



Planning &
Environment

**STATE SIGNIFICANT DEVELOPMENT ASSESSMENT:
Commonwealth Government Detector Dog Facility
SSD 7692**



Environmental Assessment Report
Section 89H of the
Environmental Planning and Assessment Act 1979

January 2017

Cover photo: Detector Dogs and Kennel Facilities (Source: EIS)

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ABBREVIATIONS AND DEFINITIONS

ABF	Australian Border Force
AHD	Australian Height Datum
AFP	Australian Federal Police
Applicant	Qanstruct (Aust) Pty Ltd, or nominee
ARI	Average Recurrence Interval
AS	Australian Standard
BCA	Building Code of Australia
Botany Industrial Park	A 73 hectare industrial complex located at Banksmeadow, in south-east Sydney
CEMP	Construction Environmental Management Plan
CIV	Capital Investment Value
Construction	The demolition of buildings or works, carrying out of works, including earthworks, erection of buildings and other infrastructure covered by this consent
Council	Bayside Council (formed by a recent merger between the Council of the City of Botany Bay Council and Rockdale Council)
DA	Development Application
DAWR	Department of Agriculture and Water Resources
Department	Department of Planning and Environment
Detector dog	A dog that is trained to and works at using its senses (almost always the sense of smell) to detect substances such as explosives, illegal drugs, tobacco, wildlife scat, certain foods, plant or animal material, currency, or blood
Development	The development as described in the EIS and RTS for a Commonwealth Government Detector Dog Facility
DPI	Department of Primary Industries
EIS	Environmental Impact Statement titled <i>Environmental Impact Statement Multi-Agency Collocated Accommodation for Detector Dogs</i> , prepared by Qanstruct (Aust) Pty Ltd, dated 23 August 2016
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPA	Environment Protection Authority
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
GFA	Gross Floor Area
Marker layer	a bright orange geotextile laid on the final surface of the contaminated fill material to separate potentially contaminated soils from a physical barrier layer
Minister	Minister for Planning (or delegate)
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Services
RTS	Response to Submissions titled <i>State Significant Development (SSD 7692) Response to Submissions, Multi Agency Collocated Accommodation for Detector Dogs</i> , prepared by Qanstruct dated 3 November 2016
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment, or nominee
SEPP	<i>State Environmental Planning Policy</i>
Sensitive receiver	A location where people are likely to work or reside, this may include a dwelling, school, hospital, office or public recreational area
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State significant development

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EXECUTIVE SUMMARY

Qanstruct (Aust) Pty Ltd (the Applicant) has lodged a Development Application and accompanying Environmental Impact Statement (EIS) seeking consent for a Commonwealth Government administration building and associated infrastructure and accommodation for detector dogs at 28A McPherson Street, Banksmeadow, in the Bayside local government area (LGA).

The site is located approximately four kilometres south-east of Sydney Airport and one kilometre north of Port Botany. The irregular shaped site covers around 3.8 hectares (ha) of General Industrial (IN1) zoned land within a broader industrial estate known as Southlands (18.3 ha). The Qenos Tank Farm is located to the north, to the west is a recently constructed compensatory flood basin and warehousing associated with the Port Botany Industrial Estate, and to the east beyond the Sydenham to Botany Goods railway line, is the Botany Industrial Park. To the south the land is used and developed for the purpose of warehousing and shipping container storage. The nearest residential area is located almost 500 metres (m) from the site to the east in Denison Street at Hillsdale.

The site is contaminated due to past industrial land uses and is currently the subject of remediation activities being undertaken in accordance with an approved Remediation Action Plan (RAP). The RAP was approved as part of the Orica Southlands Remediation and Warehouse project, approved in April 2012, by the Deputy Director-General, Development Assessment and Systems Performance, under delegation.

The proposed development would be occupied by the detector dog functions of the Australian Border Force (ABF), Australian Federal Police (AFP) and Department of Agriculture and Water Resources (DAWR) at Banksmeadow in the newly formed Bayside LGA (a merger between the former Council of the City of Botany Bay and Rockdale Council). Proposed infrastructure includes an office administration building, car parking, access driveway, landscaping, kennels and outdoor day runs for up to a maximum of 84 trained detector dogs.

The proposed development has a capital investment value (CIV) of \$31 million and is expected to generate 50 construction jobs and 23 operational jobs.

The proposed development is classified as State significant development under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves construction and operation of a port administration building with a CIV greater than \$30 million and therefore meets the criteria in Clause 18 of Schedule 1 in *State Environmental Planning Policy (State and Regional Development) 2011*. Consequently, the Minister for Planning is the consent authority for the proposed development.

The Department of Planning and Environment (the Department) exhibited the EIS for the proposed development from Wednesday 31 August 2016 until Friday 14 October 2016. A total of seven submissions were received including six from government agencies and one from the general public. Of the seven submissions received, none objected to the development.

Key concerns raised related to stormwater and flooding, contamination, traffic and landscaping. The Applicant submitted a Response to Submissions in November 2016 to address and clarify matters raised in the submissions.

The Department's assessment of the application has fully considered all relevant matters under section 79C of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development. The Department identified the following key issues for assessment:

- contamination management; and
- flooding and stormwater management.

The Department's assessment concluded there may be some environmental impacts during construction and operation of the development, such as the potential disturbance of contaminated soils and interception of groundwater, increased stormwater runoff, reduced stormwater quality, noise and visual impacts. Therefore, the Department has recommended conditions to minimise these impacts, including:

- appointment of an Environment Protection Authority (EPA) accredited Site Auditor to oversee construction of the development;
- a restriction on all excavation and construction work to be undertaken above the plastic marker layer placed as part of the remediation barrier layer;
- a requirement for a final Site Audit Statement and a Site Audit Report to demonstrate the site is suitable for the proposed development;
- a requirement for the stormwater system to be designed by a suitably qualified civil engineer that mitigates the impacts of stormwater runoff from and within the site and does not cause adverse off-site flooding or stormwater quality impacts to the satisfaction of Bayside Council;
- a requirement to prepare and implement a Construction Environmental Management Plan to manage dust, noise, traffic, unexpected contaminated materials, waste and stormwater impacts during construction; and
- a requirement to prepare an Operational Environmental Management Plan to ensure the ongoing management, monitoring and maintenance of the stormwater system and landscaping, management of operational waste and details of complaints handling.

The Department has recommended conditions for the payment of development contributions for the provision of public amenities and public services under Council's *Section 94A Development Contributions Plan 2016*.

The proposed development will enable the AFP, ABF and DAWR to be more efficient and effective in performing a critical service to the community by protecting Australia from the illegal importation of firearms, explosives, currency, drugs, exotic pests and diseases.

The proposed development would ensure the proper management and development of suitably zoned (i.e. industrial) land for the economic enhancement of the Global Economic Corridor between the Sydney Airport Precinct and Port Botany Precinct. The potential impacts of the proposed development have been minimised through appropriate site selection, site layout, design and proposed environmental control measures. The selected site is located appropriately away from sensitive land uses and suitably located in proximity to Port Botany and Sydney Airport.

The Department concludes the impacts of the development can be appropriately managed through implementation of the recommended conditions of consent. Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions.

1. BACKGROUND

1.1. The Department's Assessment

This report details the Department of Planning and Environment's (the Department) assessment of the State significant development (SSD 7692) application for a Commonwealth Government facility for the administration and housing of detector dogs. The proposed development comprises an administration building, seven kennel blocks, outdoor dog day runs and agility yards, internal access ways, car parking and landscaping. The Department's assessment considers all documentation submitted by the Applicant, including the Environmental Impact Statement (EIS) and Response to Submissions (RTS), and submissions received from State and local government authorities and the general public. The Department's assessment also considers the legislation and planning instruments relevant to the site and the proposed development.

This report describes the proposed development, surrounding environment, relevant strategic and statutory planning provisions and the issues raised in submissions. The report evaluates the key issues associated with the development and provides recommendations for managing any impacts during construction and operation. The Department's assessment of the detector dog facility has concluded the proposed development is in the public interest and should be approved, subject to conditions.

1.2. The Proposal

Qanstruct (Aust) Pty Ltd (the Applicant) is seeking development consent for a Commonwealth Government administration building to be occupied by the detector dog functions of the Australian Border Force (ABF), Australian Federal Police (AFP) and Department of Agriculture and Water Resources (DAWR) at Banksmeadow in the newly formed Bayside Local Government Area (LGA) (a merger between the former Council of the City of Botany Bay and Rockdale Council) (see **Figure 1**). The facilities will include an office administration building, car parking, access driveway, landscaping and kennels and outdoor day runs for up to a maximum of 84 trained detector dogs.



Figure 1: Site Location

The detector dog teams (dog handler and dog) in these government agencies play a significant role in helping to protect Australia's borders from the importation of prohibited and restricted goods (such as firearms, explosives, currency and drugs) and provide biosecurity protection against exotic pests and diseases. Detector dog teams are trained at the National Detector Dog Program Facility located in Bulla, Victoria. Teams are trained to search across a range of environments, including shipping ports, airports, baggage, aircraft, mail facilities, courier depots, vehicles and freight. The Commonwealth Government has identified efficiencies and synergies which will be achieved by consolidating the three agencies onto a single purpose-built site in close proximity to Sydney Airport (four kilometres) and Port Botany (one kilometre), Australia's second busiest container port.



Figure 3: Remediation activities currently being undertaken on the site

1.4. Surrounding Land Uses

To the west is the recently constructed compensatory flood basin and warehousing development approved as part of the Orica Southlands approval. This area is now known as the Port Botany Industrial Estate and was purchased by Goodman from Orica in mid-2015. The recently decommissioned Mobil Oil Tank Farm site is located to the north-west and to the north is the Qenos Tank Farm. The Botany Industrial Park and Banksmeadow Transfer Terminal (currently under construction) lie to the east beyond the Sydenham to Botany Goods railway line. To the south the land is used and developed for the purpose of warehousing and shipping container storage. The nearest residential area is located 480 metres (m) from the site to the east in Denison Street in the suburb of Hillsdale (see **Figure 4**).

Groundwater monitoring infrastructure and extraction wells for the Botany Bay Groundwater Clean Up Project (BGCUP) approved by the EPA in 2004 and 2005 are contained in an area extending into the north-eastern part of the subject site. A right of way access to enable maintenance of the infrastructure is provided along the southern and eastern boundary of the subject site.

Access is off McPherson Street, which is a no through road due to the Sydenham to Botany Goods railway line dissecting McPherson Street at this location. The site is located four kilometres (kms) south-east of Sydney Airport and 12.5 kms south of the Sydney CBD.



Figure 4: Surrounding land uses

After successfully constructing the National Detector Dog Program Facility in Bulla, Victoria, on behalf of the Australian Customs and Border Protection Service in 2011, the Applicant has been engaged by the Commonwealth Government to complete this project on its behalf.

1.3. Site Description

The irregular shaped site comprises approximately 3.8 hectares (ha) of the larger, 18.3 ha, Southlands industrial site which is owned by Orica Australia Pty Ltd and located within the Banksmeadow Industrial Precinct. It is zoned IN1 General Industrial pursuant to *State Environment Planning Policy (Three Ports) 2013* (Three Ports SEPP) and is located at 28A McPherson Street, Banksmeadow. The Applicant has entered into a contract to purchase the land from Orica. The site is legally described as Lot 10 in DP 12055673.

The broader Southlands estate is split into two blocks separated by Springvale Drain (a north-south man-made drainage channel) and an unformed road named 'Nant Street'. Block 2, on the western side of the estate, is developed and contains two operational warehouses. The subject site is located on Southlands Block 1, on the eastern side of the estate. Block 2 also contains a large flood storage basin immediately adjacent to the site, which was approved in April 2012 under the Orica Southlands Remediation and Warehouse project approval (the Orica Southlands approval) (MP 06_0191, as modified). The basin acts as a flood detention area for the Southlands site and the broader locality. The subject site is undeveloped and relatively flat with a fall of approximately one metre from approximately RL 5.86 at the eastern boundary to approximately RL 4.53 to the western boundary (refer **Figure 2**).

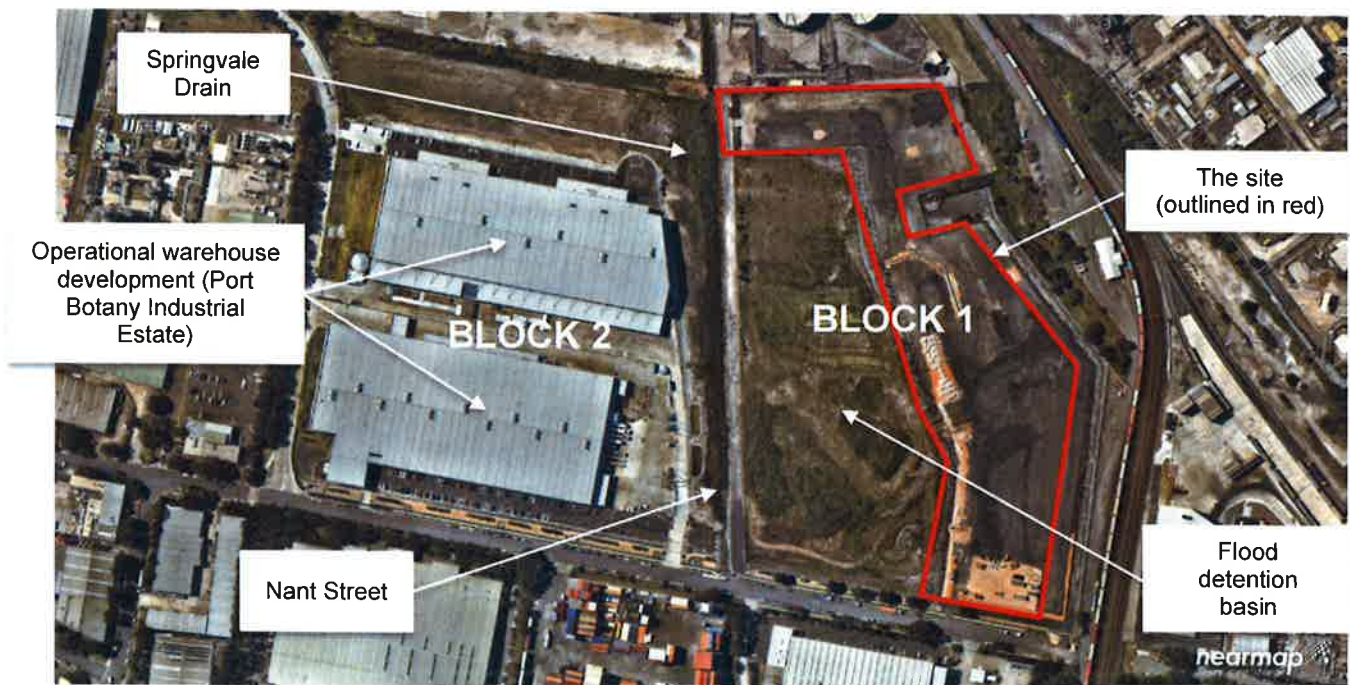


Figure 2: Site Layout

The site is contaminated due to past industrial land uses such as paper manufacturing, the deposition of contaminated fill from coal fired boilers and the Bunnerong Power Station and the dumping of solid waste such as asbestos sheeting, domestic waste, car bodies and general building debris/rubble. Remediation of the site was approved in April 2012 by the Deputy Director-General, Development Assessment and Systems Performance, under delegation, under the Orica Southlands approval (MP 06_0191, as modified). Consolidation and isolation of the contaminated soil on-site by containment within a properly designed barrier was considered to be the most appropriate remediation option for asbestos impacted fill at the site. The final remediation activities required to make the subject site suitable for the proposed development are currently being undertaken by Orica under the supervision of an Environment Protection Authority (EPA) accredited Site Auditor (see **Figure 3**).

1.5. Other Development Approvals

On 16 April 2012, the then Minister for Planning and Infrastructure granted approval for the Orica Southlands Remediation and Warehousing Development project (MP 06_0191) (the Orica Southlands approval). The project approval allowed remediation works over the entire Southlands site (including the subject site), flood mitigation and drainage works, subdivision of the land, establishment of six industrial use warehouses on Block 1 of the estate and traffic improvement works. While approval was sought for warehouse development across the entire estate, it was considered at the time that a number of issues associated with Block 2 (that part of the land which forms part of this application) pertaining to flooding, drainage works and traffic could not be resolved and were not approved. Therefore, the approval in relation to the subject site only allowed subdivision, filling, remediation and the provision of stormwater and sewer infrastructure. No buildings were approved on the created allotments on Block 2.

Subsequent modifications to the project approval included reconfiguration of the compensatory flood detention basin, revised subdivision plans, reduction in the warehousing Gross Floor Area (GFA), alteration of building footprints, reconfiguration of internal traffic circulation and car parking and minor modifications to warehouse designs. The most recent modification was approved on 10 June 2016 for minor changes to the design of one of the approved warehouses on Block 2. The site is currently the subject of remediation activities and construction of stormwater drainage infrastructure (see **Figure 5**) under the Orica Southlands approval.



Figure 5: Southlands Project Approval drainage works under construction

The compensatory flood detention basin, located immediately to the west of the proposed development site, acts as a flood detention area for the Southlands site and the broader locality. The basin design was approved as part of a modification to the Orica Southlands approval (06_0191 MOD 1) determined by the Executive Director, Development Assessment Systems and Approvals, under delegation in August 2013. The detention basin discharges to the west to Springvale Drain, which runs in a north-south orientation and forms part of the trunk drainage system for the catchment to the north (refer to **Figure 6**), which ultimately drains to Penrhyn Estuary to the south.

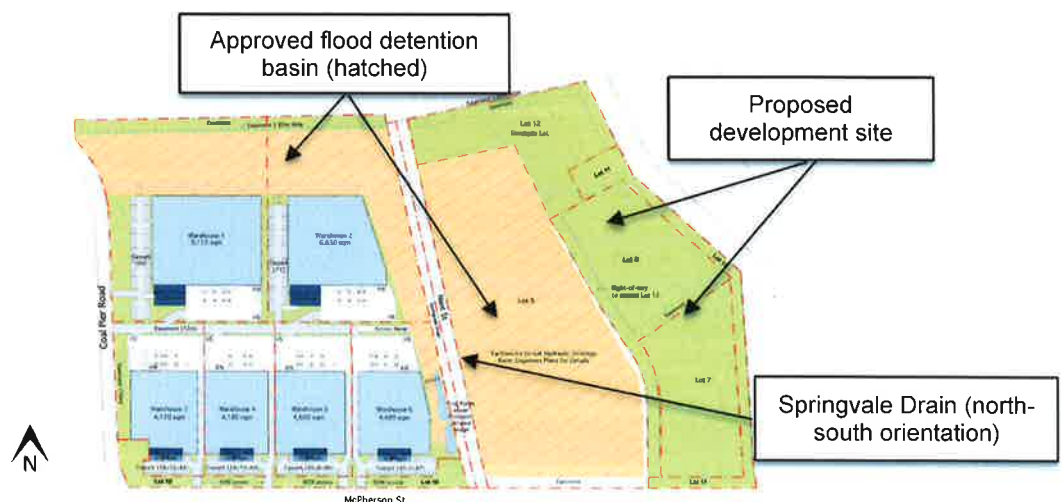


Figure 6: Approved compensatory flood storage works
(Note: the above warehouse layout was subsequently modified under MP 06_0191 MOD 2)

2. PROPOSED DEVELOPMENT

2.1. Description of the Development

The Applicant proposes to construct and operate an administration building and associated facilities and accommodation for Commonwealth Government detector dogs at 28A McPherson Street, Banksmeadow. The major components of the proposed development are summarised in **Table 1**, shown in **Figures 7, 8 and 9** and described in full in the EIS, included in **Appendix D**.

Table 1: Main Development Components

Aspect	Description
Development Summary	Construction and operation of a single storey administration building with a Gross Floor Area (GFA) of 1,200 m ² and associated facilities and accommodation for up to 84 detector dogs
Site area and development footprint	<ul style="list-style-type: none"> Approximately 3.8 ha in area divided into Stage A (2.15 ha) and Stage B (1.61 ha) Development footprint is approximately 0.38 ha and is located wholly within Stage A.
Staging	<ul style="list-style-type: none"> Stage A will be constructed in one stage with the balance of the land (Stage B) to be developed at a later date, subject to a separate application.
Earthworks, civil works and services extension	<ul style="list-style-type: none"> Stormwater infrastructure, including swales, a piped stormwater drainage system and two discharge points from the subject site to the flood storage basin immediately west of the site. Connections for electricity, telecommunications, water and sewer.
Construction	Construction of the following: <ul style="list-style-type: none"> single storey administration building with a GFA of 1,200 m² comprising administration areas, vaults, gymnasium, veterinary area, laundry facilities, food storage/preparation, dog wash, dangerous goods store and general storage; 49 outdoor day runs; seven kennel blocks each containing 12 kennels (84 kennels in total); landscaping; and access driveway, car parking and internal roads.
Architecture, materials and finishes	<ul style="list-style-type: none"> The administration building will be finished in a combination of Thermoclick, interlocking metal cladding, precast concrete and glass. A colour palette of earthy tones with cool and warm greys.
Traffic	<ul style="list-style-type: none"> 86 vehicles per day comprising five heavy vehicles and 81 light vehicles. 51 car parking spaces (including one disabled space) and three trailer parking spaces.
Stormwater	<ul style="list-style-type: none"> Roof water from the building will be collected into two 30,000 litre rainwater tanks which would drain to the recently constructed flood storage basin. Pavement runoff to be directed to swales before being discharged into the adjoining flood storage basin via two discharge points that form part of the approved trunk drainage system.
Landscaping	<ul style="list-style-type: none"> A tree lined entry boulevard along the western boundary consisting of an 8 m wide pavement with a 2.75 m landscape strip on the western side and a 1.9 m wide strip to the eastern side of the access way. narrow landscape strip to the side and rear boundaries.
Construction timeframe	<ul style="list-style-type: none"> 8 months.
Hours of operation	<ul style="list-style-type: none"> 24 hours, with staff employed in two shifts through the day between 5:00 am to 11:00 pm.
CIV	<ul style="list-style-type: none"> \$31 million.
Employment	<ul style="list-style-type: none"> 50 full-time equivalent construction jobs and 23 operational jobs.

2.2. Applicant's Need and Justification for the Development

The Commonwealth Government has identified efficiencies and synergies which will be achieved by locating the detector dog functions of the ABF, AFP and DAWR on a single purpose-built site. The DAWR detector dogs are currently home-kennelled due to the recent closing of the Eastern Creek Quarantine Station. The ABF currently operate from a facility at 96A Denison Street, Hillsdale, however, this facility is insufficient in size to allow the other two agencies to be located on the site. The Hillsdale facility is also outdated and adjoins a residential area where recent apartment development has resulted in an increased potential for impacts on residential amenity. The AFP detector dogs are kennelled at a facility in Mascot.

As part of the Commonwealth's strategy for finding a single location for the three agencies, it required a site within five kilometres of Sydney International Airport and Port Botany. The subject site satisfied the Commonwealth

requirements as it is zoned to support the use, is within close proximity to the airport and port and has an adequate buffer to residential areas.

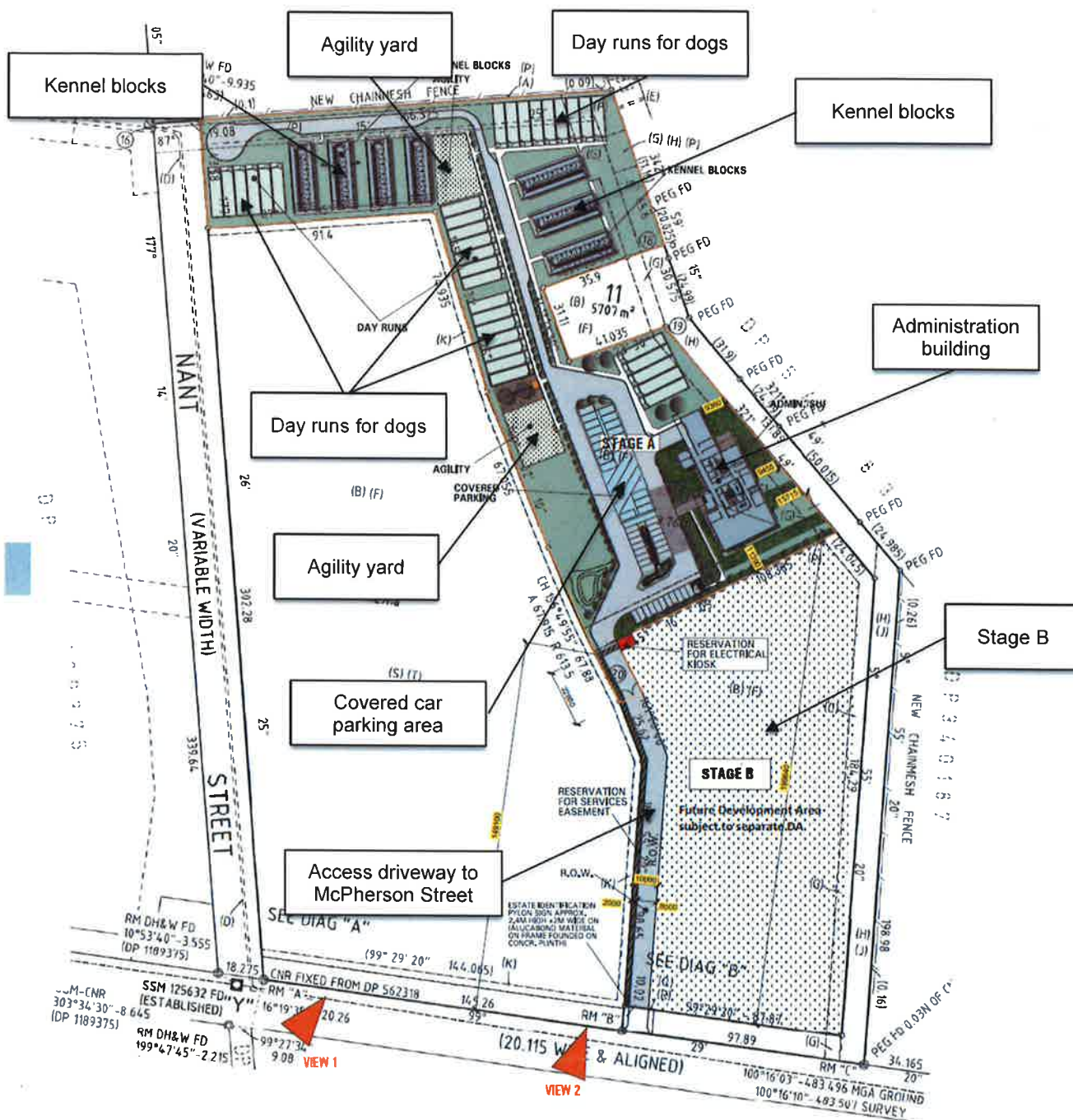


Figure 7: Proposed Development Layout



Figure 8: Typical kennel block and day run design

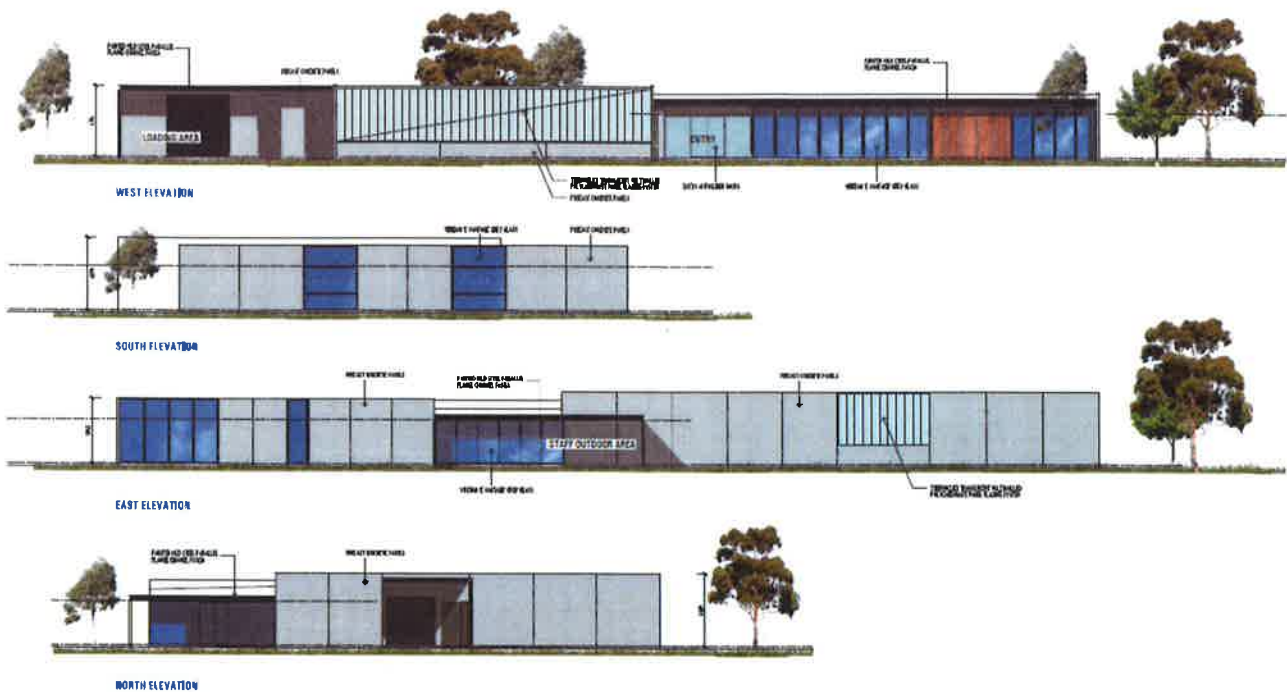


Figure 9: Proposed Administration Building Elevations

3. STRATEGIC AND STATUTORY CONTEXT

3.1. Strategic Context

The NSW Government has announced the Premier's Priorities which cover 12 key areas including economic growth, provision of infrastructure, protection of vulnerable communities, improving education and environmental protection. One of the Premier's key priorities is 'Creating Jobs'. The NSW Government aims to provide 150,000 new jobs over the next four years.

The proposed development would contribute toward 'Creating Jobs' by providing 50 new construction jobs and 23 operational jobs in the Bayside LGA. The development also represents a \$31 million capital investment in the Sydney economy.

The proposed development is consistent with the goals, directions and actions outlined in *A Plan for Growing Sydney* as it will:

- enhance capacity at Sydney's gateways and freight networks (Direction 1.5); and
- protect our natural environment and biodiversity (Direction 4.1).

On 21 November 2016, the Greater Sydney Commission released the *Draft Central District Plan*. The proposed development is consistent with the priorities and actions outlined in the Draft Plan, as it will:

- grow economic activity in centres;
- contribute to managing Sydney's trade gateways;
- enhance the Central District in its landscape;
- protect the District's waterways; and
- contribute toward creating an efficient Central District.

3.2. State Significant Development

The development is SSD pursuant to section 89C of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is development for the purpose of port facilities that has a capital investment value of more than \$30 million, which meets the criteria in Clause 18 of Schedule 1 in *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP).

Part 1 Clause 4 of the SRD SEPP defines 'port facilities' as "any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the *Ports and Maritime Administration Act 1995*:" ...

"(f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks."

As the application seeks consent for an administration building in the vicinity of Port Botany, the Minister for Planning is the consent authority for the proposed development.

3.3. Permissibility

The subject site is zoned IN1 General Industrial pursuant to the provisions of *State Environment Planning Policy (Three Ports) 2013* (Three Ports SEPP) Land Zoning Map, where development for the purposes of an office is permissible with consent. Clause 21 of the Three Ports SEPP relating to business premises and office premises in Zone IN1 states that:

"Development consent must not be granted for development for the purposes of business premises or office premises on land within Zone IN1 General Industrial unless the consent authority is satisfied that the development is associated with, and ancillary to, port facilities or industrial uses of land."

The ABF, AFP and the DAWR are all required to be located in proximity to Port Botany to undertake border protection and biosecurity activities using detector dogs at the port, and the Port requires a security presence, clearly demonstrating that the office premises is associated with, and ancillary to, port facilities.

3.4. Consent Authority

On 16 February 2015, the Minister delegated the functions to determine SSD applications to the Executive Director, Key Sites and Industry Assessments where:

- the relevant local council has not made an objection; and
- there are less than 25 public submissions in the nature of objections; and
- a political disclosure statement has not been made.

Only one public submission was received which raised no objection to the proposed development. Council did not object to the development. No reportable political donations were made by the Applicant in the last two years and no reportable political donations were made by any persons who lodged a submission.

Accordingly, the application can be determined by the Executive Director, Key Sites and Industry Assessments under delegation.

3.5. Other Approvals

Under section 89K of the EP&A Act, other approvals may be required and must be approved in a manner that is consistent with any consent for the SSD under the EP&A Act.

The Department is satisfied that no other approvals are required to carry out the proposed development.

3.6. Considerations under Section 79C of the EP&A Act

Section 79C of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department's consideration of these matters is set out in **Section 5** and **Appendix B**. In summary, the Department is satisfied the proposed development is consistent with the requirements of section 79C of the EP&A Act.

3.7. Environmental Planning Instruments

Under section 79C of the EP&A Act, the consent authority, when determining a development application, must take into consideration the provisions of any environmental planning instrument (EPI) and draft EPI (that has been subject to public consultation and notified under the EP&A Act) that apply to the development.

The Department has considered the development against the relevant provisions of several key environmental planning instruments including:

- *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP);
- *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP);
- *State Environmental Planning Policy (Three Ports) 2013* (Three Ports SEPP);
- *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development* (SEPP 33);
- *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55); and
- *State Environmental Planning Policy No. 65 – Advertising Structures and Signage* (SEPP 64).

Development Control Plans (DCPs) do not apply to SSD under clause 11 of the SRD SEPP. However, the Department has considered the relevant provisions of the *Botany Bay Development Control Plan 2013* in its assessment of the development.

Detailed consideration of the provisions of all EPIs that apply to the development is provided in **Appendix C**. The Department is satisfied the development generally complies with the relevant provisions of these EPIs.

3.8. Public Exhibition and Notification

Under section 89F(1) of the EP&A Act, the Secretary is required to make the development application and any accompanying information of an SSD application publicly available for at least 30 days. The application was on public exhibition from Wednesday 31 August 2016 until Friday 14 October 2016 (a total of 45 days). The exhibition period was extended due to school holidays. Details of the exhibition process and notifications are provided in **Section 4.1**.

3.9. Objects of the EP&A Act

In determining the application, the consent authority must consider whether the development is consistent with the relevant objects of the EP&A Act, as detailed in section 5 of the Act. The objects of relevance to the merit assessment of this application include:

- (a) to encourage:
 - (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
 - (ii) the promotion and co-ordination of the orderly and economic use and development of land,
 - (v) the provision and co-ordination of community services and facilities, and
 - (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and
 - (vii) ecologically sustainable development, and
- (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and
- (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

The Department has fully considered the objects of the EP&A Act, including the encouragement of Ecologically Sustainable Development (ESD), in its assessment of the application (see **Table 2**).

Table 2: Considerations Against the EP&A Act

Object	Consideration
5(a)(i)	The proposed development would ensure the proper management and development of suitably zoned (i.e. industrial) land for the economic enhancement of the community including the provision of 23 full-time equivalent jobs within the Global Economic Corridor between the Sydney Airport Precinct and Port Botany Precinct. The potential impacts of the proposed development have been minimised through appropriate site selection, site layout, design and proposed environmental control measures.
5(a)(ii)	The proposed development is located on suitably zoned industrial land in close proximity to the Port and Airport and would be used economically to ensure the employment of 50 construction workers and 23 operational staff.
5(a)(v)	The proposed development will provide a critical service to the community by protecting the country from the illegal importation of firearms, explosives, currency, drugs, exotic pests and diseases.
5(a)(vi)	The Department's assessment in Section 5 of this report demonstrates that with the implementation of the recommended conditions of consent, the impacts of the development can be mitigated and/or managed to ensure the environment is protected.
5(a)(vii)	The Department's assessment has considered both the economic and environmental impacts of the proposed development. Where potential impacts have been identified, mitigation and management measures have been recommended.
5(b)	The Department has assessed the development in consultation with, and giving due consideration to, the technical expertise and comments provided by other government authorities including Council on the development. This is consistent with the object of sharing the responsibility for environmental planning between the different levels of government in the State.
5(c)	The application was exhibited in accordance with section 89F(1) of the EP&A Act to provide public involvement and participation in the environmental planning and assessment of this application. The Department also consulted with the relevant State government authorities and Council during the preparation of the Secretary's Environmental Assessment Requirements.

3.10. Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) the precautionary principle;
- (b) inter-generational equity;
- (c) conservation of biological diversity and ecological integrity; and
- (d) improved valuation, pricing and incentive mechanisms.

The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended.

As demonstrated by the Department's assessment in **Section 5** of this report, contaminated soils and groundwater at the site will be appropriately managed in accordance with an approved Remediation Action Plan to make the site suitable for the proposed development. Stormwater impacts will be managed through an appropriately designed stormwater system that will ensure there are no adverse stormwater quality and flooding impacts off-site. The development is not anticipated to have any adverse impacts on native flora or fauna, including threatened species, populations and ecological communities, and their habitats. As such, the Department considers that the development would not adversely impact on the environment and is consistent with the objectives of the EP&A Act and the principles of ESD.

3.11. Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

Under the EPBC Act, assessment and approval is required from the Commonwealth Government if a development is likely to impact on a matter of national environmental significance (MNES), as it is considered to be a 'controlled action'. The EIS for the development concluded the site does not contain any biodiversity values. The Office of Environment and Heritage (OEH) concurred with this assessment. As such, a referral to the Commonwealth Government was not required.

4. CONSULTATION AND SUBMISSIONS

4.1. Consultation

The Applicant undertook consultation with relevant local and State government authorities as well as the community and affected landowners. The Department undertook further consultation with these stakeholders during the exhibition of the EIS and throughout the assessment of the application. These consultation activities are described in detail in the following sections.

4.1.1 Consultation by the Applicant

The Applicant undertook a range of consultation activities throughout preparation of the EIS including direct consultation by way of letter to the Council of the City of Botany Bay (now Bayside Council), Randwick City Council, the Department of Primary Industries (DPI) and a number of neighbouring businesses.

4.1.2 Consultation by the Department

After accepting the Development Application (DA) and EIS for the application, the Department:

- made it publicly available from Wednesday 31 August 2016 until Friday 14 October 2016:
 - on the Department's website;
 - at the Department's Information Centre; and
 - at the Council of the City of Botany Bay,
- notified landowners in the vicinity of the site about the exhibition period by letter;
- notified relevant State government authorities (DPI, NSW Ports, the Environment Protection Authority, Roads and Maritime Services), the Council of the City of Botany Bay and Randwick City Council by letter; and
- advertised the exhibition in the *Sydney Morning Herald*, *The Daily Telegraph* and the *Southern Courier*.

A total of seven submissions were received on the development, including six from public authorities and one from the general public. Of the seven submissions received, none objected to the development. A summary of the issues raised in submissions is provided below, with a copy of each submission included in **Appendix E**.

4.2. Submissions

4.2.1 Public Authorities

Bayside Council (Council) (previously the Council of the City of Botany Bay) did not object to the development but provided comments and advice on the proposed landscaping of the site, requested a revised waste management plan, recommended the preparation of an emergency response plan and recommended a number of conditions of consent. Recommended conditions related to contamination, construction environmental

management, engineering, traffic management, services, stormwater management, erosion and sediment control, other approvals, protection of Council's infrastructure and section 94A development contributions.

The **DPI** did not object to the development but recommended the Applicant clarify and document the specific locations and depths of every excavation to be undertaken at the site, confirm the depth to groundwater at the excavation sites, document the protective and preventative measures to be adopted to prevent human exposure to contaminated soils and groundwater during excavation, and provide details of dewatering management. DPI also requested the Applicant consult with it regarding the need for an authorisation for the extraction of groundwater.

NSW Ports did not object to the development but raised concern regarding the Applicant's assessment of the existing and proposed intersection performance of the Botany Road / Foreshore Road intersection. NSW Ports requested the Applicant undertake a review of this intersection during both the AM and PM peak periods, including an assessment of cumulative impacts.

The **Environment Protection Authority (EPA)** did not object to the development and noted the proposal does not constitute a Scheduled Activity under the *Protection of the Environment Operations Act 1997* (POEO Act). The proposal will therefore not require an Environment Protection Licence (EPL) under the POEO Act.

Roads and Maritime Services (RMS) did not object to the development and noted the proposed development has no adverse impact on the classified road network.

Randwick City Council did not make a submission on the EIS.

4.2.2 Public Submissions

One submission was received from the general public which raised the following concerns:

- potential for the development to cause off-site flood impacts;
- the need for improvement works to the cul-de-sac at the end of McPherson Street; and
- the need for a separate development application for Stage B of the development.

4.3. Response to Submissions and Supplementary Information

As part of its request to the Applicant to respond to the issues raised in submissions, the Department requested the following additional information:

- further clarification of the description of the proposed development;
- a revised traffic assessment that considered all traffic movements related to the proposed development, proposed transport routes, quantification of construction traffic impacts and proposed mitigation and management measures; and
- an assessment of noise from proposed mechanical plant (that is, air conditioning units, mechanical ventilation, duct work and exhausts) in the administration building and kennel blocks.

On 3 November 2016, the Applicant provided a Response to Submissions (RTS) on the issues raised during public exhibition of the development application (see **Appendix F**). As part of the RTS, the Applicant revised the landscape plan, provided an updated traffic impact assessment and provided a response to all of the conditions recommended by Council. Supplementary information was also provided regarding the depth of excavations and the potential for interception of groundwater.

The RTS was made publicly available on the Department's website and was provided to key agencies to consider whether it adequately addressed the issues raised. A summary of the responses received from these agencies is provided below:

- **Council** subsequently advised it was satisfied with the Applicant's response, subject to the implementation of certain conditions regarding engineering, contamination, construction management, traffic management, stormwater management and development contributions. The Applicant accepted these conditions and they have been included in the recommended conditions of consent.
- **DPI** reiterated concerns regarding the potential for the development to intercept contaminated groundwater during civil works and requested additional detail of the specific locations and depths of each proposed excavation across the site to adequately assess the potential groundwater impacts of the development. The Applicant subsequently confirmed all excavations for services and footings associated with the proposed development will occur within a 500 millimetre (mm) deep capping layer on top of a plastic marker layer placed as part of the remediation works, with no excavations occurring below the plastic marker layer. DPI accepted this information and has agreed to the Department's recommended conditions of consent that restrict all excavations and any construction works to only occur within the capping layer above the plastic marker layer.

- **NSW Ports** reiterated concerns that the Applicant's response did not adequately consider the cumulative traffic impact of the Port Botany Expansion project nor did the assessment include the Level of Service (LoS) for the morning peak period of the Botany Road / Foreshore Road intersection. Notwithstanding, NSW Ports acknowledged the traffic impacts from the proposed development are predicted to be low in the context of other users in the precinct. The Applicant subsequently provided a further analysis of the morning peak and evidence that the proposed development would have negligible traffic impacts. NSW Ports accepted the Applicant's response.

5. ASSESSMENT

The Department has considered the EIS, the issues raised in the submissions, the Applicant's RTS and supplementary information in its assessment of the proposed development. The Department considers the key assessment issues are:

- contamination; and
- flooding and stormwater management.

A number of other issues have also been considered. These issues are considered to be minor and are addressed in **Table 3** under **Section 5.3**.

5.1. Contamination

The proposed development has the potential to disturb contaminated soils and intercept contaminated groundwater as a result of excavations for civil works across the site. This may have adverse impacts on human health, the quality of stormwater discharge from the site and downstream aquatic biodiversity.

To demonstrate the proposed development would not disturb contaminated soils or groundwater, the Applicant submitted copies of a Remediation Action Plan (RAP) and Site Audit Statement (SAS) for the site approved by the EPA and an EPA accredited Site Auditor as part of the Orica Southlands approval (MP 06_0191, as modified). The reports were prepared in accordance with *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55) and the *Managing Land Contamination Planning Guidelines* (DUAP 1998). The approved RAP provides a remedial approach to the site that will render the site suitable for industrial land use and is supported by the outcomes and recommendations of a Human Health Risk Assessment (prepared by a human health risk expert, EnRisks). The SAS confirmed the site is suitable for industrial land uses subject to the site being remediated in accordance with the RAP and conditions outlined in the SAS being satisfied.

The RAP states asbestos at the site is present in both a bonded¹ and friable² form and there is therefore the potential for asbestos contamination to be widespread across the site. Consolidation and isolation of the soil on-site by containment within a properly designed barrier was considered to be the most appropriate remediation option for asbestos impacted material at the site. The barrier system involves placement of a marker layer³ and a 500 mm physical barrier comprising 400 mm of Virgin Excavated Natural Material (VENM) and 100 mm of imported top soil. The barrier system is laid above the existing 'contaminated' site material, in accordance with the approved RAP (refer to **Figure 10**). Placement of the plastic marker layer and physical barrier is currently being carried out by the Applicant under the supervision of a Site Auditor.

Soil vapour and ground gas assessments undertaken at the site indicate the presence of volatile organic compounds, including chlorinated compounds, and elevated methane and carbon dioxide concentrations. Methane and carbon dioxide have the potential to migrate into future buildings and may have adverse impacts on human health. Therefore, in addition to the barrier system, the RAP and SAS require a gas mitigation system to be incorporated into the design of all buildings on the site to safely vent the contaminated gases to the atmosphere.

To ensure the subject site will be made suitable for the proposed use, the Applicant notes the management of contaminated soils is currently being undertaken in accordance with the RAP. As recommended in the RAP, building services, stormwater drainage infrastructure and footings will be constructed within the cap layer (the top 500 mm of VENM and topsoil). To mitigate the risk of exposure to asbestos impacted materials, a vapour barrier will be installed beneath the buildings comprising a gas-resistant membrane and passive sub-slab ventilation. The gas mitigation design proposed by the Applicant is illustrated in **Figure 11**.

¹ Bonded asbestos refers to asbestos fibres bonded by cement, vinyl, resin or other similar material.

² Friable asbestos refers to asbestos material which can be crumbled, pulverised, or reduced to powder by hand pressure.

³ The marker layer is a bright orange geotextile laid on the final surface of the contaminated fill material to separate potentially contaminated soils from a physical barrier layer. The marker layer is a permeable material

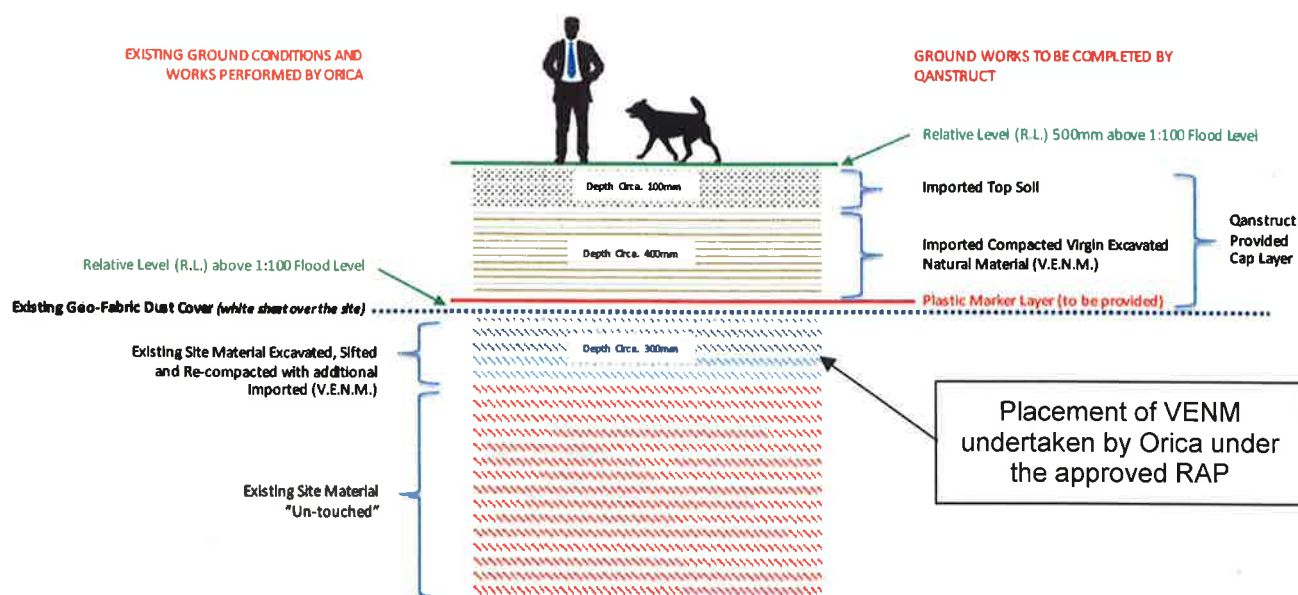


Figure 10: Approved asbestos containment approach

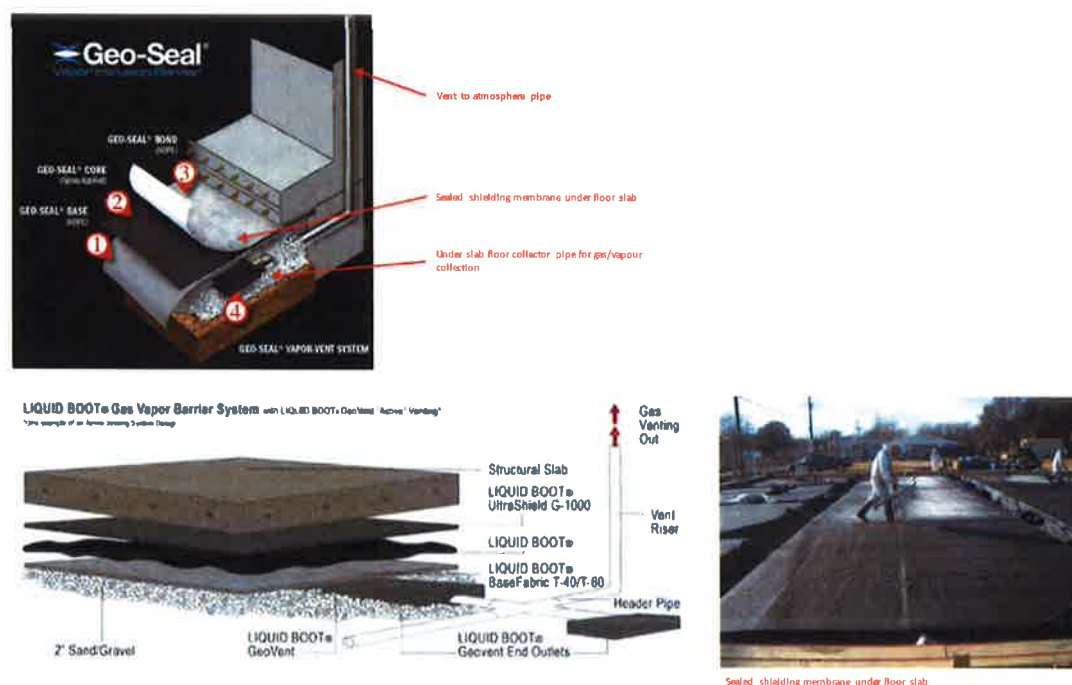


Figure 11: Proposed gas mitigation system

The EPA and Council did not raise any concerns regarding the remediation or management of contaminated soils at the site. Council recommended conditions of consent that require the Applicant to ensure all works on-site satisfy the requirements of the RAP and meet the requirements of the SAS. Council also requested a copy of the final SAS and a Site Audit Report (SAR) so the site can be included on the contaminated land register. The Applicant has agreed to these conditions and the Department has included them in the recommended conditions of consent.

DPI raised concerns regarding the potential for the development to intercept contaminated groundwater during civil works and requested additional detail of the specific locations and depths of each proposed excavation across the site to adequately assess the potential groundwater impacts of the development.

Following provision of additional technical information regarding the depth of excavations and the stormwater design, DPI advised it was satisfied the works associated with the current application will not penetrate the plastic

marker layer. The Department has recommended a condition of consent that does not permit any excavations or construction activities to penetrate or compromise the integrity of the plastic marker layer, to the satisfaction of the Site Auditor. The Applicant and DPI have accepted this condition.

The SAS issued by a Site Auditor provides the Department with the assurance the site can be made suitable for the proposed development if it is remediated in accordance with the RAP and the conditions of the SAS are satisfied. The Department is satisfied the Site Auditor will ensure the remediation works being undertaken on site are carried out in accordance with the approved RAP. To ensure this occurs, the Department has recommended a condition of consent that requires the Applicant to ensure all requirements specified in the RAP and the SAS are satisfied prior to the issue of a final Occupation Certificate for any buildings on the site.

The Department has also adopted the conditions stated in the SAS as they relate to the proposed development and included these in the recommended conditions of consent. These conditions require the Applicant to manage risk associated with residual contamination that may be encountered during construction as part of a Construction Environmental Management Plan (CEMP), prepare and submit a validation report for the site remediation works described in the RAP, prepare a verification report detailing the installation of a vapour risk mitigation system in the buildings, prepare a long term environmental management plan (LTEMP) for the site and obtain a final Site Audit Statement and Site Audit Report which demonstrates the site is suitable for its intended use.

In the event there is an unexpected find or accidental disturbance of contaminated material during construction, the Department has recommended a condition that requires the Applicant to prepare an unexpected finds protocol as part of the CEMP to ensure the contaminated material is appropriately managed. The Council and DPI support the imposition of these conditions and the Applicant has accepted these requirements.

The Department's assessment concludes the Applicant has demonstrated the potential for adverse impacts on human health, the quality of stormwater discharges from the site and downstream aquatic biodiversity as a result of the disturbance of contaminated materials and groundwater on the site is unlikely. The recommended conditions of consent will ensure remediation of the site is undertaken in accordance with the approved RAP the SAS conditions are satisfied prior to an Occupation Certificate being issued, and all remediation activities are undertaken to the satisfaction of an EPA accredited Site Auditor. Management of any residual contamination or accidental disturbance of contaminated material or groundwater will be managed through a CEMP approved by the Secretary.

5.2. Flooding and Stormwater Management

Development of the site has the potential to increase the risk of flooding off the site as a result of site filling causing a reduction in floodplain storage and the construction of impermeable surfaces causing an increase in the volume of stormwater runoff. The Applicant primarily relied on previous technical studies undertaken for the broader Orica Southlands approval to demonstrate the proposed development will not have an adverse impact on flood risk on or off the site, rather than undertaking any new technical studies to support the application. The Department has accepted this approach and the Department's consideration of the Applicant's assessment of flooding and stormwater impacts as a result of the proposed development is outlined in the following sections.

Flooding

Filling of the site to create the contamination barrier system and creation of building pads for development has the potential to reduce floodplain storage causing adverse impacts on flood levels downstream and on adjoining properties. As part of the EIS, the Applicant submitted a copy of a letter (dated November 2015) from the Department accepting a Hydraulic Modelling Flood Validation Assessment Report (prepared on behalf of Orica). The letter confirmed flood impacts as a result of the 'as constructed' Orica Southlands compensatory flood storage works and filling of the development areas in the east and western parts of the site (including the subject site) to above the 1 in 100 year flood level (RL 4.2), were acceptable. The Applicant asserts the Flood Validation approval confirms the filling of the site as required for the remediation works (described in **Section 5.1** of this report) will not increase the risk of flooding elsewhere.

The Applicant's assessment concluded the subject site has been filled by Orica to above the 1 in 100 year flood level and the additional 500 mm capping layer currently being placed on the site (above the permeable plastic marker layer) will provide a 500 mm freeboard above the 1 in 100 year flood level. Flood modelling associated with the original approval for the Orica Southlands site (06_0191, as modified) has determined the site is not impacted upon by flooding and will not cause adverse flooding impacts elsewhere. As such, the Applicant does not anticipate there will be any residual impacts and therefore has not proposed any management or mitigation measures. However, due to concerns raised by a submitter regarding the risk of flooding, the Applicant has proposed to undertake an as-built feature level survey to demonstrate the site levels have not been reduced to below the flood level. This has been incorporated into the Department's recommended conditions of consent.

Council and OEH did not raise any concerns regarding the potential impacts on flood levels on or off the site as a result of the development.

As part of the Department's assessment, the Department undertook a review of the flood modelling undertaken by Orica for the compensatory flood works. This confirms the modelling included an assessment of impacts as a result of filling parts of the site above the 1 in 100 year flood level, including the eastern part of the site (the subject of this application). This flood modelling shows the development site above the 1 in 100 year flood level (refer **Figure 12**).

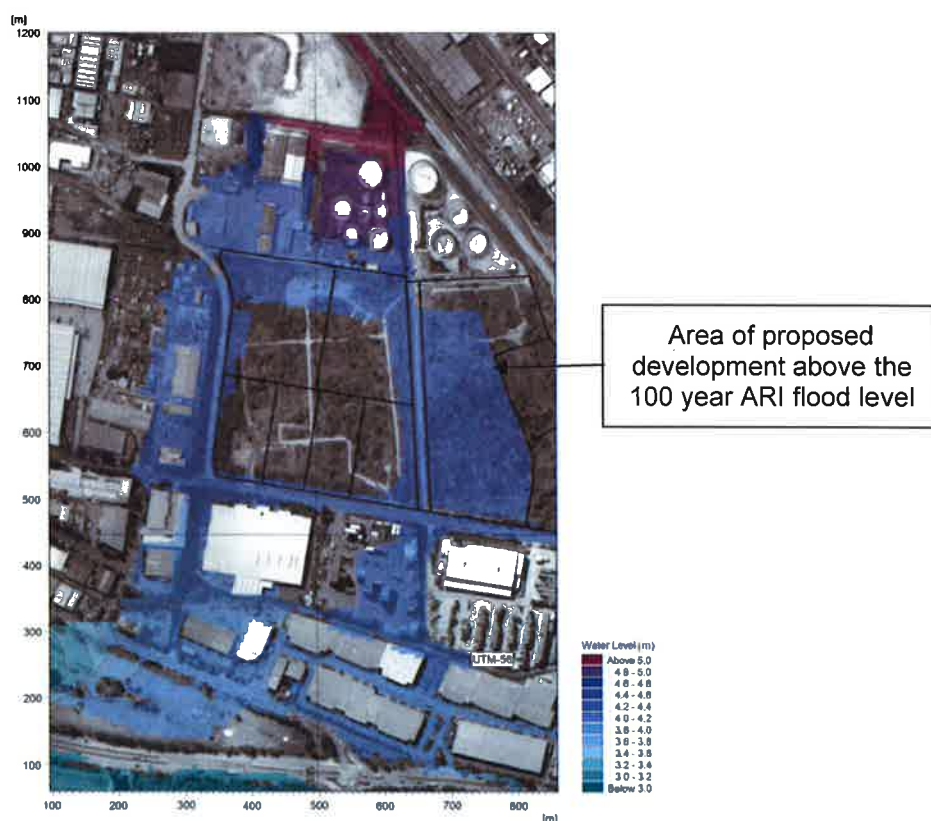


Figure 12: As Constructed 1 in 100 year flood levels
(extracted from Aurecon's Flood Impact Assessment for Orica Southlands, April 2016)

The Department is satisfied the previously approved flood impact studies and validation reports submitted for the broader Orica Southlands approval demonstrate filling to above the 1 in 100 year flood level will not have an adverse impact on flood levels off the site or on surrounding properties. Filling of the site as part of the remediation activities will ensure there is a 500 mm freeboard to the development pads for the new building, which means finished floor levels will be significantly above the 1 in 100 year flood level. Therefore, the future occupants of the proposed building will also be protected from the risk of flooding.

Due to the extent of earthworks being undertaken as part of the remediation activities, the Department has recommended a number of conditions to protect the development and future occupants from the risk of flooding. The recommended conditions of consent require the Applicant to submit a feature level survey to demonstrate the finished site levels are no lower than the 1 in 100 year flood level, construct all buildings with a finished floor level a minimum of 500 mm above the flood level and any structures below the 1 in 100 year flood level plus 500 mm of freeboard must be constructed from flood compatible building components. The Applicant has agreed to these conditions.

The Department's assessment concludes the previous flood compensatory works and flood modelling for the broader Orica Southlands approval have been carefully considered and provide adequate assurance that the risk of adverse flood impacts on surrounding properties as a result of the development is acceptable. The requirement for the Applicant to prepare and submit a feature level survey will ensure the site finished levels are above the 1 in 100 year flood level and the development will not be inundated by catchment flooding. Future occupants will be protected from flooding as the finished floor levels of buildings are required to be raised 500 mm above the flood level.

Stormwater

The construction of buildings, access driveways and car parking will increase the amount of impervious areas across the site which has the potential to increase the volume and rate of stormwater discharged. Increased stormwater discharges may cause off-site flooding impacts. Additionally, the quality of stormwater runoff may be adversely impacted from nutrients in dog faeces and fertiliser and pollutants and grease from hardstand areas.

As part of the EIS, the Applicant submitted details of the proposed stormwater drainage design in a preliminary stormwater management plan. The Applicant's assessment states the site benefits from the recently constructed adjoining flood storage basin for its legal point of discharge. The stormwater drainage design involves roof water from the building being collected into two 30,000 litre rainwater tanks which would be re-used for toilet flushing, laundries and irrigation, with any overflows to drain to the recently constructed flood storage basin. Pavement runoff is proposed to be directed to swales within the site before being discharged into the adjoining flood storage basin via two discharge points that form part of the approved trunk drainage system.

The Applicant's assessment notes there is an easement which burdens the flood detention lot in favour of the proposed development lot. This easement allows the subject site to *"drain water in any quantities across and through the Easement Site through any existing line of pipes located on the Easement Site for the purpose of drainage of water or any pipe or pipes in replacement or substitution for them"*. As such, no on-site detention or controlled stormwater discharge is proposed.

The Applicant's assessment concludes the development proposes a highly permeable site due to the relatively small building footprint and hard surface areas (approximately 12.85% site coverage) and stormwater reuse is maximised with the use of the rainwater tanks. The legal point of discharge to the basin was approved through the original Orica Southlands approval and the title was created with the allowance to discharge to the basin at any quantity. Previous assessments for the Orica Southlands approval resolved that in-ground tanks should be avoided due to the presence of contaminated groundwater.

Concern was raised by a submitter located downstream of the site which noted the potential for the development to cause an increase in the volume of stormwater discharge from the site as a result of a reduction in permeable area. Conditions were suggested by the submitter to require the Applicant to submit evidence demonstrating post-development stormwater discharges from the site are no greater in volume than existing.

The Applicant opposed this condition asserting the development proposes a highly permeable site due to the relatively small building footprints and hard surface areas and the title was created with the allowance to discharge to the basin at any quantity. Furthermore, the legal point of discharge to the basin was approved through the original Orica Southlands approval and previous assessments for the estate resolved that in-ground tanks should be avoided due to the presence of contaminated groundwater. As such, the Applicant considers it inappropriate to impose a condition requiring the discharge from the site be restricted to predevelopment discharges.

Council confirmed the Applicant is not required to provide on-site detention (OSD) on the basis of its proximity to the flood detention basin, as specified in the *Botany Bay Development Control Plan 2013*. However, Council requested the Applicant undertake further analysis of the stormwater system following detailed design to verify there will be no adverse impacts with respect to stormwater quality. The Applicant has agreed to this requirement as a condition of consent.

The Department is satisfied the proposed stormwater design is appropriate and responds to design constraints presented by the presence of contaminated materials and groundwater at the site. However, while the Department acknowledges the easement may allow for stormwater to drain unrestricted from the site, this does not allow the development to cause adverse off-site flooding impacts. It is also important the quality of stormwater runoff from the site is acceptable. The Department has therefore recommended conditions that require the Applicant to engage a suitably qualified and experienced civil engineer to design the stormwater drainage system in accordance with relevant Council and Sydney Water guidelines and be designed to ensure the development does not cause adverse off-site flooding impacts or a reduction in stormwater quality. The stormwater system must be designed to the satisfaction of Council and certified by a suitably qualified expert prior to occupation. Council has agreed to review and approve the stormwater design.

To ensure the ongoing optimal performance of the stormwater drainage system, the Department has also required the Applicant to engage a suitably qualified stormwater engineer to prepare an operational stormwater management plan that details maintenance protocols and maintenance schedules for all structures. The Department's assessment concludes the proposed stormwater drainage design is acceptable and the risk of adverse off-site flooding impacts is low subject to the implementation of the recommended conditions of consent.

5.3. Other Issues

The Department's assessment of other issues is provided in Table 3.

Table 3: Assessment of Other Issues

Consideration	Recommended Conditions	
Traffic, Access and Parking		
<ul style="list-style-type: none">The development will increase traffic movements in the vicinity of the site during construction and as a result of operational light vehicle movements associated with staff trips, the transportation of dogs and service vehicles.Increased traffic has the potential to impact on the safety and capacity of the surrounding road network.The Applicant undertook a Traffic Impact Assessment in accordance with RMS guidelines to quantify the traffic impacts.Key transport routes for the movement of dog transportation vehicles will be via Hills Street and McPherson Street, Exell Street, Botany Road and Foreshore Road.The development will be accessed via an existing driveway onto McPherson Street.	<p>Require the Applicant to:</p> <ul style="list-style-type: none">prepare a Construction Traffic Management Plan as part of an overarching Construction Environmental Management Plan;design and construct access ways in accordance with relevant guidelines and Council requirements and to allow vehicles to enter and leave the site in a forward direction;ensure no queuing on the local road network; andundertake all loading and unloading on the site.	
Construction		
<ul style="list-style-type: none">Construction would generate limited additional light and heavy vehicle movements over a period of eight months and would be managed in accordance with a Construction Traffic Management Plan (CTMP) required as a recommended condition of consent.Appropriate mitigation measures during construction have been proposed, such as warning signs for pedestrians, traffic control for larger vehicles and the provision of a truck holding bay. These have been incorporated into a CTMP.The Department is satisfied there will be minimal traffic impacts during construction.		
Operation		
<ul style="list-style-type: none">Operational traffic includes the movement of dog transport vehicles, staff and service vehicles. The facility is expected to generate 86 vehicles per day comprising 81 light vehicles and five heavy vehicles.A maximum of 25 vehicle trips are predicted during the shift changeover period around 3:00 pm. This equates to one vehicle trip every two to three minutes.The Applicant's assessment concluded the development will have no measureable impact on road network performance in the vicinity of the site.The RMS and Council raised no objection to the application as the proposed development has no adverse impact on the classified road network.NSW Ports raised concern regarding the Applicant's assessment of the existing and proposed intersection performance of the Botany Road / Foreshore Road intersection, but acknowledged the traffic impacts of the proposed development would be negligible.The Department is satisfied the Applicant's traffic assessment provides a reasonable estimation of the predicted traffic impacts during construction and operation and the assessment demonstrates the predicted impacts will be minor and acceptable.The Department's assessment concludes the impacts of construction and operational traffic as a result of the development will be minor and acceptable, subject to the implementation of the Applicant's proposed construction traffic control measures and the Department's recommended conditions of consent for construction and operation.		
Hazard and Risk		
<ul style="list-style-type: none">Up to 22.5 kilograms (kg) of explosives (Dangerous Goods Class 1) and up to 1 kg of ammonium nitrate (Dangerous Goods Class 5.1) will be stored within an explosives magazine housed in the administration building.The material will be used to remind the detector dogs of the scents they are to detect.The storage of this material has the potential to make the development <i>potentially hazardous</i> and subject to the requirements of <i>SEPP 33 – Hazardous and Offensive Development</i> (SEPP 33).Major Hazards Facilities (MHF) are located in the Botany Industrial Park (BIP), including IXOM's chlor-alkali plant and Huntsman's surfactants/ethylene oxide plant.The closest potentially hazardous operations are from Qenos' tank farm to the north.A contaminated groundwater pumping station and pipeline operate immediately east of the development as part of the Botany Groundwater Cleanup Project (BGCUP).An incident at any of these facilities has the potential to affect the site.The Applicant undertook a qualitative Preliminary Risk Screening in accordance with <i>Applying SEPP 33</i> (DoP 2011) and the Department's <i>Hazardous Industry Advisory Paper (HIPAP) No. 4 Risk Criteria for Land Use Safety Planning</i> (HIPAP No.4). The assessment considered the risk posed by the storage of dangerous goods at the site as well as the potential impacts of an incident off-site at the BIP and the groundwater treatment infrastructure.	<p>Require the Applicant to:</p> <ul style="list-style-type: none">prepare and implement an Emergency Response Plan in consultation with representatives of the BIP.	

Consideration	Recommended Conditions
<ul style="list-style-type: none"> The Applicant's assessment concluded the development is not potentially hazardous in the context of SEPP 33, the development will not increase the individual fatality risk and the proposed activities will not cause an increase in existing risk levels in the area. Based on the risk contours extracted from the 2012 BIP Quantitative Risk Assessment (QRA), the Applicant concluded the risk posed to the development from the BIP is acceptable, as defined in HIPAP No.4. There are no hazardous scenarios associated with the groundwater treatment facilities adjacent to the development. Therefore, the risk posed to the development from this infrastructure is acceptable. The Department is satisfied the Applicant's assessment against SEPP 33 has demonstrated the development is not potentially hazardous and the potential risks from the surrounding land uses are acceptable. The proposed development satisfies the relevant HIPAP No. 4 risk criteria for development in the vicinity of potentially hazardous facilities. Due to the small number of people expected to be at the site at any one time (maximum of 12 during the day and 2 at night), it is not expected the increase in societal risk will be significant. The societal risk is considered to be as low as reasonably practicable. As such, the proposed development satisfies the indicative risk criteria for societal risk in HIPAP No. 4. The Department's assessment concludes the development will not increase the existing risk levels in the area and the potential risk from surrounding land uses is acceptable. 	
Noise	
<ul style="list-style-type: none"> Construction of the development and noise generated by dogs barking, traffic and mechanical plant associated with operation of the development have the potential to cause nuisance amenity impacts at nearby residential sensitive receivers. The nearest residential sensitive receivers are located approximately 480 m to the east of the site on Denison Street, across the rail corridor and beyond the BIP. The Applicant undertook a noise impact assessment in accordance with <i>Botany Bay City Council Development Control Plan 2013</i>, the <i>Interim Construction Noise Guideline</i> (DECC 2009) (ICNG), <i>Industrial Noise Policy</i> (EPA 2000) (INP) and <i>NSW Road Noise Policy</i> (EPA 2011). 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> prepare a construction noise management plan as part of a CEMP; comply with the standard work hours specified in the ICNG; and comply with the construction noise limits in the ICNG.
<u>Construction</u>	
<ul style="list-style-type: none"> Construction is proposed to be undertaken within standard hours over a period of approximately eight months. Noise generated during construction works would primarily arise from earthworks, construction of the administration building and infrastructure works. Vibration associated with construction works is predicted to be negligible. The Applicant predicted the worst case construction noise level at the nearest industrial sensitive receiver would be 60 dB(A) L_{eq} and 52 dB(A) L_{eq} at the nearest residential receiver. Construction noise is therefore predicted to comply with the ICNG maximum noise criteria of 75 dB(A) and 55 dB(A), at the closest industrial and residential receivers, respectively. The Applicant's assessment concluded existing traffic noise at residences along Denison Street is in the order of 70 dB(A) L_{eq} during the day, which would be up to 18 dB(A) higher than noise associated with construction on the site. As such, construction noise from the site would not only be low impact but inaudible. The Department is satisfied the impacts of construction noise will be minor, however, it is considered the implementation of a Construction Noise Management Plan (CNMP) will ensure construction noise impacts are managed appropriately and as such construction noise impacts will be acceptable. 	
<u>Operation</u>	
<ul style="list-style-type: none"> As vehicles will exit the development via Nant and McPherson Street they will not pass any residential properties. Therefore the Applicant considers road traffic noise impacts will be negligible. The Department accepts this argument. The Applicant considers its assessment of operational noise is conservative as noise emissions data from existing dog boarding kennels was used to estimate the predicted impacts of the development. This is on the basis that dogs are likely to bark more frequently in a normal commercial boarding kennel where dogs temporarily reside. Worst-case noise emission predictions were made for all dogs located within kennel buildings (night scenario) and all dogs permitted to be outside (day scenario). The Applicant's assessment concluded the noise emissions from dogs barking will be 46 dB(A) during the day and 45 dB(A) during the night for residential receivers on Denison Street. This is below the adopted noise level criteria of 50 dB(A) $L_{eq15min}$. Therefore, noise from dogs barking during the day and within kennels during the night 	

Consideration	Recommended Conditions
<p>time period will comply with the requirements of the INP without the need for additional acoustic treatment or management controls.</p> <ul style="list-style-type: none"> • The EPA and Council did not raise any concerns with respect to noise impacts. • The Department is satisfied the Applicant's assessment is conservative and has considered the worst-case scenarios for dogs barking during the day and night. Existing background noise levels and the noise from existing traffic sources are already high at 45 dB(A)_{L90} and 67 dB(A), respectively, therefore the predicted noise from the facility is unlikely to be heard at any residential receiver on Denison Street. • The Department is satisfied operational noise generated by the facility will comply with the requirements of the INP without the need for additional acoustic treatment or management controls. The proposed use of the site is considered appropriate having regard for the existing high levels of background noise and traffic noise being within an existing industrial area. • The Department's assessment concludes the assessment criteria for both the day and night time scenarios during operations will not be exceeded at any residential sensitive receiver and therefore the noise impacts as a result of the development are acceptable. 	
Built Form, Urban Design and Landscaping	
<ul style="list-style-type: none"> • The design and built form of the proposed buildings may cause visual impacts at surrounding properties as the site is currently undeveloped and is visible from McPherson Street and the adjacent warehouse development to the west. • To assess the visual impacts of the development the Applicant submitted an architectural vision, architectural drawings, landscape plan, an assessment of built form and urban design and an assessment against <i>State Environmental Planning Policy No. 64 – Advertising and Signage</i> (SEPP 64) as part of the EIS. • The Applicant's assessment confirmed: <ul style="list-style-type: none"> – the site is not visible from sensitive receivers on Denison Street; – the proposed total site coverage will be approximately 12.85%, leaving the remaining area for paving for parking, access ways and landscaping; – the proposed materials and finishes of the building will not overwhelm the streetscape or adjoining flood storage basin; – the proposed business signage complies with the requirements of SEPP 64; and – lighting has been designed in compliance with the requirements of AS4282-1997- <i>Control of the obtrusive effects of outdoor lighting</i>. • When viewing the site from the street, the Applicant advises the presence of the BIP and the Qenos Tank Farm are visually prominent. Vacant land, warehouses finished in muted tones and shipping container storage characterise the streetscape. • The Applicant's assessment concludes the proposed development will enhance the appearance of the Southlands estate through the introduction of increased landscaping and improved built form. The design will soften built structures and hardstand areas, improve the current amenity and streetscape and improve passive surveillance at the existing undeveloped end of McPherson Street. • No submitters raised concern regarding the proposed built form or design. • Council requested amendments to the landscape plan to increase the number of canopy trees in deep soil areas and increase mass planting between day runs. • A revised landscape plan was submitted as part of the RTS which Council accepted. • At a site inspection, the Department confirmed the site is highly visible from McPherson Street due to its location adjacent to the flood basin. Additionally, the lack of activity at the end of McPherson Street has resulted in rubbish being dumped. • The Department is satisfied the proposed built form and design of the new building and landscaping will improve the existing visual amenity and streetscape in the area. • Development of the site will improve passive surveillance at the end of McPherson Street subject to appropriate management and maintenance measures being implemented throughout the life of the development. • The proposed signage and lighting will comply with SEPP 64 (see Appendix C) and Australian standards and are unlikely to have adverse impacts on surrounding properties. • The development is unlikely to adversely impact on any residential receivers as the development will not be visible from the closest residences on Denison Street. • The Department's assessment concludes the proposed development will improve the existing visual amenity of McPherson Street and an operational landscape management plan will ensure this is maintained for the life of the development. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • prepare a detailed landscape plan as part of an Operational Environmental Management Plan that requires details of species and ongoing management and monitoring requirements; and • design lighting in accordance with the relevant Australian standards.
Animal Welfare	
<ul style="list-style-type: none"> • The keeping of up to 84 detector dogs on the site and transporting them to the Port and Airport has the potential to impact on the health and welfare of the detector dogs. 	<p>Require the Applicant to:</p>

Consideration	Recommended Conditions
<ul style="list-style-type: none"> To ensure the dogs are cared for and transported in an appropriate manner the Applicant has advised the transportation of dogs and design of kennels will be in accordance with best practice. The Department is satisfied the Commonwealth Government has sufficient experience in housing and caring for detector dogs since the early 1990s through the Detector Dog Program. The value of each detector dog is in the order of \$77,000, due to the intensive amount of training each dog receives, therefore it is in the interest of the Commonwealth Government to ensure their health and safety. The gas mitigation system for the venting of contaminated gases is not required in the kennels, as these are not fully enclosed structures. The Department is satisfied the proposed housing and facilities for the detector dogs are consistent with industry best practice and the risk of harm to any dog housed at the facility is minimal. 	<ul style="list-style-type: none"> comply with the relevant requirements for the welfare of the detector dogs, particularly health, housing, watering, feeding, handling and transport, including but not limited to, those contained within the relevant NSW Animal Welfare Codes of Practice.

6. CONCLUSION

The Department's assessment of the application has fully considered all relevant matters under section 79C of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development.

The Department's assessment concluded the development has the potential to disturb contaminated materials and groundwater on the site and may also cause adverse stormwater quality and quantity impacts during construction and operation of the facility. Therefore, the Department has recommended a number of conditions to minimise these impacts, including:

- appointment of an EPA accredited Site Auditor to oversee construction of the development;
- a requirement for a final Site Audit Statement and a Site Audit Report to demonstrate the site is suitable for the proposed development;
- a requirement for the stormwater system to be designed by a suitably qualified civil engineer that mitigates the impacts of stormwater runoff from and within the site and does not cause adverse off-site flooding or stormwater quality impacts to the satisfaction of Council;
- a requirement to prepare and implement a Construction Environmental Management Plan to manage dust, noise, traffic, unexpected contaminated materials, waste and stormwater impacts during construction; and
- a requirement to prepare an Operational Environmental Management Plan to ensure the ongoing management, monitoring and maintenance of the stormwater system and landscaping, management of operational waste and details of complaints handling.

The Department has recommended conditions for the payment of development contributions for the provision of public amenities and public services under Council's *Section 94A Development Contributions Plan 2016*.

The development will enable the AFP, ABF and DAWR to be more efficient and effective in performing a critical service to the community by protecting the country from the illegal importation of firearms, explosives, currency, drugs, exotic pests and diseases.

The proposed development would ensure the proper management and development of suitably zoned (that is, industrial) land for the economic enhancement of the community including the provision of 23 full-time equivalent jobs within the Global Economic Corridor between the Sydney Airport Precinct and Port Botany Precinct. The potential impacts of the proposed development have been minimised through appropriate site selection, site layout, design and proposed environmental control measures. The selected site is located appropriately away from sensitive land uses and suitably located in proximity to the Port and Airport.

The Department concludes the impacts of the development can be appropriately managed through implementation of the recommended conditions of consent. Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions.

7. RECOMMENDATION

It is recommended the Executive Director, Key Sites and Industry Assessments:

- **consider** the findings and recommendations of this report;
- **approve** the development application under Section 89E of the EP&A Act; and
- **sign** the attached development consent (refer **Appendix A**).

Sally Munk
Principal Environmental Planner
Industry Assessments



Joanna Bakopanos
Acting Director
Industry Assessments



Anthea Sargeant 13/1/17
Executive Director
Key Sites & Industry Assessments

APPENDIX A: DEVELOPMENT CONSENT

APPENDIX B: CONSIDERATIONS UNDER SECTION 79C

Section 79C of the EP&A Act requires that the consent authority, when determining a development application, must take into consideration the following matters:

<p>(a) the provisions of:</p> <ul style="list-style-type: none"> (i) any environmental planning instrument, and (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and (iii) any development control plan, and (iiia) any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F, and (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and (v) any coastal zone management plan (within the meaning of the <i>Coastal Protection Act 1979</i>) that apply to the land to which the development application relates, 	<p>Detailed consideration of the provisions of all environmental planning instruments (including draft instruments subject to public consultation under this Act) that apply to the proposed development is provided in Appendix C of this report.</p> <p>The Applicant has not entered into any planning agreement under Section 93F.</p> <p>The Department has undertaken its assessment of the proposed development in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.</p> <p>The site is not located within a coastal zone and no coastal zone management plan applies to the development.</p>
<p>(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</p>	<p>The Department has considered the likely impacts of the development in detail in Section 5 of this report. The Department concludes that all environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.</p>
<p>(c) the suitability of the site for the development,</p>	<p>The development is a port-related development located on IN1 General Industrial zoned land which is permissible with development consent.</p>
<p>(d) any submissions made in accordance with this Act or the regulations,</p>	<p>All matters raised in submissions have been summarised in Section 4 of this report and given due consideration as part of the assessment of the proposed development in Section 5 of this report.</p>
<p>(e) the public interest.</p>	<p>The development would generate up to 50 jobs during construction and 23 jobs during operation. The development is a considerable capital investment in the newly formed Bayside Council area (a merger between the former Council of the City of Botany Bay and Rockdale Council) that would contribute to the provision of local jobs.</p> <p>The environmental impacts of the development would be appropriately managed via the recommended conditions. On balance, the Department considers the development is in the public interest.</p>

APPENDIX C: CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (State and Regional Development) 2011

The SRD SEPP identifies certain classes of development as SSD. In particular, construction and operation of a port facility that meets the criteria in Clause 18 of Schedule 1 of the SRD SEPP is classified as State significant development. The development satisfies the criteria in Clause 18 as it involves the construction and operation of an administration building and associated accommodation and facilities for the detector dog functions of the Commonwealth Government.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)

SEPP 33 outlines the items that a consent authority must consider in order to assess whether a development is hazardous or offensive.

The Applicant reviewed the development in accordance with SEPP 33 and advised the development would not store dangerous goods above the threshold limits specified in SEPP 33, therefore it would not be considered potentially hazardous or offensive development.

In line with good industry practice, the Applicant proposes to prepare an emergency response plan which takes into account potential incidents that may occur at the Botany Industrial Park and that this plan is incorporated into Employee Site Inductions.

The Department is satisfied the Applicant's assessment against SEPP 33 has demonstrated the development is not potentially hazardous and the potential risks from the surrounding land uses are acceptable. The proposed development satisfies the relevant HIPAP No. 4 risk criteria for development in the vicinity of potentially hazardous facilities. Due to the small number of people expected to be at the site at any one time (maximum of 12 during the day and 2 at night), it is not expected the increase in societal risk will be significant. As such, the proposed development satisfies the indicative risk criteria for societal risk in HIPAP No. 4.

The Department has recommended a condition that requires the preparation of an Emergency Response Plan to ensure the occupants of the proposed development are prepared in the case of an incident at the Botany Industrial Park.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. A Remediation Action Plan (RAP) (Report 43499/60744 (Rev O) was prepared by JBSG on 29th July 2015 as part of the approved remediation of the site under the Orica Southlands Remediation and Warehouse project approval (MP 06_0191, as modified), and concluded that:

"Subject to the successful implementation of the measures detailed in this RAP and subject to the limitations in Section 11, it is considered that the site can be made suitable for the proposed commercial/industrial land-use."

Subsequent to the RAP, a Site Audit "Suitability of Remediation Action Plan, Part of Block 1 Southlands, 28 McPherson Street, Banksmeadow for Orica Australia Pty Ltd August 2015" was prepared by C.M Jewell & Associates Pty Ltd (an EPA accredited Site Auditor). The Auditor has confirmed that Block 1 (upon which the site is located) is suitable for commercial and industrial purposes, subject to the implementation of the conditions contained within the RAP. The Applicant will undertake the physical barrier site works under approval 06_0191, which involves the laying of a geo-fabric marker liner and 500mm of fill across the site.

Notwithstanding the above, the Department has included specific conditions for managing any unexpected finds.

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)

SEPP 64 aims to ensure that outdoor signage is compatible with the desired amenity and visual character of an area, and provides effective communication in suitable locations, that is of high quality design and finish.

Two signs are proposed, one pedestal "business identification sign" in the vicinity of the entry to the site and one wall mounted "building identification sign" as defined in SEPP 64. Clause 9 of the SEPP provides that an assessment of matters identified in Schedule 1 is not required for building identification signs and business identification signs. Nonetheless, the EIS included an assessment of the proposed signage against the criteria in Schedule 1 of SEPP 64.

The Applicant's assessment confirmed the following:

- the signage is of a scale that is proportional to the scale of development and maintains the corporate business park image that characterises the immediate industrial area;
- signage will not be positioned to obstruct any important views;
- the scale and location of the signage will not impact in the viewing rights of other advertisers;
- the pedestal sign is modest in size and only serves to identify the entry to the site, the wall mounted sign is significantly setback from the street and will therefore largely only be visible from within the site;
- the signage is relatively modest in scale in relation to the scale of the proposed development and will not protrude above any buildings or tree canopies; and
- illumination of the signs will be low level similar to domestic lighting, will not cause glare beyond the site and will solely be for the purpose of allowing the signs to be visible in the dark.

The signage would not detract from the surrounding locality and would provide suitable wayfinding and direction within the site. The Department is satisfied that the development will be consistent with the aims and objectives of SEPP 64.

State Environmental Planning Policy (Three Ports) 2013

The Three Ports SEPP ensures consistent planning controls across the ports (Port Botany, Port Kembla and the Port of Newcastle), protects the ports from incompatible land-use and stipulates zones for the land and surrounding waterways to accommodate port activities.

The subject site is zoned IN1 General Industrial pursuant to the provisions of the Three Ports SEPP Land Zoning Map, where development for the purposes of an office is permissible with consent. Clause 21 of SEPP (Three Ports) relating to business premises and office premises in Zone IN1 states that:

"Development consent must not be granted for development for the purposes of business premises or office premises on land within Zone IN1 General Industrial unless the consent authority is satisfied that the development is associated with, and ancillary to, port facilities or industrial uses of land."

The ABF, AFP and the DAWR are all required to be located in proximity to the port to undertake border protection and biosecurity activities using detector dogs at the port, clearly demonstrating that the office premises is associated with port facilities.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The ISEPP aims to facilitate the effective delivery of infrastructure across the State and lists the type of development defined as Traffic Generating Development in Schedule 3.

The application is not a use listed in Schedule 3 with a size or capacity listed in the ISEPP and therefore does not require referral to the RMS. Notwithstanding, the development was referred to RMS for consideration. The RMS raised no objection to the application as the proposed development has no adverse impact on the classified road network.

Botany Bay Local Environmental Plan 2013 (Botany Bay LEP)

The Botany Bay LEP aims to:

- recognise the importance of Botany Bay as a gateway to Sydney, given its proximity to Sydney (Kingsford Smith) Airport and Port Botany;
- encourage sustainable economic growth and development;
- provide direction concerning growth and change in Botany Bay;
- identify and conserve those items and localities that contribute to the local built form and the environmental and cultural heritage of Botany Bay;
- protect and enhance the natural and cultural landscapes in Botany Bay;
- create a highly liveable urban place through the promotion of design excellence in all elements of the built environment and public domain; and
- protect residential amenity.

The LEP applies to all land within the (former) City of Botany Bay, except for the Industrial land covered by the Three Ports SEPP, which the subject site forms part.

The Department has consulted with Bayside Council (formerly the Council of the City of Botany Bay) throughout the assessment process and has considered those matters raised by Council in its assessment of the development (see **Section 5** of this report).

APPENDIX D: ENVIRONMENTAL IMPACT STATEMENT

See link: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7692

APPENDIX E: SUBMISSIONS

See link: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7692

APPENDIX F: RESPONSE TO SUBMISSIONS

See link: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7692