

## ASSESSMENT REPORT

### ORICA SOUTHLANDS PROJECT – BOTANY INDUSTRIAL ESTATE MP 06\_0191 MOD 4

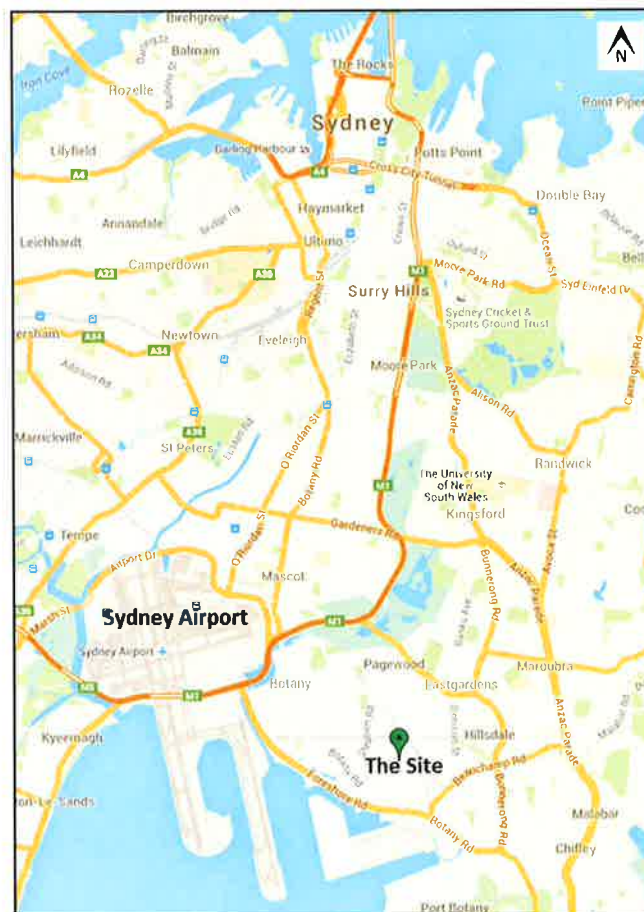
#### 1. INTRODUCTION

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.

The request has been lodged by David Lock Associates (the Proponent) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The proposal seeks approval to construct a new plant/service room to support the approved use of the building as an industrial food manufacturing facility.

#### 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**). The site is located within the Botany Bay local government area.



**Figure 1: Site Location**

The site includes a number of parcels of land (shown in yellow in **Figure 2**). This modification relates to the north-western parcel (outlined in red). 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.

### 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 m<sup>2</sup>) 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.

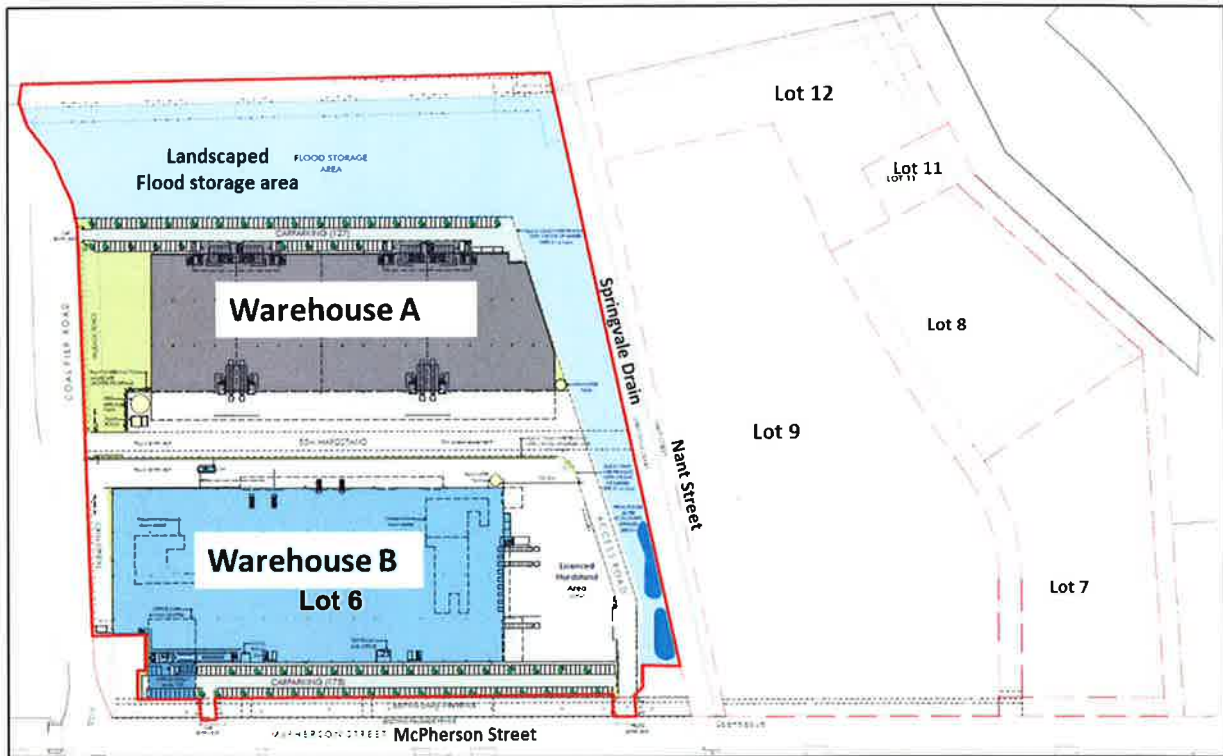
The proposal has been modified on three occasions:

- MOD 1 was approved under delegation on 14 August 2013 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;
- MOD 2 was approved under delegation on 22 April 2015, 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); and



- MOD 3 was approved under delegation on 16 February 2015 for modifications to including a new turning circle for emergency vehicles; inclusion of new drainage outlet to Springvale Drain; changes to office floor space, carparking, and the location of external services and facilities on site.

The site layout as approved is illustrated in **Figure 3**.



**Figure 3:** Approved site layout for the north-western lot.

The Department also notes that a Complying Development Certificate was issued on 16 December 2015 which approved changing the use of Warehouses A and B from warehousing use to an industrial food manufacturing facility.

#### 4. PROPOSED MODIFICATION

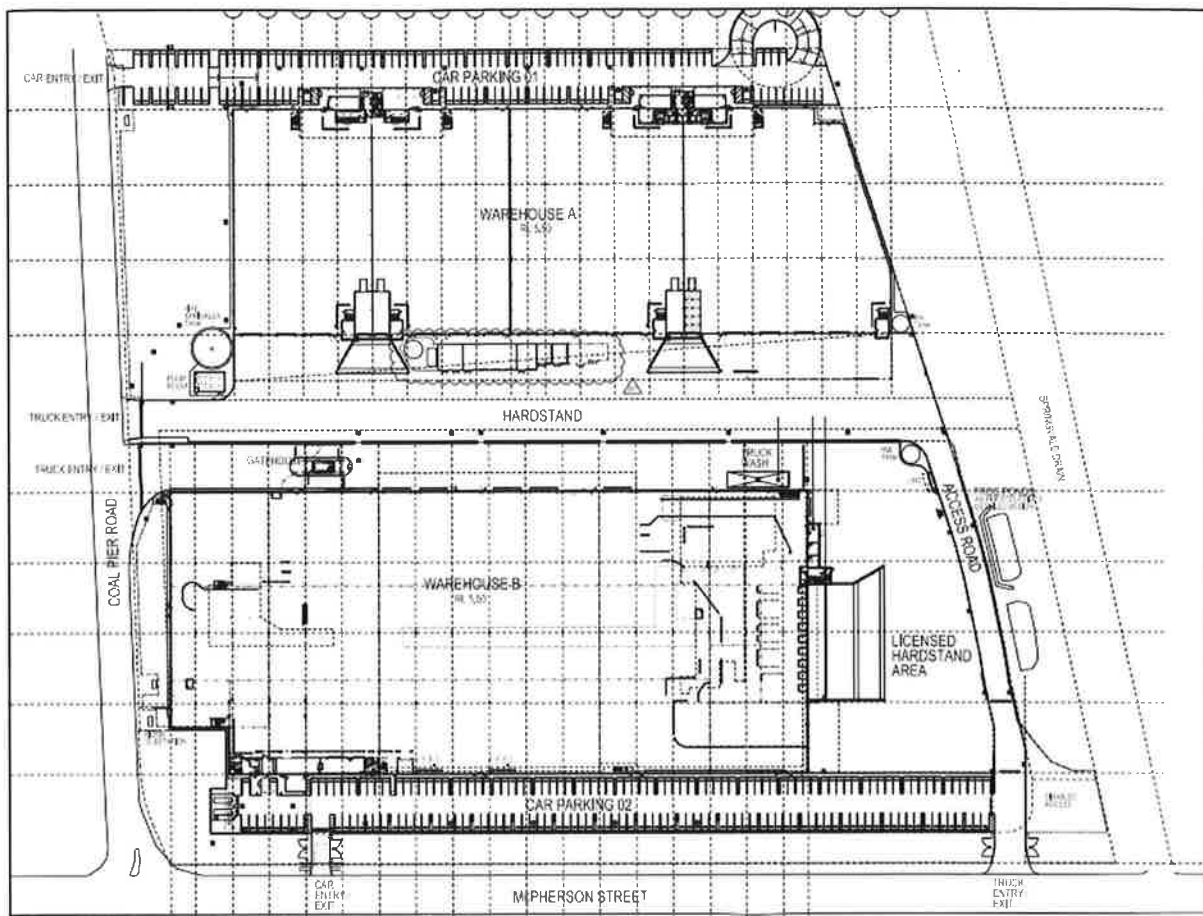
On 6 April 2016, the Proponent lodged a section 75W modification request (MP 06\_0191 MOD 4) seeking approval for:

- a new 349.6m<sup>2</sup> plant room located to the immediate south of Warehouse A to house additional electrical, refrigeration, boiler, air compressor and hot water equipment;
- inclusion of a hot and cold water and chemical compound to the east of the plant room enclosed by a 3.5m chainlink wire fence.

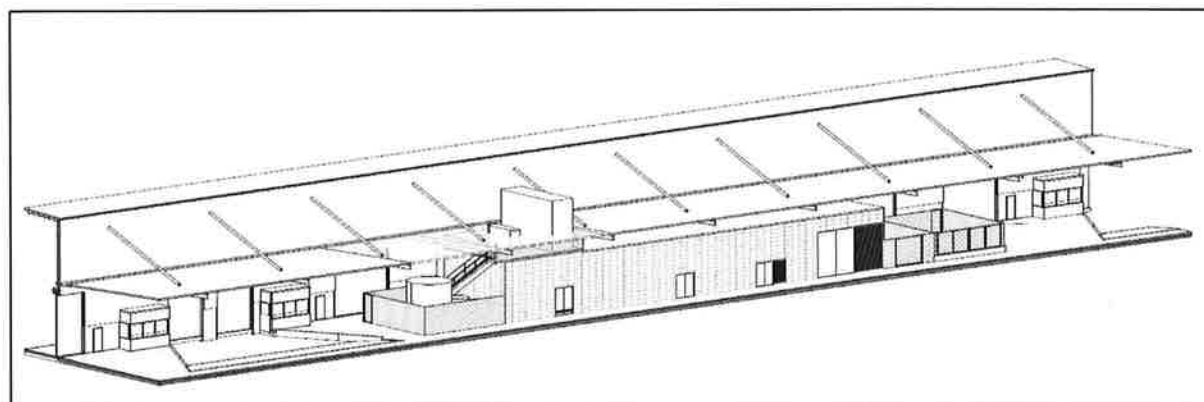
On 26 May 2016 the Proponent lodged amended plans which incorporated some additional plant adjacent to the building and a 3 metre high condenser on the roof, with additional external stairs and balustrading on the roof.

The proposed plant room would be constructed with concrete and metal. It would be approximately 5 metres tall, and located below the approved awning of Warehouse A, with the exception of the roof level plant, which would protrude above awning level and require a break in the awning. The proposed layout is illustrated in **Figures 4 and 5** below.

The proposed plant would support the use of the facility as an industrial food manufacturing facility. No changes to parking, access, landscaping, staff numbers or other elements associated with the previous approvals are proposed as part of this modification.



**Figure 4:** Location of proposed plant room adjacent to Warehouse A as marked in red



**Figure 5:** Perspective drawing of plant room.

## 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) and a previous submitter. No objections were received.

Council raised no objection to the proposal and no public submissions were received.

## 7. ASSESSMENT

The Department considers the key issues with the proposal relate to visual impacts, operational impacts and potential hazards. These issues have been considered in **Table 1** below.

### 7.2 Other Issues

**Table 1: Assessment of Other Issues**

<b>Issue</b>	<b>Consideration</b>	<b>Recommendation</b>
<i>Visual Impacts</i>	<ul style="list-style-type: none"><li>• The proposal involves constructing a single storey plant room along the southern elevation of the approved building. The majority of the plant room would have a height ranging between 5m and 5.6m.</li><li>• The proposed plant would have limited visual impacts as it is located between two large scale industrial buildings. Further, the height of the proposed plant would not exceed the height of the approved building.</li><li>• The Department is therefore satisfied the visual impacts associated with the proposal are minor and would be in keeping within the industrial nature of the area.</li></ul>	No additional conditions or amendments necessary.
<i>Operational Impacts</i>	<ul style="list-style-type: none"><li>• The proposal includes the installation of electrical, refrigeration, boiler, air compressor, hot water equipment and a chemical compound.</li><li>• The Proponent's environmental assessment indicates that the proposal would not result in any significant additional noise or air quality impacts and it would operate within the limits specified in the original approval.</li><li>• The Department notes that the approval incorporates strict noise limits. Further, the Department recently approved an Operational Environmental Management Plan (OEMP) for the facility, as required by the approval, covering noise, air quality and waste management issues. The Department is satisfied the approved OEMP would appropriately manage and mitigate potential operational impacts associated with the proposed plant.</li></ul>	No additional conditions or amendments necessary.
<i>Hazards</i>	<ul style="list-style-type: none"><li>• The proposal includes a chemical compound to the east of the plant room enclosed by a 3.5m chainlink wire fence.</li><li>• The Department requested additional information on the types and quantities of chemicals to be stored within the compound.</li><li>• The Proponent advised the chemicals are for cleaning purposes and outlined the type and quantity of chemicals to be stored.</li><li>• This information was referred to the Department's Hazards Team who advised that the quantity of Dangerous Goods proposed to be stored on the site did not exceed the thresholds specified in SEPP 33 – Hazardous and Offensive Industry and as such the development would not be potentially hazardous.</li><li>• The Department also notes that the existing approval contains a number of hazard related conditions to ensure safety is maintained.</li></ul>	No additional conditions 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 proposal is minor and would not result in any significant 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**).

Prepared by:  
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## **APPENDIX A: NOTICE OF MODIFICATION**

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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=7593](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7593)

## **APPENDIX B: SUPPORTING INFORMATION**

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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=7593](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7593)

2. Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7593](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7593)