

ASSESSMENT REPORT

ORICA SOUTHLANDS PROJECT – BOTANY INDUSTRIAL ESTATE MP 06_0191 MOD 3

1. INTRODUCTION

This report is an assessment of a request to modify the Project Approval (MP 06_0191) for the Orica Southlands remediation and warehouse redevelopment at 26A McPherson Street in the Port Botany Industrial Estate located within the Botany Bay local government area.

The request has been lodged by Goodman Property Ltd (the Proponent) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The proposal seeks to include a turning circle for emergency vehicle access and minor internal and external changes to Warehouses A and B.

2. SUBJECT SITE

The site is known as Orica Southlands and is located approximately 14 km south of the Sydney CBD and approximately 6 km south east from Sydney Airport (see **Figure 1**).

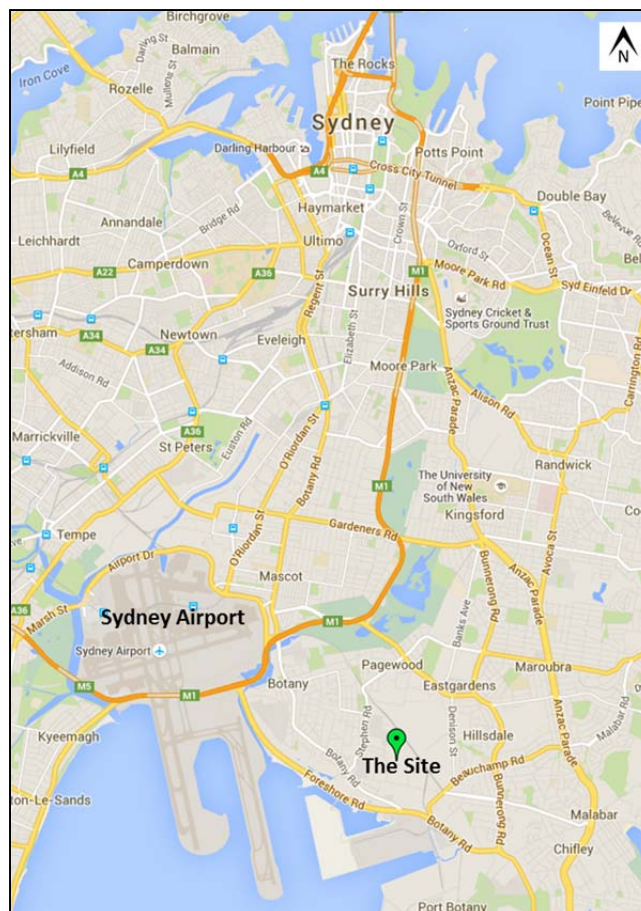


Figure 1: Site Location

This modification relates to part of the site known as Lot 6, which comprises the western portion of the Southlands site (see **Figure 2**). The site is surrounded by industrial and commercial development. Access to the site is from the east at Coal Pier Road and to the south from McPherson Street. Directly adjacent to the west is Nant Street. Nant Street is an unsealed roadway owned by Council which provides access to the site from the McPherson Street entrance. The Springvale Drain is a stormwater drainage outlet which runs along the western boundary of the site. The Drain is Crown Land and it provides drainage for the surrounding land uses and discharges into Botany Bay (shown in **blue** in **Figure 2**).



Figure 2: Location and layout of the Southlands site (highlighted yellow) within approximate boundary of Lot 6 (shown in **red**).

3. APPROVAL HISTORY

On 16 April 2012, MP 06_0191 was approved under delegation for the construction and operation of an industrial warehouse estate at the Orica Southlands site. This approval allowed for:

- remediation works over the whole site;
- flood mitigation and drainage works;
- staged subdivision into nine lots;
- filling of the land on the site's western side to raise it above the 1 in 100 year flood levels;
- establishment of six industrial use warehouses (with a gross floor area (GFA) of 48,000 m²) each with ancillary office components;
- traffic improvement works at the intersection of Hill Street and Botany Road;
- direct vehicle access for warehouses 1-4 off McPherson Street; and
- car parking and landscaping works.

The proposal has been modified on two occasions.

On 14 August 2013, MOD 1 was approved under delegation for modifications to Stage 1 works to reconfigure and increase the surface area of the approved flood storage basin on the western part of the site.

On 22 April 2015, MOD 2 was approved under delegation for amendments to the site layout, warehouse, office and hardstand configurations. The approval consolidated the six warehouse buildings into two large warehouse buildings (Warehouse A and B).

Warehouse A includes four (4) smaller units and Warehouse B is to remain as one large warehouse space. The current site layout as approved is illustrated in **Figure 3**.

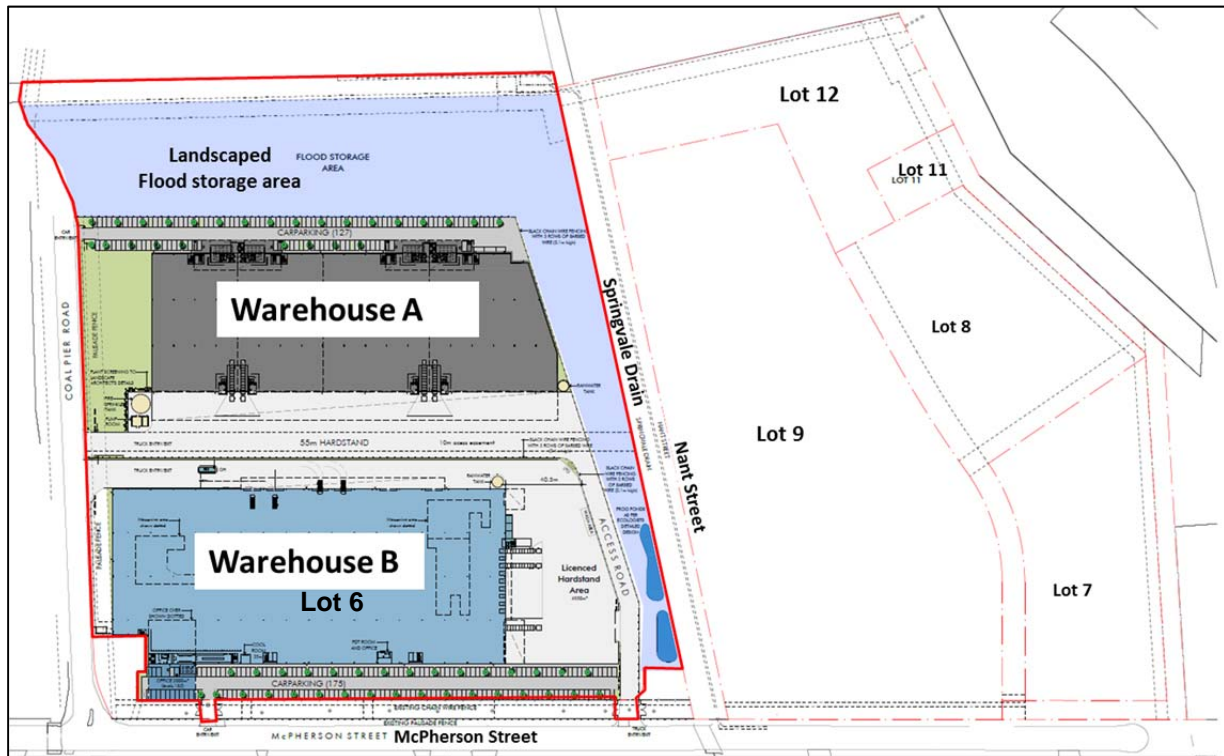


Figure 3: Approved site layout (subject Lot 6 outlined in red)

4. PROPOSED MODIFICATION

On 21 September 2015, the Proponent lodged a section 75W modification request (MP 06_0191 MOD 3) seeking approval for modifications to Warehouses A and B including:

- a new truck turning circle for emergency vehicle access requirements;
- inclusion of an additional drainage outlet into Springvale Drain with associated changes to the drainage layout;
- changes to the layout and office floor space of each warehouse building;
- relocation of external facilities to each warehouse; and
- a reduction in car parking spaces across the site.

Table 1 below outlines the proposed changes to each warehouse building.

The modification is requested in order to meet the necessary requirements of the NSW emergency vehicle access guidelines and to meet the operational needs of the tenants for each warehouse.

Table 1: Proposed changes to each warehouse building

Warehouse A	Warehouse B
<ul style="list-style-type: none"> Inclusion of a turning circle at the north-eastern corner of the car park that would encroach into the flood detention basin. Additional drainage outlet to Springvale Drain and amendments to drainage layout underneath the proposed turning circle. Adjusting the car park layout for a new emergency vehicle turning circle which results in the reduction of 2 spaces (from 127 to 125 spaces). Minor relocation of rainwater tank. Removal of mezzanine storage area within the office space. Relocation of the internal dock office. 	<ul style="list-style-type: none"> Changes to the size and layout of office spaces including an increase of 40 sqm from the control tower office floor area (58 to 98 sqm). Relocation of the truck wash area and rainwater tank. Relocation of the LPG gas storage area including the addition of an awning structure for weather protection. A reduction of 2 car parking spaces (from 175 to 173 spaces).

The physical changes proposed on the site of Warehouse A are shown in **Figure 4** and the changes proposed to Warehouse B are shown in **Figures 5 and 6**.

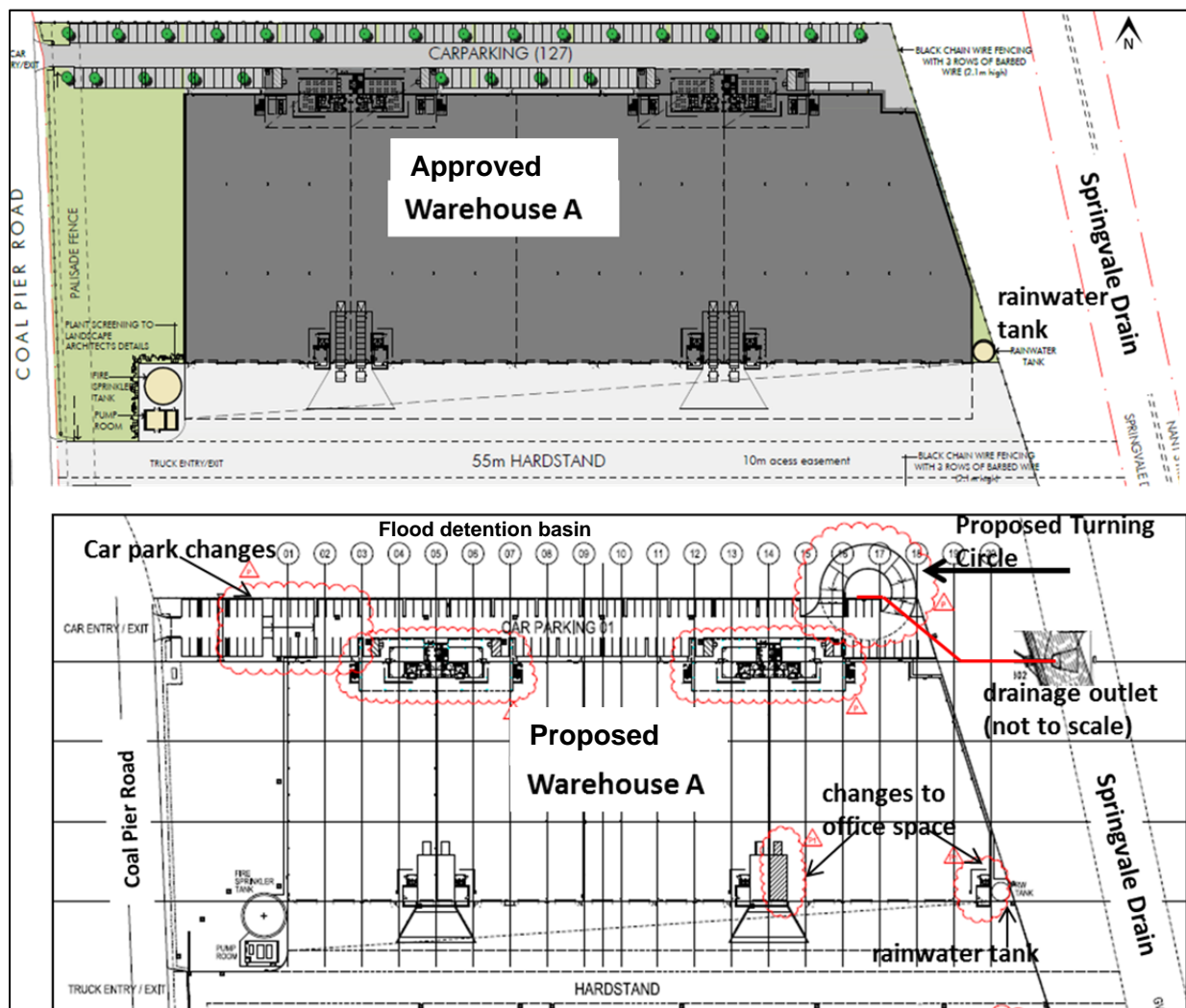


Figure 4: Approved layout of Warehouse A and proposed relocation and inclusion of changes shown in **red**

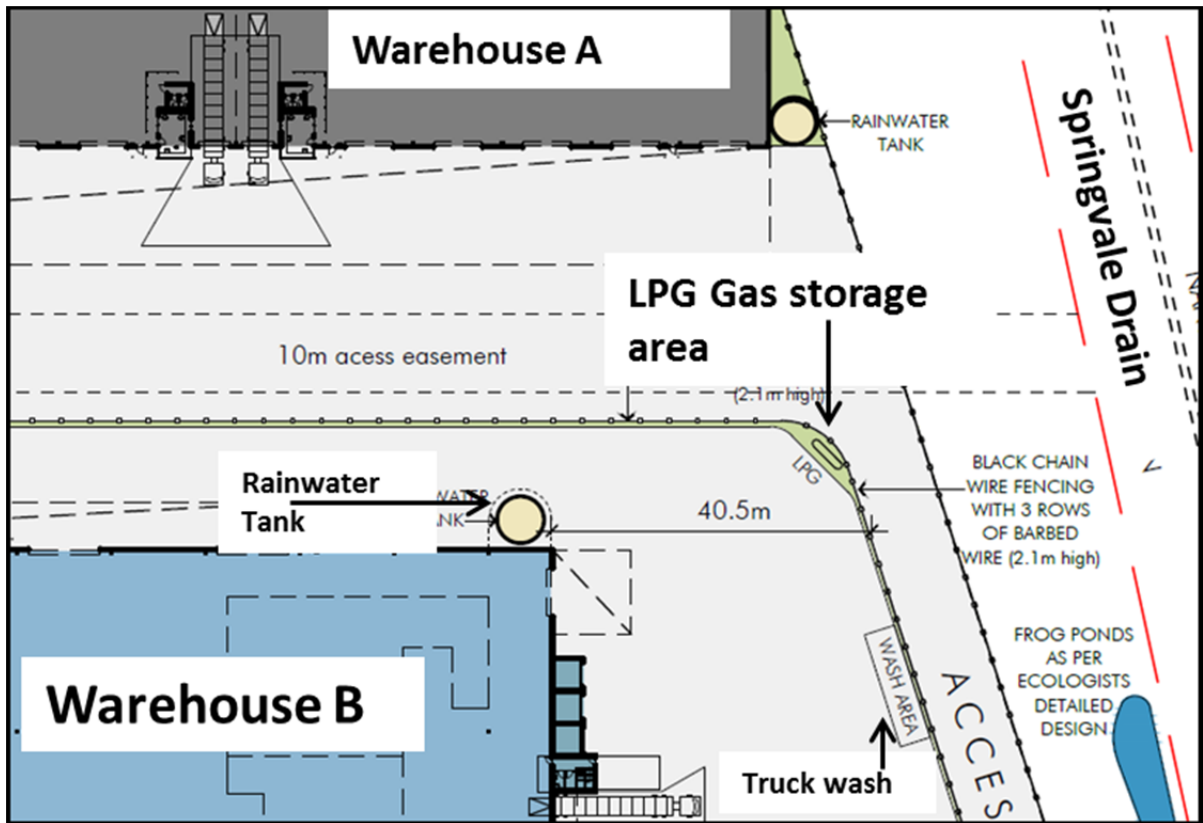


Figure 5: Current location of facilities on the site of Warehouse B

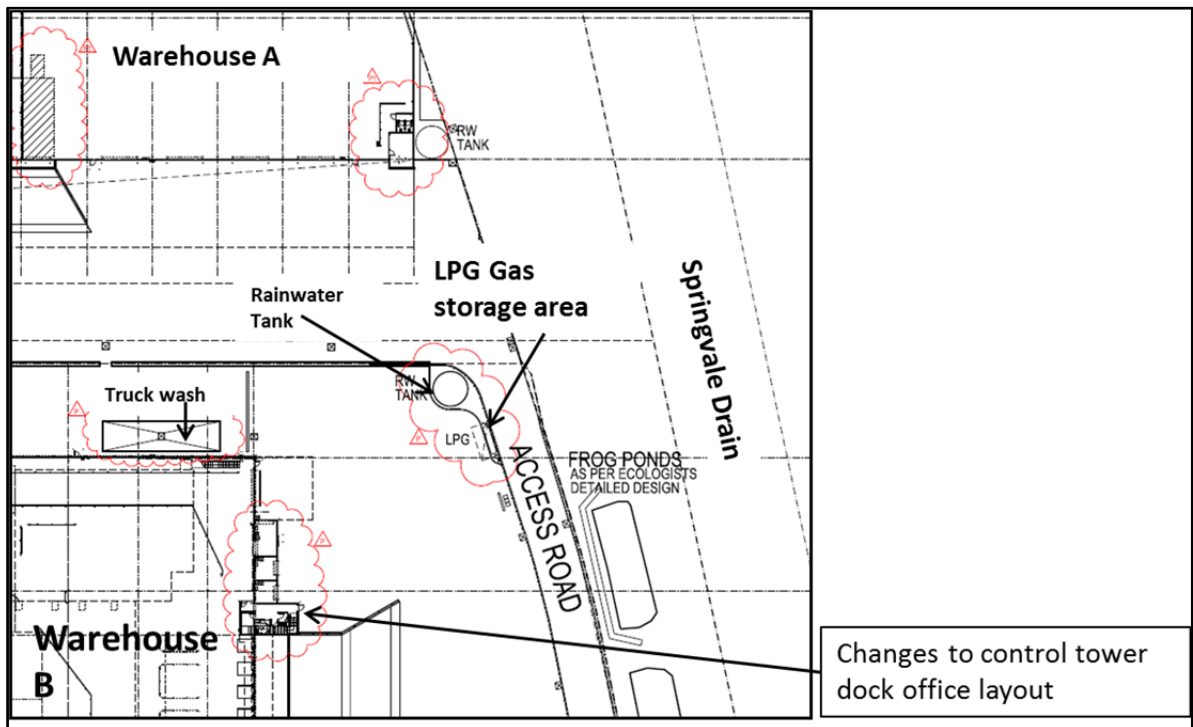


Figure 6: Proposed location of facilities on the site of Warehouse B

5. STATUTORY CONSIDERATION

5.1 Section 75W

The project was originally approved under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Although Part 3A was repealed on 1 October 2011, the project remains a 'transitional Part 3A project' under Schedule 6A of the EP&A Act, and hence any modification to this approval must be made under the former section 75W of the Act.

The Department is satisfied the proposed changes are within the scope of section 75W of the EP&A Act, and do not constitute a new application.

5.2 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Acting Director, Modification Assessments may determine the application under delegation as:

- the relevant local Council has not made an objection; and
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

6. CONSULTATION

The Department made the modification application publicly available on its website, and referred the request to Botany City Council (Council), Department of Primary Industries (DPI), the NSW Environment Protection Authority (EPA), Fire and Rescue NSW (FR NSW) and Roads and Maritime Services (RMS) for comment. Five submissions were received from public authorities, and two submissions were received on behalf of an adjoining property owner.

6.1 Public Authorities

Council did not object to the modifications but requested additional information to clarify issues relating to:

- the truck turning circle design;
- whether the proposed turning circle would impact the flood detention basin;
- clarification regarding the proposed warehouse floor space; and
- landscaping of the car park area.

Following the submission of the Response to Submissions (RTS), Council advised it had one remaining concern, regarding the proposed height of the turning circle, noting that it is currently proposed at a level of RL 3.8 metres which is below the 1:100 year flood level. Council requested a condition be inserted to raise the level to RL 4.0 metres.

The **DPI** did not object to the modification and granted owners consent for the Proponent to install the proposed additional drainage outlet into Springvale Drain which is Crown Land.

The **EPA** did not object to the modification and notes the proposed modifications does not constitute a scheduled activity under the *Protection of the Environment Operations Act 1997* (POEO Act) and does not require an Environment Protection Licence (EPL) under the POEO Act.

Fire and Rescue NSW did not object to the modification, noting a turning area is needed to prevent multiple point turns, and the minimum radius of the turning area should be no less than 14.6 metres in accordance with the Fire and Rescue NSW policy *Guidelines for Emergency Vehicle Access*. The Department notes that the turning circle has been designed to comply with these requirements.

RMS did not raise any objection to the proposed modifications.

6.2 Public Submissions

Two submissions were received from legal representatives of the adjoining landowner of 9-13 McPherson Street, Banksmeadow. The submissions did not object to the proposed modification, but raised concern about the following issues:

- potential flooding impacts to their property from the subject site;
- the need for compliance with the flood validation conditions of the approval; and
- the need for future protection of the flood detention basin through compliance with existing conditions of approval, including requirements on the Section 88B/E instrument.

6.3 Response to Submissions

The Proponent provided the following responses to submissions:

- a revised Statement of Environmental Effects (SEE) with updated architectural and civil drawings including clarification of floor space and the design of the turning circle;
- advice that it fully intends to comply with an existing condition requiring a final flood impact validation assessment, based on the final approved works; and it would amend the Section 88B/E instrument to ensure only Botany Bay Council has authority to release, vary or modify the relevant easement is consistent with the conditions of the approval;
- an additional flood impact assessment report by Aurecon Australasia Pty Ltd (dated 25 August); and
- an updated flood impact assessment from Aurecon Australasia Pty Ltd (dated 29 January 2016) and a peer review of the flood impact assessment by WMAwater dated 3 February 2016.

7. ASSESSMENT

The Department considers the key issue associated with the proposed modification is potential flooding impacts.

An assessment of the other issues associated with the proposal is provided in **Table 2**.

7.1 Potential flooding impacts

A truck turning circle with a radius of 14.7 metres is proposed to be located at the north eastern corner of the site. The turning circle is proposed in order to satisfy NSW Fire Service access requirements to ensure fire trucks have the ability to turnaround quickly on the site and exit safely in a forward direction. However, the turning circle would encroach into an approved flood detention basin (see **Figures 7 and 8**) and would potentially result in additional flooding impacts.

To address the potential flooding impacts associated with the proposal, the Proponent submitted a flood impact assessment prepared by Aurecon Australasia Pty Ltd (dated 28 August 2015). The assessment found the turning circle may result in some minor off site impacts within a range of 1-2mm. However, the assessment concluded these increases were the result of numerical instabilities in the flood modelling rather than from the proposed development, therefore the proposal would have negligible impact on flooding.

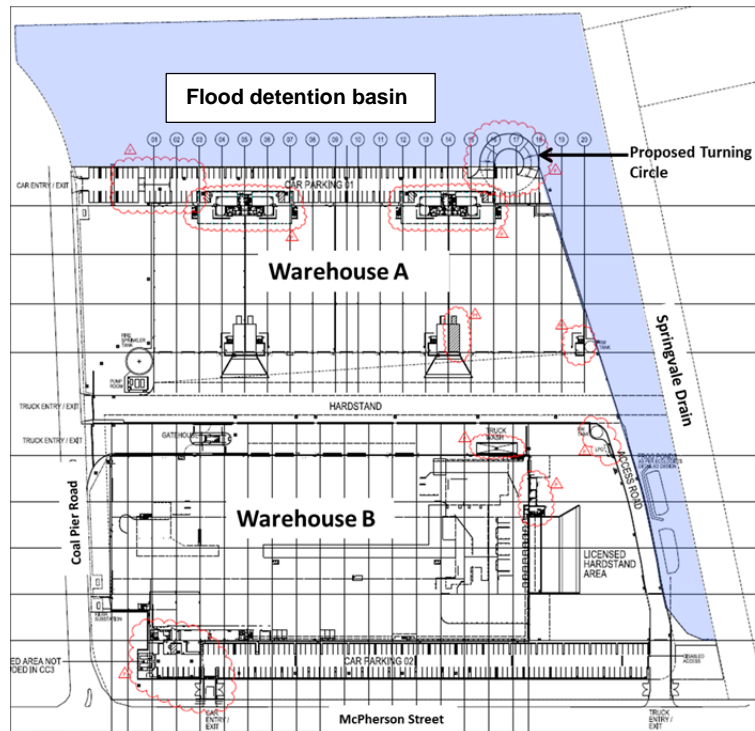


Figure 7: Location on site of proposed turning circle

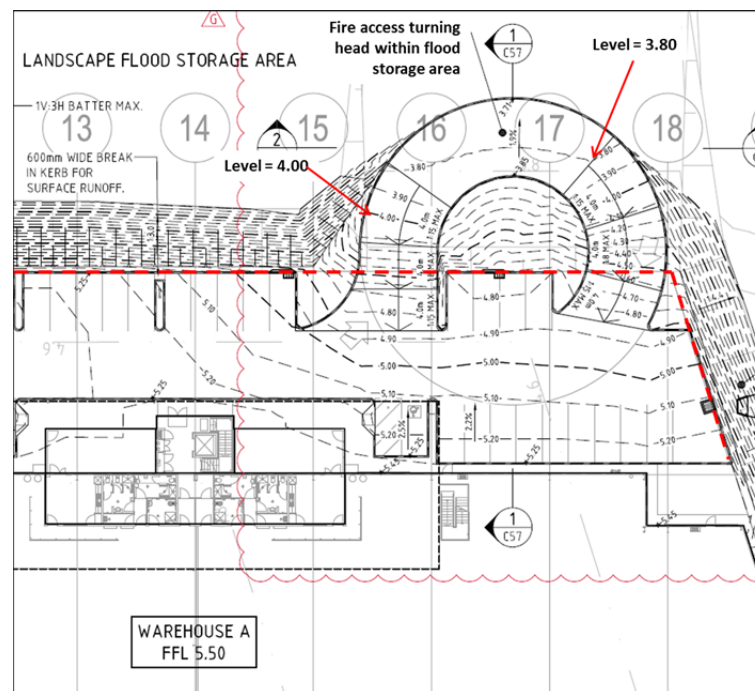


Figure 8: Proposed turning circle located in the approved flood detention basin (flood storage area)

Issues Raised in Submissions

A neighbouring property owner raised concern regarding the potential down stream flooding impacts associated with the proposal. In particular, concern was raised about compliance with existing conditions of approval including:

- Condition 10 of Schedule 3, which requires a flood validation assessment to be submitted to and approved by the Department, should include the works proposed under this modification to demonstrate that the final development as constructed would not change the predicted flood levels; and
- Condition 8A of Schedule 3, which requires a Section 88B/E instrument to be registered on title (for the protection, maintenance and management of the flood detention basin) currently nominates the Proponent to release, modify or vary the instrument rather than an appropriate authority such as Council.

Council also raised concern with the level of the turning circle which varies between RL 3.8 metres and RL 4.6 metres. Council were concerned that the turning circle would not provide flood free access for emergency vehicles if it is constructed below RL 4.0 metres and requested a condition be incorporated which requires the finished level of the turning circle to be above RL 4.0 metres.

Given the complexity of the flooding issues associated with the proposal, the Department requested the Proponent to provide a peer review of the findings in the Aurecon Report to demonstrate the proposed modification would not result in any unacceptable flooding impacts.

Proponent's Response

The Proponent engaged WMAwater, hydraulic engineers to provide a peer review of the updated flood impact assessment provided by Aurecon Australasia Pty Ltd (dated 29 January 2016).

The peer review endorsed the proposed height of the turning circle for emergency vehicle access noting that:

- raising the level would result in additional and unacceptable increases in the flood level;
- the turning circle is proposed to service fire and rescue vehicles, and the likelihood of a coincident flood and fire event occurring is very rare; and
- flood depth warning signs would be provided so drivers can make an informed decision about whether to use the turning circle.

The peer review also confirmed that the predicted on and off-site flood level increases are either very small, or were isolated and are typical of numerical instabilities of all flood modelling. As such, the increase should be ignored as they are not reflective of actual impacts to the area.

Finally, the peer review confirmed the flood impacts associated with the turning circle would be no greater than the predicted flood impacts required to be validated under existing Condition 10 of Schedule 3. In this regard, the Proponent also advised it fully intends to provide the required flood impact validation in full compliance with the condition.

The Proponent also advised that it intends to amend the current Section 88B/E instrument to nominate Council as the appropriate authority to vary or release restrictions over the flood detention basin.

Department's Assessment

The Department considers the additional information provided by the Proponent together with the updated flood impact assessment and peer review is sufficient to assess the potential flooding impacts associated with the proposed truck turning circle.

Based on the peer review and the flood impact assessment, the Department is satisfied the proposed turning circle would result in:

- negligible flooding impacts off-site to surrounding properties;
- no unacceptable on-site flooding impacts; and
- no greater impacts than the nominated design flood impacts under Condition 10 of Schedule 3 of the approval.

The Department is also of the view that the height of the turning circle is acceptable for emergency vehicle access at a height of RL 3.80 metres on the basis that:

- an increase in height would potentially cause unacceptable flood level increases;
- the probability of a fire at the time of a 1:100 year flood event is rare;
- flood depth warning signs would be provided, allowing fire services to make an informed decision regarding the use of the turning circle during a flood event; and
- emergency vehicles would still have access to the site during a flood event as fire trucks

are designed to traverse low level flood waters, and there is sufficient space in the car park to execute a three point turn without the need of the turning circle.

In addition, to address the concerns raised in the public submission, it is recommended the conditions of approval be modified to require:

- the flood impact validation assessment be completed based on the final approved works which include the construction of the turning circle encroaching into the flood detention basin; and
- Council to be nominated as the appropriate authority to release, vary or modify the easement over the flood detention basin to ensure the ongoing protection, maintenance and management of the flood storage areas.

The Department's assessment therefore concludes that the proposal would not result in any adverse flooding impacts subject to the recommended conditions of approval.

7.2 Other Issues

Table 2: Assessment of Other Issues

Issue	Consideration	Recommendation
<i>Internal and external changes</i>	<ul style="list-style-type: none"> • Internal and external amendments are proposed to meet the operational needs of the tenants, including: <ul style="list-style-type: none"> • Internal changes to Warehouse A including reducing the mezzanine office GFA from 2,416 sqm to 1,560 sqm. • Relocate a dock office within Warehouse A. • Reconfiguration of the layout of the control tower located in the north east corner of Warehouse B. • Increase the size of the dock office floor area in Warehouse B by 40 sqm (from 58 sqm to 98 sqm). • Relocate the approved rainwater tank, truck wash facility and LPG gas storage adjacent to Warehouse B as discussed in Section 4 and shown in Figures 5 and 6). • The Department's assessment concludes that these are minor changes to the internal and external layout and do not result in any adverse impacts on the function of the buildings, or result in any additional impacts beyond those originally assessed and approved. • Further, the proposed changes to the layout of each warehouse do not impact on the built form, scale or height of each building. • The Department is also satisfied the visual appearance of each warehouse would be substantially the same as what was previously approved and the modifications to each warehouse building are consistent with the industrial nature of the area. 	No additional comments or amendments necessary. (subject to amended drawings)
<i>Car Parking</i>	<ul style="list-style-type: none"> • The proposed modifications result in a loss of 4 car parking spaces across the site from a total of 302 spaces to 298 spaces. • This comprises a reduction of: <ul style="list-style-type: none"> • 2 spaces at Warehouse A (from 127 to 125 spaces); and • 2 spaces at Warehouse B (from 175 to 173 spaces). • Under Council's Development Control Plan (DCP) 2013 the proposal is required to provide a minimum of 213 spaces. • The Department notes a total of 298 spaces would be provided, being 85 spaces in excess of the spaces required under Council's DCP. • The Department is therefore satisfied adequate parking would still be provided. • Council requested that appropriate landscaping of the car parking areas should be carried out in accordance with the requirements of the project approval. • The Department notes existing conditions in relation to landscaping are included in the approval and this modification does not seek to amend the landscaping requirements on site, therefore there would be no material change to landscaping of the car park areas. 	No additional comments or amendments necessary.

8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes the proposed modification is appropriate on the basis that:

- the proposed truck turning circle is necessary in order to comply with the NSW Fire and Rescue Service requirements;
- based on the findings of the peer review and supporting flood impact assessments the proposed modification would not result in any unacceptable flooding impacts; and
- the proposed internal and external modifications to each warehouse building on the site would not result in any additional impacts beyond those already assessed and approved.

Consequently, it is recommended the modification be approved subject to the recommended conditions.

9. RECOMMENDATION

It is **RECOMMENDED** the Acting Director, Modification Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **approves** the application under section 75W, subject to conditions; and
- **signs** the notice of modification (**Appendix A**).

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APPENDIX A: NOTICE OF MODIFICATION

The Notice of Modification can be found on the Department's website at the following address:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7290

APPENDIX B: SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7290

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7290

3. Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7290