



Bunnings Warehouse Leppington

State Significant Development
SSD-10366

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Glossary

Abbreviation	Definition
Applicant	Bunnings Group Limited
BDAR	Biodiversity Assessment Report
BRBH	Bringelly Road Business Hub
CIV	Capital Investment Value
Council	Liverpool City Council
Department	Department of Planning, Industry and Environment
DCP	Development Control Plan
Development	Bunnings Warehouse Leppington
EES	Environment, Energy and Science Group
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development
km	kilometre
LEP	Local Environmental Plan
LGA	Local Government Area
m	metre
Minister	Minister for Planning and Public Spaces
MNES	Matters of National Environmental Significance
POE Act	<i>Protection of the Environment Operations Act 1997</i>
POM	Western Sydney Parklands Plan of Management 2030

RFS	Rural Fire Services
RMS	Roads and Maritime Services, TfNSW
RTS	Response to Submissions
SEARs	Planning Secretary's Environmental Assessment Requirements
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
TfNSW	Transport for NSW
TPA	Traffic and Parking Assessment
VIA	Visual Impact Assessment
vtph	Vehicle trips per hour
WSP	Western Sydney Parklands
WSPT	Western Sydney Parklands Trust

Executive Summary

Bunnings Group Limited (**the Applicant**) has lodged a Development Application (**DA**) and accompanying Environmental Impact Statement (**EIS**) seeking consent to construct and operate a Bunnings Warehouse at Horningsea Park in the Liverpool local government area (**LGA**).

Background

The site forms part of an approved 22-hectare (**ha**) business park known as Bringelly Road Business Hub (**BRBH**) which is located in the southern portion of the Western Sydney Parklands (**WSP**). The BRBH is located 36 kilometres (**km**) south-west of the Sydney city centre and 8 km south-west of the Liverpool town centre. The Bunnings Warehouse is proposed to be located on Lot 3 and which is in the western portion of the BRBH and will be approximately 25 metres (**m**) from the nearest sensitive receiver located at the corner of Twenty Sixth Avenue and Stuart Road, Leppington.

On 13 January 2016, the then Acting Executive Director, Keys Sites and Industry Assessment, at the Department of Planning, Industry and Environment (**the Department**) approved the BRBH, a staged State significant DA (SSD 6324) comprising a concept proposal and stage 1 development. The concept proposal covered the establishment of the BRBH and permitted a range of uses on the site including, large format retail and light industrial uses. Stage 1 approved site preparation works for the BRBH, including bulk earthworks and subdivision across the site. Bulk earthworks have been completed across portions of the site, with further work currently being undertaken to facilitate the proposed development on Lot 3.

Project Description

Bunnings Warehouse is an Australian retailer of home improvement and outdoor living products, and is a major supplier to project builders, tradespeople and the housing industry. The proposed development (**the development**) includes a warehouse, covered outdoor nursery, bagged goods store, timber trade sales area, café, office, amenities, car parking and landscaping. It will also require service infrastructure and signage.

The development has a capital investment value of \$22 million and will generate approximately 255 construction jobs and 150 operational jobs in the Liverpool LGA. It will also facilitate the continued development of the BRBH and is consistent with the key objectives of the Greater Sydney Region Plan and Western City District Plan, which encourage planned and managed industrial development and the provision of jobs in Western Sydney.

The development is subject to the Western Sydney Parklands Plan of Management 2030 which identifies that 2% of the WSP is to be developed for business purposes to provide funding towards the development of facilities, programs and environmental initiatives throughout the WSP. The development represents a portion of the 2% of the WSP identified strategically for business purposes.

Engagement

The Department exhibited the DA and EIS from 20 November 2019 until 18 December 2019. A total of ten submissions were received, including eight from public authorities and Council, one from the public and one from an asset owner.

Key concerns raised related to the lack of native vegetation being used in the proposed landscaping, vehicular access arrangements, vehicular manoeuvrability and the adequacy of data used to model traffic generation. The Department requested the Applicant address the matters raised in the submission in a Response to Submissions (**RTS**) report.

The Applicant submitted a RTS report on 28 January 2020 to address and clarify matters raised in submissions. However, the RTS did not adequately address all the issues raised in submissions, with further information requested relating to traffic impacts and vehicular access. Between February 2020 and 20 April 2020 on-going correspondence was exchanged between the Applicant and the Department in an attempt to address all outstanding matters. The matters related to the impacts of the development upon the intersection between Skyline Crescent and Bringelly Road, as well as evidence to demonstrate the development would provide safe and efficient site access. Further information, including a Road Safety Audit, was submitted by the Applicant on 1 May 2020. Council's Traffic and Transport Section reviewed the audit and concluded the development would not create significant traffic impacts upon the local road network and would achieve safe and efficient site access.

The development is classified as State significant development (**SSD**) as the original concept approval for the BRBH did not determine that future subsequent stages within the BRBH could be determined by the relevant consent authority under section 4.37 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*. Consequently, the Minister for Planning and Public Spaces is the consent authority for the proposed development under section 4.5(a) of the EP&A Act.

Assessment

The Department's assessment of the application fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development. The Department has identified that traffic and access are the key issues for assessment.

During the assessment process, representatives of the Department inspected the site to provide an informed assessment of the development.

The Department's assessment determined vehicular accessibility to the site would be achieved safely and efficiently from the two proposed access points, and the generation of traffic travelling to and from the development is within the estimated traffic levels modelled and established across the BRBH under SSD 6324. As these overall traffic levels were used to design the road network, its performance would not be adversely impacted by traffic generated by the development.

The Department is satisfied the potential impacts of the development can be managed and/or mitigated to ensure an acceptable level of environmental performance, subject to the recommended conditions of consent, including the implementation of management plans to address construction and traffic management during the construction and operation, as well as the installation of appropriate landscaping.

Overall the Department's assessment has concluded the development would:

- provide a range of benefits for the region and the State as a whole, including a significant injection of capital and construction and operation jobs in the Liverpool LGA
- be consistent with NSW Government policies including, the Greater Sydney Region Plan and the Western City District Plan, which encourage planned industrial development and the provision of jobs in Western Sydney
- be consistent with the approved uses and design objectives for the BRBH
- not have a significant impact on the local or regional road network during construction or operation.

Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions.

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1 Introduction

This report details the Department of Planning, Industry and Environment's (**the Department**) assessment of the State significant development application (SSD-10366) for the Bunnings Warehouse, Leppington. The proposed development (**the development**) involves the construction and operation of a large format retail building for hardware and building supplies and garden centre at Horningsea Park in the Liverpool Local Government Area (**LGA**).

The Department's assessment considers all documentation submitted by Sutherland & Associates Planning on behalf of Bunnings Group Limited (**the Applicant**), including the Environmental Impact Statement (**EIS**) and a Response to Submission (**RTS**) report, as well as submissions received from government agencies, Liverpool City Council (**Council**) and the public. The Department's assessment also considers the legislation and planning instruments relevant to the site and the development.

This report describes the development, surrounding environment, relevant strategic and statutory planning provisions and the issues raised in submissions. The report evaluates the key issues associated with the development and provides recommendations for managing any impacts during construction and operation. The Department's assessment of the development has concluded the development is approvable, subject to conditions of consent.

1.1 Development background

The Applicant is seeking development consent to construct and operate a large format retail facility for hardware and building supplies and a garden centre, ancillary office, handstand areas, service infrastructure, signage and landscaping. The proposed tenant, Bunnings Warehouse, is an Australian retailer of home improvement and outdoor living products and a major supplier to project builders, tradespeople and the housing industry.

The site is located within an area of residential growth, particularly in the suburbs of Leppington and Denham Court, where the Applicant considers there are strong indicators to support a growing demand for retail and hardware services in the area. Residential catchments to the south-west are not in close proximity to any existing Bunnings Warehouse, therefore, the Applicant seeks to take advantage of the demand in the area due to the growth in residential developments.

1.2 Site description

The site is located 36 kilometres (**km**) west of the Sydney city centre, eight km south-west of the Liverpool town centre and approximately four km north-west of the intersection of the M5 and M7 motorways (see **Figure 1**). The development is proposed to be sited on Lot 3 of the Bringelly Road Business Hub (**BRBH**). The 4.10 hectare (**ha**) allotment is located in the western portion of the 22 ha site (see **Figure 2**, **Figure 3** and **Figure 4**). Access to the site is via Skyline Crescent to the south, which connects to Bringelly Road in Horningsea Park (see **Figure 5** and **Figure 6**).

The approved BRBH site was originally an undeveloped 'greenfield' site which was previously grazing pastureland and included small areas of Cumberland Plain Woodland, scattered paddock trees and native shrubs. Under the BRBH approval, Stage 1 works included early works, consisting of earthworks and vegetation clearing, as such the site has been cleared and preliminary earthworks have been undertaken in portion of the estate, with further earthworks occurring across BRBH.

Following completion of earthworks across the BRBH, the site will drain toward an existing natural waterway to the north of the site, at grades of 1% and 2%.



Figure 1 | Local context map



Figure 2 | Subject site and surrounding area



Figure 3 | Subject site as viewed from Skyline Crescent



Figure 4 | Subject site as viewed from Skyline Crescent



Figure 5 | Skyline Crescent facing Bringelly Road



Figure 6 | Skyline Crescent facing Stuart Road

1.3 Surrounding land uses

The development is located in Horningsea Park, and is adjacent to the neighbouring suburb of Leppington, both of which comprise predominantly residential development. The closest private residential properties are located approximately 25 metres (m) to the west of the BRBH, at the corner of Twenty Sixth Avenue and Stuart Road, Leppington.

Two lots within the BRBH have recently been developed and have been operational since February 2020. This includes:

- Steelforce Warehouse Facility (SSD 8900) – warehouse primarily for the storage, dispatch and distribution of steel materials on Lot 8 (see **Figure 2**)
- CFC Group Large Format Retail (SSD 9511) – large format retail for the display and sale of construction machinery and equipment on Lot 6 (see **Figure 2**).

The residential developments located to the north-east in Horningsea Park are located on the eastern side of Cowpasture Road, with an existing acoustic wall located along Cowpasture Road which partially obscures the view from these properties upon BRBH.

BRBH is located to the north-west of a significant intersection, which comprises of:

- Bringelly Road to the south, a State Road and sub-arterial route which connects with Cowpasture Road and Camden Valley Way
- Cowpasture Road to the east, a State Road and arterial route which connects with Camden Valley Way and Bringelly Road
- Stuart Road to the north, a local access road
- Camden Valley Way to the south-east, a State Road and arterial route.

Bringelly Road (between Camden Valley Way and The Northern Road) is currently the subject of significant road upgrades, with works scheduled for completion by Transport for NSW (TfNSW) in 2036.

1.4 Other development approvals

On 13 January 2016, the then Acting Executive Director, Key Sites and Industry Assessments approved the BRBH as a Concept and Staged 1 Development Application (DA) (SSD 6324). The Stage 1 DA approved early works across the site including earthworks and infrastructure works.

The concept DA approved a business park comprising of large format retail premises, light industry, service station, take away food and drink premises, restaurant and café uses and a development structure including:

- land uses
- site layout
- design parameters
- landscaping.

The Stage 1 DA approved the subdivision of the site and early works including:

- demolition of existing structures
- subdivision to create eight developable lots
- bulk and detailed earthworks
- construction of an access road
- stormwater management
- civil engineering works
- estate landscaping.

The BRBH approval was a deferred commencement consent which required conditions relating to site contamination and remediation works to be fulfilled prior to the development consent becoming operational. To comply with these conditions, the Applicant submitted additional information, and, on 12 May 2016, the Department considered the consent to be operational. The concept plan approved for the BRBH is shown in **Figure 7**, noting that condition A7 of SSD 6324 did not approve the building footprints and envelopes indicated in this plan.



Figure 7 | Site plan as approved SSD 6324 (since modified)

The development consent has been modified on six (6) occasions by the Department, as summarised in **Table 1**.

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Consent Authority	Type	Approval Date
MOD 1	Alteration in car parking requirements	Department	4.55(1A)	14 April 2016
MOD 2	Boundary realignment and introduction of one (1) allotment	Department	4.55(1A)	15 August 2018
MOD 3	Boundary realignment between lots 4, 6 and 8	Department	4.55(1A)	22 March 2019
MOD 4	Boundary realignment of all lots to reflect detailed surveying of site	Department	4.55(1A)	30 September 2019
MOD 5	Boundary realignment between lots 3 and 4, as well as amendments to bulk earthworks	Department	4.55(1A)	13 January 2020
MOD 6	Amendment to cycle and pedestrian path	Department	4.55(1A)	19 February 2020

2 Project

This application seeks consent for the construction and operation of a large format retail building for hardware and building supplies and garden centre (Bunnings Warehouse), encompassing a warehouse, covered outdoor nursery, bagged goods store, timber trade sales area, café, office, amenities, car parking and landscaping within the Bringelly Road Business Hub.

The major components of the development are summarised in **Table 2** and shown in to **Figure 8** to **Figure 11** and described in full in the EIS, held at **Appendix A**.

Table 2 | Main Components of the Development

Aspect	Description
Development Summary	The construction and operation of a large format retail building for hardware and building supplies and garden centre (Bunnings Warehouse), encompassing a warehouse, covered outdoor nursery, bagged goods store, timber trade sales area, café, office, amenities, car parking and landscaping
Site area, development footprint and height	• The site is approximately 18 ha in area (Lot 3 is 40,968 m²) • Development footprint of approximately 17,596 m² (43%) • Maximum height of 9.5 m
Earthworks, civil works and services extension	Minor earthworks, foundations, stormwater drainage, construction of hardstand and car parking
Construction	Site levelling and construction of the proposed building over a period of approximately 9 months
Key features	• Warehouse area (9,233 m²) • Timber trade area (4,708 m²) • Nursery (3,203 m²) • Mezzanine office (253 m²)
Traffic	• Construction: up to 100 vehicle movements per day comprising 40 light vehicles and 10 heavy vehicles • Operation: 280-300 vehicle trips per hour (vtph) during weekday PM peak and 780-800 vtph during weekend midday peak
Stormwater and drainage	Construction of on-site drainage pipes, an underground detention tank and gross pollutant traps discharging to Bedwell Park for secondary stormwater treatment
Landscaping	• Different vegetation heights and tree types at the street frontage and car parking area • A landscaped section along Skyline Crescent • Trees, shrubs and ground covers along the western boundary

Signage	Eight wall signs consisting of business identification sign 'Bunnings Warehouse' and business logo 'Hammer'
Access and car parking	- Two access points off Skyline Crescent, internal road to Bringelly Road Business Hub 373 car parking spaces 12 bicycle spaces
Hours of operation	- Monday to Friday 6 am to 10 pm - Saturday, Sunday and Public Holidays 6 am to 7 pm
Capital investment value	\$22 million
Employment	255 full-time equivalent construction jobs and 150 operational jobs

2.1 Physical layout and design

The physical layout and design of the development is shown in **Figure 8** to **Figure 11**. The development comprises of a single building, 9.5 m in height, divided into four areas, the main warehouse, timber trade sales, building materials landscape yard and an outdoor area for bagged goods and nursery. A café is located at the southern end of the main warehouse, with offices and staff amenities located in a mezzanine level above.

Main pedestrian access is centrally located on the western side of the building, with secondary access to the nursery located on the southern end of the western side.

Car parking is located adjacent to the building, with access to the site gained from two ingress/egress points, one off the roundabout and the second at the head of the cul-de-sac of Skyline Crescent. The timber trade sales area and the building materials landscape yard are also accessible by vehicle for the distribution and delivery of goods.

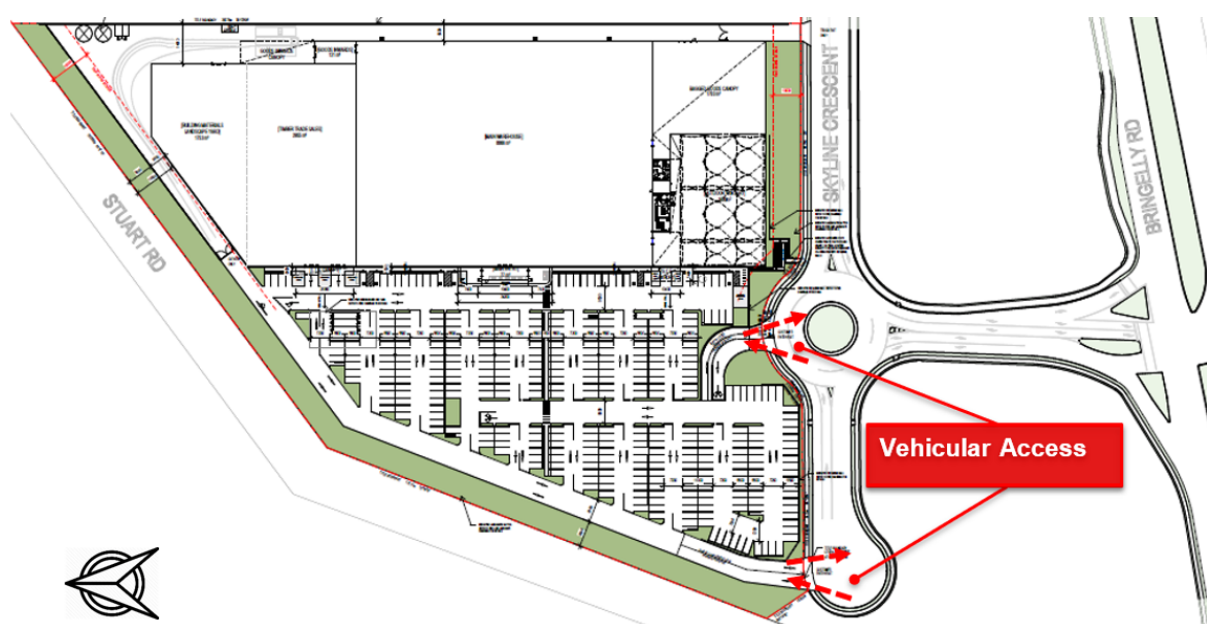


Figure 8 | Proposed site plan

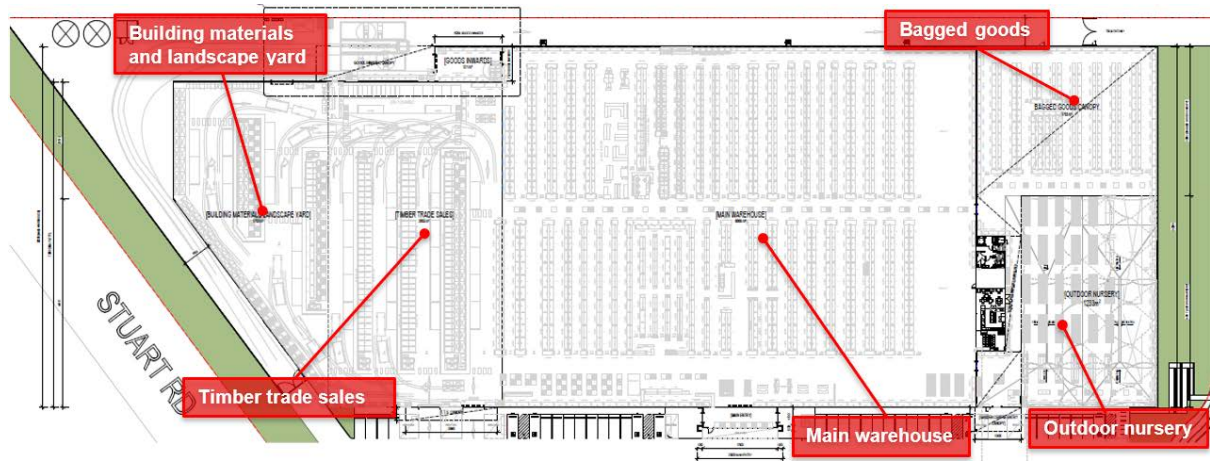


Figure 9 | Proposed Floor plan

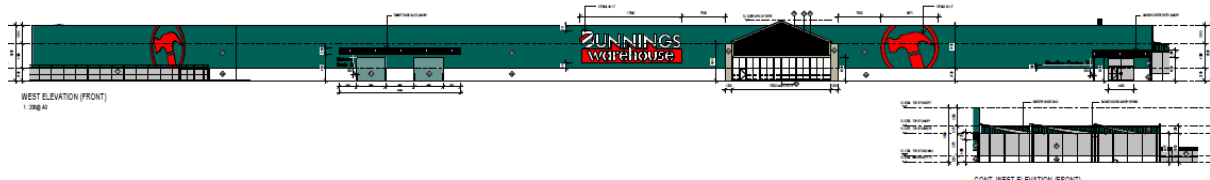


Figure 10 | Proposed Western elevation

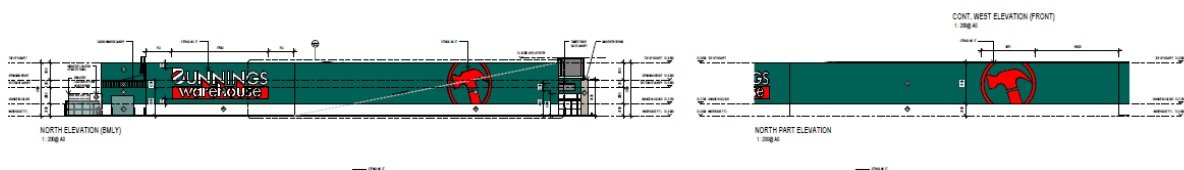


Figure 11 | Proposed Northern elevation

2.2 Uses and activities

The development comprises of the following key uses:

- warehouse for hardware and building supplies
- covered outdoor nursery and garden supplies
- covered outdoor bagged goods area
- timber trade sales area
- ancillary café, office and staff amenities.

2.3 Timing

Preparatory work and construction work are estimated to occur over a period of approximately nine months, staged as follows:

- Early works – in-ground services, foundation work/piling
- Building structure – construction of the building with roofing
- Building internal and external – mechanical and electrical services, fit out, car park, internal roadway and landscaping.

3 Strategic context

Greater Sydney Region Plan, 2018

The vision of the 'Greater Sydney Region Plan 2018, A Metropolis of Three Cities' falls within the integrated planning framework for Sydney (see **Figure 12**) and seeks to meet the needs of a growing and changing population by transforming Greater Sydney into a metropolis of three cities – the Western Parkland City, the Central River City and the Eastern Harbour City. It brings new thinking to land use and transport patterns to boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth.

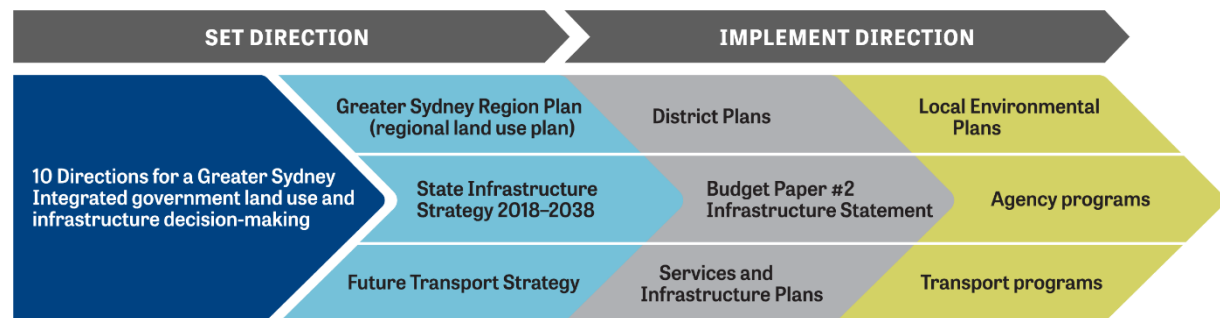


Figure 12 | Integrated Planning for Greater Sydney

Objective 23 outlines that industrial and urban services land is to be planned, retained and managed. Strategy 23.1 also recognises the need for certain office uses to be co-located with industrial and urban service uses to provide job opportunities closer to residents. By providing additional jobs closer to where people live and providing commercial and industrial uses in an approved business hub, the development will support the objectives and strategies of the Greater Sydney Region Plan.

Western City District Plan, 2018

The Western City District Plan (**WCDP**) is a 20-year plan to manage growth in Western Sydney in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney established by the Greater Sydney Region Plan. It is a guide for implementing the Greater Sydney Region Plan at a district level.

The development is aligned with Planning Priority W10 of the WCDP as it would plan and manage industrial and urban services land in an approved business hub in the Liverpool LGA. The development would also meet Action 52, as the development would be located in an area where industrial and urban service land can be reviewed and managed (see **Figure 13**).

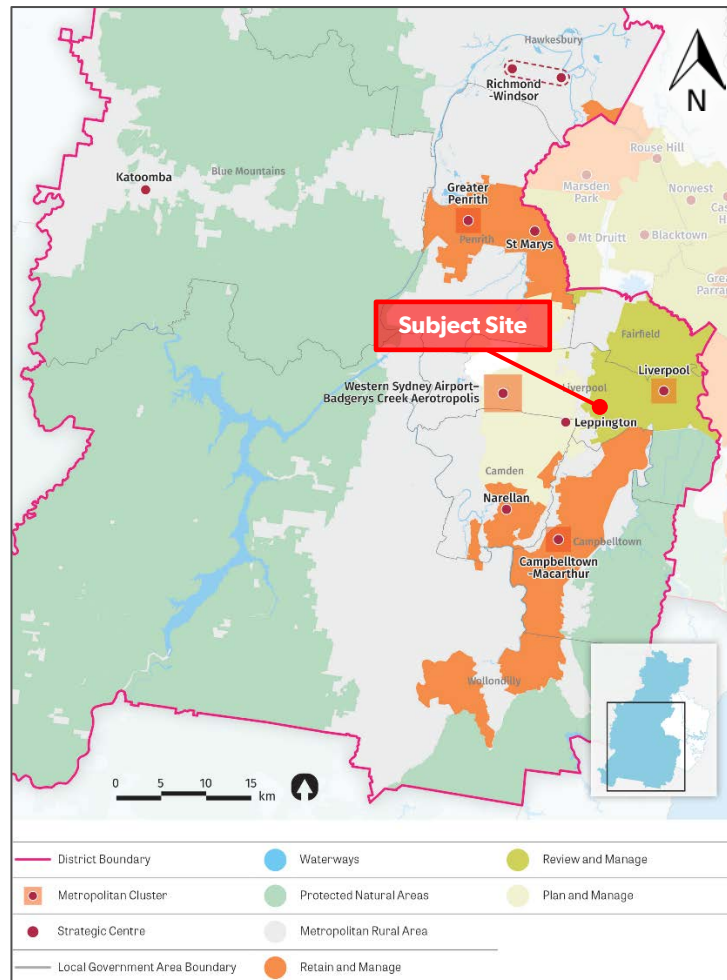


Figure 13 | Approach for the management of industrial and service land under the Western City District Plan

Western Sydney Parklands Plan of Management 2030

The WSP is a major social and recreational facility in Western Sydney and is strategically managed by the Western Sydney Parklands Plan of Management 2030 (**POM**). The POM identifies that 2% of the WSP is to be developed for long term leases for business purposes to generate revenue to support operations in the WSP, including maintenance and development of new and existing facilities. The proposal represents a portion of the 2% of the WSP identified strategically under the POM for business purposes.

Pursuant to the POM, the site is located within an area identified as Precinct 16 (see **Figure 14**), which borders with Carnes Hill and Horningsea Park residential areas. The POM identifies two business hub sites within Precinct 16 as areas to support business functions, generate local employment and contribute to the development of the economy in Western Sydney.

The Department considers the development would provide a large format retail use which is consistent with the intent of the POM for the precinct. The proposed use would generate local employment and support the business hub functions of the BRBH. The development would contribute to the ongoing viability of the WSPT and the WSP.

The Department considers the development is consistent with the POM.

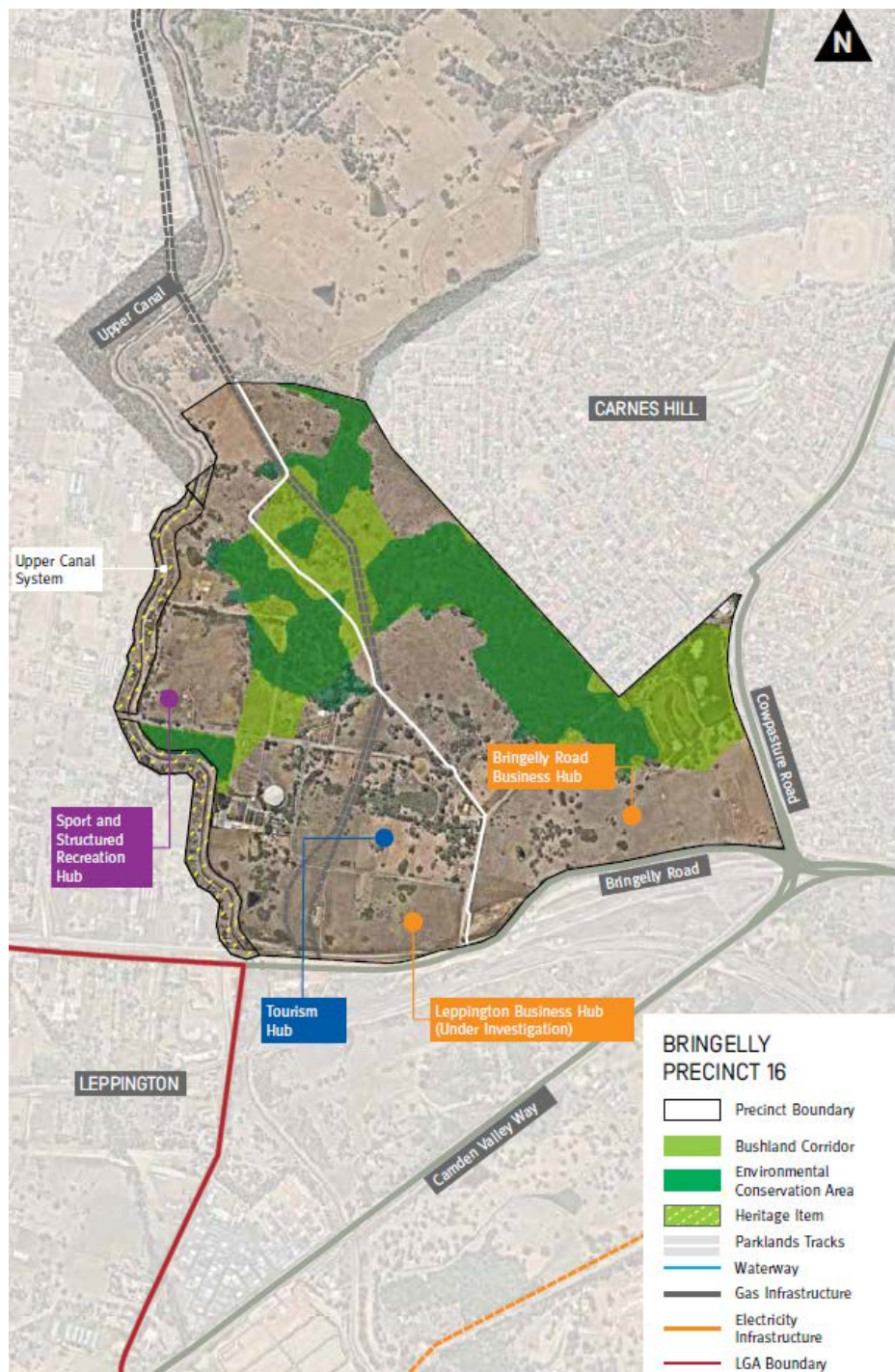


Figure 14 | Precinct 16 map

4 Statutory Context

4.1 State significance

Under the then section 83D(2) of the *Environmental Planning and Assessment Act 1979* (**the EP&A Act**), the Minister could make a determination that a subsequent stage of a Staged development application is to be determined by the Council.

The Minister's approval of the original staged development application for the BRBH did not make this determination and as such, the development is considered to be State significant development (**SSD**).

4.2 Permissibility

The site is located in the WSP. After the commencement of State Environmental Planning Policy (Western Sydney Parklands) 2009 (**WSP SEPP**), all previously zoned lands within the WSP became unzoned. Under Clause 11(2) of the WSP SEPP, development for large format retail, associated light industrial, warehouse and distribution and ancillary office uses are permissible with consent.

Under section 4.24 of the EP&A Act, the determination of any DA in respect of a site that is subject to a concept DA 'cannot be inconsistent' with the original consent. The concept development for BRBH permitted a range of uses on the site including large format retail, light industrial and warehouse and distribution uses. The Department considers the primary use of the development is a large format retail facility for the display and sale of hardware and building supplies, a garden centre with ancillary office, handstand areas, service infrastructure, signage and landscaping on site. The proposed uses are consistent with the EIS and Response to Submission for the BRBH and the approved uses for BRBH. The proposal is consistent with the indicative built form approved for the BRBH, as detailed in **Section 6**.

4.3 Consent Authority

The Minister for Planning and Public Spaces (the Minister) is the consent authority for the development under section 4.5 of the EP&A Act. On 9 March 2020, the Minister delegated the functions to determine certain SSD applications to the Executive Director, Regions, Industry and Key Sites where:

- the relevant local council has not made an objection;
- there are less than 50 unique public submissions in the nature of objections; and
- a political disclosure statement has not been made.

Council did not object to the development and only one public submission, which did not object to the development, was received during the exhibition period (see **Section 5**). No reportable political donations were made by the Applicant in the last two years and no reportable political donations were made by any persons who lodged a submission.

Accordingly, the development can be determined by the Executive Director, Regions, Industry and Key Sites under delegation.

4.4 Other approvals

Under section 4.42 of the EP&A Act, other approvals may be required and must be approved in a manner that is consistent with any Part 4 consent for the SSD under the EP&A Act.

In its submission, the Environment Protection Authority (**EPA**) advised that the development does not constitute a scheduled activity under the *Protection of the Environment Operations Act 1997* (**POEO Act**). Therefore, an Environment Protection Licence (**EPL**) is not required.

The Department has considered the advice of the relevant public authorities responsible for integrated and other approvals in its assessment of the development and included suitable conditions in the recommended conditions of consent, where necessary.

4.5 Mandatory Matters for Consideration

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department's consideration of these matters is set out in **Appendix B**. In summary, the Department is satisfied the development is consistent with the matters in section 4.15 of the EP&A Act.

4.5.1 Environmental Planning Instruments

Under section 4.15 of the EP&A Act, the consent authority, when determining a development application, must take into consideration the provisions of any Environmental Planning Instrument (**EPI**) and draft EPI (that has been subject to public consultation and notified under the EP&A Act) that apply to the development.

The Department has considered the development against the relevant provisions of several key EPIs including:

- State Environmental Planning Policy (State and Regional Development) 2011 (**SRD SEPP**)
- State Environmental Planning Policy (Western Sydney Parklands) 2009 (**WSP SEPP**)
- State Environmental Planning Policy (Infrastructure) 2007 (**Infrastructure SEPP**)
- State Environmental Planning Policy No. 19 – Bushland in Urban Areas (**SEPP 19**)
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (**SEPP 33**)
- State Environmental Planning Policy No. 55 – Remediation of Land (**SEPP 55**)
- draft State Environmental Planning Policy (Remediation of Land) (**draft Remediation SEPP**)
- State Environmental Planning Policy No. 64 – Advertising Structures and Signage (**SEPP 64**)
- Liverpool Local Environmental Plan 2008.

Development Control Plans (**DCPs**) do not apply to SSD under Clause 11 of the SRD SEPP. However, the Department has considered the relevant provisions of the Liverpool Development Control Plan 2008 (DCP 2008) in its assessment of the development in **Section 6** of this report.

Detailed consideration of the provisions of all EPIs that apply to the development is provided in **Appendix B**. The Department is satisfied the development complies with the relevant provisions of these EPIs.

4.5.2 Objects of the EP&A Act

In determining the application, the consent authority should consider whether the development is consistent with the relevant objects of the EP&A Act. The Department has fully considered the objects detailed in Section 1.3 of the EP&A Act, including the encouragement of ecologically sustainable development (**ESD**), in its assessment of the application (see **Table 3**).

Table 3 | Objects of the EP&A Act

Objects of the EP&A Act	Consideration
1.3 (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The development would contribute revenue towards the ongoing management of the WSP for the social and economic welfare of the WSP, the Liverpool LGA and the State. The development would also promote social and economic welfare in the community by generating 255 construction jobs and 150 operational jobs in the area.
1.3 (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal includes measures to deliver ecologically sustainable development through the planting of native landscaping, and the installation of a stormwater management system. To minimise traffic impacts associated with the additional 150 operational jobs, the Applicant proposes to prepare and implement a Workplace Travel Plan.
1.3 (c) to promote the orderly and economic use and development of land,	The development promotes the orderly and economic development of land approved for large format retail uses and light industrial uses in the WSP and is predicted to generate up to 225 construction jobs and 150 operational jobs. The development will also provide private investment in the WSP which will contribute to establishing a sustainable funding base for the WSP.
1.3 (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The clearing of 25 trees on the site was approved for the BRBH. The development consent for BRBH also required that the clearing of Cumberland Plain Woodland (an endangered ecological community) across the BRBH be offset by the purchase and retiring of 35 ecosystem credits in accordance with the NSW Biodiversity Offsets Policy. The Applicant for BRBH, WSPT, has purchased and retired the required ecosystem credits.
1.3 (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The site is not a heritage item or located in a conservation area. The Department's assessment of the BRBH concluded that the development of the BRBH is unlikely to have an impact on any items of heritage significance. As required by the conditions of the BRBH development consent, an updated Aboriginal Heritage Assessment Report and a Heritage Interpretation Plan has been submitted and approved. The built form of the development

is consistent with the development consent for the BRBH and will not impact on Aboriginal or European heritage significance.

1.3 (g) to promote good design and amenity of the built environment,	The proposed bulk and scale of the development is consistent with the approved built form in the development consent for the BRBH. The Department considers the visual impacts of the development to be acceptable given the site's location in the BRBH.
1.3 (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Department has considered the development and has recommended a number of conditions of consent to ensure that construction and maintenance is undertaken in accordance with applicable legislation, guidelines, policies and procedures (refer to Appendix B).
1.3 (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the development as outlined in Section 5 , which included consultation with Council and other public authorities and consideration of their responses.
1.3 (j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the application as outlined in Section 5 , which included notifying adjoining landowners, placing a notice in the press and displaying the application on the Department's website, at the Department's Sydney office and Council's office.

4.5.3 Western Sydney Parklands Act 2006 (WSP Act)

The WSP Act establishes the WSPT, defines the boundaries of the WSP and guides its management. Section 12 of the WSP Act identifies that the principal function of the Trust is to develop the WSP into a multi-use urban parkland for the region of Western Sydney and to maintain and improve the WSP on an on-going basis.

Section 12 of the WSP Act further identifies specific functions including the provision or facilitation of commercial, industrial, retail and transport activities and facilities, with the object of supporting the viability of the management of the WSP.

The Department considers the development of the site for large format retail with associated warehousing in an approved business park to be consistent with the requirements of the WSP Act and the functions of the WSPT.

4.5.4 Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and

environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended.

The development is not anticipated to have any adverse impacts on native flora or fauna, including threatened species, populations and ecological communities and their habitats. The clearing of the site has been approved under the BRBH approval. The Department is also satisfied the development and mitigation measures will suitably manage bushfire risks and potential impacts on receiving environments from, noise, dust and stormwater runoff. As such, the Department considers that the development would not adversely impact on the environment and is consistent with the objectives of the EP&A Act and the principles of ESD.

4.5.5 Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)

Under the EPBC Act, assessment and approval is required from the Commonwealth Government if a development is likely to impact on a matter of national environmental significance (**MNES**), as it is considered to be a 'controlled action'. The Applicant provided a request for a Biodiversity Development Assessment Report (**BDAR**) waiver which concluded that the proposed works are not likely to have significant impact on biodiversity values and therefore not considered a 'controlled action'. As such, the Applicant determined that a referral to the Commonwealth Government was not required.

5 Engagement

5.1 Consultation

The Applicant, as required by the Planning Secretary's Environmental Assessment Requirements (SEARs), undertook consultation with relevant local and State authorities as well as the community. The Department undertook further consultation with these stakeholders during the exhibition of the EIS and throughout the assessment of the application. These consultation activities are described in detail in the following sections.

5.1.1 Consultation by the Applicant

The Applicant's consultation during the preparation of the EIS included:

- communicating with local and State authorities
- distribution of an information flyer to properties within a one km radius of the site, being a total of 1,750 flyers
- an advertisement in the Liverpool City Champion and the District Reporter
- distribution of a letter to five adjoining property owners
- an information webpage for the development.

The Applicant noted that no community feedback was received throughout the consultation.

5.1.2 Consultation by the Department

The Department consulted with relevant public authorities during the preparation of the SEARs.

After accepting the DA and EIS for the application, the Department:

- made it publicly available from **Wednesday 20 November 2019** until **Wednesday 18 December 2019**:
 - on the Department's website
 - at the Department's Sydney office (Pitt Street, Sydney)
 - at Liverpool City Council
- notified surrounding landowners of the development about the exhibition period by letter
- notified relevant State government authorities and Liverpool City Council by letter
- advertised the exhibition in the Liverpool Leader and Liverpool City Champion
- undertook a site inspection on 6 February 2020.

5.2 Submissions

A total of ten submissions were received on the development during the exhibition period, including eight from public authorities, one from the general public and one from an asset owner. Of the ten submissions received, none objected to the development. A summary of the issues raised in submissions is provided below, with a copy of each submission included in **Appendix E**.

5.2.1 Public Authorities

Council did not object to the development however, requested that the Applicant consider incorporating additional canopy trees into the landscape plan and to maximise the areas within the car parking area for planting.

The **EPA** did not object to the proposal and advised the development would not require an EPL. Therefore, the EPA had no comments.

TfNSW raised concerns relating to the proposed vehicular access at the roundabout as well its design to accommodate entry/exit movements for large vehicles. TfNSW requested the Applicant demonstrate the following:

- the interaction of vehicles entering the car park and other vehicles using the roundabout, demonstrating that the operation of the traffic signals at Bringelly Road would be not affected
- a detailed analysis of the trip generation survey
- detailed information and data for passing trade discount
- swept paths for the largest vehicle to demonstrated safe entry/exit movements.

The then **Roads and Maritime Services (RMS)** noted that as legislation came into effect on 1 December 2019, amalgamating RMS and TfNSW, the RMS concur with any submission made by TfNSW.

Environment, Energy and Science Directorate (EES) requested the Applicant provide a biodiversity development assessment report (BDAR) to address the clearing of vegetation on the subject site. EES also requested an amended landscape plan to use native plants indigenous to the area, as the species proposed are not native to the area.

Rural Fire Services (RFS) did not object to the development and recommended conditions including that asset protection zones are managed around the proposed works, the design and construction, vehicle access and the provision of water, electricity and gas complies with 'Planning for Bush Fire Protection 2006'.

Water NSW did not object to the development and provided no additional comments.

Western Sydney Parklands Trust (WSPT) did not provide a submission.

5.2.2 Public Submissions

The Department received two submissions from the public commenting on the development. One submission requested that the development require the installation of solar panels on the roof.

The other submission was from **Jemena**, an asset owner, who requested the Applicant prepare a Safety Management Study to assess any potential threats the development may have upon the gas pipelines and gas main in the area.

5.2.3 Response to Submissions

On 28 January 2020, the Applicant provided a RTS on the issues raised during the exhibition of the development (see **Appendix B**).

The RTS provided the following documents in response to the matters raised during the exhibition of the DA and EIS:

- an addendum to the traffic impact assessment, providing additional detail on trip generation, construction traffic, impacts on the local road network, passing trade and vehicular access.

- a revised statement of landscape intent, incorporating additional tree planting and changes to the species list
- a request for a BDAR waiver
- a Jemena pipeline risk mitigation letter
- an updated assessment of the development against the Urban Site Design Guidelines approved as part of the Development Consent for BRBH.

The RTS also addressed the issues raised in public submissions, stating there are no statutory requirements for the development to install solar panels. Furthermore, the Applicant considers the development will implement a high level of sustainability measures in order to reduce energy consumption. The development proposes to implement design measures to maximise energy efficiency.

The RTS was made publicly available on the Department's website and was provided to the relevant public authorities and asset owners to consider whether it adequately addressed the issues raised. A summary of responses is provided below:

EES reviewed the Applicant's request for a BDAR waiver and the revised statement of landscape intent, confirming that the RTS addressed EES' request.

Jemena acknowledged the RTS and had no further comments.

TfNSW reviewed the addendum to the traffic impact assessment and advised the RTS had not adequately addressed its concerns, therefore additional information was requested from the Applicant.

Council reviewed the revised statement of landscape intent and confirmed that they did not object to the development and had no further comments.

Following a review of the RTS, outstanding concerns remained from TfNSW. In response, further discussions were held between the Applicant, the Department and TfNSW.

The Applicant undertook additional assessment relating specifically to the access arrangements proposed for the development. On 21 February 2020, the Applicant submitted additional modelling of traffic movements, and examples of developments where access to a Bunnings site was gained directly off a roundabout. On 15 April 2020, TfNSW provided a final response to the Department, stating that as access would be gained off a local road, Skyline Crescent, consideration for access arrangements should be made by Council and no further comment would be provided by TfNSW. Therefore, Council was requested to provide comment on whether the access arrangements would be supported, resulting in Council requesting the Applicant prepare a Road Safety Audit.

On 1 May 2020, the Applicant submitted a Road Safety Audit to consider the proposed site access and any issues associated with potential traffic delays / queuing impacts upon the road network, in particular the impact upon the Bringelly Road and Skyline Crescent intersection. The Road Safety Audit confirmed the proposed access via the provision of a 4th leg on the roundabout could be designed to provide suitable and safety access to and from the site. Council's Traffic and Transport Section reviewed the audit and concluded that the development would not create significant traffic impacts upon the local road network and would achieve safe and efficient site access.

The Department has considered the issues raised in submissions, the RTS and supplementary concerns raised in its assessment of the development.

The Applicant's RTS provided further justification relating to the proposed access points for the development, including an additional swept path analysis and consideration of alternate access locations. The RTS demonstrated impacts upon the existing roundabout would not differ significantly whether access was gained directly off the roundabout, or if access was to be located in close proximity to the roundabout. The RTS also stated if queuing were to occur, it would be contained within the development site.

TfNSW reviewed the additional information submitted by the Applicant and subsequently suggested exit only movements occur onto the roundabout, however, noting Skyline Crescent is a local road therefore, requiring the consideration of Council. Council's review of the additional information considered the access arrangements could be supported based on the outcomes of a Road Safety Audit, to demonstrate that access into the site off the roundabout would be safe and efficient.

The Applicant prepared and submitted a Road Safety Audit, with the audit concluding the proposed access arrangements, including entrance into the site off the 4th leg on the roundabout, would be safe and efficient. Council's Traffic and Transport section reviewed the audit and concurred with the findings of the audit, stating the proposed manoeuvrability into and out of the site was supported.

Therefore, the Department considers that the Applicant has demonstrated that the proposed access arrangements will be able to achieve the expected level of safety and efficiency along Skyline Crescent.

Operational Traffic

The traffic impact assessment undertaken as part of the BRBH considered the future development of a large format retail facility, akin to that of a Bunnings Warehouse, with a GFA of 20,000m². The traffic assessment predicted a projected peak traffic generation of 360 vtpm in the weekday PM peak and 900 vtpm in the Saturday midday peak. The development has a GFA of approximately 17,596m² and is predicted to generate 280-300 vtpm during the weekday PM peak and 780-800 vtpm during the weekday midday peak. As such, the Applicant considered the operational traffic generation to be less than was originally anticipated when assessed as part of the BRBH, therefore also generating less operational traffic across the whole of BRBH.

The traffic assessment for the BRBH also predicted the operational performance of nearby intersections being Bringelly Road/ Skyline Crescent and Bringelly Road/ Cowpasture Road. The TPA assessed the operation of the development with the future performance of these intersections, assuming an 80% 'take up' of development within the BRBH by 2026 and a full occupancy of the BRBH by 2031, increased traffic demands, and completion of all upgrade works along Bringelly Road. The 2031 modelling is also based on the projected completion of a further upgrade to allow six lanes along Bringelly Road. The TPA determined that the introduction of the development into BRBH would maintain the predicted level of service for the intersection, as the predicted traffic volumes are lower than what was assessed for the BRBH.

TfNSW reviewed the submitted TPA and requested the Applicant provide additional analysis of the trip generation for the development, specifically relating to the examples used to support the data. The Applicant included further information in their RTS, providing examples of traffic generation associated with existing Bunnings Warehouse developments, and consideration of the development in the envisaged context of the BRBH. In addition, consideration was made on the potential for queuing between the entrance to the site, off the roundabout, toward the Bringelly Road intersection. The road between the Bringelly Road intersection and the roundabout comprises of 2 x 100 m lanes. The Applicant considered that vehicle movements would be split 50/50 between the two access points, as

a result balancing the movements at the roundabout and presenting a low likelihood of any queuing impacts toward the Bringelly Road intersection.

TfNSW reviewed the additional information provided and confirmed its concerns had been addressed by the Applicant, furthermore, recommending the Applicant prepare and submit a Work Place Travel Plan which outlines measures to reduce reliance on private vehicles. The Department has included this as a recommended condition.

The Department's assessment has considered the TPA and compared its findings to what was predicted in the original traffic assessment for BRBH. On the basis the predicted traffic generation for the development would be lower than that approved for the BRBH, the Department concurs with the Applicant's conclusion that the traffic impacts are acceptable. No further upgrades to the surrounding road network, particularly the Skyline Crescent/ Bringelly Road intersection would be necessary as a result of the development. However, to ensure traffic generation and maneuverability is adequately managed, specific traffic operation conditions have been included as well as a Work Place Travel Plan which will ensure mode share targets are achieved by staff.

Conclusion

The Department's assessment concludes the development has a predicted traffic generation lower than that approved for the BRBH, access arrangements provide safe and efficient vehicular movements to and from the site and the intersection between Skyline Crescent and Bringelly Road will not be unreasonably impacted nor will it experience queuing of vehicles.

As such, through the support of the Road Safety Audit prepared by the Applicant and reviewed by Council, it is considered that the development will not create any adverse impacts on the safety and operational performance of the local road network. The implementation of conditions requiring a construction traffic management plan and work place travel plan will ensure appropriate measures are introduced to manage and minimise traffic generation associated with the facility.

6.2 Other issues

The Department's consideration of other issues is provided in **Table 4**.

Table 4 | Assessment of other issues raised

Issue	Findings	Recommendations
Consistency with the BRBH Site Development Guidelines	• The BRBH concept approval established site development guidelines to regulate future development within the BRBH. • Guidance is given in terms of setbacks, building bulk, façade treatment, signage, landscaping, parking and access arrangements. • The development of a large format retail building was conceptually envisaged within the original approval. • The development proposes an encroachment of three metres into the internal road setback, however this is only for a minor portion of the building which is	No conditions relating to the site development guidelines are required.

sited closest to the curvature of Skyline Crescent adjacent to the roundabout.

- With the exception of this minor encroachment, the development is generally consistent with the guideline.
- Council's submission did not raise the encroachment as a concern, and acknowledged the development's consistency with the guideline.
- The Department's assessment concludes the development meets the overall intent of the site development guidelines and concludes it can operate consistently with the intent of BRBH.

Parking

- Parking rates for large format retail uses in the BRBH were approved under SSD 6324. Some 373 parking spaces are proposed on-site, meeting the requirement of 114 spaces as per SSD 6324.
- TfNSW recommended a condition requiring the Applicant to install bicycle parking spaces on-site.
- The Department's assessment concludes the provision of parking is consistent with the parking requirements established under SSD 6324 and, with the implementation of TfNSW conditions, will provide sufficient parking for staff and visitors.

Require the Applicant to:

- provide sufficient parking facilities on-site
- provide bicycle parking spaces in accordance with the rates in the Cycling Aspects of Austroads Guides (2017).

Visual Impacts

- The Applicant submitted a Visual impact assessment (VIA) which assessed the development's visual impact from key vantage points within the surrounding area.
- The VIA concluded the impacts would be low or negligible, and due to mitigating features incorporated in the design of the building, no additional mitigation was proposed.
- The Department assessed the visual impacts of the development including, height, building bulk, façade treatments, incorporation of landscaping and signage.
- The Department is satisfied the scale and bulk of the building is consistent with the guidelines established for BRBH, the façade treatment and signage are reflective of Bunnings Warehouse development standards, and the development incorporates quality landscaping throughout the site.
- The Department's assessment concludes the visual impacts of the development are acceptable.

Require the Applicant to:

- ensure the development is constructed in accordance with the approved plans.

7 Evaluation

The Department's assessment of the development has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects listed under section 1.3 of the EP&A Act and the principles of ESD. The Department has considered the development on its merits, taking into consideration strategic plans that guide development in the area, the EPIs that apply to the development and the submissions received from Government agencies, Council and the public.

The development would allow for the development of the BRBH, an approved business and light industrial hub in the WSP which represents a portion of the 2% of the WSP identified strategically under the POM for business purposes. The development would provide a large format facility consistent with the uses identified in the POM and approved for the BRBH, job opportunities close to residential areas and would enable a source of funding that would contribute to the ongoing viability of the WSPT and WSP, a major social and recreational facility in Western Sydney. The development would also support the productivity, growth and employment objectives of the Greater Sydney Region Plan and the Western City District Plan through job creation and capital investment in Western Sydney.

The key issues for the development relate to access and operational traffic. The Department's assessment concluded the generation of traffic travelling to and from the development is within the envelope of traffic levels modelled and established across the BRBH. As these overall traffic levels were used to design the road network its performance would not be adversely impacted by traffic generated by the development.

The Department considers the potential impacts of the development can be managed and/or mitigated to ensure an acceptable level of environmental performance, subject to the recommended conditions of consent, including:

- implementation of management and mitigation measures identified in the EIS
- preparation of a Construction Traffic Management Plan and a Work Place Travel Plan
- the preparation and implementation of a Construction Environmental Management Plan
- the installation of appropriate landscaping.

Overall the Department's assessment has concluded the development would:

- provide a range of benefits for the region and the State as a whole, including a capital investment of approximately \$22 million in the Liverpool LGA
- provide for approximately 255 construction jobs and 150 new operational jobs
- be consistent with NSW Government policies including, the Greater Sydney Region Plan and the Western City District Plan, which encourage planned industrial development and the provision of jobs in Western Sydney
- be consistent with the approved uses and design objectives for the BRBH
- not have a significant impact on the local or regional road network during construction or operation.

Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions.

8 Recommendation

It is recommended that the Executive Director, Regions, Industry and Key Sites, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of SSD-10366, subject to the conditions in the attached instrument of consent
- **signs** the attached development consent and recommended conditions of consent (see **Appendix E**).

Prepared by:

Ania Dorocinska
Senior Environmental Assessment Officer
Industry Assessments

Recommended by:



Joanna Bakopanos
Team Leader
Industry Assessments

Recommended by:



6 May 2020

Chris Ritchie
Director
Industry Assessments

9 Determination

The recommendation is **Adopted** by:



7/5/2020

Anthea Sargeant

Executive Director

Regions, Industry and Key Sites

Appendices

Appendix A – List of Documents

Appendix B – Considerations under Section 4.15 of the EP&A Act

Appendix C – Consideration of Environmental Planning Instruments

Appendix D – Key Issues – Council and Community Views

Appendix E – Recommended Conditions of Consent

Appendix A – List of Documents

The Department has relied upon the following key documents during its assessment of the development:

Environmental Impact Statement

- Environmental Impact Statement (SSD 10366) for Construction of a new Hardware and Building Supplies and Garden Centre including Car Parking and Signage, prepared by Sutherland & Associates Planning, dated October 2019

Submissions

- All submissions received from the relevant public authorities and the general public

Response to Submission

- Response to Submission (SSD 10366), prepared by Sutherland & Associates Planning, dated January 2020
- Concept Design Road Safety Audit, prepared by SECA Solution, dated April 2020

Statutory Documents

- relevant considerations under section 4.15 of the EP&A Act (see **Appendix B**)
- relevant environmental planning instruments, policies and guidelines (see **Appendix C**).

All documents relied upon by the Department during its assessment of the development may be viewed at: <https://www.planningportal.nsw.gov.au/major-projects/project/20991>

Appendix B – Considerations under Section 4.15 of the EP&A Act

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a DA. The Department's consideration of these matters is set out in **Table 5**. In summary, the Department is satisfied the development is consistent with the requirements of section 4.15 of the EP&A Act.

Table 5 | Consideration under Section 4.15 of EP&A Act

Matter	Consideration
a) the provisions of: (i) any environmental planning instrument, and (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and (iii) any development control plan, and (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph).	Detailed consideration of the provisions of all environmental planning instruments (including draft instruments subject to public consultation under this Act) that apply to the development is provided below. The Applicant has not entered into any planning agreement under section 7.4. The Department has undertaken its assessment of the development in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.
b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department has considered the likely impacts of the development in detail in Section 6 of this report. The Department concludes that environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.

Matter	Consideration
c) the suitability of the site for the development,	The development involves the construction and operation of a large format retail facility located in the approved BRBH, with the WSP. The development is permissible with development consent.
d) any submissions made in accordance with this Act or the regulations,	All matters raised in submissions have been summarised in Section 5 of this report and given due consideration as part of the assessment of the development in Section 6 of this report.
e) the public interest	The development would generate up to 255 jobs during construction and 150 jobs during operation. The development is a considerable capital investment in the Liverpool LGA that would contribute to the provision of local jobs. The environmental impacts of the development would be appropriately managed via the recommended conditions. On balance, the Department considers the development is in the public interest.

Appendix C – Consideration of Environmental Planning Instruments

To satisfy the requirements of section 4.15(1) of the EP&A Act, the following EPI's were considered as part of the Department's assessment:

- State Environmental Planning Policy (State and Regional Development) 2011 (**SRD SEPP**)
- State Environmental Planning Policy (Western Sydney Parklands) 2009 (**WSP SEPP**)
- State Environmental Planning Policy (Infrastructure) 2007 (**Infrastructure SEPP**)
- State Environmental Planning Policy No. 19 – Bushland in Urban Areas (**SEPP 19**)
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (**SEPP 33**)
- State Environmental Planning Policy No. 55 – Remediation of Land (**SEPP 55**)
- draft State Environmental Planning Policy (Remediation of Land) (**draft Remediation SEPP**)
- State Environmental Planning Policy No. 64 – Advertising Structures and Signage (**SEPP 64**)
- Liverpool Local Environmental Plan 2008.

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

Table 6 | SRD SEPP compliance table

Relevant Sections	Consideration and Comments
3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development	The development is identified as SSD under the EP&A Act.
12 Concept development applications If: (a) development is specified in Schedule 1 or 2 to the Policy by reference to a minimum capital investment value, other minimum size or other aspect of the development, and (b) development the subject of a concept development application under Part 4 of the Act is development so specified, any part of the development that is the subject of a separate development application is development specified in the relevant Schedule (whether or not that part of the development exceeds the minimum value or size, or other aspect specified in the Schedule for such development).	The development is part of approval for the BRBH but is not a development specified in Schedule 1. Notwithstanding, the proposal is SSD under the EP&A Act (as described in Section 4.1).

State Environmental Planning Policy (Western Sydney Parklands) 2009 (WSP SEPP)

Compliance with the WSP SEPP, the principal planning instrument applying to the site with the relevant provisions of the WSP SEPP is provided in **Table 7** below.

Table 7 | Compliance with the WSP SEPP

Matter	Comment
The aims of this Policy	The proposal is consistent with the aims of the WSP SEPP as it will provide funding towards the development of facilities, programs and environmental initiatives throughout the WSP, which will facilitate the public use and enjoyment of WSP in the long term.
The impact on drinking water catchments and associated infrastructure	The Department consulted with WaterNSW on the potential impact from the development on any nearby drinking water catchments. WaterNSW advised that the development is not located near any WaterNSW land or infrastructure, and as such would not provide a submission. The Department is satisfied the proposal will not impact on any drinking water catchments with the implementation of the recommended conditions.
The impact on utility services and easements	The development does not encroach into any easements or utility services. Subject to the implementation of the recommended conditions, the proposal will not impact on utility services and easements.
The impact of carrying out the development on environmental conservation areas and the natural environment, including endangered ecological communities	The site does not comprise any identified environmental conservation areas. The proposal was accompanied by a BDAR waiver request. On the basis of the assessment undertaken by EES, the Department is satisfied that the development is not likely to impact any threatened species, populations or ecological communities, or their habitats.
The impact on the continuity of the Western Parklands as a corridor linking core habitat such as the endangered Cumberland Plain Woodland	The Department is satisfied that, with the implementation of the recommended conditions, the development will not impact on the continuity of the WSP as a corridor linking core habitat.
The impact on the Western Parkland's linked north-south circulation and access network and whether the development will enable access to all parts of the Western Parklands that are available for recreational use	The development will not impact on the north-south circulation and access network of the WSP and will not impact on access to any recreational use areas of the WSP.

The impact on the physical and visual continuity of the Western Parklands as a scenic break in the urban fabric of Western Sydney	The development will be visible from Skyline Crescent and Bringelly Road, and from within the WSP. To reduce potential impacts, the proposal includes landscaped setbacks along the road frontage. The Department is satisfied the layout and landscaping of the proposal (assessed in Section 6.2 of this report) is consistent with the design outcomes approved for the BRBH, and will not result in any significant impact on the physical and visual continuity of the WSP.
The impact on public access to the Western Parklands	The location of the development will not hinder public access to the WSP.
Consistency with any plan of management or precinct plan for the WSP	The POM and POM Supplement identify that 2 % of the WSP is to be developed for business purposes to provide funding towards the development of facilities, programs and environmental initiatives throughout the WSP. The proposal represents a portion of the 2 % of the WSP which is to be developed for business purposes and therefore consistent with the POM and POM Supplement. A detailed assessment the POM and POM Supplement is held at Section 3 of this report.
The impact on surrounding residential amenity	The proposal is not expected to result in any significant adverse impacts on the surrounding residential amenity. However, to protect and minimise amenity impacts, the Department has included a number of conditions regarding noise management.
The impact on significant views	The Department has considered the potential visual impacts of the development in Section 6.2 and is satisfied the development will not significantly impact on any significant views.
The effect on drainage patterns, ground water, flood patterns and wetland viability	The Department considers that the development will not create any impacts upon the drainage patterns, ground water, flood patterns or upon the viability of the Bedwell Park Wetland with the implementation of the stormwater conditions.
The impact on heritage items	The Department's assessment concludes that the potential impacts of the development on the Aboriginal, historical archaeology and European heritage was assessed and deemed acceptable under SSD 6324 and no further assessment is required.
The impact on traffic and parking	A full assessment of the traffic issues associated with the proposal is provided in Section 6.1 of this report. The proposed provision of parking is consistent with the parking provisions established for the BRBH.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The ISEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to certain types of infrastructure development, and providing for consultation with relevant public authorities about certain types of development during the assessment process.

TfNSW's comments are detailed in **Section 5** of the report.

The Department has consulted and considered the comments from relevant public authorities and where applicable, has included suitable conditions in the recommended conditions of consent.

State Environmental Planning Policy No. 19 – Bushland in Urban Areas (SEPP 19)

SEPP 19 generally aims to protect and preserve bushland in certain urban areas, including in the Sutherland LGA due to its value to the community as part of natural heritage, its aesthetic value and its value as recreational, educational and scientific resource.

Under SEPP 19, a person must not disturb bushland zoned land or land adjoining land zoned for public open space purposes without consent. The site is unzoned under Clause 9 of the WSP SEPP. Further, clearing of the remnant bushland on the site was assessed and approved for the BRBH. No further assessment under SEPP 19 is considered necessary for the development.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)

SEPP 33 aims to identify developments with the potential for significant off-site impacts, in terms of risk and/or offence. A development is defined as potentially hazardous and/or potentially offensive if, without mitigating measures in place, the development would have significant risk and/or adverse impact on off-site receptors.

The Applicant seeks approval for the establishment of a large format retail facility. The EIS did not identify any potentially hazardous or potentially offensive development under Clause 3 of SEPP 33.

Therefore, SEPP 33 does not apply to the development and the Department has not recommended any hazard related conditions, other than standard requirements to ensure the Applicant complies with all relevant requirements in relation to the storage of chemicals, fuels or oils used on site.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

SEPP 55 aims to provide a State-wide approach to the remediation of contaminated land. In particular, SEPP 55 aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying:

- under what circumstances consent is required
- the relevant considerations for consent to carry out remediation work
- the remediation works undertaken meet certain standards and notification requirements.

Contamination was a key consideration in the Department's assessment of the BRBH application given the site had historically been used for agricultural purposes where potential sources of contamination may have included pesticides and unknown fill material. Stage 1 of the BRBH development consent comprises site preparation works including bulk earthworks. The Applicant's contamination assessment for the BRBH site concluded that the likelihood of encountering potential contaminants during these bulk earthworks is low to moderate and, if present, would likely be near surface soils.

On this basis, the Department considered potential contaminants of concern would likely be removed during early works and disposed of at a registered waste facility. However, the Department further required as conditions of the development consent that a detailed Phase 2 site environmental investigation be undertaken to ensure the site could be made suitable for the uses approved for the BRBH. A Phase 2 Environmental Site Assessment was submitted which was approved by the Department, confirming the site was suitable for the approved industrial/ commercial uses and is able to meet the requirements of SEPP 55.

draft State Environmental Planning Policy (Remediation of Land) (draft Remediation SEPP)

The draft Remediation SEPP seeks to retain the key operational framework of the current SEPP 55, while also adding new provisions relating to changes in categorisation and introducing modern approaches to the management of contaminated land. The development has been assessed against SEPP 55 (see above), and the Department is satisfied the development would be consistent with the draft Remediation SEPP.

State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64)

SEPP 64 aims to ensure that outdoor signage is compatible with the desired amenity and visual character of an area, and provides effective communication in suitable locations, that is of a high-quality design and finish.

SEPP 64 does not apply to development within the Western Parklands in accordance with Clause 6(1) of the WSP SEPP. However, as there are no applicable signage design controls under the WSP SEPP for the development, the EIS included an assessment of the proposed business identification signs against the criteria in Schedule 1 of SEPP 64.

The Department is satisfied the proposed signage would not detract from the surrounding locality and would allow for the clear identification of Bunnings Warehouse. The Department's recommended conditions of consent include requirements for signage. The Department is satisfied that the proposed signage will be consistent with the aims and objectives of SEPP 64.

Liverpool Local Environmental Plan 2008 (LLEP)

The LLEP aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Liverpool LGA. The LLEP also aims to conserve and protect natural resources and foster economic, environmental and social well-being.

The development is located on unzoned land. Under Clause 6(1) of the WSP SEPP the LLEP does not apply to development in the Western Sydney Parklands.

Notwithstanding, the Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the LLEP and those matters raised by Council in its assessment of the development.

Appendix D – Key Issues – Council and Community Views

The Department publicly exhibited the EIS for Bunnings Warehouse from Wednesday 20 November 2019 until Wednesday 18 December 2019. The Department received ten submissions during the exhibition period, including seven from public authorities, one from Council, one from the general public and one from an asset owner. Of the ten submissions received, none objected to the development. The issue raised in the submission from the general public, and how it was addressed is provided in **Table 8** below.

Table 8 | Department's response to issues raised in submission from the public from the public exhibition period

Issue raised	Consideration
Incorporation of Solar Panels <i>'The applicant should be required to consult with a solar engineer and include solar installation to the maximum capacity practicable prior to the development receiving an occupation certificate (likely to be approximately 1MW of solar).'</i>	There are no statutory requirements for the development to install solar panels. Furthermore, the Applicant considers that the development will implement a high level of sustainability measures in order to reduce energy consumption. The development proposes to implement design measures to maximise energy efficiency including the following: • on ground concrete slab flooring and concrete wall panels • low use of external glazing, to limit solar heating of the internal space • use of passive ventilation • high floor to roof heights • roof insulation and use of translucent roof sheeting to allow for natural lighting into the internal space • installation of energy efficient e-tronic lighting technology • localised radiant gas heaters.

Appendix E – Recommended Conditions of Consent

The recommended conditions of consent for SSD-10366 can be found on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/20991>