



Woolworths Warehouse and Distribution Centre

State Significant Development Assessment SSD-10470

June 2021



Published by the NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: Woolworths Warehouse and Distribution Centre

Cover image: Woolworths Warehouse and Distribution Centre, Environmental Impact Statement

© State of New South Wales through Department of Planning, Industry and Environment June 2021. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Industry and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing May 2021 and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Industry and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Glossary

Abbreviation	Definition
ACH	Heritage NSW – Aboriginal Cultural Heritage
ACM	Asbestos Containing Material
Applicant	Fabcot Pty Limited
AV	Articulated vehicle
BC Act	<i>Biodiversity Conservation Act 2016</i>
BDAR	Biodiversity Development Assessment Report
CIV	Capital Investment Value
Council	Cumberland City Council
CLM Act	<i>Contaminated Land Management Act 1997</i>
DA	Development Application
Db(A)	Decibel
Department	Department of Planning, Industry and Environment
DSI	Detailed Site Investigation Report
EES	Environment, Energy and Science
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development
ICNG	Interim Construction Noise Guidelines
LEP	Local Environmental Plan

LGA	Local Government Area
Minister	Minister for Planning and Public Spaces
MNES	Matter of National Environmental Significance
NIA	Noise Impact Assessment
NPfI	NSW Noise Policy for Industry 2017
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
RAP	Remedial Action Plan
Region Plan	Greater Sydney Region Plan 2018, a Metropolis of Three Cities
RTS	Response to Submissions
SEARs	Planning Secretary's Environmental Assessment Requirements
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
TCE	Trichloroethylene
TfNSW	Transport for NSW

Executive Summary

This report details the Department of Planning, Industry and Environment's (the Department's) assessment of a State significant development application (SSD-10470) for the Woolworths Warehouse and Distribution Centre, located in the Cumberland local government area (LGA). Fabcot Pty Limited (the Applicant) propose the construction and operation of a warehouse and distribution centre (the proposed development).

The proposed development (the development) would receive chilled, fresh and ambient products from stand-alone distribution centres for storage at the site before processing and fulfilling online grocery orders for Woolworths' customers. Orders would either be dispatched by road to customer's homes or customers would be able to pick up orders directly from the site. The Applicant considers the development would achieve a significant role in satisfying market needs, as well as improving the operational efficiencies for Woolworths.

Access to the site is gained off Percy Street, which connects the site to the larger industrial precinct generally bound by St Hilliers Road and Rawson Street, to the west and south, and Parramatta Road and Nyrang Street, to the north and east. The closest residential zoned land is located along St Hilliers Road, approximately 500 metres (m) north west of the site.

Project Description

The Applicant is seeking development consent to construct and operate a warehouse and distribution facility, including the demolition of the two existing buildings on-site, remediation work, earthworks, vegetation clearing, car parking, infrastructure and landscaping.

The development has a capital investment value (CIV) of \$64.6 million and will generate approximately 150 construction jobs and 350 operational jobs. It will also facilitate the continued development of the local area and is consistent with the key objectives of the Greater Sydney Region Plan and Central City District Plan, which encourage planned and managed industrial development and the provision of jobs in Western Sydney.

The Applicant has stated that throughout 2020 online sales increased by 35%, equating to a total of \$961 million or 8% of total supermarket sales. As demand for online grocery shopping grows, Woolworths are seeking to expand their network of Customer Fulfilment Centres to fulfil and dispatch online delivery orders. The development seeks to fulfil a significant role in satisfying market needs, as well as improving the operational efficiencies for Woolworths.

Statutory Context

The development is State significant development (SSD) pursuant to section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves development for the purposes of warehouse and distribution centres with a CIV greater than \$50 million, which met the criteria in clause 12 of Schedule 1 in State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) as it applied at the time of lodgement. Consequently, the Minister for Planning and Public Spaces (the Minister) is the consent authority for the development, or his delegate.

Engagement

The Department exhibited the Development Application (DA) and accompanying Environmental Impact Statement (EIS) for the development from 28 October 2020 until 24 November 2020. During the exhibition period, the Department received five submissions from the public, three in objection and two providing comment, advice from ten government authorities, including Cumberland City Council and letters of advice from Ausgrid and Jemena.

Key concerns raised in the government advice related to heavy vehicle routes, noise management and the assessment of potential contamination on-site. The public submissions raised concerns relating to traffic generation, traffic safety, noise generation and road access during construction. The Department requested the Applicant address the matters raised in submissions and government authority advice in a Response to Submissions (RTS) report.

The Applicant submitted an RTS report on 2 February 2021. Further information was subsequently requested regarding noise impacts. Between 2 February 2021 and 24 May 2021, the Department exchanged correspondence with the Applicant seeking further information to enable a thorough assessment of the noise impacts.

On 9 June 2021, the Applicant submitted a Supplementary RTS which included a revised noise impact assessment, an independent review of the NIA, revised architectural drawings and the Applicant's proposed mitigation and management measures. The information provided resolved all outstanding concerns relating to noise impacts.

Assessment

The Department's assessment of the development 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 (ESD). During the assessment process, representatives of the Department inspected the site to provide an informed assessment of the development.

The Department has identified the key issue for assessment as noise impacts but has also assessed all other relevant matters, including traffic and contamination.

As part of its assessment, the Department sought further information from the Applicant in order to confirm the noise modelling and predictions made in the EIS. As part of its response, the Applicant employed an updated source emission inventory to provide an accurate operational noise assessment and made amendments to the loading bay areas, including provision of a cushioned soffit to absorb noise from trucks and mitigate offsite impacts. With these amendments, the Applicant's assessment demonstrated it could comply with the project specific noise levels outlined in the Environment Protection Authority's (EPA's) Noise Policy for Industry (NPfI). The Department has recommended conditions to ensure the development operates within noise limits that comply with the NPfI as well as requiring the Applicant to undertake noise verification following the commencement of operation. A Construction Noise Management Plan is also recommended to ensure construction noise is managed in accordance with the EPA's Interim Construction Noise Guideline. With these conditions in place, the Department's assessment concludes that noise impacts generated from the construction and operation of the development can be suitably mitigated and managed to an acceptable level.

The Department has also recommended a range of conditions to manage any residual amenity or environmental impacts, including additional project-specific conditions regarding management of

contamination on site. These conditions have been developed in consultation with relevant State government agencies and Council.

Local developer contributions are also payable to fund the provision of infrastructure under the recommended conditions of consent.

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

- provide a range of benefits for the region and the State as a whole, including a significant injection of capital and construction and operational jobs in the Cumberland LGA
- be consistent with NSW Government policies including, the Greater Sydney Region Plan and the Central City District Plan, which encourage planned industrial development and the provision of jobs in Western Sydney
- not have any significant amenity or environmental impacts, including on the local or regional road network.

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

Contents

1	Introduction	1
1.1	The Department's Assessment	1
1.2	Development Background	1
1.3	Site Description	2
1.4	Surrounding Land Uses	3
2	Development	5
2.1	Physical layout and design	6
2.2	Uses and activities	1
2.3	Timing	2
2.4	Applicant's Need and Justification for the Development	2
3	Strategic context	3
3.1	Greater Sydney Region Plan 2018	3
3.2	Central City District Plan	3
4	Statutory Context	4
4.1	State significance	4
4.2	Permissibility	4
4.3	Consent authority	4
4.4	Other approvals	4
4.5	Mandatory Matters for Consideration	5
4.6	Objects of the EP&A Act	5
4.7	Ecologically sustainable development	7
4.8	Biodiversity Development Assessment Report	7
4.9	Commonwealth matters	8
5	Engagement	9
5.1	Consultation	9
5.2	Summary of submissions	9
6	Assessment	13
6.1	Noise impacts	13
6.2	Other issues	18
7	Evaluation	23
8	Recommendation	25
9	Determination	26
	Appendices	27
	Appendix A – List of referenced documents	27
	Appendix B – Considerations under Section 4.15 of the EP&A Act	28

Appendix C – Consideration of Environmental Planning Instruments	30
Appendix D – Community Views for Draft Notice of Decision	33
Appendix E – Recommended Instrument of Consent	35

1 Introduction

1.1 The Department's Assessment

This report details the Department of Planning, Industry and Environment's (the Department's) assessment of the State significant development (SSD) (SSD-10470) application for Woolworths Warehouse and Distribution Centre, Auburn. The development (the proposed development) involves the construction and operation of a warehouse and distribution centre, for the purpose of storing and distributing goods for Woolworths.

The Department's assessment considers all documentation submitted by Fabcot Pty Limited (the Applicant), including the Environmental Impact Statement (EIS), Response to Submissions (RTS) and supplementary information, and submissions received from the public and advice from government agencies, Cumberland City Council (Council) and utility providers. The Department's assessment also considers the legislation and planning instruments relevant to the site and the proposed 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 the construction and operation.

1.2 Development Background

The Applicant is seeking development consent to construct and operate a Woolworths Warehouse and Distribution Centre at Auburn, located in the Cumberland local government area (LGA). The proposed development (the development) also involves the demolition of existing buildings, site preparation works, construction of car parking, infrastructure provision and landscaping.

Founded in 1924, Woolworths Group is an Australian chain of supermarkets and grocery stores, operating 995 stores across Australia and employing 115,000 staff in stores, distribution centres and their support offices. Woolworths are seeking to expand their network of Customer Fulfilment Centres (CFCs) to fulfil and dispatch online delivery orders, with existing centres located in Sydney and in greater regions of New South Wales. Due to a recent boom in online sales, where online food sales have increased by more than 35% since early 2020, equating to \$961 million or 8% of total supermarket sales, an expansion is considered necessary to fulfil the ever-growing demand. The need for the development is further discussed in **Section 2.4**.

The development is intended to operate as a CFC, functioning as a large-scale supermarket for the purpose of fulfilling online customer orders. Customers submit a grocery order through the supermarket website, which is actioned at the closest CFC for processing. The CFC combines automation as well as onsite 'personal shoppers' to fulfil the order from the bulk goods stored in the building. The completed orders are then either distributed to the customers using small rigid trucks, or customers have the option of collecting their order from site.

The Applicant considers the development would achieve a significant role in satisfying market needs, as well as improving the operational efficiencies for Woolworths.

It is noted, that at the time of writing this report, a concurrent development application for a Woolworths CFC in Marrickville is being considered by the Department (SSD-10468).

1.3 Site Description

The site comprises approximately 32,400 metre (m)² of industrial zoned land at 11 and 13 Percy Street, Auburn. The site is legally described as Lot 1 DP1183821 and Lot 2 DP1183821 and has a frontage of 166 metres (m) along Percy Street (see **Figure 1**). The site currently has two warehouses which are proposed to be demolished and contains vegetation within the frontage of the site (see **Figure 2** to **Figure 5**). The topography of the site generally falls from west to east at a grade of approximately 1.2%. A drainage line traverses through the middle section of the site, acting as a waterway conveying overland flood water towards Haslams Creek.

The site is burdened by a number of easements, including but not limited to easements favouring Sydney Water and Sydney Trains. The site forms part of a larger industrial precinct generally bound by St Hilliers Road and Rawson Street, to the west and south, and Parramatta Road and Nyrang Street, to the north and east.



Figure 1 | Subject site and surrounding area



Figure 2 | Existing development on site



Figure 3 | Site frontage



Figure 4 | Existing access to the site

1.4 Surrounding Land Uses

The surrounding land uses comprise predominately of industrial activities (see **Figure 5**), such as warehouses and business parks. Beyond this, the local area is made up of residential developments, mixed used development and commercial precincts (see **Figure 5 to Figure 7**). The surrounding land uses include the following:

- the site abuts Haslams Creek to the east, further east is the warehouse of importing company AuExpress International Cargo
- to the north is a warehouse development comprising of four tenancies, further north is Bevchain, a distribution company
- to the south of the site are a number of industrial warehouse tenancies, and further south is a Kennards self-storage facility,
- on the western side of Percy Street are industrial warehouse developments.

The closest residential zoned land is located along St Hilliers Road, approximately 500 m north-west of the site.

Access to the site is gained off Percy Street, which connects to Parramatta Road to the north and the A6 motorway 500 m south of the site.



Figure 5 | Local Context



Figure 6 | Intersection between Percy Street and Hall Street



Figure 7 | 81 Percy Street, north-west of site

2 Development

The main components of the development are summarised in **Table 1** and shown in **Figure 8** to **Figure 11**, and described in full in the Environmental Impact Statement (EIS) included in **Appendix A**.

Table 1 | Main Components of the Project

Aspect	Description
Development summary	Construction and 24-hour operation of a Woolworths Warehouse and Distribution centre, comprising: • demolition of two existing buildings, associated structures and landscaping • bulk earthworks and tree clearing • construction and operation of a warehouse with ancillary offices • car parking, docking areas, associated infrastructure, site access points and landscaping.
Site area	32,400 m ²
Gross floor area (GFA)	20,615 m ²
Building height	16.8 m
Key features	• Warehouse area (19,260 m²) • Ancillary office and customer pickup area (1,220 m²)
Vegetation clearing	Removal of 33 trees
Earthworks, civil works and services extension	Bulk earthworks, two new transformers, foundations, stormwater drainage, construction of hardstand, site access points and car parking
Parking and maneuverability	The development would be accessed off Percy Street, and provide: • 150 staff parking spaces • 6 pickup bays (for customers) • 103 van parking spaces The development would also provide manoeuvrability for a 20 m articulated vehicle (AV) throughout the site, the largest vehicles accessing the site
Traffic	• Construction: up to 290 vehicle movements per day comprising 230 cars and 60 heavy vehicles • Operation: 160 vehicle trips (120 cars and 40 delivery vans) per hour (vtph) during both AM and PM peak
Infrastructure	<u>Site access and internal circulation – all access gained off Percy Street</u> • Truck ingress/egress for inbound docks • Truck ingress/egress for outbound docks • Staff parking and customer pick up ingress/egress

Aspect	Description
	• Delivery van ingress/egress <u>Stormwater drainage</u> • Rainwater harvesting • On-site detention system, including one 1088 m³ on-site detention tank, at the rear of the site draining to Haslams Creek • Water quality treatment train, including water tanks, pit baskets, filter cartridges and a gross pollutant trap
Landscaping	Landscaping of approximately 2,430 m ² or 7.5% of the total site area, including: • landscaping along the frontage of the site, including feature trees and screen planting • vegetation along the rear portion of the site, including feature trees • feature planter box with climbers over vertical steel tensile wires to screen office area.
Signage	Five signs are proposed
Hours of operation	24 hours a day, seven days a week
Employment	150 construction jobs and 350 operational jobs
Capital investment value (CIV)	\$64,677,000

2.1 Physical layout and design

The physical layout and design of the development is shown in **Figure 8** to **Figure 11**. The development comprises of a two storey building, 16.8 m in height, comprising of an air conditioned space for storage and picking, a temperature controlled space (including a freezer, 2 degree and 15 degree rooms) for storage and picking, a production and bakery area, as well as office areas for administration, team facilities and a customer pick up area.

Pedestrian access is located in the western corner of the Percy Street frontage, with vehicular access provided off four separate crossovers, as follows (and as depicted in **Figure 8**):

- ingress/egress for trucks: for the purpose of bringing goods to the site via the loading area at the rear of the site
- outbound van ingress/egress: for the purpose of delivering goods to customers via outbound area at the front of the site
- ingress/egress to staff carpark: for the purpose of parking vehicles in mezzanine car park
- ingress/egress for customer vehicles: for the purpose of collecting goods through drive thru facility with additional ingress/egress for van parking along the southern side of the warehouse.

Staff parking is proposed within a mezzanine car park adjacent to Percy Street. Loading and delivery areas are proposed to be located on the eastern and western sides of the building. A drive through customer pick-up facility (for online orders) with six pick-up bays is proposed on the southern side of the building.

Manoeuvrability through the site will be managed through separated access points, signage and restricted areas, which is described as follows:

- semi-trailers with a length of up to 19m will access the site from point 1, travelling along the eastern boundary to the loading docks at the rear, they will exit the site in a forward direction through the same access point
- vans will enter and exit the site for the purpose of loading and distribution from point 2, with additional parking available off point 4, the vans will be restricted to manoeuvring at the front of the site
- staff and customers will be restricted to the frontage of the site also, with access off point 3 and 4 respectively.

A security gate to the east of the customer pick-up facility (separating the customer pick-up facility and the van parking area adjacent to the southern boundary of the site) will be closed to ensure that delivery vans do not access the site from this driveway. Delivery vans will be required to utilise the allocated driveway when entering and exiting the site.

Three façade mounted illuminated identification and way finding signs will be located on the warehouse façade. Two additional freestanding signs would be located adjacent to the main access points (1.7 m in height).

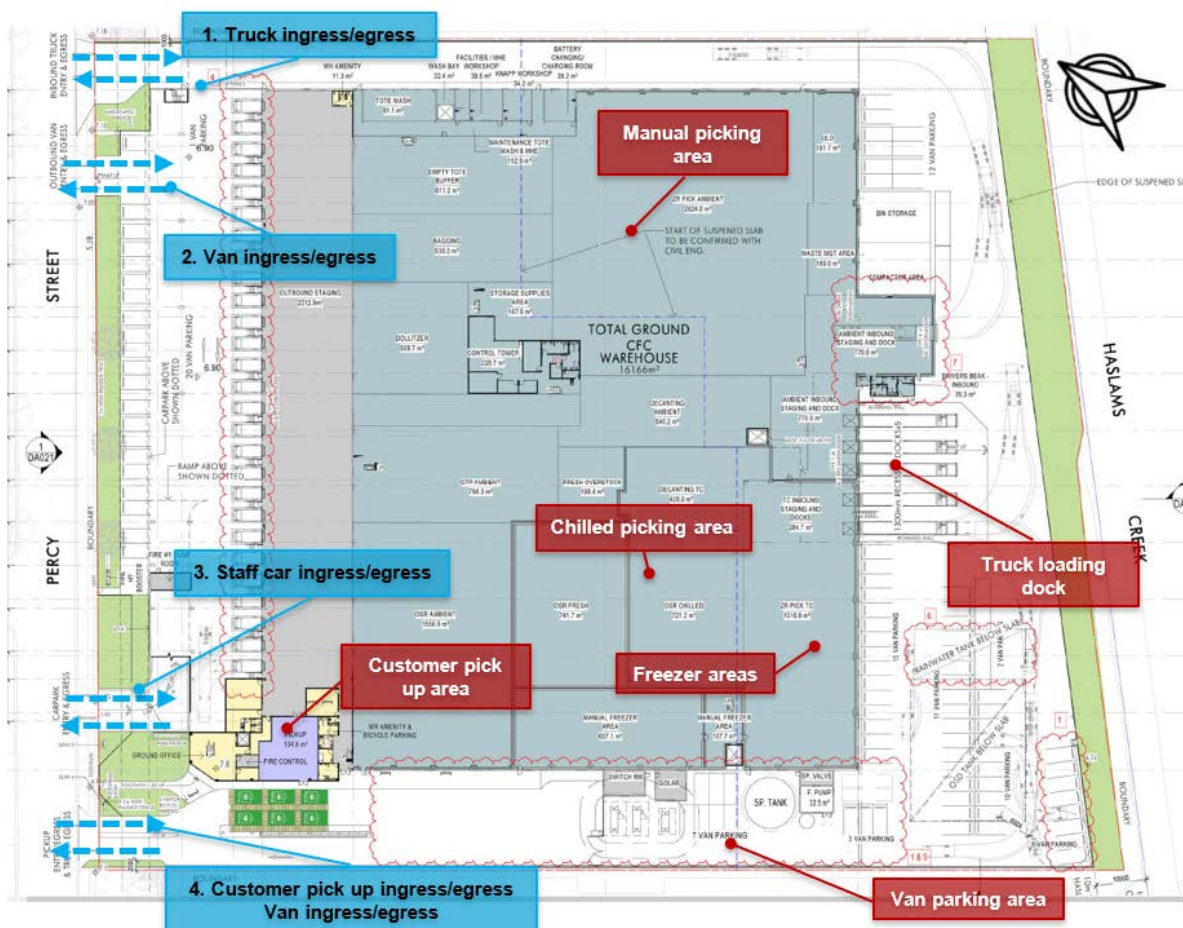


Figure 8 | Ground floor layout

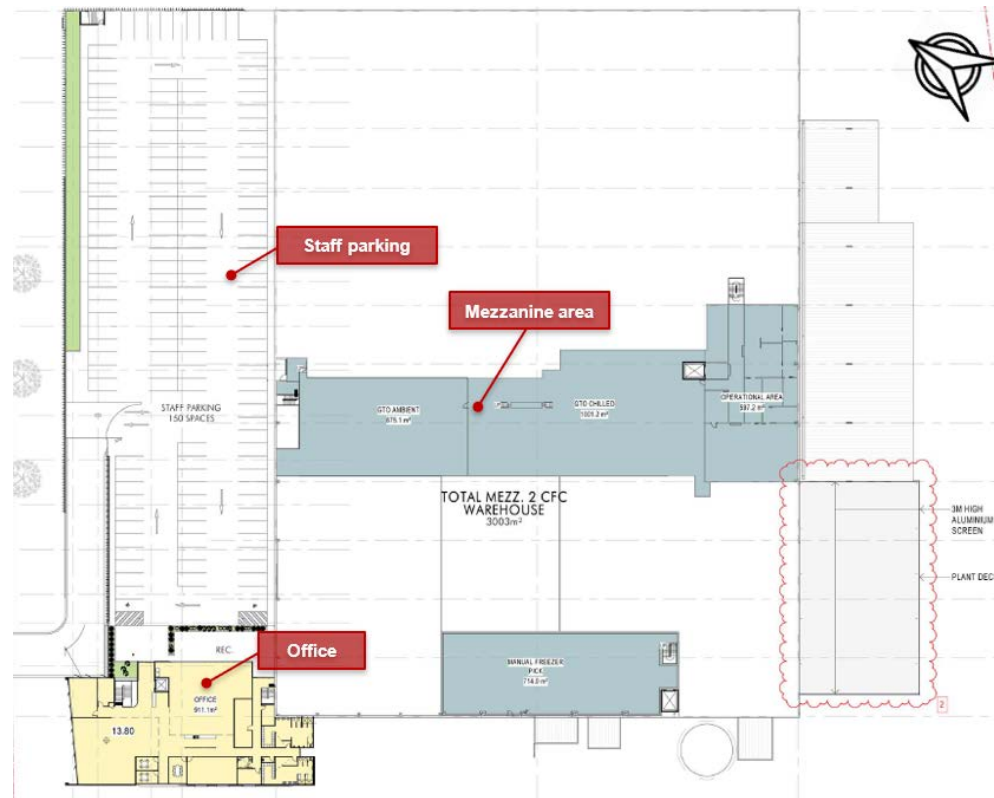


Figure 9 | Mezzanine and staff carpark layout

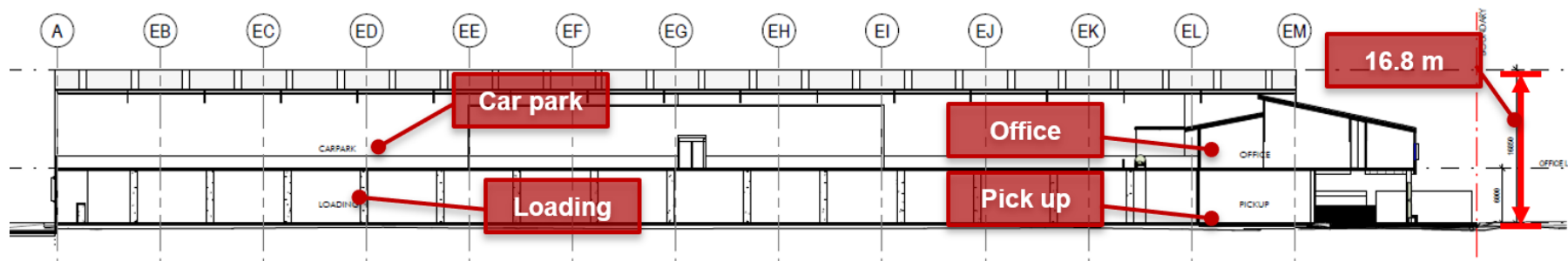


Figure 10 | Section plan

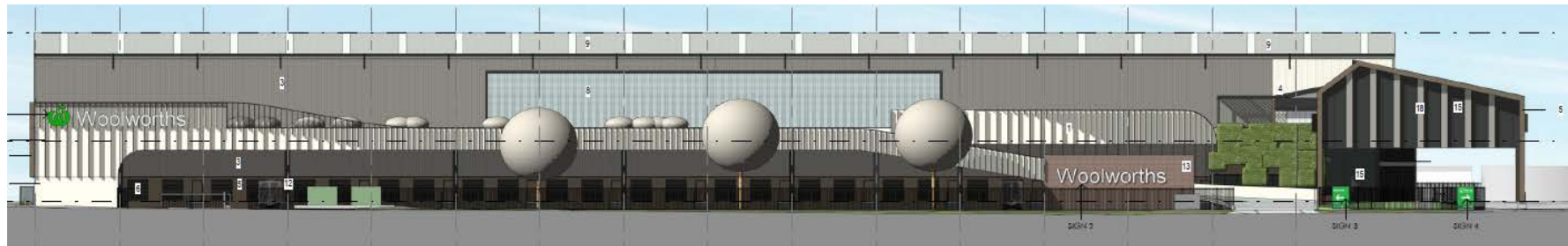


Figure 11 | Northwest (Percy Street frontage) elevation

2.2 Uses and activities

The development seeks to operate as a distribution centre for Woolworths to fulfil online customer orders, processing online grocery orders and distributing them to customers' homes by delivery vans. Customers will also have the option to utilise a drive through customer pick-up facility located on site.

The facility is proposed to operate 24 hours a day, seven days a week for the primary purpose of receiving deliveries, whereas outgoing customer deliveries would generally occur between 5:00 AM and 8:00 AM in the morning, and between 1:00 PM and 4:00 PM in the afternoon.

Customer Pick-up facility

The customer pick-up facility would be operational between 6:00 AM and 10:00 PM, the process can be described as follows:

- Customers prepare a shopping list and pay for the grocery items online, nominating a pickup time
- The order is sorted to their requirements and conveyed to the 'Pick-up' facility, housed in temperature-controlled facilities
- Allocated times will be provided to for the pickup function, via a specific time allocation period, which is managed through the business to best service the function of the site and meet customer demand
- The pick-up times will be operationally managed to ensure smooth traffic flows and the on-site functions will be managed to ensure the safety of all site users
- Customers receive a notification confirming the collection time
- Access to the customer 'Pick-up' facility is gained off the western most driveway, which will be clearly signed
- The designated area comprises of six car park spaces allocated for customers, as well as a drive thru facility where customers can pick up their orders.

Truck and Van delivery

The development relies on incoming and outgoing deliveries, utilising both semi-trailer trucks and small rigid vehicles, vans. The key operational components can be described as follows:

- Inbound trucks will replenish stock throughout the day, unloading products at the rear of the site through the loading docks
- The goods are then distributed throughout the warehouse, into the following areas:
 - o an air-conditioned ambient space for storage and picking
 - o temperature controlled spaces (including a freezer, 2 degree and 15 degree rooms for storage and picking
 - o production and bakery area, this area will be used to process products into baked goods, pre-packaged deli items and fruit products
- The trucks will access the site from the eastern most driveway, and all movements will be contained along the eastern side of the warehouse and to the rear
- Outbound vans will be loaded from the outbound area at the front of the site
- The vans will distribute customer deliveries to their designated locations in the morning and afternoon
- Vans will access the site from the primary access point centrally located along the frontage, however, additional access will be available to enable the vans to be parked along the western side of the warehouse.

2.3 Timing

The Applicant has provided indicative timing of the development, as follows:

- demolition / site preparation work (including remediation): July 2021 until September 2021
- construction: October 2021 until October 2022
- fit out installation / commissioning work: November 2022 until June/September 2023.

2.4 Applicant's Need and Justification for the Development

It has become evident that consumers are increasingly turning to online shopping for groceries, mainly due to convenience. In particular, those in urbanised areas can have staples delivered quickly, without leaving their own home. Online sales have increased by 35% in 2020, equating to a total of \$961 million or 8% of total supermarket sales. As demand for online grocery shopping grows, Woolworths are seeking to expand their network of CFCs to fulfil and dispatch online delivery orders. The proposed development seeks to fulfil a significant role in satisfying market needs, as well as improving the operational efficiencies for Woolworths.

The Applicant considered alternatives to the development, which included:

- doing nothing
- consideration to carry out the development on alternate sites
- a different configuration of the development on the site.

Following a comparison of these options, the Applicant considers the development of the warehouse on the site, to meet the increasing demand of online sales, is the most suitable option as the site is:

- within an area which comprises of industrial developments and is appropriately sited away from sensitive land uses
- in proximity to the regional road network which provides accessibility and linkages to the broader metropolitan area and regional areas of NSW
- connected to all necessary infrastructure including, water supply, wastewater disposal, power and road networks
- identified as a vibrant centre, an area of growth, in terms of industrial and urban services, as well as planned infrastructure, providing a variety of future employment opportunities,
- not constrained by any biophysical, cultural or operational elements.

Furthermore, the Applicant considers the development can operate without generating any adverse impacts associated with noise, traffic, social and economic aspects.

3 Strategic context

3.1 Greater Sydney Region Plan 2018

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

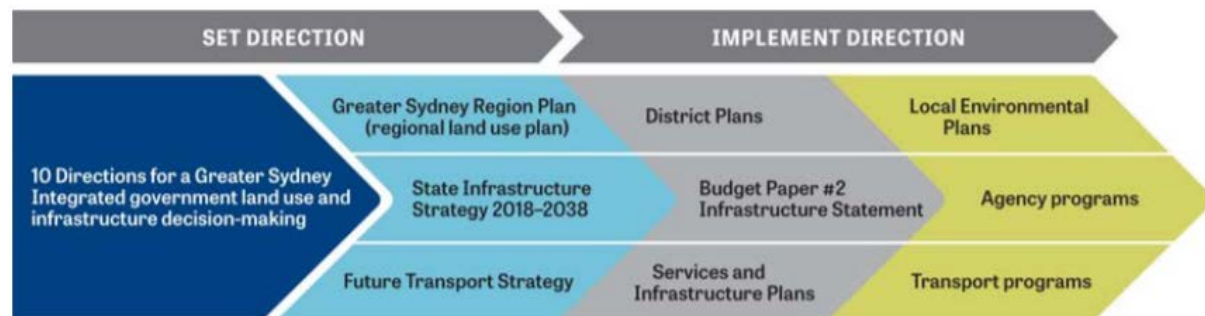


Figure 12 | Integrated State Planning for Greater Sydney

The site is located within the Central City District, the district identifies Auburn as a vibrant centre. The Auburn locale is an area of growth, in terms of industrial and urban services, as well as planned infrastructure, providing a variety of future employment opportunities.

The development aligns with the objectives and strategies of the Greater Sydney Regional Plan in particular, Objective 23, which requires that industrial and urban services land is planned, retained and managed. Objective 23 identifies that land uses should reflect the needs of their local context and support an integrated economy. In addition, Strategy 23.1 identifies the need to create job opportunities in areas that can co-locate office uses with industrial and urban service uses.

Woolworths warehouse and distribution centre proposes a continuation of the existing industrial development in the area, providing employment opportunities in an area which is well serviced, and in close proximity to residential areas. For these reasons, the development reflects the intent of the Greater Sydney Regional Plan.

3.2 Central City District Plan

The development is located within the Central City District, identified as an area which has opportunities to deliver integrated land uses, provide job opportunities and fulfil the vision of a 30-minute city. The development would assist in achieving a number of the objectives for the liveability and productivity planning priorities of the Central City District Plan. These include providing jobs close to existing and growing residential areas, growing investment and delivering connectivity in the precinct of Auburn, as well as to the Greater Parramatta and the Olympic Peninsula Economic Corridor.

4 Statutory Context

4.1 State significance

The development is SSD pursuant to section 4.7 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it proposes development for the purposes of warehouse and distribution centres with a CIV greater than \$50 million, which met the criteria in clause 12 of Schedule 1 in State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) as it applied at the time of lodgement of the application.

4.2 Permissibility

The site is zoned IN1 General Industrial under the Auburn Local Environmental Plan 2010 and development for the purpose of warehouse and distribution is permissible with consent in the IN1 zone.

4.3 Consent authority

The Minister for Planning and Public Spaces (the Minister) is the consent authority for the development under section 4.5 of the EP&A Act. On 26 April 2021, 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
- there are less than 15 unique public submissions in the nature of objections and
- the relevant local council has not made an objection.

Five submissions were received during the public exhibition period, as well as advice from ten Government authorities, Council and utility providers, none of which objected to the development. Of the five submissions received from the general public, three were in objection to the development. Council did not object to the development. No reportable political donations were made by the Applicant in the last two years.

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 development involves the construction of new driveway access points to Percy Street and will require a separate approval from Council as the relevant roads authority under section 138 of the *Roads Act 1993*.

Additionally, the site was notified under section 60 of the *Contaminated Land Management Act 1997* (CLM Act) on 22 April 2020. The Applicant submitted a Remedial Action Plan (RAP) and interim audit advice prepared by an NSW accredited site auditor. A detailed assessment of contamination is provided in Section 6.2.

The Department has considered the advice of the relevant public authorities in its assessment of the development and included suitable conditions in the recommended consent.

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**.

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.

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

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 65)
- draft State Environmental Planning Policy (Remediation of Land) (draft Remediation SEPP)
- Auburn Local Environmental Plan 2010 (Auburn LEP).

Development Control Plans do not apply to SSD under Clause 11 of the SRD SEPP.

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

4.6 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 ESD, in its assessment of the development (see **Table 2**).

Table 2 | 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,	The development would: • ensure the proper management and development of suitably zoned land for the economic welfare of the LGA and the State • promote social and economic welfare in the community through the provision of an additional 150 construction jobs and up to 350 operational jobs in the area

Object	Consideration
1.3 (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	• promote a better environment through landscaping which has been designed to support native flora and fauna. The proposal includes several measures to deliver ESD, including landscaping which has been designed to support native flora and fauna, the incorporation of solar panels, appropriate solar orientation and use of natural light.
1.3 (c) to promote the orderly and economic use and development of land,	The development would meet the objectives of the zone by supporting and protecting existing industrial land. The warehouse and distribution facilities will also provide economic benefit through job creation and infrastructure investment.
1.3 (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The Department's assessment in Section 6.0 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. Furthermore, the Environment, Energy and Science Group (EES) is satisfied that the development would not result in any significant impacts on biodiversity, and a waiver under the <i>Biodiversity Conservation Act 2016</i> has been granted (see below).
1.3 (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The development is not anticipated to result in any significant impacts upon built and cultural heritage, including Aboriginal cultural heritage (refer to Section 6.0).
1.3 (g) to promote good design and amenity of the built environment,	The Department considers the development would provide good design and amenity of the built environment suitable for an industrial zone.
1.3 (h) to promote the proper construction and maintenance of buildings,	The Department has considered the development and has recommended a number of conditions of consent to ensure construction and maintenance of the warehouse and

Object	Consideration
including the protection of the health and safety of their occupants,	distribution facilities is undertaken in accordance with applicable legislation, guidelines, policies and procedures (refer to Appendix B).
1.3 (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the application as outlined in Section 5.3 , 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 Section 5.3 , which included notifying adjoining landowners, and displaying the SSD application on the Department's website.

4.7 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:

- incorporation of awnings, screens, glazing and the installation of photovoltaic cells upon all the roofs
- the adoption of water saving landscaping techniques, including the planting of native flora, water efficient irrigation systems and draining hardstand areas to soft landscaped areas.

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.

4.8 Biodiversity Development Assessment Report

Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD applications 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 on 26 August 2020, on the basis that no remnant vegetation remained on the site and that 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, reviewed the information provided and 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 on 14 October 2020.

4.9 Commonwealth matters

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), a separate approval is required from the Commonwealth government if a development is likely to impact on a matter of national environmental significance (MNES), as it is considered to be a 'controlled action'. The EIS for the development included a preliminary assessment of the MNES in relation to the development and 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 Commonwealth Government was not required.

5 Engagement

5.1 Consultation

The Applicant, as required by the SEARs, undertook consultation with relevant local and State authorities as well as 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 development. These consultation activities are described in detail in the following sections.

5.1.1 Consultation by the Applicant

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

- communicating with local and State authorities
- door knocks to 44 properties along St Hilliers Road, Hall Street and Percy Street
- distribution of a fact sheet to 2,310 households across St Hilliers Road, Hall Street, Darthbrook Road, Simpson Street, Percy Street, Boorea Street, Yarram Street, Olympic Drive, Nyrang Street and the Great Western Highway in Auburn
- distribution of an information flyer to properties within a one km radius of the site, being a total of 1,750 flyers
- an information webpage for the development.

The Applicant noted community feedback received throughout the consultation was positive or neutral about the development.

5.1.2 Consultation by the Department

On 28 May 2020, a pre-lodgement meeting was held between the Department and the Applicant. Following on from the meeting, a formal request was made by the Applicant for SEARs, during which the Department consulted with all relevant public authorities.

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

- made it publicly available on the Department's website from **Wednesday 28 October 2020** until **Tuesday 24 November 2020**
- notified surrounding landowners of the development about the exhibition period by letter
- notified relevant State government authorities and Auburn City Council by letter
- undertook a site inspection on 4 December 2020.

5.2 Summary of submissions

During the exhibition period, the Department received five submissions from the public and advice from ten government authorities, including Council and two utility providers. Three of the public submissions objected to the proposal and two public submissions provided comments only. A summary of the issues raised in submissions and government advice is provided below, and a link to the full copy of the submissions is provided in **Appendix E**.

5.2.1 Key Issues – Public Authorities

Council did not object to the development, however, did raise concerns with aspects of the development, requesting further detail on the following matters:

- details of the suspended slab proposed at the rear of the development

- an increase in the amount of landscaping proposed
- details on the noise mitigation measures to ensure the development would meet the set noise criteria
- details on the predicted noise levels for the operational aspect of the development
- preparation of a RAP to consider any potential contamination on site.

The **EPA** did not object to the proposal and advised the development would not require an EPL however, did request the Applicant provide the following:

- submission of a RAP
- submission of an additional investigation report providing greater detail on the potential of contamination on site, as required by the SEARs.

Transport for NSW (TfNSW) requested further detail on the following matters:

- details on the proposed route for heavy vehicles to and from the site
- details on the vehicles proposed to be used for the operational aspect of the development
- clarification in regard to the need for a queuing/overflow area
- a copy of the SIDRA modelling undertaken to determine the impacts of the development upon the level of service on the surrounding road network.

Environment, Energy and Science Directorate (EES) confirmed a BDAR waiver was approved on 14 October 2020 and that no further comments were applicable.

Heritage Council – NSW reviewed the submitted Historical Heritage Assessment which formed part of the EIS and confirmed that it is unlikely that the area would contribute further information to the understanding of the history of the area. Heritage Council – NSW recommended a condition to ensure an Unexpected Finds Protocol is in place prior to any construction work commences on site.

Heritage NSW – Aboriginal Cultural Heritage (ACH) reviewed the submitted Aboriginal Cultural Heritage Assessment Report and confirmed that the proposed development appears to have low potential to impact on Aboriginal cultural heritage, however, ACH supported raising the cultural awareness of contractors working on-site. ACH recommend a condition to require an Unexpected Finds Protocol for Aboriginal objects as part of any Construction Environmental Management Plan prepared for the development.

Sydney Water reviewed the water and wastewater servicing for the development, commenting that detailed requirements would be provided to the Applicant at such time a Section 73 application under the *Sydney Water Act 1994* is made to Sydney Water for connections to services. No further comments are applicable.

Water NSW noted the site is not located in close proximity to any Water NSW land or assets, and as any flood works or licensing approvals would be assessed by other agencies, the risk to water quality is considered to be low. No further comments are applicable.

The Department also requested the Applicant:

- prepare a Preliminary Hazard Analysis to consider the storage and handling of any dangerous goods on site, such as aerosols
- provide a revised noise impact assessment, including an updated assessment on operational noise, vehicle movements and night time operations. Clarification was also sought regarding

sound power noise levels, and testing for low frequency content, tonality and impulsivity and intermittency of noise.

5.2.2 Key Issues – Utility Providers

Jemena did not object to the development and confirmed that the development would not pose any impacts upon the gas main infrastructure, no further comments were applicable.

Ausgrid did not object to the development and recommended a condition requiring the Applicant to decommission and remove two existing substations and for the design and construction for new substations to supply the new development's electrical load requirements.

5.2.3 Key Issues – Public Submissions

The Department received five submissions from the public with three objecting to the proposal. The other two provided comments. The matters raised in these submissions related to concerns with traffic and noise generation, particularly at night, air pollution, road safety and ensuring public road access during the construction phase. A submitter also questioned the need for 24/7 operations.

5.2.4 Response to Submissions

On 2 February 2021, the Applicant provided an RTS on the issues raised during the exhibition of the development (see **Appendix B**).

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

- revised architectural plans
- revised visual impact assessment
- revised air quality impact assessment
- revised traffic impact assessment
- a Preliminary Hazard Analysis
- revised arborist report
- addendum to the noise impact assessment
- revised civil drawings
- revised landscape plans
- RAP and interim audit advice prepared by an NSW accredited site auditor.

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

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

Jemena acknowledged the RTS and had no further comments.

TfNSW reviewed the revised the traffic impact assessment and advised the RTS had adequately addressed its concerns, therefore providing no further comments.

Council reviewed the revised documents and confirmed that they did not object to the development, providing recommended conditions relating to the appointment of a project arborist, operational noise management, implementation of the RAP and the preparation of a construction management plan.

EPA reviewed the submitted RAP and interim audit advice, advising the RTS had adequately addressed its concern. EPA recommended conditions relating to the management of contamination onsite.

The Applicant's RTS included an addendum to the NIA however, the matters raised by the Department had not been adequately addressed. Further correspondence and meetings between the Applicant the Department resulted in a supplementary RTS being submitted on 9 June 2021, inclusive of an updated noise impact assessment seeking to resolve the outstanding issues. The Department's consideration of noise impacts associated with the construction and operation of the development are discussed further in **Section 6** of this report.

6 Assessment

The Department has considered the EIS, the issues raised in the submissions, the Applicant's RTS and Supplementary RTS in its assessment of the development. The Department considers the key assessment issue relates to noise impacts.

A number of other issues have also been considered. These issues are considered minor and are addressed in **Table 6** in **Section 6.2**.

6.1 Noise impacts

The development has the potential to generate noise impacts during the construction and operational phases. Construction noise would be generated by construction plant and machinery, while operational noise would be generated by fixed and mobile plant equipment, as well as truck and van movements to, from and within the site. All submissions received from members of the public raised concerns with the potential noise generated from the operation of the warehouse and vehicular movements to and from the site.

Applicant's Assessment

The EIS included a Noise Impact Assessment (NIA) which assessed the potential construction and operational noise impacts in accordance with the EPA's NSW Noise Policy for Industry 2017 (NPfI) and the Interim Construction Noise Guidelines (ICNG). The NIA identified one nearby residential receiver, located 900 m north-west of the site at the corner of Hall Street and St Hilliers Road.

Construction

The demolition and construction of the development is proposed to be undertaken over two years, between 7:00 am to 6:00 pm on weekdays and 8:00 am to 1:00 pm on Saturdays. There will be no construction, including demolition, on Sundays or public holidays.

The NIA assessed the noise associated with the demolition and construction as a worst-case scenario, including the demolition of existing buildings, civil works, piling and the construction of the new building, where all plant items would be operating simultaneously in locations most exposed to receivers. It concluded noise levels would not exceed the noise criteria at the closest sensitive receiver.

The Applicant proposed the preparation and implementation of a Construction Noise and Vibration Management Plan to undertake an evaluation of works/activities to be performed during the demolition and construction of the project and forecast the potential impacts of noise and vibration. As part of this, a series of mitigation techniques are recommended.

The Department considers construction noise impacts would be temporary and the modelling represents a worst-case scenario whereby all plant equipment would be running continuously. Impacts can be managed to an acceptable level by ensuring the Applicant adheres to the noise management levels in the ICNG, implementation of a CNMP and restricting construction works to standard construction hours. Conditions have been recommended accordingly.

Operation

The NIA assessed the noise associated with the operation of the development, including noise generated from plant equipment such as generators and refrigeration equipment, mechanical services

and large scale fans and traffic noise. The NIA considered all required equipment associated with the development, operating simultaneously and then predicted noise levels within the site and at the nearby residential receivers under noise enhancing downwind conditions.

The NIA predicted that all noise generated during the operation would meet the applicable criteria established by the NPfI at all times. However, the NIA did suggest that a detailed acoustic assessment be carried out at Construction Certificate stage to determine if any additional treatments to control noise emissions were required.

The Department requested the following information be provided by the Applicant:

- clarification on whether operational noise was assessed at non-residential receivers across all time periods (day, evening and night)
- clarification on how vehicle related noise has been modelled
- detail on how night-time noise criteria would be achieved, including the effectiveness of proposed noise management and mitigation measures
- 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.

The Applicant's RTS included an addendum to the NIA however, the matters raised by the Department were not addressed adequately. The Department discussed these issues in detail with the Applicant between 2 February 2021 and 24 May 2021, including numerous meetings, in order to obtain further information to allow for a thorough assessment of the noise impacts. Further information sought included:

- a requirement to model all cumulative noise impacts, to include mechanical plants, loading/unloading activities and waste collection
- management and mitigation measures
- clarification on the criterion being applied to the development.

Subsequent to the revised reports submitted by the Applicant, the Applicant submitted a supplementary RTS on 9 June 2021 which provided additional details, as follows:

- the location of all residential receivers which could be potentially impacted by the development, see **Figure 13** (unattended noise monitoring locations are shown as blue whereas operator attended monitoring locations are as shown as red)
- evidence of on-site noise testing to inform the modelled emission inputs
- an amended noise assessment considering a worst-case emission scenario from 5:00 am to 7:00 am
- noise monitoring at all residential receivers which have the potential to be most affected.

The supplementary RTS included an independent review of the revised NIA by Renzo Tonin and Associates. The review concluded the NIA addressed all matters raised by the Department in relation to the operational aspects of the development. As part of preparing the supplementary response RTS, the Applicant also conducted detailed noise testing of various vehicles and other operations used as part of its distribution fleet to establish a comprehensive inventory of noise from its operations. These noise levels were used as part of the inputs to the noise model provided enabling a more accurate assessment of noise from the proposed development.

The revised NIA included detail on additional noise monitoring, which was carried out at three locations, Receiver (R) 3, R4 and R5, see **Figure 14**, between Thursday 25 March 2021 and Thursday 8 April

2021 at various times of the day. The monitoring identified the background noise levels and traffic noise levels at all three receivers, providing an input to the noise assessment to distinguish the impacts of existing noise in the area and that which would be generated through the operation of the development.

The NIA considered that the receivers already experience increased noise levels generated from traffic noise along St Hilliers Road. As such, the most-affected residential receivers are located further back from St Hilliers Road along Hall Street. The measured night-time background noise level is 40 dB(A) at the unattended noise monitoring location further setback along Hall Street compared to 46 dB(A) at the kerbside along St Hilliers Road.



Figure 13 | Revised location of sensitive receivers

The NIA went on to assess the operational noise emissions from the development, assuming noise emissions from the following, as demonstrated in **Figure 14**:

- articulated trucks entering/exiting the site for inbound deliveries to the loading dock at the rear of the site
- articulated trucks manoeuvring around the site, including reversing
- outbound delivery vans using the loading dock at the front of the site (including noise from manoeuvring and refrigeration compressors while delivery vans are being loaded)
- vans manoeuvring around the site, including reversing
- staff vehicles manoeuvring in the mezzanine carpark
- three individual chillers and plant deck at the rear of the site.

Impacts from each noise source was considered individually, as well as the cumulative effects of all noise sources on site.

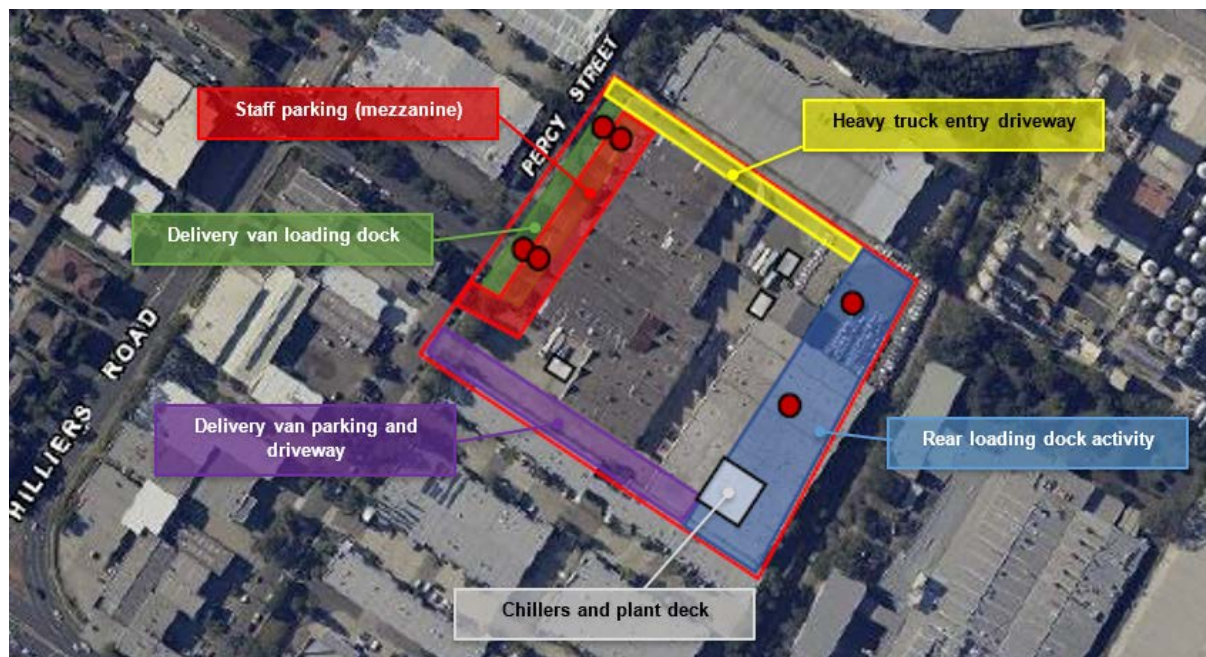


Figure 14 | Operational noise emission areas

The NIA concluded the best-achievable operational noise would comply with relevant criteria at all receivers, with the exception of one, R5 (45 Dartbrook Road, Auburn) predicting an exceedance of the intrusiveness criterion by 1 dB(A) during the early morning period. The Applicant stated the exceedance could be mitigated through the erection of an acoustic barrier at the front of the site, however, the potential visual implications would make this measure unreasonable. Further, the residual exceedance of 1 dB(A) is considered negligible and would not warrant additional noise mitigation measures according to the guidance set out in the EPA Noise Policy for Industry.

On this basis, the NIA has recommended the following mitigation measures:

- an absorptive soffit to be implemented above the outbound loading dock
- review of all mechanical plant equipment to be undertaken prior to the construction certificate, to ensure all noise levels meet the requirements.

Department's Assessment

The Department has carefully considered the information submitted by the Applicant and the submissions received. The Applicant's assessment of impacts in the supplementary RTS is considered substantial as all potential noise sources operating simultaneously have been considered. The exceedance at the most impacted receiver (R5) is considered to be negligible, and through the proposed mitigation measures can aim to reduce noise impacts to ensure the operations will comply with the noise objectives specified in the NPfI.

To ensure compliance with the predicted impacts, the Department has adopted the operational noise limits as described in **Table 3**. Conditions also require the Applicant to carry out noise verification, confirm noise levels and if deemed necessary, require additional mitigation measures to be implemented. This will provide confirmation the noise limits can be met at all times.

Consistent with the predicted operational noise levels, compliance noise monitoring is to be carried at NM1, NM2, NM3 and NM4 as identified in **Figure 15**. These locations have been derived from the operational noise contours provided in revised NIA and the Department notes that NM1 has been nominated as an intermediate location between the site and residential receivers where the signal-to-noise ratio is higher for establishing environmental noise performance accurately. NM2, NM3 and NM4 are sited at the reasonably most-affected point near the residential property boundary. Compliance with the noise limits specified in **Table 3** would ensure the operation of the development is consistent with the predicted outcomes considered by the Department.

Table 3 | Noise limits and noise monitoring locations

Location	Night L _{Aeq} (15 minute)
NM1	62
NM2	47
NM3	50
NM4	47

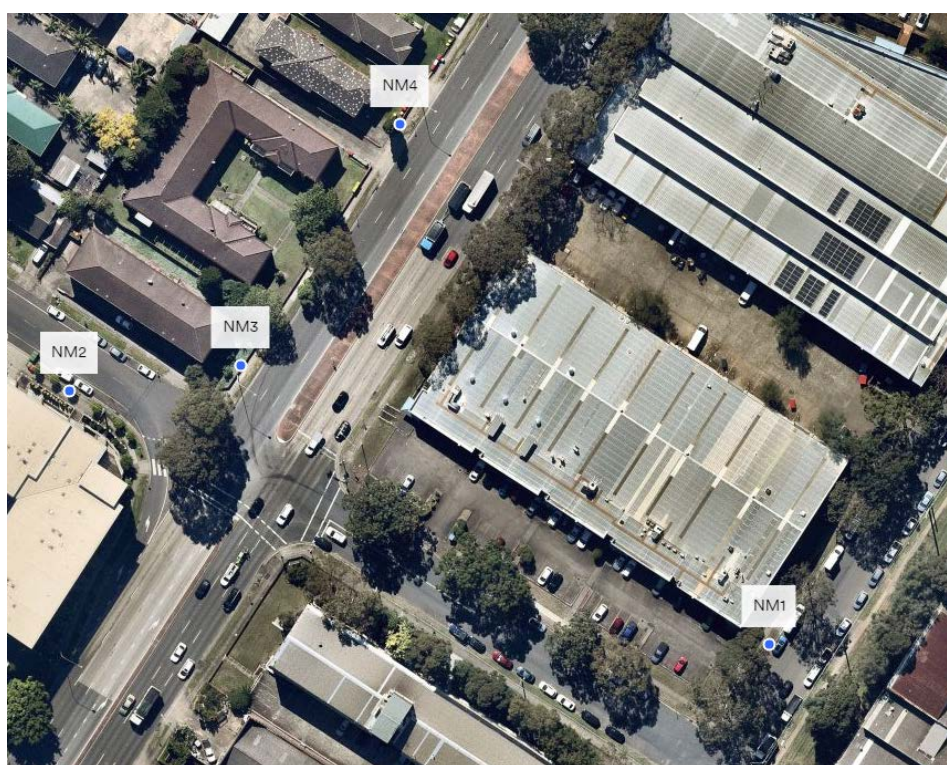


Figure 15 | Noise monitoring locations

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.

6.2 Other issues

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

Table 4 | Assessment of Other Issues

Assessment	Recommendation
Traffic and Transport	
- The EIS included a Traffic Impact Assessment (TIA) to assess traffic impacts of the development upon the local road network. - The site fronts Percy Street, which is a classified local road, which connects to Parramatta Road to the north and the A6 motorway 500 m south. - The Applicant proposes to construct four separate access points for trucks, vans, staff and customers, which would be located off Percy Street (see Figure 8). - The TIA outlined traffic generation during operations is expected to be up to 15 inbound semi-trailer deliveries per day (30 trips per day in/out) and up to 2,200 small vehicle trips per day, including vans and cars (staff and deliveries). - Traffic generation would also include customers utilising the drive-thru facility, with an expected generation of 20 customer vehicles per hour. - The analysis assumed peak traffic volumes would occur between 6 AM to 9 AM and 3 PM to 7 PM. This assumption was based on the undertaking of traffic surveys. - The TIA demonstrated the increased traffic would not change the level of service (LoS) at key intersections on the road network with the Rawson Road/Boorea Street/St. Hilliers Road intersection continuing to operate at a LoS C/D, and the intersection between St. Hilliers Road and Hall Street continuing with a LoS of A/B. - TfNSW reviewed the submitted TIA and requested details on the proposed heavy vehicle routes, clarification on the types of vehicles proposed to be used for the operation, clarification in regard to the need for a queuing/overflow area and a copy of the SIDRA modelling undertaken to measure the level of service on the surrounding road network. - The Applicant submitted an RTS, which included an addendum to the TIA. The addendum clarified the matters raised by TfNSW, including a detailed heavy vehicle route, information on the vehicles which will be utilised (semi-trailers, vans and cars) and a copy of the SIDRA modelling. - The development is replacing an existing warehouse facility on site, as such the increase in vehicular trips on the local road network is minimal in the context of the existing development on site and in context of existing developments in the area. - In addition, the site benefits from being sited between Parramatta Road to the north and the A6 motorway 500 m south of the site, minimising the need for vehicles to use local lower order roads. - With regards to potential traffic queues, the 95th percentile queue for the pick-up operation would be two vehicles, which will readily be accommodated within the drive through (six pick-up bays). - TfNSW raised no further issues with the development and requested the Applicant prepare and submit a construction management plan prior to commencing works on site.	Require the Applicant to: - prepare and implement traffic management plans during the construction phase of the development - ensure the development operates in compliance with specific operating conditions. - submit an application in accordance with section 138 of the <i>Roads Act 1993</i> for the construction of the access points to Percy Street.

Assessment	Recommendation
• The Department considered all potential impacts from the construction and operation of the development, concluding that the predicted traffic volumes can be accommodated by the local and regional road network without creating any unreasonable impacts. • The Department also considered site access and manoeuvrability to have been designed in a way that demonstrates safe and efficient ingress, egress and manoeuvrability into and throughout the site. • Standard conditions requiring a traffic management plan during construction have been recommended. • The Department's assessment concludes the development will not adversely impact Percy Street or the surrounding road network and traffic impacts can be appropriately managed through recommended conditions of consent.	
Contamination	
• The EIS included a Detailed Site Investigation Report (DSIR) prepared in accordance with the requirements of the <i>Contaminated Land Management Act 1997</i> (CLM Act). • The DSIR identified two contamination issues, Trichloroethylene (TCE) and its degradant products in groundwater likely sourced from an adjacent upgradient property and incidental fragments of bonded Asbestos Containing Material (ACM) on the ground surface in the southeast and northwest corners of the site. • The EPA reviewed the submitted DSIR and requested the Applicant prepare a Remedial Action Plan (RAP) to ensure all contamination on site can be appropriately managed. • As part of the RTS the Applicant submitted a RAP, as well as confirmation of the appointment of an NSW EPA accredited Site Auditor who had reviewed the RAP and provided Interim Audit Advice. • The RAP made the following recommendations: • manual collection and off-site disposal of bonded asbestos fragments on the ground surface in the southeast portion of the site, and disposal of rubbish and stockpiled building materials potentially impacted by ACM • excavation and off-site disposal of bonded asbestos impacted soil on the edge of the northern access driveway • if found on site, decommissioning, removal and off-site disposal of an underground diesel storage tank • management of potential trench worker exposure to TCE and its degradant products through construction phase and operation phase Environmental Management Plans. • The EPA raised no further issues and recommended conditions relating to the management of contamination on site, including the requirement for a validation report and preparation and the appointment of a site auditor. • The Department has considered the RAP and interim advice of the site auditor and is satisfied contamination on the site can be appropriately managed and that contamination risks associated with the development would be minimal. • The Department has recommended conditions for the remediation works to be carried out by qualified contractors. The site is to be validated and	Require the Applicant to: • engage a Site Auditor • submit a validation report for the site on completion of remediation works followed by a Site Audit Report and Site Audit Statement from the Site Auditor confirming the objectives stated in the RAP have been achieved and the site is suitable for its intended use • prepare and implement a Long Term Environmental Management Plan.

Assessment	Recommendation
accompanied by a Long Term Environmental Management Plan (LTEMP) with a Site Audit Statement and Site Audit Report provided by the Site Auditor confirming the site is suitable for its intended use. The Department's assessment concludes that with the implementation of the RAP and the recommended conditions of consent, existing on-site contamination can be suitably managed and remediated and the site will be suitable for its intended land use.	
Biodiversity - The proposal includes the clearing of approximately 0.18 ha of planted native and exotic vegetation. - The EIS included a request to waive the requirement for a Biodiversity Assessment Report (BDAR) and an associated assessment of the potential impact from the development on biodiversity values. - The BDAR waiver noted the development does not trigger the clearing threshold (being less than the minimum 0.25 ha), and the site is not mapped as an area containing biodiversity values. Therefore, the likelihood of threatened species existing on site is low, and the development will not have a significant impact on biodiversity values. - As discussed in Section 4.8, a BDAR waiver was granted. - The Department does recommend the Applicant undertake further landscaping of the site using locally sourced plants. It is recommended that the Applicant source vegetation from the local IBRA region, and the Department has reflected this in the recommended conditions. - The Department's assessment concludes the development is unlikely to have any impacts on biodiversity.	Require the Applicant to: - prepare and implement a landscape management plan incorporating locally native species - ensure the development is consistent with the mitigation measures proposed, including management of onsite vegetation.
Hazards and risk - The development would involve the storage of Class 3 flammable liquids, including beer, wine and spirits, as well as flammable aerosols. The EIS stated the development would only store a minimal quantity of dangerous goods (DGs), however, actual quantities were not provided. - The Applicant prepared a report in accordance with SEPP 33 requirements and undertook preliminary risk screening. - To enable the Department to assess the potential impact of the proposal, further information on the type and quantities of DGs proposed to be stored within the development were requested. - This information was provided in the Applicant's RTS which confirmed that all DGs would be under the applicable SEPP 33 thresholds. - The Department concurs with this analysis and is satisfied the development is not potentially hazardous under SEPP 33. - The Department has recommended a condition to ensure all DGs stored on site must be below the DG threshold quantities at all times, to ensure the development is consistent with the information provided. - The Department has assessed the Applicant's information and concludes the nature and design of the development would ensure the risks to the surrounding areas are minimised and would comply with the Department's <i>Hazardous Industry Planning Advisory Paper No. 4, 'Risk Criteria for Land Use Safety Planning'</i> (HIPAP 4).	Require the Applicant to: Ensure all DGs stored on site are below the threshold quantities listed in the Department of Planning's <i>Hazardous and Offensive Development Application Guidelines – Applying SEPP 33</i> at all times.

Assessment	Recommendation
Visual impacts	
- The Applicant submitted a Visual impact assessment (VIA) which assessed the development's visual impact from key vantage points within the surrounding area. - The VIA concluded the impacts would be low or negligible due to features incorporated into the design of the building, including the appropriate use of colours, mix of materials and a bulk and scale which is in keeping with the existing character of the area. - Council reviewed the submitted VIA and did not raise any matters of concerns in relation to the design or potential visual impacts associated with the development. - The Department assessed the visual impacts of the development including, height, building bulk, façade treatments, landscaping and signage. - The Department is satisfied the development incorporates high-quality materials and architectural design treatments along the Percy Street frontage which would improve the street presence from the existing development on the site. - The development is of a scale that is in keeping with the area, and incorporates a mix of materials, including brick, glazing and metal cladding, as well as muted colours which are consistent with the existing façade treatments along Percy Street. - The Department's assessment concludes the visual impacts of the development are acceptable and provide a high-quality design outcome for the area.	Require the Applicant to: ensure the development is constructed in accordance with the approved plans.
Heritage	
- The entire site is fully developed, consisting of warehouse and factory buildings for industrial purposes. Notwithstanding, the EIS included an assessment of European and Aboriginal Cultural Heritage. - The assessment concluded direct or indirect impacts to archaeological deposits are unlikely and recommended an unexpected finds procedure be implemented during construction works. - The Department's assessment concurs with the findings of the report and concludes that given the existing level of disturbance, it is unlikely intact Aboriginal or European archaeological deposits will be encountered on site. - ACH and Heritage Council – NSW recommended the Applicant prepare an unexpected finds procedure prior to commencing construction. - The Department's assessment concluded the development will not impact on any items of significance and any unexpected items will be appropriately managed through the recommended protocol.	Require the Applicant to: prepare an unexpected finds protocol.
Contributions	
- The Cumberland Local Infrastructure Contributions Plan 2020 applies to the development. - While Council provided no comments or recommended conditions in relation to developer contributions, the Department considers it warranted to require the payment of a section 7.12 development contribution.	Require the Applicant to: pay Council the required 7.12 development contribution.

Assessment	Recommendation
On this basis, the Department has recommended a condition of consent requiring the payment of a section 7.12 contribution to Council.	

7 Evaluation

The Department's assessment of the 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 ESD.

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

The development would generate 150 construction jobs and 350 operational jobs and will facilitate the continued development of the local area and is consistent with the key objectives of the Greater Sydney Region Plan and Central City District Plan, which encourage planned and managed industrial development and the provision of jobs in Western Sydney.

None of the State government agencies or Council objected to the proposal, however, three of the five public submissions received were in objection to the development. The Department sought to address any issues raised through consultation with both the Government authorities and the Applicant and through the recommended conditions of consent.

The Department's assessment considered noise impacts to be the key matter for consideration. In response to the Department's request, the Applicant provided a further comprehensive noise impact assessment, which was able to demonstrate noise impacts from the construction and operation of the development could comply with the relevant noise limits set out in the relevant EPA noise policy documents. To ensure noise from the site is adequately managed the Department has recommended the inclusion of conditions to ensure the development operates within noise limits that comply with the NPfl as well as a condition requiring noise verification to confirm the predictions in the noise assessment and to provide a pathway for undertaking further noise mitigation should the report find any potential impacts.

The Applicant has proposed a suite of appropriate management and mitigation measures to address any potential amenity and environmental impacts associated with construction and operational noise, and traffic generation.

The Department has recommended a range of conditions to manage any residual amenity or environmental impacts. Additional project-specific conditions regarding noise impacts, the management of construction and operational traffic and the management of onsite contamination have been developed in consultation with relevant Government authorities and Council.

Relevant local developer contributions are payable to fund the provision of local infrastructure. Payment of these contributions is required through the recommended conditions of consent.

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

- provide a range of benefits for the region and the State as a whole, including a capital investment of approximately \$64.6 million in the Cumberland LGA
- provide for approximately 150 construction jobs and 350 operational jobs
- be consistent with NSW Government policies including, the Greater Sydney Region Plan and the Central City District Plan, which encourage planned industrial development and the provision of jobs in Western Sydney.

The Department considers that these benefits can be realised without any significant amenity or environmental impacts and therefore considers the proposed development is in the public interest and should be approved, subject to conditions.

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 and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of Woolworths Warehouse and Distribution Centre (SSD-10470), subject to the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent (see **Appendix E**).

Prepared by:

Ania Dorocinska

Senior Environmental Assessment Officer

Recommended by:



18 June 2021

Joanna Bakopanos

Team Leader

Industry Assessments

9 Determination

The recommendation is **Adopted** by:



25 June 2021

Chris Ritchie

Director

Industry Assessments

Appendices

Appendix A – List of referenced documents

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

Environmental Impact Statement

- 'Environmental Impact Statement' prepared by Willow Tree Planning dated October 2020

Submissions and Government Advice

- All submissions received from the general public and advice from government authorities

Response to Submissions

- Response to Submissions letter and attachments, prepared by Willow Tree Planning dated 2 February 2021
- Supplementary Response to Submissions, prepared by Willow Tree Planning dated 9 April 2021

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 application may be viewed at: <https://www.planningportal.nsw.gov.au/major-projects/project/35886>

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

Matters for Consideration under Section 4.15 of the EP&A Act

Matter	Consideration
a) the provisions of: - i.) any environmental planning instrument, and - ii.) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and - iii.) any development control plan, and - iv.) 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 - v.) the regulations (to the extent that they prescribe matters for the purposes of this paragraph).	Detailed consideration of the provisions of all environmental planning instruments (including draft instruments subject to public consultation under this Act) that apply to the proposed development is provided below. The Applicant has not entered into any planning agreement under section 7.4. The Department has undertaken its assessment of the proposed development in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.
b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department has considered the likely impacts of the development in detail in Section 6 of this report. The Department concludes that all environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.
c) the suitability of the site for the development,	The development involves the construction and operation of a warehouse and distribution centre in an area suitably zoned IN1 General Industrial under the Auburn Local Environmental Plan 2010. The proposed development is permissible with

Matter	Consideration
	development consent and is located in an existing industrial precinct identified for industrial and employment generating uses.
d) any submissions made in accordance with this Act or the regulations,	All matters raised in submissions have been summarised in Section 5 of this report and given due consideration as part of the assessment of the development in Section 6 of this report.
e) the public interest.	The development has a capital investment value (CIV) of \$64.6 million and will generate 150 construction jobs and 350 operational jobs in the Cumberland LGA. The environmental impacts of the development would be appropriately managed via the recommended conditions. The Department considers the development is in the public interest.

Appendix C – Consideration of Environmental Planning Instruments

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

- State Environmental Planning Policy (State and Regional Development) 2011 (**SRD SEPP**)
- State Environmental Planning Policy (Infrastructure) 2007 (**ISEPP**)
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (**SEPP 33**)
- State Environmental Planning Policy No. 55 – Remediation of Land (**SEPP 55**)
- draft State Environmental Planning Policy (Remediation of Land) (**draft Remediation SEPP**)
- State Environmental Planning Policy No. 64 – Advertising Structures and Signage (**SEPP 64**)
- Auburn Local Environmental Plan 2010 (**Auburn LEP**).

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

The SRD SEPP identifies certain classes of development as SSD. In particular, development for the purposes of warehouse and distribution centres with a CIV greater than \$50 million meet the criteria of clause 12 of Schedule 1 of the SRD SEPP (as in force at the time of lodgement of the application) and are consequently classified as SSD. The development satisfies the criteria in clause 12 of Schedule 1, as it would involve the construction of a warehouse and distribution centre with a CIV of \$64.6 million.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The ISEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to certain types of infrastructure development, and providing for consultation with relevant public authorities about certain types of development during the assessment process. Clause 45 of the ISEPP applies due to the development's proximity to electricity easements, whereby the development has been designed to avoid any building works in these areas of the site, furthermore, the site contains rights of way and easements of electricity purposes. Clause 104 of the ISEPP applies as it would involve the construction and operation a development which has a GFA exceeding 8,000 m² and parking for more than 200 cars.

Consequently, the development was referred to TfNSW for comment and consideration of accessibility and traffic impacts and AusGrid for the consideration of the developments impacts upon their infrastructure. TfNSW did not object, but recommended conditions requiring the Applicant prepare a construction traffic management plan. AusGrid did not object, requiring the Applicant to ensure compliance with their Easement Guidelines throughout construction and operation of the development. The development is therefore considered to be consistent with the ISEPP.

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

SEPP 33 aims to identify developments with the potential for significant off-site impacts, in terms of risk and/or offence. A development is defined as potentially hazardous and/or potentially offensive if, without mitigating measures in place, the development would have significant risk and/or adverse impact on off-site receptors. The EIS identified that the proposed development would involve the storage and handling of some minor amounts of Dangerous Goods (DG), including Class 3 flammable liquids, including beer, wine and spirits, and flammable aerosols which are below the thresholds set out in SEPP 33.

The Department is satisfied that the development is consistent with the aims of SEPP 33, and would appropriately minimise any risks associated with the storage and handling of DGs, therefore it would not be considered a potentially hazardous or potentially offensive development under clause 3 of this SEPP.

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

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

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

The potential for site contamination on the subject land has been assessed, which found that the land has two contamination issues, Trichloroethylene (TCE) and its degradant products in groundwater likely sourced from an adjacent upgradient property and incidental fragments of bonded asbestos containing material on the ground surface in the southeast and northwest corners of the site. The assessment undertaken by the Department concluded that through the implementation of the RAP and site validation from the Site Auditor that the site is suitable for its intended use following remediation, the development can demonstrate consistency with the aims, objectives and provisions of SEPP 55.

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

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

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

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

The proposed signage, including illuminated signage, is considered to be compatible with the existing industrial/commercial nature of the locale and the key visual catchment, as well as with signage on surrounding industrial buildings. The Department is satisfied the proposed signage would not detract from the surrounding locality and would allow for the clear identification for the final users.

The Department's recommended conditions of consent include requirements for signage. The Department is satisfied that the proposed signage will be consistent with the aims and objectives of SEPP 64.

Auburn Local Environmental Plan 2010 (Auburn LEP)

The Auburn LEP aims to encourage employment generating activities within a range of industrial and warehouse land uses whilst minimising any adverse effects on the natural environment. The development is located on land zoned IN1 General Industrial under the LEP. As discussed in **Section 4.2** of this report, the use of warehouse and distribution facility is permissible with consent, pursuant to

the Auburn LEP. 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 Auburn LEP.

Appendix D – Community Views for Draft Notice of Decision

The Department publicly exhibited the EIS for Woolworths Warehouse and Distribution Centre, from **Wednesday 28 October 2020** until **Tuesday 24 November 2020**. The Department received a total of five submissions from the public on the development, of which three submissions were in objection to the development.

Issue	Consideration
Traffic generation <i>'With the warehouse coming in, there would be more trucks and heavily vehicles visiting the premises regularly and will cause more problems with the currently existing ones.'</i>	As discussed in Section 6.2, the Department has considered the impacts associated with increase in traffic movements to and from the site. In consultation with TfNSW, the Department has concluded the development will not adversely impact the local road network through the proposed traffic generation during the construction or operation of the development. Conditions of consent have been recommended to require the Applicant to prepare and implement a construction traffic management plan.
Traffic safety concerns <i>'[T]here would be problems with safety, navigation on site and parking. There are already current issues with big vehicles and trucks visiting the property area when loading and unloading.'</i>	As discussed in Section 6.2, the Department has considered the provision of car parking as well as vehicle manoeuvrability into and within the site. In consultation with TfNSW and Council, the Department has concluded the development incorporates sufficient parking for all proposed vehicles, and through the submission of swept path diagrams has demonstrated safe manoeuvrability can be achieved for all vehicles on site. Conditions of consent have been recommended to ensure the development provides sufficient parking and requires the Applicant to adhere to specific operational conditions relating to site access, loading, unloading and manoeuvrability.

Issue	Consideration
Noise generation <i>'[T]hey will infringe the peace during my sleep unless they can demonstrate that they have not increase the noise.'</i>	As discussed in Section 6.1, the Department has considered the noise impacts of the development, particularly on residential receivers in the area. The Department has concluded the proposed development causes no significant impacts during the construction and operational phases of the development. Conditions of consent have been recommended to ensure the development operates within noise limits that comply with the NPfI as well as a condition requiring noise verification to confirm the predictions made in the assessment.
Public road access during construction <i>'Please kindly ensure full access for Hall and Percy Street while under construction of the warehouse.'</i>	As discussed in Section 6.2, the Department has considered traffic management during the construction of the development. Conditions of consent have been recommended to require the Applicant to prepare a Construction Traffic Management Plan to minimise conflicts with other road users and where necessary, to notify residents and the community of any potential disruptions to routes.

Appendix E – Recommended Instrument of Consent

The recommended conditions of consent for SSD-10470 can be found on the Department's website at: <https://www.planningportal.nsw.gov.au/major-projects/project/35886>