



# Southlands Warehouse Estate Modification 3

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Layout and Vegetation Changes  
State Significant Development Modification Assessment  
(SSD-9691-Mod-3)

April 2023



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# Glossary

Abbreviation	Definition
<b>Applicant</b>	Goodman Property Services (Aust) Pty Ltd
<b>BDAR</b>	Biodiversity Development Assessment Report
<b>BIP</b>	Botany Industrial Park
<b>BGCuP</b>	Botany Groundwater Clean-up Project
<b>Council</b>	Bayside Council
<b>DA</b>	Development Application
<b>Department</b>	Department of Planning and Environment (DPE)
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2021
<b>Minister</b>	Minister for Planning
<b>Orica</b>	Orica Australia Pty Ltd

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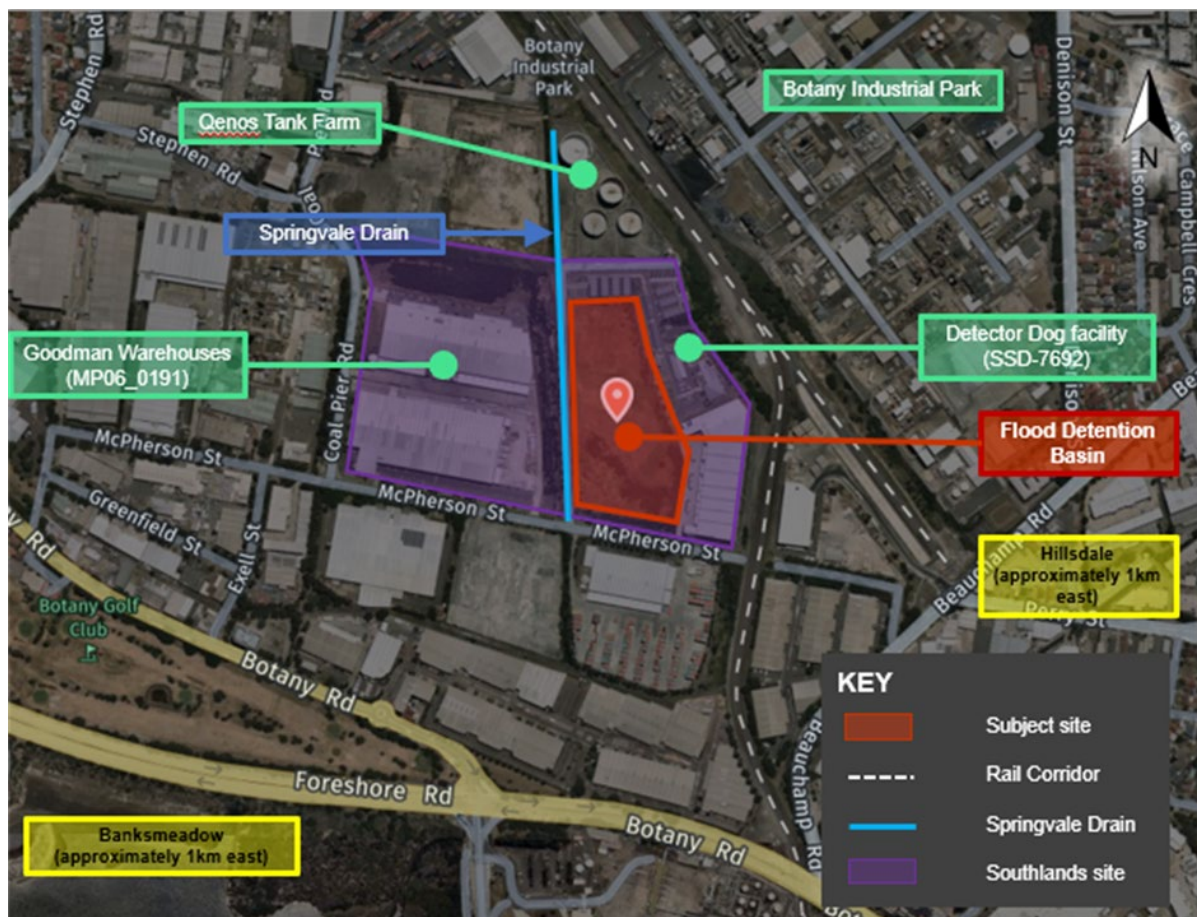
# 1 Introduction

This report provides the NSW Department of Planning and Environment's (the Department's) assessment of an application to modify the State significant development (SSD) consent for the Southlands Warehouse Estate (SSD-9691). The original SSD consent approved the construction and operation of a warehouse and distribution facility on an elevated concrete platform.

The application was lodged on 6 February 2023 by Goodman Property Services (Aust) Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

## 1.1 Background

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



**Figure 1 | Local Context Map**

The Southlands site is known to be contaminated due to historic industrial activities associated with the nearby Botany Industrial Park (BIP). As part of a separate project approval (06\_0191), the Southlands site was remediated and developed into a warehousing estate. A compensatory flood detention basin was also constructed on Lot 9 DP 1205673 (the site).

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

During detailed design it has become apparent that changes are needed to allow for fire truck access at basin level at the northern part of the site, resulting in changes to the layout of the development, as well as other alterations, described in **Section 2**.

## 1.2 Subject Site

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

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

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

## 1.3 Approval History

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

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

The development consent has been modified on two occasions. A summary of these changes can be seen in **Table 1**.

**Table 1** | Summary of Modifications

<b>Mod No.</b>	<b>Summary of Modifications</b>	<b>Approval Authority</b>	<b>Type</b>	<b>Approval Date</b>
<b>MOD 1</b>	Revised design of the elevated concrete platform and pylons.	Department	s.4.55(1A)	14 April 2022
<b>MOD 2</b>	Changes to staging of development and the timing of remediation conditions.	Department	s.4.55(1A)	16 December 2022

## 2 Proposed modification

The modification is described in full in the Modification Report included in **Appendix A** and is illustrated in **Figure 2** to **Figure 8** and summarised in **Table 2**. The modification seeks the following amendments:

- reduction in warehouse gross floor area (GFA) by 2,085 square metres (m<sup>2</sup>)
- splitting of warehouse 1 into two tenancies (1A & 1B) and associated additional office space
- increase in deck height to allow for proper clearance in basin
- addition of access ramp at rear of site to allow for fire access to warehouse 2
- replacement of rear boundary vegetation with turf to allow for fire access
- changes to landscaping to remove 14 existing trees and plant an additional 39
- some movements to tree planting locations away from north east corner of site
- revision to building form and materials
- additional access ramp to McPherson Street to form one way traffic circulation
- revised car parking layout
- addition of solar panels.

**Table 2 | Summary of Changes**

Matter	Approved	Proposed
<b>GFA</b>	<b>Warehouse 1</b>	<b>Warehouse 1 (1A and 1B)</b>
	Office Space – 1,720 m <sup>2</sup>	Office Space – 670 m <sup>2</sup>
	Warehouse space - 10,135 m <sup>2</sup>	Warehouse space – 8,830 m <sup>2</sup>
	Total – 11,855 m <sup>2</sup>	Total – 9,500 m <sup>2</sup>
	<b>Warehouse 2</b>	<b>Warehouse 2</b>
	Office Space – 280 m <sup>2</sup>	Office Space – 520 m <sup>2</sup>
Warehouse space – 9,645 m <sup>2</sup>	Warehouse space – 9,675 m <sup>2</sup>	
Total – 9,925 m <sup>2</sup>	Total – 10,195 m <sup>2</sup>	
<b>Car Parking</b>	117 car spaces	116 car spaces
<b>Building Height</b>	Maximum– 18.9 m	Maximum – 20.5 m
<b>Trees removed and planted</b>	Removed – 17	Removed (total) – 31 (+14)
	Planted – 93	Planted (total) – 132 (+39)
	Net increase – 76	Net increase (from existing site) – 101 (+25)

### 2.1 Justification for Changes

The Applicant has proposed the modification in order to facilitate a better site layout with a one way ingress / egress system to suit needs of future tenants. The proposed changes to the north of the site, including the additional access ramp and some vegetation clearing is required to meet fire access requirements under the Building Code of Australia.



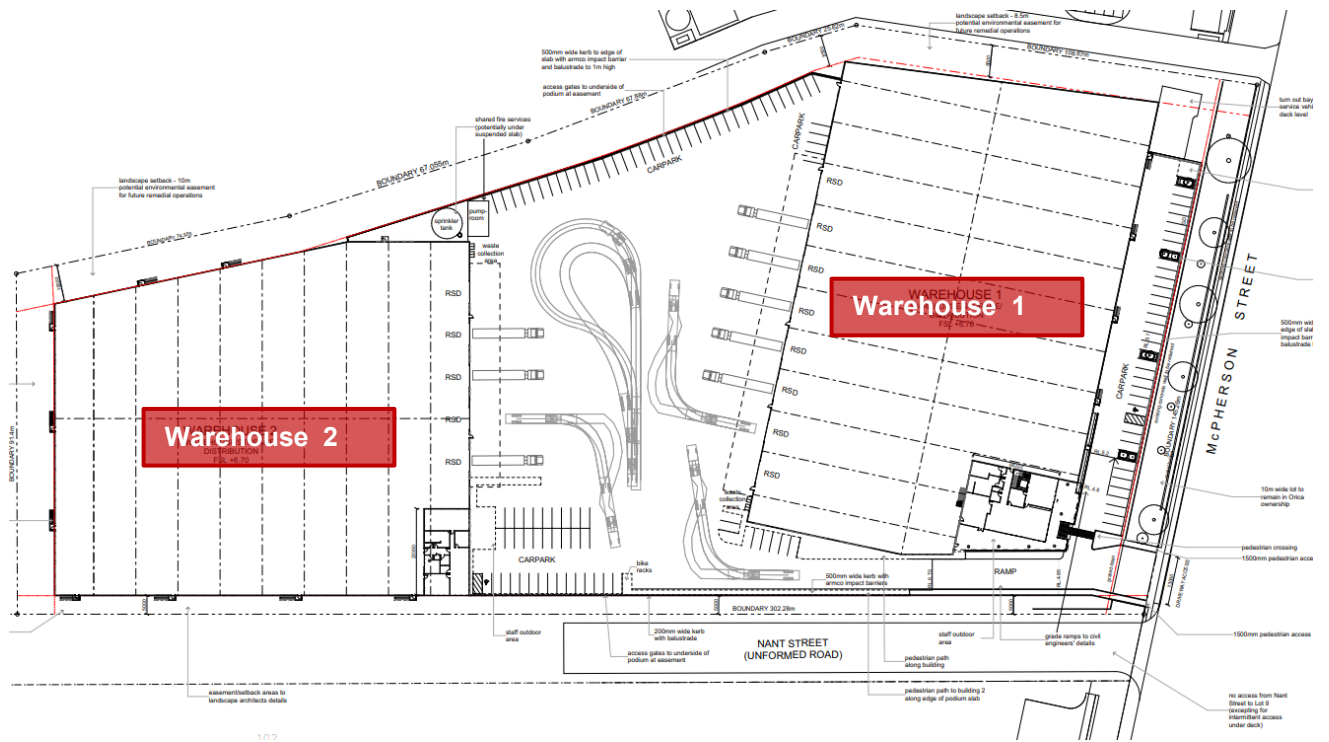


Figure 2 | Approved Site Plan

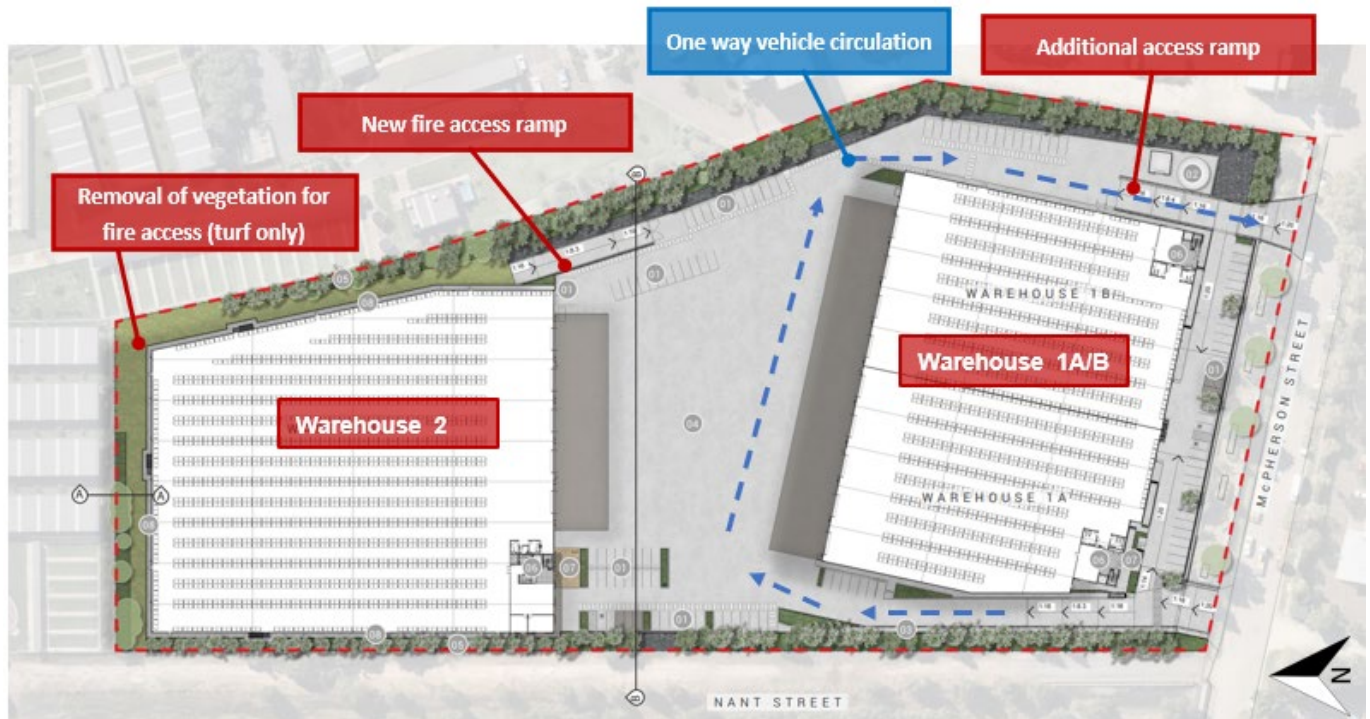


Figure 3 | Proposed Site Plan

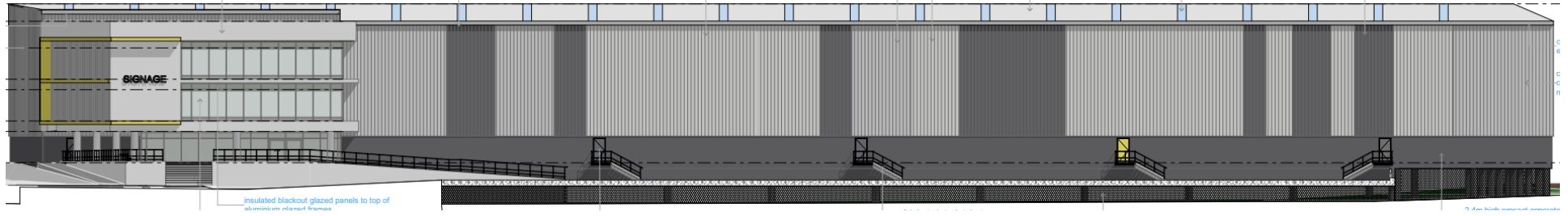


Figure 4 | Approved Southern Elevation



Figure 5 | Proposed Southern Elevation

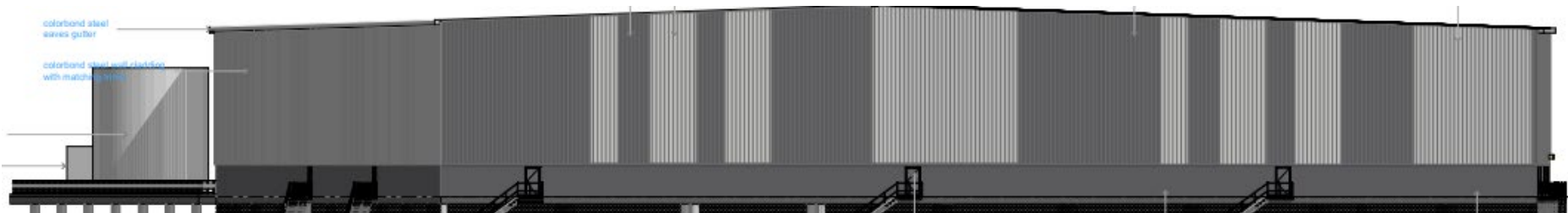


Figure 6 | Approved Northern Elevation

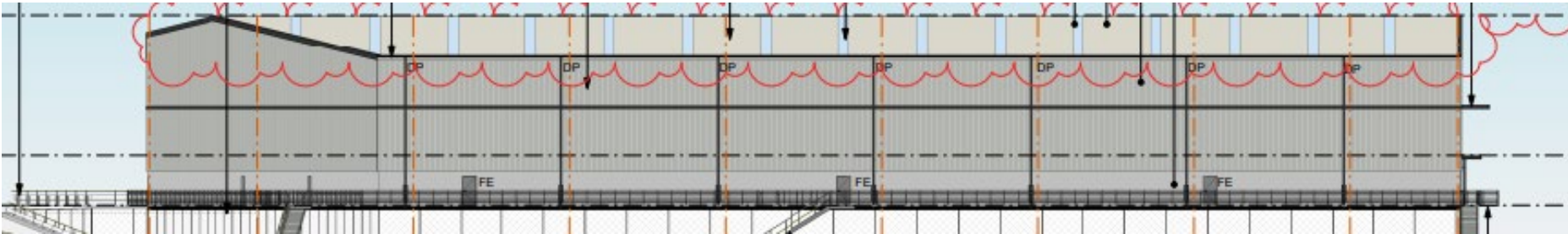
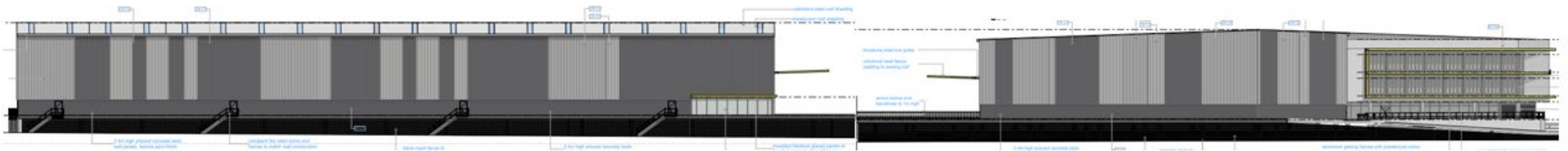
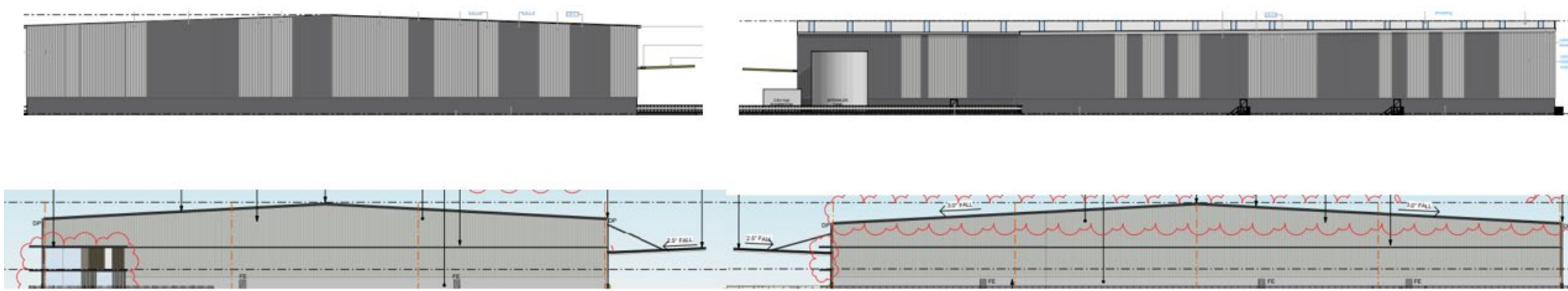


Figure 7 | Proposed Northern Elevation



**Figure 9 | Approved (upper) and Proposed (lower) Western Elevation**



**Figure 8 | Approved (upper) and Proposed (lower) Eastern Elevation**



## 3 Statutory context

### 3.1 Scope of Modifications

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

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

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

### 3.2 Consent Authority

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

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

### 3.3 Mandatory Matters for Consideration

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

### 3.4 Biodiversity Conservation Act 2016

Section 7.17 of the *Biodiversity Conservation Act 2016* specifies that if the determining authority is satisfied a modification will not increase the impact on biodiversity values, a biodiversity development assessment report (BDAR) is not required.

The modification application seeks to remove an additional 14 trees compared to the original consent. However, as noted in the original BDAR, all vegetation on site has been recently planted following significant earthworks to the site in 2015, as such, no remnant native vegetation remains on site. Due to this and a net increase in vegetation on site, the Department does not consider the modification to result in an increase to impacts on biodiversity values.

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

## 4 Engagement

### 4.1 Department's Engagement

Section 105(4) of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to SSD modifications with minimal environmental impact. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website on 6 February 2023, and was referred to Bayside Council (Council) for comment.

Advice was received from **Council** primarily supporting the proposal. Council commented that using impermeable ground assumption in flood modelling and the use of smaller pillars may change flooding outcomes, however it noted the modified development would have negligible flood impacts. Council also recommended the strip of land adjoining McPherson Street be amended to improve landscaping and recommended a condition requiring public domain upgrades.

### 4.2 Response to Advice

On 20 March 2022, the Applicant submitted a response to Council's issues raised, confirming that the flood basin would still have a storage surplus over the original assessment's design and confirmed that the flood model's assumption of the ground being permeable is in line with considerations in the original assessment's modelling.

Given the nature of the comments, the advice was not referred back to Council.

## 5 Assessment

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

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

The Department’s assessment of issues is provided in **Table 3**.

**Table 3 | Assessment of Other Issues**

Findings	Recommendations
<b>Traffic and Access</b>	
<ul style="list-style-type: none"> <li>• The modification application proposes an additional ramp and access to McPherson Street, reduction in GFA, changes to traffic circulation and car parking and the addition of a fire access ramp to the rear of the development, which may impact on the traffic impact of the development.</li> <li>• As part of its modification report, the Applicant provided a Traffic Impact Statement, which concluded the modification would result in a reduction in traffic generation and parking demand as it would see a reduction in GFA.</li> <li>• Council reviewed the proposal and advised it supported the changes to a one way circulation within the site and the additional crossover.</li> <li>• The Department has reviewed the proposal and notes the reduction in GFA would result in a reduction of at least 11 vehicle trips per hour in both AM and PM peak period, resulting in a reduced impact on the surrounding road network compared to the original development.</li> <li>• The change to a one way circulation through the site and additional access point would assist in reducing vehicle conflicts in the development’s driveways and accessways.</li> <li>• The addition of the fire access ramp is also not considered to impact on the day to day traffic operations of the development, given its use will only occur during emergency events.</li> <li>• The loss of one car space (from 117 to 116) is considered negligible and will continue to meet the needs of future tenants. While the Botany Bay Development Control Plan 2013 does not strictly apply to State significant development, the Department notes the development would exceeds the minimum parking requirements (95 spaces).</li> </ul>	<p>Condition requiring Applicant to obtain an approval under s138 of the <i>Roads Act 1993</i> for works within the road reserve of McPherson Street.</p>

## Findings

## Recommendations

- The Department's assessment concludes the modified development will not result in any increase in traffic and parking impacts on the surrounding road network, subject to the existing conditions of consent.

## Landscaping

- To assist with firefighting requirements, the development requires the removal of some vegetation in the north east corner of the site, which has potential to impact on biodiversity on site. Update condition B56 to require maintenance of new turfed area.
- As part of the modification report, the Applicant provided updated landscaping plans and an arborist impact assessment, confirming the removal of an additional 14 existing trees over the original consent (17 originally proposed to be removed) and the planting of an additional 39 (in addition to 93 originally approved), resulting in 25 further trees on the site. The arborist report noted these trees were planted as part of earthworks that occurred on the site in 2015 and the additional trees to be removed were of low retention value, based on their health.
- The trees would be removed from the north and north-eastern boundaries at the rear of the site to allow for fire access to warehouse 2, in order to meet Building Code of Australia requirements.
- Council reviewed the proposal and raised no concerns regarding the additional removal of trees subject to replacement planting occurring. It also recommended the car parking area include canopy trees and additional plantings and streetscape upgrades to McPherson Street.
- The Department has reviewed the landscaping changes acknowledging that the proposal results in removal of some existing vegetation cover in the northeast of the site. While this would remove some screening of the site from adjoining properties, the Department accepts these trees are relatively young, of low retention value, and can be replaced elsewhere within the site with opportunities to provide denser tree plantings throughout the remainder of the boundary. Overall, there would be a net increase in 25 trees compared to the original consent.
- The Department also notes that the northeast side of the site adjoins a detector dog facility and is not easily viewable from the public realm, while the modified development will see additional plantings on the western and eastern side of the development which are more visible from McPherson Street.
- The Department acknowledges Council's recommendation to have additional planting in the carparking area facing McPherson Street and include streetscape upgrades.



## Findings

## Recommendations

- However, the modification application retains the original consent's number and spacing of trees planted along McPherson Street frontage, which the Department considers to be adequate.
- The Department does not consider it reasonable to require streetscape upgrades as part of the modification application, as this was not considered a requirement in the development's original assessment, nor does the application alter the streetscape .
- Overall, the Department considers the modification application to result in an adequate increase in landscaping to the site which can continue to be managed by existing conditions of consent requiring a Landscape Management Plan be prepared.
- To manage the turfed area used for access to the site's rear, the Department has recommended the Landscape Management Plan condition be updated to require this area also be maintained.
- The Department's assessment concludes the modified development would not result in an increase to biodiversity impacts and still provide suitable screening to soften the appearance of the warehouse, subject to existing and recommended conditions of consent.

## Flooding

- The existing site operates as a flood storage basin for the surrounding area.
- Changes to landscaping and the addition of ramps within the basin has potential to reduce the site's flood storage capacity, increasing flood impacts to surrounding sites.
- As part of its modification report, the Applicant provided a revised Flood Impact Assessment taking into account the revised design, including the additional ramps.
- The assessment concluded that the changes would have a negligible change in flood impact, with some minor changes in flood level occurring on the site around the new eastern access ramp (approximately 2 centimetres).
- Council reviewed the proposal and concurred that flooding impacts would be negligible. Council queried whether the modelling results would be affected by altering the modelling inputs to consider the ground as impermeable or changes to pylon sizes .
- In its response to Council, the Applicant confirmed that modelling was based on that undertaken in the original assessment, which only considered the ground as permeable and noted pylon sizing was not proposed to change under the modification. The Applicant also confirmed the development would still have a surplus to the storage considered in the original assessment.

No changes to conditions required.

## Findings

## Recommendations

- The Department has reviewed the modification report and advice from Council and considers the loss of storage volume under the modification to be negligible and would not increase the flood risk to surrounding sites. Additionally, the modification would not impact on the function of the flood detention basin, with the modified development's changes to landscaping and decking continuing to meet the flood capacity considered in the original assessment.
- The Department also notes that the basin and associated contamination barriers were considered to be permeable during the original assessment, with the modification's flood modelling aligning with this.
- Existing conditions of consent require the Applicant to certify that the development will have sufficient flood capacity following initial construction in the basin and implement a basin maintenance plan.
- The Department's assessment concludes that the modified development will continue to appropriately manage flooding and contain sufficient flood capacity, subject to existing conditions of consent.

## Urban Design

- Changes to built form and height may impact on visual amenity of the building. No changes to conditions.
- The proposal will see an increase in height by 0.2 m to allow for sufficient clearance to the detention basin below the deck and other changes, such as the splitting of the office on the McPherson Street elevation to now locate on each side and addition of solar panels.
- Council reviewed the proposal and raised no issues from a visual amenity perspective.
- The Department has reviewed the proposal and although Warehouse 1 sees a minor increase in height, the reduction in building width and the breaking up of the office space is considered to assist in adding articulation and reducing the scale and bulk of the development when viewed from the street.
- Warehouse 2 also sees a 0.2 m increase in height, however the building's form will see additional office space (single storey to two storey office), which will assist in adding articulation and breaking up bulk of the building.
- The proposed solar panels will also be orientated on roof slopes orientated away from McPherson Street, ensuring no further visual impacts.
- The Department also notes that there are no height limits within the immediate area under the Botany Bay Local Environmental Plan 2013

## Findings

## Recommendations

and the changes to built form remain in line with the industrial character of McPherson Street.

- The Department's assessment concludes that the proposal would not be visually intrusive and would be in character of the surrounding industrial land use.

## 6 Evaluation

The Department has reviewed the Modification Report and advice provided by Council taking into consideration the relevant matters under section 4.15 of the EP&A Act and the objects of the EP&A Act.

The Applicant is proposing to change the layout of the development, including a reduction in GFA, additional vehicle ramps for access and fire fighting purposes and changes to vegetation.

The Department did not exhibit the modification but engaged Council. Council did not raise any concerns regarding the proposed modification.

The Department considers the proposed modification is appropriate on the basis that:

- the proposed modification will result in minimal environmental impacts beyond the approved warehouse facility
- the proposed modification will result in a slight decrease in intensity of the use, ensuring traffic and parking impacts will not worsen
- the proposed modification will result in an increase in trees on site
- the proposed development is substantially the same development of which the original consent was granted.

As such, the Department is satisfied that the modification application should be approved, subject to the recommended modifying conditions.

## 7 Recommendation

It is recommended that the Team Leader, Industry Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD-9691-Mod-3 falls within the scope of section 4.55(1A) of the EP&A Act
- **forms the opinion** under section 7.17(2)(c) of the *Biodiversity Conservation Act 2016* that a BDAR is not required to be submitted with this application as the application will not increase the impact on biodiversity values on the site
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modifies** the consent SSD-9691
- **signs** the attached approval of the modification (**Appendix B**).

**Recommended by:**



14 April 2023

**Thomas Bertwistle**

Senior Environmental Assessment Officer  
Industry Assessments

## 8 Determination

The recommendation is **Adopted** by:

 14 April 2023

**Joanna Bakopanos**

Team Leader

Industry Assessments

as delegate of the Minister for Planning and Public Spaces

# Appendices

## Appendix A – List of Documents

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

### Modification Application

- 'Modification Report Orica Southlands Warehouse Estate SSD 9691 Mod 3' prepared by Keylan dated 18 January 2023 - <https://www.planningportal.nsw.gov.au/major-projects/projects/southlands-mod-3-layout-and-vegetation-changes>

### Submissions and Advice

- <https://www.planningportal.nsw.gov.au/major-projects/projects/southlands-mod-3-layout-and-vegetation-changes>

### Department's Assessment Report for SSD-9691

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

## **Appendix B – Notice of Modification**

The recommended modification instrument for SSD-9691-Mod-3 can be found on the Department's website a <https://www.planningportal.nsw.gov.au/major-projects/projects/southlands-mod-3-layout-and-vegetation-changes>



## **Appendix C – Consolidated Consent**

The consolidated consent for SSD-9691-Mod-3 can be found on the Department's website at <https://www.planningportal.nsw.gov.au/major-projects/projects/southlands-mod-3-layout-and-vegetation-changes>