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URBIS

SCOPING REPORT

49-61 Stephen Road,
Banksmeadow

Prepared for
ESR
13 December 2023

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

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GLOSSARY AND ABBREVIATIONS

Reference	Description
ACHAR	Aboriginal Cultural Heritage Assessment Report
AQIA	Air Quality Impact Assessment
ARI	Average Recurrence Interval
BAM	Biodiversity Assessment Method
BC Act	<i>Biodiversity Conservation Act 2016</i>
BC Reg	<i>Biodiversity Conservation Regulation 2017</i>
BDAR	Biodiversity Development Assessment Report
CEEC	Critically Endangered Ecological Community
CDA	Concept Development Application
CEMP	Construction Environmental Management Plan
CMP	Construction Management Plan
CTMP	Construction Traffic Environmental Plan
DCP	Development Control Plan
DPE	NSW Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPA Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EIS	Environmental Impact Statement
EPA	NSW Environment Protection Authority
HIPAP	Hazardous Industry Planning Advisory Paper
LEP	Local Environmental Plan
MNES	Matters of National Environmental Significance
NRAR	Natural Resource Access Regulator
OEMP	Operational Environmental Management Plan
PBP	Planning for Bushfire Protection
PCT	Plant Community Type

Reference	Description
POM	Plan of Management
PSI	Preliminary Site Investigation
SAIL	Serious and Irreversible Impacts
SARs	Commonwealth Supplementary Assessment Requirements
SEARs	Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
Site	▪ Lot A DP190526 ▪ Lot 1 DP1095110 ▪ Lot 1 DP311767
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2009</i>
SSD	State Significant Development
SSDA	State Significant Development Application
TIA	Traffic Impact Assessment
UXO	Unexploded Ordnance
VIS	Vegetation Integrity Score
WMP	Waste Management Plan
WSUD	Water Sensitive Urban Design
WWTP	Wastewater Treatment Plant

1. INTRODUCTION

This Scoping Report has been prepared on behalf of ESR Developments (Australia) Pty Ltd (**ESR**) and in support of a proposed multi-storey warehouse at 49-61 Stephen Road, Banksmeadow (**the site**). It seeks site specific Secretary's Environmental Assessment Requirements (**SEARs**) for the preparation of an Environmental Impact Statement (**EIS**) that will accompany a State Significant Development Application (**SSDA**).

This section of the report identifies the applicant for the project and describes the site and proposed development. It outlines the site history and feasible alternatives explored in the development of the proposed concept, including key strategies to avoid or minimise potential impacts.

1.1. APPLICANT DETAILS

The applicant details for the proposed development are listed in the following table.

Table 1 Applicant Details

Descriptor	Proponent Details
Full Name(s)	ESR Developments (Aust) Pty Ltd
Postal Address	ESR, Level 24, 88 Phillip Street, Sydney 2000
ABN	88 625 766 109
Nominated Contact	Grace Macdonald
Contact Details	Grace.Macdonald@esr.com

1.2. PROJECT DESCRIPTION

The new warehouse and distribution facility will comprise of two buildings identified as Building A and Building B consisting of 12 warehouse tenancies in each building (24 in total). The proposed SSDA will seek consent for construction of the proposal in its entirety.

Specifically, the proposal will include:

- Demolition of all existing built form,
- Site preparation works, bulk earthworks and infrastructure,
- Extensive site remediation works,
- Construction and operation of a three-storey warehouse and distribution centre with ancillary office facilities, car parking and landscaping.

Refer to **Section 3** of this report for a more detailed description of the proposed works. Preliminary concept plans prepared by SBA Architects which accompany this Scoping Report at **Appendix C**. These plans will be refined during the preparation of the EIS, including further detailed investigations and assessment of key issues identified within the SEARs.

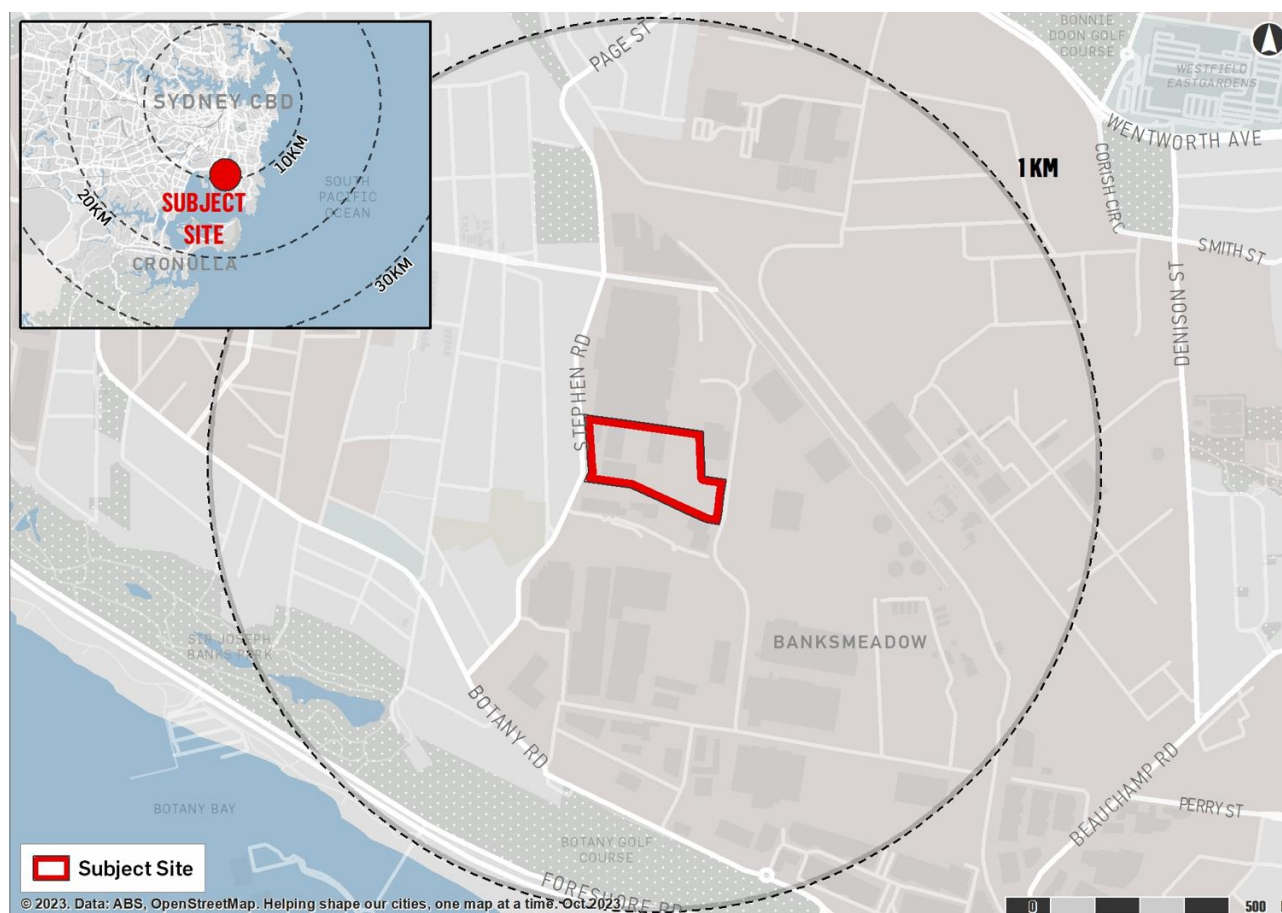
The proposed development has an estimated capital investment value of \$280 million (refer to **Appendix D**) and is for the purpose of 'warehouses or distribution centres ... at one location and related to the same operation'. Accordingly, the proposal is classified as an SSD under Schedule 1, clause 12(1) of the *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP).

The site information relevant to the project is provided in the following table. A detailed description of the key features of the site and locality is provided in **Section 2.2** of this report.

Table 2 Site Details

Site Feature	Description
Address	49-61 Stephen Road, Banksmeadow
Local Government Area	Bayside Council
Legal Description	- Lot A DP190526 - Lot 1 DP1095110 - Lot 1 DP311767
Site Area (approx.)	48,160m ²

Map 1 Locational Context



Source: Urbis, 2023

1.3. ELIGIBILITY FOR SITE SPECIFIC SEARS

The proposed development is classified as 'designated development' due to the requirement for extensive contaminated soil treatment works exceeding the threshold for item 'Contaminated soil treatment works' under Schedule 3, Section 2, subclause 20 of the EP&A Regulations 2021. Previously, a Preliminary Site Investigation (PSI) has been carried out on the site that confirms that the site is significantly contaminated,

and soil remediation works will be required prior to any earthworks or construction commences for any proposal. The site is also listed on the NSW EPA Contaminated Land Record of Notices.

In accordance with Section 175 of the EP&A Regulations 2021, the development is considered 'nominated state significant development'.

Planning Circular PS 21-005 provides that ready-made assessment requirements for state significant development under the streamlined industry specific secretary's environmental assessment (industry specific SEARs) requirements do not apply to designated development. Therefore, as the proposed site requires works that are considered designated development to remediate the site, the SSD for the development of the proposed multistorey warehouse will require site specific SEARS.

2. STRATEGIC CONTEXT

This section describes the way in which the proposal addresses the strategic planning policies relevant to the site. It identifies the key strategic issues relevant to the assessment and evaluation of the project which will be explored in further detail within the future EIS.

2.1. PROJECT JUSTIFICATION

The proposed development is aligned with the State, district and local strategic plans and policies applying to the site as outlined below.

2.1.1. Greater Sydney Region Plan: A Metropolis of Three Cities

Greater Sydney Region Plan: A Metropolis of Three Cities – connecting people ('the Region Plan')¹ provides the overarching strategic plan for growth and change in Sydney. It is a 20-year plan with a 40-year vision that seeks to transform Greater Sydney into a metropolis of three cities - the Western Parkland City, Central River City and Eastern Harbour City. It identifies key challenges facing Sydney including increasing the population to eight million by 2056, 817,000 new jobs and a requirement of 725,000 new homes by 2036.

The Plan includes objectives and strategies for infrastructure and collaboration, liveability, productivity and sustainability. Managing and retaining industrial land close to centres and transport will ensure critical services are available to support businesses and residents.

The site is located within the Botany Industrial Area where it is envisaged that growth will be supported by protecting the operations of the international gateways of Sydney Airport and Port Botany.

The following objectives also supports additional employment and maintaining industrial land supply:

- *Objective 23 – Industrial and urban services land is planned, retained and managed, and;*
- *Objective 24 – Economic sectors are targeted for success.*

The Region Plan specifically discusses advanced manufacturing, logistics and trade within the region which is an expanding sector characterised by significant investment in innovation and development. The Region Plan outlines that across Greater Sydney, 15 per cent of all jobs are on industrial and urban services land, yet only eight per cent of developable land in Greater Sydney allows for industrial and urban services land, which highlights a need for further intensification of employment generating land. The plan outlines that the growth and enhancement of industrial and urban services lands should reflect the needs of the Eastern Sydney region.

The proposed development aligns with the vision and key objectives of the Botany Industrial Area as the proposed warehouse and distribution centre will facilitate the provision of jobs and economic activity in proximity to existing international gateways of the airport and port.

2.1.2. Our Greater Sydney 2056: Eastern Harbour City District Plan

*Our Greater Sydney 2056: Eastern Harbour City District Plan*² – connecting communities ('the District Plan') is a 20-year plan to manage growth in the context of economic, social and environmental matters to implement the objectives of the Greater Sydney Region Plan. The intent of the District Plan is to inform local strategic planning statements and local environmental plans, guiding the planning and support for growth and change across the district.

The District Plan contains strategic directions, planning priorities and actions that seek to implement the objectives and strategies within the Region Plan at the district-level. The Structure Plan identifies the key centres, economic and employment locations, land release and urban renewal areas and existing and future transport infrastructure to deliver growth aspirations.

The planning priorities and actions likely to have implications for the proposed development are listed and discussed below:

¹ <https://www.greatercities.au/metropolis-of-three-cities/vision-of-metropolis-of-three-cities>.

² <https://greatercities.au/eastern-city-district-plan>.

- *Planning Priority E9 – Growing international trade gateways;*
- *Planning Priority E10 – Delivering integrated land use and transport planning and a 30-minute City;*
- *Planning Priority E11 - Growing investment, business opportunities and jobs in strategic centres, and;*
- *Planning Priority E 12 – Retaining and managing industrial and urban services land.*

The plan discusses the essential nature of supporting and retaining industrial precincts. The trade gateway of Port Botany and Sydney Airport is seeing shifts in the freight and logistics sector driven by technological changes. Therefore, there is increased demand within the areas of industrial zoned land surrounding these gateways to support the growth of the industry. It is outlined that the amount of industrial land supporting Sydney Airport has decreased with encroachment from residential developments and commercial growth.

The proposed development will contribute to growing investment, business opportunities and jobs in the Botany Industrial Area by enabling additional employment generating floorspace through delivery of a warehousing facility with accessibility to the established regional road network, airport and port.

2.1.3. Bayside Local Strategic Planning Statement

Bayside Local Strategic Planning Statement ('the LSPS')³ was prepared by Bayside Council. The LSPS seeks to implement the provisions in the Region Plan and District Plan, setting a 20-year vision for land-use within the LGA in accordance with the EP&A Act.

The LSPS outlines that the two trade gateways located within Bayside are key in delivering 91,000 jobs in the LGA. The trade gateways are supported by the industrial employment and urban services land that surrounds the sites identified as the Botany Industrial Park, and where the site is located. The LSPS states that the industrial precincts enable the trade gateways to operate as effectively as possible and are critical for the ongoing operations of the gateways, thereby reinforcing the State level policy setting of retaining and pro-actively supporting the ongoing use of the site and wide precinct for industrial / employment uses that are leveraging proximity to both the Port and Airport.

The proposed development will contribute to growing the trade gateways within the Bayside LGA by enabling for the continued and intensified use of industrial employment and urban services land in close proximity to the port and airport.

2.1.4. Industrial Lands 'Retain and manage' Policy Review – Greater Cities Commission

The Greater Cities Commission conducted a review of the 'Retain and Manage Policy'⁴ relating to industrial lands which was published in June 2022.

The review outlines that there are missing links in the supply chain of industrial land which affect the productivity, overall functioning and economic resilience of Greater Sydney and therefore these lands must be strategically planned to ensure coordination and ensure productivity outcomes.

The policy review outlines the following draft guiding principles to support and assist in retain and managing industrial lands:

- Guiding Principle 1 – *Securing capacity of industrial and urban services land*

Ensure there is sufficient industrial land and allowable floor area, of the right types, to meet the State's needs now and in the future.

- Guiding Principle 3 – *Optimising diverse supply chains supported by infrastructure.*

Ensure that Greater Sydney's freight network (including trade gateways and corridors), and business access to intermediate goods and services are efficient and resilient.

³ <https://haveyoursay.bayside.nsw.gov.au/47921/widgets/288780/documents/163785>

⁴ https://gsc-public-1.s3-ap-southeast-2.amazonaws.com/s3fs-public/ILPR_findingspaper.pdf

- Guiding Principle 4 – *Boosting economic activity to support current and emerging industries.*

Strategically important and well-located industrial lands should support the co-location of businesses. Protecting Greater Sydney’s and NSW’s adaptive capacity to integrate both current and emerging industries can help secure Australia’s current and future economic prosperity.

The site currently comprises of existing industrial land and is located within a strategic location which will address the principles established by the policy review including providing additional industrial activity within an existing area supported by infrastructure.

2.1.5. Six Cities Plan – Discussion Paper – Greater Cities Commission

*The Greater Cities Commission Six Cities Plan Discussion Paper*⁵ was released in September 2022 and outlines opportunities to plan the Six Cities Region as the GCC prepares the Six Cities Region Plan due in 2024.

The plan outlines that further industrial lands are needed to support population and economic growth, which should be retained near trade gateways to safeguard freight and logistics capacity and support efficient operations.

The paper also discusses supporting long term investment through industrial lands in strategic locations to coordinate functions and types of land use and infrastructure.

The relevant “Region Shaper” objectives are:

- 5.5 - The Region Plan will include an industrial lands policy across the Six Cities Region to provide certainty to communities, businesses and investors to support local, regional and state economic growth. This will ensure that industrial areas are sustainably linked to current and global gateways like ports and airports.
- 5.6 - Industrial lands policy will ensure industrial areas are located close to the businesses and communities they serve, including locations near major gateways, economic corridors and innovation districts, so that new industries in the Six Cities Region can sustain a global comparative advantage.

The intended future use for the site for warehouse and distribution purposes is consistent with the “Region Shaper” objectives outlined in the discussion paper, as the site is strategically located in close proximity to Port Botany and Sydney Airport.

2.2. KEY FEATURES OF SITE AND SURROUNDS

The subject site is located at 49-61 Stephen Road, Banksmeadow, within the Bayside local government area (LGA). The site is legally described as Lot A in Deposited Plan 190526, Lot 1 Deposited Plan 1095110, and Lot 1 Deposited Plan 311767.

The location of the site is illustrated in **Map 1**. Photographs of the current site condition are provided in **Figure 1**.

⁵ <https://www.nsw.gov.au/sites/default/files/2022-12/six-cities-discussion-paper.pdf>

Figure 1 Aerial Image of Site



Source: Urbis, 2023

The key features of the site which have the potential to impact or be impacted by the proposed development are summarised in the table below.

Table 3 Key Features of Site and Locality

Descriptor	Site Details
Land Configuration	The site area is approximately 48,160m². The site slopes in a west to east direction across the site with a steep decline in elevation from the front boundary along Stephen Road to the employee carpark, offices and general warehouses. A large retaining wall is located along the front boundary presenting an approximate 3-3.5m drop in level. Additionally, to the rear of the site along the eastern boundary is another steep easterly drop down towards Coal Pier Road. The street frontages are approximately: - Stephen Road – 129m - Coal Pier Road – 103m
Land Ownership	The site is wholly owned by ESR.
Existing Development	The site has been developed and currently accommodates the Allnex Resins manufacturing site. The site presents a two-storey office building towards the Stephen Road frontage, with 20 warehouse and ancillary use

Descriptor	Site Details
	buildings as well as numerous chemical storage tanks. It is understood that the current use was initially established on the site in the 1950s and has evolved/expanded since that time. Due to the existing and current use of the site and the handling and manufacturing of chemical products, the site is considered contaminated and is subject to Environmental Protection Agency (EPA) notification. As part of site contamination management, a stormwater retention/remediation treatment pond is located along the Coal Pier Road frontage along the eastern boundary. Existing planted vegetation is located along the site's boundaries predominately along the western and northern setback areas assisting in screening the development from Stephen Road and the Southgate Industrial Estate development to the north. A cleared grassed area is located to the rear of the site beside the stormwater retention and treatment pond.
Local Context	The surrounding locality is described below: ▪ North: The Southgate Industrial area is located to the north of the site along Stephen Road. The development consists of a large warehouse or distribution centre that has access to the rear along Coal Pier Road. ▪ East: The Southgate Container Park is located to the east of the site along Coal Pier Road which consists of container storage up to 5 containers high. 9 Coal Pier Road, a new Goodman development currently under construction, is located to the southeast. ▪ West: A low density residential area is located to the west of the site along Stephen Road. This area mainly consists of one to two storey dwellings with driveway access off the Stephen Road. ▪ South: To the direct south of the site (63 Stephen Road) is a small warehouse used for storing metal and mechanical parts. Further south is a larger warehouse and rear storage area that supplies interior goods and fit outs.
Regional Context	The site is approximately 10km from Sydney CBD as well as is 1.5 kilometres from Port Botany and 3km from Sydney Airport. The site is surrounded by predominantly a mix of industrial/warehouse and distributions and residential land uses. The site is located in close proximity to existing employment and industrial areas including the Botany Port and Sydney Domestic and International Airports.
Infrastructure	The site is located adjacent to the following significant rail and road infrastructure:

Descriptor	Site Details
	▪ A freight rail corridor runs along the east of the site to Port Botany providing an opportunity for the transportation of goods across Sydney and the wider NSW region. ▪ Foreshore Road is located to the south of the site providing road connections to Port Botany, Sydney Airport and the M1 north and Southbound as well as the M5 motorway to the west. Overall, the site benefits from significant road, rail, air and port facilities to allow for the movement of goods across Sydney, Australia and internationally. Bus connections are located along Swinbourne Street to the north providing access to Eastgardens Shopping Centre and Haymarket in the Sydney CBD. This access to public transport provides an opportunity for employees to access the site.
Site Access	The site has employee car only access from Stephen Road and access along Coal Pier Road along the rear for trucks including B-Doubles. An existing truck access and weigh bridge is located off Stephen Road which is no longer utilised.
Easements and Covenants	The site is subject to the following restrictions and easements identified on the Location Plans provided by Beveridge Williams dated 16 June 2022: ▪ Easement for drainage – located along the southern boundary fence line (1.525m wide and variable width) (denoted as (A) in the sketch). ▪ Easement for drainage – located along the southern boundary fence line (1.525m width) (denoted as (B) in the sketch). ▪ Right of way carriageway – through to the exit via the passageway from the western boundary along Stephen Road (4 wide) (denoted as (C) in the sketch). ▪ Easement for electricity and other purposes – located through the centre of the site from east to western boundaries (2 & 2.745 wide and variable) (denoted as (E) in the sketch). ▪ Right of carriageway - through the entry to the site via the passageway from the western boundary along Stephen Road (4 wide) (denoted (R) in the sketch).
Acid Sulfate Soils	The site is not affected by Acid Sulfate Soils.
Contamination	The site is listed on the NSW EPA Contaminated Land Record of Notices There are 4 current notices and 2 former notices applicable to the site. These include: ▪ Amendment or Repeal of Order or Notice (issued 16 Dec 2020)

Descriptor	Site Details
	▪ Notice of Completion or Withdrawal of Approved VMP (issued 28 Oct 2020) ▪ Approved Voluntary Management Proposal (issued 28 Oct 2020, amended 16 Dec 2020) ▪ Declaration of Investigation Area (issued 14 Mar 2007) The EPA believes that the site is contaminated with the following substances ("the contaminants"): i. Total Petroleum Hydrocarbons (TPH) ii. Toluene, ethylbenzene, and xylenes (TEX). It also outlines that: iii. Groundwater beneath the site is contaminated at concentrations substantially above relevant criteria; iv. The contaminants are likely to migrate off-site via groundwater; and v. The contamination has adversely affected the long-term beneficial use of the groundwater, which means that future exposure to the toxic contaminants could occur if groundwater was to be used.
Stormwater and Flooding	The site is a 1% AEP Flood Affected Lot. The flood extent is also within the 1% AEP Flood Extent and PMF Flood Extent levels.
Bushfire Prone Land	The site is not affected by bushfire prone land.
Flora and Fauna	The site does not contain land with biodiversity values.
Aboriginal Heritage	No previously registered Aboriginal objects or places were identified within the curtilage of the subject area.
European Heritage	The site does not contain any heritage items and is not within a heritage conservation zone.

Figure 2 below includes photographs of the current site.

Figure 2 Locality Photographs



Picture 1 Stephen Road Site Entry looking South

Source: Urbis, 2023



Picture 2 Stephen Road Staff Car Park

Source: Urbis, 2023



Picture 3 Retaining Wall Along Stephen Road Boundary

Source: Urbis, 2023



Picture 4 Residential Interface on the Opposite Side of Stephen Road from the site.

Source: Urbis, 2023

3. PROJECT

This section outlines the key features of the proposed development, including the project area, the conceptual physical layout and design (including likely mitigation measures), the main land use activities and the likely timing for delivery of the project.

It also includes a high-level of feasible alternatives which were considered having regard to the project objectives outlined in Section 1.3 of this report, including the consequences of not carrying out the development.

3.1. PROPOSED DEVELOPMENT

The key components of the proposed development are listed in the following table. A copy of the architectural concept drawings is attached as **Appendix B**.

Table 4 Project Details

Descriptor	Project Details
Project Area	The site has a total area of 48,160m ² .
Project Description	The project comprises the demolition of the existing building, remediation of the site and construction and operation of two warehouse buildings including the following key components: ▪ 80,456 m² total building area; - 72,392 m² of warehouse area; - 1,633 m² of warehouse corridor; - 6,246 m² of mezzanine office area; - 186 m² café. ▪ 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 level 2 carparking area
Expected Capital Investment Value	\$280 million - refer to Appendix D

Figure 3 Concept Model



Source: SBA Architects, 2023

3.2. FEASIBLE ALTERNATIVES

Clause 7 in Schedule 2 of the *Environmental Planning and Assessment Regulation 2021* (the EP&A Regulation 2021) requires an analysis of any feasible alternatives to the proposed development, including the consequences of not carrying out the development.

The Project seeks to deliver a warehouse and distribution centre that:

- Is compatible with surrounding development and the local context;
- Provides critical capacity for warehouse and distribution purposes in a highly accessible, inner urban location, particularly given the sites location in proximity to the airport and port areas;
- Minimises impact on the environment; and
- Allows for the implementation of suitable mitigation measures, where required.

Table 5 Analysis of Feasible Alternatives

Option	Comments
Option 1 – Do Nothing	A ‘do-nothing’ approach was considered; however, it was identified as a non-viable option as it would be contrary to the overall objectives of the Project. The existing tenant for the site is relocating. As the site is heavily contaminated it is unlikely that a new tenant would relocate into the

Option	Comments
	existing warehouse accommodation, therefore leaving the premises vacant. The do-nothing approach would also provide for ongoing site contamination issues. The site in its current format does not meet ESR's objective in delivering innovative and market leading logistics facilities. As part of its ongoing business development, ESR is seeking to significantly increase its multi-level warehousing capacity in Australia with this proposed facility at the site. The Project will allow ESR to increase the amount of available warehousing floor space close to international gateways including Port Botany and Sydney Airport to deliver on the growing demand for warehouse and distribution purposes that has seen enormous growth in recent years, accelerated by the pandemic. A 'do-nothing' approach would hinder the speed and scope of delivering to high-quality, well-located warehousing capacity which would slow down the release of the new building products that the market critically requires.
Option 2 – Alternative Design	The final siting and design of the proposed warehouse and distribution facility was resolved through a comprehensive analysis of the site opportunities and constraints, including taking into consideration nearby development including the residential receivers. A range of options were explored for the site access, building layout, and building siting. The proposed layout of built form optimises the project site area, while allowing for appropriate perimeter landscaping and internal circulation (including the large spiral ramp) to service the functional requirements of the future use. The warehouse has been sited to step back from the residential properties to the west to reduce the visual impact of the development with the terraced facade to be used to break up the façade with green spaces. The design partially conceals and softens the large spiral ramps toward the rear of the site away from the frontage whilst ensuring compliant vehicle manoeuvrability for vehicles. This ensures that these initial vehicle movements occur within the southern portion of the site adjacent to the site's boundary to the neighbouring industrial development as vehicles enter and exit the site on Coal Pier Road. The orientation of built form towards the Stephen Road frontage provides opportunities to articulate and treat the façade of the buildings as they present to the key public domain interfaces. This is exemplified by the detailed design which seeks to provide screening to follow the curve of the ramps around the façade. This may include overlapping screening and transparency to create layers to articulate the building mass. The Project is justified on the basis that it is compatible with the locality in which it is proposed, resulting in economic benefits and can achieve the

Option	Comments
	overall Project's objectives, whilst managing and mitigating any potentially adverse environmental impacts.
Option 3 – Alternative Location	The site is part of the Botany Industrial Area, and is located within the IN1 General Industrial zone which permits development for the purposes of warehouse and/or distribution centres. The proposal aligns with zone objective to “provide for a range of industrial and warehouse land uses” which “encourage employment opportunities”. Developing a warehouse and distribution premises in an alternative location would undermine the strategic purpose of this industrial land. The site is understood to be of low ecological, heritage and archaeological value. The site also benefits from excellent access to the regional motorway network via Foreshore Road to the M1 and M5 motorways, existing and planned utility services infrastructure, other employment generating uses with a similar scale and character as well as Port Botany and Sydney Airport. The nature of the proposed use for the multi-storey warehouse building requires a substantial amount of space which the site provides to accommodate the functional and operational requirements. Further, the site is currently owned by the Proponent, ESR and therefore would not require acquisition of another site. While other arrangements and designs for the proposed warehouse facility are possible, the proposed arrangement is considered optimal for the site's location based upon functionality and operational requirements, long term financial viability, off-site impacts, and architectural merit. ESR has undertaken due diligence on alternative ESR land holdings and nearby markets that could service the southeastern portion of Sydney. There are minimal alternative opportunities that provide the combination of approved Higher Mass Limit (“HML”) vehicle access, large scale contiguous allotments greater than 3ha, desirable site proportions to accommodate efficient design and vehicle manoeuvrability in plan and vertically, close proximity to well serviced public transport infrastructure, and end user population.

4. STATUTORY CONTEXT

This section of the report provides an overview of the key statutory requirements relevant to the site and the project, including:

- *Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999*
- *NSW Biodiversity Act 2016*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning Assessment Regulation 2021.*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *Bayside Development Control Plan 2022*

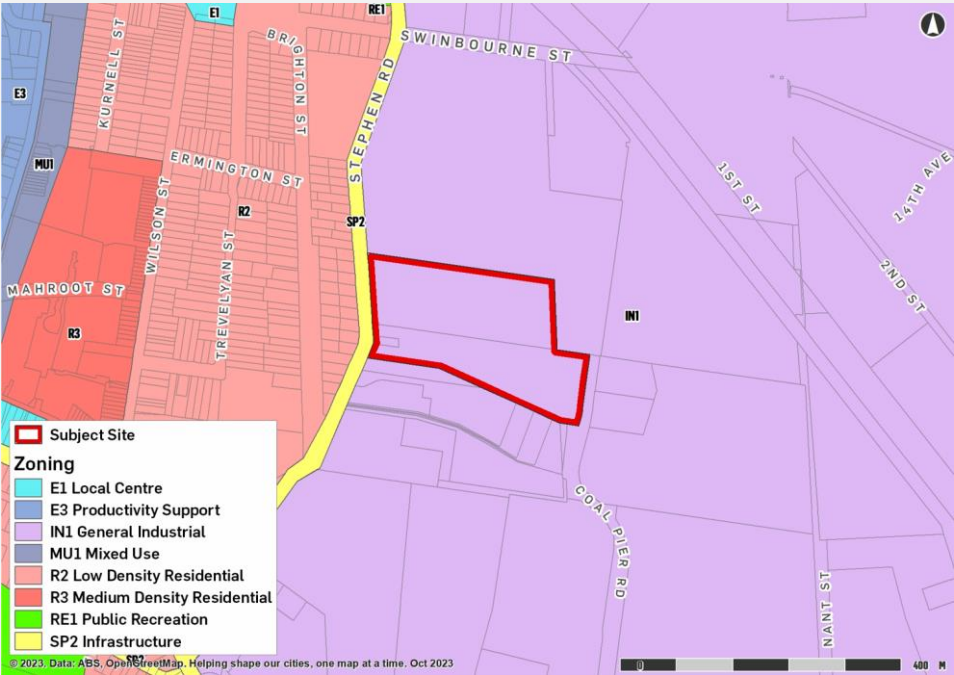
The following table categorise and summarises the relevant requirements in accordance with the DPE guidelines. Each of these matters will be addressed in further detail within the future EIS.

4.1. STATUTORY REQUIREMENTS

The following table categorises and summarises the relevant requirements in accordance with the DPE *State Significant Development Guidelines*.

Table 6 Identification of Statutory Requirements for the Project

Statutory Relevance	Action
<i>Power to grant approval</i>	Environmental Planning and Assessment Act 1979 Section 4.36 of the EP&A Act provides for a process where development can be declared SSD either by a State environmental planning policy (SEPP) or Ministerial order published in the Government Gazette. Section 4.5 of the EP&A Act provides that the Minister of Planning and Public Spaces is the consent authority for SSD. Part 4, Division 4.7 of the EP&A Act sets out the provisions which apply to the assessment and determination of development applications for SSD. The proposal is subject to section 4.38 Consent of the EP&A Act.
	State Environmental Planning Policy (Planning Systems 2021) In accordance with Schedule 1, clause 12(1) of the Planning Systems SEPP, development that has a CIV of more than \$50 million for the purpose of 'warehouses or distribution centres' are classified as SSD. As the proposal has an estimated CIV of \$280 million and is for the purposes of a warehouse and distribution centre at one location and related to the same operation, it is therefore classified as SSD.
Permissibility	State Environmental Planning Policy (Transport and Infrastructure) 2021 <i>The State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP) is the principal planning instrument regulating</i>

Statutory Relevance	Action
	land use over the site (Bayside LEP is excluded from land subject to the former Three Port SEPP lands, which includes this site). The site is zoned IN1 General Industrial in accordance with the Transport and Infrastructure SEPP. Warehouse and Distribution Centres are permitted with consent in the IN1 Zone. Figure 4 Land Zoning Map  The land use objectives in IN1 General Industrial zone are: ▪ 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 facilitate and encourage port related industries that will contribute to the growth and diversification of trade through the port. ▪ To enable development for the purposes of business premises or office premises associated with, and ancillary to, port facilities or industries. ▪ To encourage ecologically sustainable development. The proposed warehouse will facilitate employment generating development in a highly accessible area. The land is also subject to an 'Additional permitted use' provision, permitting business or office premises for the zone interface with Stephen Road, as show cross hatched on the map extract below.

Statutory Relevance	Action
	Figure 5 Additional Permitted Uses Map 
Other Approvals	National Parks and Wildlife Act 1974 The NPW Act aims to prevent the unnecessary or unwarranted destruction of relics and the active protection and conservation of relics of high cultural significance. The provisions of the Act apply to both indigenous and non-indigenous relics. Pursuant to Section 4.41 of the EP&A Act, SSD is exempt from the need for a section 90 permit for the removal of items of Aboriginal heritage.
	Biodiversity Conservation Act 2016 Clause 7.9 of the BC Act 2016 applies to SSD applications and requires SSD applications to be accompanied by a BDAR unless it is determined the proposal is not likely to have any significant impact on biodiversity values. Further investigations are being undertaken by an Ecologist to provide a greater understanding of the biodiversity values on the site. Accordingly, a BDAR Waiver will be prepared to request the requirement to submit a BDAR is waived under clause 7.9(2) of the Biodiversity Conservation Act 2016. In the event a waiver is not possible, a BDAR will be prepared.
	Rural Fires Act 1997 The site is not identified as Category 1, 2 or 3 bushfire prone land and does not reside within the associated vegetation buffer. It is further noted that pursuant to section 4.41 of the EP&A Act, SSD is exempt from the need for a bushfire safety authority and from conforming with the

Statutory Relevance	Action
	Planning for Bushfire Protection 2019 under Section 100B of the Rural Fires Act 1997. There is no further approval required under the Rural Fires Act 1997.
	Roads Act 1993 Section 138 of the Roads Act 1993 requires the consent of the relevant roads authority the Council or Transport for NSW for work in, on, under or over a public road. Any works proposed to a public road as part of the Project would require the consent of the relevant road authority. Given no works are proposed to public roads, no approval is required under section 138 of the Roads Act 1993.
	Water Management Act 2000 The proposed works would not involve taking of groundwater during construction works (aquifer interference). During the preparation of the EIS an assessment of potential impacts to surface or groundwater would be undertaken. Pursuant to section 4.41 of the EP&A Act, SSD is exempt from requirements for a water use approval (section 89), a water management work approval (section 90) or an activity approval (other than an aquifer interference approval) (section 91) of the Water Management Act 2000.
	Protection of the Environment Operations Act 1997 The Protection of the Environment Operations Act 1997 (POEO Act) enforces licences and approvals formerly required under separate Acts relating to air, water and noise pollution, and waste management with a single integrated licence. Under Section 48 of the POEO Act, premise-based scheduled activities (as defined in Schedule 1 of the EP&A Act) require an Environment Protection Licence (EPL). Assessments carried out as part of the EIS for the proposal would determine the need for an EPL. The general provisions of the POEO Act in relation to the control of pollution of the environment will apply throughout the development. During construction, appropriate management measures would be implemented in relation to the control of noise, dust, erosion and sedimentation, and stormwater discharge, to ensure that the pollution control provisions of the POEO Act are satisfied. Further details of these management measures will be provided in the EIS.
	State Environmental Planning Policy (Resilience and Hazards) 2021 <i>The State Environmental Planning Policy (Resilience and Hazards) 2021</i> (Resilience and Hazards SEPP) requires the consent authority to consider whether the subject land of any rezoning or development application is contaminated. If the land requires remediation to ensure that it is made suitable for

Statutory Relevance	Action
	a proposed use or zoning, the consent authority must be satisfied that the land can and will be remediated before the land is used for that purpose. The consistency of the proposal with clause 4.6 of the Resilience and Hazards SEPP will be detailed in the EIS. Given the proposal includes extensive remediation works due to the contamination present on the site, the EIS will be accompanied by a Detailed (environmental) Site Investigation (DSI) to consider the nature, extent and degree of contamination at the site.
Mandatory matters for consideration	Environmental Planning and Assessment Act 1979 The relevant Objects of the Act under section 1.3 must be considered. Section 4.15 of the EP&A Act outlines the matters that a consent authority must take into consideration when determining development applications. These matters are summarised as: ▪ Provisions of environmental planning instruments (including draft instruments), ▪ Development control plans, ▪ Planning agreements, and the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) ▪ The environmental, social and economic impacts of the development, ▪ The suitability of the site, ▪ Any submissions, and ▪ The public interest, including the objects of the EP&A Act and the encouragement of ecologically sustainable development (ESD). These requirements will be addressed and detailed in the EIS. A preliminary identification of key environmental planning instruments applying to the site and proposed development are identified below.
	State Environmental Planning Policy (Transport and Infrastructure) 2021 The consent authority is to have regard to the following matters for consideration: ▪ Part 2.3, Division 17 'Roads and Traffic', Subdivision 2 'Development in or adjacent to road corridors and road reservations'. The site is located on Stephen Road which is identified as a "classified" road. The consistency of the proposal with relevant provisions, in particular section 2.118 'development with frontage to classified road', will be detailed in the EIS. Where required, any mitigation measures will be detailed to ensure the proposed development does not compromise the effective and ongoing operation or function of these classified roads. The current design locates all heavy vehicle access to Coal Pier Road at the rear which is not a classified road. The application will be referred to Transport for NSW (TfNSW) for review during the assessment process.

Statutory Relevance	Action
	The Transport and Infrastructure SEPP is the primary environmental planning instrument applicable to the site and proposed development. An assessment of the Preliminary Architectural Drawings against the key development standards of the Transport and Infrastructure SEPP is summarised below. 2.1 Land Use Zones & 2.3 Zone Objectives The proposed use is defined as a warehouse and distribution centre which is permissible with consent within the IN1 General Industrial zone. The proposal aligns with the zone objectives of the IN1 zone in that provides for light industrial uses which encourage employment opportunities. 4.3 Height of Buildings The site is not restricted by a height of building control. The site is limited to a 51m height limit as set by the Obstacle Limitation Surface (OLS) mapping. The proposed building form does not exceed the 51m height control applying to the site. 4.4 Floor Space Ratio The site is not subject to a maximum FSR control. The proposed development proposes a FSR of 1:1.67 (refer to Appendix B). 5.10 Heritage Conservation There are no local or State heritage items or heritage conservation areas within the vicinity of the site. 5.19 Business Premises and Office Premises in Zone IN1 Office premises are permitted on the site along the Stephen Road frontage. Whilst the proposed offices are not located in that 'additional permitted use' area designation, they are located proximate to the individual warehouses to which they are ancillary. ON this basis, consent may be granted to these ancillary office premises in accordance with this clause.
	State Environmental Planning Policy (Biodiversity and Conservation) 2021 The relevant provisions under Chapter 2 of the Biodiversity and Conservation SEPP will need to be considered with regards the proposed removal of vegetation across the site. As previously discussed, the preliminary investigations undertaken to date have determined that it is likely a BDAR Waiver will be prepared as part of the SSDA. In the event a BDAR Waiver is not suitable, a full BDAR will be prepared to assess the likely impact of the proposed clearing of any potential biodiversity values of significance.
	Bayside Development Control Plan 2022 The BDCP2022 outlines more specific built form and development controls for projects within the Bayside LGA.

Statutory Relevance	Action
	Clause 2.10 of the Planning Systems SEPP states that development control plans (whether made before or after the commencement of this Policy) do not apply to SSD. As such, there is no requirement for assessment of the proposal against the BDCP2022 for this SSDA.

4.2. PRE-CONDITIONS

Table 7 outlines the pre-conditions to exercising the power to grant consent which are relevant to the project and the section where these matters are addressed within the Scoping Report.

Table 7 Pre-Conditions

Statutory Reference	Pre-condition	Relevance	Section
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	Chapter 3 Hazardous and Offensive Development The SEPP requires the consent authority to consider whether an industrial proposal is a potentially hazardous or a potentially offensive industry.	Any application to carry out potentially hazardous development must be supported by a preliminary hazard analysis (PHA). These provisions would likely be applied once the tenant operations are known and could require a separate DA to occupy the premises.	To be addressed in EIS
	Chapter 4 – Remediation of Land A consent authority must be 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.	Sources of contamination exist at the site but are not expected to preclude the proposed development of the site. Accordingly, a Remediation Action Plan, Site Audit Statement and other relevant documents may be required to demonstrate the suitability of the site to accommodate a warehouse or distribution centre.	To be addressed in EIS
<i>State Environmental Planning Policy (Industry and Employment) 2021</i>	Section 3.6 A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied that the signage is consistent with the	Part 3.1 and Schedule 5 will need to be assessed for any future application, including key impacts related to the character of the area, impacts on views	To be addressed in EIS

Statutory Reference	Pre-condition	Relevance	Section
	objectives of this Chapter as set out in section 3.1(1)(a), and that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.	and vistas and safety concerns.	
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	The SEPP requires a warehouse and distribution centre with 8,000m ² in site area or gross floor area (GFA) to be referred to Transport for NSW (TfNSW) for their assessment and concurrence.	The proposal seeks to deliver greater than 8,000m ² of warehouse and ancillary office GFA and accordingly, will need to be referred to TfNSW as part of the future DA or SSDA process.	To be addressed in EIS

4.3. MANDATORY CONSIDERATIONS

Table 8 outlines the relevant pre-conditions to exercising the power to grant approval and the section where these matters are to be addressed within the EIS accompanying the future application.

Table 8 Mandatory Considerations

Statutory Reference	Mandatory Consideration	Section in Future EIS
Consideration under the EP&A Act and Regulation		
Section 1.3	Relevant objects of the EP&A Act	Appendix C
Section 4.15	Relevant environmental planning instruments <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> (Resilience and Hazards SEPP)	Section 4 and Appendix C
	<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> (Transport and Infrastructure SEPP)	Section 4 and Appendix C
	<i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> (Sustainable Buildings SEPP)	Section 4 and Appendix C
	<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> (Biodiversity and Conservation SEPP)	Section 4 and Appendix C
	Relevant planning agreement or draft planning agreement None relevant to the proposed development	N/A
	Development control plans Bayside Development Control Plan 2022 (BDCP 2022)	Section 4 and Appendix C

Statutory Reference	Mandatory Consideration	Section in Future EIS
	The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.	Section 6
	The suitability of the site for the development	Section 7
	The public interest	Section 7
Mandatory relevant considerations under EPIs		
Biodiversity and Conservation SEPP – Part 6.5	Water NSW’s current recommended practices and standards. Development consent cannot be granted unless neutral or beneficial effect on water quality	Section 4 and Appendix C
Transport and Infrastructure SEPP – Chapter 5	Objectives and land use for IN1 Zone - Part 5.2 Permitted or prohibited development - Part 5.4 State significant development and state significant infrastructure - Part 5.5 Miscellaneous	Section 4 and Appendix C
Considerations under other legislation		
<i>Biodiversity Conservation Act 2016</i> (BC Act) – section 7.14	The likely impact of the proposed development on biodiversity values as assessed in the Biodiversity Development Assessment Report (BDAR). The Minister for Planning may (but is not required to) further consider under that BC Act the likely impact of the proposed development on biodiversity values.	Section 4 and Appendix C
Development Control Plans		
BDCP 2022	Clause 11 of the SDR SEPP states that development control plans (whether made before or after the commencement of this Policy) do not apply to SSD. As such, there is no requirement for assessment of the proposal against the BDCP 2022 for this SSDA. Notwithstanding this, consideration has been given to the following provisions: Part 3 General Development Provisions Part 6 Non-Residential Development Part 7 (7.15 Banksmeadow Industrial Precinct) Part 8 Managing Risk and Environmental Conditions	Section 4 and Appendix C

5. COMMUNITY ENGAGEMENT

The following sections of the report describe the engagement activities that have already been carried out for the project, including preliminary community views, and the engagement to be carried out during the preparation of the EIS.

The following sections of the report describe the engagement activities that have been undertaken during the preparation of the EIS and the community engagement which will be carried out if the project is approved.

5.1. OBJECTIVE AND APPROACH

Urbis will undertake community and stakeholder engagement for the project. The approach will be underpinned by the International Association of Public Participation's (IAP2) Public Participation Spectrum.

The engagement objective aligns to the IAP2's goal of informing and consulting with stakeholders and the community. The objective is to obtain public feedback on the proposal by providing balanced and objective information to assist in understanding the proposal's impacts and benefits.

To achieve these objectives, the engagement approach involves:

- Providing consistent, relevant, jargon-free and up to date information on the proposal, impacts, benefits, and the SSDA process through accessible, tailored open lines of communication
- Responding appropriately and in a timely manner to concerns or questions raised by the community and stakeholders
- Facilitating information flow to the project team by establishing working relationships to ensure stakeholder and community views and local knowledge are appropriately incorporated into the design of the project
- Managing expectations by closing the feedback loop through sharing how stakeholder and community views influenced the proposal.

5.2. STAKEHOLDERS AND ACTIVITIES

Prior to preparation of this Scoping Report, ESR met with Bayside Council on 28 September 2023 to discuss the potential site redevelopment. Council was generally supportive of the proposal, and noting the following main matters for consideration in the project:

- Residential interface to the east and the need for suitable building design given the residents' views onto the site;
- Noise attenuation to the residential sensitive receivers;
- Preference for any ramps to be screened from the street / residential neighbours;
- Ensuring all heavy vehicle movements are undertaken via Coal Pier Road;
- Approach and extent of site remediation;
- Council was supportive of the targeted engagement approach intended for nearby residents.

The stakeholders for the project have been categorised by group as outlined in the table below. For each stakeholder category, there is listed the individual stakeholders, engagement activities, timing, and likely issues. After receiving the SEARs, any additional stakeholders in the engagement approach will be updated.

Table 9 – Stakeholder Engagement

Stakeholder	Engagement lead	Engagement activities and timing	Likely issues
Government authority			
Bayside Council	ESR and Urbis	Throughout development of the EIS, ESR and Urbis (and other relevant technical consultants as appropriate) will brief government authority stakeholders to explain the project, benefits, impacts and incorporate their concerns into the proposal's design.	▪ Traffic and noise impacts. ▪ Construction and operational impacts. ▪ Environmental management and concerns. ▪ Consultation with community.
Department of Planning Environment, specifically Planning and Assessment Team and Environment and Heritage Branch			
Relevant agencies			
Transport for NSW	ESR and Urbis	Throughout development of the EIS, ESR and Urbis (and other relevant technical consultants as appropriate) will brief government authority stakeholders to explain the project, benefits, impacts and incorporate their concerns into the proposal's design.	▪ Construction and operational impacts. ▪ Vehicle access. ▪ Environmental management and concerns. ▪ Interface and alignment with agencies' current and planned infrastructure and services.
Ausgrid			
Sydney Water			
Aboriginal stakeholders			
Metropolitan Local Aboriginal Land Council	Relevant technical consultant	Throughout development of the EIS and as part of the Aboriginal Cultural Heritage Assessment, ESR's appointed technical consultant will consult with Aboriginal stakeholders to determine the cultural significance of objects and/or places on and surrounding the site. If objects or places of cultural significance are identified, this	▪ Impact on Aboriginal items of cultural significance and access to Aboriginal land. ▪ Consultation approach with Aboriginal stakeholders.

Stakeholder	Engagement lead	Engagement activities and timing	Likely issues
		consultation will seek to consult with the Aboriginal stakeholders to mitigate any impacts.	▪ Opportunities to acknowledge local/site history.
Community			
While the site is in an existing industrial area, neighbouring residential properties may be impacted by or interested in the proposal. These include surrounding landowners and occupiers bordered by: Stephen Road Swinbourne Street Wilson Street Botany Road.	Urbis	During development of the EIS, Urbis will issue a letter to the surrounding landowners and occupiers that communicates the facts of the project and invites feedback. Urbis will also doorknock residences who are most likely to be impacted during construction to enable a more personal discussion to introduce the proposal, the benefits, the planning process and understand concerns. The Urbis engagement team will monitor an enquiry 1800 phone number and email to respond to community queries and collect feedback.	▪ Increased traffic on residential streets during construction and operation and how this may impact safety and access. ▪ Construction impacts including noise, vibration and dust. ▪ Operational impacts such as noise and lighting. ▪ Changes to visual amenity.

6. PROPOSED ASSESSMENT OF IMPACTS

This section identifies the key impacts which will be further investigated and assessed within the EIS, including the proposed approach to assessing each of these matters. It also identifies the matters addressed in the scoping phase that are unlikely to result in significant impacts and do not warrant further consideration in the EIS.

6.1. MATTERS REQUIRING FURTHER ASSESSMENT IN THE EIS

The following section of the report provides a comprehensive description of the relevant matters and impacts which will be addressed in detail within the EIS. It outlines the matters and impacts of particular concern to the community and other stakeholders. It includes each of Key Issues and Other Issues as identified in the Scoping Summary Table (refer **Appendix A**).

6.1.1. Built Form

The Concept Architectural Plans at **Appendix B** provide a preliminary indication of the potential building footprints and envelopes that form this SSDA. Given the location of the site within an established industrial precinct, consideration will be given to the visual impact of the proposed development when viewed from the surrounding area. The overall design will consider architectural appearance and landscape treatment to deliver a high-quality street presentation.

The final architectural package will detail the rationale for the siting and layout of the proposed development. Careful attention also needs to be given to the topography of the land, including required cut and fill and retaining walls to construct the proposed development sloping down from Stephen Road. A cumulative impact assessment will also inform the development potential of the site.

Key matters of consideration will include the façade design, setbacks and landscaping to soften the proposal's interface with the streetscape. Analysis of the height, bulk and scale with respect to the surrounding local context will be undertaken to provide a comprehensive response in relation to:

- The interface with surrounding development and adjoining development proposed and the public domain;
- Consideration of the building layout, massing and setbacks
- Visual impact when viewed from the public domain and key vantage points around the site.

The EIS will be accompanied by a detailed set of Architectural Plans and a Design Report which responds to the Better Placed requirements. The EIS will also be accompanied by a BCA Compliance Report and Accessibility Report to ensure the proposed design can achieve compliance with the *Building Code of Australia 2022 and Disability (Access to Premises – Buildings) Standards 2010*.

6.1.2. Hazards and Risks

6.1.2.1 Environmental Investigation and Remediation

The site has known inground contamination due to the previous historic uses of the site. Methodology for remediation will be detailed in the EIS.

A Geotechnical Investigation Assessment will be prepared and submitted with the EIS to understand the existing ground subsurface conditions.

6.1.2.2 Botany Industrial Park

A Preliminary Hazard Risk Assessment has been carried out by Sherpa Consulting which outlines that the site is only partially within the risk affected area of the Botany Industrial Park. A Detailed Hazard Risk Assessment will be prepared for the proposal and its findings and recommendations assessed within the EIS. The formal assessment will analyse the societal risk of the development and any proposed increase in the employees on the site.

6.1.2.3 Construction and Waste Management

A Preliminary Construction and Environmental Management Plan (CEMP) will be prepared commencement of any works. The CEMP will detail aspects of construction, such as:

- Timing of construction works to be undertaken;
- Construction hours of operation and programme (including any staging);
- Site establishment zone and temporary structures (e.g. site accommodation);
- Plant and materials handling strategy;
- Construction traffic and pedestrian, noise and vibration, soil erosion, air quality and dust control and stormwater management;
- Environmental management strategies during construction; and
- Waste management.

A Preliminary Construction Pedestrian and Traffic Management Plan will also be prepared prior to the commencement of construction and will outline proposed traffic control and pedestrian management plans, construction vehicle movements / routes and how any potential impacts on the surrounding movement networks would be managed and mitigated during construction phase of the works.

A Construction and Demolition Waste Management Plan (C&D WMP) will be prepared and accompany the EIS. The WMP will detail all likely waste streams to be generated during demolition and construction and outline proposed measures to dispose of the waste offsite. An Operational Waste Management Plan (OWMP) will be prepared and submitted with the EIS to manage the several waste streams that will be generated by the development in accordance with relevant legislation and guidelines. All demolition, construction and operational waste will be reused or recycled where possible.

6.1.2.4 Stormwater Management and Flooding

Stormwater and flooding impacts associated with the proposed development will be assessed by a qualified consultant and the assessment will be provided with the submission of the EIS. A Stormwater Management Plan (including a Sediment & Erosion Control Plan) and Flooding Risk Assessment will accompany the EIS submission and will provide details regarding proposed onsite stormwater and flooding management, as well as any proposed water capture and reuse and erosion and sediment control measures required to mitigate offsite impacts.

6.1.3 Amenity

6.1.3.1 Noise and Vibration

The site is adjacent to a number of existing industrial developments, as well as residential receivers. The residential development on the western side of Stephen Road is considered to be the key sensitive receiver within the surrounds. It is noted that these residential receivers are already located within a high noise environment being near the Botany Industrial Area, although it is a key priority of ESR to minimise the impacts of the development on the residential dwellings as much as possible.

There is potential for the ongoing use to impact upon nearby sensitive residential receivers during the night time period. Consideration of potentially adverse acoustic impacts could be managed through the provision of minimal rooftop plant equipment. The internal vehicle circulation areas between the warehouse components will have acoustic barriers and will be enclosed at the ends where possible to mitigate noise spill.

A Noise and Vibration Impact Assessment will be prepared to address the potential noise and vibration impacts from the project during construction and operational phases and submitted with the EIS. Baseline monitoring would be used to define the background noise levels and for calculating the applicable noise criteria.

The Noise and Vibration Impact Assessment will model and assess noise emissions and provide a suite of reasonable and feasible recommendations to avoid or mitigate potential impacts. The assessment will be undertaken in accordance with applicable legislative requirements, policies, and guidelines.

6.1.3.2 Air Quality

Surrounding land uses are predominantly comprised of industrial, business and residential land uses. Major arterial roads including Botany Road and Foreshore Road lie within a one-kilometre radius of the site. Roads and heavy vehicles are likely to be the key contributors to the air quality within the local area. A multistorey

warehouse development would influence local ambient air quality, primarily as a result of dust generation and exhaust from plant and equipment.

These emissions would be managed through appropriate controls such as the use of water spray carts/vehicles on unsealed surfaces within the construction site and switching off plant and equipment when not in use. Generators are for standby emergency backup power and would be used only when required. However, the potential cumulative impacts of both the construction and operational phases of the development will need to be assessed having regard to the existing approvals and likely future development within the locality. Potential air quality impacts will be detailed within the EIS.

During demolition and construction, air quality would be managed through appropriate dust mitigation measures. Accordingly, an Air Quality Impact Assessment would be prepared by a suitably qualified expert to accompany the EIS. The assessment will include:

- Construction works and model the emissions and air pollutants from predicted operations (including testing of the back-up power system) and a peak emission and air pollutant scenario.
- Proposed mitigation, management and monitoring measures that would be implemented.

6.1.4 Built Environment

6.1.4.1 Infrastructure

A Utilities and Infrastructure Assessment will be prepared and submitted as part of the EIS. The assessment will identify existing services and assess potential impacts of the proposed works on existing utility infrastructure and service provider assets in proximity to the proposed works, and in consultation with relevant service authorities.

The need for utility works to support the project would be identified during the design development and in consultation with relevant providers. The need for any works to adjust utilities will be assessed as required within the EIS.

6.1.4.2 Visual Impact and Streetscape Presentation

The site is situated within the IN1 General Industrial zone and adjacent the R2 Low Density Residential zone. The surrounding locality is characterised by two storey residential dwellings to the west, juxtaposed with industrial developments including stacked shipping contained with various heights due to the absence of height controls within the Botany Industrial Park.

The proposed development does not seek to breach the maximum 51m height control applying to the site under the OLS. Consideration will be made during the detailed design process in relation to the height, bulk and scale of existing development surrounding the site, to ensure the proposal is not out of step with the existing and emerging built form character.

Notwithstanding this, the proposal seeks to change the nature, siting, and layout of built form across the site in comparison to the existing development and would result in a change to the local visual environment.

Accordingly, an assessment will be undertaken of the impact of the proposal on the local urban landscape and will be provided as part of the EIS. This assessment will consider the proposed building and its potential visual impacts when viewed from the surrounding area. This will also consider the proposed architectural and landscape treatments of the building and its immediate surrounds.

6.1.4.3 ESD

The EIS will demonstrate the way in which ESD principles have been incorporated into the siting and layout of the proposed logistics warehouse, as well as relevant minimum environmental and sustainability performance criteria (Green Star and NABERS ratings etc). This will include relevant assessment against the provisions of the newly introduced *State Environmental Planning Policy (Sustainable Buildings) 2022* (Sustainable Buildings SEPP) including the preparation of an Embodied Emissions Report. It will also identify potential measures to be implemented in the future building design and construction to minimise the environmental footprint of the development, including opportunities to avoid or minimise the demand for water, power (solar PV array) and other passive measures which underpin the ESD framework.

The SEPP also requires a Net Zero Statement to be prepared in circumstances where over 1,000sqm of commercial office space is included within a development. Given the proposed office component will be

ancillary and subservient to the primary use of the site as a warehouse and distribution centre, a Net Zero Statement should not be required as set out below:

The SEPP defines large commercial development as follows:

large commercial development means non-residential development that involves—

(a) the erection of new prescribed office premises, prescribed hotel or motel accommodation or prescribed serviced apartments, or

(b) alterations, enlargement or extension of prescribed office premises, prescribed hotel or motel accommodation or prescribed serviced apartments, if the development has a capital investment value of \$10 million or more.

The SEPP further defines prescribed office premises as follows:

prescribed office premises means office premises with a net lettable area of at least 1,000m².

The Standard LEP provides the following definition for office premises:

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

6.1.4.4 Airspace Protection

Consultation will be made with Sydney Airport to ensure that there is no impact on the airspace operations of the nearby airport. As mentioned, the height of the warehouse is proposed to be under 51m AHD under the OLS controls. It is noted that any crane activity that exceeds this height will require approval from Sydney Airport Operations to mitigate any impacts on airspace operation.

6.1.5 Access Traffic and Parking

The site is accessed via Stephen Road for cars and Coal Pier Road for larger vehicles including trucks. Stephen Road is classified road and is easily accessible from adjacent arterial classified roads including Botany Road and Wentworth Avenue. Coal Pier Road where trucks will enter the site is also accessible from key Roads including Botany Road in close proximity to Foreshore Road, the M5 and the M1. Preliminary analysis of the potential traffic generation associated with the development has been undertaken to provide a greater understanding to DPE of potential impacts of the future operation. The site is currently used predominantly for chemical storage and manufacturing for Allnex products including resin coatings and additives. The proposed development proposes an increase in warehouse floorspace.

It is anticipated that the proposal will result in an increase in traffic generation during AM and PM peak periods to and from the site as part of the proposed development. Therefore, traffic modelling of the surrounding road network will be provided for the EIS.

The movement of vehicles throughout the facility is to flow in a single direction, in an intuitive and efficient manner. Vehicle movements must be considered for the following:

- Loading and servicing (smaller semi-trailers)
- Ramps
- Car parking
- Van staging / courier deliveries for ancillary offices
- Bicycle parking and EOTF

Where required, separate permits will be obtained from the National Heavy Vehicle Regulator in consultation with Council for any larger vehicles needing to access the site via the existing local road network. This is required to ensure the local road network is not used by oversized vehicles.

Traffic impacts would be assessed within the EIS. The assessment would comprise of:

- A description of the surrounding road network serving the site;

- Determination of traffic activity associated with the construction and operational phases of the development;
- A qualitative traffic impact assessment considering construction and operation of the development (i.e. no extensive traffic modelling);
- Assessment of the proposed parking provisions; and
- Confirmation that the proposed car park, vehicular access and internal circulation arrangements comply with relevant standards (including swept path analysis).

6.1.6 Biodiversity

The site currently presents some existing planted nonnative vegetation. The proposed development will be required to remove a large majority of the existing vegetation due to the existing locations of the trees. A considered landscape design response will be delivered which seeks to provide offset tree planting throughout the site.

Under section 7.9 of the BC Act, a BDAR is required to be prepared for the Project as it is an SSD. However, an application for a waiver of the requirement for a BDAR will be made for this Project under section 7.9(2) of the BC Act. In the event a BDAR Waiver is not provided, a full BDAR will be prepared as part of the EIS.

6.1.7 Social Impact

It is noted that under the industry specific SEARs requirements for industrial development, a Social Impact Assessment (SIA) is listed as a standard requirement. An SIA will be provided for the EIS due to the close proximity of the site to the residential receivers to the west. Despite this, it is noted that:

- The proposed use of the site as a warehouse and distribution facility is permissible within the IN1 General Industrial zone, aligns with the zone objectives and importantly is of a type and scale that is emerging within the south Sydney region.
- The site is in a brownfields area and has previously been disturbed. It is currently utilised for both office and industrial land uses.
- Greater social impacts relating to logistics facilities tend to occur where it is proposed in a zone where the type of use has not been anticipated or where it directly adjoins residential or other sensitive land uses. Such social impacts may typically include:
 - Visual impacts
 - Acoustic impacts
 - Change in neighbourhood character (not anticipated within the zone)
 - A lack of provision of appropriate facilities for workers on site (staff rooms, amenities etc).
 - Traffic impacts such as delays to travel for residents.
 - A compromised physical environment and limited vegetation.
- It is considered that the proposal will not result in these social impacts as:
 - Visual impacts and external amenity impacts will be appropriately managed through high quality design and retention of existing, mature vegetation, particularly along the western boundary of the site.
 - Acoustic impacts will be managed through design and siting considerations and will be subject to broader technical assessment.
 - Additional vegetation will have multiple benefits through the softening of potential visual impacts, delivering a more comfortable environment for both workers and the surrounding community.
 - ESR has a strong track record for delivering high quality facilities that provide quality amenities for all workers and users of the site. Details of these amenities will be provided with the full proposal.

6.1.8 Landscaping

The site is within an industrial area and adjacent to a residential area. Buildings around the site are characterised by a mix of lower density, older warehouse and office spaces, and newer, higher warehouse buildings.

High quality landscaping will be integrated with the proposed building design to complement the key site features and enhance the appearance of the site, including existing trees. The interface between the proposed warehouse and the residential area will be an important consideration. A detailed landscape plan and Arboricultural Impact Assessment will accompany the EIS.

6.1.9 Aboriginal Heritage

In accordance with the standard requirement of SSDs, an Aboriginal Cultural Heritage Assessment Report (ACHAR) will be prepared. The ACHAR will document the process of investigation, Aboriginal community consultation and assessment with regards to Aboriginal cultural heritage and Aboriginal archaeology. The assessment will be prepared in accordance with the following guidelines:

- *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Department of Environment, Climate Change and Water).*
- *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (Office of Environment and Heritage 2011)*
- *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW)*
- *The Australia ICOMOS Charter for Places of Cultural Significance.*

No Aboriginal objects or Aboriginal places are registered within the subject area.

6.2. MATTERS REQUIRING NO FURTHER ASSESSMENT IN THE EIS

This section of the report identifies the matters that do not require further assessment in the EIS. Each of these matters was considered within the scoping phase but considered unlikely to result in significant impacts that warrant further assessment.

6.1.10 Bushfire

The site is not mapped within a bushfire prone area of a buffer zone to a bushfire prone area. As such a bushfire assessment is not considered necessary for this Project due to its setting in a highly urbanised and developed area, devoid of remnant bushland and not within a mapped bushfire prone area.

6.1.11 Non Aboriginal Heritage

The site is not a heritage-listed item and is not located within a heritage conservation area. Further to this, no heritage items are located within the vicinity of the site. As such, a Heritage Impact Statement and Archaeology Assessment is not considered necessary.

6.2 ANTICIPATED DELIVERABLES

To assist in informing the SEARs, the following are the expected deliverables (reports & documentation) to support the EIS for the SSDA based on the proposed scope of work.

- | | |
|--|---|
| ▪ Environmental Impact Statement (EIS) | ▪ Aboriginal Cultural Heritage Due Diligence Report |
| ▪ Existing Site Survey Plan | ▪ BDAR Waiver or BDAR |
| ▪ QS Cost Summary Report | ▪ Transport and Accessibility Impact Assessment |
| ▪ Architectural Drawings | ▪ Noise and Vibration Assessment |
| ▪ Landscape Drawings | ▪ Air Quality Impact Assessment |
| ▪ Civil Engineering Plans | |

- Stormwater Management and Flood Risk Assessment Report
- ESD Report
- BCA and Access Report
- Infrastructure Services Report
- Community and Stakeholder Report;
- Waste Management Plan (Construction & Operation)
- Site Survey
- Construction Pedestrian and Traffic Management Plan
- Geotechnical Investigations Report
- Contamination Assessment

7. CONCLUSION

The purpose of this report is to request project-specific SEARs for the preparation of an EIS to support the proposed multi-storey warehouse and distribution centre at 49-61 Stephen Road, Banksmeadow. ESR is committed to working with key stakeholders, including State Government agencies, relevant authorities and the Bayside Council to deliver the proposed warehouse and distribution centre, whilst ensuring minimal environmental impacts during construction and operation.

This SEARs request outlines the approval pathway for the application, the legislative framework, and the key matters for consideration in the assessment of the application. The EIS will demonstrate how the proposal is suitable for the site and the potential environmental impacts can be appropriately mitigated, minimised, or managed to avoid any unacceptable impacts.

We trust that the information detailed in this letter is sufficient to enable the DPE to issue project-specific SEARs to guide the preparation of the EIS.

DISCLAIMER

This report is dated 13 December 2023 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of ESR (**Instructing Party**) for the purpose of Scoping Report (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A **SCOPING SUMMARY TABLE**

APPENDIX B **COMMUNITY ENGAGEMENT SUMMARY**

APPENDIX C **ARCHITECTURAL CONCEPT DRAWINGS**

APPENDIX D **QS STATEMENT**

