



# Bunnings Warehouse Leppington Modification 1

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State Significant Development Modification Assessment  
(SSD-10366-Mod-1)

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# Glossary

Abbreviation	Definition
<b>Applicant</b>	Bunnings Group Limited
<b>BRBH</b>	Bringelly Road Business Hub
<b>Council</b>	Liverpool City Council
<b>Department</b>	Department of Planning, Industry and Environment
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>EPI</b>	Environmental Planning Instrument
<b>GFA</b>	Gross Floor Area
<b>LEP</b>	Local Environmental Plan
<b>LGA</b>	Local Government Area
<b>Minister</b>	Minister for Planning and Public Spaces
<b>Planning Secretary</b>	Secretary of the Department of Planning, Industry and Environment
<b>POM</b>	Western Sydney Parklands Plan of Management 2030
<b>PV</b>	Photovoltaic
<b>SEE</b>	Statement of Environmental Effects
<b>SEPP</b>	State Environmental Planning Policy
<b>SSD</b>	State Significant Development
<b>WCDP</b>	Western City District Plan
<b>WSP</b>	Western Sydney Parklands

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# 1 Introduction

This report provides the NSW Department of Planning, Industry and Environment's (the **Department's**) assessment of an application to modify the State significant development (**SSD**) consent for the Bunnings Warehouse Leppington (SSD-10366).

The modification application seeks approval to:

- amend the floor plan, increasing the main warehouse area and decreasing the timber sales yard
- amend the roof plan to accommodate photovoltaic (**PV**) cells, commonly known as solar panels
- amend the car parking layout to accommodate seven additional trailer parking spaces
- correct a typographical error in the approved Landscape Plan.

The application was lodged on 3 August 2020 by Bunnings Group Limited (the **Applicant**) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**).

## 1.1 Background

The Applicant is constructing a large format retail facility within the Bringelly Road Business Hub (**BRBH**). The BRBH is a 21 hectare (**ha**) industrial site located at the southern portion of the Western Sydney Parklands (**WSP**) in the Liverpool City local government area (**LGA**) (see **Figure 1**).



**Figure 1 | Regional Context Map**



## 1.2 Subject Site

The subject site is located on lot 3 of the BRBH, located approximately 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**). Access to the site is via Skyline Crescent to the south, which connects to Bringelly Road in Horningsea Park.

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 (see **Figure 2**).

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
- CFC Group Large Format Retail (SSD 9511) – large format retail for the display and sale of construction machinery and equipment on Lot 6



**Figure 2 | Local Context Map**

## 1.3 Approval history

On 7 May 2020, development consent was granted by the Executive Director, Regions, Industry and Key Sites for the Bunnings Warehouse Leppington (**SSD-10366**). The development consent permits the construction and operation of a large format retail facility for hardware and building supplies, and garden centre.

At the time of writing this report, the Applicant for SSD 6324 has commenced bulk earthworks across the site to facilitate the construction of the car park and warehouse under the consent for SSD-10366.

## 1.4 Other Approvals

On 13 January 2016, the then Acting Executive Director, Key Sites and Industry Assessments approved the BRBH as a Concept and Stage 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 3**, noting that condition A7 of SSD 6324 did not approve the building footprints and envelopes indicated in this plan.



**Figure 3 | Site plan as approved SSD 6324 (since modified)**

The development consent has been modified on seven (7) occasions by the Department, as summarised in **Table 1**.

**Table 1 | Summary of Modifications**

Mod No.	Summary of Modifications	Consent Authority	Type	Approval Date
<b>MOD 1</b>	Alteration in car parking requirements	Director, Industry Assessments (under delegation)	4.55(1A)	14 April 2016
<b>MOD 2</b>	Boundary realignment and introduction of one (1) allotment	Director, Industry Assessments (under delegation)	4.55(1A)	15 August 2018
<b>MOD 3</b>	Boundary realignment between lots 4, 6 and 8	Director, Industry Assessments (under delegation)	4.55(1A)	22 March 2019
<b>MOD 4</b>	Boundary realignment of all lots to reflect detailed surveying of site	Director, Industry Assessments (under delegation)	4.55(1A)	30 September 2019
<b>MOD 5</b>	Boundary realignment between lots 3 and 4, as well as amendments to bulk earthworks	Director, Industry Assessments (under delegation)	4.55(1A)	13 January 2020
<b>MOD 6</b>	Amendment to cycle and pedestrian path	Director, Industry Assessments (under delegation)	4.55(1A)	19 February 2020
<b>MOD 7</b>	Amendments to the bulk earthworks along lot 4 and retaining wall of lot 3	Director, Industry Assessments (under delegation)	4.55(1A)	31 July 2020

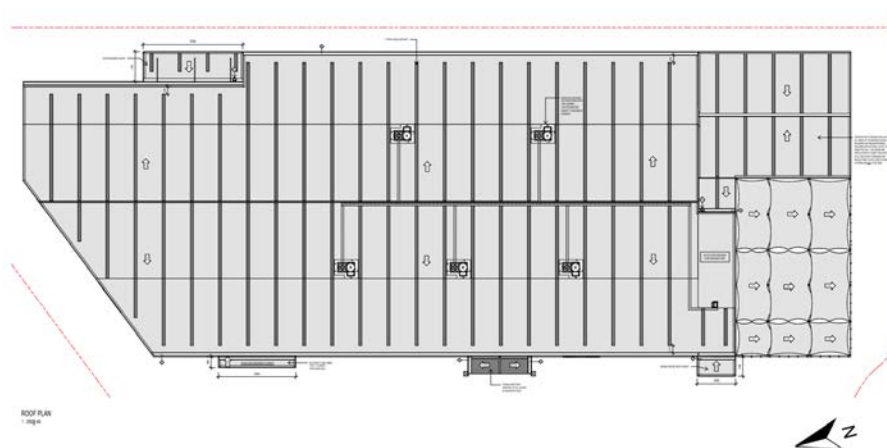


## 2 Proposed modification

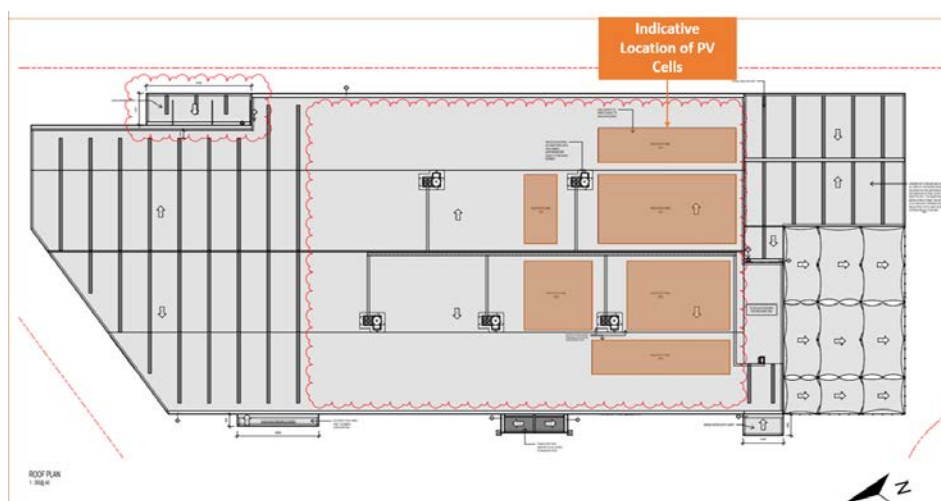
On 3 August 2020, the Applicant lodged a modification application under section 4.55(1A) of the EP&A Act to modify the development consent SSD-10366. The modification is described in the Statement of Environmental Effects (SEE) included in **Appendix A** and as illustrated in **Figure 4**, **Figure 5**, **Figure 6** and **Figure 7**.

The purpose of the modification is to:

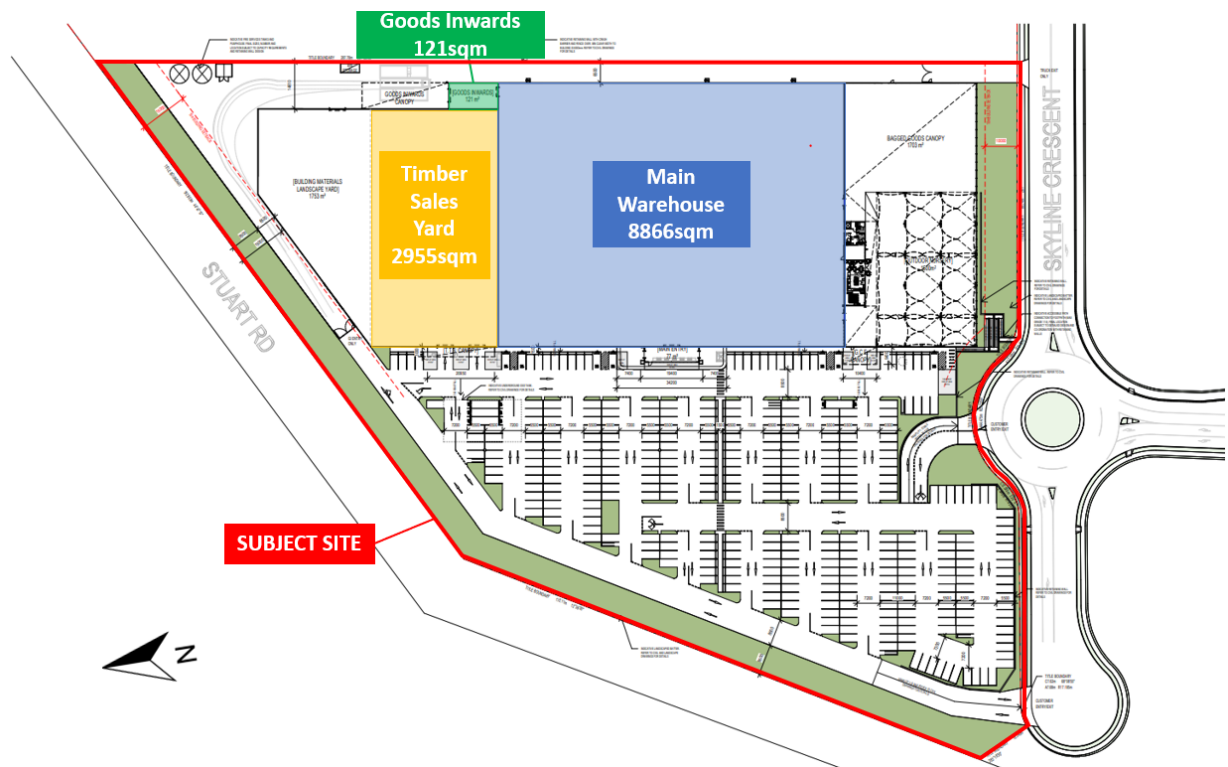
- increase the area of the main warehouse from 8,866m<sup>2</sup> to 9,126m<sup>2</sup>, as a result, decreasing the area of the timber sales yard and goods inward area from 3,076m<sup>2</sup> to 2,820m<sup>2</sup>
- amend the roof plan to reflect the changes to the floor layout, as well as the removal of skylights to incorporate PV cells, commonly known as solar panels
- amend the car parking layout to convert 14 car spaces into 7 trailer parking spaces, resulting in a reduction in overall parking from 373 spaces to 366 spaces
- correct a typographical error in the approved plans listed in **Appendix 1** of the development consent, the landscape plan reference should state Revision E instead of C.



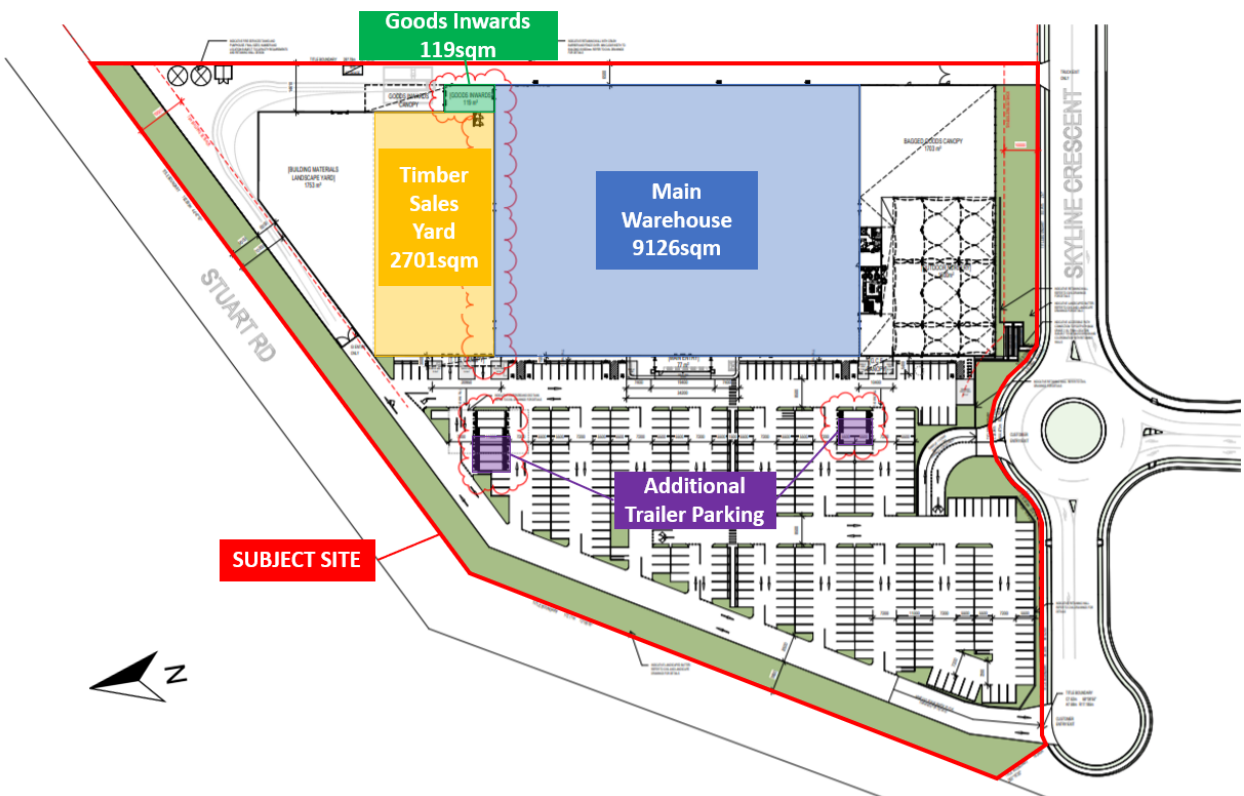
**Figure 4 | Approved Roof Plan**



**Figure 5 | Proposed Roof Plan**



**Figure 6 | Approved Site Plan**



**Figure 7 | Proposed Site Plan**

## 3 Strategic context

### 3.1 Greater Sydney Region Plan

The vision of the 'Greater Sydney Region Plan 2018, A Metropolis of Three Cities' falls within the integrated planning framework for Sydney and seeks to meet the needs of a growing and changing population by transforming Greater Sydney into a metropolis of three cities. 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.

The proposed modification would continue to support the objectives of the Region Plan by:

- allowing the development of the Bunnings Warehouse which will provide additional jobs closer to where people live (Objective 14)
- facilitating industrial development and large format retail in an approved business hub, ensuring industrial land is planned, retained and managed (Objective 23)

### 3.2 Western City District Plan

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 proposed modification is consistent with the goals, directions and actions outlined in the WCDP by:

- ensuring that industrial and urban services land is planned, retained and managed (see Planning Priority W10)
- supporting growing investment, businesses opportunities and jobs in strategic centres (see Planning Priority W11)

The Department has considered the strategic context of the site and is satisfied the proposed modification is consistent with the intent of the relevant strategic planning documents.

### 3.3 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 (Strategic Direction 4).

The proposed modification seeks amendments to the main warehouse, car parking provisions and installation of PV cells. This will benefit the future operation and functionality of the site, which will further contribute to meeting the strategic outcomes of the POM, being Strategic Direction 1 which seeks to increase sustainable outcomes for water, energy, waste construction and horticulture materials.

## 4 Statutory context

### 4.1 Scope of modifications

The Department has reviewed the scope of the modification application and is satisfied that proposed modification would result in minimal environmental impacts and relates to substantially the same development as the original development consent on the basis that:

- would not increase the environmental impacts of the development as approved
- is substantially the same development as originally approved; and
- would not involve any further disturbance outside the already approved disturbance areas for the development.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

### 4.2 Consent authority

The Minister for Planning and Public Spaces (**the Minister**) is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 9 March 2020, the A/Director, Industry Assessments, may determine the application under delegation as:

- the application has not been referred to the Independent Planning Commission prior to the date of the delegation and
- a political disclosure statement has not been made, and
- there are no public submissions in the nature of objections.

### 4.3 Mandatory matters for consideration

The Department undertook a comprehensive assessment of the project against the mandatory matters for consideration as part of the original assessment of SSD-10366. The Department considers this modification application does not result in significant changes that would alter the mandatory matters for consideration under section 4.15 of the EP&A Act and conclusions made as part of the original assessment.

### 4.4 Biodiversity Conservation Act 2016

Section 7.17 of the *Biodiversity Conservation Act 2016* (BC Act) specifies that if the determining authority is satisfied a modification will not increase the impact on biodiversity values, a biodiversity development assessment report (BDAR) is not required.

The proposed modifications occur within the existing footprint of the approved site layout and will not result in any loss of vegetation or biodiversity impacts. As such, the Department's assessment concludes a BDAR is not necessary for the proposed modification.

## 5 Engagement

### 5.1 Department's engagement

Clause 117(3B) of the Environmental Planning and Assessment Regulation 2000 (**EP&A Regulation**) specifies that the notification requirements of the EP&A Regulation do not apply to State significant development. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website and was referred to Liverpool City Council (**Council**) for comment.

### 5.2 Summary of submissions

**Council** did not object to the modification application.

## 6 Assessment

The Department has assessed the merits of the proposed modification. During this assessment, the Department has considered the:

- SEE provided to support the proposed modification (see **Appendix A**)
- original application, supporting documents and assessment
- submission from Council (see **Appendix A**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department's assessment of the modification application is provided in **Table 2** below.

**Table 2 | Assessment of Issues**

Issues	Findings	Recommendations
<b>Built Form and Design</b>	<ul style="list-style-type: none"> <li>• The proposed modification seeks minor alterations to the built form and design, including an increase in gross floor area (<b>GFA</b>) of the main warehouse, removal of 14 skylights to allow for PV cells and an extension of the good inwards canopy as shown in <b>Figure 5</b> and <b>Figure 7</b>.</li> <li>• The SEE notes that despite an increase in the GFA of the main warehouse and amendments to the roof plan, the overall height, bulk and scale of the development would not be altered.</li> <li>• A public submission from the original assessment included comments on the exclusion of PV cells from the development.</li> <li>• The Applicant seeks to incorporate PV cells on the rooftop to increase the energy efficiency of the development.</li> <li>• The PV cells are proposed to be located on the roof in a way to minimise the potential for glare and reflection.</li> <li>• The Department has considered the Applicant's request and considers the overall, height, scale and design of the development would maintain consistency with the original approval whilst improving the functionality and environmental efficiency of the development.</li> <li>• The Department's assessment concludes the proposed warehouse design remains consistent with the approved development and does not require any additional conditions.</li> </ul>	No additional conditions required apart from updated plan references.



<b>Car Parking Provision</b>	<ul style="list-style-type: none"> <li>• Parking rates for large format retail uses in the BRBH were approved under SSD-6324, requiring one space per 150 m<sup>2</sup> of GFA. The assessment determined that a minimum of 114 car spaces were required for the proposal.</li> <li>• The proposed modifications to the main warehouse, timber sales yard and goods inwards area would minimally increase the GFA of the development by 4 m<sup>2</sup>.</li> <li>• The conversion of 14 car spaces to 7 trailer spaces will result in a reduction of total parking spaces from 373 to 366 spaces, which will still meet the minimum requirement of 114 spaces.</li> <li>• The Department's assessment concludes the proposed modification would result in negligible impacts to car parking provisions and remain consistent with the parking requirements established under SSD-6324.</li> </ul>	No additional conditions required.
<b>Typographical error</b>	<ul style="list-style-type: none"> <li>• The Applicant highlighted that the Landscape Plan page LP-01 listed in Appendix 1 of the development consent should be listed as Revision E instead of Revision C. The stamped plans in the development consent has page LP-01 listed as Revision E.</li> <li>• The change is administrative in nature and would not result in any changes to the development.</li> <li>• The Department's assessment concludes the proposed modification would update the consent to rectify the administrative error.</li> </ul>	No additional conditions are recommended except to update and correct any outdated or incorrect information.

## 7 Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. On balance, the Department considers the proposed modification is appropriate on the basis that the:

- proposed modification is substantially the same development as that originally approved
- proposed alterations and additions would not alter the overall height, bulk and scale of the development
- proposed modification would not increase the environmental impacts of the development as approved, and would actually improve the energy efficiency of the proposal
- proposed modification would retain jobs and investment in Western Sydney

Consequently, the Department is satisfied that the modification application should be approved, subject to the recommended modifying conditions of consent for SSD-10366-Mod-1.

## 8 Recommendation

It is recommended that the A/Director, Industry Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD-10366-MOD-1 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modify** the consent SSD-10366
- **signs** the attached instrument of modification (**Appendix C**).

Recommended by:



**Mary Ellen Trimble**  
Para Planner  
Industry Assessments

Recommended by:



**Ania Dorocinska**  
Senior Environmental Assessment Officer  
Industry Assessments

## 9 Determination

The recommendation is **Adopted by:**

 · 28 August 2020

**Joanna Bakopanos**

A/Director

Industry Assessments

as delegate of the Minister for Planning and Public Spaces

# Appendices

## Appendix A – List of documents

Statement of Environmental Effects –

<https://www.planningportal.nsw.gov.au/major-projects/project/38201>

Submissions –

<https://www.planningportal.nsw.gov.au/major-projects/project/38201>

Department's assessment report for SSD-10366

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

## Appendix B – Consolidated Consent



## Appendix C – Notice of Modification