3 April 2025

Our Ref: SSD-2025/1
Our Contact: Robert McKinlay (02) 9366 3724

Thomas Bertwistle
Industry Assessments
Department of Planning and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Dear Mr Bertwistle,

RE: Response to Request for Advice – Environmental Impact Statement: 49-61 Stephen Road, Banksmeadow – Multi-Level Warehouse

Thank you for the opportunity to provide comments on the Environmental Impact Statement (EIS) for the proposed Multi-Level Warehouse (MLWH) at 49-61 Stephen Road, Banksmeadow (the site). Council's property information records indicate that site address is 49-59 Stephen Road, Banksmeadow.

The site includes the following land parcels:

- 49 Stephen Road – Lot A DP 190526
- 51 Stephen Road – Lot 1 DP 1095110
- 59 Stephen Road – Lot 1 DP 311767

Response to Secretary's Environmental Assessment Requirements (SEARs)

Council notes that ESR Developments (Australia) Pty Ltd (the applicant) had previously contacted the Department of Planning, Housing and Infrastructure (DPHI) to request Project-Specific SEARs for a State Significant Development Application (SSDA) involving a MLWH at 49-59 Stephen Road, Banksmeadow.

Bayside Council previously provided a response to the SEARs on 22 January 2024, which identified the following technical issues to be addressed in the EIS:

- Built form
- Landscaping
- Traffic, parking and access
- Stormwater management
- Flooding
- Amenity impacts
- Environmental impacts

The Proposal

Bayside Council was notified of the EIS for SSD-65924461 via the Major Projects Planning Portal on 6 March 2025. The application consists of the following:

- Demolition of all existing buildings and structures
- Site preparation works, bulk earthworks and infrastructure/service provisions and/or augmentation
- Removal of 105 trees on site
- Extensive remediation of the site
- Construction of 57,034m^2 of total GFA comprising:
- 51,195m^2 of warehouse area
- 4,775m^2 of office area
- 964m^2 of lobby space
- 100m^2 café
- Construction and operation of two three-storey warehouse and distribution centre buildings including the following key components:
- Two warehouse buildings of three storeys containing:
    - Twelve (12) units within Warehouse A (3 levels)
    - Twelve (12) units within Warehouse B (3 levels)
- 243 car spaces provided on the ground floor mezzanine carparking area
- 50 ground floor carpark spaces off Coal Pier Road
- 20 motorbike parking spaces
- End of trip facilities including 7 showers and 102 lockers
- Site landscaping works totalling 5,000m^2 and
- Provision of building/business identification signage.

Council's Submission

Council has reviewed the submitted documentation and raises several objections, below. These objections are predominantly due to a level of missing or incomplete information to demonstrate how the proposal in its current form is suitable for the site and within the locality, and how some site-specific environmental issues will be managed. It is requested that the Applicant provides additional information to address Council's concerns.

Built Form

1. Site Analysis / Context

   A detailed analysis has been provided to outline the primary constraints and opportunities of the site, establish fundamental principles for the development and explore several design options for the site. However, the architectural drawings still lack context as the proposed building is largely shown in isolation, and no elevation or section has been provided to show how the proposal relates to the low-density residential context of Stephen Road. A clear and accurate depiction of how the proposal relates to the low-density residential context of Stephen Road has not been provided.

2. Excessive Building Bulk and Scale

The front façade and built form of the building must be redesigned to reduce the bulk and scale. This can be achieved through reducing the height of the building, stepping of the built form and providing greater articulation of the façade. A wider landscaped setback also is strongly recommended to help reduce the development's scale and impact on the adjoining residential area.

The proposal is of excessive bulk and scale when viewed from the low-density properties. The visual bulk when viewed from properties fronting Stephen Road is even less reasonable given the interface with the R2 Low Density Residential zone.

3. Interface with R2 Low Density Residential Zone

The three-storey warehouse is located opposite the residential area on Stephen Road. The proposed scale of the development scheme results in a poor transition to the lower scale residential neighbourhood to the west.

The proposal provides a poor transition between developments in the different zones. Furthermore, as demonstrated in the Viewpoint 6 (**Figure 1**) extract from the Visual Impact Assessment (VIA), prepared by Geoscapes (dated, 29 January 2025), the building would appear unsightly when viewed from the residential properties and street level. Refer to **Figure 1**, which is a view from the street in front of No.42A Brighton Street – located 8 metres above the street level of Stephen Road. Viewpoint 6 is the only location judged to be of high/moderate visual impact significance, with the development obscuring existing easterly views for these homes.

However, Council staff consider that the other viewpoints, including viewpoints 5, 7, 8, and 9 also have a high visual impact when viewed from residential properties and public domain from various angles. In this regard, the VIA makes assumptions regarding the scale of vegetation growth in the interface between the industrial zone and the R2 zone. The front landscape area slopes down between the street level and the proposed building. This raises concerns about whether the planting will be able to effectively provide screening of the lower parts of the building as shown in the VIA. Given the height of the proposed building, the trees will not adequately screen the built form. In addition, as noted in the Landscape section of this letter, Council raises concern that the dimensions of the landscape setback will not allow the trees to grow optimally and offset the visual impact of the building.

A revised VIA must be submitted in response to any design and landscaping changes to accurately assess visual amenity impacts on the public domain and to the residents located along the western side of the site that are affected by the line of sights to the truck ramp towards the south of Stephen Road.

Figure 1: Street view from the street level in front of the property No. 42A Brighton Street – Viewpoint 6 (Source: Visual Impact Assessment Report, Geoscapes)

4. Solar Analysis

A review of the solar analysis and shadow diagrams provided in the Design Report, prepared by SBA (dated 18 November 2024), appears to show some discrepancies in depicting the extent of shadow cast over Stephen Road. The section in **Figure 2** shows the shadow cast at 10AM, mid-winter as being approximately 49.6 metres in length. This is approximately 10 metres longer than the shadow shown on Page 30 of the Design Report (**Figure 3**).

It is also noted that the position of residential dwellings depicted on shadow diagrams are not included in the survey drawing provided. Further information is required to clearly and accurately demonstrate the extent of overshadowing to existing residential dwelling on the western side of Stephen Road.

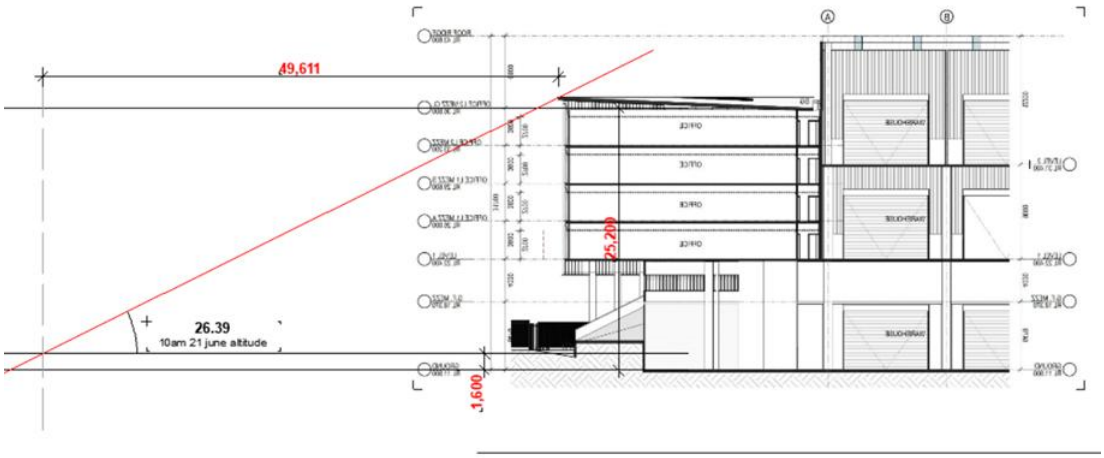

Figure 2: Office Sections - Extract from Office Section A of Appendix F Architectural Plans
(Source: Architectural Plans, SBA)

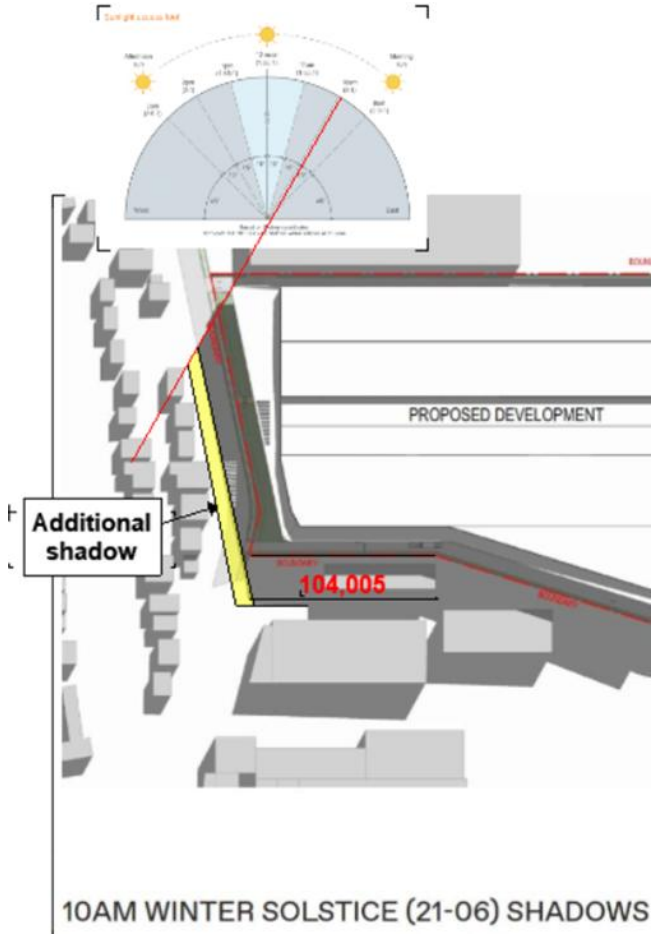

Figure 3: Shadow Diagrams – Extract from Page 30 of Appendix I Design Report
(Source: Design Report, SBA)

5. Built Form / Program

The proposed form provides a functional facility that locates its front of house office facilities on its western façade, fronting Stephen Road. In principle, a robust strategy has been established for the development of the site. However, the proposal's interface with the neighbouring low density residential zone is unnecessarily harsh.

Consideration should be given to the following refinements to improve the interface of the building with Stephen Road:

- The elevated vehicular driveway is an incongruous element that is not consistent with the character of residential streets. The exposed nature of the ramp will result in vehicles elevated 6m above street level being visible from within the residential street. Vehicle headlights may also illuminate upper-level windows in homes opposite the site. It is recommended that the ramp is enclosed within the building, allowing the base of the building to be expressed as a continuous horizontal brick base.

- The proposed development includes an entire street level interface that is inactive. The northern portion of the street is dominated by an elevated vehicle ramp, while the southern portion of the street is addressed by a blank 6m high brick wall. The sunken nature of the Café and the primary pedestrian entry to the facility (located 1.6m below street level) effectively isolates the building from the street and necessitates over 20 metres of switch back ramp to provide access to the building. Given the generous floor to floor height proposed, it appears possible to elevate the entrance and Café to provide level access from the street, without compromising the building's layout.

- The brick base to the building fronting Stephen Road is in excess of 6m in height (comparable to a 2-storey residential dwelling). The wall is largely blank / lacking in articulation, particularly in its southern portion. Consideration should be given to providing articulation within the brick work that may also contribute to providing some natural lighting to the spaces it serves.

- The inclusion of landscaping within the street setback will also contribute to the street presentation of the proposed MLWH development. Refer to the Landscaping section of this letter.

6. Building Aesthetic

The proposed material palette depicted in the Design Report (Page 23), and specified on the Elevation Plans, provides an acceptable selection of materials. However, further refinement of the western façade is recommended as outlined in the Built form / program section above.

7. Environmental Issues

The offices servicing the facility orient large areas of floor to ceiling glazing to the west, this approach is contrary to good passive design principles. Consideration should be given to reducing the extent of glazing / the provision of solar screening.

8. Draft Concept

The proposed scheme includes departure from the design proposed in the Scoping Report at the SEARs stage regarding the transition to the Stephen Road frontage including a stepped setback design (see **Figure 4** below). A stepped setback building frontage could provide a gentler transition and address other concerns stated above.

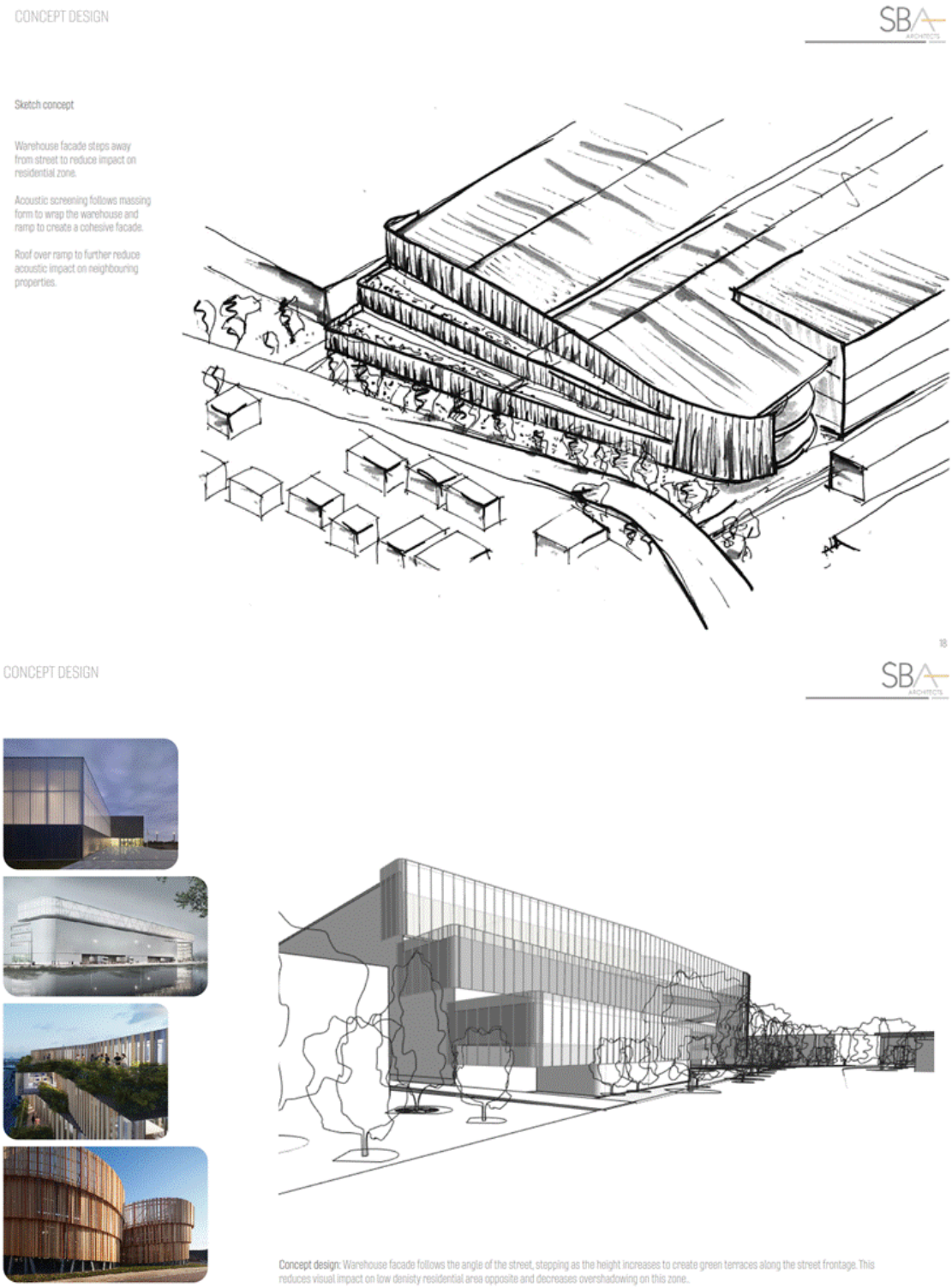

Figure 4: Concept Design – used in pre-lodgement consultation and in requesting SEARs (Source: SBA)

Landscaping

9. Minimum Landscape Requirements

At least 10% of the total site area 4,818.6m² must be landscaped in addition to the 3 metres wide landscaping setback along the frontage as per Control 13 in Section 6.4 of the BDCP 2022. Council staff have calculated the proposed landscape area to be approximately 2,960.9m^2 (6.1%), plus a 3m wide front landscape setback.

The proposal fails to meet the minimum required landscape area as specified in the BDCP 2022. Furthermore, the BDCP 2022 defines landscaping as areas not occupied by buildings, structures, or primarily used for purposes like parking, access, or manoeuvring (Section 3.7.1). A section of the designated landscape area under the multi-level car park on Coal Pier Road is not considered usable deep soil landscaping and should not be included in the landscape area calculation. Planting or turf in this area is unlikely to thrive due to conditions created by the overhead structure, such as shading and water stress, which would hinder plant growth.

The proposal indicates a total of 863m² of landscaped area will be provided in the front setback facing Stephen Road (excluding the 3m-wide front landscape setback), which represents about a quarter of the required site area 4,818.6m². Control C34 in Section 6.4 of the BDCP 2022 states that most landscaping should be located at the street frontage of the development. Therefore, the amount of landscaped area in the front setback must be significantly increased to meet the BDCP 2022 objectives and controls.

10. Insufficient Landscape Setback on Stephen Road

The proposal should include landscaping along the site's perimeter, scaled appropriately to the proposed built form and to create a pedestrian-friendly environment in the public domain, as per Control C33 in Section 6.4 of the BDCP 2022.

The proposed ground level of the landscaped area along Stephen Road is lower than street level, which will reduce the effectiveness of the landscape buffer for the adjoining residential area. Therefore, the proposal must provide a wider landscape setback on Stephen Road to reduce the visual impact of the proposed built form to the R2 low-density residential properties located west of Stephen Road.

While the proposal meets the minimum front landscape (3m) and building (9m) setback requirements of the BDCP 2022, the proposed landscape buffer and tree plantings are inadequate to screen or reduce the visual impact of the building due to the scale of the development. Existing eucalyptus trees are around 15-20m tall, and proposed species like *E. gummifera* and *E. maculata* may reach 15-25m after 10-20 years, while *Elaeocarpus eumundi* can reach to a mature height of 5-10m. These will not provide adequate screening for a proposed 32m building.

A precedent for a wider landscape buffer reducing the impact of a large industrial site can be seen at the adjoining 28 Swinbourne Street, Banksmeadow. The combination of a wider setback and a smaller built form results in a more appropriate development scale and transition to a residential area.

The Bayside Bike Plan 2024 identifies Stephen Road as a north-south priority cycle route connecting Botany Bay to Maroubra. The design of frontage works must allow a

2.5m wide shared path on the eastern side of Stephen Road, with localised narrowing to protect existing trees.

11. Extensive Tree Loss

    The Landscape Detail Plans, prepared by Geoscapes (dated, 25 October 2024), propose the removal of existing trees on the northern boundary. The significant loss of mature trees along the northern boundary of the site is unacceptable. The design must be revised to preserve existing mature trees where possible.

    The proposal does not meet the objective of the Bayside Council's 2032 Community Strategic Plan and Urban Forest Strategy 2024-2040, which aim to increase the tree canopy across the Bayside LGA, contributing to the NSW government's goal of a 40% tree canopy for Greater Sydney by 2040.

    The proposal does not meet the objectives set out in SEPP (Transport & Infrastructure) 2021, which emphases preserving trees and vegetation to maintain area amenity and biodiversity. Existing trees should be retained where they positively contribute to the streetscape or neighbouring properties.

12. Insufficient Landscape Setback on the Northern Boundary

    The existing mature trees along the northern boundary provide significant canopy, privacy, and amenity. The proposal must be redesigned to preserve these trees, ensuring a positive boundary interface and maintaining the tree canopy.

    The proposal is not compliant with the 2m wide planting buffer required for the fire brigade staging area, as outlined in Control 14 of Section 6.4 in the BDCP 2022.

13. Insufficient Information on Landscape Plans

    Plans lack detail such as existing and proposed levels, cut and fill, particularly existing and proposed retaining wall heights and terracing within the front setback. In addition, the location of landscape sections are not identified on the Landscape Plans. The Landscape Plans shall be amended to provide sufficient details in order to adequately assess the proposal.

14. Protection of Existing Trees

    Significant construction works are proposed within the Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) of existing trees in the streetscape and front setback on Stephen Road, including replacement of existing retaining walls and removal of hard stand areas. The proposal should demonstrate that the existing trees will be protected to ensure minimum disruption both during and post-construction.

15. Inappropriate Western Façade Balcony

    The proposed landscape treatment on the western balcony requires refinement as the planter beds shown in the Landscape Plans appear removable. Instead, integrated and raised planters are required.

    The plant species selected for the west-facing balconies (*Buxus microphylla*, *Aspidistra elatior*, *Adiantum aethiopicum*, Blechnum 'Silver Lady', *Viola hederacea*) are inappropriate for this aspect. Balcony planting should include small trees, shrubs, and

understory plants suited for screening and shading, with appropriate soil depths as specified in Bayside Council's Landscape Technical Specification. All species shall be low-water-use and suitable for the western aspect.

All planting, whether in deep soil or on structures, shall adhere to Bayside Council's Landscape Technical Specification.

16. Outdoor Staff Area

The outdoor staff recreation area controls in Section 6.4 Industrial Premises of the BDCP 2022 state that outdoor staff recreation areas should be designed to receive direct sunlight for the four hours between 10am and 2pm during mid-winter as well as provide shading in the summer.

The proposed outdoor staff amenity area in the Landscape Master Plan (**Figure 5**) is located towards the southeast of the site and is not favourable for use as it is shaded from the sun due to being underneath and surrounded by the elevated truck ramps. This will also result in excessive noise from circulating trucks. Some plans also show the adjacent grassed area within the ramp being used for stormwater detention which could create amenity or safety issues for staff in the adjacent outdoor space.

A more suitable outdoor staff area shall be provided, preferably in an east or north-facing location, to improve usability of the space.

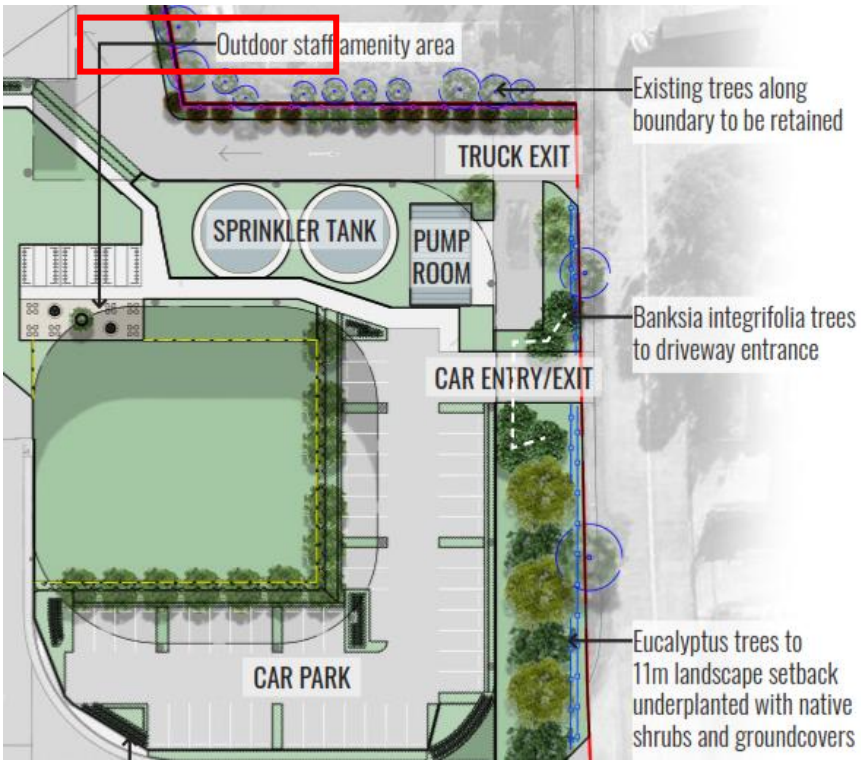

Figure 5: Excerpt of outdoor staff amenity area (in Red) in Landscape Master Plan (Source: Landscape Plans, Geoscapes)

17. Pedestrian Safety and CPTED Principles

All planting in the interface with the public domain shall follow Crime Prevention Through Environmental Design (CPTED) principles.

The proposal lacks an active street frontage and opportunities for passive surveillance on Stephen Road. This is exacerbated by the change in levels between street level and the building entry (1.6m approx.). The design and location of the café and front entry should be redesigned to better activate and address the street.

The car park design near Coal Pier Road does not ensure a safe pedestrian environment. The proposal should prioritise safe pedestrian movement, including entry from Coal Pier Road and navigation within the car park, without reducing the landscaped area. It must also include adequate, safe lighting—both on the street and within the complex—along with appropriate planting and the retention of clear sight lines.

Tree Management

18. Tree Protection and Retention

The EIS is accompanied by an Arboricultural Impact Assessment, prepared by ArborScan, dated 13 December 2024. The proposal requests the complete stand of trees numbered 7-87 along the northern boundary be removed to accommodate the development.

Council's Tree Management Officer does not support the removal of trees 7-87. All trees along the northern boundary of the site shall be retained. The proposed development must be modified to accommodate the retention of these trees. However, priority Weeds under the *Biodiversity Conservation Act 2016* at this location can be removed.

19. Tree Offset Controls

The proposed development includes the removal of live trees. To offset the loss of canopy the applicant is required to replace the trees at a ratio of 3 trees planted for each tree removed.

The consent specifies that a Tree Location Plan must be lodged with Council prior to the issue of a Construction Certificate, nominating the location and species of trees to be replanted. Where the applicant is relying on a Deed of Agreement with Council to satisfy this requirement, the agreement must be in place prior to the issue of a Construction Certificate.

20. Deed of Agreement

In accordance with the BDCP 2022, Section 3.8.2 accepts offset planting on public land subject to an application or property owner entering into a Deed of Agreement that is supported by a condition of consent under s4.16 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The Agreement is to provide for a funding arrangement between the applicant and Council where Council has approved removal of tree’s required by way of a condition of consent. An applicant may choose to replant all required trees on private land at the required ratio, or enter into an arrangement with Council to provide funding to Council for the replanting of trees on public land.

Engineering

21. Floodplain Management

a) The submitted Civil Engineering Report includes only a limited desktop analysis of flooding and overland flow which is not supported and does not allow any understanding of the development's impact on floodplain behaviour. The site is flood affected and a thorough analysis and 2D modelling of floodwater behaviour is required. A Flood Study shall be provided that assesses the flooding impacts of the development with 2D flood modelling as per the flood controls in the Bayside DCP Section 3.10 & Section 9.5.4, including the NSW Government's Flood Prone Land Policy & Flood Risk Management Manual.

b) The 2D modelling to include the site drainage including the OSD draining and the Council pipe realignment.

c) The Flood Study shall fully comply with Bayside DCP 2022 Section 3.10 and Section 9.5. Two-dimensional (2D) flood modelling shall be submitted demonstrating that the development will have less than or equal to 10mm impact (afflux) on surrounding properties (including the road reserve) in the 1% AEP flood event (including 1% AEP climate change and 1% AEP sea level rise flood event) and, less than or equal to 50mm impact (afflux) in the PMF flood event. Existing flood hazard shall not be increased on surrounding properties (including the road reserve) because of the development for all flood events up to the PMF.

d) Accurate pre and post development 2D flood modelling demonstrating that the development complies with the abovementioned controls shall be submitted. If a flood mitigation measure is required, it must be demonstrated through 2D flood modelling that any flood mitigation measure proposed will result in compliant flood afflux in the post development scenario for the 1% AEP & PMF flood events.

e) All relevant flood maps as per Bayside DCP Section 3.10 and 9.5 to be provided including commentary on the tailwater, blockage factors etc, and any proposed flood mitigation measures.

f) A soft copy of the 2D flood modelling (TUFLOW) is to be submitted.

g) A Flood Planning level assessment has not been undertaken for the development (i.e. no assessment was made of the proposed finished floor levels on the architectural plans in relation to the adjacent flood levels). Section 7.6.1 of the Civil Engineering Report is inadequate. It must be confirmed that all habitable areas and non-habitable areas are sufficiently protected from floodwaters. A comprehensive review of all non-habitable and habitable floors on the ground level with the highest flood level (spot levels) taken adjacent to these floors from the post development flood modelling to determine the adequacy of the adopted floor level. Habitable floor levels need to be physically protected to the 1% AEP flood level + 500mm freeboard.

22. Council Stormwater Realignment

a) Council does not have any records of Council stormwater pipe traversing through the site; however, the submitted information indicates there is a Council stormwater pipe present that mainly drains Stephen Road to Coal Pier Road. There is an existing easement over the general location of the stormwater pipe and full details

of all easements benefitting and burdening the site shall be submitted to Council for review. Full terms of all easements to be submitted. No consultation was made regarding the realignment of the Council stormwater pipe.

b) The proposed realignment of Council's stormwater pipe is not supported. The proposed realignment proposes additional bends in comparison to the existing alignment which causes inefficient flows and head loss in the Council pipe which is not supported. The Council pipe realignment must be revised to remove the sharp bends.

c) A full and accurate survey of the existing Council stormwater pipe traversing though the site shall be submitted. The Survey Plan does not properly indicate the exact location of the Council stormwater pipe and, the existing alignment of the stormwater pipe is only shown by the CRE plans and appears to be an assumed location. Furthermore, a survey of the Council drainage system of the downstream and upstream of the stormwater pipe realignment is to be provided (i.e. survey of Council drainage in Stephen Road and Coal Pier Road) including the pipe size and pipe invert level. This shall include Council has limited data on the discharge on Coal Pier Road and full drainage survey of Coal pier road to be submitted.

d) The proposed stormwater pipe realignment is not within the proposed Council drainage easement. This is not supported. The new Council stormwater pipe realignment must be within the proposed Council drainage easement as per Section 8 of the Bayside Technical Specification Stormwater Management.

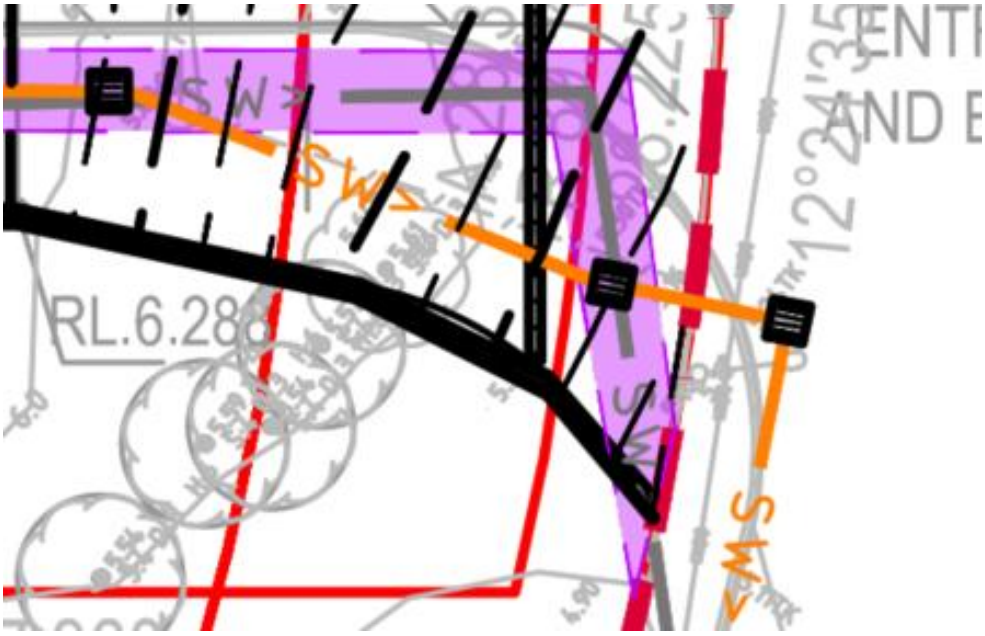

Figure 6: Drainage at Coal Pier Road frontage

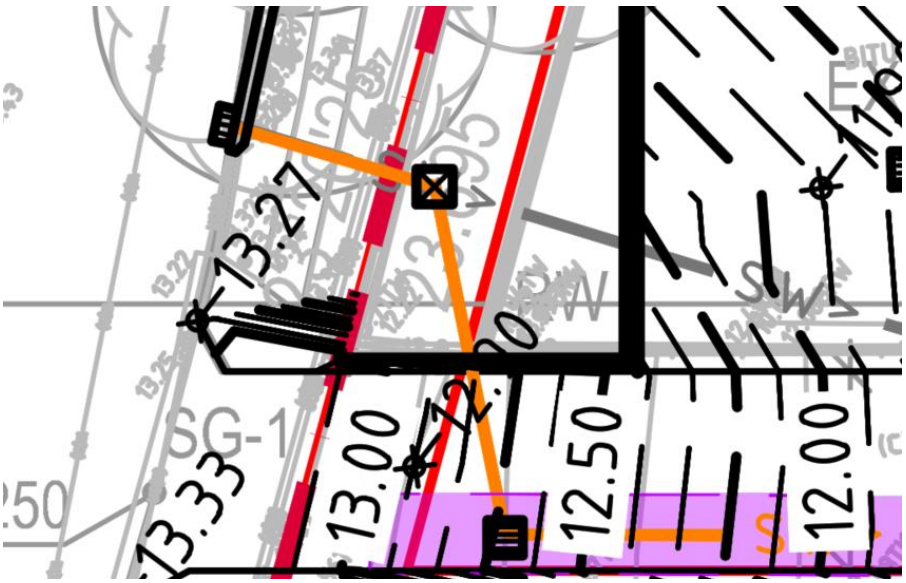

Figure 7: Drainage at Stephen Road frontage

d) The width of the proposed easement over the Council stormwater pipe realignment is not shown on the plans, the width of the easement is to be as per Section 8 of the Bayside Technical Specification Stormwater Management.

e) The Council stormwater pipe realignment cannot be used to capture the run-off from the development. All run-off from the development (5% AEP and 1% AEP) is to be directed into the internal drainage system. Surface flows in the major event (1% AEP) for the internal drainage system shall be designed not to be directed into the Council stormwater pipe.

f) The DRAINS Model is to be revised for the stormwater pipe realignment and must include a DRAINS catchment plan showing the catchment draining into each pit.

23. <u>Internal Stormwater Drainage</u>

a) The Civil Plans do not show a legal point of discharge. This is not supported. The plans show a pit at the boundary which does not drain anywhere. Council has limited details of the existing drainage on Coal Pier Road. The development has not provided any method of drainage connection into Coal Pier Road.

b) The required pollution reduction targets as per Bayside Technical Specification Stormwater Management Section 7 are not met in the stormwater design and are shown to be significantly lower than the required pollution reduction targets, which is not supported. An 85% reduction is to be met for the total suspended solids and currently shows only a 3.7% reduction which is wholly inadequate. Furthermore, the gross pollutants are to be a minimum 90% reduction target whilst the table shows only 45.7%. The development must be revised to ensure the targets are met. A MUSIC screenshot of the pollution reduction targets is to be provided. A revised MUSIC Catchment Plan is to be submitted, which is to be coordinated with architectural plans and the MUSIC Model.

c) The submitted DRAINS Modelling is incorrect for the OSD, as it does not model the bypass and does not include the tailwater condition. The pre to post development flows modelling is not supported as it shows the post development exceeds the pre-development flows. The OSD is designed incorrectly. The development must

be revised to comply with Bayside Technical Specification Stormwater Management Section 6.

d) An OSD Catchment Plan is to be provided showing the impervious (roof and hardstand) and pervious area draining into the OSD system. Also show the bypass area. If there is OSD bypass, the OSD storage is to be modified as per Section 6.5. the OSD bypass is not to exceed 15% of the total site area (If the bypass exceeds 15% then the PSD for the total site area shall not exceed the pre-development flows for the state of nature for all storms). The OSD Catchment Plan and the WSUD Catchment Plan are to be coordinated with each other, including the bypass.

e) The catchment areas in the DRAINS Modelling and the MUSIC Model do not add up to the total site area. This is not supported and does not correctly model the whole site drainage system. All the catchment areas in the OSD and WSUD Catchment Plan shall be revised to add up to the total site area of 4.816ha. The current DRAINS Model must be revised to add up to the total site area and include a tailwater condition in relation to the legal point of discharge either the 1% AEP flood level or the surface level of the grate, whichever is higher. The MUSIC Catchment Plan is incorrect as it does not show the elevated ramp which sits above the car park, sprinkler tank and OSD, the cat landscape bypass and the OSD bypass are shown as 0% impervious which is incorrect, given there is an elevated ramp.

f) An HGL analysis for all internal drainage lines into the OSD is to be provided. Given the significant size of the site and its position upstream in the catchment, all the minor and major flows shall drain into the OSD. It must be demonstrated that all surface flow paths are drained into the OSD to ensure that all major flows are captured and detained with the OSD. If it is not possible to capture the major flows via surface drainage, then the inground drainage is to be upsized to capture the 1% AEP flows and must be demonstrated on the HGL.

g) An HGL analysis for the drainage discharging from the OSD is to be provided including the bypass drainage and the discharge into the existing drainage in Coal Pier Road shall be provided. Compliance with Section 3.2.5 Bayside Technical Specification Stormwater Management must be demonstrated. An upgrade of the existing drainage in Coal Pier Road is likely required, as the report notes the existing stormwater drainage is drained into a 3 three phase oil and sediment separator with a 600m^3 first flush basin, which is then all pumped through a neighbouring property that drains to a different catchment other than Coal Pier Road. This means the existing drainage in Coal Pier Road may not be sufficient to accommodate the run-off from this development.

h) A pit schedule is to be provided showing the pits fitted with the Oceanguards.

i) The rainwater tank size is to be a minimum 120kl as per Bayside Technical Specification Stormwater Management Section 7.2.1, and is to maximise the catchment of the roof draining into the rainwater tank. The current rainwater tank (shown as 70kL on the stormwater plans) is incorrectly sized. As per Section 7.2.1 e) of the Bayside Technical Specifications Stormwater Management the rainwater tank is to be a minimum of 120kL, and must be connected for re-use for the toilet flushing for all floors and landscape irrigation. The MUSIC model is to include the 120kl rainwater tank.

j) The hydrant tank to be separated from the OSD.

24. Traffic, Parking and Access

a) Fire truck swept paths to Stephen Road were not provided, these swept paths for are to be provided for manoeuvring into and out of the driveways to Stephen Road. There shall be no loss of on-street parking for residents to accommodate the swept paths of the fire trucks.

b) The Traffic Impact Assessment (TIA) report does not undertake any future year assessment. This is not acceptable. The TIA shall be revised to undertake a future year traffic generation assessment (10 years after development completion) as per the Guide to Transport Impact Assessment, Section 3.4.1. A development of this scale needs to assess the future 10-year scenario on the intersections listed in Tables 7 & 8 of the TIA. Further traffic modelling is required to be presented for this development to properly understand the traffic impacts.

c) It must be confirmed that all truck access for the development will be obtained from Coal Pier Road and that restrictions will be in place to prevent trucks from accessing the site from Stephen Road. The Applicant needs to provide further detail in relation to what measures will be in place to prevent trucks from attempting to enter the site via the large driveways on Stephen Road.

Transport Impacts

25. Strategic Context

Recognition and reference to the relevant State and Bayside Transport Strategies (including SE Sydney Transport Strategy) should be cited in addition to the Greater Sydney Region Plan and Eastern City District Plan.

26. Cycling networks

The site has high potential for considerable active transport mode share by employees. This has been further explored briefly in the Green Travel Plan (GTP), prepared by Traffix (dated, November 2024).

Amended plans for the development should allow for the presence of (or setback from) a future bi-directional cycleway on the kerbside of Stephen Road (Route NS8 on the Bayside Bike Plan). Currently an undefined on-road cycle route exists, however, as designated in the Bayside Bike Plan 2024, Council have identified an upgrade of the road space of Stephen Road to accommodate a future cycleway link between Eastgardens and Botany Bay/Sir Joseph Banks Park. Access from this Stephen Road cycleway to the end-of-trip facilities within the development should be clear and well signposted and ‘bicycle access’ marked on the Site Plans adjacent to existing ‘pedestrian access’.

27. Pedestrian Access

Future Site Plans should include detail relating to pedestrian walkways within the car park and loading areas. Designated pedestrian access corridors should be identified within the Site Plans, clearly marked within these areas of vehicular movement.

28. Public Transport

Bus routes 307 and 309 provide regular services and with 2 x bus stops located within 200m of the site. These stops are expected to be well utilised and were recently upgraded by Council. A path and public domain upgrade between the site and the bus stops should be considered to enhance pedestrian amenity and utility of nearby public transport services.

29. Electric Vehicle (EV) Charging Spaces

It is noted that the EIS (page 85) identifies that the development should consider equipping at least 25% of car spaces with “future EV charging capacity”. This is not compliant with the BDCP 2022 rates for commercial developments: that at least 20% of the 243 parking spaces are provided with EV chargers.

There is also no allocation of EV charging spaces on plans as required in the BDCP 2022. The development should be amended to meet or exceed these BDCP 2022 requirements.

30. Car Share

There is no inclusion or mention of car share in parking allocation within the development – Reference is made to the Bayside DCP 2022 and provision of car share for commercial premises requiring 1 car share space for every 1000m^2 of office GFA. Detail of this should be provided as part of the proposal with further detail outlined in the GTP. Location of the Car Share vehicles should be grouped together and in publicly accessible spaces (e.g. visitor parking areas adjacent to Stephen Road entrance).

31. Traffic, Transport and Accessibility

A summary of the traffic generation has been provided in the Traffic Impact Assessment, prepared by Traffix (dated, November 2024). Council encourages consultation with Transport for NSW (TfNSW) related to capacity of Botany Road, Excell and Hill Street intersection and the LoS of increasing volumes of heavy vehicles relying on this ingress/egress to Coal Pier Road. Enhancement of the heavy vehicle access route on Coal Pier Road to the Banksmeadow Industrial precinct should be considered by TfNSW to be inclusive as part of any early planning of any future Sydney Gateway Stage 2 (Port Botany to West Connex).

32. Bicycle Parking

The 114 Bicycle parking and 20 Motorcycle spaces are noted as meeting the BDCP 2022 requirements. Design of the paths and ramps that leading to and from the future Stephen Road cycleway (detailed as route NS8 in the Bayside Bike Plan) is requested so as to provide easily accessible end-of-trip facilities and bike parking spaces.

It must be confirmed that the end of trip facilities provided comply with the requirements of Section 3.5.4 in the BDCP 2022.

33. Green Travel Plan

Figures that reference Traffic Movements should be updated to include bicycle access movement to and within the site.

Figure 2 in the Green Travel Plan (shown below, **Figure 8**) is incorrect and shows a site in Waverly near Bondi Junction. Please correct this image and note the route detail in the Bayside Bike Plan 2024 and actions to advocate for use of the cycleway when complete.

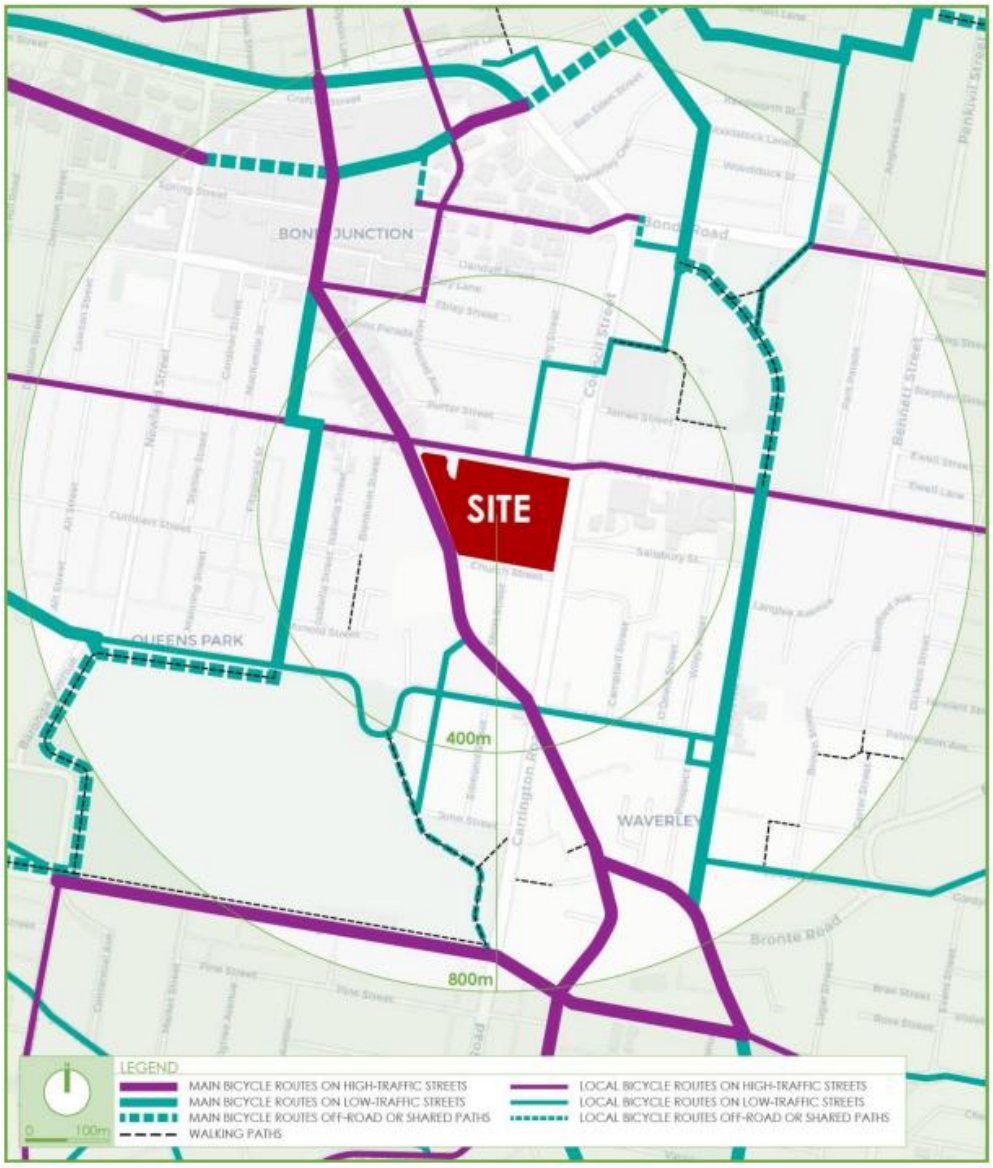

Figure 2: Active Transport

Figure 8: Figure 2 from the Green Travel Plan which shows the wrong site in a different LGA.

34. Please include detail within the GTP of specific EV charging provision requirements rather than a general statement. Council reiterates that a GTP is not a one-off document – but a process of ongoing action, review, and improvement.

Contaminated Land

35. Council notes that the site is currently considered significantly contaminated under the Contaminated Land Management Act and is regulated by the NSW EPA. Remediation of total petroleum hydrocarbons (TPH) and Toluene, Ethylbenzene and Xylenes (TEX) contaminants in groundwater in the central/western and eastern section of the site, and in groundwater migrating off-site is currently occurring under an approved Voluntary Management Plan (VMP). This remediation involves in-situ bioremediation in the source area and air sparging/soil vapour extraction at the downgradient boundary of the site. The expected timeframe for remediation completion and VMP closure is currently 2027.

    Council also notes that the site suitability for the proposed development relies on the completion of the above remediation by 2027, with no residual contamination posing a risk requiring remediation (including design measures) in the proposed development. The Remediation Action Plan (RAP) provided for the development will focus purely on remediation of soils and include:

    - Remediation and validation of the aboveground storage tank and underground storage tank farms;
    - Placement of the soils with organochlorine pesticide (OCP) concentrations above the RAC in a containment cell lined with a low permeable liner;
    - Ex Situ remediation (biopiles) of volatile organic compounds (VOC) and total recoverable hydrocarbons (TRH) / total petroleum hydrocarbons (TPH) contaminated soils from above the groundwater table;
    - Capping of all asbestos and lead contaminated soils (i.e. all fill and non-validated natural soils) across the full extent of the Site with a geotextile marker layer and minimum 1m thick capping layer comprising imported soils. The capping layer is likely to be generally around 1.5-2 m thick to allow earthworks design levels to be achieved;
    - Management of existing soils during the works which, in addition to any requirements outlined in the RAP, would involve, as a general principle, not placing any existing soils impacted with chemical contaminants within 1.5 m of the groundwater table without further consideration by the Environmental Consultant; and
    - Assessment and validation of inground infrastructure (e.g. pits, sumps, drains and services) encountered during works that are considered to be of significant contamination concern.

36. Council also notes that a Site Audit Statement (SAS) has not been completed for the Remediation Action Plan (RAP) as required in the SEARs, that clearly confirms that the site can be made suitable for the proposed development, particularly in regard to the potential impacts of groundwater contaminants on the development. The RAP is only for the remediation of the soil and does not consider a scenario where the VMP needs to continue beyond 2027. The nature of remediation means that there is a possibility that the groundwater remediation may not be completed by 2027. If this is the case, Council questions the process of construction, considering there may still be contamination that requires remediation and that has not been considered in the RAP for the development. Council recommends that appropriate conditions limiting the

commencement of construction until after the remediation of the groundwater by Allnex (the tenant) is completed.

Development Contributions

37. The SSDA seeks the demolition of all existing built forms and construction of a new warehouse and distribution facility. Section 7.11 of the EP&A Act does not apply to the development as the SSDA is within the Botany Precinct and based on *City of Botany Bay S7.11 Development Contributions Plan – Amendment 1*, Council does not levy contributions for workers in the Botany Precinct. However, Section 7.12 of the EP&A Act applies to the development based on the total cost of work, including GST.

    Before the issue of a Construction Certificate, the Applicant must pay a total contribution of **$3,098,667.00** calculated at the date of this consent to Council under Section 7.12 of the EP&A Act, in accordance with the *City of Botany Bay S94A Development Contributions Plan 2016 - Amendment 1*. The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the *City of Botany Bay S94A Development Contributions Plan 2016 - Amendment 1*. Copies of Council's Development Contributions Plans are available for inspection at the Bayside Council Customer Service Centre, 444-446 Princes Highway Rockdale.

Contributions Mechanism	Fee Payable	Fee Code	Precinct
S7.12 (S94A) Levy	**$ 3,098,667.00**	**S94ABB**	Botany

Other Issues

38. <u>Heritage</u>

    There are no known Aboriginal sites or artefacts identified within the project area, and the proposal is unlikely to pose an adverse impact on the indigenous cultural heritage of the area. However, it must be noted that in the event of unexpected finds, all works should cease, and the appropriate protocol followed to protect, identify and preserve the items, and relevant authorities must be notified accordingly.

39. <u>Risk</u>

    The site is partially within the measurement length of the APA's Moomba-Sydney Ethane Pipeline. Consultation with APA group is therefore required to ensure the proposal would not affect the pipeline's ongoing safety requirements and ensuing compliance with AS 2885.

40. <u>Amenity Impacts</u>

    Council notes the recommendations provided in the Air Quality Impact Assessment prepared by SLR Consulting (dated, 20 November 2024), and Noise and Vibration Impact Assessment prepared by Renzo Tonin & Associates (dated 9 December 2024). The applicant must comply with all monitoring, mitigation and management measures contained within the aforementioned assessments. Council requests the appropriate mitigation measures related to noise, vibration and air quality are mandated by way of conditions of consent.

We trust that the Department will carefully consider Council's submission when assessing this proposal.

If you require any further information please do not hesitate to contact Robert McKinlay, Senior Urban Planner on (02) 9366 3724 or via email: Robert.McKinlay@bayside.nsw.gov.au.

Yours sincerely,

Josh Ford
Acting Manager Strategic Planning