



# Woolworths Customer Fulfilment Centre and Warehouse, Marrickville

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State Significant Development Assessment  
SSD-10468

June 2022



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Cover image: View of the proposed development, as seen from the Edinburgh Road/Sydney Steel Road intersection (Source: Nettleton Tribe)

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# Glossary

Abbreviation	Definition
<b>ACHAR</b>	Aboriginal Cultural Heritage Assessment Report
<b>AEP</b>	Annual Exceedance Probability
<b>Applicant</b>	Woolworths Group Limited
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>BDAR</b>	Biodiversity Development Assessment Report
<b>CEMP</b>	Construction Environmental Management Plan
<b>CFC</b>	Customer Fulfilment Centre
<b>CIV</b>	Capital Investment Value
<b>Council</b>	Inner West Council
<b>CTMP</b>	Construction Traffic Management Plan
<b>DCP</b>	Development Control Plan
<b>Department</b>	Department of Planning and Environment
<b>Development</b>	Construction and 24-hour operation of a CFC and a warehouse and distribution centre, including associated office space, supporting infrastructure and services, car parking and landscaping
<b>ECDP</b>	<i>Eastern City District Plan</i>
<b>EES Group</b>	Environment, Energy and Science Group of the Department
<b>EIS</b>	Environmental Impact Statement
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation 2000</b>	Environmental Planning and Assessment Regulation 2000
<b>EP&amp;A Regulation 2021</b>	Environmental Planning and Assessment Regulation 2021
<b>EPA</b>	Environment Protection Authority
<b>EPI</b>	Environmental Planning Instrument
<b>ERLS</b>	Employment and Retail Lands Strategy
<b>ESD</b>	Ecologically Sustainable Development
<b>FSR</b>	Floor space ratio
<b>GFA</b>	Gross floor area
<b>LEP</b>	Local Environmental Plan

Abbreviation	Definition
<b>LGA</b>	Local government area
<b>LSPS</b>	Local Strategic Planning Statement
<b>Minister</b>	Minister for Planning
<b>OTMP</b>	Operational Traffic Management Plan
<b>Planning Secretary</b>	Planning Secretary of the Department of Planning and Environment
<b>Region Plan</b>	<i>Greater Sydney Region Plan – A Metropolis of Three Cities</i>
<b>RTS</b>	Response to Submissions
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>SEPP</b>	State Environmental Planning Policy
<b>SEPP 33</b>	State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
<b>Site</b>	74 Edinburgh Road, Marrickville
<b>SMTFS</b>	Sydney Metro Trains Facility South
<b>SRD SEPP</b>	State Environmental Planning Policy (State and Regional Development) 2011
<b>SSD</b>	State Significant Development
<b>TCS</b>	Traffic Control Site
<b>TfNSW</b>	Transport for NSW
<b>TIA</b>	Traffic Impact Assessment

# Executive Summary

This report details the Department of Planning and Environment's (the Department's) assessment of a State significant development (SSD) application for the Woolworths Customer Fulfilment Centre (CFC) and Warehouse at Marrickville (SSD-10468). Woolworths Group Limited (the Applicant) proposes the construction and operation of a CFC and a warehouse and distribution centre located at 74 Edinburgh Road, Marrickville in the Inner West local government area (LGA).

The Applicant is an Australian chain of supermarkets and grocery stores and was originally founded in 1924. It currently operates approximately 995 stores across the country, and employs more than 115,000 staff in its stores, distribution centres and support offices.

The site has an area of 2.81 hectares and is located 5.6 kilometres (km) south-west of the Sydney central business district (CBD), within the Marrickville industrial precinct. The northern section of the site is traversed by a stormwater channel and easement which benefits Sydney Water.

The nearest residence is located at 65 Edinburgh Road, approximately 20 metres (m) north of the site. The residential suburb of Marrickville is located directly north-west of the site, while the residential suburb of St Peters is located approximately 365 m to the east.

## Proposed development

The development would comprise a large industrial building, a seven-storey office building, supporting infrastructure and services, two multi-level parking structures (including parking for both delivery trucks and passenger vehicles) and landscaping.

The CFC would be located on the second storey of the industrial building and is essentially a large-scale supermarket dedicated to the fulfilment of online grocery orders. A combination of automated equipment and on-site staff, known as 'personal shoppers', would pack orders from a range of products stored in bulk throughout the building. Compiled orders are then shipped directly to the customer using small rigid trucks or collected in-person at the on-site 'click and collect' facility.

The warehouse and distribution centre would be located on the ground floor of the industrial building and has been designed so that it can be used as a single tenancy or divided into two separate warehouse tenancies. The warehouse would be leased by the Applicant and its future fitout would be subject to separate approval.

The development also seeks consent for the establishment of a fourth signalised approach to the existing Edinburgh Road/Smidmore Street intersection and relocation of the existing on-site stormwater channel to run adjacent to the north-western boundary.

## Justification and need

The Applicant has experienced consistent growth in online grocery sales over the past few years, with the ongoing impact of the COVID-19 pandemic seeing sales increase by more than 35% in early 2020. The development would subsequently allow the Applicant to consolidate and expand its existing operations, and to provide faster, more reliable delivery services to online shoppers.

The development would complement the Applicant's existing network of CFCs at Brookvale (operational) and Auburn (under construction) and allow it to respond to current and future demand for online grocery orders across the Sydney region.

It would also provide a new, large-scale warehouse and distribution centre within close proximity to the regional road network, Sydney Airport and Port Botany, and allow the Applicant to further consolidate its distribution activities in the future (if necessary).

### Statutory context

The development is classified as SSD under section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves the construction and operation of a CFC and a warehouse and distribution centre with a CIV greater than \$30 million, which meets the criteria in clause 12 of Schedule 1 in the former State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP). Consequently, the Minister for Planning is the consent authority for the SSD application.

### Engagement

The Department exhibited the SSD application and the Environmental Impact Statement (EIS) for the development from 29 October 2020 until 25 November 2020. During the exhibition period, the Department received 18 submissions from the public and advice from seven government authorities, including Inner West Council (Council). One submission was also received from the local electricity provider. While 16 public submissions objected to the development, 8 of these submissions are classified as unique in accordance with clause 8A(5) of the SRD SEPP.

Key issues raised in the government advice related to the design of the Edinburgh Road/Smidmore Street intersection and the impact of the relocated stormwater channel upon Council's existing assets.

The public submissions raised concerns in relation to 24-hour operations, the impact of heavy vehicles travelling west along Edinburgh Road past existing residences, the bulk and scale of the development, cumulative construction impacts and vegetation removal. The Department subsequently requested the Applicant address the matters raised in submissions and government advice in a Response to Submissions (RTS) report.

The Applicant submitted an RTS report on 5 October 2021. The RTS was supported by an updated noise impact assessment and traffic impact assessment, which provided clarification regarding the impact of the development on nearby residential receivers. Following its review of the RTS, Council advised it did not support the relocation of the stormwater channel as it would remove the ability for street trees and services to be located within the footpath along Edinburgh Road.

The Department met with both Council and the Applicant on several occasions to discuss the route of the on-site stormwater channel, and continually emphasised the need for the development to be set back further from the Edinburgh Road frontage so that the stormwater channel could be located entirely on the Applicant's land.

On 18 March 2022, the Applicant provided a further response to the outstanding issues raised by Council and the Department, which included further design adjustments to ensure the stormwater channel is located entirely within its land and that sufficient space is provided in Council's road reserve for new street trees and any associated services. Both Council and Sydney Water subsequently advised they had no further concerns in relation to the stormwater channel.

## Assessment

The Department's assessment of the SSD application has 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 key environmental issues associated with the development related to urban design and visual impacts, noise and traffic and access.

The Department is satisfied the development's building setbacks, façade treatments and landscaping achieve a high-quality design outcome that will soften the appearance of the building and help to reduce its visual impact over time. In addition, the Department is satisfied the proposed signage and art feature wall are acceptable and would not result in adverse visual impacts, particularly given they would not be visible from any residential viewpoints. The Department has recommended conditions to ensure the proposed architectural and landscaping treatments are fully implemented prior to the commencement of operation of the development, and that the final design for the art feature wall is prepared by a suitably qualified artist in consultation with Council.

The Department is satisfied the development would comply with the relevant noise criteria, and that any residual construction and operational noise impacts can be appropriately managed through the best practice noise management and mitigation measures proposed by the Applicant. The Department has recommended the proposed measures, including the implementation of a construction management plan, the installation of acoustic screening barriers and a restriction placed upon heavy vehicle movements during the night-time period, are incorporated into the recommended conditions of consent.

Finally, the Department worked extensively with TfNSW and the Applicant to improve the safety and efficiency of the proposed Edinburgh Road/Smidmore Street intersection upgrade works, and is satisfied traffic associated with the development would be adequately accommodated on the local and regional road network. The Department has recommended conditions to ensure the Applicant works closely with TfNSW throughout the detailed design and delivery of the intersection upgrade works, and that traffic management plans are implemented during construction and operation to manage any residual traffic impacts.

Subject to the implementation of these conditions and the commitments made by the Applicant, the Department is satisfied the aforementioned environmental impacts can be adequately managed and would not result in adverse impacts upon the amenity of the surrounding area.

The Department's assessment concludes the potential impacts of the development can be mitigated and/or managed to ensure an acceptable level of environmental performance, subject to the recommended conditions of consent. In summary, the development would:

- provide up to 361 construction jobs and 660 operational jobs within the Marrickville industrial precinct
- satisfy market demand through the provision of a new, semi-automated CFC within close proximity to the regional road network and the Applicant's existing and future customer base
- be consistent with the objectives of the relevant strategic planning framework, including the *Greater Sydney Region Plan – A Metropolis of Three Cities*, the *Eastern City District Plan* and Council's Local Strategic Planning Statement.

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



# Contents

<b>1</b>	<b>Introduction .....</b>	<b>1</b>
1.1	The Department's assessment.....	1
1.2	Development background.....	2
1.3	Site description .....	3
1.4	Surrounding land uses.....	4
1.5	Other development approvals .....	4
<b>2</b>	<b>Proposed Development .....</b>	<b>6</b>
2.1	Description of the development .....	6
2.2	Physical layout and design .....	8
2.3	Applicant's need and justification for the development .....	12
<b>3</b>	<b>Strategic context.....</b>	<b>13</b>
3.1	Greater Sydney Region Plan.....	13
3.2	Eastern City District Plan.....	13
3.3	Local Strategic Planning Statement .....	14
3.4	Employment and Retail Lands Strategy .....	14
<b>4</b>	<b>Statutory Context.....</b>	<b>15</b>
4.1	State significance.....	15
4.2	Permissibility.....	15
4.3	Consent authority.....	15
4.4	Other approvals .....	16
4.5	Mandatory matters for consideration.....	16
4.6	Public exhibition and notification .....	17
4.7	Objects of the EP&A Act.....	17
4.8	Legislative amendments.....	19
4.9	Biodiversity development assessment report.....	19
4.10	Ecologically sustainable development.....	20
4.11	Commonwealth matters.....	20
<b>5</b>	<b>Engagement.....</b>	<b>21</b>
5.1	Introduction .....	21
5.2	Consultation by the Applicant.....	21
5.3	Consultation by the Department.....	21
5.4	Summary of submissions .....	21
5.5	Key issues – Public authorities and Council.....	22
5.6	Key issues – Electricity provider.....	22
5.7	Key issues – Community members .....	23
5.8	Response to submissions.....	24
5.9	Additional information .....	25



<b>6</b>	<b>Assessment .....</b>	<b>26</b>
6.1	Urban design and visual .....	26
6.2	Noise .....	33
6.3	Traffic and access .....	37
6.4	Other issues .....	43
<b>7</b>	<b>Evaluation .....</b>	<b>54</b>
<b>8</b>	<b>Recommendation .....</b>	<b>56</b>
<b>9</b>	<b>Determination .....</b>	<b>57</b>
	<b>Appendices .....</b>	<b>58</b>
	Appendix A List of documents .....	59
	Appendix B Considerations under section 4.15 of the EP&A Act .....	60
	Appendix C Consideration of environmental planning instruments .....	62
	Appendix D Consistency with LEP objectives .....	65
	Appendix E Key issues – Council and community views .....	67
	Appendix F Recommended conditions of consent .....	70

# 1 Introduction

## 1.1 The Department's assessment

This report details the Department of Planning and Environment's (Department's) assessment of the State significant development (SSD) application for the Woolworths Customer Fulfilment Centre (CFC) and Warehouse at Marrickville (SSD-10468). The proposed development (the development) involves the construction and operation of a CFC and a warehouse and distribution centre located at 74 Edinburgh Road, Marrickville in the Inner West local government area (LGA) (see **Figure 1**).

The Department's assessment considers all documentation submitted by Woolworths Group Limited (the Applicant), including the Environmental Impact Statement (EIS), Response to Submissions (RTS) and additional information, and the advice and submissions received from government authorities, stakeholders 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 has concluded the development is in the public interest and should be approved, subject to conditions.



**Figure 1 | Regional context**

## 1.2 Development background

The Applicant is seeking development consent to construct and operate a CFC and a warehouse and distribution centre, comprising a large industrial building, associated office space, supporting infrastructure, multi-level parking structures (including parking for both delivery trucks and passenger vehicles) and landscaping. The development would operate 24 hours a day, seven days a week.

A CFC is essentially a large-scale supermarket dedicated to the fulfilment of online orders. Customers submit a grocery order through the supermarket's website, which is immediately forwarded to the closest CFC for processing. A combination of automated equipment and on-site staff, known as 'personal shoppers', pack orders from a range of products stored in bulk throughout the building. The compiled orders are then either shipped directly to the customer using small rigid trucks or collected by the customer at the on-site 'click and collect' facility.

The Applicant is an Australian chain of supermarkets and grocery stores and was originally founded in 1924. It currently operates approximately 995 stores across the country, and employs more than 115,000 staff in its stores, distribution centres and support offices.

The Applicant has experienced significant growth in online sales over the past few years, which now account for approximately 8% of total supermarket sales. The development would allow the Applicant to widen the availability of its delivery service within the Sydney basin, and provide a faster, more reliable service to both online shoppers and nearby supermarkets.

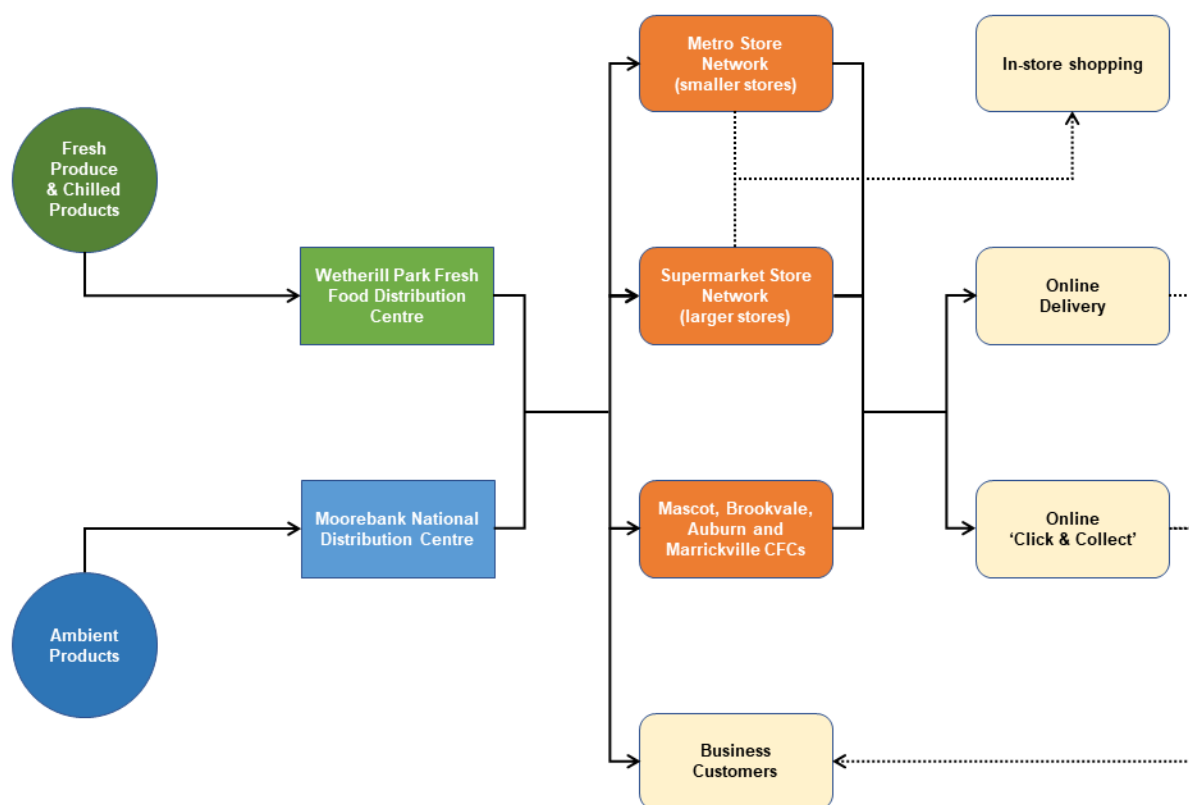
### Business model

The Applicant is currently in the process of transforming its distribution operations to keep pace with growing demand and evolving customer expectations.

At the time of writing this report, a concurrent development application by the Applicant for a refrigerated warehouse and distribution centre in Wetherill Park is being assessed by the Department (SSD-15221509). Separate development applications by the Applicant for an ambient warehouse and distribution centre in Moorebank and a CFC in Auburn were previously approved by the Department on 24 December 2020 and 25 June 2021, respectively.

The Applicant has employed a 'hub and spoke' business model to help expand the availability of online shopping methods and the number of products offered to its customers (see **Figure 2**). The Moorebank and Wetherill Park warehouses would supply ambient products and chilled groceries to the Applicant's network of supermarkets and CFCs throughout the Sydney region (including the Marrickville and Auburn CFCs).

These supermarkets and CFCs would then service a variety of end-customer needs by providing wide-spread access to multiple shopping options, including in-store, online delivery and online 'click and collect'.



**Figure 2 | The Applicant's 'hub and spoke' business model**

### 1.3 Site description

The site comprises approximately 2.81 hectares (ha) of industrial zoned land located at 74 Edinburgh Road, Marrickville in the Inner West LGA (the site). The site is legally described as Lot 202 DP 1133999, Lot 3 DP 318232 and Lot 3 DP 180969, and is located 5.6 kilometres (km) south-west of the Sydney central business district (CBD) (see **Figure 1**).

The site can be accessed via both Edinburgh Road and Sydney Steel Road and is approximately six minutes' drive from the WestConnex interchange at St Peters.

The site is currently occupied by several large industrial buildings (which would be demolished under the subject SSD application) and was previously used by Marrickville Margarine Ltd and Unilever for the production of margarine and other food products. The north-western corner of the site is currently occupied by a 'Return and Earn' facility for used drink containers, which has operated since late 2018.

Planted native and exotic tree species are primarily located along the northern, eastern and southern boundaries of the site. The site does not contain any items of heritage significance and is not located within a designated heritage conservation area.

The site is impacted by several existing easements, including:

- a sewerage easement running diagonally across the site, from east to west
- an electricity easement located at the centre of the site, including a right of way to the western boundary for access
- a stormwater channel and easement running across the northern portion of the site. The stormwater channel is owned by the Applicant, while the easement benefits Sydney Water.

## 1.4 Surrounding land uses

The site is located on the edge of the Marrickville industrial precinct and is surrounded by a range of land uses, including:

- the Marrickville Metro shopping centre and semi-detached residential dwellings, located immediately to the north
- the Sydney Metro Trains Facility South (SMTFS) (currently under construction) and the Eastern Suburbs and Illawarra railway line, located to the east
- large and small-scale warehouses and factories located to the immediate south and west (see **Figure 3**).

The nearest residence is located at 65 Edinburgh Road, approximately 20 m north of the site (see **Figure 3**). The residential suburb of Marrickville is located directly north-west of the site, while the residential suburb of St Peters is located approximately 365 m to the east.

## 1.5 Other development approvals

On 23 October 2015, development consent was granted by the then Sydney East Joint Regional Planning Panel for the construction and operation of a Masters home improvement centre at the site (DA 2015/00168). The consent permitted:

- removal of 83 trees, the demolition of all existing structures and subdivision of the site into two lots
- construction and operation of a Masters home improvement store with a gross floor area (GFA) of approximately 13,350 m<sup>2</sup>
- construction and operation of 10 industrial units varying in size from 348 m<sup>2</sup> to 635 m<sup>2</sup>
- associated vehicle access upgrade works, comprising:
  - Main customer entry/exit – Establishment of a fourth signalised approach to the existing traffic signals at the Edinburgh Road/Smidmore Street intersection
  - Secondary customer entry/exit – Establishment of a new driveway off Sydney Steel Road
  - Service vehicle entry – Construction of a new ramp off Edinburgh Road
  - Service vehicle exit – Construction of a new ramp to Sydney Steel Road,
- associated car parking, loading areas and site landscaping.

At the time of writing this report, the works approved under DA 2015/00168 have not physically commenced. The subject SSD application seeks to maintain similar access arrangements to those which were approved under DA 2015/00168.

All other local development consents applicable to the site are identified in **Table 1** below.

**Table 1 | Other local development approvals**

Application #	Description	Approval Date
DA 2016/00022	Installation of an advertising panel on a bus shelter on Edinburgh Road.	29 February 2016
DA 2017/00212	Construction and operation of a “click and collect” facility.	8 September 2017
DA 2017/00305	Subdivision of the site into three lots to separate developable land from the existing sub-surface stormwater channel.	5 September 2017





Figure 3 | Site and immediate surrounds

## 2 Proposed Development

### 2.1 Description of the development

The main components of the development are summarised in **Table 2**, shown in **Figure 4** to **Figure 8**, and described in full in the Environmental Impact Statement (EIS) included in **Appendix A**.

**Table 2** | Main components of the development

Aspect	Description
Development summary	<b>Construction and 24-hour operation of a CFC and a warehouse and distribution centre, including associated office space, supporting infrastructure and services, car parking and landscaping</b>
Site area	2.81 ha
Gross floor area (GFA)	The development would have a total GFA of approximately 38,498 m <sup>2</sup> , comprising: <ul style="list-style-type: none"> <li>CFC (21,560 m<sup>2</sup>)</li> <li>CFC office space (7,762 m<sup>2</sup>)</li> <li>warehouse and distribution centre (8,578 m<sup>2</sup>)</li> <li>warehouse office space (598 m<sup>2</sup>).</li> </ul>
Building height	<b>CFC and warehouse areas:</b> 27.45 m <b>CFC office space:</b> 32.32 m
Vegetation clearing	Removal of 115 trees
Earthworks, civil works and services extension	Bulk earthworks across the site, installation of four new transformers, and construction of a stormwater drainage system, site access points, loading docks and parking areas
Parking and manoeuvrability	The development would be accessed off Edinburgh Road and Sydney Steel Road and provide manoeuvrability for a 20 m articulated vehicle (AV) in the loading dock areas. Parking would be provided in accordance with the rates outlined below.  <u>CFC and associated office space:</u> <ul style="list-style-type: none"> <li>306 car parking spaces</li> <li>140 van parking spaces</li> <li>60 motorcycle parking spaces</li> <li>12 accessible parking spaces</li> <li>four 'click and collect' spaces.</li> </ul> <u>Warehouse and distribution centre:</u> <ul style="list-style-type: none"> <li>46 car parking spaces</li> <li>one accessible parking space.</li> </ul>



Aspect	Description
	A total of 106 bicycle parking spaces would be provided across the site.
<b>Infrastructure</b>	<p><u>Intersection upgrade:</u></p> <p>The development would involve the creation of a fourth signalised approach to the existing Edinburgh Road/Smidmore Street intersection (a similar arrangement was previously approved under DA 2015/00168).</p> <p><u>Stormwater management:</u></p> <p>The stormwater management system has been designed to achieve an 80% reduction in non-potable water demand for the development, and would comprise:</p> <ul style="list-style-type: none"> <li>• realignment of the existing stormwater channel to the northern boundary of the site</li> <li>• a piped stormwater drainage system and associated filtration devices, including ocean guard pit inserts, filter cartridges and HumeCeptors</li> <li>• harvesting and storage of up to 160 kilolitres (kL) of rainwater for reuse across the site</li> <li>• an on-site detention tank/flood chamber with a total volume of 1,200 m<sup>3</sup>, discharging to the realigned stormwater channel.</li> </ul>
<b>Landscaping</b>	<p>A variety of landscaping would be installed across the site, including:</p> <ul style="list-style-type: none"> <li>• street trees along Edinburgh Road and Sydney Steel Road</li> <li>• a landscape zone along the Edinburgh Road frontage, comprising trees, shrubs and layered groundcovers in raised planter beds</li> <li>• balcony planters and a rooftop terrace area to soften the appearance of the northern office building.</li> </ul>
<b>'Return and Earn' facility</b>	The development would involve the relocation of the existing on-site 'Return and Earn' facility to the Sydney Steel Road frontage.
<b>Signage</b>	10 signs, including building identification and wayfinding signage
<b>Construction timeframe</b>	<p><b>Early works:</b> 5 months</p> <p><b>Main works:</b> 17 months</p> <p><b>Integrated fit-out and commissioning:</b> 13 months</p>
<b>Hours of operation</b>	<p><b>Overall development:</b> 24 hours a day, seven days a week</p> <p><b>Customer pick-up:</b> 7:00 am to 10:00 pm, seven days a week</p>
<b>Employment</b>	361 construction jobs and up to 660 operational jobs
<b>Capital investment value (CIV)</b>	\$142,377,631

## 2.2 Physical layout and design

The physical layout and design of the development is shown in **Figure 4** to **Figure 8**. The development presents as an eight-storey building from the Edinburgh Road frontage, gradually stepping down to a height of approximately four storeys at the south-eastern corner of the site. The building is divided into three zones (from the north-east to the south-east), comprising:

- ancillary office space (for both the warehouse and distribution centre and the CFC) and the multi-level parking area, located in the north-eastern section of the site
- the warehouse and distribution centre and the CFC, located in the centre of the site
- ancillary office space for the warehouse and distribution centre, loading areas (for both facilities) and parking for delivery vans, located in the south-eastern section of the site (see **Figure 4**).

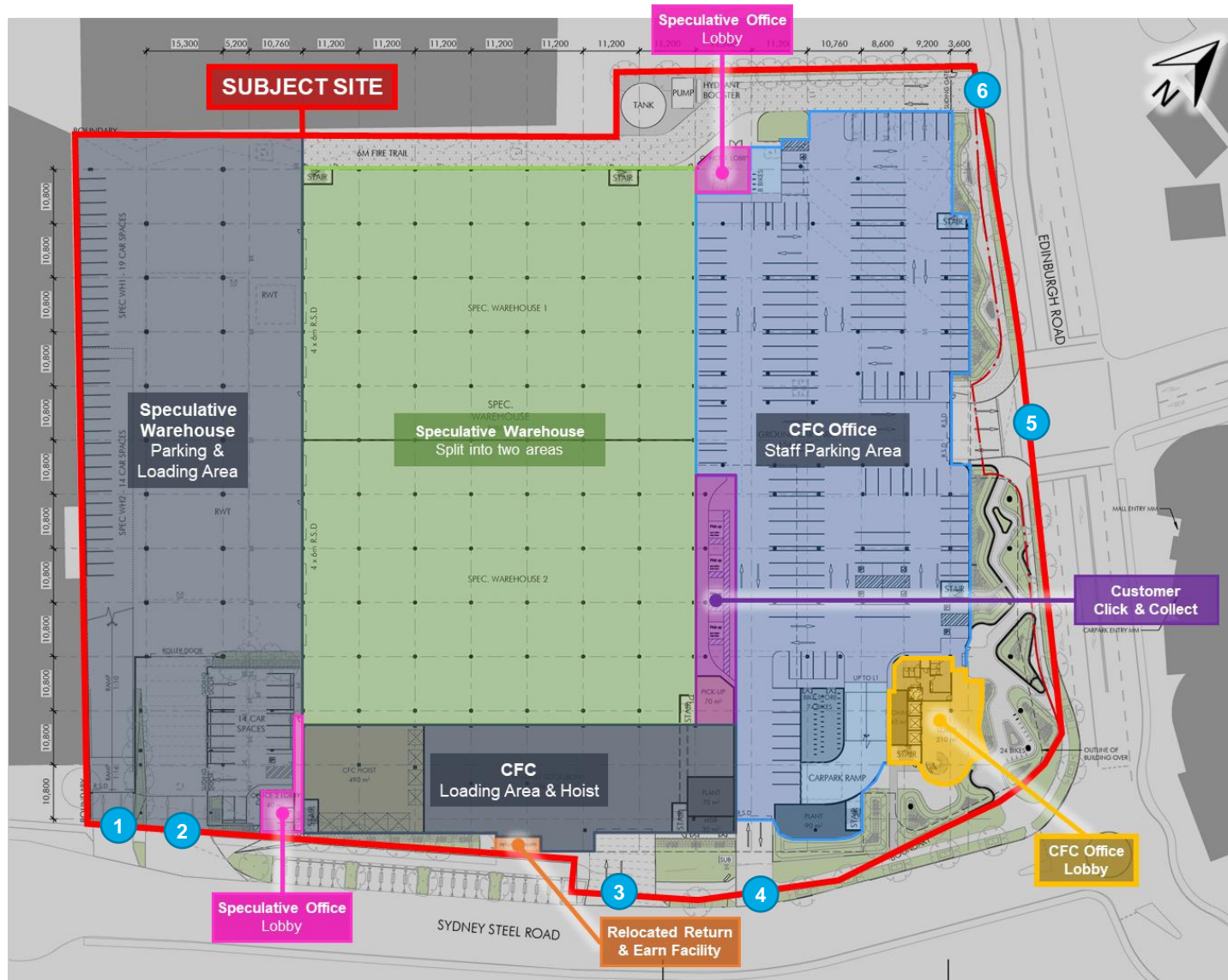
The warehouse and distribution centre would be located on the ground floor of the building and has been designed so that it can be used as a single tenancy or divided into two separate warehouse tenancies. While the Applicant is seeking development consent for the use of this space, its future fitout would be subject to separate approval.

The CFC would be located on the first floor of the building, above the warehouse and distribution centre. It would comprise a combination of ambient and temperature-controlled spaces for storage and picking, alcohol, bakery and delicatessen areas and a loading dock for small delivery vans. The CFC would be supported by five levels of ancillary office space, located above the multi-level parking area (see **Figure 5**).

The development would involve the creation of six new vehicular access points off Edinburgh Road and Sydney Steel Road (see **Figure 4**). Parking for the warehouse and distribution centre's staff would be located at grade in the south-eastern section of the site, while parking for the CFC's staff would be in the multi-level parking area in the north-eastern section of the site.

Loading and delivery areas would be located towards the south-eastern and south-western sides of the building, away from nearby residential receivers. Four 'Click and Collect' parking bays (for online orders being picked up by the public) would be located on the ground floor of the multi-level parking area, in close proximity to the CFC.

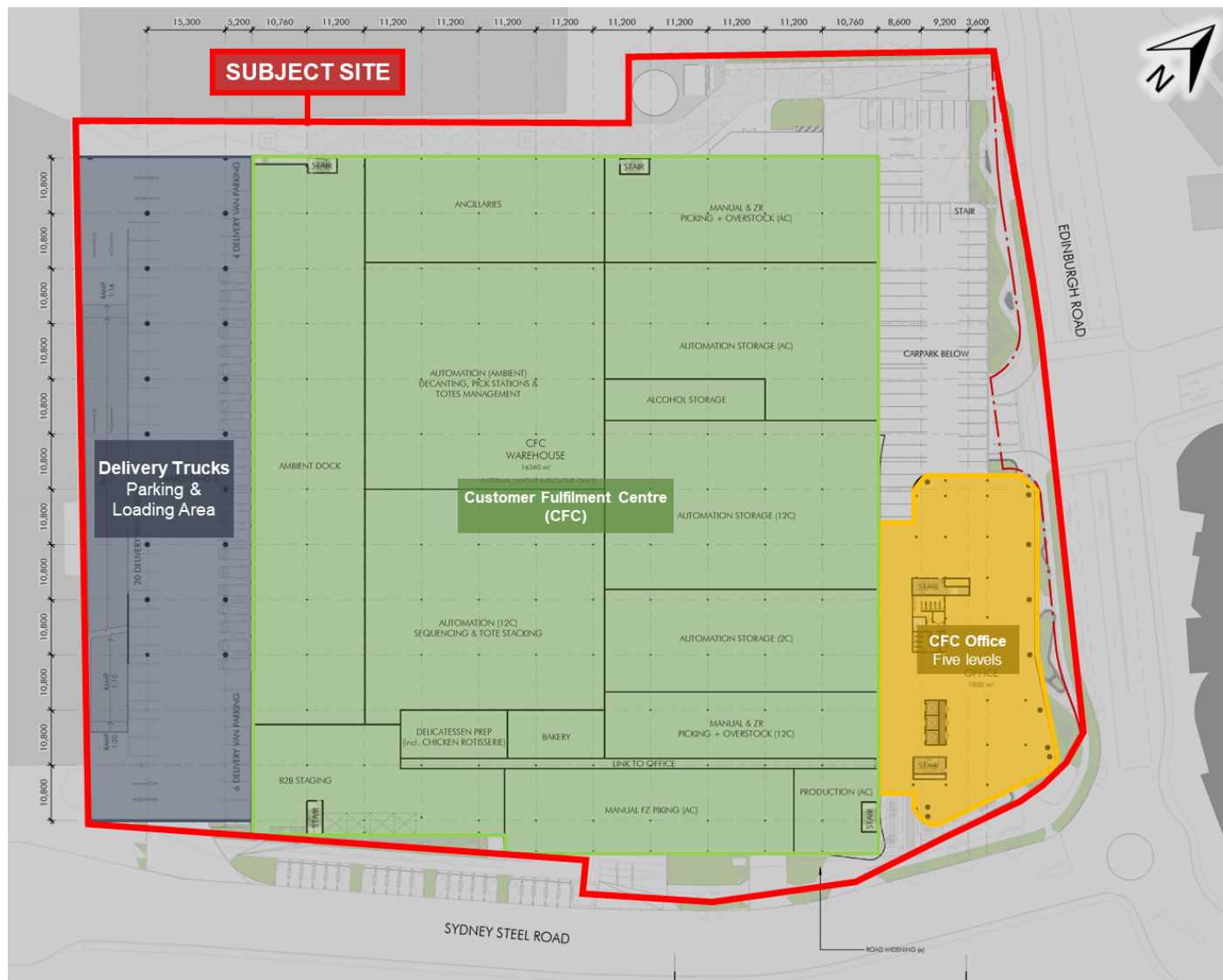
Three building identification signs would be installed on the façade of the office space and the warehouse building. Seven wayfinding signs would also be provided at each site access point and to demarcate the relocated 'Return and Earn' facility.



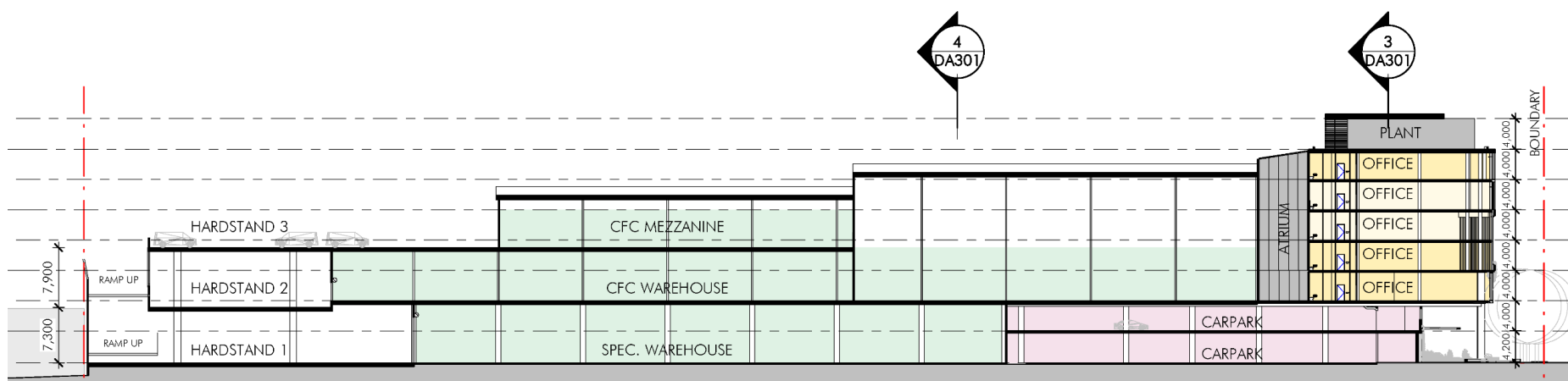
#### Site Access Points

- 1 Van access to the CFC's loading and parking areas
- 2 Light/heavy vehicle access to the warehouse and distribution centre's loading docks and car parking areas
- 3 Heavy vehicle access to the CFC's main loading dock
- 4 Light vehicle access to the multi-level parking area and the 'Click and Collect' facility, off Sydney Steel Road
- 5 Light vehicle access to the multi-level parking area and the 'Click and Collect' facility, off the existing Edinburgh Road/Smidmore Street intersection
- 6 Emergency vehicle access only

Figure 4 | Development layout (Ground floor)







### 2.3 Applicant's need and justification for the development

The Applicant has justified the need for the development by highlighting the growing demand for online grocery orders within the Sydney region. The Applicant has seen consistent growth in online sales over the past few years, with the ongoing impact of the COVID-19 pandemic seeing sales increase by more than 35% in early 2020.

The development would allow the Applicant to consolidate and expand its existing operations, capitalising on existing transport connections to provide faster, more reliable delivery services to online shoppers. The Applicant's existing CFC at Mascot would be relocated to the subject site, and operations would be complemented by the existing Brookvale CFC and the approved Auburn CFC (SSD-10470). This network of CFCs would allow the Applicant to respond to current and future demand for online grocery orders across the Sydney region.

The CFC's associated office space would be used by both CFC workers and WooliesX, the Applicant's digital business unit. Their co-location will ensure real-time data is available for both online ordering and customer fulfilment, allowing the CFC to quickly respond to customer demand and changes in shopping trends.

The development would also provide a new, large-scale warehouse and distribution centre within the Marrickville industrial precinct. This warehouse would be located in close proximity to the regional road network, Sydney Airport and Port Botany, and would provide the Applicant with the opportunity to further consolidate its distribution activities in the future (if necessary).

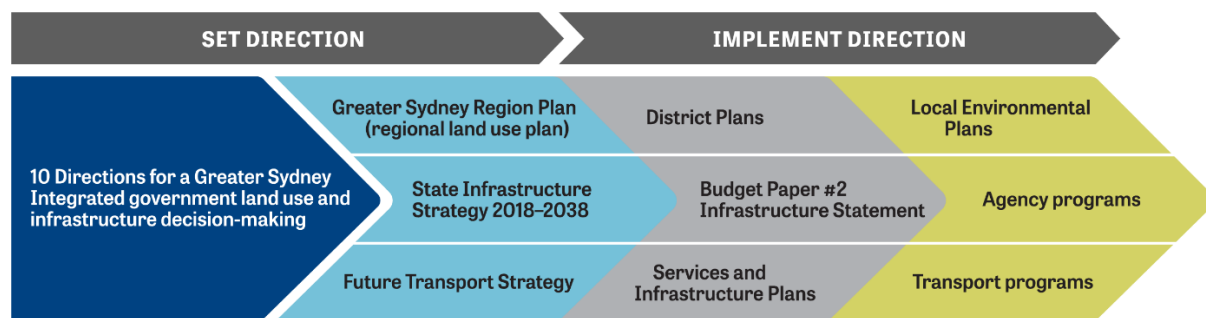
In addition, the Applicant has advised the development would:

- be consistent with the strategic direction of the *Eastern City District Plan*, while also ensuring existing industrial-zoned land within the Inner West LGA is maintained and improved
- generate additional employment opportunities within the Eastern Economic Corridor, comprising approximately 361 construction jobs and up to 660 operational jobs
- provide a considered, sustainable design that is consistent with the character of the surrounding area.

## 3 Strategic context

### 3.1 Greater Sydney Region Plan

The vision of the *Greater Sydney Region Plan – A Metropolis of Three Cities* (Region Plan) falls within the integrated planning framework for Sydney (see **Figure 9**) 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 9 | Integrated planning for Greater Sydney**

Objective 3 of the Region Plan notes the city’s infrastructure needs to be designed to adapt and transition in conjunction with future technological changes and megatrends, using digital technology to improve the provision of services. The ongoing impact of the COVID-19 pandemic has seen the proportion of total food sales made online increase from 3.4% in March 2020 to 5.8% in January 2022. By using innovative technologies (including automation) and providing faster delivery services to online shoppers and supermarkets, the development will support this objective of the Region Plan.

Objective 23 outlines that industrial and urban services land (which includes industrial zoned 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 uses to provide job opportunities closer to residents. By providing new jobs within the Eastern Economic Corridor and industrial development on industrial zoned land, the development will support this objective and its associated strategies.

### 3.2 Eastern City District Plan

The Greater Sydney Commission has released six district plans encompassing Greater Sydney, which guide the delivery of the Region Plan. The subject site is located within the Eastern City District, within close proximity to Port Botany, Sydney Airport and the WestConnex interchange at St Peters. The *Eastern City District Plan* (ECDP) is a 20-year plan to manage economic, social and environmental matters in and around Sydney CBD and the Eastern Economic Corridor. It is a guide for implementing the Region Plan at a district level and is a bridge between regional and local planning.

The development would assist in meeting actions 38, 43 and 44 of the ECDP as it would provide new construction and operational jobs close to transport links and areas of high population growth, and further support Sydney’s status as a global city. The development would also assist in meeting actions 51 and 52 of the ECDP as it would retain and improve the efficiency of business-zoned land within the Eastern Economic Corridor, while providing an appropriate interface to surrounding land uses.



### 3.3 Local Strategic Planning Statement

Inner West Council's (Council's) *Our Place Inner West – Local Strategic Planning Statement* (LSPS) establishes the land-use planning framework for the Inner West LGA and provides a direct link between the ECDP and the priorities outlined in Council's Community Strategic Plan.

The LSPS identifies the challenges and opportunities for communities across the LGA, in the context of a changing climate, changing technologies and a growing population. The document sets out planning priorities, objectives and actions to provide opportunities for social, economic and environmental benefits, while maintaining the character, culture and values which define the identity of the Inner West's communities.

The development would align with Planning Priority 8 of the LSPS, through the provision of up to 660 new operational jobs within walking distance of Sydenham Station and the future City and Southwest Metro line and the implementation of a workplace travel plan to encourage the use of sustainable transport choices.

The development would also align with Planning Priority 9 of the LSPC, as it would ensure that existing industrial-zoned land within the Marrickville industrial precinct is retained while also delivering new public space and a high-quality external design which addresses the Edinburgh Road and Sydney Steel Road frontages.

### 3.4 Employment and Retail Lands Strategy

Council's *Employment and Retail Lands Strategy* (ERLS) provides a strategic approach for the management of industrial and commercial-zoned land throughout the LGA, to maximise productivity and facilitate the creation of new jobs over the next 15 years.

Strategy 1.3 of the ERLS seeks to facilitate the development of quality public domain space that can support business and cultural activity. By providing new street trees and public domain space along the Edinburgh Road frontage, the development would align with this strategy and its associated actions (see actions 1.3.2 and 1.3.3).

Strategies 2.3 and 2.4 of the ERLS prioritise the retention of industrial-zoned land for industrial purposes and note the need for floor space ratio (FSR) controls to adapt to changing industry needs and trends. The development seeks a variation to the existing FSR development standard for the site, as the proposed CFC and the warehouse and distribution centre require large, open footplates to accommodate the semi-automated sorting equipment and the volume of stock that would be stored. The development would subsequently align with these strategies and their associated actions by ensuring that existing industrial-zoned land is retained for industrial purposes, while also supporting significant employment growth within the Marrickville industrial precinct (see actions 2.3.1 and 2.4.1).

## 4 Statutory Context

### 4.1 State significance

The proposal is State significant development pursuant to section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves the construction and operation of a CFC and a warehouse and distribution centre with a CIV greater than \$30 million, which meets the criteria in clause 12 of Schedule 1 in the former State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

### 4.2 Permissibility

The majority of the site is zoned IN1 – General Industrial under the Marrickville Local Environment Plan (LEP) 2011. The stormwater channel traversing the site is separately zoned SP2 – Infrastructure.

In accordance with the Marrickville LEP 2011, the proposed land uses within the overall development are characterised as follows:

- the CFC and warehouse and distribution centre are characterised as ‘warehouse or distribution centres’
- the CFC office space is characterised as an ‘office premises’
- the office space for the warehouse and distribution centre is characterised as an ancillary use to this facility.

While ‘warehouse and distribution centres’ (and any ancillary uses) are permissible with consent in the IN1 zone, ‘office premises’ are considered a prohibited use.

As such, the development is partly prohibited under the Marrickville LEP 2011. Section 4.38(3) of the EP&A Act permits a consent authority to determine an SSD application despite the development being partly prohibited by an environmental planning instrument. Therefore, the Minister for Planning (the Minister) or his delegate may determine the carrying out of the development.

Due to the location of the existing stormwater channel, sections of the development would also traverse the SP2 zone. Under clause 5.3 of the Marrickville LEP 2011, development may be carried out across the zone boundary, but only if the consent authority is satisfied that:

- the development is not inconsistent with the objectives for development in both zones, and
- the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

The Department’s consideration of the permissibility of the development and its relationship to clause 5.3 of the Marrickville LEP 2011 is discussed in **Section 6.4** of this report.

### 4.3 Consent authority

The Minister is the consent authority for the development under section 4.5 of the EP&A Act. On 9 March 2022, the Minister delegated the functions to determine SSD applications to the Director, Industry Assessments where:

- the application has not been made by a person who has disclosed a reportable political donation under section 10.4 of the EP&A Act

- there are less than 15 unique public submissions in the nature of objections and
- the council has not made a submission by way of objection under the mandatory requirements for community participation listed under Schedule 1 of the EP&A Act.

Of the 16 objections received during the public exhibition period, 8 are classified as unique submissions in accordance with clause 8A(5) of the former SRD SEPP. Council did not object to the development. 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 application can be determined by the Director, Industry Assessments under delegation.

#### 4.4 Other approvals

Should development consent be granted, other approvals may be required in order to carry out the development. Section 4.42 of the EP&A Act lists a number of approvals that cannot be refused if required to carry out the development and that must be given in a manner that is substantially consistent with any development consent.

The Applicant would be required to obtain approval from Council under section 138 of the *Roads Act 1993* to construct the development's five vehicle access driveways. The Department has incorporated this requirement into the recommended conditions.

In addition, Transport for NSW (TfNSW) advised the proposed works to the Edinburgh Road/Smidmore Street intersection would involve the modification of an existing Traffic Control Site (TCS) and would subsequently require approval from TfNSW under section 87 of the *Roads Act 1993*. The Department has also incorporated this requirement into the recommended conditions.

#### 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 **Section 6** and **Appendix B**. In summary, the Department is satisfied the development is consistent with the requirements of section 4.15 of the EP&A Act.

Under section 4.15 of the EP&A Act, the consent authority, when determining a development application, must also 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.

Since lodgement of the DA, the majority of all NSW State Environmental Planning Policies have been consolidated into 12 policies. The consolidated SEPPs commenced on 1 March 2022, with the exception of State Environmental Planning Policy (Housing) 2021, which commenced on 26 November 2021.

The SEPP consolidation does not change the legal effect of the repealed SEPPs, as the provisions of these SEPPs have simply been transferred into the new SEPPs. Further, any reference to an old SEPP is taken to mean the same as the new SEPP.

For consistency, the Department has considered the development against the relevant provisions of several key EPIs as in force at the time the DA was lodged, including:

- State Environmental Planning Policy (State and Regional Development) 2011

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 64 – Advertising Structures and Signage
- draft State Environmental Planning Policy (Remediation of Land)
- Marrickville Local Environmental Plan 2011
- draft Consolidated Inner West Local Environmental Plan.

Development Control Plans (DCPs) do not apply to SSD under clause 11 of the former SRD SEPP. However, the Department has considered the relevant provisions of the Marrickville DCP 2011 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 C**. The Department is satisfied the development complies with the relevant provisions of these EPIs.

#### 4.6 Public exhibition and notification

In accordance with section 2.22 and Schedule 1 to the EP&A Act, the SSD application and any accompanying information is required to be publicly exhibited for at least 28 days. The application was on public exhibition from **29 October 2020** until **25 November 2020** (28 days). Details of the exhibition process and notifications are provided in **Section 5** below.

#### 4.7 Objects of the EP&A Act

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

**Table 3 |** Considerations against the relevant objects of the EP&A Act

Object	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,	<p>The development would:</p> <ul style="list-style-type: none"> <li>• ensure the proper management and development of suitably zoned land for the economic welfare of the LGA and the State</li> <li>• promote social and economic welfare in the community through the provision of up to 361 construction jobs and 660 operational jobs in the Inner West LGA</li> <li>• promote a better environment through the provision of new street trees and a landscaped zone along the Edinburgh Road and Sydney Steel Road frontages.</li> </ul>

Object	Consideration
<b>1.3 (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</b>	<p>The proposal includes several measures to deliver ESD, including rainwater harvesting and reuse, new landscaping zones along the Edinburgh Road and Sydney Steel Road frontages, the use of reflective roof surfaces (including the potential installation of photovoltaic cells), and the provision of up to 660 operational jobs within close proximity to public transport and active transport corridors.</p>
<b>1.3 (c) to promote the orderly and economic use and development of land,</b>	<p>The development would meet the objectives of the zone by supporting and protecting existing industrial land. The CFC and the warehouse and distribution centre would also provide economic benefit through job creation and investment in online grocery shopping infrastructure.</p>
<b>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,</b>	<p>The Department's assessment in <b>Section 6</b> of this report demonstrates with the implementation of the recommended conditions of consent, the impacts of the development can be mitigated and/or managed to ensure the environment is protected.</p>
<b>1.3 (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</b>	<p>The development is not anticipated to result in any significant impacts upon built and cultural heritage, including Aboriginal cultural heritage (refer to <b>Section 6</b>).</p>
<b>1.3 (g) to promote good design and amenity of the built environment,</b>	<p>The Department considers the development would provide good design and amenity of the built environment suitable for an industrial zone interfacing with residential and commercial land uses.</p>
<b>1.3 (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</b>	<p>The Department has considered the development and has recommended a number of conditions of consent to ensure construction and maintenance of the development is undertaken in accordance with applicable legislation, guidelines, policies and procedures (refer to <b>Appendix B</b>).</p>

Object	Consideration
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 application as outlined in <b>Section 5</b> , which included consultation with Council and other relevant public authorities and subsequent 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 <b>Section 5</b> , which included notifying adjoining landowners, placing a notice in a local paper and displaying the SSD application on the Department's website.

#### 4.8 Legislative amendments

The Department notes that since the lodgement of the DA, the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000) has been repealed by the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021).

Under Schedule 6(3) of the 'savings, transitional and other provisions' of the EP&A Regulation 2021, the EP&A Regulation 2000 continues to apply (instead of the new EP&A Regulation 2021) to a development application made, but not finally determined, before 1 March 2022. As the SSD application was lodged on 20 October 2020, the application has been assessed having regard to the requirements of the EP&A Regulation 2000.

#### 4.9 Biodiversity development assessment report

Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act), SSD applications are to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the development is not likely to have any significant impact on biodiversity values.

A BDAR waiver request was submitted to the Department as part of the Applicant's request for the Planning Secretary's Environmental Assessment Requirements (SEARs), on the basis that no remnant native vegetation communities were observed at the site and no threatened ecological communities had been previously mapped on-site.

The Environment Agency Head and the Director, Industry Assessments, as delegate of the Planning Secretary, subsequently determined the development is not likely to have any significant impact on biodiversity values. A BDAR waiver under section 7.9(2) of the BC Act was subsequently granted for the development on 9 September 2020.

#### 4.10 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 environmental safeguards have been recommended for potential impacts. Several ESD initiatives and sustainability measures are proposed to be incorporated into the design of the development, including:

- rainwater harvesting and reuse to provide up to 80% of non-potable water demand for the development
- the provision of new street trees and a landscaped zone along the Edinburgh Road and Sydney Steel Road frontages
- the use of reflective roof surfaces for the building, including the potential installation of photovoltaic cells (subject to separate approval).

As demonstrated by the Department's assessment, 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. While the development would require the removal of 0.27 ha of vegetation, this vegetation is not consistent with any remnant native vegetation communities and is isolated from surrounding native vegetation clusters and riparian corridors.

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.

#### 4.11 Commonwealth matters

Under the *Environment Protection and Biodiversity Conservation Act 1999*, a separate approval is required from the federal 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's BDAR waiver request included a preliminary assessment of MNES in relation to the development which concluded the development would not impact on any of these matters and is therefore not a 'controlled action'. As such, the Applicant determined a referral to the federal government was not required.



## 5 Engagement

### 5.1 Introduction

The Applicant, as required by the SEARs, undertook consultation with relevant public authorities as well as with the local council, the community and affected landowners. 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.

### 5.2 Consultation by the Applicant

The Applicant undertook a range of consultation activities throughout the preparation of the EIS, including:

- meetings with Council, Sydney Water and relevant State government authorities
- distribution of a factsheet to approximately 1,298 households within the proposed CFC's catchment area
- provision of a three-hour community information session at the site
- establishment of a dedicated project website and associated feedback survey
- establishment of an engagement email address and phone number
- email correspondence with special interest groups and other public authorities.

### 5.3 Consultation by the Department

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

After accepting the SSD application and EIS, the Department:

- made the documentation publicly available from 29 October 2020 until 25 November 2020 (28 days) on the Major Projects website
- notified landowners/occupiers in the vicinity of the site about the exhibition period by letter
- notified and invited comment from relevant public authorities and Council
- advertised the exhibition period in the Inner West Times.

### 5.4 Summary of submissions

During the exhibition period, the Department received 18 submissions from the public and advice from six State government authorities and Council. One submission was also received from the local electricity provider. Of the public submissions received, 16 objected to the proposal and two provided comments. A summary of the submissions and advice received is provided below, and a link to correspondence received during the exhibition period is provided in **Appendix A**.

## 5.5 Key issues – Public authorities and Council

**Council** raised concerns in relation to the effectiveness of the underground flood detention system, potential impacts to stormwater assets owned by Council and Sydney Water, the level of streetscape activation provided along Edinburgh Road, the relationship between the development and the adjacent Sydney Metro site and potential noise impacts to surrounding sensitive receivers. Council also requested the Traffic and Access Report be updated to assess cumulative traffic impacts associated with the adjacent development sites and to provide further details regarding the design of the shared pedestrian/cycle path.

**Sydney Water** noted it had met with the Applicant on 25 September 2020 and reached an agreement to deviate the existing stormwater channel along the north-eastern boundary of the site (adjacent to the Edinburgh Road frontage) to ensure there are no future buildings or permanent structures over the channel. Providing the deviation is constructed by the Applicant in accordance with the outcomes discussed at the meeting, Sydney Water advised it had no objections in relation to the current proposal.

**TfNSW** noted the development would involve the modification of an existing TCS under section 87 of the *Roads Act 1993* and requested further information in relation to traffic generation and vehicle movements at the Edinburgh Road/ Smidmore Street intersection. TfNSW also requested clarification regarding the size and types of vehicles which would access the site and the need for a separate emergency access point.

**Sydney Metro** noted the potential future land use outcomes of its Sydney Steel Road site had been discussed with the Applicant prior to lodgement of the SSD application, and subsequently requested the Applicant consider the long-term development of the broader precinct in its consideration of the potential environmental impacts associated with the SSD application. Sydney Metro also requested the Applicant consult directly with the public authority in relation to any potential construction impacts/intersection changes, and sought further information regarding the proposed improvements to the public domain and the surrounding cycle network.

**Heritage NSW** noted the Aboriginal Cultural Heritage Assessment Report (ACHAR) was in draft form and does not contain the information required for it to complete its review. Heritage NSW subsequently requested the finalised ACHAR be referred to the public authority for review, along with any corresponding updates to the proposal.

**Fire and Rescue NSW** recommended the Applicant be required to submit a Fire Engineering Brief Questionnaire (FEBQ) prior to the commencement of construction, and that a comprehensive Emergency Response Plan be prepared and implemented prior to the commencement of operation.

The **Environment, Energy and Science Group (EES Group)** recommended the Applicant be required to prepare a comprehensive emergency response management plan for the site in consultation with the State Emergency Service (SES) and Council to protect workers and visitors during major/rarer flood events.

## 5.6 Key issues – Electricity provider

During the exhibition period, the Department consulted directly with Ausgrid as the local electricity provider.



**Ausgrid** did not object to the development and noted there are 132 kilovolt (kV) power cables located below Edinburgh Road. Ausgrid recommended the Applicant obtain plans of the cables through the 'Dial Before You Dig' process and ensure that any excavation works near the cables are carried out in accordance with the relevant standards.

### 5.7 Key issues – Community members

The Department received 18 submissions from the public, 16 of which objected to the development. Eight of the objections received are classified as unique in accordance with clause 8A(5) of the former SRD SEPP, and all submitters reside in the residential area to the immediate north-west of the site (see **Figure 10**).



**Figure 10** | Public submitters and their relationship to the subject site

Key issues raised by the public related to amenity and sleep disturbance impacts associated with the 24-hour operation of the development (such as noise, dust and light pollution), heavy vehicles travelling west along Edinburgh Road, the use of the emergency access point at the north-western corner of the site, the bulk and scale of the development, cumulative impacts associated with construction works surrounding the site (including the Marrickville Metro shopping centre, Sydney Metro's dive site, etc) and the number of trees proposed to be removed from the site.

## 5.8 Response to submissions

On 5 October 2021, the Applicant provided a Response to Submissions (RTS) on the issues raised during the exhibition period (see **Appendix A**). As a result of the Applicant's ongoing negotiations with Sydney Water, the RTS proposed the deviation of the existing stormwater channel to the northern site boundary, and a minor adjustment to the office building's façade to maintain a 1 m setback to the channel.

Additional documentation was also provided to address the concerns raised by Council, the relevant State government authorities and the public, including:

- an updated stormwater management plan, which incorporated the deviation of the stormwater channel
- an amended flood management plan, which proposed the construction of threshold ramps at each doorway to provide 300 mm of freeboard above the 1% annual exceedance probability (AEP) flood level
- an updated noise impact assessment, which provides updated modelling of operational noise levels and additional mitigation measures (including a 1.5 m high noise barrier) to ensure compliance with the Environment Protection Authority's (EPA's) *Noise Policy for Industry* (EPA, 2017)
- an updated traffic impact assessment (TIA), which provides clarification regarding heavy vehicle movements and the impact of the development on the surrounding road network
- an updated SEPP 33 assessment, which clarifies the quantity of dangerous goods proposed to be stored in the CFC
- a finalised ACHAR, which recommends the implementation of an Aboriginal cultural heritage research design and excavation methodology (Aboriginal RDEM) and an unexpected finds protocol during excavation works.

During preparation of the RTS, the Applicant met with the Department and TfNSW on several occasions to further refine the proposed design of the proposed works to the Edinburgh Road/Smidmore Street intersection.

The RTS was made publicly available on the Department's website and provided to Council and the relevant State government authorities to consider whether it adequately addressed the key issues raised during the public exhibition period.

**Council** advised it did not support the location of the deviated stormwater channel as it would unnecessarily encumber Council's property and remove the ability for street trees and services to be located within the footpath along Edinburgh Road. In addition, Council raised concerns regarding the modelling undertaken in support of the amended Flood Management Plan, and requested the Applicant raise the development's finished floor levels to provide a minimum of 300 mm freeboard. Further



information was also sought in relation to the removal of existing trees and the area of replacement landscaping proposed at the site.

**Sydney Water** noted the Applicant had continued to consult with the authority regarding its stormwater assets and reiterated that the deviated stormwater channel is to be set back a minimum of 6 m from the site boundary and any on-site buildings.

**TfNSW** advised it had no further concerns in relation to either the proposed development or the Edinburgh Road/ Smidmore Street intersection works, and provided recommended conditions to ensure the intersection works are undertaken in accordance with section 87 of the *Roads Act 1993* and requiring the implementation of a Green Travel Plan during operation.

**Sydney Metro** recommended the Applicant consult with Sydney Metro and its contractors to ensure the development does not impact on current construction works at the adjacent SMTFS site. In addition, Sydney Metro requested it be consulted during preparation of the development's construction management plan.

**Heritage NSW** advised it had no further comments in relation to Aboriginal cultural heritage, subject to the implementation of the recommendations provided in the ACHAR.

The **EES Group** noted that, under the amended Flood Management Plan, evacuation from the site is the preferred flood response, while 'shelter-in-place' is the secondary option. In the event that 'shelter-in-place' becomes the preferred flood response for the site, the EES Group recommended the Flood Management Plan be updated to ensure this response option can be safely implemented.

## 5.9 Additional information

Following receipt of Council's response on the RTS, the Department met with both Council and the Applicant on several occasions to discuss what information would be required to adequately address the concerns raised regarding the impact of the relocated stormwater channel upon Council's road reserve.

During these meetings, the Department continually emphasised the need for the main office building to be pulled back further from the Edinburgh Road frontage, so that the stormwater channel could be entirely located on the Applicant's land and sufficient space could be provided in the road reserve for the proposed street trees.

On 18 March 2022, the Applicant provided a further response to the outstanding issues raised by Council and the Department, which included further design adjustments to ensure the deviated stormwater channel is located entirely within the Applicant's land. The Applicant's updated Flood Management Plan clarified the flood planning level applicable to the site is 4.86 m Australian Height Datum (AHD) and the building's finished floor level would be 4.91 m AHD. Updated landscaping plans were also provided and include additional tree species with a greater variety of canopy sizes and tree heights.

The Applicant undertook direct consultation with Council and Sydney Water during the preparation of its further response. Sydney Water advised it had no objections to the proposed layout, provided the capacity of the existing stormwater channel was maintained and any new buildings or structures were at least 0.6 m away from the outside face of the deviated stormwater channel. Council advised it had no further concerns in relation to flood protection or the realignment of the stormwater channel.

## 6 Assessment

The Department has considered the EIS, the issues raised in the submissions, the Applicant's RTS and the additional information provided in its assessment of the development. The Department considers the key assessment issues to be traffic and access, urban design and visual and noise.

A number of other issues have also been considered. These issues are considered to be relatively minor and are addressed in **Table 4** under **Section 6.4**.

### 6.1 Urban design and visual

The proposed bulk and scale of the development has the potential to impact upon the visual amenity of the surrounding locality.

The development presents as an eight-storey building from the corner of Edinburgh Road and Sydney Steel Road, gradually stepping down to a height of approximately four storeys and two storeys at the south-eastern and north-western corners of the site, respectively (see **Figure 8**). The new building would have a total gross floor area (GFA) of approximately 38,498 m<sup>2</sup> and a floor space ratio (FSR) of approximately 1.37:1. As this would exceed the maximum FSR of 0.95:1 stipulated under clause 4.4 of the Marrickville LEP 2011, the Applicant is also seeking approval to vary the FSR development standard applicable to the site.

In support of the development's bulk and scale, the EIS included the following documents:

- a clause 4.6 variation request prepared by Urbis, which concluded the development would achieve the objectives of the development standard and the land use zone objectives despite the non-compliance
- architectural plans and an architectural design report prepared by nettletontribe, which noted the development has been designed to screen the warehouse building and keep un-activated façades away from nearby residential receivers
- landscape plans and a landscape design report prepared by Site Image, which noted the site's landscaping strategy would provide new, permeable public domain areas for the local community
- a visual impact assessment prepared by RobertsDay, which concluded the development would have a positive visual impact due to its generous setbacks, façade design and high-quality landscaping.

During consultation on the EIS, Council raised concerns in relation to the level of ground floor streetscape activation provided along Edinburgh Road. In addition, a number of public submissions also raised concerns in relation to the bulk and scale of the development, visual impacts to nearby residential properties and the number of trees which would be removed from the site.

The Department's consideration of these concerns and the Applicant's response is discussed below.

#### Clause 4.6 variation to the FSR development standard

The Marrickville LEP 2011 specifies a maximum FSR of 0.95:1 for the subject site. The SSD application seeks consent to construct a CFC, warehouse and associated office with a maximum FSR of 1.37:1 (44% increase).

Under the LEP, the primary objectives of the FSR development standard seek to control the bulk and scale of a building to help achieve the desired future character of the surrounding area, and to minimise any adverse environmental impacts on adjoining properties and the public domain.

The Applicant's EIS included a written request to vary the FSR applicable to the site which was prepared with regard to clause 4.6(3) of the LEP. The Applicant's request highlighted the proposed variation is appropriate on the basis that:

- a compliant design would not be capable of accommodating the semi-automated machinery and/or product inventory required to operate the CFC and the warehouse and distribution centre, and would not allow the Applicant to co-locate its digital business unit with the CFC
- the main industrial building has been located towards the rear of the site, with the proposed setbacks and landscape design helping to soften the appearance of the built form and provide a suitable transition between the development and the existing residential area to the north-west
- the office building and staff parking area would act as a buffer between the main industrial building and Edinburgh Road, and provide a gradual transition in height between the on-site industrial uses and the adjoining commercial/residential areas
- heavy vehicle parking/loading areas would be located along the Sydney Steel Road frontage, with the development's built form used to shield the residential area to the north-west from any associated noise or traffic impacts
- the main industrial building would be commensurate to the bulk and scale of other buildings within the Marrickville industrial precinct
- on-site landscaping has been designed to soften the built form and to improve the site's interface with the public domain
- the development would result in minimal overshadowing impacts upon nearby residential receivers and the proposed public domain area fronting Edinburgh Road.

In its submission on the EIS, Council did not raise any concerns in relation to the development's bulk and scale.

The Department has reviewed the Applicant's written request and is satisfied it has adequately addressed the matters required to be demonstrated under clause 4.6(3) of the Marrickville LEP 2011.

The subject site is one of the largest remaining properties within the Marrickville industrial precinct and is bordered by various industrial, commercial and residential land uses of differing heights and scales. In response to this context, the development's main industrial building has been located towards the rear of the site, while the office building has been positioned at the corner of Edinburgh Road and Sydney Steel Road.

This arrangement would provide an appropriate transition between the development, the existing industrial buildings to the south and the Marrickville Metro Shopping Centre to the north-east. It also ensures both structures are set back approximately 50 m from the residential area to the north-west and, in conjunction with the proposed façade and landscaping treatments, would help to soften the appearance of the development from this area (see **Section 6.1** below).

In addition, the Department is satisfied that a satisfactory number of on-site parking spaces would be provided for both cars and delivery vehicles, and that any traffic impacts associated with the development would be adequately accommodated on the local and regional road network (see **Section 6.3** below).



In accordance with clause 4.6(4)(ii) of the LEP, the Department is satisfied the development would be in the public interest, as it would be consistent with the objectives of the FSR standard and the objectives for the IN1 and SP2 zones (see **Appendix D** of this report). In addition, the Department notes that under section 4.13(2A) of the EP&A Act, the requirement to obtain the Planning Secretary's concurrence for the FSR variation is not applicable to SSD.

Accordingly, the Department's assessment concludes the matters outlined under clause 4.6 of the Marrickville LEP 2011 have been adequately addressed in relation to the FSR development standard. The Department has subsequently recommended the Director, Industry Assessments, as delegate of the Minister, accepts the variation of the FSR standard outlined under clause 4.4(2) of the Marrickville LEP 2011.

### Visual impacts

The Applicant's EIS included a visual impact assessment report which provides an assessment of the visual impact of the development from six vantage points within the surrounding area (see **Figure 11**).



**Figure 11 |** Extent of the visual catchment

This report concluded visual impacts associated with the development can be considered to be low/negligible due to the highly industrial nature of the locality and the layout of the surrounding street network which limits private views towards the site. The report also noted the development's architectural design and high-quality landscaping helps to integrate the building into its setting and soften its appearance when viewed from Edinburgh Road.

In its submission on the EIS, Council raised concerns in relation to the design of the Edinburgh Road façade and the need for further streetscape activation. A number of public submissions also raised

concerns in relation to the development's visual impact when viewed from the Edinburgh Road frontage, noting the development appeared to be 'too large' in the context of the surrounding area. In addition, several submissions noted the headlights of cars using the front carpark during the night-time period may generate additional visual disturbance for residences along Edinburgh Road, and raised concern that the proposed office building would negatively impact on resident privacy.

In its RTS, the Applicant advised the office component has been designed to activate the street frontage along the eastern section of Edinburgh Road while also helping to improve the site's interface with the residential area to the north-west. Floor to ceiling glazing along the ground floor would help to activate the eastern end, while the landscaped garden along the western section of the Edinburgh Road frontage would provide a place of respite for future employees, visitors and the public.

In addition, the RTS noted the overall development is consistent with the scale of the Marrickville Metro Shopping Centre and the adjoining commercial development at 76B Edinburgh Road (both approximately five storeys high) and would provide an appropriate transition in built form between these structures and the existing residential area to the north-west.

Finally, the Applicant highlighted the main warehouse and office buildings would be set back a minimum of 50 m from the nearest dwelling, and the mix of spotted gums (up to 25 m high) and lower trees (up to 10 m high) proposed along the Edinburgh Road frontage would help to screen the development and minimise any adverse visual impacts.

The Department has reviewed the information provided by the Applicant and concludes the most affected visual receiver would be 65 Edinburgh Road, directly opposite the subject site. The development would be visible from other residential viewpoints to the north-west of the site (views 1 and 3), however, these views are largely screened by existing vegetation and other residential buildings (see **Figure 12**). Viewpoints to the east and south of the site are restricted to industrial and/or commercial land uses.



**Figure 12** | Photomontage of the development, as seen from 80 Edinburgh Road

While the development would have moderate to high visual impacts on the residence located at 65 Edinburgh Road, the Department notes this property would be separated from the warehouse and office buildings by the existing road reserve (to be widened to four lanes), the proposed public domain area (approximately 4 m wide) and the two-storey parking structure (approximately 30 m wide), for a



total separation distance of approximately 50 m. The Department considers the proposed landscaping along this frontage would, over time, help to mitigate the visual impact of the development and has recommended this landscaping be implemented prior to the commencement of operation of the development, to ensure visual impacts are minimised.

With regard to privacy, the Department notes the location of the office building and the presence of existing vegetation along the northern side of Edinburgh Road would restrict views from the site towards habitable spaces. Further, the Department notes the proposed acoustic barriers within the two-storey parking structure would minimise visual intrusion caused by car headlights, and has subsequently recommended the barriers be constructed using similar external finishes to the parking structure (e.g. feature bricks and pre-cast concrete). Visual intrusion caused by heavy vehicle headlights would also be minimal, as these vehicles would be prohibited from using the section of Edinburgh Road between Victoria Road and Sydney Steel Road during the night-time period (see **Section 6.2** below).

The Department's assessment concludes the visual impacts of the development are acceptable, subject to the Applicant implementing the proposed architectural and landscaping treatments. While a number of visual receivers along Edinburgh Road may be affected, the proposed building setbacks, façade treatments and landscaping result in a high-quality design outcome that will soften the appearance of the building and help to reduce its impact over time.

### Landscaping

The development would involve the removal of 115 trees from the site, 83 of which were previously approved for removal under DA 2015/00168. These trees largely consist of native and exotic landscaping species which were planted during the site's tenure as a food products factory.

New landscaping for the development is proposed along the northern, eastern and western boundaries of the site and would include:

- new street trees along Edinburgh Road and Sydney Steel Road
- a landscape zone along the Edinburgh Road frontage, comprising trees, shrubs and layered groundcovers in raised planter beds
- balcony planters and a rooftop terrace area to soften the appearance of the northern office building.

While the development would not achieve the 25% canopy target outlined in the ECDP, the Applicant highlighted the proposed landscaping has been designed to enhance canopy coverage along Edinburgh Road and Sydney Steel Road, in accordance with the *Marrickville Street Tree Master Plan 2014*, and to provide stronger canopy links to the surrounding street network. Multi-layered tree canopies would be used to complement both street frontages and soften the development's overall appearance.

During the exhibition period, a number of public submissions raised concerns in relation to the number of trees proposed to be removed from the site and noted that no equivalent green area has been designed adjacent to the residential area to the north-west. These submissions also highlighted the removal of these trees would impact on heat retention in the immediate vicinity of the site.

In its submission on the RTS, Council advised that it did not support the relocation of the on-site stormwater channel due to the impact the relocated channel would have on the viability of the landscaping proposed along the Edinburgh Road frontage. In addition, Council noted the proposed canopy cover was insufficient and reiterated the development should comply with the 25% canopy cover target outlined in the ECDP.

In response, the Applicant highlighted the proposed landscaping has been designed to enhance the site's presentation when viewed from Edinburgh Road, providing a better outlook for residences, increasing shade within the public domain and helping to soften the overall appearance of the main warehouse building. In addition, the Applicant noted the proposed landscape zone along Edinburgh Road would act as a suitable green buffer to nearby residents. This space would incorporate feature brick pathways and planter walls, shade-tolerant plants and timber seating areas.

With regard to the on-site stormwater channel, the Applicant worked closely with the Department, Council and Sydney Water to re-locate the stormwater channel away from the landscaping zone along Edinburgh Road (see **Section 6.4** below). The relocation was supported by updated landscaping plans for the site, which incorporate a number of additional tree species and confirm that adequate soil volumes would be provided for each new tree. The Applicant also highlighted the development would maintain consistency with the ECDP's key actions as it would help to increase canopy coverage within the public domain and improve connectivity within Greater Sydney's Green Grid.

While the concerns raised by Council and members of the public in relation to vegetation removal are acknowledged, the Department considers the Applicant has provided adequate landscaping as part of the development, particularly given the constraints posed by the on-site stormwater channel and the industrial nature of the site.

Although the development would result in a reduction in the number of on-site trees, the Applicant has placed particular emphasis upon locating new landscaping along the Edinburgh Road and Sydney Steel Road frontages. This focus will ensure the majority of new trees proposed at the site are located within streetscape, helping to soften the overall appearance of the development and improve the quality of tree canopy coverage within the public domain.

In addition, the landscape zone underneath the main office building will essentially act as a new 'pocket park' for the local community, providing shaded seating for pedestrians travelling along Edinburgh Road and publicly accessible bicycle hoops for cyclists using the new shared path along Sydney Steel Road. The Department has recommended the Applicant be required to prepare a Landscape Management Plan for the site, which will describe the ongoing monitoring and maintenance measures which would be implemented to manage the landscaping works.

The Department's assessment concludes the proposed landscaping is acceptable and would help to improve the quality of the public domain in the vicinity of the site.

### **Signage**

The development would involve the installation of 10 building identification and wayfinding signs across the site. Building identification signs would include the Applicant's logo and main website address, while wayfinding signs would direct customers towards the on-site pick-up facility. The largest sign would be approximately 21.5 m long by 2 m high (see **Figure 13**).

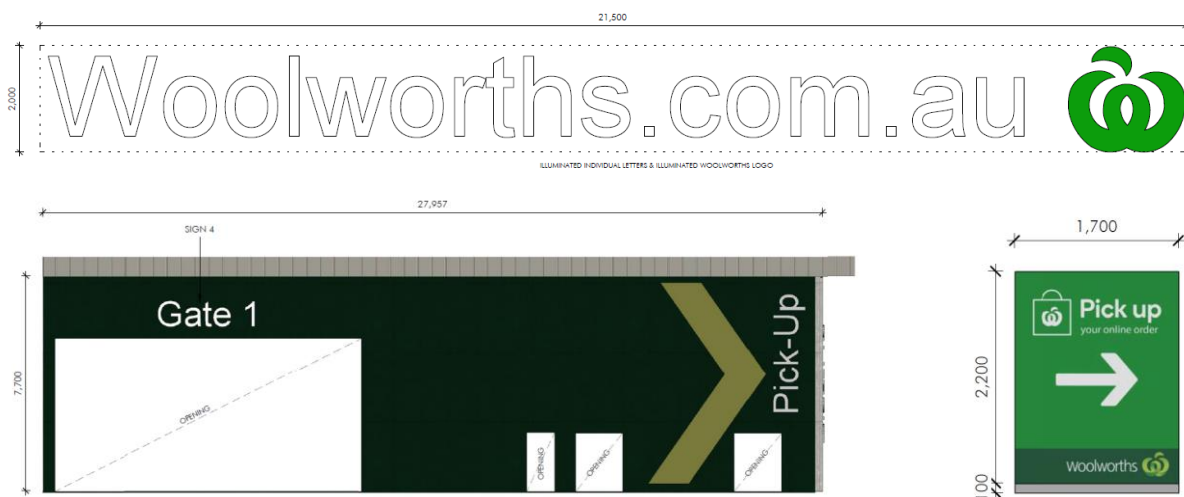
During the exhibition period, a number of public submissions raised concerns in relation to the illumination of these signs and their impact upon the privacy and amenity of surrounding residents. The Applicant subsequently clarified that no illuminated signs would face towards the existing residential area to the north-west of the site.

The Department has reviewed the proposed signage against the relevant requirements of State Environmental Planning Policy No. 64 – Advertising Structures and Signage and is satisfied this signage

is compatible with the existing industrial/commercial nature of the surrounding area and would not adversely impact upon nearby residents (see **Appendix C** of this report).

The Department has recommended conditions to ensure that all signage is installed in accordance with the submitted architectural drawings and complies with the latest version of *AS/NZS 4282-2019 – Control of the obtrusive effects of outdoor lighting* (Standards Australia, 2019).

The Department's assessment concludes the proposed signage would not adversely impact upon nearby residents, subject to the recommended conditions of consent.



**Figure 13 |** Examples of the proposed signage, which includes the Applicant's main website address (top row) and wayfinding signage for the customer pick-up facility (bottom row)

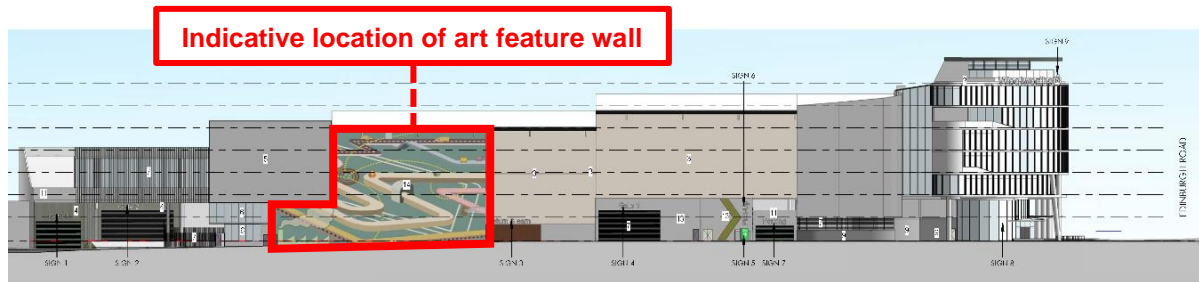
### Public art

The development proposes the installation of an art feature wall on the warehouse building's Sydney Steel Road frontage (see **Figure 11**). During its assessment of the SSD application, the Department requested the Applicant confirm whether the design of the mural shown in the architectural plans was indicative or final. The Applicant subsequently clarified the design shown was indicative and would be finalised during the detailed design phase.

The Department notes that public art (including murals) forms an integral part of Marrickville's creative spirit and identity, and that for similar projects, Council would typically condition the preparation of a Public Art Plan to guide the detailed design of any public art feature(s). Accordingly, the Department has recommended the Applicant be required to prepare a Public Art Plan for the development, prior to the installation of the art feature wall. This plan would need to be prepared by an experienced artist in consultation with Council and would help to ensure the final design of the art feature wall provides visual interest for pedestrians and appropriately reflects Marrickville's existing cultural setting.

The Department's assessment concludes the location of the proposed art feature wall is acceptable, particularly given it would help to break up the building's eastern façade and would not be visible from any nearby residential receivers. Instead, the feature wall would help generate visual interest for cyclists using the new shared path along Sydney Steel Road and would appropriately respond to the context of the surrounding area, subject to the recommended conditions of consent.





**Figure 14 | Location of the proposed art feature wall**

## Conclusion

The Department's assessment has considered the information provided by the Applicant, the advice received from Council and the concerns raised by the public in relation to urban design and visual impacts.

The Department concurs with the findings of the Applicant's clause 4.6 variation request and is satisfied the proposed design would maintain compliance with the objectives of the FSR standard and the applicable land use zones. While the Department acknowledges the development would be visible from several residential receivers along Edinburgh Road, it is satisfied the proposed architectural and landscaping treatments have been adequately amended in response to the issues raised during the exhibition period and would provide a suitable transition between the subject site and the adjoining commercial and residential areas.

In addition, the Department is satisfied the proposed signage would not impact upon the privacy and amenity of surrounding residents, while the art feature wall facing Sydney Steel Road will help to integrate the overall development into Marrickville's creative identity.

The Department has recommended conditions to ensure:

- the architectural and landscaping treatments are fully implemented prior to the commencement of operation of the development
- the building identification and wayfinding signs are installed in accordance with the relevant Australian Standard
- the art feature wall's final design is developed and installed by a suitably qualified artist in consultation with Council.

With these conditions in place, the Department concludes that any urban design and visual impacts associated with the development are acceptable and would not adversely impact upon residents in the vicinity of the site.

## 6.2 Noise

The construction and 24-hour operation of the development has the potential to emit noise and vibration, which could impact on the acoustic amenity of the surrounding area.

The development would involve the demolition of existing structures and the construction of a two-storey warehouse, office space, staff parking area and associated infrastructures over a period of approximately 35 months. Working hours are proposed between 7:00am and 6:00pm Monday to Friday and between 8:00am and 1:00pm on Saturday, consistent with the recommended standard construction hours in the EPA's *Interim Construction Noise Guideline* (ICNG) (DECC, 2009). No works are proposed outside of these hours, on Sundays or public holidays.

The main operational noise source includes vehicle movements through the staff parking area fronting Edinburgh Road and noise emissions associated with engine start-up, vehicle acceleration, car door slam, and vehicles idling. Other sources of operational noise include mechanical plant, vehicle movements to and from the site, and warehousing activities behind the CFC which is farther setback from Edinburgh Road as can be seen in **Figure 4**. Infrequency or minor sources of noise such as commuter speech from within the carpark and tyre squeal on concrete surface were excluded from the noise modelling on the assumption that their contribution would be minimal.

The EIS included an operational noise assessment and a preliminary construction noise and vibration management plan (CNVMP). During consultation on the EIS, no comments were made regarding construction noise and vibration by Council. However, several concerns were raised by Council and the public regarding operational noise impacts, particularly at night due to additional traffic noise from Edinburgh Road and the potential for sleep disturbance. The Department also requested the Applicant prepare an updated version of the preliminary CNVMP, to ensure the document adequately addressed the requirements outlined in the ICNG.

The Applicant subsequently provided updated versions of the operational noise assessment and the preliminary CNVMP to address these concerns.

### **Construction noise and vibration**

The Applicant's preliminary CNVMP indicated concrete crusher and hydraulic drills are the highest sources of construction noise during the demolition phase with energy-average  $L_{Aeq,15min}$  noise level over a 15-minute assessment period predicted up to 86 dB(A) and 76 dB(A), respectively at the nearest residential receivers fronting Edinburgh Road. Exceedance of the  $L_{Aeq,15min}$  construction noise management level of 64 dB(A) is likely and could at times be considered 'highly noise affected' as defined in the ICNG when works are occurring close to Edinburgh Road. However, these noise intensive activities are only expected to occur during the demolition and excavation stages of the construction program over a period of approximately 5 months. Lower levels of  $L_{Aeq,15min}$  construction noise in the range of 60 to 70 dB(A) are anticipated during piling, footing construction, structural works and finishing works when works are carried out in proximity to residential receivers. The Applicant's assessment noted construction noise at any receiver location is expected to vary throughout the duration of construction depending on the works being undertaken, proximity to receivers, and whether line-of-sight between a source and a receiver is obstructed.

With regard to vibration impacts, the CNVMP indicated the greatest potential for structural vibration impacts would occur when works involve the use of piling equipment, concrete crushers and vibratory rollers. However, vibration levels predicted at all receivers are expected to be compliant with the structural damage vibration objectives set out in the CNVMP.

To address construction noise impacts, the Applicant has put forward a series of mitigation and management measures in the CNVMP, with an emphasis on communication and cooperation with all involved, or affected by, construction noise. These measures include the selection of quieter plant and work methods, use of acoustic barriers, use of acoustic silencing devices and the provision of respite. Suitable combination of feasible and reasonable measures will be established by the construction contractor for each construction activity with reference to the mitigation decision-making process in the CNVMP. For example, buildings will be demolished on a floor-by-floor basis using a combination of excavators with hammer and pulverising attachments, and actual construction noise is expected to be more than 10 dB lower than the worst-case predicted levels when pulverisers are being used. If physical

mitigation measures are ineffective at reducing construction noise, the decision-making process would recommend respite periods be implemented to restrict the hours or days that the very noisy activities can occur.

With regard to construction risk associated with vibration intensive works, the Applicant noted compliance with vibration limits are expected at all adjoining properties. Notwithstanding, to address and manage any unforeseen vibration impacts, vibration monitoring will be undertaken to inform demolition and construction works and dilapidation surveys will be completed by a civil/structural engineer for the adjoining properties, utility assets and infrastructure.

The Department has considered the information submitted by the Applicant and is satisfied construction noise and vibration impacts would be adequately managed and minimised where feasible and reasonable.

The Department has subsequently recommended conditions requiring the Applicant prepare and implement a construction noise and vibration management plan, in consultation with Council and highly noise affected parties. This plan will require the Applicant to undertake ongoing consultation throughout the construction period and include details regarding how and when the aforementioned mitigation and management measures (e.g. the use of acoustic barriers, the provision of respite, etc) would be implemented during construction works.

### **Operational noise**

The operational noise assessment provided an evaluation of operational noise based on preliminary information from the Applicant and high-level noise modelling assumptions. Consequently, this preliminary assessment noted a separate, detailed acoustic review will need to be undertaken post approval to determine whether more stringent noise control measures would be required for the development.

In its submission on the EIS, Council raised concerns in relation to 24-hour operational noise impacts and requested a detailed noise assessment be provided to demonstrate operational impacts can be minimised at nearby residents using management and physical control measures.

The Department requested the Applicant to update its noise modelling to address the following matters:

- clarification on how operational noise emissions have been modelled, including mechanical plant, site traffic, carpark, loading and waste collection activities
- details on the testing undertaken for low frequency noise, tonality and impulsivity for all assessment time periods, as well as the intermittency tests for activities undertaken during the night-time period
- detail on how night-time noise criteria would be achieved, including the effectiveness of proposed noise management and mitigation measures.

To address issues raised, the Applicant undertook detailed noise testing of its distribution fleet to establish a comprehensive source emission inventory for the proposed operations. This emission inventory was utilised to inform the additional noise modelling undertaken as part of the RTS, enabling a more accurate assessment of operational noise from the proposed development.

The updated operational noise assessment provided a quantitative assessment of representative operational noise impacts, including on-site noise emission from the staff parking area fronting Edinburgh Road, loading docks and mechanical plant. Off-site noise emission associated with additional vehicle movements on public roads was also assessed. Predicted noise levels at all receivers

are shown in the Applicant's assessment to be marginally below the operational noise mitigation trigger levels established using the EPA's *Noise Policy for Industry* and the *NSW Road Noise Policy*.

To ensure compliance with project specific noise mitigation trigger levels, the Applicant has put forward the following management and mitigation measures:

- adopt a concrete surface finish in the carpark to minimise tyre squeal noise
- prohibit returning delivery vans and articulated vehicle movements associated with the development between the section of Edinburgh Road between Victoria Road and Sydney Steel Road during the night-time period (from 10pm to 7am) to minimise night-time traffic noise impacts
- implement screening barriers in the ground level carpark, first level carpark and levels 2 and 3 loading docks as shown in the updated acoustic report (dated 1 September 2021)
- ensure mechanical plant is fitted with silencers and the building fabric of plant rooms is acoustically treated.

As night-time operational noise was a key issue raised by members of the public, the Department has carefully considered the Applicant's assessment of operational noise and is satisfied the operation of the development would comply with the noise trigger levels at all times. Further, the Department considers the above management and mitigation measures identified in the updated operational noise assessment would adequately address community concerns.

To this end, these management and mitigation measures have been incorporated into the recommended conditions of consent. A condition that requires the Applicant to finalise the design details of the screening barriers prior to obtaining construction certificate for the parking area and loading docks is recommended to ensure compliance with architectural and acoustic requirements can be achieved. In addition, a condition that prohibits the use of articulated heavy vehicles and returning delivery vans along the section of Edinburgh Road between Victoria Road and Sydney Steel Road during the night is recommended to limit the increase in traffic noise, consistent with the worst-case traffic noise generation scenario assessed by the Applicant.

The Department has also proposed noise limits for residential, commercial and industrial properties in line with the noise mitigation trigger levels specified in the updated operational noise assessment relating to on-site operational noise emissions. The Department notes the more stringent  $L_{Amax}$  trigger level of 55 dB(A) and  $L_{Aeq,15min}$  trigger levels of 57 dB(A), 47 dB(A) and 43 dB(A) for day, evening and night, respectively, have been adopted for all residential properties to facilitate follow-up verification testing at the most-affected locations (which are generally farther away from the intersection between Edinburgh Road and Smidmore Street).

To ensure the development is operated in a manner that is compliant with the noise limits, the Department has recommended a condition requiring the Applicant to submit an operational noise verification report within three months of the commencement of operation of the CFC to verify predicted noise impacts. Should any unforeseen noise impacts be identified during the noise verification study, the Applicant would be required to implement additional noise management and mitigation measures to address exceedances of the noise limits.

## Conclusion

The Department's assessment concludes the noise impacts during the construction and operation of the development can be appropriately managed through best practice noise management and the recommended conditions of consent.

### 6.3 Traffic and access

The construction and operation of the development would generate additional traffic, which has the potential to impact on the safety and operational performance of the surrounding road network.

The development would involve the creation of six new vehicular access points off Edinburgh Road and Sydney Steel Road (see **Figure 4**). Passenger vehicles would access the site from Edinburgh Road and Sydney Steel Road, including via a new signalised approach off the Edinburgh Road/Smidmore Street intersection, while articulated vehicles and delivery vans would access the development's loading areas via Sydney Steel Road.

The EIS included a Traffic Impact Assessment (TIA) which assessed the development's potential traffic, access and parking requirements. The TIA was prepared with reference to the Marrickville DCP 2011 and the relevant Austroads guidelines.

Construction of the development would occur over a period of 3 years, with a maximum of 10 heavy vehicle trips and 90 light vehicle trips per hour (two-way) during the morning and afternoon peak periods. During operation, the Applicant has advised the development would generate up to 1,700 vehicle trips per day.

During consultation on the EIS, several concerns were raised by TfNSW and Council regarding operational traffic impacts (including cumulative impacts), the SIDRA modelling submitted in support of the development and site access arrangements. Members of the public also raised several concerns in relation to the use of the emergency access point in the north-western corner of the site and the volume of heavy vehicles travelling along Edinburgh Road. The Applicant's RTS subsequently included an updated TIA to address these outstanding concerns.

#### Construction traffic

As noted above, construction works would occur over a period of approximately 3 years, and the Applicant has committed to the preparation and implementation of a Construction Traffic Management Plan (CTMP) to minimise the impact of construction vehicles on the surrounding road network.

During the exhibition period, both Council and TfNSW did not raise any concerns in relation to construction traffic. However, Sydney Metro requested the Applicant provide further information to clarify any construction traffic changes which may impact on the construction and operation of the adjacent Sydney Metro Trains Facility South (SMTFS). Several members of the public also raised concerns in relation to cumulative construction traffic impacts, particularly given ongoing works at the SMTFS site and the availability of on-street parking in the vicinity of the site.

In its RTS, the Applicant confirmed that no road or intersection works are required to facilitate construction of the development. While the construction works will involve the creation of a fourth signalised approach to the existing Edinburgh Road/Smidmore Street intersection (see 'Operational traffic' below), these upgrade works would occur towards the end of the construction period and would help to improve traffic conditions in the surrounding area.

In addition (and given the site's proximity to several bus stops and Sydenham Station), the Applicant anticipates a large proportion of construction staff would utilise public transport to travel to and from the site. Once complete, the multi-storey parking area at the front of the site would also be made available to construction staff and would help to further minimise the development's impact on on-street parking in the vicinity of the site.



The Department has considered the information submitted by the Applicant, the advice provided by Sydney Metro and the concerns raised by the public in relation to construction traffic impacts. The Department is satisfied construction traffic would be adequately accommodated on the existing road network, particularly given the site's proximity to public transport and the Applicant's commitment in relation to the preparation of a CTMP.

The Department has subsequently recommended conditions requiring the Applicant prepare and implement a CTMP for the development, prior to the commencement of construction works. The CTMP would be prepared in consultation with Sydney Metro, TfNSW and Council, and would detail the measures which will be implemented at the site to ensure road safety and network efficiency during construction. The CTMP will also include additional measures to minimise any cumulative traffic impacts associated with the construction of other developments in the surrounding area (including the adjacent SMTFS site) and outline the strategies which would be implemented to minimise the number of construction staff driving to the site each day. Such strategies could include carpooling incentives, the provision of secure on-site tool lockers for each worker or the provision of a shuttlebus service between the site and nearby train stations.

### **Operational traffic**

The development's TIA noted that operation of the site is expected to generate up to 1,700 vehicle trips per day, including a maximum of 270 vehicles per hour during the morning peak (130 in, 140 out) and 270 vehicles per hour during the afternoon peak (120 in, 150 out). The TIA estimated delivery vans would account for 18.5% of traffic generated by the site (315 daily trips), while heavy vehicles would account for 3.7% of traffic (63 daily trips). The on-site 'click and collect' facility would service up to 20 customers per hour during the morning and afternoon peak periods.

These calculations were based on a traffic survey of the Applicant's existing CFC at Mascot and the commercial and industrial traffic generation rates provided in TfNSW's *Guide to traffic generating developments*.

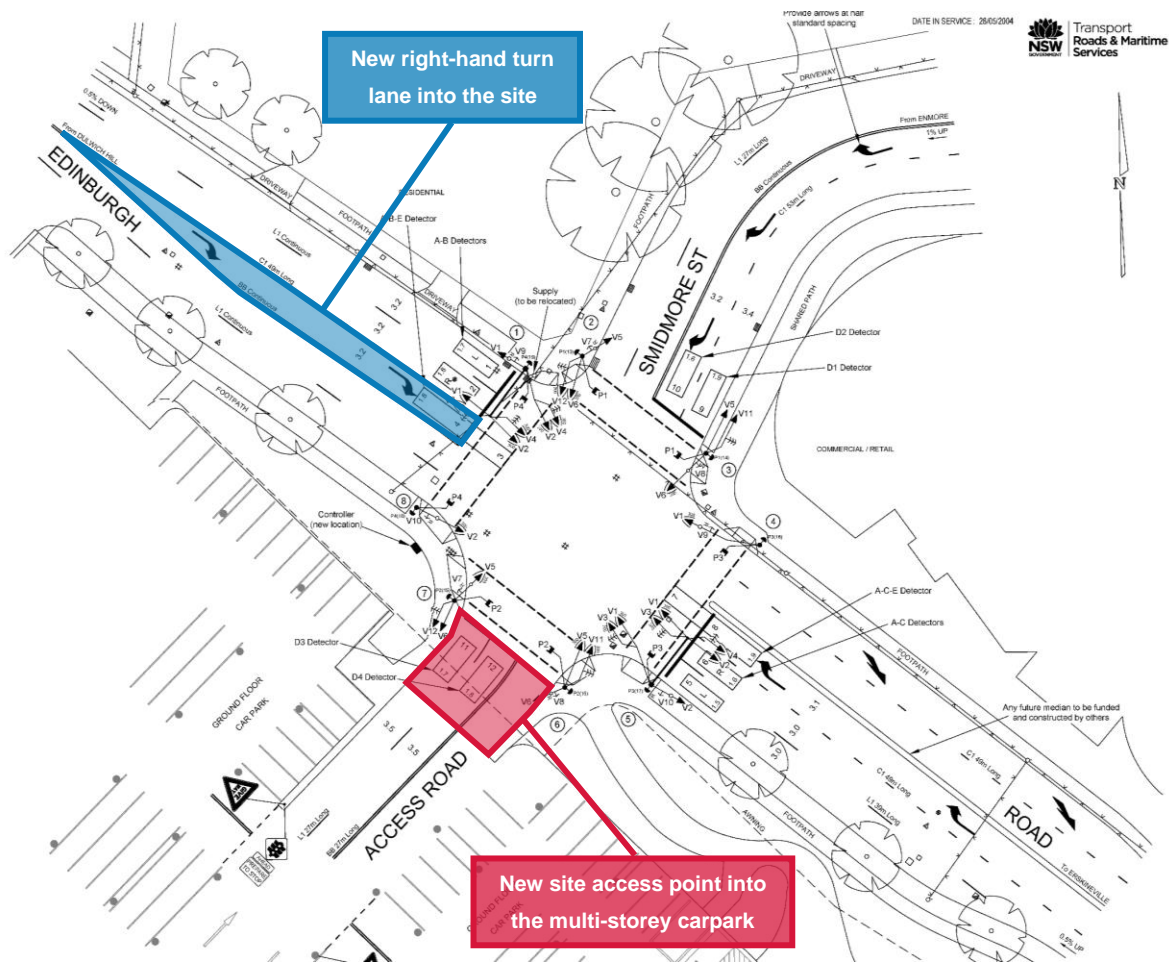
The Applicant's SIDRA modelling found most intersections in the vicinity of the site would continue to operate with a Level of Service (LoS) 'B' (good service) for the morning and afternoon peak periods, with the exception of the Edinburgh Road/Smidmore Street intersection. The average delay at this intersection (including the new signalised approach to the subject site) would increase from 28 seconds to 30 seconds during the morning and afternoon peak periods, which is equivalent to a LoS 'C' (satisfactory service).

The TIA subsequently concluded that, subject to the construction of the fourth signalised approach and the associated road widening works, operational traffic associated with the development can be accommodated within the surrounding road network.

During the exhibition period, TfNSW, Council and the public raised a number of issues in relation to operational traffic impacts. The Department's consideration of these issues is outlined in further detail below.

#### *Modelling of the upgraded Edinburgh Road/Smidmore Street intersection*

The development involves the creation of a fourth signalised approach to the existing Edinburgh Road/Smidmore Street intersection, which requires approval from TfNSW under section 87 of the *Roads Act 1993* (see **Figure 15** below).



**Figure 15 | Overview of proposed works to the Edinburgh Road/Smidmore Street intersection**

In its submission, TfNSW requested the Applicant provide a copy of the SIDRA modelling data for the Edinburgh Road/Smidmore Street intersection (including both pre- and post-development configurations), so that it could confirm whether the model had appropriately considered cumulative traffic impacts and the potential for vehicle queuing to occur along Edinburgh Road as a result of the intersection upgrade works. A number of public submissions also raised concerns in relation to cumulative traffic impacts due to the site's proximity to the Marrickville Metro shopping centre.

Following the conclusion of the exhibition period, the Applicant met with the Department and TfNSW on several occasions to discuss the issues raised in relation to the development's SIDRA modelling and the design of the Edinburgh Road/Smidmore Street intersection upgrade works. As a result of these meetings, the Applicant further refined the parameters informing the SIDRA model, and adjusted the conceptual TCS plan to ensure it accurately reflected the intersection's current design. This included consideration of a potential median strip along Edinburgh Road which may be delivered by the Marrickville Metro shopping centre.

In response to TfNSW's concerns, the Applicant evaluated an additional scenario in the SIDRA model which did not include a right-hand turn off the Edinburgh Road/Smidmore Street intersection into the subject site. While travel times would remain similar during the morning peak period under this scenario, travel times for vehicles accessing the site in the afternoon peak period would increase from 60 seconds to 127 seconds if a right-hand turn lane was not provided. This would also significantly increase the potential for vehicle queuing to occur along Edinburgh Road between Smidmore Street and Sydney

Steel Road. The Applicant subsequently concluded the construction of the right-hand turn lane would help to maintain the operational efficiency of the surrounding road network.

Finalised versions of both the SIDRA modelling and the TCS plan for the Edinburgh Road/Smidmore Street intersection upgrade works were included in the Applicant's RTS. This document also confirmed that cumulative traffic impacts associated with the operation of the Marrickville Metro shopping centre had been reflected in the SIDRA model.

In its submission on the RTS, TfNSW confirmed that it had no further concerns in relation to operational traffic, the right-hand turn lane or the Edinburgh Road/Smidmore Street intersection works generally. TfNSW subsequently provided recommended conditions governing the implementation of the intersection upgrade works, and requiring the Applicant implement a Green Travel Plan during operation to further minimise the number of private vehicles travelling to and from the site.

The Department has incorporated these requirements into the recommended conditions of consent.

#### Emergency vehicle access point

The development would involve the creation of an emergency vehicle access point in the north-western corner of the site, which would be connected to the rear loading dock by a perimeter driveway.

During the exhibition period, both TfNSW and Council queried the need for an emergency vehicle access point to be provided. The majority of public submissions received also raised substantial concerns in relation to the proposed access point, particularly given its proximity to residential receivers and the potential for it to be used by heavy vehicles accessing the site.

In response to the concerns raised, the Applicant clarified the emergency access point and driveway was a requirement under the BCA and would only be used by emergency vehicles (such as fire trucks or ambulances) when responding to an incident at the site. At all other times, the access point would be secured by a chain and would not be used by cars or heavy vehicles.

Following receipt of this information, both TfNSW and Council did not raise any further concerns in relation to the emergency access point. In response to the concerns raised by the community, the Department has recommended a condition of consent to ensure this access point is only used where directed by the NSW Police Force or other authorities for safety reasons.

#### Use of Edinburgh Road by heavy vehicles

The majority of public submissions received in response to the public exhibition of the application, raised concerns in relation to the volume of heavy vehicles travelling past residential receivers along the western section of Edinburgh Road. These submissions requested that heavy vehicles above 3 tonnes be prohibited from turning left onto Edinburgh Road when exiting the site to minimise the impact of the development on local residents (see **Figure 10**).

In its RTS, the Applicant contended that placing a permanent restriction on heavy vehicles turning left out of Sydney Steel Road onto Edinburgh Road was not necessary given the low number of heavy vehicles which would access the site via this route. However, given the concerns raised by local residents primarily related to the road traffic noise impacts, the Applicant has committed to prohibiting left-hand turn movements during the night-time period (from 10pm to 7am) to minimise impacts to the adjoining residential area (see **Section 6.2** above).

To ensure this prohibition can be implemented, the Department has recommended conditions requiring the Applicant prepare and implement an Operational Traffic Management Plan (OTMP) for the site. This

plan will include a Driver Code of Conduct to ensure that all delivery van and heavy vehicle drivers are made aware of the night-time restriction placed upon heavy vehicles using the section of Edinburgh Road between Victoria Road and Sydney Steel Road.

#### Size of heavy vehicles accessing the site

The largest vehicles which would service the development are 12-metre-long semi-trailers (articulated vehicles). During the exhibition period, both TfNSW and Council queried whether the surrounding road network (including the Bedwin Road Bridge) can accommodate such vehicles.

In response, the Applicant noted articulated vehicles already regularly access the site and the broader Marrickville industrial precinct using the Bedwin Road Bridge and the surrounding road network. The Department has reviewed the information provided by the Applicant and is satisfied the design vehicle will continue to be readily accommodated within the surrounding road network.

#### Summary

The Department has considered the information provided by the Applicant along with the issues raised by Council, TfNSW and the public and is satisfied that traffic associated with the operation of the development would be adequately accommodated on the local and regional road network.

While the Applicant has demonstrated the development would not significantly increase the volume of traffic travelling along Edinburgh Road, the Department notes the night-time restriction placed upon heavy vehicles using the section of Edinburgh Road between Victoria Road and Sydney Steel Road will help to further minimise the impact of operational traffic upon nearby residential properties. In addition, the Department recognises that the implementation of a Green Travel Plan will provide further opportunities to reduce the number of private vehicles travelling to and from the site.

The Department has recommended conditions to ensure the Edinburgh Road/Smidmore Street intersection upgrade works are implemented to the satisfaction of TfNSW, and that the emergency access point is only used where directed by the NSW Police Force or other authorities for safety reasons.

The Department has also recommended conditions requiring the Applicant prepare and implement an OTMP for the site. This document would be prepared in consultation with both TfNSW and Council, and would include:

- a Driver Code of Conduct to ensure staff are made aware of the night-time restriction placed upon heavy vehicles using Edinburgh Road
- a Green Travel Plan detailing measures to promote the use of public transport and/or active transport options when travelling to and from the site.

The Department's assessment concludes operational traffic associated with the development is acceptable and would be adequately accommodated on the local and regional road network.

#### **On-site pick-up and 'return and earn' facilities**

The development proposes a drive-through customer pick-up facility, located on the ground floor of the two-storey parking structure. This facility would comprise four 'click and collect' bays and would provide online customers with the ability to collect their grocery orders in-person.

The facility would have a theoretical service capacity of up to 40 vehicles per hour, although the peak number of pick-ups is anticipated to be lower, at around 20 vehicles per hour. It would operate from 7am to 10pm, seven days a week.

The development would also involve the relocation of the existing on-site 'return and earn' facility to the Sydney Steel Road frontage. The 'return and earn' vending machine would be accessible from the footpath along Sydney Steel Road, while the associated storage container storage would be located in the CFC's loading dock. Members of the public would use the existing street parking located directly opposite the new vending machine.

In its submission, TfNSW did not raise any specific concerns in relation to either facility, but sought clarification from the Applicant regarding how online orders would be collected by third parties, including bicycle couriers (e.g. Uber Eats, DoorDash, etc).

In response, the Applicant advised the facility would predominantly be used by business customers, including third party couriers picking up orders on behalf of other customers. However, no bicycle couriers would be permitted to use the facility.

The Department has considered the information provided by the Applicant and is satisfied that traffic associated with the operation of both facilities would be minimal and would not adversely impact upon the function or safety of the surrounding road network. The on-site pick-up facility is completely separated from heavy vehicle loading areas and sufficient wayfinding signage would be installed to direct customers into the correct entrance. In addition, the 'return and earn' facility would be located more than 150 m away from residential receivers and adequate street parking would be made available for individuals using the vending machines.

The Department has recommended the hours of operation for the customer pick-up facility be reflected in the development consent, and that the development's OTMP include details of the management measures which would be implemented to ensure the safe operation of this facility.

### **Parking provision**

The development would provide a total of 365 car parking spaces, including 13 accessible spaces. This parking provision is consistent with the recommended parking rates outlined under the Marrickville DCP 2011, which requires a minimum of 290 car parking spaces. A total of 60 motorcycle parking spaces would also be provided in the front parking area, and 140 van parking spaces would be provided in the rear loading dock area.

Under the Marrickville DCP, the development would require a minimum of 257 bicycle parking spaces. The Applicant has argued this requirement would result in an oversupply based on the proposed industrial/commercial land uses and existing commuter data for the Marrickville area (approximately 6% of workers travel to the Marrickville area by bicycle). Instead, the development would provide a total of 106 bicycle parking spaces, which is consistent with the recommended bicycle parking rates outlined under the relevant Austroads guidelines.

The Applicant's EIS concluded that while the development is located in close proximity to public transport and would include bicycle racks and end of trip facilities, the level of parking provided would provide staff with the option to safely travel to work in situations where work shifts commence or finish in the early hours of the morning.

Both Council and TfNSW did not raise any concerns in relation to the number of parking spaces proposed at the site. However, TfNSW sought clarification from the Applicant regarding the size of the development's end of trip facilities. The Applicant subsequently advised the development would provide six showers and approximately 40 lockers for on-site staff.



The Department has reviewed the proposed parking arrangements and is satisfied they would adequately accommodate the requirements of the development's operational staff. The Department has recommended conditions to ensure:

- car parking spaces are constructed and maintained in accordance with the relevant Australian Standards
- a minimum of 106 bicycle parking spaces are provided to service the development, in accordance with the Applicant's commitments.

## Conclusion

The Department's assessment has considered the information provided by the Applicant, the advice received from Council and TfNSW and the concerns raised by the public in relation to traffic.

The Department acknowledges the Applicant has worked closely with TfNSW to develop a conceptual design for the Edinburgh Road/Smidmore Street intersection upgrade works and would continue to liaise with the authority during the detailed design and delivery of these works. In addition, the Department notes the development's emergency access point would only be used by emergency vehicles when responding to an incident, and the Applicant has committed to prohibiting heavy vehicle movements along the western section of Edinburgh Road during the night-time period (from 10pm to 7am) to minimise traffic noise impacts to residential receivers.

The Department's assessment concludes traffic associated with the development would be adequately accommodated on the local and regional road network, subject to delivery of the intersection upgrade works and the implementation of both a CTMP and OTMP to manage residual construction and operational traffic impacts.

The Department has recommended conditions to govern the detailed design and delivery of the intersection, to the satisfaction of Council, to ensure staff are made aware of the restriction placed upon heavy vehicles using Edinburgh Road during the night-time period, and to outline the measures which would be implemented to safely manage the operation of the customer pick-up facility. With these conditions in place, the Department concludes traffic from the development would be adequately managed and would not impact upon the safety or performance of the local and regional road network.

## 6.4 Other issues

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

**Table 4 |** Assessment of other issues

Assessment	Recommendation
<b>Stormwater</b>	
<p><u>On-site public stormwater assets</u></p> <ul style="list-style-type: none"> <li>• The site is impacted by a stormwater channel and easement running across the northern portion of the site. The stormwater channel is owned by the Applicant, while the easement benefits Sydney Water.</li> <li>• In its EIS, the Applicant advised it was in discussions with Sydney Water to develop a conceptual stormwater channel deviation plan for the site.</li> </ul>	<p>Require the Applicant:</p> <ul style="list-style-type: none"> <li>• carry out the stormwater channel deviation to the satisfaction of Sydney Water</li> <li>• prepare the detailed design for the</li> </ul>

Assessment	Recommendation
<ul style="list-style-type: none"> <li>During the exhibition period, the Applicant met with Sydney Water to discuss the impact of the development upon the authority's existing stormwater channel. As a result of this meeting, the two parties reached an agreement to deviate the existing stormwater channel to straddle the site's north-eastern boundary. The amended design was incorporated into the Applicant's RTS.</li> <li>In its submission on the RTS, Council advised it did not support the proposed relocation as it would unnecessarily encumber Council's property and remove the ability for street trees and services to be located within the footpath along Edinburgh Road.</li> <li>In addition, Council raised concerns regarding the hydraulic capacity of the deviated stormwater channel, and recommended the Applicant adjust the curvature of the channel to minimise hydraulic losses resulting from sharp right-hand turns.</li> <li>Following receipt of Council's response, the Department coordinated several meetings between Council and the Applicant to discuss what information would be required to adequately address the concerns raised.</li> <li>During these meetings, the Department continually emphasised the need for the main office building to be pulled back further from road reserve, so that sufficient space could be provided for the proposed street trees.</li> <li>The Applicant subsequently undertook further design amendments to ensure the deviated stormwater channel is located entirely within the subject site and that the new alignment curves smoothly as it approaches the site's northern boundary.</li> <li>Both Council and Sydney Water advised they were satisfied with the amended route for the stormwater channel.</li> <li>The Department has reviewed the amended route and is satisfied it will ensure the development does not adversely impact upon the function and/or maintenance of Sydney Water's stormwater assets or Council's road reserve.</li> <li>The Department has recommended conditions to ensure the deviation of the stormwater channel is carried out to the satisfaction of Sydney Water, and prior to the removal of the existing channel.</li> </ul> <p><u>Stormwater management system</u></p> <ul style="list-style-type: none"> <li>The Applicant is proposing to collect and treat on-site stormwater before discharging directly to the deviated stormwater channel.</li> <li>The stormwater management system would comprise: <ul style="list-style-type: none"> <li>a piped stormwater drainage system and associated filtration devices</li> <li>harvesting and storage of up to 160 kL of rainwater for reuse across the site</li> <li>an on-site detention tank/flood chamber with an overall capacity of 1,200 m<sup>3</sup> (460.4 m<sup>3</sup> dedicated to on-site detention), discharging to the relocated stormwater channel.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>stormwater management system, in consultation with Council</li> <li>install the stormwater management system, prior to the commencement of operation.</li> </ul>

Assessment	Recommendation
<ul style="list-style-type: none"> <li>Following the resolution of the issues raised in relation to the stormwater channel deviation, Council did not raise any further concerns in relation to the design of the stormwater management system.</li> <li>The Department has recommended conditions to ensure the on-site stormwater management system is designed and installed in consultation with Council, prior to the commencement of operation.</li> <li>The Department's assessment concludes the development's stormwater drainage has been designed in accordance with the requirements of Council and is adequate for the management and treatment of flows from the site.</li> </ul>	
Flooding	
<ul style="list-style-type: none"> <li>The site is located within the Marrickville Valley catchment, which is approximately 790 ha in size and drains to the Cooks River. During major flood events, both the site and the surrounding area are subject to flooding.</li> <li>The EIS included a Flood Management Plan (FMP) for the development, which was informed by Council's <i>Marrickville Valley Floodplain Risk Management Study and Plan</i> (Cardno, 2017).</li> <li>The FMP found the site is subject to flood inundation during storm events which are greater than the 2-year average recurrence interval.</li> <li>Consequently, the Applicant proposed to collect flood flows via a network of pit inlets and divert them to a 1,200 m<sup>3</sup> on-site detention basin.</li> <li>In addition, the development's floor level would be set at 4.86 m AHD, providing 50 mm of freeboard above the 1% AEP flood level identified by the Applicant.</li> <li>With these measures in place, the development would result in a negligible increase in the on-site flood depth during a 1% AEP flood event, and a reduction in flood depth of more than 200 mm for neighbouring properties in Lillian Fowler Place.</li> <li>In its submission on the EIS, Council requested the development's floor level be increased to ensure 300 mm of freeboard is provided above the 1% AEP flood level. Council also requested the Applicant revise its post-development flood model to include consideration of inlet blockage factors.</li> <li>The EES Group recommended the Applicant be required to prepare a comprehensive emergency response management plan for the site, in consultation with the SES and Council.</li> <li>As part of its RTS, the Applicant revised its flood modelling to include consideration of the site outlet being completely blocked as a proxy for blockage of the inlet pits, and proposed the construction of threshold ramps at each doorway to provide 300 mm of freeboard above the 1% AEP flood level. The Applicant also confirmed the SES does not provide comment on local flood emergency response plans.</li> <li>In its submission on the RTS, Council reiterated its concerns in relation to blockage modelling and the development's finished floor levels. Concern was also raised regarding changes to the 1% AEP flood level and the volume of flows entering the site during a flood event.</li> </ul>	<p>Require the Applicant:</p> <ul style="list-style-type: none"> <li>ensure all floor levels are no lower than the 1% AEP flood level plus 300 mm of freeboard</li> <li>prepare and implement a FERMP during both construction and operation.</li> </ul>

Assessment	Recommendation
<ul style="list-style-type: none"> <li>In consultation with Council, the Applicant further revised the FMP to include consideration of inlet curves and blockage factors for the flood detention system.</li> <li>Through this process, the 1% AEP flood level was confirmed to be 4.61 m AHD, and the development's finished floor height was increased to 4.91 m AHD (300 mm above the 1% AEP flood level).</li> <li>Council subsequently advised it had no further concerns in relation to flooding.</li> <li>The Department has considered the findings of the revised FMP and the advice provided by Council and the EES Group and is satisfied the development would not result in additional flooding impacts beyond existing flood conditions. The development's floor levels would be constructed more than 300 mm above the 1% AEP flood level and the proposed flood detention system would help to improve off-site flood levels at adjacent properties.</li> <li>The Department has recommended conditions to ensure both the proposed design measures and a comprehensive Flood Emergency Response Management Plan (FERMP) are implemented at the site. The FERMP would be prepared by a suitably qualified person, in consultation with Council, and would include details of the refuge and evacuation protocols for all employees, contractors and visitors (including click and collect customers) during flood events.</li> <li>The Department's assessment concludes the development would have negligible flood impacts and would not adversely impact upon the safety of occupants during a flood event, subject to the recommended conditions of consent.</li> </ul>	
Permissibility	
<p><u>CFC office space</u></p> <ul style="list-style-type: none"> <li>Under the Marrickville LEP 2011, standalone commercial premises (including offices) are prohibited within the IN1 – General Industrial zone.</li> <li>The CFC's office space would be used by both CFC workers and WooliesX, the Applicant's digital business unit. WooliesX manages a range of services on behalf of the Applicant, including its e-commerce services, digital presence (including apps) and customer loyalty program.</li> <li>The CFC's office space comprises 7,762 m<sup>2</sup> (20.1%) of the development's total 38,498 m<sup>2</sup> GFA.</li> <li>Although independent office uses are prohibited on the site, the Department notes the office use does not form the major component of the development and is directly linked to the operation of the CFC. The co-location of the CFC and the Applicant's digital business unit at the site will help to ensure the fulfilment centre appropriately responds to online demand and evolving customer expectations.</li> <li>The Minister (or their delegate) may consider partly prohibited development under section 4.38(3) of the EP&amp;A Act in instances where the proposal is also SSD (see <b>Section 4.2</b>). The Department has</li> </ul>	<p>Require the Applicant:</p> <ul style="list-style-type: none"> <li>ensure the main office building is only used as ancillary office space to the CFC and/or the warehouse and distribution centre, and as described in the SSD application.</li> </ul>

Assessment	Recommendation
<p>reviewed the proposal and is satisfied the proposed CFC office is compatible with surrounding land uses, as it would:</p> <ul style="list-style-type: none"> <li>○ comprise only 20.1% of the development's overall GFA</li> <li>○ be located on the corner of Edinburgh Road and Sydney Steel Road, increasing activation of the streetscape and the quality of the public domain when compared to the existing situation</li> <li>○ increase the separation distance between the warehouse building and nearby residential receivers, helping to soften the appearance of the overall development</li> <li>○ would not result in any adverse impacts in terms of traffic, parking or access (see <b>Section 6.3</b>)</li> <li>○ align with a number of key objectives under the Region Plan and the ECDP, by helping to ensure industrial-zoned land within the Marrickville area is appropriately retained and supported by complementary office uses and providing a range of accessible job opportunities within the Eastern Economic Corridor.</li> </ul> <ul style="list-style-type: none"> <li>• The Department has recommended a condition be imposed to ensure the office component is only used to house the Applicant's digital business unit and to support the operation of the overall development (as described in the EIS and RTS).</li> <li>• The Department's assessment concludes the proposed office use, as part of the wider use of the site, is appropriate in its context.</li> </ul> <p><u>Stormwater channel</u></p> <ul style="list-style-type: none"> <li>• The CFC's office space and the multi-storey parking structure would be located over the existing stormwater channel, which is zoned SP2 – Infrastructure.</li> <li>• These uses are not permitted within the SP2 zone. However, under clause 5.3 of the Marrickville LEP 2011, development may be carried out across zone boundaries if the consent authority is satisfied that: <ul style="list-style-type: none"> <li>○ the development is not inconsistent with the objectives for development in both zones, and</li> <li>○ the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.</li> </ul> </li> <li>• As discussed in this report (see 'Stormwater' above), the Applicant has worked in consultation with Sydney Water and Council to relocate the stormwater channel to the north-eastern boundary of the site. This will ensure that no buildings or structures associated with the development impact upon the provision and/or maintenance of stormwater infrastructure within the Marrickville area.</li> <li>• In addition, both the CFC office space and the multi-storey parking structure would directly support the operation of the CFC in the adjacent IN1 – General Industrial zone and help to provide a suitable buffer between the overall development and residential receivers along Edinburgh Road.</li> </ul>	



Assessment	Recommendation
<ul style="list-style-type: none"> <li>Accordingly, the Department is satisfied that:               <ul style="list-style-type: none"> <li>the location of the CFC office space and the multi-storey parking structure is appropriate in the overall context of the site</li> <li>these structures would not adversely impact upon the relocated stormwater channel</li> <li>these land uses are compatible with the planning objectives for both the IN1 and SP2 zones.</li> </ul> </li> </ul>	
<b>Air quality</b>	
<ul style="list-style-type: none"> <li>The construction and operation of the development has the potential to result in air quality impacts to surrounding sensitive receivers. The EIS included an Air Quality Impact Assessment (AQIA) which assessed potential air pollutant emissions associated with the construction and operation of the development as well as odour emissions from the running of a commercial chicken rotisserie and bakery.</li> </ul> <p><u>Construction</u></p> <ul style="list-style-type: none"> <li>Over a construction period of approximately 35 months, dust and particulate emissions may be generated during standard construction hours by demolition and remediation works, earthworks and the construction of a two-storey warehouse, office space, staff parking area and associated infrastructures.</li> <li>The AQIA found a high risk of dust impacts during all phases of construction. With regards to health or nuisance effects on nearby sensitive receivers, the AQIA reported a high risk of impacts would be anticipated during demolition works without the implementation of mitigation measures whereas a medium risk of health or nuisance impacts would be anticipated during other phases of construction.</li> <li>Accordingly, the AQIA recommended implementing a variety of management and mitigation measures to suppress dust emissions, such as the use of water-assisted dust sweepers, as part of a Construction Environmental Management Plan (CEMP) for the site.</li> <li>No comments were made regarding air quality impacts during construction by Council.</li> <li>The Department has reviewed the AQIA and is satisfied air pollutant emissions associated with the construction of the development would be appropriately managed through the Applicant's commitments in the EIS and recommended conditions, including requiring the Applicant to prepare a CEMP and to take all reasonable steps to minimise dust generation such as the use of effective dust suppression measures during works and ensuring truck loads are covered before exiting the site.</li> <li>The Department's assessment concludes the temporary air quality impacts associated with the construction of the development would be acceptable, subject to the implementation of a site-specific CEMP and all reasonable and feasible measures by the Applicant to minimise dust.</li> </ul>	<p>Require the Applicant:</p> <ul style="list-style-type: none"> <li>take all reasonable steps to minimise dust generated during all stages of construction works</li> <li>ensure the development's emissions comply with relevant legislation for air pollutant emissions and prohibit the emission of offensive odour</li> <li>ensure the mitigation measures recommended in the AQIA are implemented.</li> </ul>

Assessment	Recommendation
<p><u>Operation</u></p> <ul style="list-style-type: none"> <li>The primary source of emissions during operation relates to odour emissions associated with the on-site chicken rotisserie and bakery and general vehicle emissions.</li> <li>Exhaust emissions from general vehicle use were deemed to be minor based on the traffic volumes predicted in the development's TIA, and the Applicant is committed to implementing a policy of zero engine idling.</li> <li>The AQIA included a qualitative assessment of odour risks for cooking processes associated with the on-site chicken rotisserie and bakery.</li> <li>This assessment found the operation of the bakery has the potential to result in odour impacts due to the frequency, intensity and/or duration of baking activities. Further, odour associated with the chicken rotisserie also has the potential to impact upon the surrounding area as a result of its potential cooking capacity.</li> <li>Accordingly, the AQIA recommended implementing a range of mitigation measures for all on-site commercial kitchen operations including, but not limited to, the provision of grease arrestors, particulate filtration systems and odour treatment systems (e.g. ultra-violet treatment, carbon absorption, etc).</li> <li>Subject to the implementation of these mitigation measures, the AQIA concluded the operation of the bakery and the chicken rotisserie is unlikely to result in offensive odour impacts to surrounding residential receivers.</li> <li>No comments were made regarding operational air quality impacts by Council.</li> <li>The Department has reviewed the Applicant's analysis and considers the AQIA has provided an appropriate assessment of potential air quality impacts associated with the operation of the development and identified suitable mitigation measures.</li> <li>The Department has subsequently recommended a condition which requires the installation and operation of on-site equipment be carried out in line with best practice to ensure that the development complies with the relevant requirements of the Protection of the Environment Operations (Clean Air) Regulation 2021.</li> <li>Subject to the implementation of this condition and the commitments made by the Applicant, the Department is satisfied the operation of the development would not result in adverse air quality impacts to surrounding sensitive receivers.</li> </ul>	
<p><b>Contamination</b></p> <ul style="list-style-type: none"> <li>The EIS included a detailed Site Investigation Report prepared in accordance with the requirements of the <i>Contaminated Land Management Act 1997</i> (CLM Act).</li> <li>The report identified three potential contamination issues: <ul style="list-style-type: none"> <li>there is potential for asbestos-impacted fill materials to be encountered during demolition and bulk earthworks, particularly in and around the north-eastern section of the site</li> </ul> </li> </ul>	<p>Require the Applicant:</p> <ul style="list-style-type: none"> <li>engage a Site Auditor</li> <li>undertake the remediation works in accordance with the RAP</li> </ul>

Assessment	Recommendation
<ul style="list-style-type: none"> <li>○ the site has been used for various commercial purposes, and multiple underground fuel storage tanks were identified in a search of SafeWork NSW's records</li> <li>○ elevated levels of copper, mercury and zinc were encountered above the relevant ecological criteria in groundwater samples.</li> <li>• The report was reviewed by a NSW EPA-accredited Site Auditor who recommended a Remedial Action Plan (RAP) be prepared to ensure any contamination encountered during the demolition and construction works can be appropriately managed.</li> <li>• During its assessment of the application, the Department requested the Applicant provide a RAP for the site to align with the recommendations of the site investigation report and to ensure the site can be made suitable for the intended industrial and commercial land uses.</li> <li>• The Applicant subsequently provided a RAP for the on-site remediation works which was prepared by a suitably qualified individual in consultation with the Site Auditor.</li> <li>• The RAP made the following recommendations: <ul style="list-style-type: none"> <li>○ excavation and off-site disposal of fill material impacted by asbestos and any other potential contaminants</li> <li>○ off-site disposal of any rubbish and stockpiled building materials potentially impacted by asbestos-containing material (ACM)</li> <li>○ if found on site, decommissioning, removal and off-site disposal of underground fuel storage tank/s and associated infrastructure</li> <li>○ implementation of an unexpected finds protocol during site works and the preparation of a validation assessment report following completion of the remediation works</li> <li>○ if necessary, ongoing management and monitoring of groundwater contamination through the implementation of an Environmental Management Plan (EMP).</li> </ul> </li> <li>• The Department has considered the RAP and is satisfied contamination on the site can be appropriately managed and that contamination risks associated with the development would be minimal.</li> <li>• The Department has recommended conditions to ensure the remediation works are carried out by suitably qualified contractors in accordance with the RAP. The completed remediation works would then need to be validated by the Site Auditor to confirm that the site is suitable for its intended industrial and commercial land uses.</li> <li>• If requested by the Site Auditor, the Applicant would also be required to prepare and implement an EMP to minimise the potential for any adverse environmental impact(s) at the site, including those associated with groundwater contamination.</li> <li>• The Department's assessment concludes that with the implementation of the RAP and the recommended conditions of consent, any existing on-site contamination can be suitably managed and remediated and the site will be suitable for its intended land use.</li> </ul>	<ul style="list-style-type: none"> <li>• submit a validation report to the Site Auditor, following completion of remediation works</li> <li>• obtain a Site Audit Report and Site Audit Statement from the Site Auditor, which confirms the objectives stated in the RAP have been achieved and the site is suitable for its intended use</li> <li>• if necessary, prepare and implement an EMP to ensure the ongoing management and monitoring of groundwater contamination at the site.</li> </ul>

Assessment	Recommendation
<p><b>Hazards and risk</b></p> <ul style="list-style-type: none"> <li>The development involves the storage of up to 45,000 kg of Class 3 flammable liquids and a relatively smaller fraction of other dangerous goods such as corrosive substances, aerosols, and flammable solids, which has the potential to result in hazard and risk impacts.</li> <li>The EIS included a screening assessment which indicated the development would not be considered potentially hazardous under former SEPP 33 as the quantities of flammable liquids to be stored on site and transported do not exceed the applicable thresholds.</li> <li>To enable the Department to comprehensively assess the potential hazard and risk impacts, further information regarding the type and quantities of other dangerous goods proposed to be stored and transported was requested. The Applicant subsequently confirmed all other dangerous goods would also be under the applicable SEPP 33 thresholds.</li> <li>In its submission, FRNSW requested the Applicant be required to develop an emergency response plan that specifically addresses foreseeable on-site and off-site fire events and other emergency incidents or potential hazmat incidents. Additionally, appropriate risk control measures required to safely mitigate potential risks to firefighters and first responders would also need to be specified in the emergency response plan.</li> <li>The Department concurs with the Applicant's analysis and has recommended conditions requiring all dangerous goods stored on site to be below the SEPP 33 threshold quantities at all times and handled in accordance with the relevant Australian Standards.</li> <li>While a condition requiring the preparation of an emergency response plan has not been included, the Applicant will be required under the <i>Work Health and Safety Regulation 2017</i> to prepare and submit such a plan to FRNSW.</li> <li>The Department's assessment concludes the development is consistent with the aims of former SEPP 33, and would not be considered a potentially hazardous industry under clause 3 of this SEPP.</li> </ul>	<p>Require the Applicant:</p> <ul style="list-style-type: none"> <li>ensure all dangerous goods stored at the site do not exceed the screening threshold quantities listed in <i>Applying SEPP 33</i> (DoP, 2011)</li> <li>ensure all dangerous goods are stored and handled in accordance with the relevant Australian Standards.</li> </ul>
<p><b>Aboriginal cultural heritage</b></p> <ul style="list-style-type: none"> <li>The RTS included a finalised Aboriginal Cultural Heritage Assessment Report (ACHAR) which was prepared in accordance with the relevant statutory guidelines under the <i>National Parks and Wildlife Act 1974</i>.</li> <li>The ACHAR found that while the surrounding area is largely developed and has been subject to extensive drainage modifications, the site's proximity to the confluence of two former natural tributaries and the presence of residual underlying sediments in the site's soil profile indicates there is a moderate to high archaeological potential for Aboriginal objects to be encountered during construction works.</li> <li>The ACHAR subsequently provided the following recommendations: <ul style="list-style-type: none"> <li>continued consultation with registered Aboriginal parties (RAPs) in relation to the development</li> </ul> </li> </ul>	<p>Require the Applicant:</p> <ul style="list-style-type: none"> <li>prepare and implement an Aboriginal RDEM, in consultation with the RAPs and Heritage NSW</li> <li>implement an unexpected finds protocol</li> <li>implement a human remains procedure.</li> </ul>

Assessment	Recommendation
<ul style="list-style-type: none"> <li>○ preparation and implementation of an Aboriginal cultural heritage research design and excavation methodology (Aboriginal RDEM) to further investigate on-site landscape features and their potential for retaining Aboriginal objects and archaeological resources</li> <li>○ implementation of an unexpected finds protocol and human remains procedure during excavation works.</li> <li>• In its submission on the RTS, Heritage NSW advised it had no further comments in relation to Aboriginal cultural heritage, subject to the implementation of the recommendations provided in the ACHAR.</li> <li>• The Department has recommended conditions of consent consistent with the ACHAR, which require the preparation and implementation of an Aboriginal RDEM, an unexpected finds protocol and a human remains procedure during construction and excavation works.</li> <li>• The Department's assessment concurs with the findings of the ACHAR and concludes that, given the topography of the site and the depth of the natural soil profile, there is the potential for intact Aboriginal archaeological deposits to be encountered at the site.</li> </ul>	
<b>Non-Aboriginal cultural heritage</b>	
<ul style="list-style-type: none"> <li>• The site has been the subject of progressive development and alterations since initial occupation over 100 years ago. The EIS included a heritage impact statement which concluded the site has been heavily disturbed and does not comprise items of non-Aboriginal heritage significance.</li> <li>• The site is located in the vicinity of two heritage items corresponding to a flood storage reserve fronting Garden Street and brick paving located along Bourne Street. The heritage impact statement indicated the development does not have any critical interfaces or visual relationships with these nearby items and concluded the development respects the industrial history and character of the place and will not obstruct or impact these heritage items.</li> <li>• The Department is satisfied the site is not of historical significance and, given the separation distances from nearby heritage items, would not have an impact on these items.</li> <li>• Notwithstanding, any archaeological items encountered during construction will be appropriately managed through the preparation and implementation of an unexpected finds protocol.</li> </ul>	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> <li>• prepare and implement an unexpected finds protocol.</li> </ul>
<b>Contributions</b>	
<ul style="list-style-type: none"> <li>• Under section 7.11 of the EP&amp;A Act and the Marrickville Section 94/94A Contributions Plan 2014, the Applicant is required to pay: <ul style="list-style-type: none"> <li>○ a commercial development contribution of \$13,588.20 per 100 m<sup>2</sup> of additional on-site office GFA</li> <li>○ an industrial development contribution of \$3,244.82 per 100 m<sup>2</sup> of additional on-site CFC/warehouse GFA.</li> </ul> </li> <li>• This is the primary mechanism by which contributions for recreation, community and traffic facilities are collected in the Inner West LGA.</li> </ul>	<p>Require the Applicant:</p> <ul style="list-style-type: none"> <li>• pay the section 7.11 development contribution to Council.</li> </ul>



Assessment	Recommendation
<ul style="list-style-type: none"> <li>• The Department has subsequently recommended a condition requiring the Applicant pay a Section 7.11 (previously known as Section 94) development contribution.</li> <li>• At the time of writing this report, the contribution amounts to \$1,606,476.94, and would be adjusted at the time of payment in accordance with the Consumer Price Index (CPI) and Council's Contribution Plan. The contribution is based on an additional industrial GFA of 19,027 m<sup>2</sup> and an additional commercial GFA of 7,279 m<sup>2</sup>.</li> </ul>	

## 7 Evaluation

The Department's assessment of the SSD application has 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 considered the development on its merits, taking into consideration strategic plans that guide development in the area, the EPIs that apply to the development, the advice received from the relevant government authorities, including Council, and the submissions received from the public.

The development involves the construction of a new CFC and warehouse in Sydney's inner west and will use innovative technologies (including automation) to provide faster delivery services to online shoppers and nearby supermarkets. Importantly, the development will provide up to 361 construction jobs and 660 operational jobs and represents a direct investment of more than \$142 million in the Inner West LGA. The proposal is consistent with the key objectives of the Region Plan and the ECDP, as it will help to retain and improve the efficiency of business-zoned land within the Eastern Economic Corridor.

None of the relevant government authorities objected to the proposal. The Department acknowledges the concerns raised by the local community regarding 24-hour operation, heavy vehicles travelling west along Edinburgh Road, the bulk and scale of the development, cumulative construction impacts and vegetation removal. The Department has sought to address any issues raised, including those raised in public submissions, through consultation with both the government authorities and the Applicant.

The Department's assessment considered urban design and visual impacts, noise, and traffic and access to be the key matters for consideration.

While the Department acknowledges the development would be visible from several residential receivers along Edinburgh Road, it is satisfied the proposed building setbacks, façade treatments and landscaping achieve a high-quality design outcome that will soften the appearance of the building and help to reduce its impact over time. In addition, the Department notes the signage proposed by the Applicant would not be visible from any nearby residential receivers and is satisfied the art feature wall facing Sydney Steel Road will help to integrate the overall development into Marrickville's creative identity. The Department has recommended conditions to ensure the proposed architectural and landscaping treatments are fully implemented prior to the commencement of operation of the development, and that the final design for the art feature wall is prepared by a suitably qualified artist in consultation with Council.

As night-time operational noise was a key issue raised by members of the public, the Department has worked with the Applicant to ensure the submitted modelling has provided a comprehensive, quantitative assessment of all possible noise impacts, including noise emissions associated with the staff parking area fronting Edinburgh Road and additional vehicle movements on public roads in the vicinity of the site. To ensure compliance with the development's noise mitigation trigger levels, the Applicant has put forward a number of site-specific management and mitigation measures, including the installation of screening barriers in the staff parking area and rear loading dock, and prohibiting articulated heavy vehicles and returning delivery vans from using the section of Edinburgh Road between Victoria Road and Sydney Steel Road during the night-time period. The Department has incorporated these measures into the recommended conditions of consent.

Finally, the Department worked extensively with TfNSW and the Applicant to improve the safety and efficiency of the proposed Edinburgh Road/Smidmore Street intersection upgrade works, and is subsequently satisfied traffic associated with the development would be adequately accommodated on the local and regional road network. The Department has recommended conditions to ensure the Applicant works closely with TfNSW throughout the detailed design and delivery of the intersection upgrade works, and that a CTMP and OTMP are implemented to appropriately manage any residual traffic impacts.

The Department has also recommended a range of detailed conditions to address any residual stormwater, flooding and contamination impacts associated with the construction and operation of the development, and to ensure an appropriate developer contribution is paid to Council. These conditions were informed by the recommendations of the relevant government authorities and have been reviewed by both the Applicant and Council.

Overall, the development is consistent with the objectives of the relevant NSW Government policies and would help support the online grocery shopping needs of greater Sydney. On balance, the Department considers the development is in the public interest and the SSD application is approvable, subject to conditions (see **Appendix F**).

## 8 Recommendation

For the purpose of section 4.38 of the *Environmental Planning and Assessment Act 1979*, it is recommended that the Director, Industry Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **considers** the Applicant's written request seeking to justify the departure from the existing floor space ratio (FSR) development standard outlined under clause 4.4(2) of the Marrickville Local Environmental Plan (LEP) 2011
- **be satisfied** that the matters outlined under clause 4.6 of the Marrickville LEP 2011 have been adequately addressed in relation to the FSR development standard
- **accepts** the variation of the existing FSR standard outlined under clause 4.4(2) of the Marrickville LEP 2011
- **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 the Woolworths Customer Fulfilment Centre and Warehouse, Marrickville (SSD-10468), subject to the conditions in the attached development consent
- **signs** the attached recommended conditions of consent (see **Appendix F**).

Prepared by:  
Jeffrey Peng and Patrick Copas  
Industry Assessments

**Recommended by:**



31 May 2022

**Patrick Copas**  
Senior Environmental Assessment Officer  
Industry Assessments

**Recommended by:**



9 June 2022

**Joanna Bakopanos**  
Team Leader  
Industry Assessments

## 9 Determination

The recommendation is **Adopted** by:

A handwritten signature in black ink, appearing to read 'C. Ritchie', written in a cursive style.

16 June 2022

**Chris Ritchie**

Director

Industry Assessments



# 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 – Consistency with LEP objectives

Appendix E – Key issues – Council and community views

Appendix F – 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 Assessment – 74 Edinburgh Road, Marrickville and all attachments, prepared by Urbis Pty Ltd, dated 19 October 2020.

### Response to submissions

- document titled 'Submissions Report – 74 Edinburgh Road, Marrickville' and all attachments, prepared by Urbis Pty Ltd, dated 27 September 2021.

### Additional information

- letter titled 'Response to request for further information – Woolworths Warehouse and Customer Fulfilment Centre, Marrickville (SSD-10468)' and all attachments, prepared by Urbis Pty Ltd, dated 17 March 2022
- document titled 'Remediation action plan for proposed warehouse and customer fulfilment centre with ancillary offices' and all attachments, prepared by JK Environments Pty Ltd, dated 18 November 2021.

### Submissions

- all submissions received from Council and the relevant public authorities, utility providers and the public.

### 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/35116>.

## Appendix B Considerations under section 4.15 of the EP&A Act

Section 4.15 of the EP&A Act requires that the consent authority, when determining a development application, must take into consideration the matters contained in **Table 5** below.

**Table 5** | Matters for consideration under section 4.15

Matter	Consideration
<p>a) the provisions of:</p> <ul style="list-style-type: none"> <li>i) any environmental planning instrument, and</li> <li>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 Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</li> <li>iii) any development control plan, and</li> <li>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</li> <li>iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,</li> </ul>	<p>A detailed consideration of the provisions of all environmental planning instruments (including draft instruments subject to public consultation under the EP&amp;A Act) that apply to the development is provided below.</p> <p>The Applicant has not entered into any planning agreement under section 7.4 of the EP&amp;A Act.</p> <p>The Department has undertaken its assessment of the development in accordance with all relevant matters as prescribed by the EP&amp;A Regulation, the findings of which are contained within this report.</p>
<p>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,</p>	<p>The Department has considered the likely impacts of the development in detail in <b>Section 6</b> of this report. The Department concludes that all environmental impacts and social and economic impacts can be appropriately managed and mitigated through the recommended conditions of consent.</p>
<p>c) the suitability of the site for the development,</p>	<p>The development involves the construction and operation of a CFC and a warehouse and distribution centre on the edge of an established industrial area. The development is permissible with development consent.</p>

Matter	Consideration
d) any submissions made in accordance with this Act or the regulations,	All matters raised in submissions have been summarised in <b>Section 5</b> of this report and considered as part of the assessment of the development in <b>Section 6</b> .
e) the public interest.	<p>The development would generate approximately 361 jobs during construction and up to 660 full-time equivalent jobs during operation. The development is a considerable capital investment in the Inner West LGA that would contribute to the provision of local jobs.</p> <p>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.</p>

## **Appendix C    Consideration of environmental planning instruments**

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

- former State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)
- former State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- former State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)
- former State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- former State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64)
- draft State Environmental Planning Policy (Remediation of Land) (draft Remediation SEPP)
- Marrickville Local Environmental Plan 2011 (Marrickville LEP 2011)
- draft Consolidated Inner West Local Environmental Plan (draft Consolidated LEP).

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

The SRD SEPP identifies certain classes of development as SSD. The construction and operation of a warehouse and distribution centre with a CIV greater than \$30 million meets the criteria in clause 12 of Schedule 1 of the SRD SEPP and is consequently classified as SSD. The development satisfies the criteria in clause 25 of Schedule 1 as it would involve the construction of both a CFC and a warehouse and distribution centre with a combined CIV of approximately \$142 million.

### **Former State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)**

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State and lists the type of development defined as 'traffic generating development'.

The development constitutes traffic generating development in accordance with the Infrastructure SEPP as it includes a warehouse or distribution centre on a site with an area of more than 8,000 m<sup>2</sup>. Consequently, the development was referred to TfNSW for comment and consideration of accessibility and traffic impacts.

Following extensive negotiations with the Applicant, TfNSW advised it did not object to the development, subject to the implementation of the conceptual Edinburgh Road / Smidmore Street intersection TCS plan and a Green Travel Plan during operation (see Section 6.3). The Department has incorporated TfNSW's requirements into the recommended conditions of consent.

The development is therefore considered consistent with the ISEPP.

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

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

The EIS identified that the proposed development would involve the storage and handling of up to 45,000 kg of Class 3 flammable liquids and a relatively smaller fraction of other dangerous goods such as corrosive substances, aerosols, and flammable solids. As the proposed quantities would not exceed



the screening thresholds under SEPP 33, the Department is satisfied the development would not be considered a potentially hazardous or potentially offensive industry.

The Department has recommended conditions to manage the storage and handling of these goods at the site, and to ensure any dangerous goods stored at the site do not exceed the screening threshold quantities listed in the *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* (DoP, 2011).

#### **Former 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
- that remediation works undertaken meet certain standards and notification requirements.

The Applicant's contamination assessment identified three potential contamination issues, being the potential for asbestos-impacted fill materials to be encountered during demolition and bulk earthworks, the existence of former underground fuel storage tanks and elevated levels of copper, mercury and zinc in groundwater samples.

The Applicant subsequently prepared a RAP for the development which was prepared in consultation with an EPA-accredited Site Auditor. The RAP recommended the excavation and off-site disposal of contaminated materials (including asbestos-impacted materials and fuel tanks) and, if necessary, the ongoing management and monitoring of groundwater contamination through an EMP.

The Department has considered the RAP and is satisfied contamination on the site can be appropriately managed and that contamination risks associated with the development would be minimal. Subject to the implementation of both the RAP and a site validation process undertaken by the Site Auditor, the Department's assessment concludes the development can be made suitable for its intended use and would be consistent with the aims, objectives and provisions of SEPP 55.

#### **Former 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, provides effective communication in suitable locations and is of a high-quality design and finish.

The development includes the installation of 10 building identification and wayfinding signs. The Department considers this signage is compatible with the existing industrial/commercial nature of the surrounding area and would be directed away from residential receivers to the north-west. The Department is consequently satisfied the proposed signage would not detract from the surrounding locality and would allow 'click and collect' customers to clearly identify the site.

The recommended development consent includes conditions to ensure that all signage is installed in accordance with the submitted architectural drawings and complies with the latest version of *AS/NZS 4282-2019 – Control of the obtrusive effects of outdoor lighting* (Standards Australia, 2019). Subject to the implementation of these conditions, the Department is satisfied the proposed signage will be consistent with the aims and objectives of SEPP 64.

### **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 new provisions outlined in *Remediation of Land SEPP – Explanation of Intended Effect* (DPE, 2018), and the Department is subsequently satisfied that the development would be consistent with the draft Remediation SEPP.

### **Marrickville Local Environmental Plan 2011 (Marrickville LEP 2011)**

The Marrickville LEP 2011 aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the former Marrickville LGA. It also aims to conserve and protect natural resources and foster economic, environmental and societal well-being.

The development is located on land zoned IN1 – General Industrial and SP2 – Infrastructure under the LEP. As discussed in **sections 4.2 and 6.4** of this report, the Department is satisfied the use of CFC and the warehouse and distribution centre is permissible with consent, and all proposed land uses are compatible with the planning objectives for both the IN1 and SP2 zones.

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the LEP and those matters raised by Council in its assessment of the development (see **Section 6** of this report). The Department concludes that the development is consistent with the relevant provisions of the Marrickville LEP 2011.

### **Draft Consolidated Inner West Local Environmental Plan (draft Consolidated LEP)**

The draft Consolidated LEP seeks to consolidate the three existing LEPs that apply to development in the area to achieve a simplified set of planning provisions for the broader LGA. The LEP will provide consistency through standardised land uses and controls, and provide the groundwork for Council to develop a more comprehensive LEP and DCP in the future.

The development has been assessed against the existing Marrickville LEP 2011, which the draft Consolidated LEP will replace. As it is considered the development is consistent with the relevant provisions of the Marrickville LEP 2011, the Department is satisfied the development would be consistent with the draft Consolidated LEP.

## Appendix D Consistency with LEP objectives

Clause 4.6 of the Marrickville LEP 2011 requires that the consent authority, when considering a request to vary a development standard, must be satisfied the proposal is consistent with the objectives of the particular standard and the objectives for development within the applicable land use zone/s (see **Table 6** below).

**Table 6** | Consistency with the objectives of the development standard and the land use zones

Objective	Consideration
<b>FSR development standard</b>	
<i>To establish the maximum floor space ratio,</i>	The Applicant has advised the additional FSR would help to accommodate the semi-automated machinery and inventory associated with the proposed CFC and warehouse.
<i>To control building density and bulk in relation to the site area in order to achieve the desired future character for different areas,</i>	The development has been designed to respond to the surrounding context, with the main CFC and warehouse positioned towards the rear of the site, away from residential land uses. The proposed office building, carpark and public domain areas would help to soften the appearance of the industrial land uses and provide a suitable transition between the IN1 zoned area, the Marrickville Metro shopping centre and the residential area to the north.
<i>To minimise adverse environmental impacts on adjoining properties and the public domain.</i>	As discussed above, the development has been designed with the main CFC and warehouse building located towards the rear of the site. This arrangement will ensure the additional GFA does not result in overshadowing impacts to nearby residential properties and minimise any potential noise and traffic impacts during operation.
<b>IN1 – General industrial zone</b>	
<i>To provide a wide range of industrial and warehouse land uses.</i>	The development would provide a new CFC and warehouse within the IN1 zone.
<i>To encourage employment opportunities.</i>	The development would provide up to 660 full-time equivalent jobs once operational.
<i>To minimise any adverse effect of industry on other land uses.</i>	As discussed above, the development has been designed with the main CFC and warehouse building located towards the rear of the site. This arrangement will ensure the additional GFA does not result in overshadowing impacts to nearby residential properties and minimise any potential noise and traffic impacts during operation.

Objective	Consideration
<i>To support and protect industrial land for industrial uses.</i>	The development would protect and maintain existing industrial land for use as a CFC and warehouse. In addition, the proposed office building would not form a major component of the development and would be directly linked to the operation of the CFC.
<i>To protect industrial land in proximity to Sydney Airport and Port Botany.</i>	The development would protect and maintain existing industrial land within close proximity to Sydney Airport and Port Botany and provide additional warehousing floor space within the Eastern Economic Corridor.
<b>SP2 – Infrastructure zone</b>	
<i>To provide for infrastructure and related uses.</i>	As discussed in <b>Section 6.4</b> of this report, the Applicant has worked in consultation with Sydney Water and Council to relocate the stormwater channel to the north-eastern boundary of the site. This will ensure the stormwater channel is appropriately protected, and that no buildings or structures associated with the development impact upon the provision and/or maintenance of stormwater infrastructure within the Marrickville area.
<i>To prevent development that is not compatible with or that may detract from the provision of infrastructure.</i>	
<i>To protect and provide for land used for community purposes.</i>	

## Appendix E Key issues – Council and community views

The Department of Planning and Environment exhibited the Environmental Impact Statement for the development from 29 October 2020 until 25 November 2020 (28 days). During the exhibition period, the Department received 18 submissions from the public and advice from seven government authorities, including Council. Of the public submissions, 16 objected to the development. The majority of community members who made a submission live within the residential area to the immediate north-west of the site. The issues raised by the public and a summary of how each issue has been addressed is provided in below.

**Table 7 |** Consideration of Council and community views

Issue	Consideration
<p><b>Traffic and access</b></p> <p>Concern was raised by the public in relation to the impact of operational traffic travelling past homes on Edinburgh Road, and the use of the proposed emergency access point by heavy vehicles accessing the site.</p>	<p>In its Response to Submissions (RTS) report, Woolworths Group Limited (the Applicant) contended that placing a permanent restriction on heavy vehicles turning left out of Sydney Steel Road onto Edinburgh Road was not necessary given the low number of heavy vehicles which would access the site via this route.</p> <p>However, given the concerns raised by local residents primarily related to the road traffic noise impacts, the Applicant has committed to prohibiting left-hand turn movements during the night-time period (from 10pm to 7am) to minimise impacts on the adjoining residential area.</p> <p>The RTS also clarified the emergency access point would only be used by emergency vehicles (such as fire trucks or ambulances) when responding to an incident at the site. At all other times, the access point would be secured by a chain and would not be used by cars or heavy vehicles.</p> <p><u>Conditions include:</u></p> <p>The Department has recommended conditions requiring the Applicant prepare a Driver Code of Conduct for the site, which will ensure that all delivery van and heavy vehicle drivers are made aware of the night-time restriction placed upon heavy vehicles using Edinburgh Road. A separate condition has also been imposed to ensure the emergency access point is only used where directed by the NSW Police Force or other authorities for safety reasons.</p>
<p><b>24-hour operations</b></p> <p>Concern was raised by the public regarding the potential noise and traffic impacts associated with the 24-hour operation of the development.</p>	<p>The Department has worked with the Applicant to ensure the submitted noise modelling has provided a comprehensive, quantitative assessment of all possible noise impacts, including emissions associated with the staff parking area fronting Edinburgh Road and additional vehicle movements on public roads in the vicinity of the site.</p> <p>To ensure compliance with the development's noise mitigation trigger levels, the Applicant has put forward a number of site-specific management and mitigation measures, including:</p> <ul style="list-style-type: none"> <li>adopting a concrete surface finish in the carpark to minimise tyre squeal noise</li> </ul>



Issue	Consideration
<p><b>Visual impacts</b></p> <p>Concern was raised by the public that a seven storey building would be too large for the site, and it would negatively impact upon the social fabric and environment of the surrounding area. One submission also raised concerns in relation to visual privacy and the impact of vehicle headlight intrusion on nearby homes.</p>	<ul style="list-style-type: none"> <li>prohibiting returning delivery vans and articulated vehicle movements associated with the development from using the section of Edinburgh Road between Victoria Road and Sydney Steel Road during the night-time period (from 10pm to 7am) to minimise traffic noise impacts</li> <li>installing acoustic screening barriers in the staff parking area and part of the rear loading dock</li> <li>ensuring mechanical plant is fitted with silencers and the building fabric of plant rooms is acoustically treated.</li> </ul> <p>With regard to operational traffic, the Department notes that while the Applicant has demonstrated the development would not significantly increase the volume of traffic travelling along Edinburgh Road, the night-time restriction placed upon heavy vehicles will help to further minimise the impact of operational traffic upon nearby residential properties. In addition, the Department recognises that the implementation of a Green Travel Plan will provide further opportunities to reduce the number of private vehicles travelling to and from the site throughout the day.</p> <p><u>Conditions include:</u></p> <p>The Department has recommended conditions of consent to ensure the Applicant's management and mitigation measures are implemented for the life of the development, and that operational activities comply with the established noise limits. The Department has recommended conditions of consent requiring the implementation of an Operational Traffic Management Plan to manage any residual operational traffic impacts.</p>
	<p>While the Department acknowledges the development would be visible from several residential receivers along Edinburgh Road, it is satisfied the proposed building setbacks, façade treatments and landscaping achieve a high-quality design outcome that will soften the appearance of the building and help to reduce its impact over time.</p> <p>In addition, the Department notes the building identification and wayfinding signage proposed by the Applicant would not face towards any residential receivers, and is satisfied the art feature wall on the Sydney Steel Road frontage will help to integrate the overall development into Marrickville's creative identity.</p> <p>With regard to visual privacy, the Department notes the location of the office building and the presence of existing vegetation along the northern side of Edinburgh Road would restrict views from the site towards habitable spaces. Further, the proposed acoustic barriers within the staff parking area would help to minimise any visual intrusion caused by vehicle headlights.</p> <p><u>Conditions include:</u></p> <p>The Department has recommended conditions of consent to ensure the proposed architectural and landscaping treatments are fully implemented prior to the commencement of operation, the proposed signage is installed in accordance with the relevant Australian Standard, and that the final design</p>

Issue	Consideration
	<p>for the art feature wall is prepared by a suitably qualified artist in consultation with Council.</p>
<p><b>Construction impacts</b></p> <p>Concern was raised by the public in relation to cumulative construction impacts, particularly given ongoing works at the adjacent Sydney Metro construction site. Several submissions also objected to construction works occurring 24 hours a day, seven days a week.</p>	<p>The Department is satisfied that any potential cumulative impacts associated with the construction of the development can be adequately managed through the Applicant's management and mitigation measures and the recommended conditions of consent.</p> <p>In addition, the Department notes the development does not propose 24 hours a day, seven days a week construction. Instead, works would occur between 7am and 6pm Monday to Friday and between 8am and 1pm on Saturday. These hours are consistent with the recommended standard construction hours outlined under the Environment Protection Authority's <i>Interim Construction Noise Guideline</i> (DECC, 2009).</p> <p><u>Conditions include:</u></p> <p>The Department has recommended conditions of consent requiring the Applicant to prepare and implement a Construction Traffic Management Plan for the development, which would identify specific measures to minimise any cumulative traffic impacts associated with the construction of other developments in the surrounding area (including the adjacent Sydney Metro site). The Department has also incorporated the proposed construction hours into the recommended development consent.</p>
<p><b>Vegetation removal</b></p> <p>Concern was raised by the public regarding the number of trees which would be removed to facilitate the development and the impact this would have on heat retention in the vicinity of the site.</p>	<p>While the concerns raised by the public in relation to vegetation removal are acknowledged, the Department considers the Applicant has provided adequate landscaping as part of the development, particularly given the constraints posed by the on-site stormwater channel and the industrial nature of the site.</p> <p>Although the development would result in a reduction in the number of on-site trees, the Applicant has placed particular emphasis upon locating new landscaping along the Edinburgh Road and Sydney Steel Road frontages. This focus will ensure the majority of new trees proposed at the site are located within streetscape, helping to soften the overall appearance of the development and improve the quality of tree canopy coverage within the public domain.</p> <p>The landscape zone proposed underneath the main office building will essentially act as a new 'pocket park' for the local community, providing planter walls and shaded seating for pedestrians travelling along Edinburgh Road and nearby residents.</p> <p><u>Conditions include:</u></p> <p>The Department has recommended conditions of consent requiring the preparation of a Landscape Management Plan for the site, which will describe the ongoing monitoring and maintenance measures which would be implemented to manage the landscaping works.</p>

## **Appendix F    Recommended conditions of consent**

The recommended conditions of consent for SSD-10468 can be found on the Department's website at:  
<https://www.planningportal.nsw.gov.au/major-projects/project/35116>.