



***DEVELOPMENT ASSESSMENT
Erection of a Demountable Office and
Amenities Building for the Adsteam Tug
Boat Facility at Brotherson Dock, Port
Botany***

Director-General's
Environmental Assessment Report
Section 79C of the
Environmental Planning and Assessment Act 1979

September 2007

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EXECUTIVE SUMMARY

Adsteam (the Applicant) has lodged a development application under Part 4 of the *Environmental Planning and Assessment Act 1979* together with a supporting Statement of Environmental Effects seeking to erect a demountable building to contain offices and amenities for tug boat operations at its existing Tug Boat facility adjacent to Brotherson Dock, Port Botany. Demolition of the existing office and amenities building on the site is also proposed as part of the proposed development. The reconfiguration of the site and the relocation of the office and amenity building to the west of the site would provide Sydney Ports Corporation with an area of land that can be utilised for other port purposes. No change to the existing operating conditions of the facility, operating hours or number of employees is proposed as a result of the development.

The Department has reviewed the development application and associated Statement of Environmental Effects and considers that there are no major issues of concern. However, the Department considers that the removal of trees from the site warrants their replacement either on the site or elsewhere within the Botany Local Government Area. Other issues also identified include potential impacts from construction on land contamination and water quality, but the Department considers that provided appropriate construction management is undertaken during demolition and building works, it is not likely that the proposal would result in adverse impacts to the surrounding environment. Once constructed, the Department considers that the new office and amenity facilities and site layout would provide a high standard and efficient operation of the facility.

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1. BACKGROUND

Adsteam (the Applicant) has lodged a development application (DA) and supporting Statement of Environmental Effects (SEE) under Part 4 of the *Environmental Planning and Assessment Act, 1979* seeking to erect a demountable building to contain offices and amenities for tug boat operations at Brotherson Dock, Port Botany in the City of Botany Bay Local Government Area. Demolition of the existing office and amenities building on the site is also proposed as part of the proposed development.

Adsteam currently operates the administration of its tug boat facility from an existing two storey building located near the site's eastern boundary. The owner of the land, Sydney Ports Corporation, has indicated that it requires this land for other port purposes.

No change to the existing operating conditions of the facility, operating hours or number of employees is proposed as a result of the development.

1.1 Location and Surrounding Land Use

Adsteam Tug Boat Facility is located at 13 Inter Terminal Access Road, Port Botany. The land that contains the site forms part of Lot 6 DP 1053768 and comprises a land area of approximately 3,000 square metres. The location of the site is shown in Figure 1 and an aerial photograph is provided as Figure 2. The site is leased by Adsteam from Sydney Ports Corporation for the operation of a tug boat facility.

The site is disturbed and devoid of any natural features with the exception of a row of *Casuarina glauca* trees located along the northern edge of the dock and also along the northern boundary of the site. These trees range in size with some mature individuals standing approximately 10 metres in height.

Adjoining land uses include general port activities including container storage and handling operations. The Patrick container terminal is located immediately north of the site and the Inter-Terminal Access Road and a railway line is located to the east.

Figure 1 – Site Location



Source: Figure 1: Location from Applicant's Statement of Environmental Effects dated April 2007

Figure 2: Nature of Site and Surrounding Land



Source: Figure 2: The Site from Applicant's Statement of Environmental Effects dated April 2007

2. PROPOSED DEVELOPMENT

2.1 Project Description

The Applicant has lodged a development application to relocate the office and amenity facilities from the Adsteam tug boat operation adjacent to Brotherson Dock, Port Botany to the northern portion of the site adjacent to its boundary with Patrick Container Terminals and approximately 30 metres north of the existing office location as shown in Figure 3.

The new pre-fabricated building is proposed to have dimensions of 38 metres by 6 metres and a total floor area of 228 square metres. The proposed office area would occupy approximately 108 square metres with the remaining 120 square metres proposed to provide amenities for tug boat operators as shown in Figures 3 and 4. The Applicant has stated that the building is proposed to be of single storey construction which would be moved to the site in sections and placed on concrete pad supports on top of the existing paved area. The proposed building would be clad with colorbond steel and the walls and roof would be insulated. Stairs and a ramp for disabled access would be provided to the building from the ground level. A skillion roof is also proposed to increase the amount of natural light infiltrating to internal areas of the building as shown on Figure 5.

The Applicant proposes to demolish the existing office and amenity facilities once the new demountable office building has been completed. The existing office and amenities building is a two storey structure of masonry construction dating to the 1980s and has a total floor area of 300 square metres. The Applicant has indicated that demolition of the building would be undertaken in accordance with the requirements of *Australian Standard AS2601-2001*.

In addition, the Applicant proposes to construct a small workshop and storage shed covering a total area of 60 square metres to be located opposite the new office building and immediately adjacent to the northern side of Brotherson Dock. The existing carport canopy would be retained and relocated to the eastern side of the new building. A self contained transportable fuel dispensing facility is proposed to be constructed adjacent to the storage shed and measure approximately 3 metres by 2.4 metres. The Applicant has stated that the proposed facility would be self-bunded and designed in accordance with *Australian Standard 1940* and *Australian Standard 1692* and have a capacity to store 10,800 litres of diesel fuel.

Approximately 37 dedicated carparking spaces are also proposed to be provided for tugboat operators and visitors. The construction of the office building and carparking facilities would require paving the unsealed areas of the site (refer Figure 3) and the removal of approximately 18 *Casuarina glauca* trees meeting the dimensions stated in the City of Botany Bay Council's Tree Preservation Order.

No change to existing tugboat operations would occur as a result of the proposal and no change to staffing numbers are envisaged to be required at the site.

The cost of the works is estimated at \$350,000.

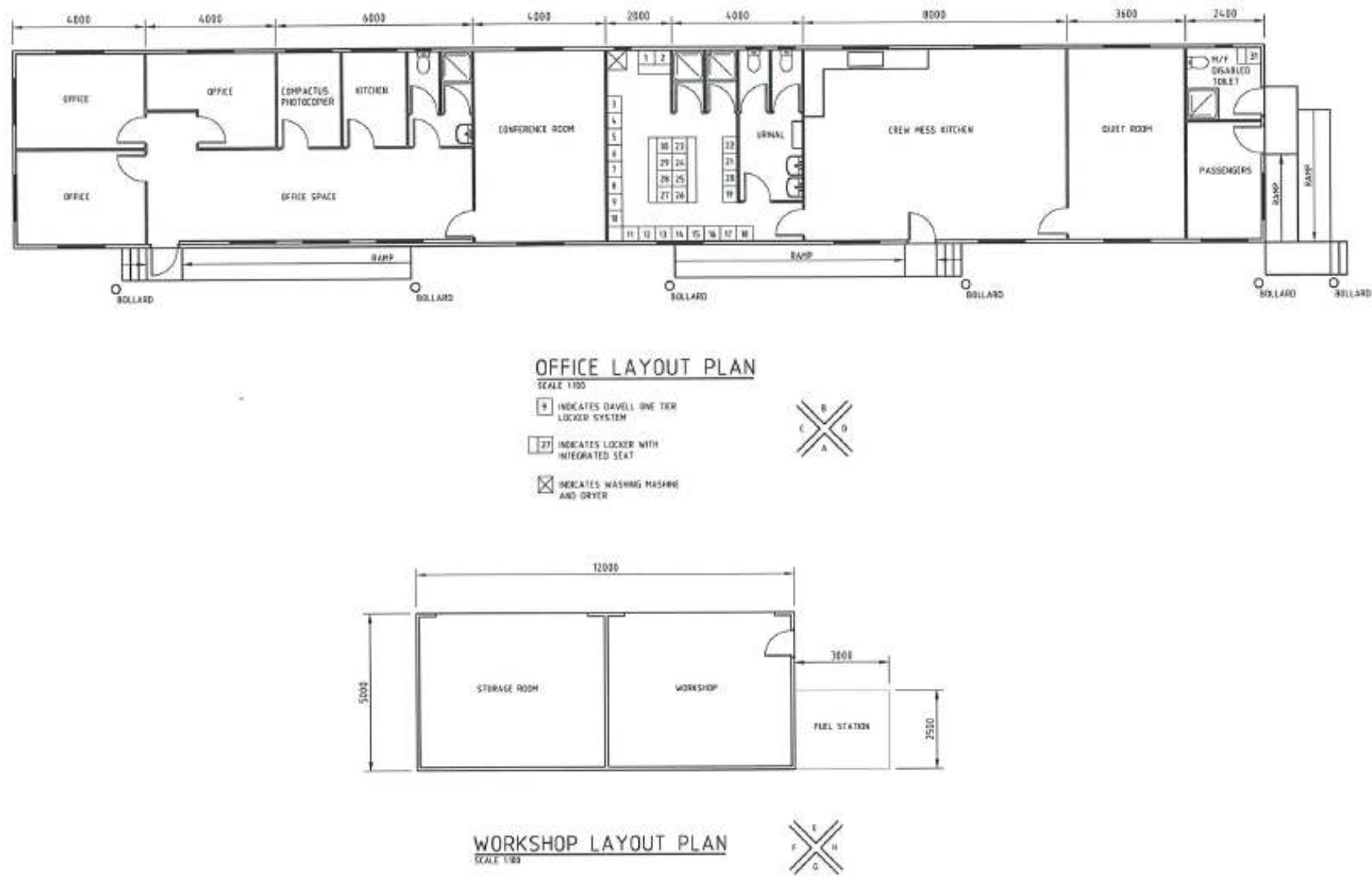
2.2 Justification for the Project

Sydney Ports Corporation, being the landowner of the Adsteam tug boat site, requires the proposal to be undertaken as soon as possible so that the land currently occupied by the Adsteam office and amenities buildings can be used for other port related purposes.

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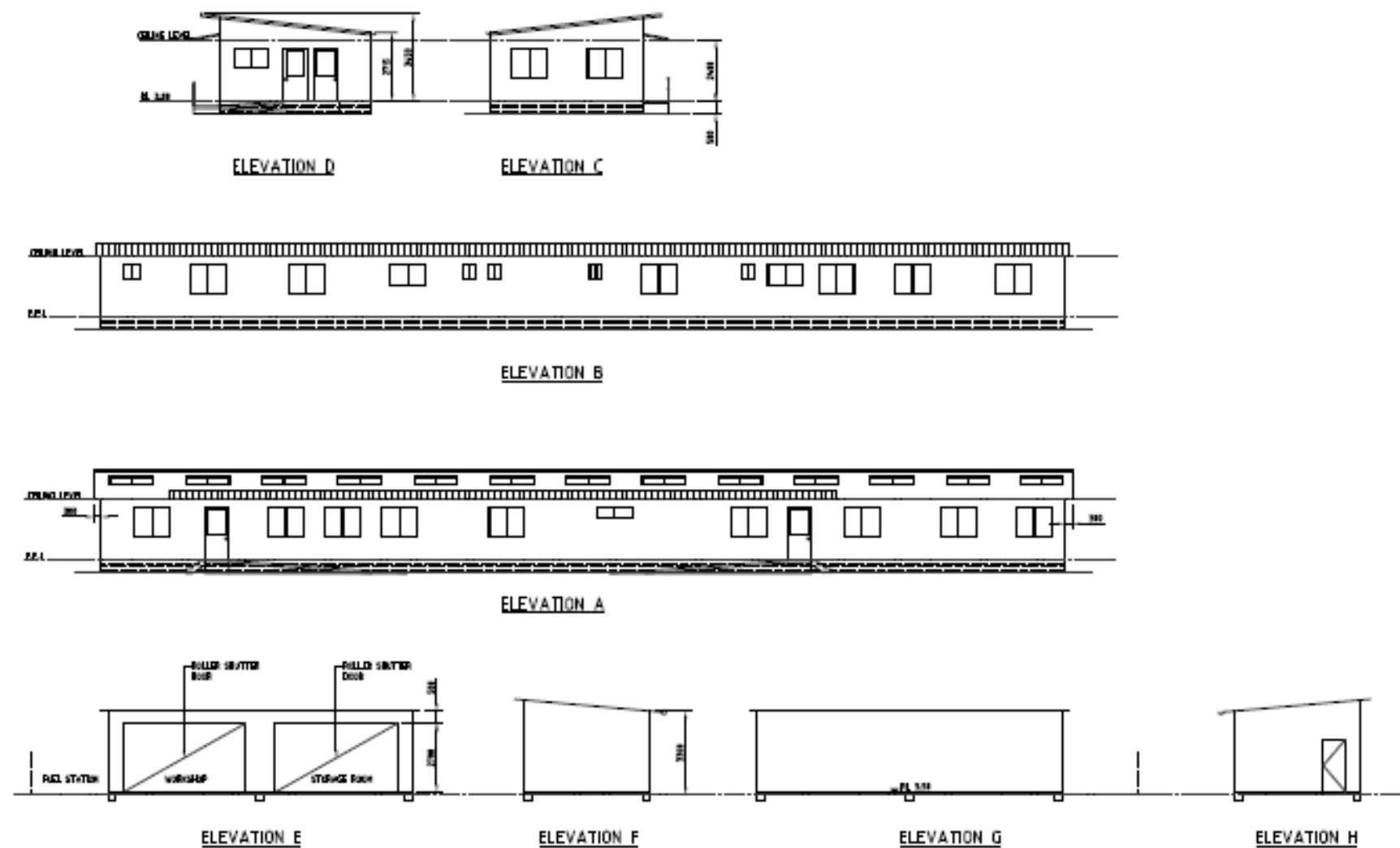
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Figure 4: Proposed Office Relocation and Workshop Layout Plan



Source: Appendix 1 – DA Drawings from Applicant's Statement of Environmental Effects dated April 2007

Figure 5: Elevation and Sections



Source: Appendix 1 – DA Drawings from Applicant's Statement of Environmental Effects dated April 2007 and amended 23 August 2007

3. STATUTORY CONTEXT

3.1 State Environmental Planning Policy (Major Projects) 2005

The proposal meets the definition of Part 1 of *State Environmental Planning Policy (Major Projects) 2005*, namely clause 4(1) Botany - "development within the area identified on Map 5 to Schedule 2, being development with a capital investment value of not more than \$5 million that is carried out by a person other than a public authority" and therefore requires development assessment under Part 4 of the *Environmental Planning and Assessment Act 1979*. The Minister is the consent authority for the proposed development.

3.2 Integrated Development

The proposed development requires development consent and an approval under Part 3A of the *Rivers and Foreshores Improvement Act 1948* from NSW Maritime and is therefore classified as "integrated development" in accordance with the provisions of section 91 of the *Environmental Planning and Assessment Act 1979* (the Act).

Section 91 of the Act was amended on 1 July 2004 to remove reference to Part 3A Permits under the *Rivers and Foreshores Improvement Act 1948* and insert reference to permits under the *Water Management Act 2000*. Section 91 of the *Water Management Act 2000* is not yet fully operational and only applies in limited circumstances (i.e. where there is a water sharing plan or where an application is made for a water use approval or water supply approval). Therefore, where section 91 of the *Water Management Act 2000* does not apply, the previous permits under the *Rivers and Foreshores Improvement Act 1948* are relevant.

The Department has consulted with NSW Maritime to seek its General Terms of Approval for the proposal in accordance with clause 66(1) of the *Environmental Planning and Assessment Regulation 2000*. Copies of submissions received from the exhibition period were also provided as part of this consultation process.

General Terms of Approval from NSW Maritime have been incorporated into recommended conditions of consent.

3.3 Exhibition and Notification

The Development Application and Statement of Environmental Effects was placed on public exhibition for a period of at least 14 days from Wednesday 1 August to Friday 17 August 2007 at the following locations:

- the Department of Planning's head office, 23-33 Bridge Street, Sydney; and
- City of Botany Bay Council, 141 Coward Street, Mascot.

The Development Application and supporting Statement of Environmental Effects was also provided for viewing and/or downloading on the Department's website. Notification of the exhibition of the documents appeared in the *Southern Courier* on Tuesday 31 July 2007.

3.4 Statutory Planning Considerations

Environmental Planning Instruments and Permissibility

The *Botany Local Environmental Plan 1995* governs land use within the site and surrounding areas. The proposal is considered to be consistent with the objectives of the Plan.

The site is zoned Special Uses 5(a) - Port. The primary objective of the 5(a) Port zone is to "ensure the orderly use of land identified for Sydney (Kingsford Smith) Airport, Port Botany and the Botany-Sydenham goods railway line or which is reserved and proposed to be acquired for arterial roads or widening of arterial roads or for utility undertakings". The secondary objective is to "encourage energy efficiency and energy conservation in all forms of development permissible within the zone". The proposed development is considered to be consistent with both the primary and secondary objectives of the zone and is permissible with development consent within this zone.

State Environmental Planning Policy No. 55 – Remediation of Land applies to the proposed development. The object of the Policy is to provide for a State-wide planning approach to the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. A consent

authority is required to consider contamination and remediation of land as part of the determination of a development application. While no specific contamination investigations have been undertaken on the site, the site was formed through reclamation undertaken in the 1970s and there have been no other known uses other than the present since that time.

As discussed in Section 2, no change of use is proposed and the amount of site disturbance would be limited. The history of the site does not suggest the potential for land contamination although a fuel dispensing unit is located adjacent to the existing office building. The Applicant has outlined that the fuel dispensing unit will be removed from its existing location and the area tested following demolition to ensure no hydrocarbons have leaked into the surrounding land. Should contaminated materials be detected the Applicant proposes that remedial action be taken and a provision for this work would be included in any construction tender documentation.

The Department has considered the proposed development in accordance with the requirements of *State Environmental Planning Policy No. 55*.

Development Control Plans

A number of Development Control Plans are applicable to the proposed development, as follows:

- Off-street Parking Development Control Plan;
- Energy Efficiency Development Control Plan; and
- Development Control Plan No. 32 – Landscape.

Each of these plans is briefly discussed below.

Off-street Parking Development Control Plan

This Plan ensures that provision is made for adequate off-street parking to be provided for new and existing developments within the local government area. The Plan also contains specific design controls for parking spaces and the movement of vehicles on a site.

Review of the Development Application and supporting Statement of Environmental Effects indicates that 37 dedicated car spaces are proposed to be provided as part of the proposal. The configuration of car parking varies across the site with approximately 30 parallel parking (90 degree) spaces being provided as well as seven diagonal parking (45 degree) spaces proposed. The width and length of parking spaces and the space required between two parking areas generally conforms to the requirements of the DCP.

Council's DCP recommends that landscaping should be provided in car parking areas to reduce the appearance of the development and to screen large open area of carparking. While a vast expanse of carparking is not envisaged to be constructed as part of the proposed development, the Applicant proposes to remove all the *Casuarina glauca* trees that are currently located along the northern side of Brotherson Dock to allow the existing surface of the site to be sealed and dedicated carparking spaces to be provided. The removal of these trees is required for occupational health and safety as well as security reasons and the provision of carparking in this area would result in a more efficient and effective use of the working waterfront area.

Energy Efficiency Development Control Plan

This Plan was developed by the City of Botany Bay Council to provide detailed provisions to ensure that the energy efficiency of all development within the local government area. The provisions in the Plan apply to all commercial and industrial developments over \$250,000 and Council outlines that compliance with the requirements will reduce the need for non-renewable energy sources and minimise energy costs while maintaining acceptable levels of comfort within the subject building.

The Statement of Environmental Effects indicates that the new office and amenities building will be fully insulated and oriented to the north to provide solar access and natural light penetration. The building also proposes to utilise efficient shower fittings and lighting as well as energy efficient appliances. The proposed development is consistent with the provisions of the DCP.

Development Control Plan No. 32 - Landscape

The purpose of this DCP is to promote a high standard of landscaping on development sites within the local government area. The objectives of the DCP to be achieved are to:

- improve and enhance the landscape structure, character and regional identity of the City;
- promote landscape planning early on in a site's development;
- improve the visual amenity of the built environment by minimising bulk and scale;
- ensure that landscaping enhances the design and scale of the built form and improves the open spaces of a development;
- conserve and protect the natural environment;
- promote the use of native species, particularly those that are indigenous;
- provide clear definition of Council's intentions and requirements with respect to landscaping for different types and the standards and performance criteria by which landscaped areas are to be designed, constructed and maintained; and
- raise the standard of landscape documentation submitted to Council and inform the Applicant of the statutory obligations of Council and the process by which Landscape Plans are approved by Council.

The DCP refers to the Industrial Development DCP No. 33 for landscape requirements for industrial areas however this DCP is only relevant for industrial and business zoned land and does not include land zoned 5(a) special uses (Port).

The proposed development involves the removal of a number of trees which meet the definition of a tree in the City of Botany Bay's Tree Preservation Order which is defined as being over three metres in height with a girth of over 600 mm measured at one metre above the ground. The trees that are proposed to be removed are located on the northern side of Brotherson Dock and currently interfere with the safe and efficient operation of the working waterfront environment. In addition, the spindles that shed from the trees create a hazard for tug boat operators accessing the dock and also clog machinery and drains.

4. CONSULTATION AND ISSUES RAISED

The development application for the proposal and its Statement of Environmental Effects was exhibited between 1 August and 17 August 2007 and one submission was received within this period from the Department of Environment and Climate Change. The submission confirmed that the scale of activities proposed by Adsteam do not meet the scale defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act) and therefore will not require an environment protection licence for its construction or operation. Nevertheless, the Applicant and construction contractors are obliged to comply with the requirements of environmental protection legislation including the environment protection provisions under the POEO Act, the *Contaminated Land Management Act 1997*, the *National Parks and Wildlife Act 1974* and the *Threatened Species Conservation Act 1995*. The Department of Environment and Climate Change also indicated that the proposal should have regard to appropriate policies and guidelines such as Botany City Council's *Tree Preservation Order*.

A (late) submission was received from Botany City Council on 22 August 2007, which raised no concerns with the proposed development. Council's submission did however refer to Council's Landscape Development Control Plan which imposes the use of particular plant species, native to the area. Council has requested that the Applicant re-plant an equal number of replacement trees (18-20) elsewhere on the site in clumps or groves, and preferably near other vegetation to assist in providing or enhancing wildlife corridors for local birdlife. Council outlined suitable replacement trees as:

- *Banksia integrifolia*;
- *Eucalyptus botryoides*;
- *Eucalyptus robusta*; and
- *Melaleuca quinquenervia*.

No other issues were raised.

In accordance with clause 66(1) of the *Environmental Planning and Assessment Regulation 2000* copies of submissions received were forwarded to NSW Maritime in its consideration of the proposal. For the purposes of clause 70(1) of the *Environmental Planning and Assessment Regulation 2000*, NSW Maritime has provided its general terms of approval that would apply to a Part 3A Permit under the provisions of the *Rivers and Foreshores Improvement Act 1948*. These general terms have been included as part of the recommended conditions of consent.

5. ASSESSMENT OF ENVIRONMENTAL IMPACTS

The Department has reviewed the Development Application and supporting Statement of Environmental Effects and has raised the following issues as key issues regarding the proposal:

- landscape quality associated with the removal of trees from the site;
- contamination issues associated with the relocation of fuel storage area; and
- water quality issues during demolition and construction works.

5.1 Landscape Quality

Issue

The Applicant has outlined in the Statement of Environmental Effects that the existing trees from the site (all specimens of *Casaurina glauca* of varying heights) are proposed to be removed for operational and safety reasons. The Applicant has outlined that the land on which the trees are located immediately adjoins the dock area and prevents it from being used efficiently and effectively as part of a working waterfront. In addition, the Applicant has stated that the spindles that drop from the trees constitute an occupational health and safety hazard for pedestrian access along the dock and between the dock and the tugboats and limit surveillance of the port area resulting in security issues.

Consideration

The Department is concerned that the Applicant has outlined its intention to remove 18-20 mature trees without replacing them with other trees within the site boundary. Discussions with the Applicant about the possibility of undertaking landscaping works on the site to replace the removed trees with other suitable species within a suitable area of the site revealed that the new layout of the site is such that there is no space available for any landscape plantings. The Department suggested that trees could be planted behind the new carpark pavement along the sites western boundary and while the Applicant indicated that there was about one metre of available land in this location, it was concerned that planting in this location would interfere with the established root system of trees in the adjoining property.

The Department understands the Applicant's concerns regarding existing constraints associated with replanting the trees on-site and also understands the Council's view regarding their Landscape Development Control Plan requirements. The Department considers that if the Applicant cannot replant trees on the site that it replant at the ratio of two trees for every one removed from the site at a suitable location, to be determined in consultation with the City of Botany Bay Council, within the Botany Local Government Area. The Department has outlined this replanting strategy as a recommended condition of approval for the proposed development.

5.2 Land Contamination

Issue

The Statement of Environmental Effects states that the area subject to the demolition works will be tested following demolition to ensure that no hydrocarbons have leaked from the fuel storage and dispensing area. The document states that should contaminated materials be detected during construction it is proposed that remedial action be undertaken and this provision will be outlined in any construction tender documentation.

It is understood from the Statement of Environmental Effects that a Hazardous Building Materials report is currently being prepared to ensure that such materials can be removed from the site in accordance with WorkCover requirements.

Consideration

The Department notes that there is no change of use proposed as part of the proposed development. The Department has reviewed the documentation provided and considers that if adequate investigations are undertaken during the construction phase then potential contamination issues can be identified and appropriately remediated. The Department is satisfied that the Applicant has adequate measures in place and notes that a provision will be included in any construction tender documentation regarding the remediation in the event that

contaminated material is discovered during the course of demolition and relocation works. The Department has recommended that the Applicant shall ensure that soils in and around the fuel dispensing area on the site are tested for the presence of hydrocarbon contamination prior to the commencement of construction of the development. Where hydrocarbon contamination is identified, the materials shall be tested and characterised in accordance with *Assessment, Classification and Management of Liquid and Non-Liquid Wastes* (EPA, 1999), and directed to a waste management facility lawfully permitted to accept those materials. This recommendation is reflected in the recommended conditions of consent for the proposed development.

5.3 Water Quality

Issue

The proposal has the potential to create erosion and sedimentation issues during its construction phase, however the Applicant has indicated that the disturbance to surface soils will be localised and that erosion and sedimentation controls will be put in place to prevent any discharge of sediments into Botany Bay.

Consideration

The Department is satisfied that the Proponent has committed to undertaking specific measures during the construction phase to minimise erosion and sedimentation impacts to protect surrounding water quality. The Department has recommended that these measures be transferred to conditions of approval for the project. In addition, the Department recommends that a Construction Environmental Management Plan be prepared prior to the commencement of construction and that this plan be followed during the construction phase. The Department considers that, provided mitigation measures as outlined in the Statement of Environmental Effects are adhered to, no impacts to surface water quality would result from the proposal.

5.4 Section 79C Considerations

The Department has reviewed the development application and supporting Statement of Environmental Effects taking into consideration the matters for evaluation stated under 79C of the *Environmental Planning and Assessment Act 1979* and considers that the proposal can be granted development consent subject to a number of specific conditions to protect the surrounding environment during the construction stage. Specific mitigation measures will be required to protect surrounding water quality from construction works. The community of Botany Local Government Area would benefit from replanting works that have been recommended as a result of the proposal to remove 18-20 existing mature trees from the site.

6. CONCLUSIONS AND RECOMMENDATIONS

The Department has undertaken a detailed assessment of the proposed office and amenity building relocation at Adsteam existing tug boat facility adjacent to Brotherson Dock, Port Botany. Based on its assessment, the Department is satisfied that the proposal could be undertaken within acceptable environmental limits. The Department considers that the new building and dedicated car park area would provide a superior level of office accommodation and facilities for Adsteam tug boat operators and associated visitors to the site. The Department has recommended a number of specific conditions of consent to protect the surrounding environment during construction works associated with the project and considers that these measures will ensure that the project is undertaken with a high level of care and result in minimal or negligible impacts to the surrounding environment. NSW Maritime has also provided integrated development conditions, specifically to protect surrounding water quality during the construction stage.

APPENDIX A – RECOMMENDED CONDITIONS OF CONSENT

APPENDIX B – STATEMENT OF ENVIRONMENTAL EFFECTS

APPENDIX C – SUBMISSIONS
