



**WILLOWTREE**  
PLANNING

**SCOPING REPORT FOR SECRETARY'S ENVIRONMENTAL  
ASSESSMENT REQUIREMENTS:  
PROPOSED CHEMICAL MANUFACTURING FACILITY AND ASSOCIATED  
WAREHOUSE OR DISTRIBUTION CENTRE**

1-15 GOW STREET and 20 GOW STREET, PADSTOW  
LOT 100 & 101 DP1011185 and LOT 53 DP1064349

—  
Prepared by Willowtree Planning Pty Ltd  
on behalf of Dulux Group and Selleys

19 April 2024

**SYDNEY**

—  
Suite 204, Level 2  
165 Walker Street  
North Sydney NSW 2060

**BRISBANE**

—  
Level 2, 240  
Queen Street  
Brisbane QLD 4000




02 9929 6974  
enquiries@willowtp.com.au  
willowtreeplanning.com.au



## SCOPING REPORT

Proposed Chemical Manufacturing Facility and Associated Warehouse or Distribution Centre  
1-15 Gow Street and 20 Gow Street, Padstow (Lot 100 & 101 DP1011185 and Lot 53 DP1064349)

*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.*

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Contact	Cameron Gray		
Version and Date	Prepared by	Checked by	Approved by
Version No. 1 - 19/04/2024	Cameron Gray Associate	Andrew Cowan Director	Andrew Cowan Director
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Proposed Chemical Manufacturing Facility and Associated Warehouse or Distribution Centre  
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# PART A INTRODUCTION

## 1.1 PRELIMINARY

This Scoping Report has been prepared by Willowtree Planning Pty Ltd (Willowtree Planning) on behalf of Dulux Group and Selleys, and is submitted to the NSW Department of Planning, Housing and Infrastructure (DPHI) in support of a formal request for Secretary's Environmental Assessment Requirements (SEARs), pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The intent of this Scoping Report is to guide the preparation of a State Significant Development (SSD) application for the proposed development of land at 1-15 Gow Street and 20 Gow Street, Padstow, more formally described as Lot 100 & 101 DP1011185 and Lot 53 DP1064349 (Subject Site).

The proposed development seeks consent for the following works:

- Demolition of existing warehouse and maintenance building;
- Strip out and refurbishment of existing warehousing space to create a state of the art manufacturing facility with ancillary raw materials storage which will continue to be operated by the Dulux Group and Selleys;
- Construction of external tank storage and tanker unloading area; and
- Remodeling of the existing vehicle access to allow uni-directional truck flow.

The Subject Site is located within the Canterbury-Bankstown Local Government Area (LGA) and is zoned IN1 General Industrial and RE1 Public Recreation under the provisions of the *Canterbury-Bankstown Local Environmental Plan 2023* (CBLEP2023). Development for the purpose of chemical manufacturing facilities falls within the definition of general industries, which is permissible with consent in the IN1 zone under CBLEP2023. No development is proposed on the land zoned RE1.

The proposed development satisfies the definition of SSD pursuant to:

- Schedule 1, Section 10 of *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP), being development for the purposes of the manufacture of adhesives with a Estimated Development Cost (EDC) of more than \$30 million.

This Scoping Report provides an overview of the proposed development and the relevant planning framework that applies to enable the issuance of the SEARs, which will guide the preparation of a formal Environmental Impact Statement (EIS) for future development of the land and has been prepared in accordance with the *State Significant Guidelines – Preparing a Scoping Report*.

Environmental considerations relevant to the proposed development have been identified pertaining to the following parameters:

- Soil and Water;
- Noise and Vibration;
- Air Quality and Odour;
- Biodiversity;
- Waste;
- Traffic and Transport;
- Hazards and Risks;
- Energy Efficiency;



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- Heritage, including Aboriginal Cultural Heritage and Non-Aboriginal (European) Heritage;
- Visual Amenity and Site Design;
- Infrastructure and Services;
- Social Impacts; and
- Economic Impacts.

The proposed development would promote the enhanced development of the Sydney Metropolitan Region, ultimately providing for employment opportunities and warehouse and industrial facilities to support the growth and development of the existing like facilities across NSW.

An environmental risk screening analysis has been carried out, to identify the potential environmental impacts of the proposal and determine which areas are likely to be of interest to key stakeholders. Further details are included in **PART F** of this Scoping Report.



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# PART B STRATEGIC CONTEXT

## 2.1 STRATEGIC PLANNING CONTEXT

### 2.1.1 Greater Sydney Region Plan – A Metropolis of Three Cities

The Greater Sydney Region Plan – A Metropolis of Three Cities divides the Sydney Region into three (3) Cities, with a vision of growth until 2056. The Plan aims to anticipate the housing and employment needs of a growing and vastly changing population. The overall vision pursues an objective of transforming 'Greater Sydney' into a Metropolis of Three Cities, including:

- The Western Parkland City;
- The Central River City; and
- The Eastern Harbour City.

The division into three (3) cities puts workers and the wider community closer to an array of characteristics such as, intensive jobs, 'city-scale' infrastructure and services, entertainment and cultural facilities. By managing and retaining industrial land close to city centres and transport, this will ensure critical and essential services are readily available to support local businesses and community members and residents. Once constructed and operational, the Subject Site would achieve economic growth and prosperity, as well as encourage employment-generating opportunities within an area zoned for such permissible purposes, that is considered relatively close in conjunction to residential communities, providing an ease of commute. The proposed development considers the employment-generating outcomes that can be achieved for the immediate and wider localities.

The proposed development also contributes to the four (4) standardised elements communicated across for all three (3) cities, including:

- Infrastructure and collaboration – the proposed development of the Subject Site would facilitate the provision of essential products services to support the growing demand within Sydney;
- Liveability – the proposed development encourages employment-generating opportunities and economic prosperity, which has positive influences on the wider locality;
- Productivity – the proposed development would enhance the overall productivity on the Subject Site and within the industrial locality; and,
- Sustainability – the proposed development would not exhibit or emit any detrimental impacts to its wider ecological surroundings.

In summary, the Subject Site contributes to the objectives set out in the Greater Sydney Region Plan – A Metropolis of Three Cities by promoting minor environmental impacts and the further promotion of employment-generating opportunities to the wider locality and community, positioned within the Canterbury-Bankstown LGA.

### 2.1.2 South District Plan

The South District Plan covers the Canterbury-Bankstown LGA in which the Subject Site is located. The Plan sets out a twenty-year vision to help achieve the goals contained in A Metropolis of Three Cities – the Greater Sydney Commission (GSC) vision for developing Sydney as a world-class future city. The Plan agglomerates City, Regional and Local planning. The Subject Site is situated within the South District, which falls within the Eastern Harbour City.



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The South District Plan reinforces the four (4) planning priorities of the GSC. The Plan establishes a number of priorities and actions to guide growth, development and change. It also emphasises connectivity to infrastructure, collaboration, liveability, productivity and sustainability. The GSC's mission statement further reinforces the Plan's concentrated aims by outlining its main strategies, namely:

The proposed development, would contribute to the objectives set out in the South District Plan (of which the Subject Site forms a part), by promoting a greater range of land uses of benefit to the community, including the proposed development and other associated land uses; facilitating the provision of greater and improved infrastructure; and promoting additional employment-generating opportunities, to the wider locality and community closer to home, whilst supporting economically and environmentally-sustainable development. These aims are specifically relevant to the proposed development.

### 2.1.3 Connective City 2036

The Connective City 2036 is the vision established by Council which establishes land use directions and sets priorities to demonstrate why and how infrastructure can be arranged and how the LGA relates to neighbouring LGAs and to Greater Sydney as a whole.

The proposed development which aims to provide an enhanced employment generating use whilst minimising impacts to the surrounding area will generally align with the vision established in Connective City 2036.

## 2.2 SITE LOCATION AND CHARACTERISTICS

This Scoping Report applies to land identified as 1-15 Gow Street and 20 Gow Street, Padstow, being Lot 100 & 101 DP1011185 and Lot 53 DP1064349.

The Subject Site is currently occupied by Dulux Group and Selleys and constitutes an area of approximately 6ha. The Subject Site is within the IN1 General Industrial RE1 Public Recreation zones pursuant to the CBLEP2023. The Subject Site is located within the Canterbury-Bankstown LGA. At present, 1-15 Gow Street is occupied by a number of industrial warehouse facilities and administration buildings operated by Dulux Group and Selleys with car parking provided opposite at 20 Gow Street, Padstow, which is owned by Dulux Group.

The 1-15 Gow Street is located on the southern side of Gow Street, with 20 Gow Street opposite to the north, between Fairford Road and Salt Pan Creek, Padstow. The Subject Site is located approximately 3.5km from Bankstown, 12km from Liverpool and 20km from Sydney CBD. Access to the road network is from the north of the Subject Site which is within close proximity to the South Western Motorway.

Surrounding land uses in the vicinity of the Subject Site include:

- North – a range of industrial developments zoned IN1 General Industrial and Bankstown STS Substation zoned SP2 Infrastructure;
- East – Salt Pan Creek zoned RE1 Public Recreation and W1 Natural Waterways;
- South – a range of industrial developments zoned IN2 Light Industrial; and
- West – a range of industrial developments zoned IN1 General Industrial.

The location of the Subject Site and the existing development is depicted in **Figures 1** and **2** below.



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**Figure 1. Cadastral Map** (Source: SIX Maps, 2024)



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**Figure 2. Aerial Map** (Source: Nearmap, 2024)



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**2.3 DEVELOPMENT HISTORY**

Below is a summary of the DAs relating to the Subject Site that been determined or are under assessment:

<b>TABLE 1. PREVIOUS APPLICATIONS</b>			
DA Reference	Development Description	Date	Determination
<b>1 Gow Street</b>			
DA-581/2006	Installation of 18 groundwater monitoring wells and drilling of 60 boreholes for collection of soil samples	01/08/2006	Approved
DA-903/2007	Remove and replace underground solvent storage tanks	26/09/2007	Approved
DA-689/2015	Installation of two groundwater monitoring wells in the Salt Pan Creek Area	18/06/2019	Refused
<b>15 Gow Street</b>			
DA-79/2001	Demolition of resins manufacturing building	23/01/2001	Approved
DA-407/2001	Removal of floor slabs, footings and underground storage tanks	27/03/2001	Approved
DA-666/2001	Internal office fitout	14/05/2001	Approved
CD-166/2002	Alarm signaling system	30/04/2002	Approved
DA-935/2003	Demolition to ground floor slab level of vacant 'Gelcoats' building and adjacent pipe bridges, switchrooms and substation transformer	19/06/2003	Approved
DA-1371/2003	Construction of a new electrical switchroom within existing paint mill building	04/09/2003	Approved
DA-1731/2003	Construction of a new asphalt car park, landscaping, reconstruction of internal roads, alterations to existing entry, installation of stormwater drainage system and removal of three underground storage tanks	06/11/2003	Approved
DA-581/2006	Installation of 18 groundwater monitoring wells and drilling of 60 boreholes for collection of soil samples	07/06/2006	Approved
DA-251/2007	Refurbishment to existing office including associated signage	26/03/2007	Approved
DA-903/2007	Remove and replace underground solvent storage tanks	26/09/2007	Approved
DA-566/2010	Construction of a greenhouse structure for the testing and prototyping of Yates products	16/06/2010	Approved
DA-804/2011	Stormwater management work including addition of a first flush system to an existing external concrete slab to prevent contaminated stormwater entering Salt Pan Creek	13/09/2011	Approved
DA-1068/2011	Modifications to an existing stormwater network so that it may operate as a first flush containment system	09/12/2011	Approved



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DA-804/2011/1	Stormwater management work including addition of a first flush system to an existing external concrete slab to prevent contaminated stormwater entering Salt Pan Creek - S96(1A) Amendment	02/10/2012	Approved
DA-566/2010	Construction of a greenhouse structure for the testing and prototyping of Yates products - S96(1A) Amendment: Re-size and re-location the green house	09/10/2012	Approved
DA-464/2013	Erection of a deck and shade sail	14/06/2013	Approved
DA-809/2013	Demolition of existing building	27/09/2013	Approved
DA-689/2015	Installation of two groundwater monitoring wells in the Salt Pan Creek Park area	24/06/2015	Refused
20 Gow Street			
None applicable			

## 2.4 PROJECT NEED

The proposed development will allow for Selleys to meet the growing demand for sealants, adhesives and fillers across Australia and New Zealand and will allow for future export to Asia as a result of the current and project growth of development, particularly in the south and north-west growth corridors. The proposed development will also secure the viability of the existing operations at the Subject Site as it revitalises underutilised industrial land with ageing infrastructure (being post WW2 factory construction with assets and technology linking back to this period), creating a state of the art manufacturing facility which will allow for continued growth into the foreseeable future.

## 2.5 CONSIDERATION OF ALTERNATIVES

The purpose of the proposed development is to meet the growing demand for Selleys products and enhance the economic viability of the existing operations, whilst contributing towards the intended industrial character and nature of the IN1 zone; providing a manufacturing facility and warehouse which encourages employment opportunities and promotes the economic development of the Padstow industrial area. The proposed development seeks to ensure:

- It is compatible with surrounding development and the local context;
- It would provide increased operational efficiencies for manufacturing, storage and distribution of goods;
- It would result in minimal impact on the environment; and
- It would allow for the implementation of suitable mitigation measures, where required.

Overall, the scale of the proposed development is considered suitable, and the built form proposed would completely enhance and renew an undeveloped and underutilised land portion into a modernised, state-of the art facility, which will be completely consistent with surrounding industrial-related uses in close proximity to the Subject Site and the wider area. The site design and layout of the built form proposed, seeks to maintain consistency with the zone objectives under the CBLEP2023 and enhance the underlying industrial character intended for the identified land, which is zoned for such permissible land uses. Furthermore, this would be achieved by the resultant built form that would reinforce the nature of the land use and is sensitive to the surrounding environment.



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The options considered and subsequently dismissed, in arriving to the current proposal with regard to the proposed development included:

### ***'Do Nothing' Scenario***

This option was dismissed as the objectives of the proposal would not be met, including the objective of facilitating an improved employment-generating development. If the proposed development was not to proceed, the Subject site would remain underutilised and would not be able to meet the growing demands of the Selleys business.

### ***Development on an Alternative Site***

Consideration to alternative sites were made, however these were dismissed as the Subject Site resulted in the most beneficial outcomes for the proposal as:

- It is already being operated by Dulux Group and Selleys for the intended purposes;
- It is located within a site zoned for employment generating purposes;
- The Subject Site has appropriate proximity from sensitive land activities including residential development;
- All potential environmental impacts of the proposal can be suitably mitigated within the Subject Site;
- The proximity to the regional road network provides increased economic benefits;
- Has employment generating potential, during both the construction and operational phase;
- Sufficient separation is maintained to the interface of surrounding receivers;
- The proposal will not adversely affect any area of heritage or archaeological significance; and
- The proposal can be developed with appropriate visual amenity given its surrounding context.

The proposal is justified on the basis it is compatible with the locality in which it is proposed while having no unacceptable economic, environmental or social impact.

### ***Different Site Configuration***

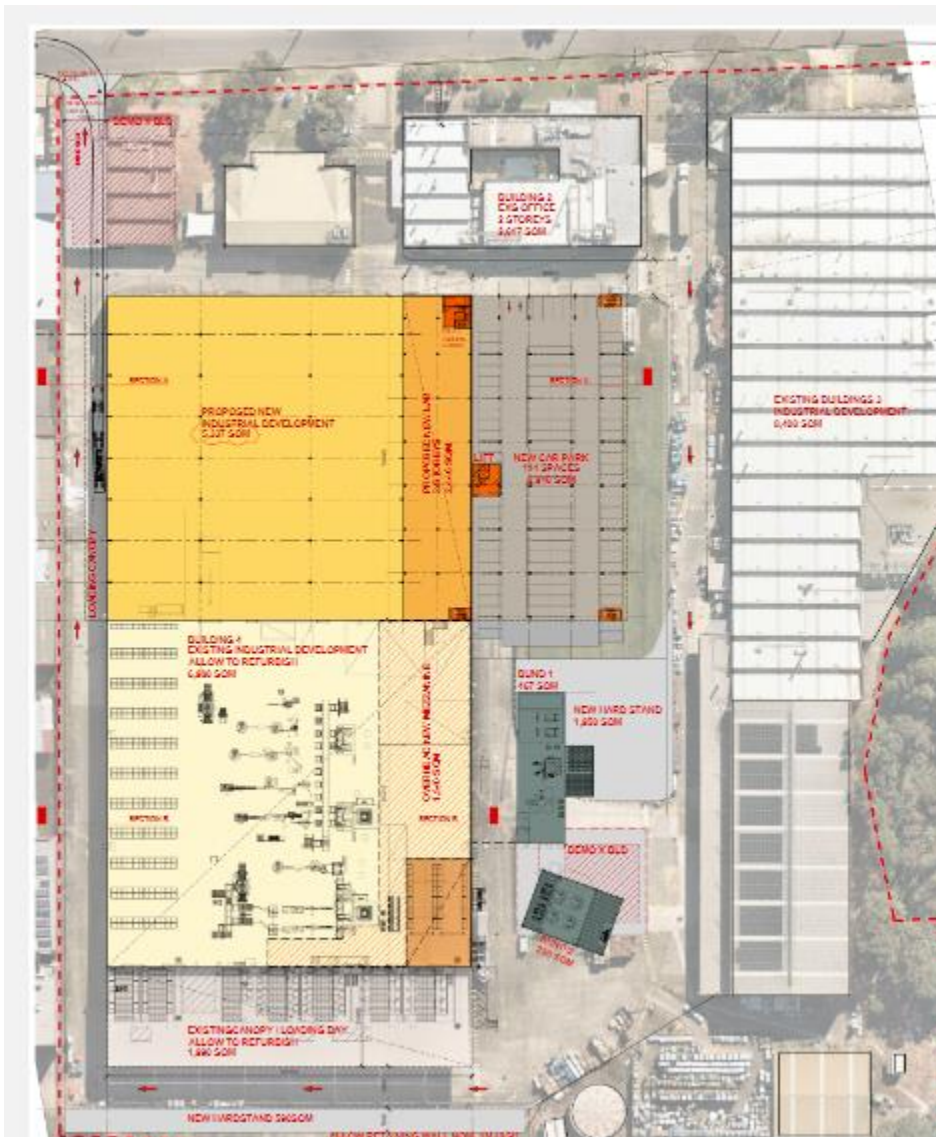
The configuration of the proposed development was chosen based on the Subject Site's topography; road access; operational efficiencies; as well as the need to respond to the character of the surrounding industrial zones.

It is noted that a different site configuration would not have been able to respond to the abovementioned site opportunities and constraints. **Figure 3** below depicts one of the alternate site configurations that was explored, however this option involved the sale of the car park at 20 Gow Street, with the parking areas incorporated at 15 Gow Street, however this would have significantly minimised operational efficiencies and opportunity for employment generating floor space. This option was therefore not considered appropriate.



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**Figure 3. Alternative Site Configuration** (Source: Vaughan Constructions, 2024)

Notwithstanding, the proposed development is justified on the basis that it is compatible with the locality in which it is proposed, resulting in positive social and economic benefits, whilst appropriately managing and mitigating any potential environmental impacts requiring consideration.



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# PART C PROJECT

## 3.1 AIMS AND OBJECTIVES

The subject proposal seeks development consent for a chemical manufacturing facility and associated warehouse or distribution centre. The following objectives have been identified as forming the basis of the proposed development, as well as being consistent with the aims set out within CBLEP2023, including:

- Create a state of the art manufacturing facility, securing the long term viability of operations in NSW;
- Design the Subject Site to achieve continued economic return;
- Ensure minimal environmental and amenity impact;
- Ensure ongoing compliance with all operational legislative requirements;
- Provide for an employment-generating land use; and
- Ensure development is compatible with surrounding development and both the local and regional context.

The Subject Site and proposed design are considered to meet the objectives of the proposed development, as it allows for redevelopment on of underutilised industrial land with ageing infrastructure which would be suitably located; and is zoned accordingly for such permissible industrial-related purposes.

A preliminary Site Plan and Elevations (**Appendix 1**) are illustrated below for reference (refer to **Figure 3** and **Figure 4**).

## 3.2 DESCRIPTION OF DEVELOPMENT PROPOSAL

The proposed development seeks consent for the following works:

- Demolition of existing warehouse and maintenance building;
- Strip out and refurbishment of existing warehousing space to create a state of the art manufacturing facility with ancillary raw materials storage which will continue to be operated by the Dulux Group and Selleys;
- Construction of external tank storage and tanker unloading area; and
- Remodeling of the existing vehicle access to allow uni-directional truck flow.

The proposed development includes those works as identified in **Table 2** below.

TABLE 2. DEVELOPMENT STATISTICS	
Component	Proposed Outcome
Site Area	60,897m <sup>2</sup>
Gross Floor Area	Warehouse: 5,244m <sup>2</sup> Mezzanine: 1,503m <sup>2</sup> Laboratories: 2,764m <sup>2</sup> Refurbishment of Existing Warehouse: 6,798m <sup>2</sup> Refurbishment of Dock Office: 378m <sup>2</sup> Existing: 11,570m <sup>2</sup> Total: 28,257m <sup>2</sup>



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Floor Space Ratio	0.46:1
Building Height	13.7m
Number of Storeys	One (1)
Harsdstand	11,463m <sup>2</sup>
Car Parking	211 parking spaces
Cost of Works	\$120,639,352

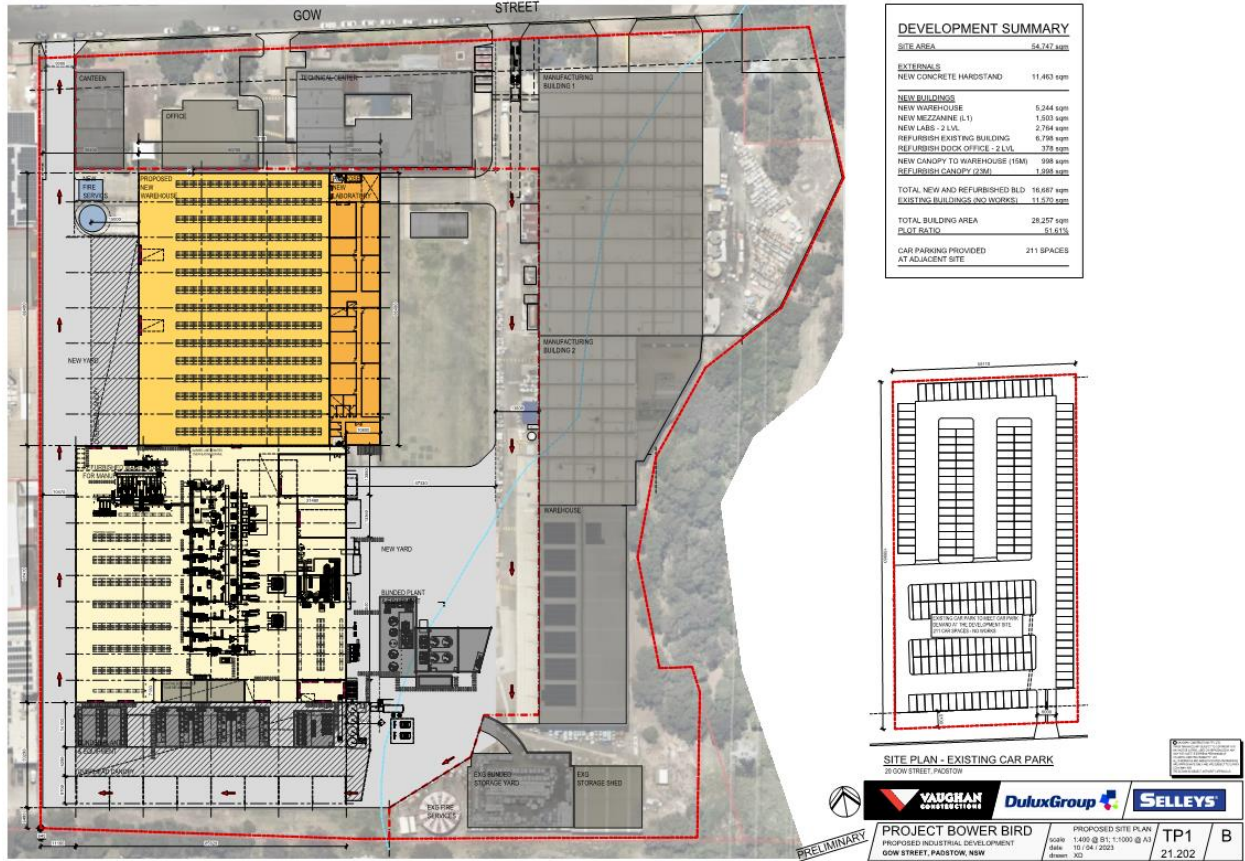
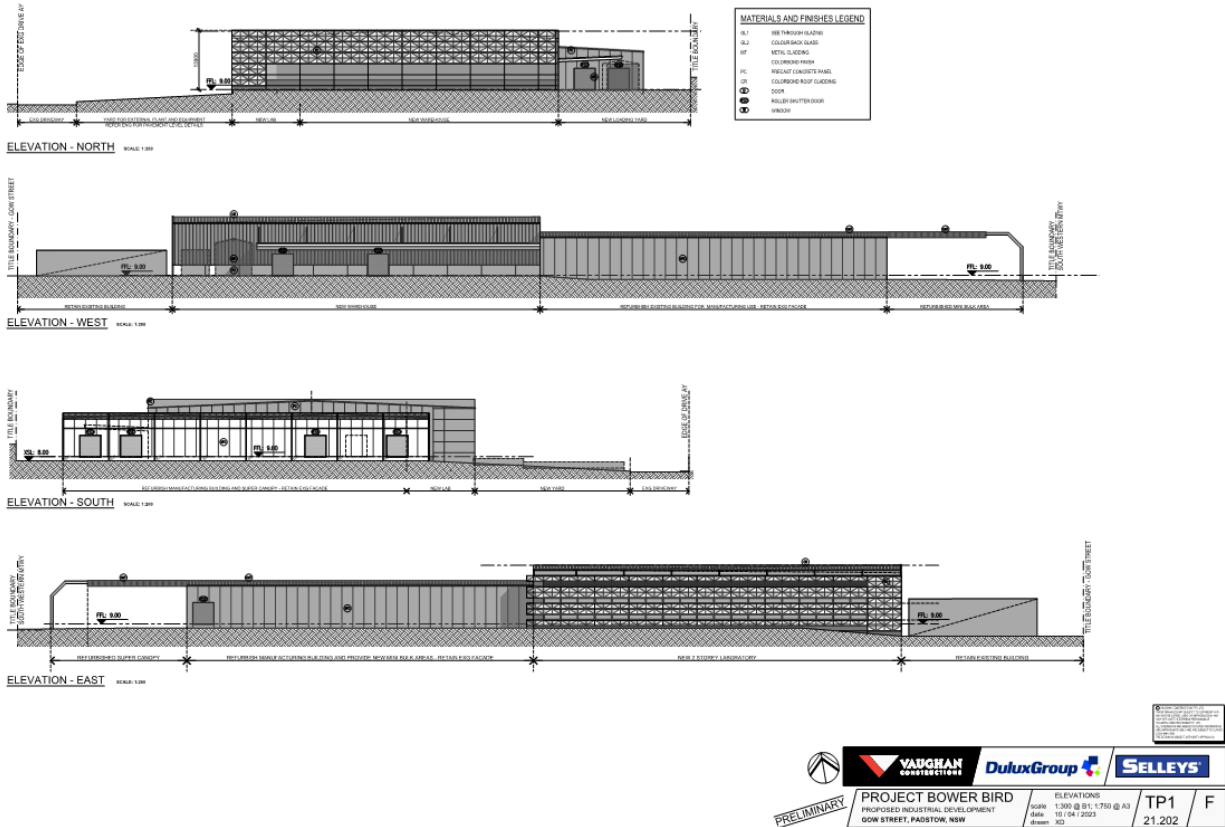


Figure 4. Site Plan (Source: Vaughan Constructions, 2024)



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### 3.3 OPERATIONAL DETAILS

The Subject Site is home to both Selleys manufacturing and corporate functions of Dulux Group. It is the global headquarters of Selleys and Yates and the NSW corporate base for Dulux, Cabots and other businesses part of Dulux Group. There is a mix of onsite, hybrid and remotely-based workers.

The Selleys operational team undertake manufacture of Sealants, Adhesives & Fillers (SAF) and Household Cleaning products. Research and development activities on-site include formulation development and scale-up to full sized manufacturing capability. Additionally, Selleys corporate groups are based within the existing office space.

The existing Selleys factory was constructed in 1964 and over the course of 60 years has seen a significant increase in production throughput and operational complexity. This growth has been catered for somewhat haphazardly. As a result, the flow is particularly poor both in terms of vehicle movements on-site and workflow within the existing factory. The existing manufacturing plant produces 270 products totaling over 21 million units a year, across a range of products. The majority of these are Sealants, Adhesives and Fillers (SAF) for 'DIY' consumers and household cleaning products for grocery channels. Major brands include No More Gaps, Liquid Nails, Spakfilla and Sugar Soap. A broad range of chemical technologies are processed, including acrylic (water-based), solvent-based, silicone and the latest generation of hybrid/MS polymer.

The general production process combines solid and liquid raw materials in one (1) of 27 mixing vessels to produce a thick paste. Fine control of dispersion, temperature, aeration, moisture and biocontamination is

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required. High volume materials are stored in bulk tanks (and delivered by tanker) but the majority are handled in 200L drums or 25kg bags (and delivered by regular trucks). Product is packaged on 16 filling lines into cartridges, sausages, tubs, tubes and bottles.

The existing factory has served the business well but is outdated and unable to effectively produce modern product technologies or meet future capacity and sustainability requirements. The proposed factory will be highly automated and deliver a step-change in safety, quality and efficiency with significantly less waste. The majority of Padstow production will move into the new facility. Solvent-based production will remain in the existing factory but is expected to transition to more sustainable technologies in the future, at which point it will also be produced in the new factory.

All vehicles (with the exception of some maintenance activities) enter through the main entrance on Gow Street and then travel to varying parts of the Subject Site before exiting through the same route to Gow Street.

The Subject Site currently runs a 24/5 shift pattern to meet customer demands, with weekend overtime to meet peak demand. Truck movements are based within 6.00pm to 5.00pm, with the majority during the day shift of 6.00am to 5.00pm. There is no intention for B-doubles to be part of the logistics process on-site at this point and turning circles etc. will be based on single trailer units. The proposed development will allow vehicles to enter the Subject Site via a dedicated entrance (existing but limited use) and deliver/collect from either the existing operational facility or to the proposed manufacturing facility before exiting via a proposed exit to Gow Street.

Incoming raw materials for the proposed facility will be received at the south of the new manufacturing facility. Inbound packaging materials and outbound finished products will be (un)loaded at the north western end of the new facility. Three (3) to five (5) outbound truck movements for finished products are expected per day. It is noted that the existing warehouse will continue to serve the existing factory operations only. Vehicles serving this warehouse will enter via the proposed entrance and exit via Gow Street.

The proposed laboratory will provide space to enable the researchers at Selleys to development new and improved products for manufacturing in conjunction with the manufacturing and marketing teams located at the Subject prior to full scale production at the Subject Site. Co-location of this component is critical to allow for improved efficiencies through communication and knowledge share.

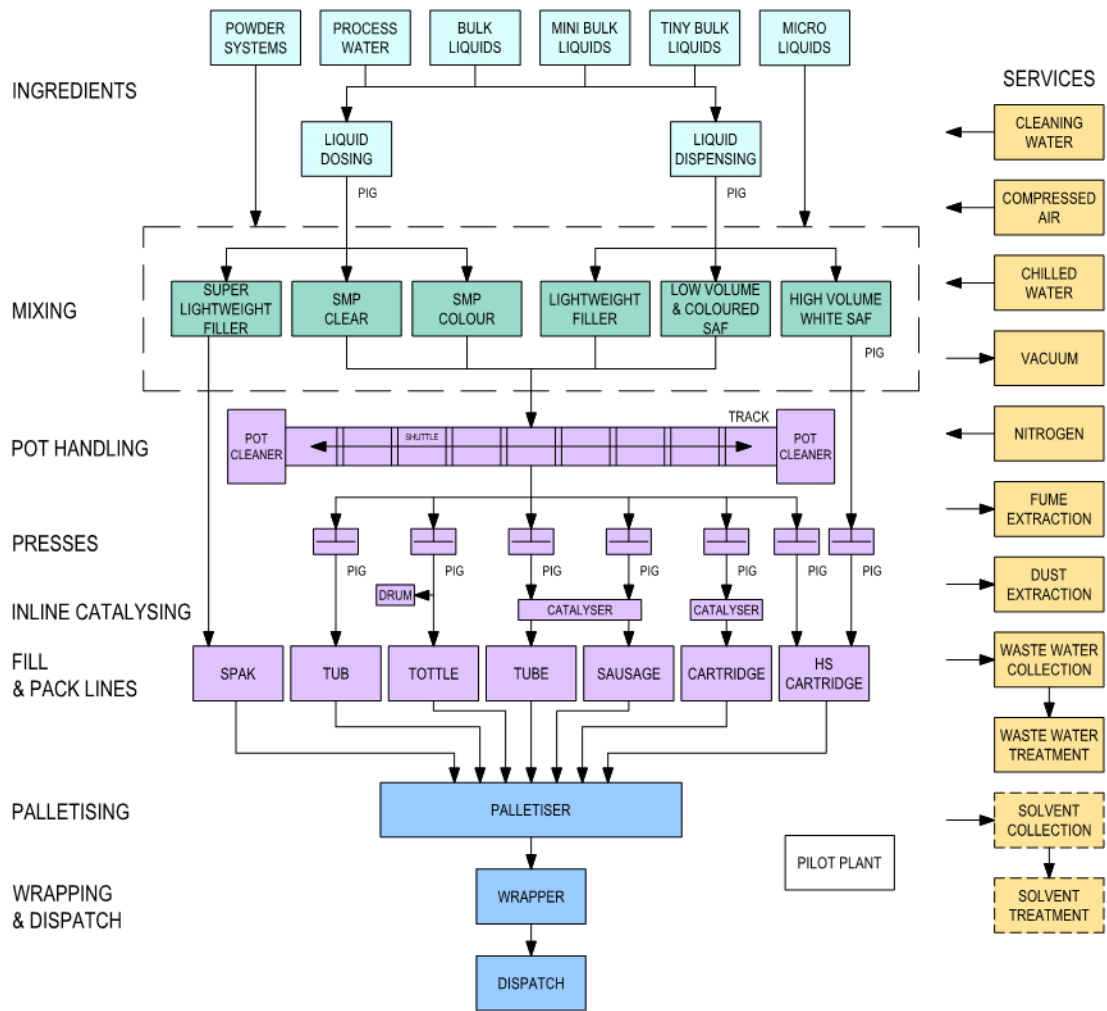
**Table 3** below provides a summary of the proposed operational details, with **Figures 5** and **6** illustrating the operational processes and movements of the proposed development.

TABLE 3. OPERATIONAL DETAILS	
Component	Proposed Operations
Hours of operation	24 hours, seven (7) days a week
Number of staff	Up to 357 (120 manufacturing and 237 administrative) staff with a maximum of 180 staff at any time including the existing site operations.
Number of vehicle movements	Approximately 28 vehicles per day. It is noted that this is an overall reduction from the existing operations which generate approximately 40 vehicles per day.



**SCOPING REPORT**

Proposed Chemical Manufacturing Facility and Associated Warehouse or Distribution Centre  
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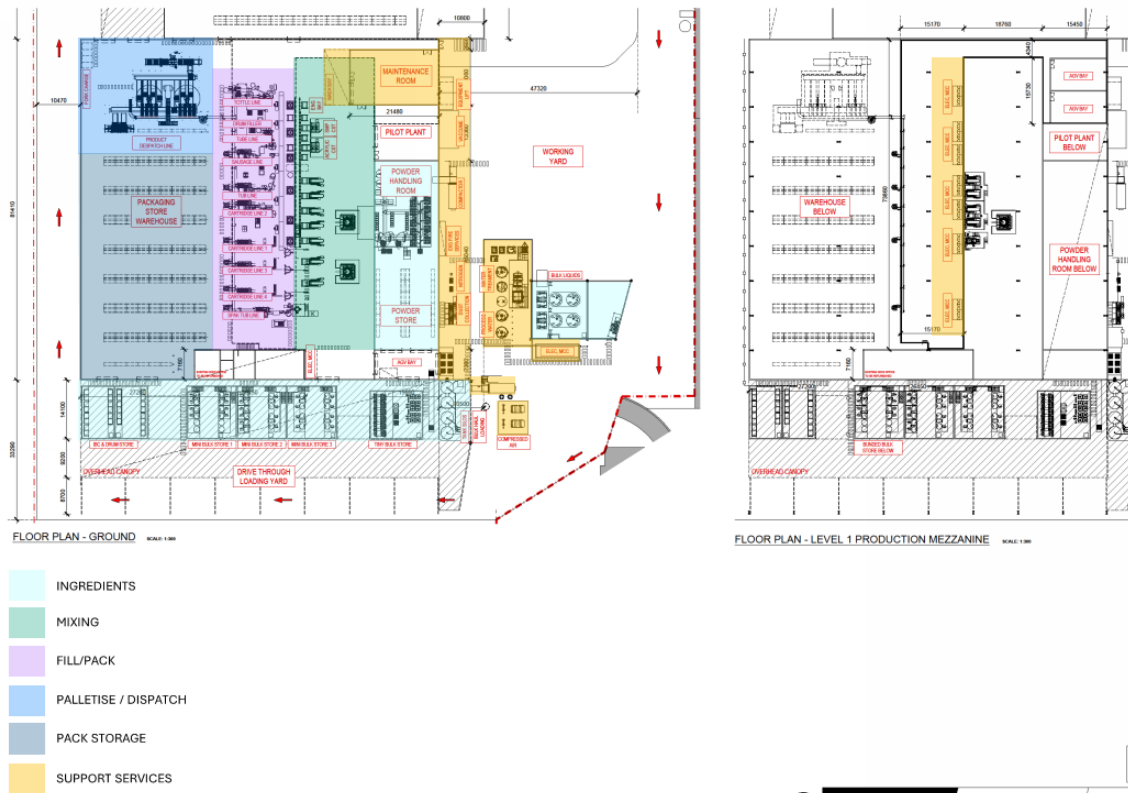


**Figure 6. Operational Flow Chart** (Source: Dulux/Selleys, 2024)



**SCOPING REPORT**

Proposed Chemical Manufacturing Facility and Associated Warehouse or Distribution Centre  
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**PROJECT BOWER BIRD**  
 PROPOSED INDUSTRIAL DEVELOPMENT  
 15/16 GOW STREET, PADSTOW, NSW

DETAILED FLOOR PLANS  
 SCALE: 1:300 @ B1, 1:750 @ A3  
 DATE: 10/04/2023  
 DRAWN: XD

TP1 C  
 21.202

**Figure 6. Operational Layout** (Source: Vaughan Constructions, 2024)

**Table 4** and **Table 5** below provide a breakdown of the dangerous goods (DGs) to be stored and handled at the Subject Site as a result of the proposed development.

<b>TABLE 4. DANGEROUS GOODS</b>				
<b>Bulk WIP &amp; Liquids (kg)</b>			<b>Liquids (L)</b>	
<b>Class</b>	<b>Maximum</b>	<b>Typical</b>	<b>Maximum</b>	<b>Typical</b>
2	Nil	Nil	2,340	1,745
3	60,100	33,400	478,845	313,583
4	50	50	Nil	Nil
5	650	450	Nil	Nil
8	16,500	12,050	17,310	10,510
9	30,900	24,600	6,290	5,290
C1	Nil	Nil	14,500	14,500
C2	Nil	Nil	15,810	15,810

## SCOPING REPORT

Proposed Chemical Manufacturing Facility and Associated Warehouse or Distribution Centre  
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### 3.4 STAGING OF DEVELOPMENT

The approval strategy sought, seeks to obtain development consent to complete the construction works over multiple construction phases; however, any such staging does not constitute staged/concept development as defined under Section 4.22 of the EP&A Act. The staging will be confirmed as part of the future application, however, will generally be as follows:

- Stage 1: Demolition and site preparation works;
- Stage 2: Built form; and
- Stage 3: Fitout and operation.

### 3.5 ESTIMATED DEVELOPMENT COST

The preliminary EDC of this project is expected to be approximately \$120,639,352 (exc. GST). The costs will be verified once the detailed design is finalised.

As this exceeds the \$30 million threshold under Schedule 1, Section 10 of the Planning Systems SEPP, the proposed development constitutes SSD. A Preliminary Quantity Surveyors Report is attached to verify the EDC (refer to **Appendix 2**).



## SCOPING REPORT

Proposed Chemical Manufacturing Facility and Associated Warehouse or Distribution Centre  
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# PART D LEGISLATIVE AND POLICY FRAMEWORK

## 4.1 CONTROLS AND POLICIES OVERVIEW

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

### 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*
- *Protection of the Environment Operations Act 1997*
- *Water Management Act 2000*
- *Biodiversity Conservation Act 2016*
- *Heritage Act 1977*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*

### Local Planning Context

- *Canterbury-Bankstown Local Environmental Plan 2023*
- *Canterbury-Bankstown Development Control Plan 2023*
- *Canterbury-Bankstown Local Infrastructure Contributions Plan 2022*

This planning framework is considered in detail in the following sections.

## 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" for which formal Commonwealth approval is required.

The proposed development will not result in any impacts to any MNES.



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### 4.3 STATE PLANNING CONTEXT

#### 4.3.1 Environmental Planning & Assessment Act 1979

The EP&A Act is the principle planning and development legislation in New South Wales and pursuant to Section 4.36(2) provides that:

*“A State environmental planning policy may declare any development, or any class or description of development, to be State significant development.”*

The proposed development has been identified as State Significant Development under the Planning Systems SEPP.

#### 4.3.2 Environmental Planning & Assessment Regulation 2021

Section 4(1) of the EP&A Regulation states that:

*“Development described in Part 1 of Schedule 3 is declared to be designated development for the purposes of the Act unless it is declared not to be designated development by a provision of Part 2 or 3 of that Schedule.”*

The proposal does triggers ‘Designated Development’ pursuant Schedule 3, Clauses 12 and 13 of the EP&A Regulation as the proposed development is located within 100m of a wetland. Further, it noted that the existing site operations are subject to an Environment Protection License (EPL), No.7106.

#### 4.3.3 Protection of the Environment Operations Act 1979

Schedule 1 of the *Protection of the Environment Operations Act 1979* (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 identified as an activity for the purposes of the POEO Act. As above, the existing operation is subject to an EPL.

#### 4.3.4 Water Management Act 2000

The objective of the *Water Management Act 2000* (WM Act) is the sustainable and integrated management of the state’s water for the benefit of both present and future generations.

Section 91 relates to Activity Approvals and outlines that a controlled activity approval confers a right on its holder to carry out a specified Controlled Activity at a specified location in, on or under Waterfront Land.

For the purposes of the WM Act, Controlled Activity means:

- (a) *the erection of a building or the carrying out of a work (within the meaning of the Environmental Planning and Assessment Act 1979), or*
- (b) *the removal of material (whether or not extractive material) or vegetation from land, whether by way of excavation or otherwise, or*



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- (c) *the deposition of material (whether or not extractive material) on land, whether by way of landfill operations or otherwise, or*
- (d) *the carrying out of any other activity that affects the quantity or flow of water in a water source.*

Waterfront Land means:

- (a) *the bed of any river, together with any land lying between the bed of the river and a line drawn parallel to, and the prescribed distance inland of, the highest bank of the river, or*
- (a1) *the bed of any lake, together with any land lying between the bed of the lake and a line drawn parallel to, and the prescribed distance inland of, the shore of the lake, or*
- (a2) *the bed of any estuary, together with any land lying between the bed of the estuary and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the estuary, or*
- (b) *if the regulations so provide, the bed of the coastal waters of the State, and any land lying between the shoreline of the coastal waters and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the coastal waters,*
- (c) *where the prescribed distance is 40 metres or (if the regulations prescribe a lesser distance, either generally or in relation to a particular location or class of locations) that lesser distance. Land that falls into 2 or more of the categories referred to in paragraphs (a), (a1) and (a2) may be waterfront land by virtue of any of the paragraphs relevant to that land.*

The Subject Site is located within 40m of a watercourse, being Salt Pan Creek to the east, however it is noted that no development is proposed within 40m of watercourse.

### 4.3.5 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) and *Biodiversity Conservation Regulation 2017* (BC Regulation) seek to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.

Part 7 of the BC Act sets out requirements for biodiversity assessments and approvals under the EP&A Act.

Pursuant to Section 7.2(1) of the BC Act, development or an activity is likely to significantly affect threatened species if:

- (a) *it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or*
- (b) *the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or*
- (c) *it is carried out in a declared area of outstanding biodiversity value.*

Pursuant to Section 7.9 of the BC Act, an SSD “is to be accompanied by a biodiversity development assessment report unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values”.

The proposed area of work is clear of vegetation and the Subject Site does not contain any areas of biodiversity value, as such a Biodiversity Development Assessment Report (BDAR) waiver will be sought prior to lodgement of the SSD Application.



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### 4.3.6 Heritage Act 1977

The Subject Site is not identified as containing any items of heritage significant pursuant to the Heritage Act 1977 and as such, no further consideration is required.

### 4.3.7 State Environmental Planning Policy (Planning Systems) 2021

The Planning Systems SEPP contains planning provisions relating to:

- State or regionally significant development, State significant Infrastructure, and critical State significant infrastructure.
- consideration of development delivery plans by local Aboriginal land councils in planning assessment.
- election of the Planning Secretary to be the concurrence authority for certain development that requires concurrence under nominated State environmental planning policies.

#### Chapter 2 – State and regional development

The proposed development satisfies the definition of SSD pursuant to Schedule 1, Section 10 of the Planning Systems SEPP being development for the purposes of the manufacture of adhesives with a EDC of more than \$30 million.

As such, this SEARs request has been made to facilitate the lodgement of a future SSDA.

### 4.3.8 State Environmental Planning Policy (Resilience and Hazards) 2021

The *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP) contains planning provisions relating to:

- Land use planning within the coastal zone, in a manner consistent with the objects of the *Coastal Management Act 2016*.
- Management of hazardous and offensive development.
- Remediation of contaminated land and to minimise the risk of harm.

In relation to the Subject Site, the following matters are highlighted.

#### Chapter 2 – Coastal management

Pursuant to the Resilience and Hazards SEPP, the Subject Site is identified as being land in proximity to coastal wetlands, a coastal use area and a coastal environment area.

Appropriate documentation will be submitted as part of the future SSDA which demonstrates that the proposed development would not result in any adverse impacts to the coastal management areas.

#### Chapter 3 – Hazardous and offensive development

The proposed development is likely to store quantities of DGs that exceed the thresholds of Chapter 3 of the Resilience and Hazards SEPP as detailed in **Table 4** above. A Preliminary Hazards Analysis (PHA) will be submitted as part of the future SSDA.



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### Chapter 4 – Remediation of land

Under the provisions of Chapter 4 of the Resilience and Hazards SEPP, where a DA is made concerning land that is contaminated, the consent authority must not grant consent unless (as stipulated by Clause 4.6 of the SEPP):

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

It is noted that no change to the use of the Subject Site is proposed, nonetheless, given the nature of the existing operations on the Subject Site, appropriate investigations into the contamination and remediation of the Subject Site will be undertaken and accompany the future application.

#### **4.3.9 State Environmental Planning Policy (Transport and Infrastructure) 2021**

The *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and 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.

The proposed development will be identified as Traffic Generating Development pursuant to Schedule 3 of the Transport and Infrastructure SEPP and will be required to be referred to TfNSW.

#### **4.3.10 State Environmental Planning Policy (Biodiversity and Conservation) 2021**

The proposed development will not result in the removal of or any impacts to existing vegetation and as such, no further consideration of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (Biodiversity and Conservation SEPP) is required.

It is noted that the Subject Site is identified as “biodiversity” pursuant to CBLEP2023, however a BDAR Waiver will be sought which demonstrates that the proposed development will not result in any adverse impact to significant biodiversity.



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### 4.4 LOCAL PLANNING CONTEXT

#### 4.4.1 Canterbury-Bankstown Local Environmental Plan 2023

CBLEP2023 is the primary environmental planning instrument that applies to the Subject Site.

The relevant provisions of CBLEP2023 as they relate to the Subject Site are considered below:

#### Zoning and Permissibility

The Subject Site is located within the IN1 General Industrial and RE1 Public Recreation zone under CBLEP2023 as shown in **Figure 8** below.



**Figure 8. CBLEP2023 Zoning Map** (Source: NSW Legislation, 2024)



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The objectives of the IN1 zone include:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To promote a high standard of urban design and local amenity.*

Within the IN1 zone, the following development is permitted without consent:

*Nil*

Within the IN1 zone, the following development is permitted with consent:

*Agricultural produce industries; Building identification signs; Business identification signs; Depots; Freight transport facilities; Garden centres; **General industries**; Hardware and building supplies; Industrial training facilities; Light industries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Restaurants or cafes; Roads; Take away food and drink premises; Tank-based aquaculture; Vehicle sales or hire premises; **Warehouse or distribution centres**; Any other development not specified in item 2 or 4*

Within the IN1 zone, the following development is prohibited:

*Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Early education and care facilities; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home businesses; Home occupations; Home occupations (sex services); Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Passenger transport facilities; Pond-based aquaculture; Port facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Sewerage systems; Sex services premises; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies*

The proposed development would be suitably characterised as a general industry and warehouse or distribution centre which are permitted with consent within the IN1 zone and are consistent with the objectives of the zone.

No development is proposed within the land zoned RE1.



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### Development Standards

**Table 5** outlines the developments consistency and compliance with the relevant development standards and controls under CBLEP2023.

TABLE 5. DEVELOPMENT STANDARDS	
Clause	Comment
Clause 4.1 – Minimum Lot Size	15 & 20 Gow Street are subject to a minimum lot size of 1,500m <sup>2</sup> . 1 Gow Street is not subject to a minimum lot size.  No subdivision is proposed.
Clause 4.3 – Height of Buildings	The Subject Site is not subject to a maximum building height.
Clause 4.4 – Floor Space Ratio	15 & 20 Gow Street are subject to a maximum floor space ratio of 1:1. 1 Gow Street is not subject to a maximum floor space ratio.  A floor space ratio of 0.46:1 is proposed which complies.
Clause 5.10 – Heritage	The Subject Site is not within a heritage conservation area or identified as a heritage item.
Clause 5.21 Flood Planning	The Subject Site is identified as being within a flood planning area.  The future SSDA will be accompanied by an appropriate flood study.
Clause 6.1 – Acid Sulfate Soils	The Subject Site is identified as containing Acid Sulfate Soils Class 2 and 5.  The future SSDA will be accompanied by appropriate geotechnical assessment.
Clause 6.4 – Biodiversity	The Subject Site is identified as “biodiversity”.  A BDAR Waiver will be sought which demonstrates that the proposed development will not result in any adverse impact to significant biodiversity.

#### 4.4.2 Canterbury-Bankstown Development Control Plan 2023

The Canterbury-Bankstown Development Control Plan (CBDCP2023) provides a non-statutory instrument to guide development in the Canterbury-Bankstown LGA that is subsequently zoned under CBLEP2023.

The proposed development will consider the relevant controls of the CBDCP2023, which will be articulated within the proposed design and as part of the future application.

#### 4.4.3 Canterbury-Bankstown Local Infrastructure Contributions Plan 2022

The proposed development will be subject to the *Canterbury-Bankstown Local Infrastructure Contributions Plan 2022* and any applicable contributions will be imposed as a condition of consent.



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## PART E ENGAGEMENT

To date, no consultation has been undertaken with any stakeholders.

Consultation will be undertaken with the following stakeholders:

- Canterbury-Bankstown Council;
- Aboriginal Land Council;
- NSW Environment Protection Authority;
- Transport for NSW;
- Endeavour Energy;
- WaterNSW;
- Sydney Water;
- Fire and Rescue NSW;
- Environment, Energy and Science Group; and
- Surrounding landowners.

Consultation with relevant stakeholders will be undertaken whilst preparing a detailed EIS in keeping with the Department's Major Project Community Consultation Guidelines. Outcomes of this engagement will be detailed in the EIS.



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## PART F PROPOSED ASSESSMENT OF IMPACTS

A screening analysis of the environmental issues applicable to the proposal is presented in **Table 6** below. This risk-based analysis has been used to identify the key environmental issues for further assessment and assist the preparation of the SEARs with respect to the proposed development.

The analysis is based on preliminary environmental assessment of the Subject Site only. The EIS for the proposal will fully address these items and other key environmental issues relevant to the proposal.

TABLE 6. ENVIRONMENTAL SCREENING ANALYSIS	
Issue	Assessment to Address the Following:
Soil and Water	<ul style="list-style-type: none"><li>Erosion and Sediment Control Plan;</li><li>Earthworks;</li><li>Stormwater management cycle including Water Sensitive Urban Design;</li><li>Rainwater harvesting; and</li><li>Site Contamination.</li></ul>
Noise	<ul style="list-style-type: none"><li>Construction and Operational acoustic impacts to sensitive receivers; and</li><li>NSW Noise Policy for Industry and Road Noise Policy.</li></ul>
Biodiversity	<ul style="list-style-type: none"><li>The proposed development is not considered to result in any impacts to biodiversity values and therefore, a BDAR waiver will be sought.</li></ul>
Air Quality and Odour	<ul style="list-style-type: none"><li>Air pollution including odour.</li><li>Protection of the Environment Operations Regulations.</li></ul>
Aboriginal Cultural Heritage and Non-Aboriginal Heritage	<ul style="list-style-type: none"><li>An Aboriginal Cultural Heritage Assessment (ACHA) will accompany the future application.</li></ul>
Waste	<ul style="list-style-type: none"><li>Construction and operational waste management.</li></ul>
Traffic and Transport	<ul style="list-style-type: none"><li>Potential traffic related impacts as a result of the proposal on the surrounding road network; access and design; car parking; and trip generation (including relevant swept path analysis).</li></ul>
Other Infrastructure and Services	<ul style="list-style-type: none"><li>All essential infrastructure services are available to the Subject Site.</li></ul>
Visual Amenity / Urban Design	<ul style="list-style-type: none"><li>Visual presentation including form, materiality and landscaping.</li></ul>
Hazards and Risks	<ul style="list-style-type: none"><li>A PHA will accompany the future application. The proposed development will accommodate all recommendations of the PHA.</li></ul>
Socio / Economic	<ul style="list-style-type: none"><li><i>Social Impact Assessment Guidelines 2023</i> and <i>Undertaking Engagement Guidelines for State Significant Projects</i>.</li></ul>



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## PART G CONCLUSION

The intent of this Scoping Report is to guide the preparation of an SSD application for the proposed development of land at 1-15 Gow Street and 20 Gow Street, Padstow, more formally described as Lot 100 & 101 DP1011185 and Lot 53 DP1064349. The proposed development involves a chemical manufacturing facility and associate warehouse or distribution centre, that would equate to a EDC of more than \$30 Million, thus being defined as SSD pursuant to the Planning Systems SEPP.

The Subject Site is situated within the Canterbury-Bankstown LGA complimented by surrounding developments of similar contextual importance. The Subject Site is considered highly suitable for the proposed development, given the industrial-related uses proposed.

The proposed development is considered to align with the strategic objectives of the CBLEP2023 and continues to support employment-generating opportunities within the wider Sydney Metropolitan Region. Furthermore, the Subject Site is located within close proximity to key infrastructure. In this respect, the proposed development would provide for economic growth and prosperity for the Canterbury-Bankstown LGA and the wider area.

Additionally, as noted throughout this Scoping Report, the proposed development would be carried out in an environmentally and ecologically sustainable manner and would further implement suitable mitigation measures to ensure that the amenity and function of surrounding land uses would not be compromised.

It is requested that NSW DPHI issue formal SEARs for the preparation of an EIS for the proposed development as SSD.

