

WILLOWTREE PLANNING

31 August 2023

Ref: WTJ23-221
Contact: Kyrie Ng



STATEMENT OF ENVIRONMENTAL EFFECTS:

PROPOSED MODIFICATION TO EXISTING DRAINAGE INFRASTRUCTURE

9 Bumborah Point Road, Matraville 2036
Lot 21 DP1068292

Prepared by Willowtree Planning Pty Ltd
on behalf of ACFS Port Logistics

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In the spirit of reconciliation and recognition, Willowtree Planning acknowledges the Traditional Owners of this Country throughout Australia and their continuing and ongoing connections to land, waters and community. We show our respect to Elders – past and present. We acknowledge that we stand on this Country which was and always will be recognised as Aboriginal Land. We acknowledge the Traditional Owners of the Lands in this Local Government Area, belonging to the local Aboriginal People, where this proposal is located upon.

DOCUMENT CONTROL TABLE

Document Reference:	WTJ23-221		
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Appendix	Document	Prepared by
1	Drainage Design Report	Mott MacDonald (MM)
2	Drainage Layout Plan	Mott MacDonald (MM)
3	Overall Site Plan	Mott MacDonald (MM)
4	Sheet Level Plan	Axiom Spatial Surveyors
5	Section 10.7 Planning Certificate	Randwick City Council
6	Site Management Plan	URS Pty Ltd
7	Arboricultural Assessment Report	Tree Live
8	Site Contamination Management Plan	Statewide Civil
9	Flooding Report	Mott MacDonald (MM)
10	Construction Methodology	Statewide Civil



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PART A SUMMARY

1.1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Willowtree Planning Pty Ltd (Willowtree Planning) on behalf of ACFS Port Logistics (the Applicant) (identified herein as 'ACFS') and is submitted to the Minister in support of a Development Application (DA) at 9 Bumborah Point Road, Matraville 2036 (Lot 21 DP1068292) (Site).

This DA seeks development consent for the **Minor Modification to Existing Drainage Infrastructure** at the Site, including other necessary works, as described in **PART C** of this SEE.

The Site is zoned SP1 Special Activities, pursuant to the *State Environmental Policy (Transport and Infrastructure) 2021* (Transport & Infrastructure SEPP). The Proposal is permitted within the SP1 Special Activities zone and aligns with the zone objectives.

Pursuant to Clause 5.6 of the Transport and Infrastructure SEPP; the Minister for Planning and Public Spaces or delegate is the consent authority for the determination of this DA.

This SEE has been prepared and submitted to the Department of Planning and Environment (DPE) pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Part 3 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation). Assessment against the relevant matters for consideration under Section 4.15(l) of the EP&A Act has also been carried out under **PART D** of this SEE.

This SEE describes the Site and proposed development, provides relevant background information and responds to the proposed development in terms of the relevant matters set out in relevant legislation, environmental planning instruments and planning policies.

The structure of the SEE is as follows:

- **PART A SUMMARY**
- **PART B SITE ANALYSIS**
- **PART C PROPOSED DEVELOPMENT**
- **PART D LEGISLATIVE AND POLICY FRAMEWORK**
- **PART E ENVIRONMENTAL ASSESSMENT**
- **PART F CONCLUSION**

Based on the assessment undertaken, it is recommended that favourable consideration to the approval of the DA be given.



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PART B SITE ANALYSIS

2.1 SITE LOCATION AND CHARACTERISTICS

The Site comprises 9 Bumborah Point Road, which is legally described as Lot 21 DP1068292. It is located in the suburb of Matraville which forms a part of the Randwick City Local Government Area (LGA). The Site exhibits an irregular shape with an approximate area of 3.135 ha. It comprises a primary frontage to Bumborah Point Road (West of the Site) which connects Botany Road and Military Road. The Site is 731m away from the Yarra Bay and 1500m away from Port Botany. It is located at the Southern end of the Eastern Harbour District, which serves an important logistics hub for Sydney.

The Site is located on previously remediated land that includes containment cells and has a capping layer of approximately 450mm over the geo-liner. Below this geo-liner is contaminated material. The subject land proposed for development is located within this area.

Of note, the Proposal would be undertaken in B8 Terminal within Port Botany Lease Area which is currently leased to ACFS.

Figure 1 demonstrates the cadastral boundary and **Figure 2** provides an aerial view of the Site.

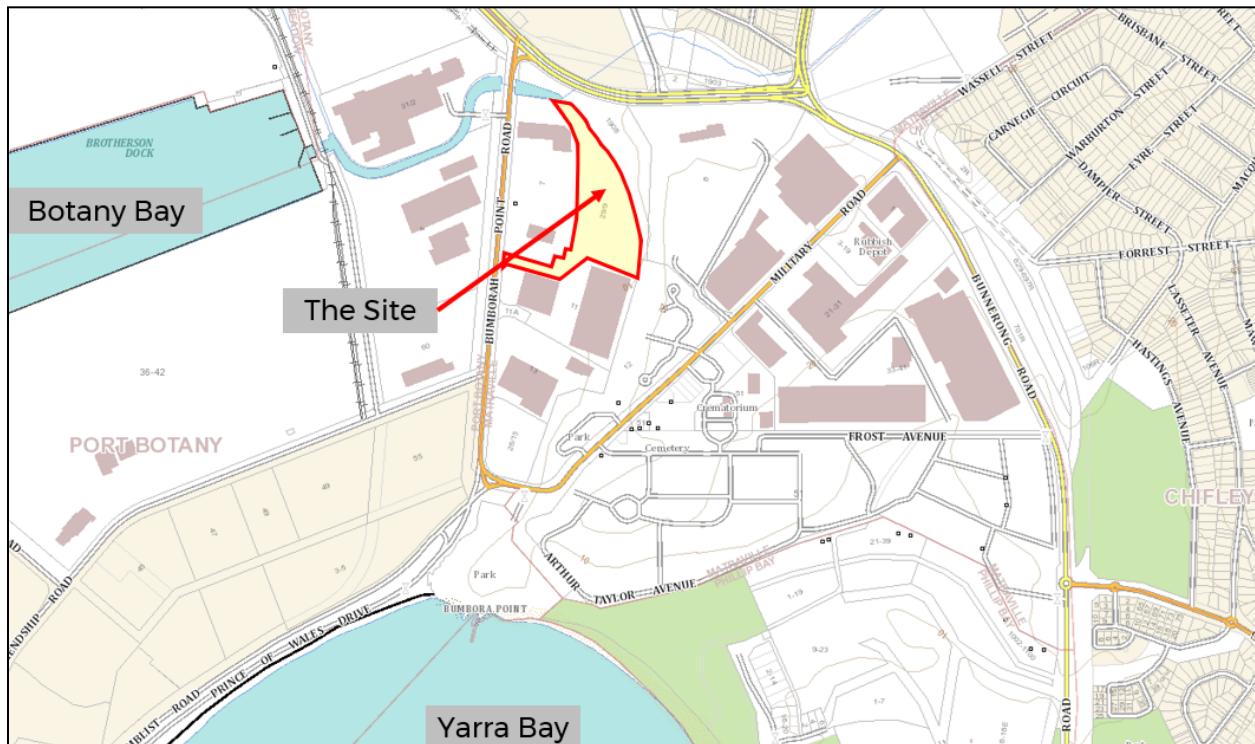


Figure 1. Cadastral Map (Source: SIX Maps, 2023)



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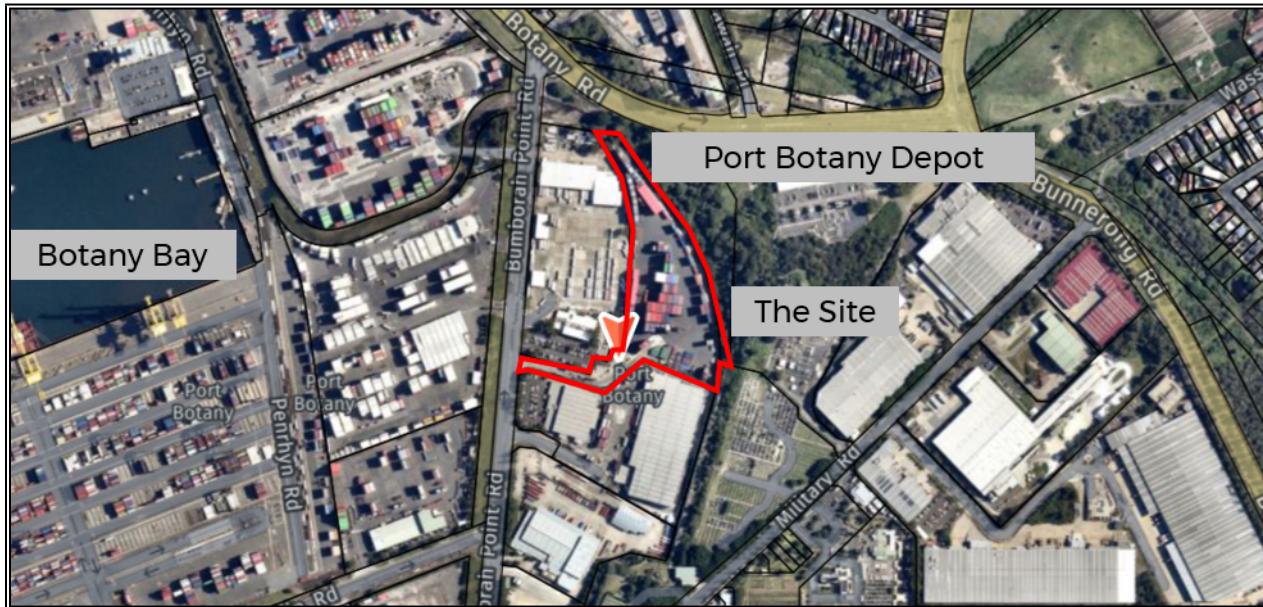


Figure 2. Aerial Map (Source: Near Map, 2023)

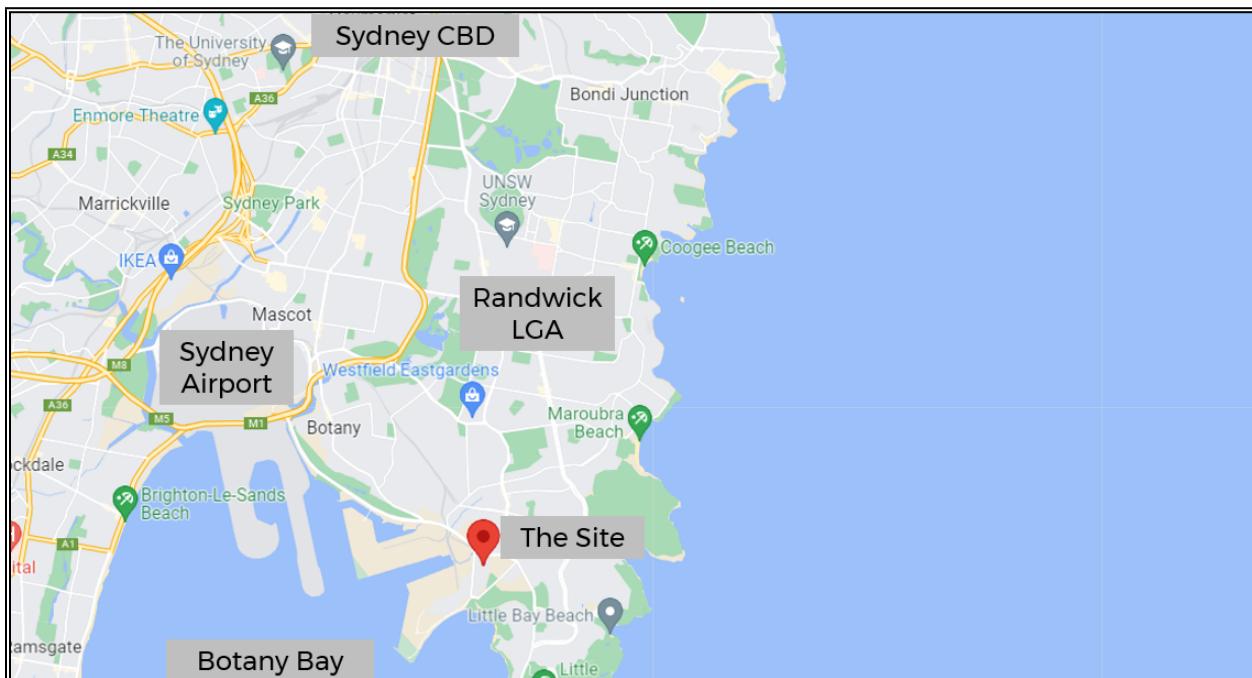


Figure 3. Site Location (Source: Google Maps, 2023)

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2.2 DEVELOPMENT HISTORY

TABLE 1 outlined below provides a summary of the DAs, pertaining to the Site and of relevance to the proposal, that have been determined or are under assessment.

TABLE 1. EXISTING CONSENTS		
DA Reference	Summary	Approval Date
DA/858/2008/C	<i>Section 4.55 (2) modification seeking to amend condition No. 2 by increasing the maximum number of stacked containers to 7 high for empty containers and 5 high for full containers, across the site.</i>	1/11/2021
DA/858/2008/B	<i>Section 96 modification of approved development by deletion of requirement for construction of right turn bay on Bumborah Point Road, relocation of bus stop, deletion of requirement for applicant to meet cost of no stopping zones on Bumborah Point Road, alteration to paving material on site and changes to drainage. Original consent: Establishment and operation of a 24 hour container depot involving the storage and distribution of empty shipping containers</i>	9/08/2012
DA/858/2008/A	<i>Section 96 modification of approved development by increase in height of container stack from 5 containers to 6 containers Original consent: Establishment and operation of a 24 hour container depot involving the storage and distribution of empty shipping containers</i>	1/12/2010
DA/858/2008	<i>Establishment and operation of a 24 hour container depot involving the storage and distribution of empty shipping containers.</i>	17/07/2009

Various works are undertaken simultaneously as Exempt Development at the Site pursuant to the Transport & Infrastructure SEPP, including:

- New kerb/gutter incl subsoil drainage; and
- Widening of the entry/exit driveway

The proposed drainage works aims to facilitate and improve the functionality of the above works. The Proposal is considered compatible with the works and the Site context.



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PART C PROPOSED DEVELOPMENT

3.1 DEVELOPMENT OVERVIEW

The Proposal is undertaken within the “Lease Area” of the Site. Therefore, all development particulars must comply with the Minimum Design Requirements as set out in the *Agreement for Lease* (AFL) between Port Botany Operations Pty Ltd (NSW Ports) and Tyne ACFS. (Refer to **Appendix 1**)

The purposes of the Proposal include:

- Accommodation of lane widening project undertaken as Exempt Development (Refer to **Figure 4**);
- Improvement of the functionality and layout of the Site for the purposes of a Port Facility; and
- Supporting the structural requirements for heavy containers accommodations and logistics.



Figure 4. Approved Road Widening project (Source: Willowtree Planning, 2023)

Of note, the Drainage Design Report and Flooding Report (**Appendix 1** and **Appendix 9**) confirms that the Proposal has minimal impacts on the existing drainage condition and performance. The Proposal does not change the overall site grading or increase the effective impervious area based on the existing model.



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3.2 DEVELOPMENT PARTICULARS

The Proposal includes the following works:

- Removal of five (5) existing stormwater pits and reconstruction of five (5) culvert riser pits; and
- Construction of six (6) additional stormwater pits.

Refer to **Figure 5** below.

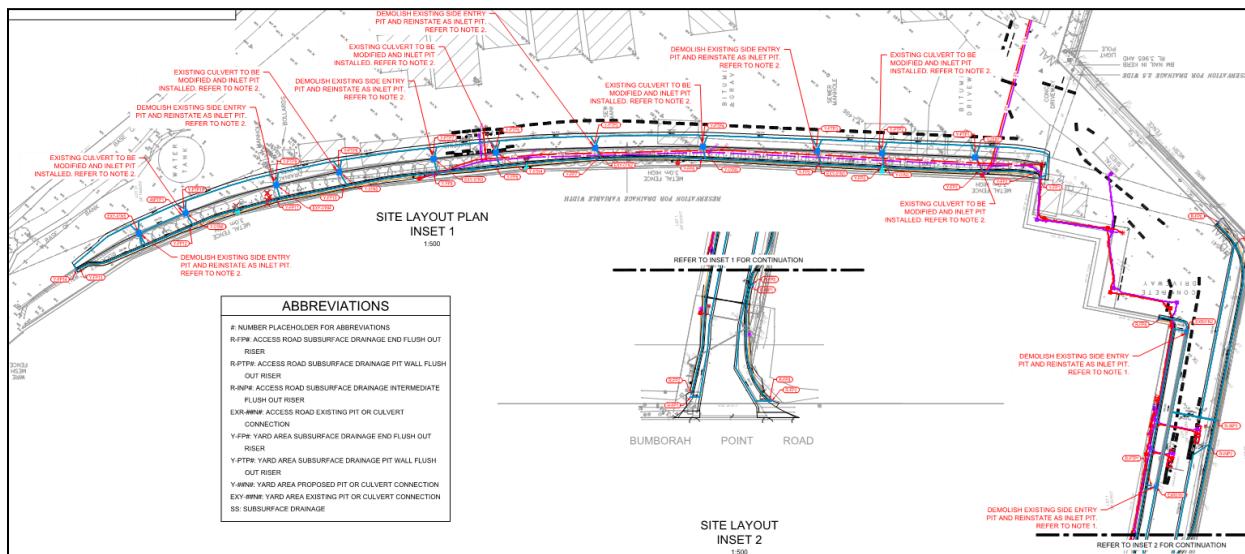


Figure 5. Reconstruction of five (5) Drainage Pits (Source: Mott Macdonald, 2023)



Figure 6. External View of Pit No.1 (Source: Willowtree Planning, 2023)

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A comprehensive Site Plan has been prepared by Mott Macdonald and is provided within **Appendix 3**.

Figure 7 below demonstrates the specification of the proposed pits.

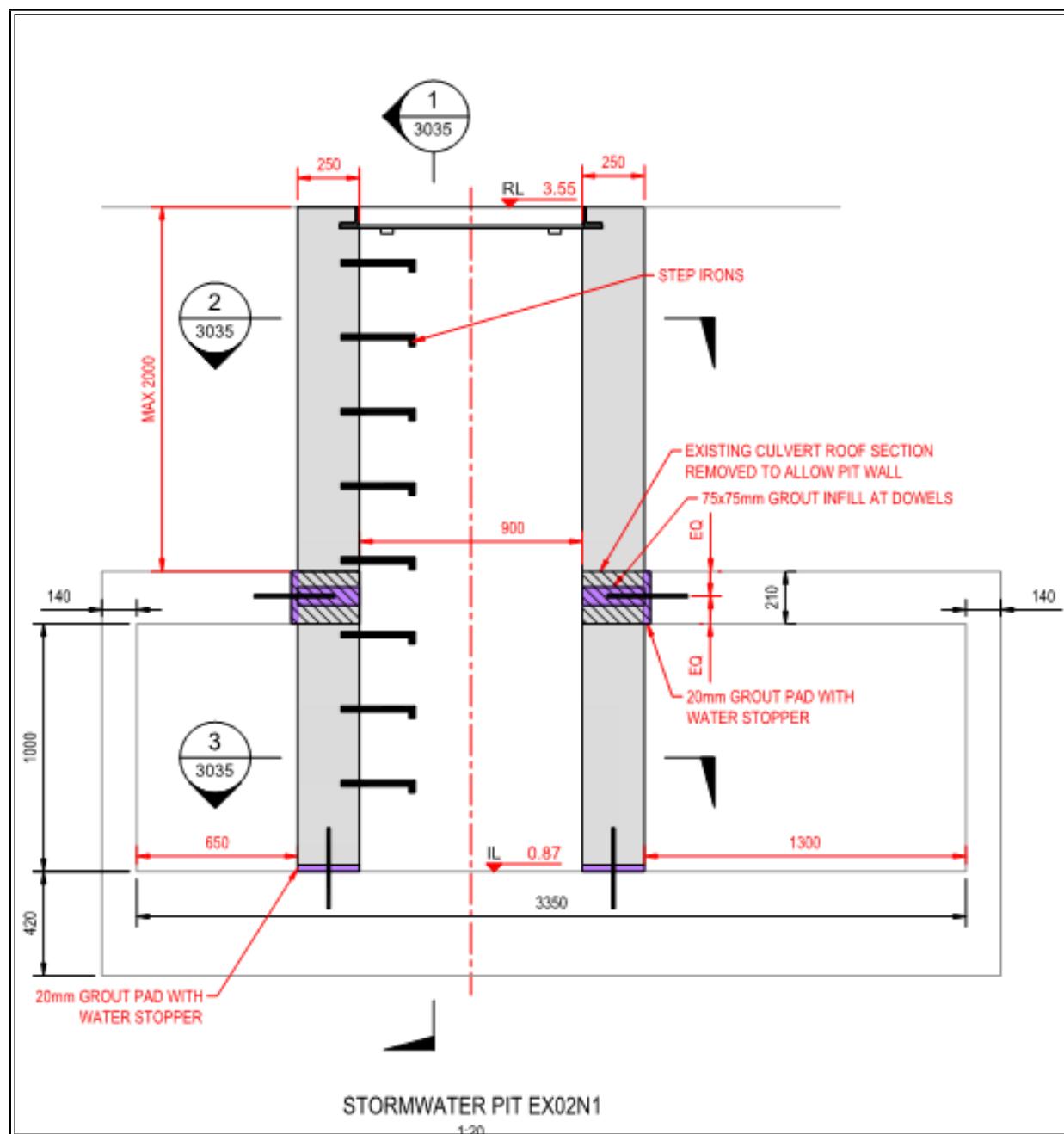


Figure 7. Elevation of the proposed Drainage Pits (Source: Mott Macdonald, 2023)



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3.3 METHODOLOGY

Appendix 10 provides a detailed construction methodology of the Proposal. Prior to the commencement of the proposed works, sediment and erosion controls would be undertaken in accordance with **Figure 8** to reduce the risk of contamination of surrounding environments. No additional vegetation or trees would be removed.

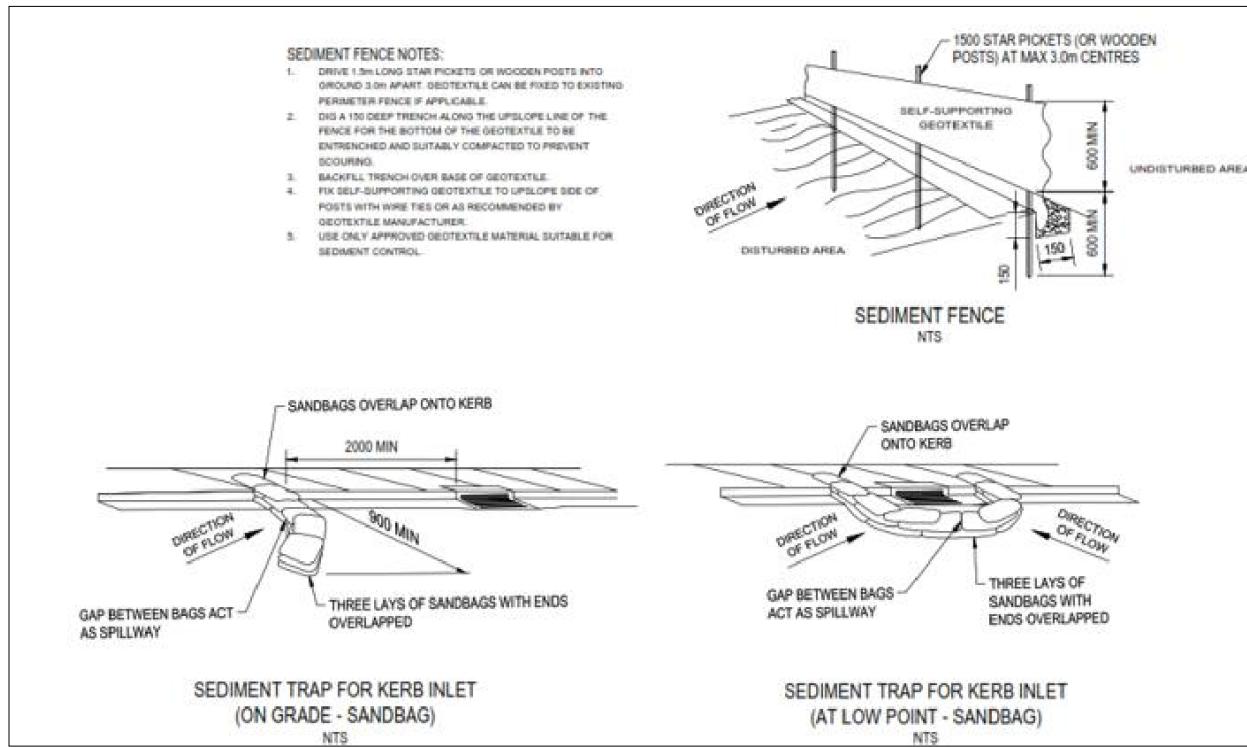


Figure 8. Sediment and Erosion Controls (Source: Statewide Civil, 2023)

The Proposal would be undertaken strictly in accordance with Site Management Plan (**Appendix 6**) and the Site Contamination Management Plan (**Appendix 8**).

The Flooding Report (**Appendix 9**) confirms the Proposal will have minimal impact on the existing flooding conditions for all events up to the worst-case flooding event. The emergency response category will remain unchanged from “flooded isolated elevated” under the most extreme flooding conditions. Therefore, the Project is considered compatible with current flood risk management measures.



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3.4 EXISTING CONTAINMENT CELL

As described above, the area subject to the development works is located within an existing containment cell which is located at the southern boundary of the Site.

Previous investigation has been undertaken to demonstrate the Proposal cannot be undertaken as Exempt Development under Clause 5.24 of the Transport & Infrastructure SEPP due to the presence of containment cells. This is dedicated by (3)(f):

5.24 Exempt development

(3)(f) if it is development on land containing a containment cell, must not be development that is likely to cause the cell to be breached or otherwise damaged or to reduce the effectiveness of the cell, and

As such, due to the development works resulting in the existing containment cell being breached and potentially damaged, the proposed development could not be undertaken as Exempt Development pursuant to the Transport & Infrastructure SEPP. Therefore, Development Consent is sought for the undertaking of these works.

The proposed development will be undertaken in accordance with the Site Management Plan prepared by URS Australia Pty Ltd and provided within **Appendix 6**. The Site Management Plan contains details into the contamination at the Site and the specific excavation protocols in place for the subject area. This Management Plan will be strictly adhered to during the construction process.



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PART D LEGISLATIVE AND POLICY FRAMEWORK

4.1 CONTROLS AND POLICY OVERVIEW

This Part of the SEE addresses and responds to the legislative and policy requirements relevant to the proposed development at the Site in accordance with the EP&A Act.

The following current and draft Commonwealth, State, Regional and Local planning controls and policies have been considered in the preparation of this DA.

Commonwealth Planning Context

- *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*

State Planning Context

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2021*
- *Biodiversity Conservation Act 2016*
- *Protection of the Environment Operations Act 1997*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

Local Planning Context

- *Randwick Local Environmental Plan 2013*
- *Randwick Comprehensive Development Control Plan 2013*
- *Port Botany Development Code 2020*

4.2 COMMONWEALTH PLANNING CONTEXT

4.2.1 Environment Protection and Biodiversity Conservation Act 1999

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), any action (which includes a development, project or activity) that is considered likely to have a significant impact on Matters of National Environmental Significance (MNES) (including nationally threatened ecological communities and species and listed migratory species) must be referred to the Commonwealth Minister for the Environment. The purpose of the referral is to allow a decision to be made about whether an action requires approval on a Commonwealth level. If an action is considered likely to have significant impact on MNES, it is declared a “controlled action” and formal Commonwealth approval is required.

Research has been undertaken on the Protected Matters Search Tool and it confirms the Site does not comprises any protected matters. Accordingly, the Proposal does not warrant significant impacts on MNES, therefore no further consideration of the EPBC Act is required.



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4.3 STATE PLANNING CONTEXT

4.3.1 Environmental Planning and Assessment Act 1979

The EP&A Act is the principal planning and development legislation in NSW.

4.3.1.1 Section 4.15(1) of the EP&A Act – Considerations

Section 4.15(1) of the EP&A Act specifies the matters which a consent authority must consider when determining a DA. The relevant matters for consideration under Section 4.15(1) of the EP&A Act are provided in **TABLE 2** below.

TABLE 2. SECTION 4.15(1)(A) CONSIDERATIONS

Section	Response
Section 4.15(1)(a)(i) any environmental planning instrument, and	The Transport & Infrastructure SEPP is the relevant Environmental Planning Instrument (EPI) applying to the Site, which is assessed in Section 4.5 of this SEE.
Section 4.15(1)(a)(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 Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	No draft instruments applicable to the Site.
Section 4.15(1)(a)(iii) any development control plan, and	Development particulars and controls are subject to the provision of Chapter 5 of the Transport & Infrastructure SEPP.
Section 4.15(1)(a)(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	The Proposal does not require a planning agreement.
Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	The EP&A Regulation is addressed in Section 4.3.2 of this SEE.
Section 4.15(1)(b)-(c)	These matters are addressed in PART E of this SEE.



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4.3.1.2 Section 4.46 of EP&A Act – Integrated Development

Section 4.46 of the EP&A Act defines 'integrated development' as matters that require consent from the consent authority and one or more authorities under related legislation. In these circumstances, prior to granting consent, the consent authority must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development, pursuant to Clause 42 of the EP&A Regulation.

The Proposal is not nominated as an Integrated Development.

4.3.2 Environmental Planning and Assessment Regulation 2021

The Proposal has been prepared in accordance with the provisions of the EP&A Regulation. Division 1 of Part 3 of the EP&A Regulation stipulates how a DA must be "made". This DA satisfies the relevant criteria of the Regulation as follows:

TABLE 3. HOW THE DA IS MADE	
Considerations	Response
Division 1 – Making development applications	
<i>Section 23 – Persons who may make development applications</i>	
(1) A development application may be made by— (a) the owner of the land to which the development application relates, or (b) another person, with the consent of the owner of the land.	This DA is made by ACFS. The owner of the land has provided consent in accordance with Clause 23(1) of the EP&A Regulation to allow for the DA to be made.
<i>Section 24 – Content of development applications</i>	
(1) A development application must— (a) be in the approved form, and (b) contain all the information and documents required by— (i) the approved form, and (ii) the Act or this Regulation, and (c) be submitted on the NSW planning portal.	The DA includes all relevant information including details of the development, address and formal particulars, estimated cost of development, owner's consent, supporting documents including detailed plans and SEE. This DA is submitted via the NSW planning portal.



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4.3.3 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) is the key piece of legislation in NSW relating to the protection and management of biodiversity and threatened species. The purpose of the BC Act is to maintain a healthy, productive and resilient environment for the greater well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development. The BC Act is supported by a number of regulations, including the *Biodiversity Conservation Regulation 2017* (BC Regulation).

The Section 10.7 Planning Certificate (**Appendix 5**) confirms the Site does not comprise a critical habitat or any outstanding biodiversity value.

Research has also been undertaken on the BV Maps. **Figure 9** below demonstrates the results.

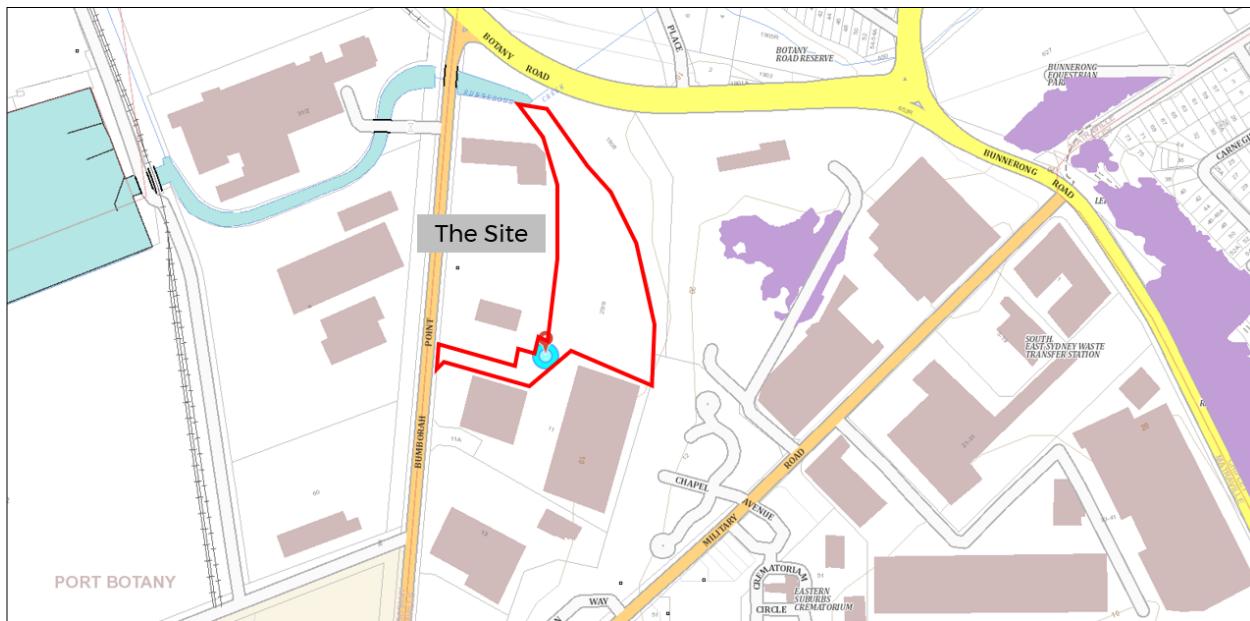


Figure 9. Biodiversity Values Map (Source: Biodiversity Values Map and Threshold Tool, 2023)

Under Section 7.7 of the BC Act, a DA for Part 4 activity is not required to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the development is likely to significantly affect threatened species. As demonstrated above, the Site does not comprise any outstanding biodiversity value. Accordingly, the Proposal seeks minor drainage work only which is unlikely to result any adverse biodiversity impacts. Therefore, a BDAR is not required.

Based on an assessment of the above biodiversity maps and the Site conditions it is considered that the Site does not display any significant or material biodiversity value. Accordingly, the Site conditions are not considered conducive to threatened species.



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4.3.4 Protection of the Environment Operations Act 1997

Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act) contains a core list of activities that require a licence before they may be undertaken or carried out. The definition of an 'activity' for the purposes of the POEO Act is:

"an industrial, agricultural or commercial activity or an activity of any other nature whatever (including the keeping of a substance or an animal)."

The Proposal is not categorised as one of the scheduled activities and therefore it does not require an Environmental Protection License.

4.3.5 State Environmental Planning Policy (Transport and Infrastructure) 2021

The *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport & Infrastructure SEPP) contains planning provisions relating to:

- infrastructure in NSW, such as hospitals, roads, railways, emergency services, water supply and electricity delivery.
- child-care centres, schools, TAFEs and Universities.
- planning controls and reserves land for the protection of three corridors (North South Rail Line, South West Rail Link extension and Western Sydney Freight Line)
- **land use planning and assessment framework for appropriate development at Port Kembla, Port Botany and Port of Newcastle.**

Chapter 5 – Three ports

The Transport & Infrastructure SEPP is the primary Environmental Planning Instrument that applies to Port Botany and the Site. In particular, Chapter 5 sets out the development standards.



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4.3.5.1 Zoning and Permissibility

The Site is located within the SP1 Special Activities zone under the Transport & Infrastructure SEPP as shown in **Figure 10**.

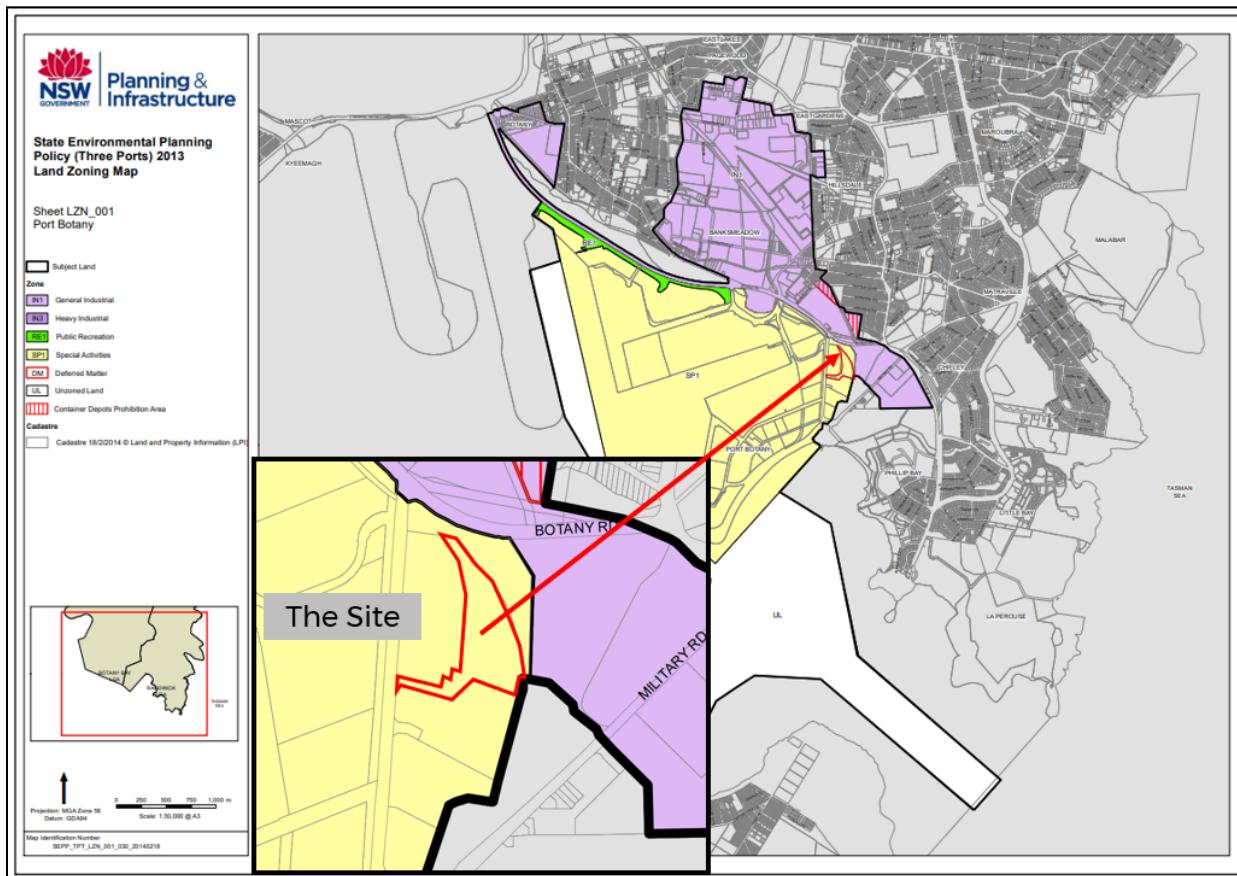


Figure 10. Transport & Infrastructure SEPP Zoning Map (Source: NSW Legislation, 2023)



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The objectives of the SP1 Special Activities zone include:

- *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.*

Within the SP1 Special Activities zone, the following development is permitted without consent:

- *Jetties; Moorings; Roads*

Within the SP1 Special Activities zone, the following development is permitted with consent:

- *Capital dredging; Environmental facilities; Environmental protection works; Food and drink premises; Maintenance dredging; Navigation and emergency response facilities; Neighbourhood shops; Port facilities; Wharf or boating facilities; Any other development not specified in item 2 or 4*

Within the SP1 Special Activities zone, the following development is prohibited:

- *Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Artisan food and drink industries; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Commercial premises; Community facilities; Correctional centres; Crematoria; Early education and care facilities; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Funeral homes; Health services facilities; Highway service centres; Home businesses; Home occupations; Home occupations (sex services); Industrial retail outlets; Mortuaries; Open cut mining; Places of public worship; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Sex services premises; Tourist and visitor accommodation; Veterinary hospitals; Wholesale supplies*



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The Site comprises “port facilities” pursuant to Chapter 5 of the Transport & Infrastructure SEPP. The definition is listed below:

facilities on land in the Lease Area used in connection with the carrying of freight and persons by water from one port to another for business or commercial purposes, and includes any of the following—

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) ***facilities for the loading or unloading of freight onto or from vessels and freight receival, processing, land transport and storage facilities,***
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration and port operations buildings and facilities,
- (g) communication, security and safety facilities,
- (h) utilities and services, road and rail infrastructure, pipelines and car parks.

Freight is defined under the Transport & Infrastructure SEPP as:

any item, goods or produce being transported and includes containers (whether empty or otherwise), gases, livestock, liquids, minerals, plant and equipment, raw materials, vehicles and vessels.

Although the Site was approved as a “Container Depot” under **DA/858/2008** in 2009, it is no longer a land use term adopted due to the consolidation of the Three Ports SEPP. Upon review of Council’s assessment report for **DA/858/2008/C**, the current use of the Site has been characterised as a port facility for the purposes of this assessment.

Accordingly, a Port Facility is permissible with consent within the SPI Special Activities zone pursuant to the Transport & Infrastructure SEPP. The proposed drainage work is considered to be aligned with the zoning objectives as it increases the functionality and improves the site layout of the port facilities.



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4.3.5.2 Development Standards

TABLE 4 outlines the developments consistency and compliance with the relevant development standards and controls under Transport & Infrastructure SEPP.

TABLE 4. DEVELOPMENT STANDARDS

Clause	Comment
Clause 5.2 – Height of Buildings	<p>The Site is subject to a maximum building height of 32.5m.</p> <p>The proposed development does not seek to alter the existing maximum building height achieved for the Site. Therefore, no further assessment is warranted.</p>
Clause 5.6 – Consent Authority	<p>The Site is located within the lease area of Port Botany and therefore the consent authority for the proposed development is the Minister.</p>
Clause 5.17 – Port Operator to be notified of certain development applications	<p>This section applies to the Site.</p> <p><i>(2) Before determining a development application for development to which this section applies, the consent authority must give written notice of the development to the Port Operator.</i></p> <p><i>(3) Notice must be given no later than 7 days after the development application is made.</i></p> <p>A "Permission to Proceed" has been prepared by NSW Ports to be provided in lieu of Owner's Consent to purpose of submitting the DA.</p>
Clause 5.20 – Earthworks	<p>This section applies to the Site and the Proposal.</p> <p>It is acknowledged that the proposed earthwork cannot be undertaken as an Exempt Development and it is not ancillary to development that is permitted without consent. Therefore a development consent is required.</p> <p>Clause 5.20 (3) sets out the matters of consideration for the consent authority. Assessments of the matters would be provided in Section 5.5 of the SEE.</p>



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4.4 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No Draft Environmental Planning Instruments apply to the Site.

4.5 LOCAL PLANNING CONTEXT

4.5.1 Randwick Local Environmental Plan 2012

Development standards of the Site are subject to the provisions of the Transport & Infrastructure SEPP. RLEP2013 does not apply to the Site.

4.5.2 Randwick Comprehensive Development Control Plan 2013

The RDCP2013 provides the detailed planning and design guidelines to support the planning controls of the RLEP2012.

Specifically, compliance with the flooding controls under the RDCP2013 is demonstrated in the Flooding Report (**Appendix 9**)

4.5.3 Port Botany Development Code 2020

The *Port Botany Development Code 2020* (PBDC2020) is a discretionary planning document which provides detailed planning and design guidelines to support the planning controls within the Industry and Employment SEPP and RLEP2012 for the Port Botany Lease Area.

The proposed development does not warrant further assessment against PBDC2020.



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PART E LIKELY IMPACTS OF THE DEVELOPMENT

This section identifies and assesses the impacts of the development with specific reference to the heads of consideration under Section 4.15(l) of the EP&A Act.

5.1 CONTEXT AND SETTING

The Proposal seeks **Minor Modification to Existing Drainage Infrastructure** at 9 Bumborah Point Road, Matraville. The Site is zoned as SP1 Special Activities which currently comprises port facilities to enable the logistics, storage and processing of the goods. The purpose of the Proposal is to accommodate the future road widening work and meet the structural requirements for heavy containers accommodation. The proposed work does not seek any material change of the existing drainage system. Furthermore, the daily operation of the Site would not be affected. Therefore, the Proposal is considered compatible with the site context and setting.

The Site is identified as a flood control lot, correspondingly, the proposed drainage work is an effective measure to prevent such hazard. The proposed development will improve the functionality of the existing port facility for the purposes of ACFS and has been designed in accordance with the standards specified by the RLEP2012 and RDCP2013. The Proposal will not have significant environmental impacts and the built form has been designed to ensure there are no adverse amenity impacts to any adjoining sites.

5.2 BUILT FORM

The Proposal does not seek alteration to the existing built form of the Site.

5.3 BIODIVERSITY

The Arboricultural Assessment Report (**Appendix 7**) confirms the Site does not comprise any prescribed or significant vegetation that is under the Randwick Council Significant Tree Register. Furthermore, no habitats are identified during the assessment. Correspondingly, the proposed works and works under Exempt Development are unlikely to harm any flora and fauna.

5.4 CONTAMINATION

The Site is located on previously remediated land that include containment cells and has an approximate capping layer of 450mm over geo-liner. The Proposal would take reference to the management strategies set under the State Contamination Management Plan (**Appendix 8**) to mitigate the impacts to the capping layer and the existing soils.



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5.5 EARTHWORK, STORMWATER CONTROL

Clause 5.20 of the Transport & Infrastructure SEPP has provided the matters for consideration in relation to earthworks for the consent authority. The assessment against the Proposal is demonstrated below.

TABLE 5. MATTERS OF CONSIDERATION

Matters	Comments
<i>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</i>	The Proposal seeks modification to existing drainage infrastructure. Appendix 1 and Appendix 9 confirms the Proposal would not adversely affect the existing drainage condition. Blade walls are fixed to culvert base of the new pits to minimise the impact on capacity of conveying stormwater.
<i>(b) the effect of the development on the likely future use or redevelopment of the land,</i>	The Site currently comprises port facilities for freights and the Proposal is unlikely to affect the land use.
<i>(c) the classification of the soil to be excavated,</i>	The Proposal does not seek excavation of top class soil.
<i>(d) the effect of the development on the existing and likely amenity of adjoining properties,</i>	The adjoining properties also comprise port facilities. The Proposal is unlikely to impact the amenity of the surrounding.
<i>(e) the destination of any excavated material,</i>	The excavated material and other form of waste would be disposed in accordance with The Site Management Plan (Appendix 6) and Building Code of Australia (BCA).
<i>(f) the likelihood of disturbing relics,</i>	No relics and heritage items are identified within the Site. The Proposal is unlikely to result in any disturbance.
<i>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</i>	The Site is 731m away from the Yarra Bay and 1500m away from Port Botany. No drinking water catchment nor environmental sensitive area is identified within the Site. The Proposal is unlikely to result in adverse impacts to the surrounding hydro-spheric environment.
<i>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,</i>	Construction would be undertaken in accordance with Appendix 6 and Building Code of Australia (BCA).



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TABLE 5. MATTERS OF CONSIDERATION

Matters	Comments
<i>(i) the potential impact on groundwater and groundwater dependent ecosystems,</i>	The Proposal is unlikely to result in adverse impacts to the surrounding hydro-spheric environment and the ecosystems.
<i>(j) whether the development is likely to result in water pollution or land pollution,</i>	The Proposal is unlikely to result in adverse impacts to the surrounding hydro-spheric environment and the ecosystems.
<i>(k) whether the development can be carried out in a way that will minimise wind-blown or traffic-generated dust emissions.</i>	Construction would be undertaken in accordance with Appendix 6 and Building Code of Australia (BCA).

In addition to the abovementioned, **Appendix 1** confirms there are no impacts on the existing downstream area as this is not a significantly transformed stormwater project. Meanwhile, there is no increased impervious surface area, and no volume or frequency increases. Furthermore, each pit will be fitted with Enviro Pods which captures and retains any sediment and gross pollutants caught up in the stormwater runoff. Stormwater flow enters the gully pit through a grate, kerb entry or both, and enters the patented basket and through the filter liner.

The Site is located on previously remediated land that includes containment cells and has a capping layer of approximately 450mm over the geo-liner. Below this geo-liner is contaminated material. However, the Site is considered to be in acceptable contaminated state and suitable for the Proposal to be undertaken pursuant to Clause 4.6 (1)(b) of *State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience & Hazards SEPP)*.

The Flooding Report (**Appendix 9**) confirms the Proposal will have minimal impact on the existing flooding conditions for all events up to the worst-case flooding event. The emergency response category will remain unchanged from “flooded isolated elevated” under the most extreme flooding conditions. Therefore, the Project is compatible with current flood risk management measures.

5.6 SUBMISSIONS

The EP&A Act establishes requirements in relation to public participation in Development Applications. The public exhibition will occur pursuant to the EP&A Act and DPE's requirement. It is acknowledged that any submissions received by DPE must be reviewed and considered.

5.7 THE PUBLIC INTEREST

As outlined in the SEE, the Proposal does not demonstrate any unreasonable environmental or amenity impacts. When the Site serves as an important logistic hub in Sydney, the Proposal is in the public interest as it ensures the satisfaction of structural requirements for heavy containers accommodations and facilities the freights within the Site.



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PART F CONCLUSION

The purpose of this SEE has been to present the proposed **Minor Modification to Existing Drainage Infrastructure** for 9 Bumborah Point Road, Matraville 2036 and to assess its potential impacts having regards to Section 4.15(l) of the EP&A Act

The Proposal is considered to warrant a favourable determination for the following reasons:

- Compliance with the statutory framework is achieved;
- It is compatible with the Site and facilitates the port facility use; and
- It does not result in any unreasonable environmental and amenity impacts.

The Proposal is permissible within the zone and is compatible with the zone objectives. As stipulated previously in this SEE, the matters for consideration under Section 4.15(l) of the EP&A Act have been satisfactorily addressed.

In light of the merits of the proposed development, it warrants support by the Minister of Planning and Public Spaces.

