

Project Approval

Section 75J of the *Environmental Planning and Assessment Act 1979*

Under the Minister's delegation of 14 September 2011, I approve the project application referred to in schedule 1, subject to the conditions in schedules 2 to 4.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the Project.



Richard Pearson
Deputy Director-General
Development Assessment & Systems Performance
Department of Planning and Infrastructure

Sydney

16 April

2012

SCHEDULE 1

Application Number:	06_0191
Proponent:	Orica Australia Pty Ltd (Orica)
Approval Authority:	Minister for Planning and Infrastructure
Land:	Lot 1 DP 254392, Lot 1 DP 1078077, Lot 1 DP 85542, Lot 11 DP 109505, and Lot 1 DP 873898, Crown Land containing 'Springvale Drain' (between Nant Street and Lot 1 DP 1078077 and Lot 1 254392)
Project:	Orica Southlands Remediation & Warehouse Development Project

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DEFINITIONS

AEMR	Annual Environmental Management Report
Approval	The Minister's approval of the Project (Project Application No 06_0191)
Area 1, 2 and 3	As defined in Appendix 2
BCA	Building Code of Australia
BGCuP	Orica's Botany Groundwater Clean Up Project
CEMP	Construction and Environmental Management Plan
Construction	Commencement of any works on site
Council	City of Botany City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Infrastructure or its successors in title
Director-General	Director-General of the Department of Planning and Infrastructure, or delegate
EA	Environmental assessment titled <i>Southlands Remediation & Development Project, Environmental Assessment, Project Application (MP 06_0191), Volume 1, 2 and 3, August 2009</i> ,
EPA	The Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build
Incident	An incident causing or threatening material harm to the environment or human health, and/or an exceedance of the limits or performance criteria in this approval
Land	Land means that described in schedule 1
Minister	Minister for Planning and Infrastructure, or delegate
Mitigation	Activities associated with reducing the impacts of the Project
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Operation	From occupation of the first warehouse unit
POEO Act	<i>Protection of the Environment Operations Act, 1997</i>
POEO Regulation	<i>Protection of the Environment Operations (Waste) Regulation, 1995</i>
Project	The development described in schedule 1, the EA and PPR, and defined as 'Stage 1 Works' (refer definition)
Proponent	Orica Australia Pty Ltd (Orica), or its successors in title
Principal Certifying Authority	The Minister or an accredited certifier, appointed under section 109E of the Act, to issue a Part 4A Certificate as provided under section 109C of the Act
PPR	Southlands Remediation & Development Project, Preferred Project Report Plans cover dated 5 August 2011
RAP	Remediation Action Plan for the site as approved by the Site Auditor
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements.
Remediation	Works in accordance with the approved Remediation Action Plan (RAP)
RMS	NSW Roads and Maritime Services
Site	The land referred to in Schedule 1
Site Auditor	EPA Accredited Site Auditor

Stage 1 works	<p>Includes:</p> <ul style="list-style-type: none"> ▪ site remediation works over the whole site (Areas 1, 2 and 3); ▪ flood mitigation and drainage works over Areas 1, 2 and possibly into area 3; ▪ staged subdivision of Areas 1, 2 and 3 into 9 lots; ▪ establishment of 6 industrial use warehouses in Area 1 each with ancillary office components; ▪ traffic improvement works at the intersection of Hill Street and Botany Road; ▪ construction of a new private entry road from McPherson Street to Area 1; and ▪ carparking and landscaping works as shown on Site Plan SRD DA006 (D) dated 8 November 10 in Appendix 4.
Stage 2	<p>Includes:</p> <ul style="list-style-type: none"> ▪ earth works to suit the required flood design levels for Area 2; ▪ development of industrial use warehouses in Area 2 each with ancillary office component; ▪ access road connecting the Southlands site with Botany Road (the new Link Road) and necessary reconfiguration of Discovery Cove Estate; ▪ incorporation of the required drainage infrastructure in tandem with the new Link Road to address flood issues; and ▪ carparking and landscaping.
Statement of Commitments	The Proponent's commitments, dated 29 July 2011, in Appendix 1
Subdivision (and easements)	Subdivision of only Lots 1 DP 254392, Lot 1 1078077, Lot 1 DP 85542 and Lot 11 DP 109505 into Lots 1-9 in accordance with the subdivision plan SRD DA016(D) and SRD DA017 (D) at Attachment 5
Submissions Report	<p>The Proponent's response to issues raised in submissions including documents titled"</p> <ul style="list-style-type: none"> ▪ Response to Submissions on the Environmental Assessment and Preferred Project Plan, Rev 2, November 2010; ▪ Hydraulic Modelling Report, Aurecon, 29 November 2010, Rev 3 (Appendix 3 of Response to Submissions); ▪ Southlands Remediation and Development Project - Preferred Project Plans, 5 August 2011; and ▪ Updated and Consolidated Information Package, June 2011, Rev 7, Final.
Utility	Any infrastructure or service associated with water supply, sewerage, electricity supply, telecommunications or gas supply
VMP	Voluntary Management Plan for Orica's GCUP

SCHEDULE 2 – GENERAL ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

1. The Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction and operation of the Project.

TERMS OF APPROVAL

2. The Proponent shall carry out the Project generally in accordance with the:
 - a) EA;
 - b) Preferred Project Report Plans, cover dated 5 August 2011;
 - c) Submissions Report;
 - d) Statement of Commitments (see Appendix 1); and
 - e) Conditions of this approval.

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

3. The Proponent shall comply with any reasonable requirement(s) of the Director-General arising from the Department's assessment of:
 - a) any reports, plans, programs, strategies or correspondence that are submitted in accordance with this approval; and
 - b) the implementation of any actions or measures contained in these reports, plans, programs, strategies or correspondence submitted by the Proponent.

LIMITS OF APPROVAL

4. This approval is limited to Stage 1 of the Project. Nothing in the approval permits the Construction or Operation of Stage 2.
5. Nothing in this approval limits any activities associated with the BGCuP and the associated VMP.
6. This approval shall lapse if the Proponent does not physically commence the development associated with this approval within 5 years of the date of this approval.

PROTECTION OF PUBLIC INFRASTRUCTURE

7. Prior to the commencement of construction, the Proponent shall:
 - a) prepare a dilapidation report of the public infrastructure in the vicinity of the site (including roads, gutters, footpaths, etc) having consulted with RMS and Council; and
 - b) submit a copy of this report to the Director-General, RMS and Council.
8. The Proponent shall:
 - a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
 - b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

STRUCTURAL ADEQUACY

9. Prior to occupation the Proponent shall obtain, and provide copies of, all necessary certificate(s) required under the BCA to the Director-General.
10. The Proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.

MANAGEMENT PLANS/MONITORING PROGRAMS

11. With the approval of the Director-General, the Proponent may submit any management plan or monitoring program required by this approval on a progressive basis.

DEVELOPER CONTRIBUTIONS

12. The Proponent shall pay developer contributions to a maximum amount of \$3,543,214.00 payable to Council generally in accordance with the offer dated 26 July 2011, for the provision of infrastructure within the Botany Bay local government area. The contributions to be paid are to reflect the proportion of each lot in Stage 1 as a percentage of the total land area of Stage 1.

SUBDIVISION AND EASEMENTS

13. The Proponent shall carry out the subdivision of the land north of McPherson Street (Areas 1, 2 and 3) in accordance with the subdivision plan SRD DA016(D) at Appendix 5 of this approval.
14. Prior to the issuance of a subdivision certificate for each of the Lots, the Proponent shall ensure that the subdivided Lot (Lots 1-9) is connected to services, drainage and utilities and provide documentary evidence of the proposed easements to the Principal Certifying Authority or Council.
15. 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.

Note: Any easements in the easement plan must nominate Council, the EPA or other relevant Authority (ie Sydney Water etc) as the authority to release, vary or modify the easement. The form of the easement must be in accordance with Council's standard recitals for terms of easements, or the standard form for easements accepted by the Department of Lands.

16. The Proponent shall maintain sufficient access rights to the infrastructure identified in the Easements Plan SRD DA017 (D) for the duration of the BGCuP to allow for all activities related to the approved VMP or other regulatory instrument and potential future remediation works. The Proponent shall advise both the Department and the EPA of any changes to the Easement Plan.
17. All costs associated with the preparation and registration of any covenant or restriction on title, whether directly or indirectly, will be borne solely by the Proponent.

SERVICE PROVIDERS/ADDITIONAL APPROVALS

18. Prior to the construction of utility works, the Proponent shall obtain all relevant approvals from service providers and Council.

OPERATION OF PLANT AND EQUIPMENT

19. The Proponent shall ensure that all plant and equipment used for the Project is:
 - a) maintained in a proper and efficient condition; and
 - b) operated in a proper and efficient manner.

SCHEDULE 3 – SPECIFIC ENVIRONMENTAL CONDITIONS

SOIL AND WATER

Pollution of Water

1. The Proponent shall comply with Section 120 of the *Protection of the Environment Operations Act 1997*.

Bunding

2. The applicant shall store all chemicals' fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's Environmental Protection Manual: Technical Bulletin Bunding and Spill Management.

Remediation and Contamination Management

3. The Proponent shall remediate the site in accordance with the Site Auditor approved RAP prior to the commencement of Operation. Amendments to the approved RAP required as a result of further site investigations must be approved by the Site Auditor.
4. Prior to commencement of Operation, the Proponent shall provide the Department with a Site Audit Statement and Site Audit Report which shall certify whether the remedial works were carried out in accordance with the RAPs, the Project Approval conditions and any recommendations made by the Site Auditor, and shall certify that the area is suitable for its intended use.
5. Prior to the commencement of Operation, the Proponent shall prepare, in consultation with the EPA, and submit a Site Validation Report, to the satisfaction of the Director-General. The report shall be prepared in accordance with the NSW EPA (1997) *Guidelines for Consultants Reporting on Contaminated Sites* and include but not be limited to:
 - a) comments on the extent and nature of the remediation undertaken;
 - b) sampling and analysis plan and sampling methodology;
 - c) results/interpretation and discussion of results;
 - d) results of any validation sampling, compared to relevant guidelines;
 - e) discussion of the suitability the remediated areas for intended land use;
6. Prior to the commencement of Operation, the Proponent shall prepare and submit a Long Term Site Environmental Management Plan (LTSEMP), to the satisfaction of the Site Auditor. The LTSEMP shall be prepared in accordance with the requirements outlined in the NSW DECC Contaminated Sites: Guidelines for the NSW Site Auditor Scheme (2nd edition), April 2006, as referenced in the RAP. The plan shall be designed to ensure activities which could potentially or directly result in exposure of future land users to the contaminated soils beneath the physical barrier are precluded or limited / controlled. The plan shall include:
 - a) description of the nature and location of contamination remaining on Site;
 - b) the objectives of the LTSEMP;
 - c) procedures for residual contamination management;
 - d) responsibilities for the LTSEMP implementation; and
 - e) an implementation schedule for each action in the LTSEMP.

Imported Soil

7. The Proponent shall ensure that only VENM and/or ENM or other material approved by EPA or its duly accredited Site Auditor is used as fill on the site.

Surface Water and Flooding

8. 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.

9. The Proponent shall ensure that all flood mitigation works are completed prior to the commencement of construction of the warehouse buildings.

Hydraulic Modelling Flood Validation Assessment Report

10. The Proponent shall commission and pay the full cost of a Hydraulic Modelling Flood Validation Assessment Report to confirm that the 'as constructed' Stage 1 compensatory flood storage works have been undertaken in accordance with the principles outlined in *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 that the flood impact is no greater than indicated in Figures D9, D10 and D11 of that report (refer to Appendix 6). The assessment must:
- be conducted by a suitably qualified, experienced and independent expert whose appointment has been endorsed by the Director-General;
 - be submitted to the Director-General and Council within 6 weeks of the completion of the Stage 1 flood mitigation works and prior to the construction of any warehouse units;
 - include a detailed survey from a Registered Surveyor on all key structures;
 - provide easy to read figures indicating any differences between the results provided on Figures D9, D10 and D11 of the Aurecon 2010 report;
 - determine whether the 'as constructed' Stage 1 works have been undertaken in accordance with the design principles outlined in the Aurecon 2010 report and comply with the requirements in this approval; and if necessary; and
 - recommend and prioritise measures to be undertaken in the event that the assessment shows that the flood impact exceeds that shown on Figures D9, D10 and D11 of the Aurecon 2010 report and that the works as executed are not in accordance with this approval.
11. Should the Hydraulic Modelling Flood Validation Assessment report required by condition 10, Schedule 3 of this approval, identify an exceedence or non-compliance, then the Proponent shall undertake/employ additional mitigation to the satisfaction of the Director-General within the timeframe specified by the Director-General to achieve the approved flood impact as shown in Appendix 6.
12. The Proponent shall engage a Registered Surveyor to certify that all new building Finished Floor Levels for Stage 1 are constructed a minimum of 500mm freeboard above the 100 year ARI flood level with Climate Change impacts. This written confirmation shall be provided to the Director-General within 6 weeks of completion of construction of the buildings.
13. Following the construction of each warehouse unit the Proponent shall undertake Flood Impact Validation to demonstrate that construction has not changed the flood impact levels shown on Figures D9, D10 and D11 of the Aurecon 2010 report (refer to Appendix 6) and validated in accordance with condition 9, Schedule 3.
14. The Proponent shall seek written confirmation from Council and the NSW Dams Safety Committee to confirm that:
- all issues relating to public safety of the detention basin have been adequately accommodated in the design. Such written confirmation as provided shall be forwarded to the Director-General prior to the completion of the detention basin; and
 - the as constructed detention basin complies with current standards (refer Guidance DSC3E). The written confirmation shall be provided to the Director-General prior to Operation.

Water Management

15. The Proponent must prepare and implement an Operational Stormwater and Groundwater Management Plan for the Project to the satisfaction of the Director-General. The Plan must:
- be prepared by a suitably qualified and experienced expert in consultation with Council;
 - be submitted to the Director-General for approval prior to Operation;
 - be consistent with the guidance in the latest version of *Managing Urban Stormwater: Council Handbook*;
 - include detailed plans of the sites stormwater system;
 - mitigate the impacts of stormwater run-off from and within the site; and
 - detail maintenance protocols and scheduling for maintenance of all flood control structures, including on-site detention systems.
16. The Proponent shall maintain all flood control structures, including on-site detention systems and adequate flood storage for the life of the project.

AIR QUALITY

17. The Proponent shall carry out all reasonable and feasible measures to minimise dust generated by the Project.
18. The proponent shall prepare and implement an Air Quality Management Plan as part of the Construction Environmental Management Plan required by condition 3, Schedule 4 of this approval. The plan shall:
 - a) be prepared by a suitably qualified and experienced expert in consultation with the EPA;
 - b) be submitted to the Director-General for approval prior to construction;
 - c) identify ways to manage and mitigate dust and other air quality emissions; and
 - d) address the requirement for mitigation and monitoring outlined in the site RAP.

Dust

19. During Construction and Operation of the Project, the Proponent shall ensure that:
 - a) all trucks entering or leaving the site have their loads covered;
 - b) trucks associated with the Project do not track dirt onto the public road network; and
 - c) any dirt on public roads as a result of the project is promptly removed.

TRAFFIC AND TRANSPORT

20. The Proponent shall undertake the following upgrade works to the Hill Street and Botany Road intersection. These works shall:
 - a) be undertaken in accordance with detailed design plans prepared in consultation with Council and to the satisfaction of the RMS;
 - b) be designed in accordance with the Austroads Guide;
 - c) be undertaken prior the commencement of Operation of Stage 1;
 - d) include:
 - extension of the existing right-turn bay by 20 m. The right-turn bay shall be at least 3.2 metres wide;
 - construction of a 900 mm wide central median adjacent to and for the full length of the right-turn bay, to the satisfaction of the RMS; and
 - installation of signage on Botany Road (eastbound) to prevent trucks longer than 12.5 m turning left into Hill Street.
21. Prior to the Operation of Stage 1, the Proponent, or any subsequent Lot owner shall provide:
 - a) parking in accordance with the PPR for each individual Lot;
 - b) the applicable number of accessible parking spaces as required by Australian Standards;
 - c) a footpath along the site frontage to Macpherson Street (northern side), Coal Pier Road (eastern side) to the satisfaction of Council, as well as along one side of all internal access roads; and
 - d) parking for bicycles.
22. The Proponent shall prepare and implement a Transport Access Guide for the Project. The Plan shall:
 - a) be prepared in consultation with Council and to the satisfaction of the RMS;
 - b) be prepared in accordance with Transport NSW guidelines;
 - c) be prepared prior to Operation of Stage 1; and
 - d) assess alternate travel modes to reduce reliance on private car transport.

Internal Roads, Queuing and Parking

23. The Proponent shall ensure that:
 - a) all internal roads, access, vehicular crossing and parking on site complies with AS2890.1:2004 and AS2890.2:2002, or their latest versions;
 - b) all vehicles are to enter the site in a forward direction;
 - c) all vehicles are to be wholly contained on site before being required to stop;
 - d) all parking and loading/unloading generated by the Project is accommodated on site;
 - e) that the Project does not result in any vehicles queuing, parking or loading/unloading on the public road network;
 - f) the vehicular manoeuvring area shall be kept clear at all times and all vehicles shall be parked in the loading area or marked parking bays; and
 - g) all parking spaces on-site shall be set aside for parking purposes only and not use for the storage of goods or machinery.

Traffic Management

24. The Proponent shall prepare and implement an Operational Traffic Management Plan for the Project. The Plan shall:
- be prepared in consultation with Council and RMS, and be approved by the Director-General prior to commencement of Operations on any individual Lot;
 - detail operational traffic management measures including a driver code of conduct and truck route management plan;
 - include a plan showing that the swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, is developed in accordance with AUSTROADS guidelines;
 - detail appropriate internal traffic controls, signage and line marking to ensure light and heavy vehicles can operate together;
 - include a sustainable travel plan describing:
 - the measures that would be put in place to reduce light vehicle movements (for example provision of a shuttle bus linking with appropriate public transport during peak periods, car pooling etc);
 - how the plan would be implemented;
 - how the effectiveness of the plan would be monitored over time;
 - detail procedures to ensure site-related vehicles do not queue or park on public roads; and
 - ensure that truck movements for vehicles with a length of 12.5 metres or greater shall be restricted to:
 - inward movements via Foreshore Road, Botany Road, Hill street and McPherson Street;
 - outward movements via McPherson Street, Exell Street, Botany Road and Foreshore Road.

NOISE

25. The Proponent shall comply with the restrictions in Table 1, unless otherwise agreed by the Director-General.

Table 1: Construction and Operation Hours for the Project

Activity	Day	Time
Construction	Monday – Friday	7:00am to 6:00pm
	Saturday	8:00am to 1:00pm
	Sunday and Public Holidays	Nil
Operation	All days	24 hours

Notes:

- Construction activities may be conducted outside the hours in Table 1 provided that the activities are not audible at any residence beyond the boundary of the site.

26. The Proponent shall ensure that the combined construction and operational noise from the Project and site does not exceed the noise limits presented in Table 2.

Table 2: Construction L10 (15min) dB(A)

Activity	Location	Day
Construction	Botany (residential)	61
	Hillside (residential)	64
	Commercial	70
	Industrial	75
	Banksmeadow School	50

Table 3: Operations (dB(A))

	Day	Evening LAeq (15min)	Night	Night Sleep Disturbance L1 (max)
All Surrounding Sensitive Receivers	35	35	35	64
Commercial/Industrial	50			
Broadmeadow School	35			

Notes:

- Noise generated by the Project is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.

ENERGY

Energy Efficiency Plan

27. Prior to commencement of Construction, the Proponent shall prepare an Energy Efficiency Plan. The plan shall:
- be submitted to the Director-General for approval prior to the commencement of Construction;
 - describe the measures to be implemented to minimise energy use on the site including energy consumption levels, predicted energy savings and options for alternative energy sources including solar power generation, potential for third party access to roofs for solar generation, and co-generation; and
 - include a program for monitoring the effectiveness of these measures, and a protocol for the periodic review of the plan.

VISUAL

Signage

28. Prior to installing any permanent signage on the site, the Proponent shall prepare a detailed Signage Strategy for the site, to the satisfaction of the Director-General. The strategy shall:
- be prepared in consultation with Council;
 - include an assessment against the provisions of SEPP 64; and
 - include detailed design/guidelines for estate signage and business identification signage within the estate.

Fencing

29. Prior to installing any fencing at the site, the Proponent shall submit detailed plans of this fencing to the Director-General for approval. These plans must be prepared in consultation with Council.

Lighting

30. The Proponent shall ensure that any lighting associated with the Project:
- complies with the latest version of Australian Standard AS 4282(INT)-Control of Obtrusive Effects of Outdoor Lighting; and
 - is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

LANDSCAPE AND BIODIVERSITY

31. The Proponent shall prepare and implement a Landscape Management Plan for the Project to the satisfaction of the Director-General. This plan must:
- be prepared in consultation with Council and be submitted to the Director-General for approval prior to commencement of Construction;
 - include:
 - a Landscape Plan for the Project, which identifies screen plantings to minimise visual impacts;
 - an implementation and maintenance schedule;
 - detailed plans and procedures to:
 - plant and maintain a 20m riparian corridor each side of Springvale Drain on the site;
 - provide offset habitat for the Green and Golden Bell Frog in the form of two small frog ponds and associated foraging areas;
 - manage weeds in the vicinity of the riparian zones;
 - measures to control access;

- integrate works into the proposed landscaping for the rest of the site;
- maintain and monitor the landscaping and frog ponds; and
- a Weed and Pest Management Plan that:
 - includes measure to control pests vermin, and noxious weeds; and
 - explicitly excludes the use of pesticides that are likely to be harmful to frogs.

WASTE

32. The Proponent shall ensure that all waste generated during the Construction and Operation of the Project is stored, handled and disposed of in accordance with the DECCW's *Waste Classification Guidelines*.
33. The Proponent shall:
 - a) implement procedures to identify and handle asbestos waste. These procedures should be In accordance with *National Occupational Health and Commission (Safe Work Australia's) Code of Practice & Guidance Notes for the Management & Control of Asbestos in Work Places*, relative guidelines and legislation from Workcover NSW and the POEO Regulation; and
 - b) integrate these procedures into the Construction Environmental Management Plan required by condition 3, Schedule 4 of this approval.

HAZARDS AND RISKS

34. At least one month prior to the commencement of Operation of the Project, or within such further period as the Director General may agree, the Proponent shall implement Recommendation 2 of the *Southland Development Land Use Safety Considerations* report, prepared by Lloyd's Register Rail and dated 26 March 2009.
35. The Proponent shall ensure that Dangerous Goods are not stored at or distributed to/from the sites.
36. The Proponent shall prepare an Emergency & Fire Response Plan for the site to the satisfaction of NSW Fire Brigade, that shall:
 - a) be submitted to the Director-General for approval prior to commencement of Operation;
 - b) implement suitable measures to minimise the risk of fire on site;
 - c) extinguish any fires on site promptly;
 - d) maintain adequate fire-fighting capacity on site; and
 - e) detail emergency evacuation procedures.

SCHEDULE 4 – ENVIRONMENTAL MANAGEMENT, MONITORING & INCIDENT REPORTING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

1. The Proponent must prepare and implement an Environmental Management Strategy for the Project to the satisfaction of the Director-General. This strategy must:
 - a) be submitted to the Director-General for approval prior to commencement of any construction works;
 - b) be prepared by a suitably qualified and experienced expert;
 - c) provide the strategic framework for environmental management of the Project;
 - d) identify the statutory requirements that apply to the Project;
 - e) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the Project.
 - f) describe in detail the management measures that would be implemented to address environmental issues;
 - g) describe in general how the environmental performance of the Project would be monitored and managed;
 - h) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the environmental performance of the Project;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise during the course of the Project;
 - respond to any non-compliances;
 - respond to emergencies; and
 - i) include copies of the various strategies and plans that are required under the conditions of this approval once they have been approved.

Environmental Management Plans

2. The Proponent shall ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines, and include:
 - a) detailed baseline data;
 - b) a description of:
 - the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - any relevant limits or performance measures/criteria;
 - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the Project or any management measures;
 - c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
 - d) a program to monitor and report on the:
 - impacts and environmental performance of the Project;
 - effectiveness of any management measures (see c above);
 - e) a contingency plan to manage any unpredicted impacts and their consequences;
 - f) a program to investigate and implement ways to improve the environmental performance of the Project over time;
 - g) a protocol for managing and reporting any:
 - incidents;
 - complaints;
 - non-compliances with statutory requirements; and
 - exceedances of the impact assessment criteria and/or performance criteria; and
 - h) a protocol for periodic review of the plan.

Construction Environmental Management Plan

3. The Proponent shall prepare and implement a Construction Environment Management Plan for the site to the satisfaction of the Director-General. This Plan must:
 - a) be prepared in accordance with the framework provided in the RAP and guidance provided in DIPNR (2004) Guideline for the Preparation of Environmental Management Plans; and
 - b) be submitted to the Director-General for approval prior to commencement of construction;
 - c) include:
 - Sediment and Erosion Control Plan that includes, amongst other things, measures to prevent the discharge of contaminated sediments into Springvale Drain;
 - Traffic Management Plan;

- Water Management Plan;
- Noise Management Plan;
- Waste Management Plan;
- Energy Efficiency Plan; and
- Air Quality Management Plan.

Operation Environmental Management Plan

4. Prior to the issuance of an Occupation Certificate for any new building the Proponent shall prepare and implement an Operational Environmental Management Plan (OEMP) to the satisfaction of the Director-General. This Plan must include:
 - a) Site Water Management Plan;
 - b) Traffic Management Plan,
 - c) Water Management Plan;
 - d) Noise Management Plan;
 - e) Waste Management Plan;
 - f) Landscape Management Plan;
 - g) Energy Efficiency Plan; and
 - h) Air Quality Management Plan.

ENVIRONMENTAL REPORTING

Incident Reporting

5. Immediately upon detecting the occurrence of an incident that causes (or may cause) harm to the environment, the Proponent must notify the Department and any other relevant agencies of the incident.
6. Within 7 days of the date of the incident the Proponent shall provide the Director-General and any relevant agencies with a detailed report on the incident.

PRE-OPERATION COMPLIANCE AUDIT

7. Within one month of Operation of any individual Lot, the Proponent or subsequent owner of any individual Lot shall submit work as executed plans to the Department for all the development associated with the Project. These plans must be prepared by a suitably qualified and experienced expert, and include plans showing the work as executed plans laid over the approved plans to demonstrate that the development has been carried out in accordance with the approved plans.
8. The Director-General may require an update on compliance with all, or any part, of the conditions of this approval. Any such update shall meet the reasonable requirements of the Director-General and be submitted within such period as the Director-General may agree.

ACCESS TO INFORMATION

9. Within 3 months of the approval of any strategy/plan/program required under this approval (or any subsequent revision of these strategies/plans/programs), or the completion of the audits or annual reports required under this approval, the Proponent shall:
 - a) provide a copy of the relevant documents/data to the relevant agencies; and
 - b) make the documents publically available in an appropriate electronic format on the Proponent's web site, should one exist. If a web site does not exist, the documents are to be made available upon request.

APPENDIX 1: ORICA'S STATEMENT OF COMMITMENTS

Southlands Remediation and Development Project

Updated Statement of Commitments

29 July, 2011

Mitigation Measure	Implementation			Responsibility
	Design	Constr. / Remed.	Operations	
GENERAL				
<p>The Proponent would carry out construction and operation generally in accordance with the:</p> <ul style="list-style-type: none"> • Project Application; • Preferred Project Development Plans, dated 8 November 2010 (as amended); • EA as amended by: • Southlands Remediation and Development Project – Response to Submissions on the Environmental Assessment and Preferred Project Plan, Rev. 2, dated November 2010; • Southlands Remediation and Development Project – Response to Submissions on the Environmental Assessment and Preferred Project Plan, Rev. 7, dated June 2011; and • Aurecon Flood Modelling 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) • Agreed Statement of Commitments. 	All stages	All stages	All stages	Proponent
The Proponent would ensure that all buildings are designed and constructed generally in accordance with the plans provided as part of the Preferred Project Plan, the Building Code of Australia and the relevant parts of the EP&A Act building certification.	All stages	All stages		Proponent
Maintain obligations under the VMP or other regulatory instrument throughout and following implementation of the Southlands Remediation and Development Project.	All stages	All stages	All stages	Orica
Review with the OEH Accredited Auditor the need and as required by the Auditor implement and maintain an active vapour mitigation system (such as shallow groundwater extraction system) aimed at reducing the discharge of contaminated shallow groundwater into Springvale Drain and hence reducing the potential for volatile emissions from surface waters to ambient air in the vicinity of the Drain. This would be implemented by Orica through a separate approvals process under the VMP..	Prior to Stage 1	All stages	All stages	Orica

Mitigation Measure	Implementation			Responsibility
	Design	Constr. / Remed.	Operations	
A detailed monitoring well replacement program would be developed for the Southlands Site to provide a documented framework that ensures Orica's ongoing responsibilities under the NCUA for hydraulic and chemical monitoring can be met both during the construction stages of the development and during the future land use. This would be implemented by Orica through a separate approvals process under the VMP.	All stages	All stages	All stages	Orica
A series of easements would be granted on the Southlands Site in favour of Orica for use in both groundwater monitoring and extraction as well as for future remediation technologies, should such become available or relevant to remediation of the site and/or other areas in BIP in accordance with <i>Drawing SRD 017 (D)</i> .	All stages	All stages	All stages	Proponent
<p>Prepare and implement:</p> <ul style="list-style-type: none"> – a CEMP prior to the issuance of a Construction Certificate; and – an OEMP prior to the issuance of an Occupation Certificate for any new building. <p>Which include the specific measures outlined in the following sections of this table.</p>	All stages	All stages	All stages	Proponent
<p>Preparation and implementation of Communications Plan including the requirements of the Southlands RAP to notify site neighbours and the wider community of construction timing and progress;</p> <ul style="list-style-type: none"> • mechanisms for submitting feedback and asking questions regarding the project; • reporting progress via Orica's monthly columns in the Southern Courier and St George and Sutherland Shire Leader newspapers; and • maintaining project information on the Orica Botany Transformation Projects webpage. 	All stages	All stages		Orica
HYDROLOGY AND FLOODING				
<p>Detailed design of the Compensatory Flood Storage Area to prevent ponding and discharge of groundwater generally in accordance with the Aurecon Flood Modelling Report – <i>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)</i>.</p> <p>This would be reviewed by the Site Auditor as part of the Site Audit process leading to the issue of the Section A Site Audit Statement(s).</p>	Prior to Stage 1			Proponent / Contractor
Design of development would involve delivery of the flood modelling outcomes as generally shown in accordance with the Aurecon Flood Modelling Report – <i>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)</i> .	All stages	All stages		Proponent

Mitigation Measure	Implementation			Responsibility
	Design	Constr. / Remed.	Operations	
Delivery of new building pads in Stage 1 and 2 above the 1% flood event in accordance with the Aurecon Flood Modelling Report – <i>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).</i>				
Detailed design of Stage 2 drainage infrastructure to incorporate measures to mitigate potential scouring and sediment impacts at Penrhyn Estuary.	Prior to Stage 2			Proponent
Design of development would ensure no adverse impacts on stormwater quality through incorporation of appropriate stormwater quality control measures as shown on <i>Civil Drawings</i> .		All stages		Contractor / Proponent
Undertake further more detailed design and resolution of issues with Sydney Water for the bridge crossing of the Sydney Water SWSOOS. Undertake negotiations with a number of stakeholders including property owners, CoBB and asset managers to formulate a detailed plan.	Stage 2 & Link Road			Proponent
SOILS, GEOLOGY AND CONTAMINATION				
The requirements of the Southlands RAP would be implemented as detailed in Appendix H and the conditions of the Section B Site Audit Statement (Appendix I).	All stages	All stages	All stages	Proponent
The review of further studies and plans required under the Southlands RAP would be undertaken as part of the Site Audit process leading to issue of the Section A Site Audit Statement(s) by the Site Auditor.	All stages	All stages	All stages	Proponent
Any variation to the remedial measures outlined in the Remediation Action Plan (URS, Oct 2008) will be submitted, before implementation, to the OEH Accredited Site Auditor, responsible for issuing the Site Audit Certificate. The Remediation Action Plan will therefore only be amended, with the agreement of the Accredited Site Auditor.	All stages	All stages	All stages	Proponent
Treated and validated materials may be placed within the area of the Southlands Site, subject to separate approval and assessment (Carpark Waste Encapsulation Remediation Project Approval No 06_0197, as modified). Any such materials will first be treated and validated in accordance with the relevant requirements of that project approval.	Stage 1			Proponent
Issue of Section A Site Audit Statement(s) to establish site suitability for the proposed land use.			Prior to occupation of each stage	Proponent
The CEMP would address soil and erosion control as identified in the Southlands RAP. Stage 2/3 area would have erosion and sediment controls implemented prior to Stage 2/3 being developed.		All stages		Proponent / Contractor

Mitigation Measure	Implementation			Responsibility
	Design	Constr. / Remed.	Operations	
The CEMP would address soil and erosion control as identified in the remedial approach for the New Link Road.		New Link Road		Proponent / Contractor
The Communications Plan would ensure effective and efficient consultation with stakeholders for the duration of the soil remediation works as provided in the Southlands RAP (Appendix H).	All stages	All stages		Orica
A detailed physical barrier design would be prepared prior to implementation of the remedial approach. Design of the proposed vapour mitigation measures for future site buildings/structures would be completed prior to implementation of the remedial approach. These designs would be reviewed by the Site Auditor as part of the Site Audit process leading to the issue of the Section A Site Audit Statement(s).	All stages	All stages		Proponent / Contractor
All underground services beneath, and in the environs of, Southlands would be mapped and documented. This is required to avoid intercepting services during remediation works that require excavation, as well as to enable incorporation of service and easement locations into the long term EMP.	All stages	All stages	All stages	Proponent / Contractor
A Site Specific Health, Safety and Environment Plan (SSHSEP) would be prepared and implemented for the site in accordance with the framework described in the Southlands RAP (Appendix H).	All stages	All stages		Proponent / Contractor
A Long Term EMP would be prepared and implemented to ensure activities which could potentially or directly result in exposure of future land users to the contaminated soils beneath the physical barrier are precluded or limited / controlled and to include the requirements outlined in the Southlands RAP. This would be reviewed by the Site Auditor as part of the Site Audit process leading to the issue of the Section A Site Audit Statement(s).			All stages	Proponent
A remedial approach would be developed for the New Link Road Site to address the issues identified in the Phase 2 investigation. This would be prepared and approved to the requirements of a DECC accredited Site Auditor before the issuance of the Construction Certificate for the New Link Road.		New Link Road		Proponent
AIR QUALITY				
Develop and implement an Air Quality Management Plan as part of the CEMP to manage and mitigate dust and other air quality issues and address the requirements for measures and monitoring outlined in the Southlands RAP.		All stages		Proponent / Contractor
A Vapour Intrusion Conceptual Model and detailed design of the Vapour Intrusion Mitigation Measures for Site Structures would be prepared for review and approval by the Site Auditor as part of the Site Audit process leading to issue of the Section A Site Audit Statement(s) by the Site Auditor.	Stage 1 and 2		Stage 1 and 2	Proponent

Mitigation Measure	Implementation			Responsibility
	Design	Constr. / Remed.	Operations	
The long term EMP will include additional contingency measures to be finalised following further air sampling after the proposed infilling of the re-alignment channel.	All stages	All stages	All stages	Proponent
TRAFFIC AND TRANSPORTATION				
<p>Provision of intersection improvements at the of Hills Street and Botany Road intersection as per the RTA advice of 30 June 2011, including:</p> <ul style="list-style-type: none"> The existing length of the right turn lane on Botany Road on the eastern approach to the Hills Street intersection shall be increased in length by 20 metres; On road safety grounds, the right turn lane should be fully protected by constructing a 900mm wide central median in Botany Road for the full length of the right turn lane; and The minimum width of the right turn lane shall be 3,2 metres. 	Stage 1		Stage 1	Proponent
Co development of the New Link Road in Stage 2 between the Proponent and CoBB following the negotiation of a Voluntary Planning Agreement.	Prior to Stage 2 / New Link Road			Proponent
Truck access to the site for the purposes of construction and operation will comply with all weight and vehicle length restrictions routes imposed by the RTA.	All stages	All stages	All stages	Proponent
FLORA AND FAUNA				
Offset habitat for the Green and Golden Bell Frog in the form of two small frog ponds and associated foraging areas would be constructed and maintained in accordance with the detail provided by BEC (2007) in Appendix O and the updated response advice provided by BEC (Feb 2010) and any relevant requirements of the Southlands RAP.	Stage 1	Stage 1	Stage 1	Proponent
A Weed and Pest Management Plan would be prepared as part of the Construction Environmental Management Plan and Environmental Management Plan for the Site. Caution is required during all remediation and construction activities to limit the risk of spread of Noxious Weed species present on Site.		All stages		Proponent

Mitigation Measure	Implementation			Responsibility
	Design	Constr. / Remed.	Operations	
HERITAGE AND ARCHAEOLOGY				
A CEMP would be developed and implemented addressing heritage issues. The CEMP would detail the management strategies to be followed in the event that an Aboriginal object or non-aboriginal archaeological relic is uncovered during construction and be incorporated where appropriate into site inductions for site personnel. It would require that any relic uncovered be reported to COBB and DECC.		All stages		Proponent
LAND USE SAFETY PLANNING				
The use of fire resistant wall material would be considered for the northern boundary of the north east warehouse building.	All stages	All stages	All stages	Proponent
Emergency procedures would be integrated with the emergency plans for the Mobil and Qenos tank farms, and the BIP Emergency Plan.			All stages	Proponent
WASTE MANAGEMENT				
Develop a Waste Classification Report and management plan. These would be reviewed by the Site Auditor as part of the Site Audit process leading to issue of the Section A Site Audit Statement(s).	All stages	All stages		Proponent
Develop and implement a Waste Management Plan, as part of the CEMP addressing the principles of avoid, reduce reuse and disposal. The Plan would also address waste management issues as identified in the Southlands RAP.	All stages	All stages	All Stages	Proponent
Water management would be addressed in the CEMP that identifies the issues described in the Southlands RAP and the requirements for contingency planning for interception of groundwater during excavation works and water management to prevent surface run off from becoming contaminated as a result of soil disturbance or contact with site contaminants.	All stages	All stages		Proponent
Develop a Waste Management Plan as part of the OEMP for operation.				Proponent
LANDSCAPE AND VISUAL				
Implementation of the landscape design generally as shown in the Landscape Plans for the project (07_011 STG 1_LC01 – 5).	All stages		All stages	Proponent
A Landscape Management Plan would be prepared for the Stage 3 area that would involve scrubbing, trimming, and replanting of this area to screen this underutilised area of the site.	Stage 1			Proponent
Implementation of a landscape maintenance program upon completion of construction of the new buildings.			All stages	Proponent
WATER AND ENERGY EFFICIENCY				

Mitigation Measure	Implementation			Responsibility
	Design	Constr. / Remed.	Operations	
Buildings would be designed to maximise the benefits of solar energy through appropriate orientation.	All stages	All stages	All stages	Proponent
Detailed design would be in accordance with CoBB DCP for Energy Efficiency.	All stages	All stages	All stages	Proponent
Use of recycled water on site for non-potable uses proposed from stormwater / rainwater harvesting and, if practicable, from the Orica GTP where possible.	All stages	All stages	All stages	Proponent
Energy efficient appliances would be installed.	All stages	All stages	All stages	Proponent
ACOUSTICS				
<p>The operation and use of new buildings within the estate will comply with the Botany Bay City Council standard noise criteria as follows:</p> <p><i>Standard Noise Criteria Adopted by Council</i></p> <p>(a) The operation of all plant and equipment shall not give rise to an equivalent continuous (L Aeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background L A90 level (in the absence of the noise under consideration).</p> <p>(b) The operation of all plant equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds L Aeq 50dB(A) day time and L Aeq 40dB(A) night time.</p> <p>(c) The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds L Aeq 65dB(A) day time/night time. For assessment purposes, the above L Aeq sound levels shall be assessed over a period of 10 -15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.</p>			All Stages	Operator
BUILDING DESIGN				
The detailed design of each building will be submitted to Botany Bay City Council for review and design input from the Botany Bay City Council Urban Design Review Panel, prior to the issuance of a Construction Certificate for each new building.	Stage 1 and Stage 2			Proponent

Mitigation Measure	Implementation			Responsibility																								
	Design	Constr. / Remed.	Operations																									
<p>The design of buildings will comply with the Botany Bay City Council requirements in terms of anti-graffiti coating, as follows:</p> <p>(a) A detailed Schedule of Finishes and Colours must be submitted to Council for approval prior to issuing the construction certificate in respect of the new buildings to be erected on the site.</p> <p>(b) The Schedule of Finishes shall consist of samples of materials cross referenced with manufacturers details and product code. The Schedule shall include detailed facade treatment, anti graffiti coatings and green screens where required to prevent the application of graffiti to the buildings.</p> <p>(c) The detailed Colour Scheme is to be shown in the form of detailed coloured building elevations, cross-referenced with a colour sample chart showing manufacturers details and product code.</p>	All Stages			Proponent																								
DEVELOPER CONTRIBUTIONS																												
<p>Prior to the issue of an occupation certificate for any new building approved under this approval in Stage 1 the Proponent will either:</p> <ul style="list-style-type: none">pay developer contributions in accordance with Botany Bay City Council Section 94 Contributions Plan 2005 - 2010 totalling \$3,543,214.00 as set out below. The contributions to be paid are to reflect the proportion of each lot in Stage 1 as a percentage of the total land area of stage 1: <table><tr><th>Required S. 94 Contribution</th><th>Rate in CP</th><th>Required Contribution</th></tr><tr><td>Community facility</td><td>\$259.00 per empl.</td><td>\$181,041.00</td></tr><tr><td>Administration</td><td>\$42.00 per empl</td><td>\$29,358.00</td></tr><tr><td>Shopping Centre Improvements (City Wide)</td><td>\$188.00 per empl.</td><td>\$131,412</td></tr><tr><td>Open Space and Recreation</td><td>\$1,745.00 per empl.</td><td>\$1,219,755.00</td></tr><tr><td>Total per Employee</td><td>\$2,234.00</td><td>\$1,561,566</td></tr><tr><td>Transport Management (based on Stage 1 site area 9.815 ha)</td><td>\$20.19 Per m² site area</td><td>\$1,981,648</td></tr><tr><td>Total Payment Required</td><td></td><td>\$3,543,214</td></tr></table> <p>Note:</p> <ol style="list-style-type: none">Rates are based on the January 2006 CP. The Council has advised (19 July 2011) that the rates have not changed since the time the CP has been adopted and the rates remain as originally adopted.Based on Total Site area excluding Nant Street Corridor and DOL lands of 98,150 m2, and gross floor area of 46, 500 m2 as shown on final Preferred Project Plan;Employee numbers determined in accordance with Botany CP as Transport/Storage/ Warehousing at 1 employee per 66.5 m2 = 699 employees.	Required S. 94 Contribution	Rate in CP	Required Contribution	Community facility	\$259.00 per empl.	\$181,041.00	Administration	\$42.00 per empl	\$29,358.00	Shopping Centre Improvements (City Wide)	\$188.00 per empl.	\$131,412	Open Space and Recreation	\$1,745.00 per empl.	\$1,219,755.00	Total per Employee	\$2,234.00	\$1,561,566	Transport Management (based on Stage 1 site area 9.815 ha)	\$20.19 Per m² site area	\$1,981,648	Total Payment Required		\$3,543,214	Stage 1			Proponent
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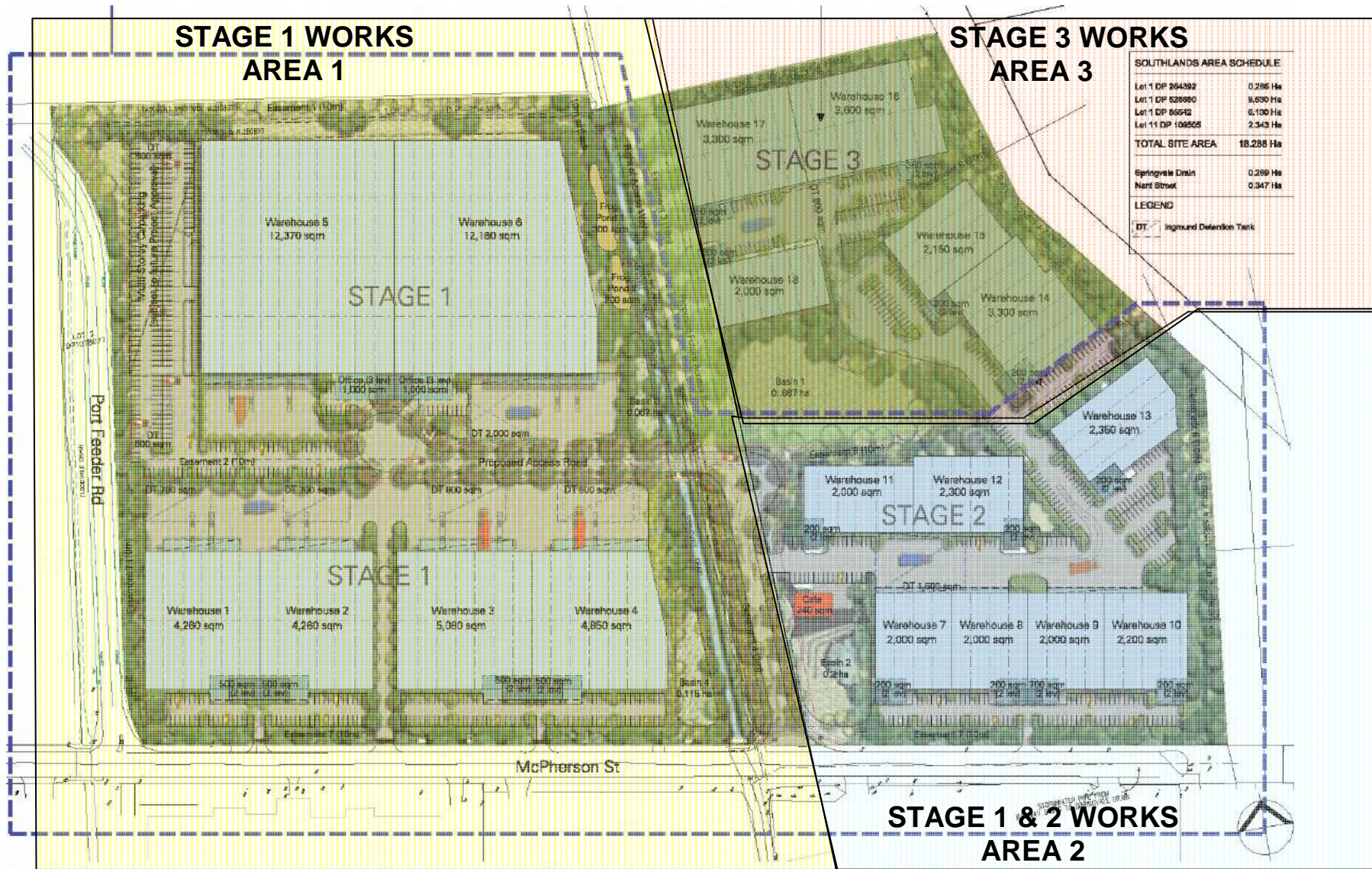
Mitigation Measure				Implementation			Responsibility
				Design	Constr. / Remed.	Operations	
Contribution Per Lot							
Lot	Area	% of Total Contribution	Required Contribution				
1	2.802	28.55	\$1,011,588.00				
2	2.770	28.22	\$999,895.00				
3	1.013	10.32	\$365,660.00				
4	0.899	9.16	\$324,558.00				
5	1.047	10.67	\$378,061.00				
6	1.284	13.08	\$463,452.00				
Total	9.815	100%	\$3,543,214.00				
OR							
<ul style="list-style-type: none"> enter into a Voluntary Planning Agreement with Botany Bay City Council prior to the issuance of a Construction Certificate for new buildings in Stage 1, that contemplates the carrying out of one or any of the following works in kind with or without payment of monetary contributions up to the maximum contribution payable for this stage under the Botany Bay City Council Section 94 Contributions Plan 2005 - 2010: 							
Stage 1							
Item	Works	Scope of works	Estimated Value of works				
(a)	New cycle way extending the existing cycle way on Coal Pier Road along the western edge of Southlands	<ul style="list-style-type: none"> Construction of new 2.4 metre (or as specified by Council) wide cycle path connecting to the existing cycle path along the western boundary to Southlands on the Coal Pier Road frontage. Dedication of land to Council to accommodate the cycleway. This will be subject to retention of rights for vehicular, pedestrian access and services etc. 	Value of works to be determined by independent QS and land value dedicated to Council to be determined by valuer suitable to parties up to the maximum value of the total S.94 Contributions payable for Stage 1, less any amount agreed for (b) and (c).				

Mitigation Measure					Implementation			Responsibility																								
					Design	Constr. / Remed.	Operations																									
			into and out of the Southlands site.																													
(b)	Pavement repairs to Hills, Exell and McPherson Streets	Roadwork pavement repairs. Precise scope of pavement improvements to be defined with Council.	Value of works to be determined by QS suitable to parties up to a maximum value of the total S.94 Contributions payable for Stage 1, less the agreed value for items (a), and (c).																													
(c)	Botany Bay Hotel Frontage Works	Works outside the Botany Bay Hotel including a refuge island and modifications to on street parking.	Value of works to be determined by QS suitable to parties up to a maximum value of the total S.94 Contributions payable for Stage 1, less the agreed value for items (a) and (b).																													
Prior to the issue of an occupation certificate for any new building approved under this approval in Stage 2 the Proponent will either: <ul style="list-style-type: none">pay developer contributions in accordance with Botany Bay City Council Section 94 Contributions Plan 2005 - 2010 totalling \$1,448,449.00 as set out below. <table><tr><th>Indicative S. 94 Contribution</th><th>Rate in CP</th><th>Required Contribution</th></tr><tr><td>Community facility</td><td>\$259.00 per empl.</td><td>\$64,232.00</td></tr><tr><td>Administration</td><td>\$42.00 per empl</td><td>\$10,416.00</td></tr><tr><td>Shopping Centre Improvements (City Wide)</td><td>\$188.00 per empl.</td><td>\$46,624.00</td></tr><tr><td>Open Space and Recreation</td><td>\$1,745.00 per empl.</td><td>\$432,760.00</td></tr><tr><td>Total per Employee</td><td>\$2,234.00</td><td>\$554,032.00</td></tr><tr><td>Transport Management (based on Stage 2 site area 4.43 ha)</td><td>\$20.19 Per m² site area</td><td>\$894,417.00</td></tr><tr><td>Total Payment Required</td><td></td><td>\$1,448,449</td></tr></table>					Indicative S. 94 Contribution	Rate in CP	Required Contribution	Community facility	\$259.00 per empl.	\$64,232.00	Administration	\$42.00 per empl	\$10,416.00	Shopping Centre Improvements (City Wide)	\$188.00 per empl.	\$46,624.00	Open Space and Recreation	\$1,745.00 per empl.	\$432,760.00	Total per Employee	\$2,234.00	\$554,032.00	Transport Management (based on Stage 2 site area 4.43 ha)	\$20.19 Per m ² site area	\$894,417.00	Total Payment Required		\$1,448,449	Stage 2			Proponent
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Mitigation Measure	Implementation			Responsibility								
	Design	Constr. / Remed.	Operations									
<p>Note:</p> <p>1. Rates are based on the January 2006 CP. The Council has advised (19 July 2011) that the rates have not changed since the time the CP has been adopted and the rates remain as originally adopted.</p> <p>2. Based on Total Site area excluding Nant Street Corridor and DOL lands of 44,300 m2, and gross floor area of 16, 490 m2 as shown on final Project Plan;</p> <p>3. Employee numbers determined in accordance with Botany CP as Transport/Storage/ Warehousing at 1 employee per 66.5 m2 = 248 employees.</p> <p>OR</p> <ul style="list-style-type: none">enter into a Voluntary Planning Agreement with Botany Bay City Council prior to the issuance of a Construction Certificate for new buildings in Stage 2, that contemplates the carrying out of one or any of the following works in kind with or without payment of monetary contributions up to the maximum contribution payable for this stage under the Botany Bay City Council Section 94 Contributions Plan 2005 - 2010: <p>Stage 2</p> <table><tr><th>Item</th><th>Works</th><th>Scope of works</th><th>Estimated Value of works</th></tr><tr><td>(a)</td><td>Southlands Feeder Road linking Botany Road through to McPherson Street, through Discovery Cove and MCS land.</td><td>Subject to the commencement of Stage 2 of the Project, works will include the construction and dedication of the new Southlands Feeder Road as outlined in the Environmental Assessment accompanying the Project Application.</td><td>Approximately \$26m (2007 estimate). Orica will fund the new road link subject to Botany Bay City Council contributing the S.94 monies already collected and which will be subsequently collected for the "Port Botany feeder extension McPherson Street to Foreshore Road" as identified as a major Transport Works Program Item in Banksmeadow South under the Botany CP.</td></tr></table>	Item	Works	Scope of works	Estimated Value of works	(a)	Southlands Feeder Road linking Botany Road through to McPherson Street, through Discovery Cove and MCS land.	Subject to the commencement of Stage 2 of the Project, works will include the construction and dedication of the new Southlands Feeder Road as outlined in the Environmental Assessment accompanying the Project Application.	Approximately \$26m (2007 estimate). Orica will fund the new road link subject to Botany Bay City Council contributing the S.94 monies already collected and which will be subsequently collected for the "Port Botany feeder extension McPherson Street to Foreshore Road" as identified as a major Transport Works Program Item in Banksmeadow South under the Botany CP.				
Item	Works	Scope of works	Estimated Value of works									
(a)	Southlands Feeder Road linking Botany Road through to McPherson Street, through Discovery Cove and MCS land.	Subject to the commencement of Stage 2 of the Project, works will include the construction and dedication of the new Southlands Feeder Road as outlined in the Environmental Assessment accompanying the Project Application.	Approximately \$26m (2007 estimate). Orica will fund the new road link subject to Botany Bay City Council contributing the S.94 monies already collected and which will be subsequently collected for the "Port Botany feeder extension McPherson Street to Foreshore Road" as identified as a major Transport Works Program Item in Banksmeadow South under the Botany CP.									

Mitigation Measure				Implementation			Responsibility
				Design	Constr. / Remed.	Operations	
(b)	Upgrades to culverts/ pipework to local area stormwater system.	Subject to the commencement of Stage 2 of the Project, works will include the delivery of drainage culverts and ancillary drainage infrastructure as set out in the Stage 2 works outlined in the Environmental Assessment accompanying the Project Application (Appendix G – Hydrology and Flooding Report)..	Value of works to be determined by independent QS and land value dedicated to Council to be determined by valuer suitable to parties.				

APPENDIX 2: ORICA'S PROJECT STAGING PLAN



APPENDIX 3: ORICA'S DEVELOPER CONTRIBUTIONS OFFER

26 July, 2011

The Director General
Department of Planning
 23-33 Bridge Street
 Sydney, 2000

Attention – Christine Chapman

Dear Sir

S.94 Contributions and Offer to Enter into a Voluntary Planning Agreement with Botany Bay City Council

Further to our recent discussions regarding S.94 Contributions and the Preferred Project Plan for the Southlands Remediation and Redevelopment Project, we wish to confirm our understanding of the required contributions under S.94.

Orica has had discussions with Botany Bay City Council (**BBCC**) who have confirmed that they would be prepared to either accept a cash payment in accordance with their Section 94 Contributions Plan 2005-2010 (**CP**), or to enter into a Voluntary Planning Agreement (**VPA**) with Orica to cover certain agreed works in kind to be undertaken by Orica Australia Pty Ltd, in lieu of S.94 Contributions.

BBCC see no utility in determining the detail of the VPA until such time as an approval has been issued, but have confirmed that the applicable S.94 contributions remain as per those set out in their CP, which has not been escalated since they were published.

We therefore set out below Orica's proposal for the payment of developer contributions for the two stages of the Preferred Project Plan for the Southlands Project. Orica offers to either pay S.94 Contributions as required under the CP for each stage of the Southlands Project or to enter into a VPA with Botany Bay City Council that contemplates the carrying out of works in kind as agreed with Council, with or without payment of monetary contributions, up to the maximum contribution payable under the CP for each stage.

Required Contributions under the Section 94 Contributions Plan 2005-2010 .

We have set out in the following tables our understanding of the S.94 Contributions that are applicable to the Preferred Project in its two stages. The contributions would be payable per stage prior to the issuance of an occupation certificate for new buildings under this approval.

Section 94 Contributions for Stage 1 – Southlands Preferred Project Plan under Botany CP¹.

S. 94 Contribution	Rate in CP	Required Contribution
Community facility	\$259.00 per empl.	\$181,041.00
Administration	\$42.00 per empl	\$29,358.00
Shopping Centre Improvements (City Wide)	\$188.00 per empl.	\$131,412

Open Space and Recreation	\$1,745.00 per empl.	\$1,219,755.00
Total per Employee	\$2,234.00	\$1,561,566
Transport Management (based on Stage 1 site area 9.815 ha)	\$20.19 Per m ² site area	\$1,981,648
Total Payment Required		\$3,543,214

Note:

1. Rates are based on the January 2006 CP. The Council has advised (19 July 2011) that the rates have not changed since the time the CP has been adopted and the rates remain as originally adopted.
2. Based on Total Site area excluding Nant Street Corridor and DOL lands of 98,150 m², and gross floor area of 46,500 m² as shown on final Preferred Project Plan;
3. Employee numbers determined in accordance with Botany CP as Transport/Storage/ Warehousing at 1 employee per 66.5 m² = 699 employees.

Section 94 Contributions for Stage 2 – Southlands Preferred Project Plan under Botany CP¹.

S. 94 Contribution	Rate in CP	Required Contribution
Community facility	\$259.00 per empl.	\$64,232.00
Administration	\$42.00 per empl	\$10,416.00
Shopping Centre Improvements (City Wide)	\$188.00 per empl.	\$46,624.00
Open Space and Recreation	\$1,745.00 per empl.	\$432,760.00
Total per Employee	\$2,234.00	\$554,032.00
Transport Management (based on Stage 2 site area 4.43 ha)	\$20.19 Per m ² site area	\$894,417.00
Total Payment Required		\$1,448,449

Note:

1. Rates are based on the January 2006 CP. The Council has advised (19 July 2011) that the rates have not changed since the time the CP has been adopted and the rates remain as originally adopted.
2. Based on Total Site area excluding Nant Street Corridor and DOL lands of 44,300 m², and gross floor area of 16,490 m² as shown on final Project Plan;
3. Employee numbers determined in accordance with Botany CP as Transport/Storage/ Warehousing at 1 employee per 66.5 m² = 248 employees.

The required S. 94 contributions for the Preferred Project Plan, per stage, are therefore as follows:

- Stage 1 - \$3,543,214;
- Stage 2 - \$1,448,449;

Payment of these contributions would be required prior to the occupation of any new buildings approved by this application in either Stage.

Orica therefore understands that, subject to an approval being issued, there is an obligation to make the necessary contributions for each stage of works prior to the occupation of any new buildings in that stage.

Alternative for a VPA with Botany Bay City Council

Alternatively, as discussed with BBCC, Council has agreed to consider entering into a VPA with Orica that provides for various Works in Kind in lieu of the S.94 payments. Council however see no point in discussing the VPA any further until an approval is issued. Orica understands and agrees with this

position and is happy to have discussions with BBCC following the issuance of the approval.

The works in kind discussed with Council to date include the following, but no commitment is given by Orica to these works until such time as a VPA has been agreed:

Stage 1

Item	Works	Scope of works	Estimated Value of works
(a)	New cycle way extending the existing cycle way on Coal Pier Road along the western edge of Southlands	<ul style="list-style-type: none"> Construction of new 2.4 metre (or as specified by Council) wide cycle path connecting to the existing cycle path along the western boundary to Southlands on the Coal Pier Road frontage. Dedication of land to Council to accommodate the cycleway. This will be subject to retention of rights for vehicular, pedestrian access and services etc. into and out of the Southlands site. 	Value of works to be determined by independent QS and land value dedicated to Council to be determined by valuer suitable to parties up to the maximum value of the total S.94 Contributions payable for Stage 1, less any amount agreed for (b) and (c).
(b)	Pavement repairs to Hills, Exell and McPherson Streets	Roadwork pavement repairs. Precise scope of pavement improvements to be defined with Council.	Value of works to be determined by QS suitable to parties up to a maximum value of the total S.94 Contributions payable for Stage 1, less the agreed value for items (a), and (c).
(c)	Botany Bay Hotel Frontage Works	Works outside the Botany Bay Hotel including a refuge island and modifications to on street parking.	Value of works to be determined by QS suitable to parties up to a maximum value of the total S.94 Contributions payable for Stage 1, less the agreed value for items (a) and (b).

Stage 2

Item	Works	Scope of works	Estimated Value of works
(a)	Southlands Feeder Road linking Botany Road through to McPherson Street, through Discovery Cove and MCS land.	Subject to the commencement of Stage 2 of the Project, works will include the construction and dedication of the new Southlands Feeder Road as outlined in the Environmental Assessment accompanying the Project Application.	Approximately \$26m (2007 estimate). Orica will fund the new road link subject to Botany Bay City Council contributing the S.94 monies already collected and which will be subsequently collected for the "Port Botany feeder extension McPherson Street to Foreshore Road" as identified as a major Transport Works Program Item in Banksmeadow South under the Botany CP.
(b)	Upgrades to culverts/ pipework to local area stormwater system.	Subject to the commencement of Stage 2 of the Project, works will include the delivery of drainage	Value of works to be determined by independent QS and

		culverts and ancillary drainage infrastructure as set out in the Stage 2 works outlined in the Environmental Assessment accompanying the Project Application (Appendix G – Hydrology and Flooding Report)..	land value dedicated to Council to be determined by valuer suitable to parties.
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The VPA for each Stage must be executed prior to the issuance of a Construction Certificate for new buildings for each Stage. It will require that the works be undertaken prior to the issuance of an Occupation Certificate for new buildings in each relevant Stage. The works will be valued by an agreed quantity surveyor/valuer. If the indicative statutory contributions for the relevant Stage exceed the valuation of the works, the balance will be paid to the Council prior to the issuance of an Occupation Certificate for the buildings in that Stage.

Suggested Amendment to Statement of Commitments.

In light of the above and after discussions with Council we would therefore propose an alteration to our Statement of Commitments as follows:

Developer Contributions

Prior to the issue of an occupation certificate for any new building approved under this approval in Stage 1 the Proponent will either:

- pay developer contributions in accordance with Botany Bay City Council Section 94 Contributions Plan 2005 - 2010 totalling **\$3,543,214.00** as set out below. The contributions to be paid are to reflect the proportion of each lot in Stage 1 as a percentage of the total land area of stage 1:

Required S. 94 Contribution	Rate in CP	Required Contribution
Community facility	\$259.00 per empl.	\$181,041.00
Administration	\$42.00 per empl.	\$29,358.00
Shopping Centre Improvements (City Wide)	\$188.00 per empl.	\$131,412
Open Space and Recreation	\$1,745.00 per empl.	\$1,219,755.00
Total per Employee	\$2,234.00	\$1,561,566
Transport Management (based on Stage 1 site area 9.815 ha)	\$20.19 Per m ² site area	\$1,981,648
Total Payment Required		\$3,543,214

Note:

- Rates are based on the January 2006 CP. The Council has advised (19 July 2011) that the rates have not changed since the time the CP has been adopted and the rates remain as originally adopted.
- Based on Total Site area excluding Nant Street Corridor and DOL lands of 98,150 m2, and gross floor area of 46, 500 m2 as shown on final Preferred Project Plan;
- Employee numbers determined in accordance with Botany CP as Transport/Storage/ Warehousing at 1 employee per 66.5 m2 = 699 employees.

Contribution Per Lot

Lot	Area	% of Total Contribution	Required Contribution
1	2.80	28.55	\$1,011,588.00
2	2.77	28.22	
	0		\$999,895.00
3	1.01	10.32	\$365,660.00
	3		

4	0.89 9	9.16	\$324,558.00
5	1.04 7	10.67	\$378,061.00
6	1.28 4	13.08	\$463,452.00
Total	9.81 5	100%	\$3,543,214.00

OR

- enter into a Voluntary Planning Agreement with Botany Bay City Council prior to the issuance of a Construction Certificate for new buildings in Stage 1, that contemplates the carrying out of one or any of the following works in kind with or without payment of monetary contributions up to the maximum contribution payable for this stage under the Botany Bay City Council Section 94 Contributions Plan 2005 - 2010:

Stage 1

Item	Works	Scope of works	Estimated Value of works
(a)	New cycle way extending the existing cycle way on Coal Pier Road along the western edge of Southlands	<ul style="list-style-type: none"> Construction of new 2.4 metre (or as specified by Council) wide cycle path connecting to the existing cycle path along the western boundary to Southlands on the Coal Pier Road frontage. Dedication of land to Council to accommodate the cycleway. This will be subject to retention of rights for vehicular, pedestrian access and services etc. into and out of the Southlands site. 	Value of works to be determined by independent QS and land value dedicated to Council to be determined by valuer suitable to parties up to the maximum value of the total S.94 Contributions payable for Stage 1, less any amount agreed for (b) and (c).
(b)	Pavement repairs to Hills, Exell and McPherson Streets	Roadwork pavement repairs. Precise scope of pavement improvements to be defined with Council.	Value of works to be determined by QS suitable to parties up to a maximum value of the total S.94 Contributions payable for Stage 1, less the agreed value for items (a), and (c).
(c)	Botany Bay Hotel Frontage Works	Works outside the Botany Bay Hotel including a refuge island and modifications to on street parking.	Value of works to be determined by QS suitable to parties up to a maximum value of the total S.94 Contributions payable for Stage 1, less the agreed value for items (a) and (b).

Prior to the issue of an occupation certificate for any new building approved under this approval in Stage 2 the Proponent will either:

- pay developer contributions in accordance with Botany Bay City Council Section 94 Contributions Plan 2005 - 2010 totalling **\$1,448,449.00** as set

**Stage
2**

Proponent

out below.

Indicative S. 94 Contribution	Rate in CP	Required Contribution
Community facility	\$259.00 per empl.	\$64,232.00
Administration	\$42.00 per empl	\$10,416.00
Shopping Centre Improvements (City Wide)	\$188.00 per empl.	\$46,624.00
Open Space and Recreation	\$1,745.00 per empl.	\$432,760.00
Total per Employee	\$2,234.00	\$554,032.00
Transport Management (based on Stage 2 site area 4.43 ha)	\$20.19 Per m ² site area	\$894,417.00
Total Payment Required		\$1,448,449

Note:

1. Rates are based on the January 2006 CP. The Council has advised (19 July 2011) that the rates have not changed since the time the CP has been adopted and the rates remain as originally adopted.
2. Based on Total Site area excluding Nant Street Corridor and DOL lands of 44,300 m², and gross floor area of 16, 490 m² as shown on final Project Plan;
3. Employee numbers determined in accordance with Botany CP as Transport/Storage/ Warehousing at 1 employee per 66.5 m² = 248 employees.

OR

- enter into a Voluntary Planning Agreement with Botany Bay City Council prior to the issuance of a Construction Certificate for new buildings in Stage 2, that contemplates the carrying out of one or any of the following works in kind with or without payment of monetary contributions up to the maximum contribution payable for this stage under the Botany Bay City Council Section 94 Contributions Plan 2005 - 2010:

Stage 2

Item	Works	Scope of works	Estimated Value of works
(a)	Southlands Feeder Road linking Botany Road through to McPherson Street, through Discovery Cove and MCS land.	Subject to the commencement of Stage 2 of the Project, works will include the construction and dedication of the new Southlands Feeder Road as outlined in the Environmental Assessment accompanying the Project Application.	Approximately \$26m (2007 estimate). Orica will fund the new road link subject to Botany Bay City Council contributing the S.94 monies already collected and which will be subsequently collected for the "Port Botany feeder extension McPherson Street to Foreshore Road" as identified as a major Transport Works Program Item in Banksmeadow South under the Botany CP.
(b)	Upgrades to culverts/ pipework to local area stormwater system.	Subject to the commencement of Stage 2 of the Project, works will include the delivery of drainage culverts and ancillary drainage infrastructure as set out in the Stage 2 works outlined in the Environmental Assessment accompanying the Project Application (Appendix G - Hydrology and Flooding Report)..	Value of works to be determined by independent QS and land value dedicated to Council to be determined by valuer suitable to parties.

Should you have any queries please do not hesitate to contact the undersigned.

Yours faithfully

A handwritten signature, likely of Graeme Richardson, consisting of a stylized 'G' followed by a few loops.A handwritten signature, likely of Graeme Richardson, consisting of a stylized 'G' followed by a few loops.

Graeme Richardson
General Manager
Botany Transformation Projects
Orica Australia Pty Ltd

APPENDIX 4: STAGE 1 SITE PLAN (SRD DA006 (D)) & ELEVATION PLANS (SRD DA008, 9, 10 (D))



Refer Elevation 2/ SRD DA010



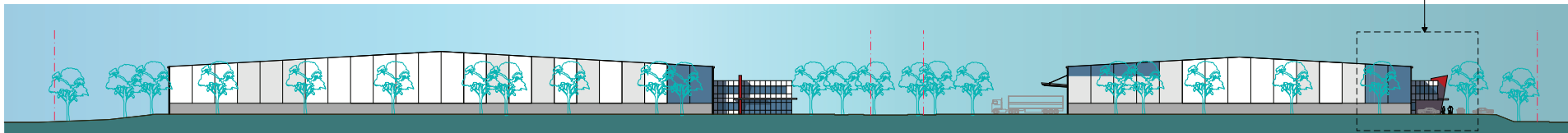
South Elevation (McPherson Street)

Refer Elevation 3/ SRD DA010

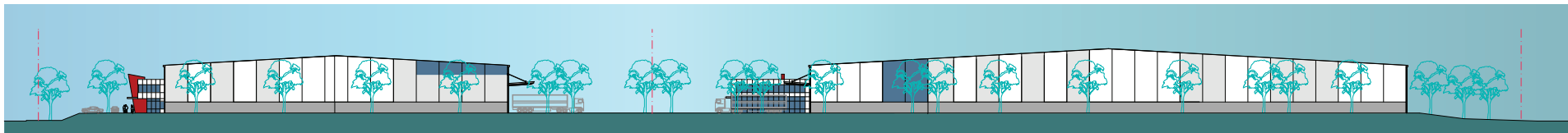


North Elevation (Warehouses 1-4)

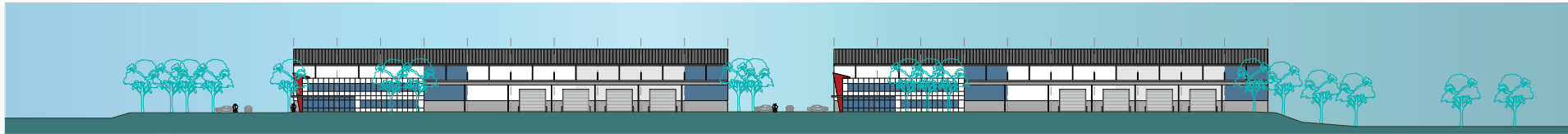
Refer Elevation 1/ SRD DA010



West Elevation (Port Feeder Road)



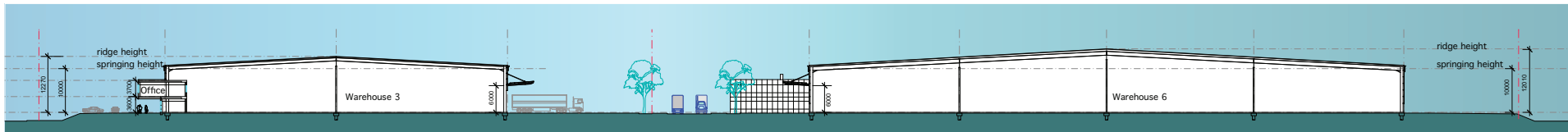
East Elevation



South Elevation (Warehouse 5 & 6)



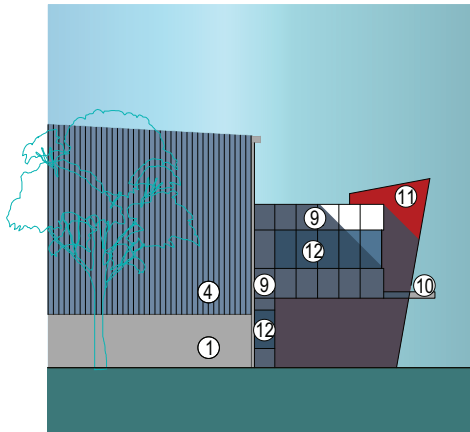
North Elevation



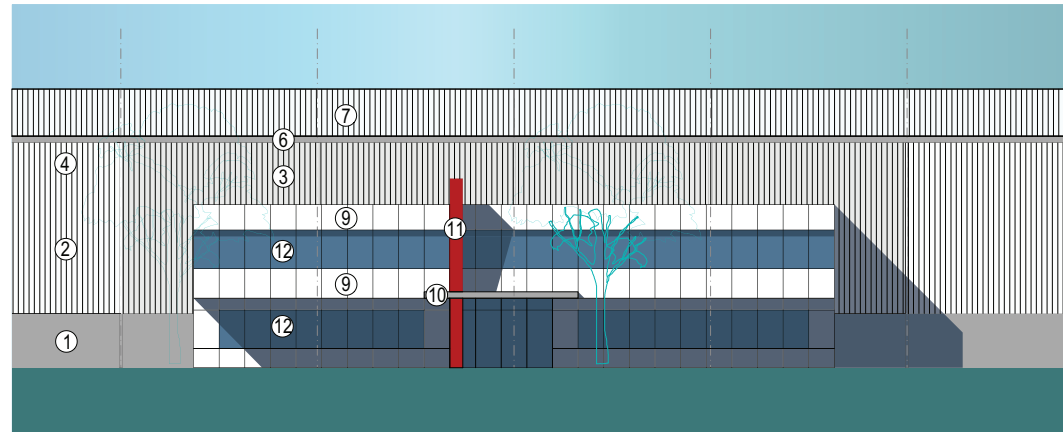
Section



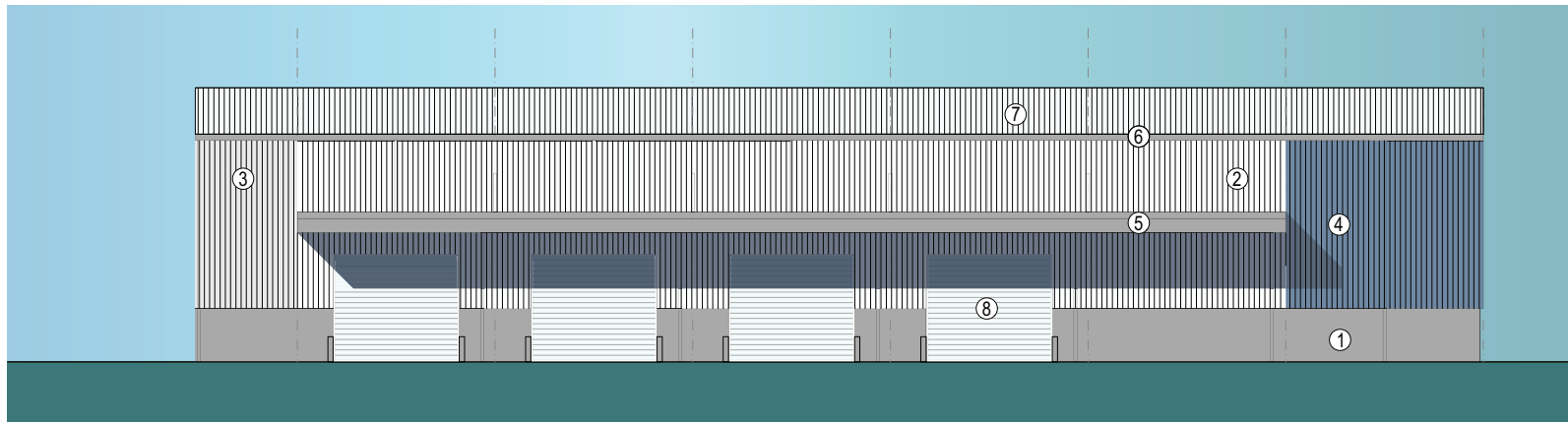
Elevation to McPherson Street (Stage 1 & Stage 2) Scale : NTS



Elevation 1



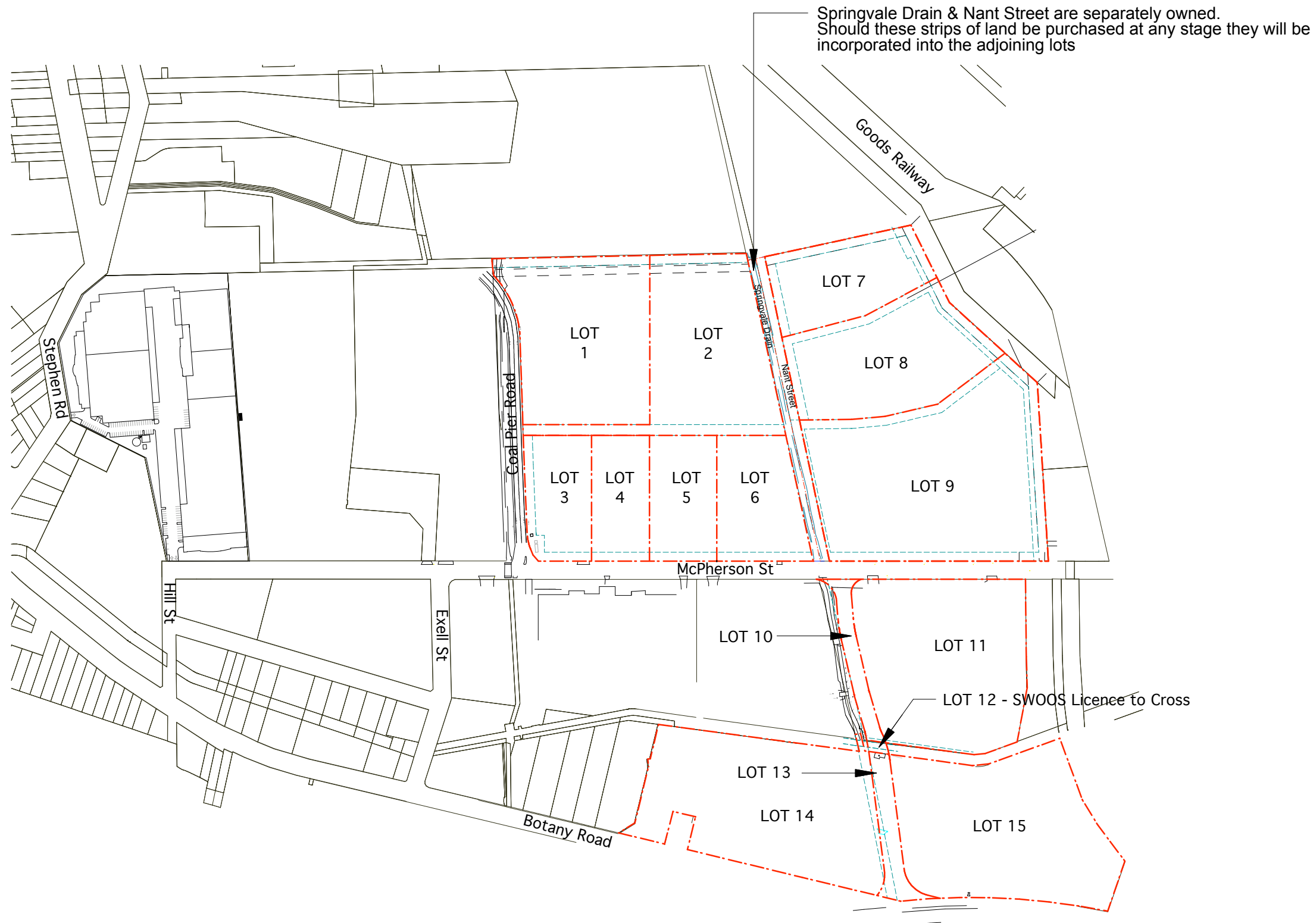
Elevation 2



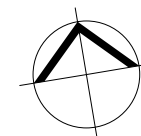
Elevation 3

EXTERNAL FINISHES LEGEND	
①	Paint finish to precast concrete panel - Grey
②	Colorbond cladding - Shale Grey
③	Colorbond cladding - Windspray
④	Colorbond cladding - Deep Ocean
⑤	Colorbond fascia to canopy - Windspray
⑥	Colorbond downpipes and eavesgutter - Windspray
⑦	Zincalume roof sheeting
⑧	Metal roller shutters to match colorbond Windspray
⑨	Alucabond cladding (Silver Metallic 500)
⑩	Alucabond cladding (Grey Metallic 502)
⑪	Alucabond cladding (Banner Red 304)
⑫	Grey tint glazing in powdercoat aluminium framing

APPENDIX 5: SUBDIVISION AND EASEMENT PLANS



Lot Area Schedule	
Lot 1	2.802 ha
Lot 2	2.770 ha
Lot 3	1.013 ha
Lot 4	0.899 ha
Lot 5	1.047 ha
Lot 6	1.284 ha
Lot 7	1.462 ha
Lot 8	2.381 ha
Lot 9	4.630 ha
Lot 10	0.333 ha
Lot 11	3.346 ha
Lot 12	0.270 ha
Lot 13	0.406 ha
Lot 14	3.638 ha
Lot 15	3.533 ha
Springvale Drain	0.289 ha
Nant Street	0.347 ha



APPENDIX 6: STAGE 1 FLOOD IMPACT FIGURES

