

Our ref: SSD-65924461

Ms Grace Macdonald
NSW Planning Manager
ESR Developments (Australia) Pty Ltd
Level 13, 39 Martin Place
Sydney NSW 2000

Attention: Zara Bennett, Urbis

22 April 2025

Subject: Stephen Road Multi-level Warehouse, Banksmeadow - Additional Matters for Submissions Report

Dear Ms Macdonald

I refer to the Department of Planning, Housing and Infrastructure's (the Department's) previous correspondence dated 8 April 2025 which requested the provision of a Submissions Report in response to issues raised in public submissions and the advice provided by agencies.

The Department has now received responses from the NSW Department of Climate Change, Energy, the Environment and Water, Ausgrid and Sydney Airport which are now available on the [NSW planning portal](#).

In addition to responding to all the advice and submissions received, you are required to submit additional information that addresses the issues identified in Attachment 1 of this letter in your Submissions Report.

If you have any questions, please contact Thomas Bertwistle on (02) 8275 1025 or via email at Thomas.Bertwistle@planning.nsw.gov.au.

Yours sincerely,



Joanna Bakopanos

A/Director

Industry Assessments

as delegate of the Planning Secretary

ATTACHMENT 1

Department's Request for Information

Based on the Department's review of the information provided in the Environmental Impact Statement (EIS), the Department considers further information is required to clarify matters and address inconsistencies within the documentation. In this regard, the following information is required to be provided as part of your Submissions Report:

Background

1. Please provide details on existing site operations including existing hours of operation, traffic numbers and staffing numbers.

Urban Design

2. The Department has significant concerns regarding the bulk and scale of the proposed development, particularly its visual impact when viewed from the sensitive low-density residential area located directly opposite the site on Stephen Road. The building presents as a monolithic six storey building form to Stephen Road, with a scale and visual dominance significantly exceeding that of surrounding developments, resulting in an incongruous streetscape interface. While the Department acknowledges the industrial character of the eastern side of Stephen Road, the expectation is this interface is to act as a transition area between residential uses and the Stephen Road industrial area, meaning the design requirements/aesthetics are more onerous.

As such, the Department requests that the design of the building fronting Stephen Road be revised to ensure a more contextually appropriate and visually compatible outcome. This should include, but not be limited to, significantly increasing the upper-level setbacks to reduce the perceived bulk and scale of the warehouse particularly when viewed from the residential interface.

3. The visual dominance of the building is further exacerbated through the use of large blank facades to Stephen Road, including the building's ground level interface which is largely unarticulated and dominated by vehicle ramps. This must also be revisited as part of the above design changes.
4. The Department raises concerns over the shadowing impact the proposal will have on residential properties opposite the site on Stephen Road, particularly during winter mornings. Revising the buildings interface with Stephen Road by reducing the scale of the building will likely assist in minimising the impact on solar access to the sensitive receivers.
5. The eastern façade of the building presents as a 'back of house' elevation, despite being clearly visible from Coal Pier Road. This includes unsightly views of the underside and structural supports of the three storey spiral heavy vehicle ramps. Given the building's considerable size, the eastern elevation must be reviewed to provide a more 'front' facing façade due to its exposure to the public domain.
6. The proposal includes fencing along the Stephen Road site boundary, creating a further hard barrier to Stephen Road. The Department recommends setting the fencing further back behind landscaping, or removing it entirely where not operationally required, to allow for the

landscaping to soften the visual impact of the built form and enhance streetscape presentation.

Landscape

7. The Department reiterates Bayside Council's concerns over landscaping. Landscaping within the site is limited, further exacerbating the above built form and urban design issues. Further, it appears the landscape strategy relies on a significant amount of turfed area under the three storey eastern ramp, which is not considered reasonable.

The landscaping of the site must be revisited to create a meaningful landscaping response.

Noise

8. During exhibition, significant community concern was raised regarding the potential noise impacts during construction. The Department notes that the submitted noise impact assessment concluded several residential receivers would be classified as 'highly noise affected' during construction works. While various mitigation measures have been recommended, it remains unclear whether these measures will meaningfully reduce construction noise impacts.

As such, please provide further information, including additional noise modelling, to demonstrate the effectiveness of the proposed mitigation measures (such as hoarding) and include a clear commitment from the Applicant to implement them.

9. The Department notes that several individual noise-generating activities (e.g. an excavator with a medium rock hammer) are predicted to exceed the 'highly noise affected' threshold at residential receivers. Further details must be provided on any proposed respite schedules for such activities.
10. Public submissions have raised concerns over existing noise generated by the development. It is unclear if all periods of background noise monitoring captured noise generated by the development (i.e. was the existing development operating during the night-time period). If so, consideration must be given to section 1A of Fact Sheet A of the *Noise Policy for Industry*, including if exclusion of the existing operation's noise from monitoring is required. It is noted this may also impact on justification related to the selection of noise amenity category.
11. Please provide LA_{max} , dB(A) levels predicted at residential receivers.
12. Please provide justification for the assumed number of heavy vehicle movements used in the worst-case 15-minute scenario.

Hazards

13. The EIS did not include a preliminary risk screening or any information regarding the storage or transport of dangerous goods (DGs) and hazardous materials to assess if the SSD is potentially hazardous under Chapter 3 of the State Environmental Planning Policy (Resilience and Hazards) 2021. As such, please provide a preliminary risk screening, clearly detailing the class, storage and handling quantities, and location of all DGs and hazardous material associated with the development.

If the preliminary risk screening indicates that the development is potentially hazardous, a preliminary hazard analysis (PHA) in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'* will also be required.

14. Please confirm if each separate tenancy would store DGs below the placard quantities listed in Schedule 11 of the Work Health and Safety Regulation 2017. If not, a PHA will be required to demonstrate compliance with the relevant DG Australian Standards and how the risk of fire spreading across adjoining tenancies can be mitigated effectively.

Contaminated Land

15. It is unclear how the existing Environment Protection Licence (EPL) 993 and Voluntary Management Proposal (VMP) no. 20201720 will interact with the construction and operation of the development, including should groundwater remediation works extend beyond the estimated finish dated of 2027. Please provide further information on the interaction between the EPL, VMP and the proposed development, including a likely timeline of surrendering the existing EPL.
16. Please confirm if an EPL is required for the remediation works under Clause 15 of Schedule 1 of the *Protection of the Environment Operations Act 1997*.
17. It is acknowledged a Site Auditor has been engaged and is in the process of reviewing the Remedial Action Plan (RAP) in order to prepare a Site Audit Statement to confirm the adequacy of the RAP. The Department requests the Site Audit Statement be provided once completed.

Air Quality

18. Significant concerns have been raised in public submissions and by the Environment Protection Authority (EPA) relating to management of dust and air quality during construction and remediation of the site. Please provide an adequate response to issues raised by the EPA on this matter.

Traffic

19. Please provide further information regarding the operational traffic movements associated with the servicing of the proposed café, including details on loading and unloading arrangements, and the ability of the site layout to accommodate these activities.
20. Please provide future (10 year horizon) traffic scenarios of the development.
21. There appears to be errors in the in and out vehicle numbers provided in section 8.2.1 (i.e. numerous parts refer to 52 vehicles in). Please review this section and provide updated vehicle numbers where appropriate.

Flooding and Stormwater

22. Bayside Council has raised several concerns relating to the EIS flood assessment and changes to stormwater infrastructure. The Department requests these concerns are adequately addressed, which may require further consultation with Council prior to the lodgement of the Submissions Report.