



MODIFICATION APPLICATION

VISUAL IMPACT ASSESSMENT

Port Botany – City of Randwick

Lot 1010 in DP 1182871 No. 11 Simblist Road, PORT BOTANY

Modification of Development Consent DA-42-10-2007-i (MOD 1) to permit an increase in container stacking height within an approved container park at Port Botany.

17TH SEPTEMBER 2021

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URBAN DESIGN VISION, OBJECTIVES AND PRINCIPLES

1.1 BACKGROUND

Peter Fryar of Key Urban Planning has prepared this Visual Impact Assessment (the **“VIA”**).

- He is a Town Planner with over 30 years experience in Local Government and private practice.
- He holds a Degree as a Bachelor of Town Planning (UNSW) and a Certificate as a ‘Town and Country Planner’ under The Local Government Act, 1919.
- He is a Corporate Member of the Planning Institute of Australia.

In consideration of this matter, we have (amongst other matters):

- Undertaken a recent inspection of the site and surrounding locality;
- Reviewed the Council file relating to the consent (GIPA);
- Consulted with relevant officers of Council and NSW Ports and DPIE;
- Undertaken a review of the relevant provisions of State Environmental Planning Policy (Three Ports) 2013 (the **“SEPP”**);
- Reviewed relevant planning controls applying to the site; and
- Given consideration to the relevant provisions of the Environmental Planning and Assessment Act, 1979 (the **“Act”**) and the Environmental Planning & Assessment Regulation 2000 (the **“Regs”**).

1.2 TERMINOLOGY

Table 1 – Terminology

| TERM | MEANING |
|---------------------------------|---|
| Aesthetics | Relating to the sense of the beautiful or science of aesthetics, ie the deduction, from nature and taste, the rules and principles of beauty. |
| Desired Future Character | A term used to capture the desirable future outcome or vision for an area as set down in planning documents or as professionally assessed and envisaged by urban designers or other built environment professionals. |
| EP & A Act | Environmental Planning and Assessment Act 1979 |
| Impact | The effect of a proposal, which can be adverse or beneficial, when measured against an existing condition. |
| Impact Assessment | Broadly, the process of describing and characterising the expected effects of a proposal. In the context of a Statement of Environmental Effects, impact assessment will also lead to the identification of mitigation measures and safeguards which would be addressed if the proposal were approved. |
| Landscape | All aspects of a tract of land, including landform, vegetation, buildings, villages, towns, cities and infrastructure. |
| Landscape Character | The combined quality of built, natural and cultural aspects which make up an area and provide its unique sense of place. |
| Landscape Character Zone | An area of landscape with similar properties or strongly defined spatial qualities, distinct from areas immediately nearby. |
| Landscape Character Type | Multiple similar landscape character zones repeated within a larger study area, grouped to avoid repetition in their description. |
| Magnitude | The measurement of the scale, form and character of a development proposal when compared to the existing condition. In the case of visual assessment this also relates to how far the proposal is from the viewer. Combined with sensitivity, magnitude provides a measurement of impact. |
| Place | A 'Place' is an area of the landscape of any size, that has a certain unique quality relating to the natural, built, cultural or community context, with a clear identity and 'sense of place'. Places can exist within other places, such as town or village centres; precincts; or destinations that attract and encourage people to congregate and interact. |
| Sensitivity | The sensitivity of a landscape character zone or view and its capacity to absorb change of the nature of the proposal. In the case of visual impact this also relates to the type of viewer and |

| | |
|----------------------|--|
| | number of viewers. Combined with magnitude, sensitivity provides a measurement of impact. |
| Significant | In the context of SEE, after analysing the extent (type, size, scope, intensity and duration) and nature (predictability, resilience of the environment, reversibility, ability to manage/mitigate, level of public interest) of a proposal, an expected level of impact of a proposal which requires an SEE to be undertaken. The term should be avoided in landscape character and visual impact assessments if the expected level of impact is below this threshold. |
| Urban Design | Urban design is the process and product of designing projects so they: fit sensitively with the built natural and community environment; contribute to the functioning of the community; and contribute to the quality of the public domain for the community and road users. Architects, engineers, environmental experts, landscape architects, planners and urban designers are all involved in urban design. Urban designers are generally landscape architects and architects who have extended their expertise into the field of urban design. |
| View | The sight or prospect of a landscape or scene. |
| Visibility | The state or fact of being visible or seen. |
| Visual Impact | The impact on the views from residences, workplaces and public places. |

1.3 METHODOLOGY

The landscape character impact and visual impact of the proposal has been separately assessed. The method to measure impact has been based on the combination of the **sensitivity** of the existing area or view to change and the **magnitude** (scale, contrast, quality, distance) of the proposal on that area or view.

Sensitivity refers to the qualities of an area, the number and type of receivers and how sensitive the existing character of the setting is to the proposed nature of change. For example a pristine natural environment is likely to be more sensitive to a change of the nature of a four lane motorway than a built up industrial area. The scale of the proposed development does not make the area less sensitive to change but instead affects the magnitude of the impact.

Magnitude refers to the physical scale of the project, how distant it is and the contrast it presents to the existing condition. For example a large interchange would have a very different impact on landscape character than a localised road widening in the same area. A more distant bridge would have a lesser magnitude than one nearer to residents. A vegetated embankment facing a parkland would have less contrast than a retaining wall in the same location.

Magnitude will also need to consider cumulative impact, which is a consideration of the result of the incremental impact of the proposal when added to other past, current and known likely future activity.

Sensitivity and magnitude can be identified using objective measures such as existing character studies, provisions in planning statutes or relevant precedents from equivalent projects.

As well as rating individual character zones and viewpoints, the conclusion of this assessment has been given which summarises the overall impact of the proposal and the broader urban design study more generally.

The residual adverse impact identified in this assessment has been mitigated where possible, with the mitigation measures integrated into the concept design. This has provided a more transparent approach differentiating between concept design work to avoid impact and mitigation work to minimise impact.

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PROPOSAL & CONSIDERATIONS

Key Urban Planning have been engaged to assist Tyne Container Services in gaining approval to permit an increase in container stacking height within an established container park at **Lot 101 in DP 1182871 No. 11 Simblist Road, PORT BOTANY** (the “**site**”).

Development Consent No. DA-42-10-2007-i (MOD 1) (the “**DA**”) for the “*Construction and operation of an empty container storage depot at Simblist Road, Port Botany, Randwick Local Government Area*” on the site was granted by Minister for Planning on 27 February 2008.

On 22 March 2010 the Director, infrastructure Projects approved a “*Modification to allow the stacking of containers within the site to be increased by one container to a maximum height of six containers*”.

The site is located with frontage to Simblist Road. The subject site is an irregular shaped allotment comprising a 223.135 metre frontage to Simblist Road with a total area of 1.443ha and is accessible from the north eastern side of the site from Simblist Road.

The subject site contains an existing empty container depot. Terminals Pty Limited operates an existing filling station and bulk liquid storage tank to the north east of the site. The subject site is not affected by any significant site constraints and currently operates as a 24 hour empty container depot.

The visual character of the site and surrounding area is predominantly port related activities with the surrounding landscape being dominated by large petroleum tanks and container cranes associated with port-related activities. The site is predominantly screened from view from the foreshore area of Yarra Bay and Frenchman’s Bay by a revetment wall adjoining Prince of Wales Drive which is approximately 8.5 metres high.

The site is in a container park precinct located on the edge of the Port Botany Lease area.

Figure 1 – Prince of Wales Drive revetment wall



Figure 2 – Aerial Site Plan (courtesy six maps)



On 6 November 2020, State Environmental Planning Policy (Three Ports) Amendment (Shipping Containers) 2020 was gazetted. The amendment inserted a new clause 29A in schedule 1 that states (in part):

"29A Shipping container storage and stacking

(1) The storage and stacking of shipping containers on land shown edged in red and identified as "Port Botany Lease Area" on the Lease Area Map.

(2) The shipping containers must—

(a) not be stored or stacked at a height of more than—

(i) if the shipping containers are empty—7 shipping containers, or

(ii) in any other case—5 shipping containers, and

(b) not contain dangerous goods, and

(c) be located on the site so that surface water run-off drains to a stormwater drainage system

or to a landscaped area.”

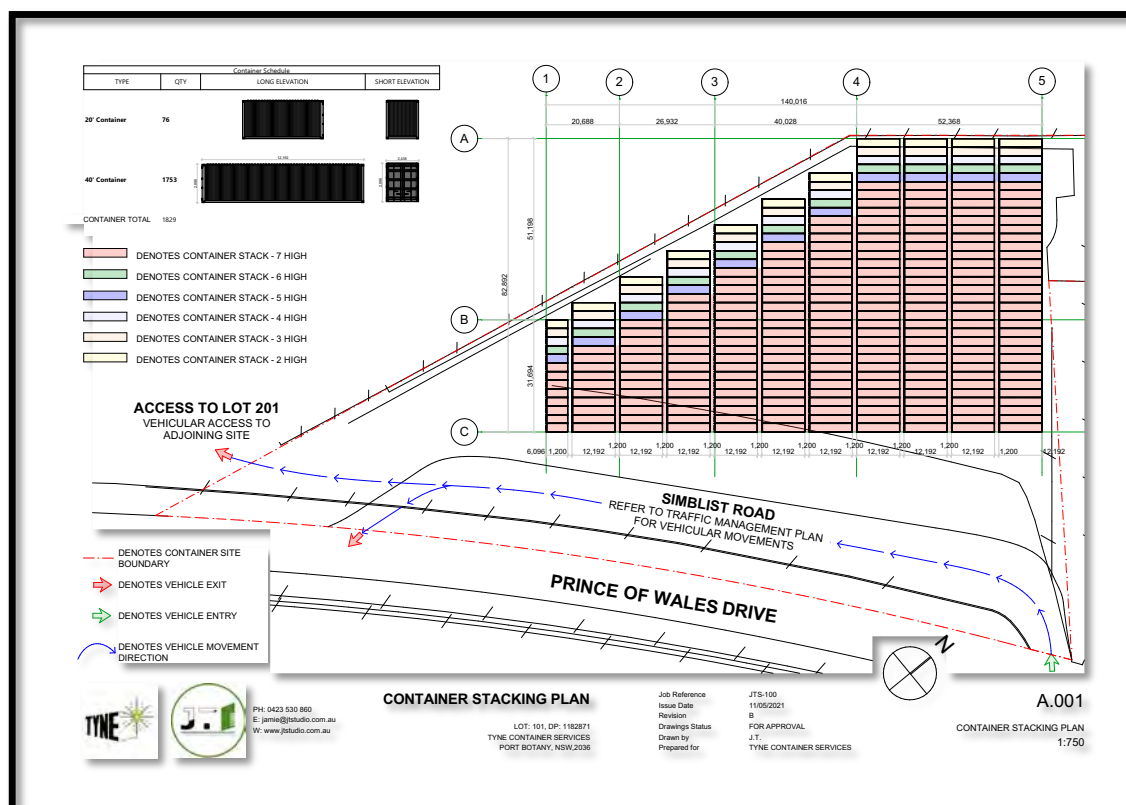
The clause was inserted in response to import and export restrictions that were occurring in response to the COVID 19 epidemic. Subclause 6 imposed a ‘sunset provision’ repealing the stacking height variation 6 months after the commencement of the amendment. The proponent seeks to modify the terms and conditions of the current DA to permit the continued stacking of containers to the heights permitted under the SEPP amendment with container stacking heights as follows:

- if the shipping containers are empty—7 shipping containers, or
- in any other case—5 shipping containers

The operator has prepared and implemented a “*container stacking management plan*” as required under clause 29A(3) of the SEPP amendment.

A plan that identifies the proposed container stacking heights sought under this application is at Figure 3 below.

Figure 3 – Proposed modified container stacking heights



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LANDSCAPE CHARACTER IMPACT ASSESSMENT

3.1 PROPOSED DEVELOPMENT

The landscape character impact and visual impact of the proposal has been separately assessed. The method to measure impact is based on the combination of the **sensitivity** of the existing area or view to change and the **magnitude** (scale, contrast, quality, distance) of the proposal on that area or view.

Sensitivity refers to the qualities of an area, the number and type of receivers and how sensitive the existing character of the setting is to the proposed nature of change. For example a pristine natural environment is likely to be more sensitive to a change of the nature of a four lane motorway than a built up industrial area. The scale of the proposed development does not make the area less sensitive to change but instead affects the magnitude of the impact as described following.

Magnitude refers to the physical scale of the project, how distant it is and the contrast it presents to the existing condition.

In the assessment of the magnitude consideration has been given to the cumulative impact, which is a consideration of the result of the incremental impact of the proposal when added to other past, current and known likely future activity.

Sensitivity and magnitude have been identified in a statutory context under the provisions of the SEPP. In particular clause 14 of the SEPP requires the consent authority to give consideration to the objectives for development in a zone when determining a development application.

The desired character for the precinct is described under the objectives contained within the SP1 Special Activities Land Use table are as follows:

Zone SP1 Special Activities

1 Objectives of zone

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.
- To maximise the use of waterfront areas to accommodate port facilities and industrial, maritime industrial, freight and bulk storage premises that benefit from being located close to port

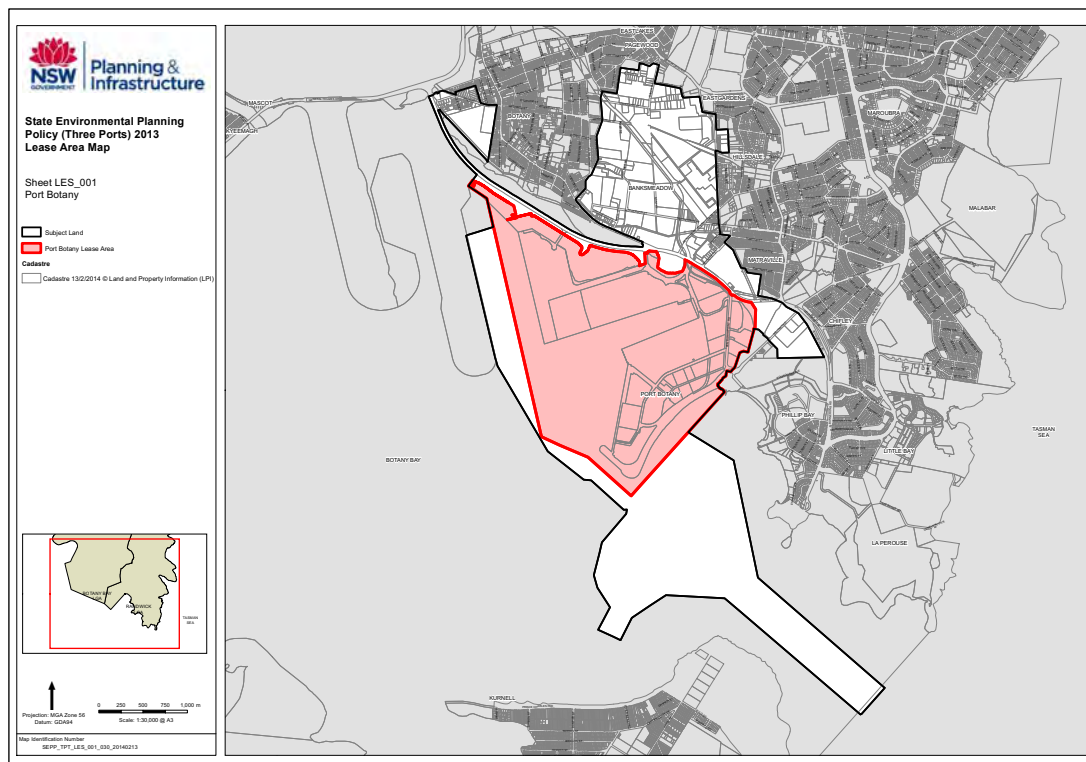
facilities.

- To enable the efficient movement and operation of commercial shipping and to provide for the efficient handling and distribution of freight from port areas through the provision of transport infrastructure.
- To provide for port related facilities and development that support the operations of Port Botany, Port Kembla and the Port of Newcastle.
- To facilitate development that by its nature or scale requires separation from residential areas and other sensitive land uses.
- To encourage employment opportunities.

The proposal is considered to be consistent with the desired future character of the precinct for the following reasons:

- The proposal involves the increase height in container storage identified under the SEPP as a permissible development with consent from Council. The development will promote the efficient use of the site in the context of the Port Botany operations.
- The location of the site is not within close proximity to residential areas or any other sensitive land uses.
- The modified height container stacking heights being sought under the application is negligible in the resultant magnitude of the visibility and obtrusion of the development on the surrounding region.

Figure 4 – SEPP Extract – Port Botany Lease Area



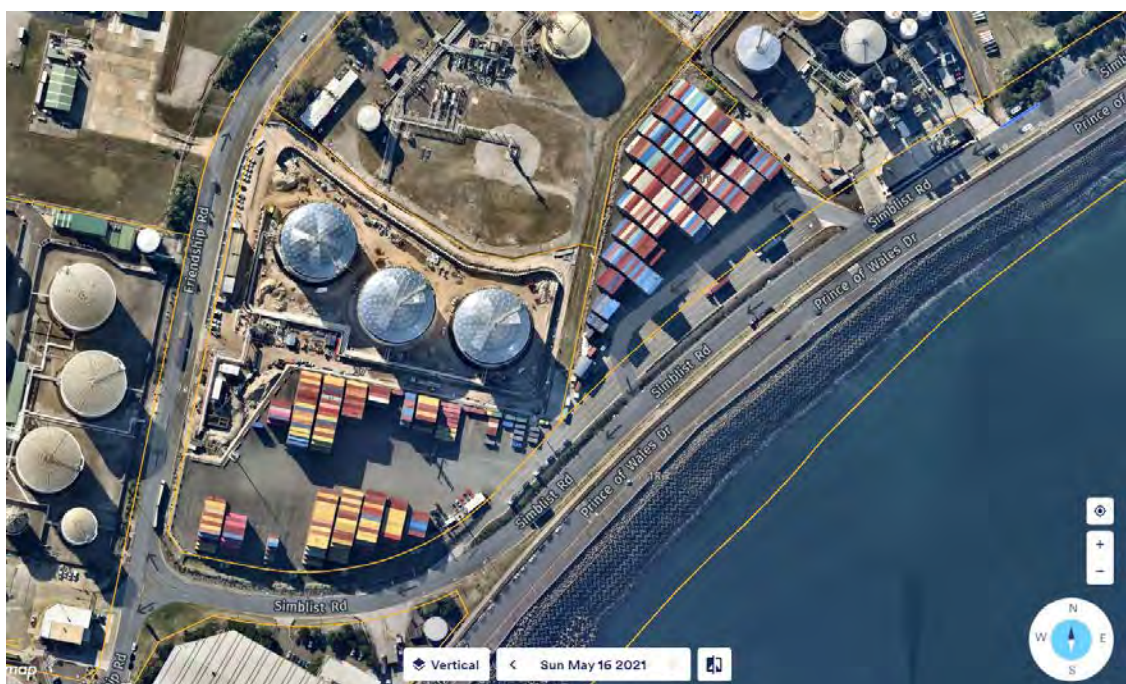
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VISIBILITY OF PROPOSAL

Magnitude refers to the form—scale, size, character—of the project and its proximity to the viewer. For example, a development situated one kilometre from the viewpoint, will have a much reduced visual effect than one 100 metres away. A four metre tall retaining wall will have a greater effect than one which is two metres tall when viewed from the same location. The consideration of overshadowing during the day and lighting at night may also be a considerations of magnitude.

The consideration of magnitude should only be based on the amount of change which can be inferred within a particular viewpoint. If it becomes necessary to discuss elements outside that viewpoint an additional viewpoint should be added.

“Visual Absorption Capacity” is an estimation of the capacity of the landscape to absorb development without creating significant visual change resulting in a reduction in scenic quality. The capacity to absorb development is primarily dependent on vegetation cover, landform and the presence of other development. Coastal areas generally have a low visual absorption capacity due to the availability of uninterrupted views across water. This is because visual contrast is increased for views of infrastructure set in a background of open water. However, visual contrast can be reduced by the presence of existing infrastructure. If, for example, a visually prominent wharf already exists, then the capacity of that section of the coastline to visually absorb an additional section of wharf is higher than a similar section of coastline that has a natural undeveloped visual character. In the context of the proposed site, the visual absorption capacity is significantly increased by the presence of existing infrastructure including the existing container terminals, the Bulk Liquids Berth, Molineux Point, Sydney Airport and the industrial landscape northeast of the proposed site if the new terminal is viewed from Botany Bay.



Photographs below demonstrate the visibility of the site from the surrounding lands that form part of the land application map.

Photograph 3 – View from south at intersection of Simblist & Friendship Roads



Photograph 4 – Panoramic view from east (La Perouse)

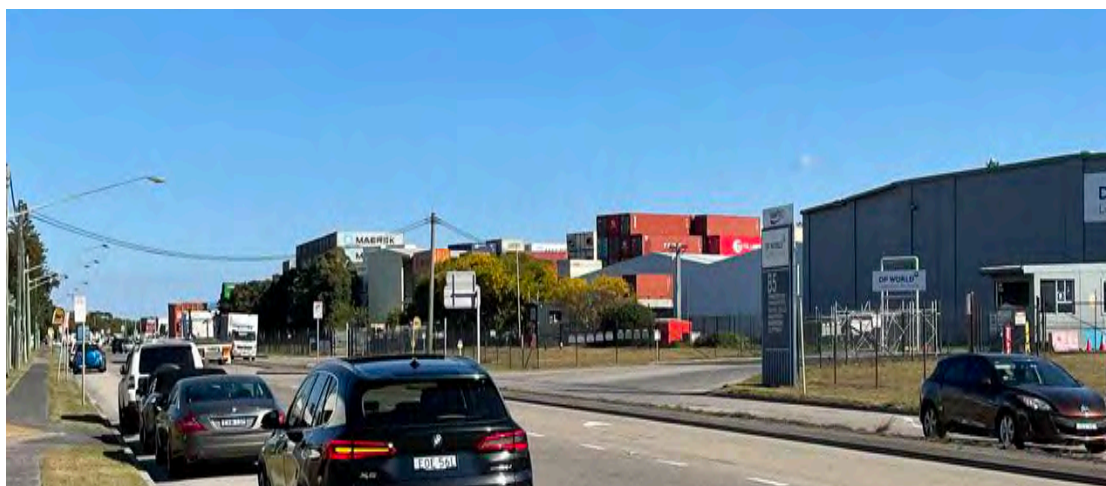


The potential for conflict due to the magnitude of the proposed increased container stacking heights in context of the Port Botany precinct and the proximity of the site situated internally (rather than on the fringe) of the Port precinct. Spatial separation and screening of surrounding operations are mechanisms that can be used to mitigate adverse visual impacts to the surrounding locality.

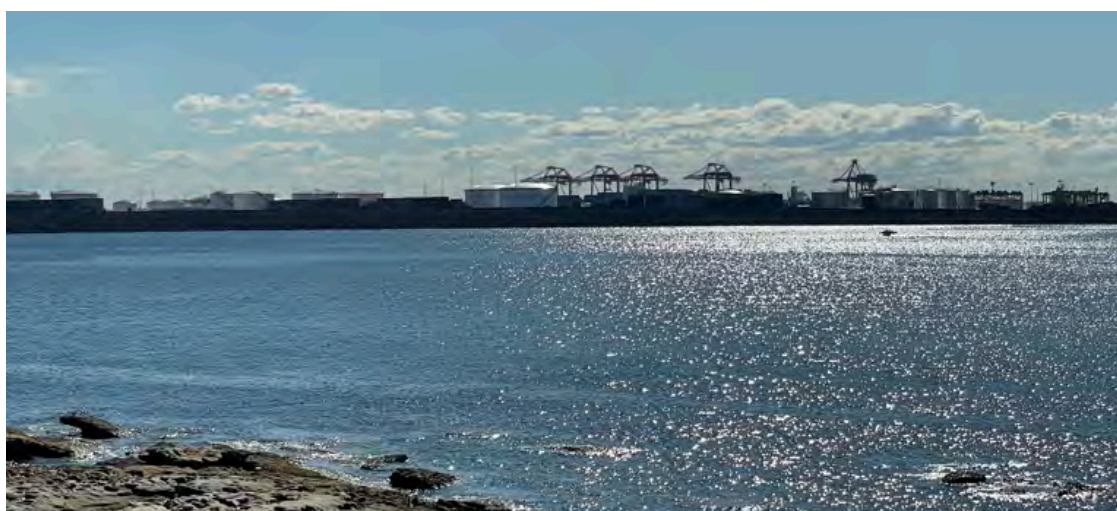
Photograph 5 – View of cranes constructed at docks



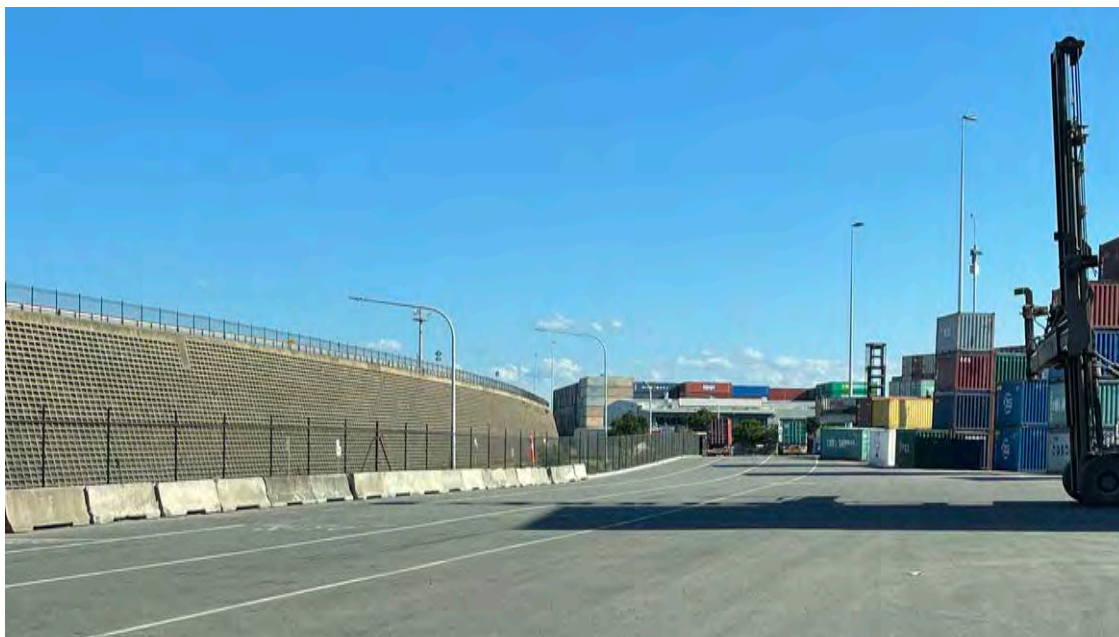
Photograph 6 – Existing facilities at fringe of Port Precinct along Bunborah Point Road



Photograph 7 – Panoramic view from east (La Pouse)



Photograph 7 – Revetment Wall opposite site



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PORT BOTANY DEVELOPMENT CODE

The overall objectives of the Code are to promote sustainable development at Port Botany. This is to be achieved by:

- facilitating the future development of Port Botany in an efficient manner;
- minimising the impacts of activities at Port Botany on the surrounding environment and community;
- ensuring the ongoing security of Port Botany;
- minimising risks associated with both construction and operations at Port Botany; and
- enhancing the visual amenity of Port Botany through a consistent and coordinated approach to development.

In regard to visual amenity, the Code specifies as follows:

“2.1 Objectives

A. To ensure that the height of new development takes into consideration the visual qualities of Botany Bay, in particular the views towards the Port from the Botany Bay foreshore.

B. To enhance the visual amenity of the Port through the quality design of buildings and structures, and the use of materials and colour which reinforce the industrial maritime nature of Port Botany.

2.2 Criteria

- 1. The maximum height of all building structures and tanks is not to exceed the maximum building heights illustrated at Figure 1. The maximum height is measured to the highest point of a building from Zero Fort Denison Tide Gauge (ZFDTG). Height of the building structures and tanks includes plant and lift overruns, but excludes communication devices, antennae, satellite dishes, flagpoles and the like.*
- 2. The maximum heights at Figure 1 do not apply to port terminal operating equipment such as cranes. These elements may be any height to achieve efficient operational capability, subject to obtaining relevant approvals including approvals under the Commonwealth Airports Act 1996 and Civil Aviation Act 1988.*
- 3. Container stacks are not to exceed a height of 6 containers.*
- 4. Air-conditioning units, telecommunications equipment or mechanical plant are to be concealed within screened enclosures or positioned behind the roofline to minimise their visibility from main port road frontages.*
- 5. Buildings shall be oriented towards the primary street frontage. The office component of a building is to address the street so as to provide an attractive frontage, easily identifiable building entry and the potential for surveillance of the street.*

2.2.1 Specific Criteria – Built form

6. Buildings should be designed so as to mitigate the perception of bulk and scale from main port road frontages by:

- the articulation of building facades where buildings front a main port road frontage;
- varying façade alignments and height;
- breaking up of facades with windows and the use of decorative features, cantilevered elements and the like; and
- varying materials and colours used (see Specific Criteria 2.2.2).

Figure 1 – Maximum heights for building structures and tanks (Zero Fort Denison Tide Gauge (ZFDTG))



Comment: The proposed modified stack heights will not exceed the maximum permitted/identified under the height map above. Albeit that the code prescribes that..... *container stacks are not to exceed a height of 6 containers* the minor increase above that permitted is consistent with the heights currently permitted under the interim provisions of the SEPP.

Visually, the additional container stacking height will have a negligible impact on the scenic qualities of the surrounding locality.

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CONCLUSION

The potential for conflict due to the magnitude of the proposed increased container stacking heights in context of the Port Botany precinct and the proximity of the site situated internally (rather than on the fringe) of the Port precinct. Spatial separation and screening of surrounding operations are mechanisms that can be used to mitigate adverse visual impacts to the surrounding locality.

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