the development, however has recognised the approved design of the elevated concrete platform would need to be amended to improve its structural capabilities to meet the long-term requirements of its future tenants. As such, a modification application was lodged with the Department to revise the approved design of the elevated concrete platform. This would involve changing the intervals of the supporting piles and reducing the size of each individual pier.

1.2 Subject Site

The site is located 14 kilometres (km) south of the Sydney CBD, 4 km south-east of Sydney Airport and 400 metres (m) north of Port Botany. The development is sited within the broader 18.3 hectare (ha) Southlands site, with the area applying to this application consisting of 4.1 ha of General Industrial (IN1) zoned land.

The irregular shaped site is generally flat with a minor slope from the north and south to the centre of the site. The site has been highly disturbed as a result of major earthworks activities (undertaken as part of previous development approvals) to prepare the site as a flood detention basin for the surrounding industrial lands.

The site also lies within an area that has been declared as significantly contaminated under the *Contaminated Land Management Act 1997*. Groundwater beneath the site is contaminated with chlorinated hydrocarbons as a result of historical BIP manufacturing activities. Orica is responsible for managing the groundwater contamination and established the Botany Groundwater Clean-up Project (BGCuP) to hydraulically contain the contaminated groundwater to prevent it from entering Botany Bay, and to treat the groundwater to a usable standard. Groundwater monitoring infrastructure associated with the BGCuP exists along the southern boundary of the site.

1.3 Approval history

On 8 April 2021, development consent was granted by the Acting Executive Director, Energy, Industry and Compliance for the development of the Southland Warehouse Estate (SSD-9691). The development consent permits the following works:

- construction of a suspended concrete platform above the existing flood detention basin
- construction and operation of two warehouse buildings with a combined gross floor area of 21,810 m²
- associated landscaping, hardstand areas, stormwater and other on-site infrastructure
- subdivision of the site into two lots.

The approved construction is staged, with Stage 1 involving the construction of a suspended concrete platform above the detention basin, and Stage 2 involving the construction and operation of two warehouse buildings. The development consent has not previously been modified.

2 Proposed modification

2.1 Proposed Modification

The modification is described in full in the Modification Report included in **Appendix A** and is illustrated in **Figure 3**. The modification seeks to revise the design of the concrete platform elevated above the flood detention basin by:

- changing the intervals of the supporting piles from 10 m to 5 m
- reducing the size of each individual pier from 800 millimetres (mm) to 400 mm in diameter; and
- no longer including footings for the piles.

The proposed modification aims to improve the structural capabilities of the elevated concrete platform. The height of the elevated concrete platform will remain the same.

The proposed modification only relates to Stage 1 works as defined in the original consent for SSD-9691. No changes to Stage 2 are contemplated as part of this modification.

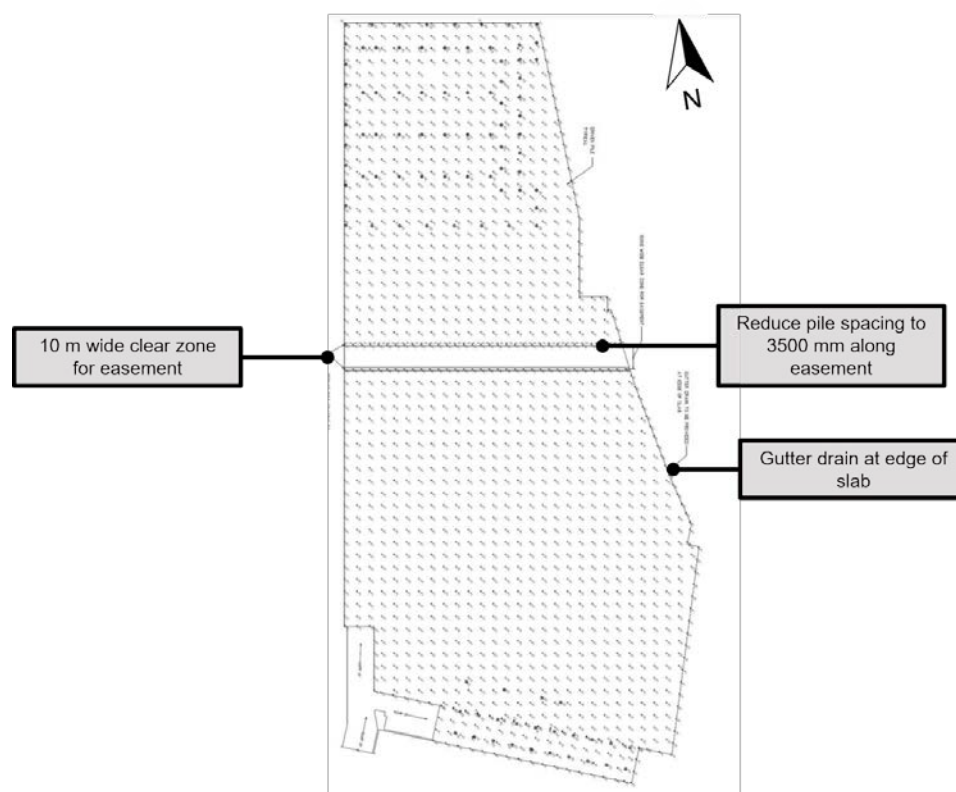


Figure 2 | Updated site piles plan (Costin Roe 2021)

2.2 Applicant's Justification for the Proposed Modification

The Applicant has justified the proposed modification for the following reasons:

- the modification would result in improved structural performance of the elevated concrete platform to ensure that the development is suitable for future uses

- the altered layout of the supporting piles would not impede ongoing access and maintenance to the detention basin
- the modification would result in negligible change to the storage capacity of the detention basin as approved under SSD-9691.

3 Statutory context

3.1 Scope of Modifications

The Department has reviewed the scope of the modification application and considers the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not increase the environmental impacts of the project as approved
- the primary function and purpose of the approved development would not change as a result of the proposed modification
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of consent
- the modification is of a scale that warrants the use of section 4.55(1A) of the EP&A Act.
- is substantially the same development as originally approved
- would not involve any further disturbance outside the already approved disturbance areas for the development.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application (DA). Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new DA to be lodged.

3.2 Consent Authority

The Minister for Planning (Minister) is the consent authority for the application under section 4.5(a) of the EP&A Act. Under the Minister's delegation of 9 March 2022, the Team Leader, Industry Assessments, may determine the application under delegation as:

- the application has not been made by a person who has disclosed a reportable political donation under section 10.4 of the EP&A Act
- there are no public submissions (other than a council) in the nature of objections, and
- Council has not made a submission by way of objection under the mandatory requirements for community participation listed under Schedule 1 of the EP&A Act.

3.3 Mandatory Matters for Consideration

The Department undertook a comprehensive assessment of the application against the mandatory matters for consideration as part of the original assessment of SSD-9691. This modification application does not result in significant changes that would alter the Department's consideration of the mandatory matters for consideration under section 4.15(1) of the EP&A Act and conclusions made as part of the original assessment.

3.4 Biodiversity Conservation Act 2016

Section 7.17 of the BC Act specifies that if the determining authority is satisfied a modification will not increase the impact on biodiversity values, a biodiversity development assessment report (BDAR) is not required.

The Department is satisfied there would be no additional clearing of native vegetation or habitat loss beyond that previously assessed and considered under SSD-9691. Additionally, due to previous earthworks activities, the site is cleared of any significant vegetation.

For the reasons discussed above, the Department's assessment concludes a BDAR is not necessary for the proposed modification.

4 Engagement

4.1 Department's Engagement

Clause 117(4) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) requires a section 4.55(1A) modification application to be notified or advertised if specified by a community participation plan. The Department's Community Participation Plan notes the exhibition requirements for such modifications are discretionary, and based on the urgency, scale and nature of the proposal.

Given the proposed changes would result in minimal environmental impacts (see **Section 3**), the application was not notified or advertised. However, it was made publicly available on the Department's website on 15 February 2022 and was referred to Bayside Council (Council) and the Environment Protection Authority (EPA) for comment.

4.2 Government Advice

Advice was received from one State government authority and from local council. A summary of this advice is provided below.

Council did not object to the modification but provided several comments on flooding, particularly impacts of the modification on the flood detention basin. Council also noted the Applicant's assessment assumed the basin would consist of a permeable layer and recommended the consent include a post-construction survey to confirm this.

EPA did not object to the modification, however requested further information to justify the proposed changes would not impede remedial works that may be required beneath the elevated platform.

5 Assessment

The Department has assessed the merits of the proposed modification. During this assessment, the Department has considered the:

- modification report and RtS provided to support the proposed modification (see **Appendix A**)
- documentation and Department's assessment report for the original DA and subsequent modification application(s) (see **Appendix A**)
- advice from the EPA and Council (**Appendix A**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department considers the key assessment issues are flooding and contamination. The Department's assessment of other issues is provided in **Table 1**.

Table 1 | Assessment of Issues

Issue	Recommendations
Flooding	
• The modification has the potential to result in additional flooding impacts as the inclusion of additional piles could reduce the storage capacity of the flood detention basin. • The modification report noted the following: - o the revised design would require additional piles, which would be smaller in diameter than what was originally approved - o the net additional loss of storage volume associated with the amended design would be around 35 m³, equating to an approximate reduction of 0.14% of the total storage volume of the basin of 28,500 m³. • Additionally, as-built surveys of the basin confirmed additional flood storage capacity was created during the original construction of the basin, which was enough to offset any storage volume loss as a result of the development and the modification. • The Applicant also confirmed that as part of detailed design, the structures within the undercroft area would be designed to withstand forces under the Probable Maximum Flood (PMF) event. • Given the above, the modification report concluded the modification would not impact on the storage capacity of the flood detention basin and therefore would not result in additional flood impacts to downstream users. • Council sought further information on the storage capacity of the basin. In its response, the Applicant maintained storage volume loss would be insignificant given the spare capacity created in the basin during its original construction. • Council also requested that a post-construction survey be undertaken to confirm the basin would contain a permeable layer, which was accepted by the Applicant and formalised in the recommended instrument. Council did not raise any other concerns. • The Department has reviewed the modification report and advice from Council and considers the loss of volume storage under the modification is negligible and would not increase the flood risk to downstream users.	Require the Applicant to undertake a post-construction of the basin to confirm the basin contains a permeable layer.

Issue	Recommendations
• The Department notes the development consent also contains conditions that ensure the current design standard of the flood detention basin is maintained and not impacted by the development. • The Department's assessment concludes that subject to recommended and existing conditions, the modification would not result in additional flood impacts to downstream users nor would it impact on the operation of the flood detention basin.	
Contamination	
• Contaminated soils and groundwater are present across the site due to historic industrial activities in the surrounding area. • Under SSD 9691, conditions were placed to ensure the site is remediated in accordance with the approved Remedial Action Plan for the development, prior to the construction of the Stage 1 works (being the elevated concrete platform). • While the modification would change the intervals and diameter of the piles supporting the elevated concrete platform, the modification report noted the RAP already considered piling at 5 m intervals. • Additionally, the approved RAP found piling would not affect soil vapour migration and nor would it affect the distribution of contaminated materials at the site. • The EPA required confirmation from the Applicant or Orica that the modification would not impede the ongoing groundwater remedial works. • Council commented on whether the reduced intervals between piles would be sufficient to accommodate maintenance vehicles underneath the platform. • Orica confirmed that the level of the underside of the elevated concrete platform was determined by guidance of a drill rig operator to ensure the remedial works and any maintenance works for the basin could continue to be undertaken. • EPA and Council raised no further comments. • The Department is of the view the modification would not increase the risk of contamination at the site given the remediation approach contained within the approved RAP would not be impacted by the modification. The Department is satisfied that the drill rigs proposed to be used for remediation will sufficiently be able to access the underside of the suspended deck, given that they are a maximum of 900mm in width and will be hauled under the deck via a ute or van. The Department considers the existing conditions in the consent remain relevant for the development and no additional conditions are recommended. • The Department's assessment concludes any soil and groundwater contamination impacts associated with the development can continue to be managed by the Applicant and the conditions of consent.	No additional conditions are required.

6 Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department considers the proposed modification is appropriate on the basis that:

- the proposed modification will result in minimal environmental impacts beyond the approved facility
- despite a minor loss of flood storage as a result of the design changes to the elevated concrete platform, the modification would not result in additional flood impacts and nor would it increase flood risk to downstream users. Furthermore, access to the site to for remediation purposes would not be impeded as the size and specifications of the proposed drill rigs and maintenance vehicles achieve sufficient clearance space within the proposed structural design.
- the proposed development is substantially the same development or which the original consent was granted.

The Department is satisfied that the modification should be approved, subject to conditions.

7 Recommendation

It is recommended that the Team Leader, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD-9691-Mod-1 falls within the scope of section 4.55(1A) of the EP&A Act
- **forms the opinion** under section 7.17(2)(c) of the *Biodiversity Conservation Act 2016* that a BDAR is not required to be submitted with this application as the application will not increase the impact on biodiversity values on the site
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modify** the consent SSD-9691
- **signs** the attached approval of the modification (**Appendix C**).

Recommended by:



Pamela Morales
Principal Planner
Industry Assessments

8 Determination

The recommendation is **Adopted** by:

 14 April 2022

Joanna Bakopanos

Team Leader

Industry Assessments

as delegate of the Minister for Planning

Appendices

Appendix A – List of Documents

The Department has relied upon the following key documents during its assessment of the proposed development:

Modification Application

- 'Modification Report' prepared by Keylan Consulting Pty Ltd, dated December 2021 - <https://www.planningportal.nsw.gov.au/major-projects/projects/orica-southlands-warehouse-estate-ssd-9691-mod-1>

Submissions and Advice

- <https://www.planningportal.nsw.gov.au/major-projects/projects/orica-southlands-warehouse-estate-ssd-9691-mod-1>

Department's Assessment Report for SSD-9691

- <https://www.planningportal.nsw.gov.au/major-projects/projects/orica-southlands-warehouse-estate>