

Notice of Modification

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation dated 16 February 2015, I modify the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Anthony Witherdin
Acting Director
Modification Assessments

Sydney 17 FEBRUARY 2016

SCHEDULE 1

Development Approval:	MP 06_0191 granted approval under delegation on 16 April 2012
For the following:	Orica Southlands Remediation & Warehouse Development Project
Applicant:	Goodman Ltd
Consent Authority:	Minister for Planning
The Land:	Lot 1 DP 254932 , 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).
Modification:	MP 06_191 MOD 3: modifications to Warehouses A and B comprising: <ul style="list-style-type: none">• a new turning circle for emergency vehicles;• inclusion of new drainage outlet;• reduction in office floor space;• reduction in car parking spaces; and• associated changes to the location of external services and facilities on site.

The above Project Approval for MP 06_0191 is modified as follows:

- a) Schedule 1 – Definitions are amended and MOD 3 is included by the insertion of **bold and underlined** words/numbers and deletion of ~~struck out~~ words/numbers as follows:

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 Environment or its successors in title
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, or delegate
Mitigation	Activities associated with reducing the impacts of the Project

MOD 1	The modification as described in Southlands Remediation and Development Project – Modification under s.75W of Project Approval – 06_0191 – Reconfiguration of Compensatory Flood Storage Basin, Reconfiguration of Lots 7, 8 and 9, Reconfiguration of Lots 3-6 Boundary, Addition of wording requested by OEH Accredited Site Auditor) dated 26 February 2013 and prepared by DBL property and the Response to Submissions Report – prepared by DBL Property and dated 18 June 2013
MOD 2	The modification as described in <i>Section 75W Modification Port Botany Industrial Estate</i> dated October 2014 and prepared by UAS and <i>the Response to Referrals / Department of Planning Queries</i> prepared by Goodman, including <i>Port Botany Industrial Estate Proposed Civil Works Stage 1</i> prepared by AT&L dated 12/01/2015, Architectural Plans Southlands Remediation and Development Project – Stage 1 prepared by Nettletontribe with the following plans dated 6/01/2015 4244_DA_01, 4244_DA_02, 4244_DA_03, 4244_DA_11, 4244_DA_13, 4244_DA_18 and 4244_DA_19 and the following plans dated 18/12/2014 4244_DA_12, 4244_DA_15, 4244_DA_16, 4244_DA_17, 4244_DA_20, 4244_DA_21, 4244_DA_22, 4244_DA_31, 4244_DA_41, 4244_DA_42, 4244_DA_43, 4244_DA_51 and 4244_DA_52, BCA Assessment Report prepared by Blackett Maguire and Goldsmith dated 18/12/2014, Fire Safety Strategy by Norman, Disney and Young dated 17/12/2015, Letter from Traffix titled Port Botany Industrial Estate, McPherson Street, Botany: Section 75W Submission and dated 08/01/2015 and Proposed Subdivision Plan 4244_SK078 prepared by Nettletontribe and dated 9 March 2015 and Landscape Plans titled Orica Southlands Landscape S.75W prepared by Site Image Landscape Architects and dated 13/02/2015.
MOD 3	<u>The modification as described in:</u> <u>Statement of Environmental Effects Application to modify Project Approval 06/0191 – Orica Southlands Remediation and Warehouse Project prepared by Goodman Ltd;</u> <u>Port Botany Industrial Estate Turning Head Flood Impact Assessment prepared by Aurecon Australasia Pty Ltd dated 28 August 2015 and 29 January 2016.</u> <u>WMAwater peer review report titled Orica Southlands Industrial Estate Project Approval 060191 Review of Turning Head Hydraulic Modelling Assessments prepared by WMAwater Pty Ltd dated 3 February 2016.</u> <u>Architectural Plans titled Port Botany Industrial Estate – prepared by SBA Architects Pty Ltd dated 25 March 2015 as outlined in Appendix 4 Table 1; and Civil works documentation titled PBIE: Coal Pier Road, Botany – Stormwater Design Adjustment and prepared by Costin Roe Consulting Pty Ltd dated 05/08/2015 and the following civil drawings outlined in Appendix 4 Table 1.</u>
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
PBIE	Port Botany Industrial Estate (as described in 06_0191 MOD 2)
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' as modified by 06_0191 MOD 1 and 06_0191 MOD 2 and 06_0191 MOD 3.
Proponent	Orica Australia Pty Ltd (Orica), or its successors in title and Goodman Ltd
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
Secretary	The Secretary of the Department of Planning and Environment, or nominee
Site	The land referred to in Schedule 1
Site Auditor	EPA Accredited Site Auditor
Stage 1 works	Includes: <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 3); ▪ staged subdivision of Areas 1, 2 and 3 into 7 lots; ▪ establishment of 2 industrial use warehouses comprising up to 5 units in Area 1 each with ancillary office components; ▪ traffic improvement works at the intersection of Hill Street and Botany Road; and ▪ car parking as shown on Master Plan - Ground 4244_DA-01 dated December 2014 in Appendix 4. ▪
Stage 2	Includes: <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 ▪ car parking and landscaping.
Statement of Commitments	The Proponent's commitments, dated March 2015, in Appendix 1
Subdivision (and easements)	Subdivision of only Lot 101 and 102 DP 1189375, Lot 1 DP 85542, Lot 11 DP 109505, into Lots 6-12 in accordance with the subdivision plan 4244_SK078 dated 9 March 2015 at Appendix 5 of this Instrument 5
Submissions Report	The Proponent's response to issues raised in submissions including documents titled" <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

- b) Schedule 2 – Condition 2 is amended by the insertion of bold and underlined words/numbers and deletion of struck out words/numbers as follows:

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 1 August 2012;
 - c) Submissions Report;
 - d) Statement of Commitments (see Appendix 1);
 - e) Modification application 06_0191 MOD 1 and supporting documents;
 - f) Modification application 06_0191 MOD 2 and supporting documentation;
 - g) Modification application 06_0191 MOD 3 and supporting documentation;**
 - h) the following plans outlined in Appendix 4 – Table 1; and**
 - i) 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.

- c) Schedule 2 – Condition 15 is amended by the insertion of bold and underlined words/numbers and deletion of struck out words/numbers as follows:

SUBDIVISION AND EASEMENTS

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 (H)~~ **4244 Sk078 dated 9 March 2015 as amended by the proposed turning circle on Lot 6 approved by Modification 3** at Appendix 5 or this approval;
 - c) be to the satisfaction of Council or the Principal Certifying Authority; and
 - d) prior to registration of the subdivision the Proponent shall provide documentary evidence to the Certifying Authority demonstrating that all easements have been provided as required by this condition.

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.

SCHEDULE 3 - SPECIFIC ENVIRONMENTAL CONDITIONS

SOIL AND WATER

- d) Schedule 3 – Condition 8A is amended by the insertion of **bold and underlined** words/numbers and deletion of ~~struck out~~ words/numbers as follows:

Surface water and Flooding

- 8A. Prior to the issue of a Subdivision Certificate, the Proponent shall register a section 88B/E instrument pursuant to the *Conveyancing Act, 1919* over Lot 6 and Lot 9 requiring the maintenance and management of the flood detention basin and prohibiting the use of the land at grade other than for the maintenance of the flood detention basin.
- 8B. **Prior to the issue of an occupation certificate for any works approved by Modification 3, the Proponent shall amend the plan of subdivision and the section 88B/E instrument to account for the encroachment of the turning circle into the flood detention basin and to**

ensure that the encumbrances and indemnities in the section 88B/E instrument is to nominate Council 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.

~~Note: Any encumbrances and indemnities in the section 88B/E instrument 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.~~

- e) Schedule 3 – Condition 10 is amended by the insertion of **bold and underlined** words/numbers and deletion of ~~struck-out~~ words/numbers as follows:

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) as amended by the addendum letter report titled Southlands- Detailed Design 2D Flood Re-Modelling – Addendum Advice Regarding Variation to Compensatory Flood Basin Design and Impact (Prepared by Aurecon, dated 22 February 2013), and that the flood impact is no greater than indicated in Figures D9a, D10a and D11a of the addendum report (Appendix 6). The assessment must:
- a) be conducted by a suitably qualified, experienced and independent expert whose appointment has been endorsed by the ~~Director-General~~ **Secretary**;
 - b) be submitted to the ~~Director-General~~ **Secretary** and Council within 6 weeks of the completion of the flood mitigation works and prior to the construction of any warehouse units;
 - c) include a detailed survey from a Registered Surveyor on all key structures and areas including final surface levels ~~with~~ **either** side of Springvale Drain Flow Control Structure and any other location affecting the discharge of flood water from the Orica flood detention basin to Nant Street, Coal Pier Road, McPherson Street or the downstream reaches of Springvale or Floodvale Drains.
 - d) provide easy to read figures indicating any differences between the results provided on Figures D9a, D10a and D11a of the Aurecon 2013 addendum report;
 - e) determine whether the 'as constructed' Stage 1 works have been undertaken in accordance with the design principles outlined in the Aurecon 2010 report and Aurecon 2013 addendum report and comply with the requirements in this approval; and if necessary; and
 - f) recommend and prioritise measures to be undertaken in the event that the assessment shows that the flood impact exceeds that shown on Figures D9a, D10a and D11a of the Aurecon 2013 addendum report and that the works as executed are not in accordance with this approval.
 - g) **Prior to the occupation of Warehouse A or B on lot 6, an updated Flood Validation Assessment Report that meets the above requirements and takes into account the additional work approved by Modification 3, should be submitted to the Secretary for approval.**

- f) Appendix 4 site plans and elevations are deleted as shown by the deletion of ~~struck-out words/numbers~~ as follows:

APPENDIX 4 – SITE PLAN AND ELEVATIONS

- g) Appendix 4 is reinstated with a revised schedule of plans by the insertion of **bold and underlined** words/numbers as follows:

APPENDIX 4 – SCHEDULE OF SITE PLANS

Table 1

<u>Architectural Plans prepared by SBA Architects</u>			
<u>Drawing No</u>	<u>Revision</u>	<u>Title</u>	<u>Date</u>
<u>GA-101</u>	<u>P</u>	<u>Master Site Plan</u>	<u>30.09.2015</u>
<u>GA-102</u>	<u>T</u>	<u>Site Plan</u>	<u>30.09.2015</u>
<u>GA-110</u>	<u>G</u>	<u>Site Plan Part 1</u>	<u>15.09.2015</u>
<u>GA-201</u>	<u>L</u>	<u>WHA Ground Floor Plan Part 1</u>	<u>14.09.2015</u>
<u>GA-202</u>	<u>N</u>	<u>WHA Ground Floor Plan Part 2</u>	<u>30.09.2015</u>
<u>GA-203</u>	<u>J</u>	<u>WHA Roof Plan Part 01</u>	<u>15.09.2015</u>
<u>GA-204</u>	<u>H</u>	<u>WHA Roof Plan Part 02</u>	<u>25.08.2015</u>
<u>GA-210</u>	<u>J</u>	<u>WHA Office Floor Plans</u>	<u>25.08.2015</u>
<u>GA-220</u>	<u>F</u>	<u>WHA Elevations Sheet 1</u>	<u>25.08.2015</u>
<u>GA-221</u>	<u>K</u>	<u>WHA Elevations Sheet 2</u>	<u>30.09.2015</u>
<u>GA-222</u>	<u>F</u>	<u>WHA Sections Sheet 1</u>	<u>25.08.2015</u>
<u>GA-223</u>	<u>G</u>	<u>WHA Sections Sheet 2</u>	<u>25.08.2015</u>
<u>GA-301</u>	<u>H</u>	<u>WHB Ground Floor Plan Part 01</u>	<u>25.08.2015</u>
<u>GA-302</u>	<u>Q</u>	<u>WHB Ground Floor Plan Part 02</u>	<u>15.09.2015</u>
<u>GA-303</u>	<u>F</u>	<u>WHB Mezzanine Plan Part 01</u>	<u>25.08.2015</u>
<u>GA-304</u>	<u>L</u>	<u>WHB Mezzanine Plan Part 02</u>	<u>15.09.2015</u>
<u>GA-305</u>	<u>F</u>	<u>WHB Roof Plan Part 01</u>	<u>25.08.2015</u>
<u>GA-306</u>	<u>G</u>	<u>WHB Roof Plan Part 02</u>	<u>25.08.2015</u>
<u>GA-310</u>	<u>Q</u>	<u>WB Office Ground Floor Plan</u>	<u>25.08.2015</u>
<u>GA-311</u>	<u>S</u>	<u>WB Office Level 01 Plan</u>	<u>25.08.2015</u>
<u>GA-312</u>	<u>Q</u>	<u>WB Office Level 02 Plan</u>	<u>25.08.2015</u>
<u>GA-319</u>	<u>K</u>	<u>Control tower details</u>	<u>15.09.2015</u>
<u>GA-320</u>	<u>F</u>	<u>WHB Elevations Sheet 1</u>	<u>25.08.2015</u>
<u>GA-321</u>	<u>H</u>	<u>WHB Elevations Sheet 2</u>	<u>25.08.2015</u>
<u>GA-322</u>	<u>F</u>	<u>WHB Sections Sheet 1</u>	<u>25.08.2015</u>
<u>GA-323</u>	<u>F</u>	<u>WHB Sections Sheet 2</u>	<u>25.08.2015</u>
<u>GA-324</u>	<u>E</u>	<u>WB Office – Detailed Elevations & Sections</u>	<u>25.08.2015</u>
<u>GA-380</u>	<u>E</u>	<u>Gatehouse & LPG Awning details</u>	<u>25.08.2015</u>
<u>Civil drawings prepared by Costin Roe Consulting Pty Ltd</u>			
<u>Drawing No</u>	<u>Issue</u>	<u>Title</u>	<u>Date</u>
<u>C09349.06-C42</u>	<u>H</u>	<u>Stormwater Drainage Plan – Sheet 2</u>	<u>11.08.2015</u>
<u>C09349.06-C48</u>	<u>F</u>	<u>Stormwater Drainage long sections – Sheet 1</u>	<u>30.07.2015</u>
<u>C09349.06-C52</u>	<u>G</u>	<u>Finished Levels Plan – Sheet 2</u>	<u>11.11.2015</u>
<u>C09349.06-C57</u>	<u>A</u>	<u>Finished Levels Typical Sections – Sheet 3</u>	<u>11.11.2015</u>

End of Modifications to MP 06_0191 MOD 3