



WILLOW TREE  
PLANNING

# SCOPING REPORT FOR SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

## Proposed Warehouse and Distribution Centre

11 & 13 Percy Street, Auburn  
Lot 1 & 2 DP1183821

Prepared by Willowtree Planning Pty Ltd  
on behalf of Fabcot Pty Limited

June 2020






## SCOPING REPORT FOR SEARS

Proposed Warehouse and Distribution Centre  
11 & 13 Percy Street, Auburn (Lot 1 & 2 DP1183821)

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## SCOPING REPORT FOR SEARS

Proposed Warehouse and Distribution Centre  
11 & 13 Percy Street, Auburn (Lot 1 & 2 DP1183821)

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### TABLE OF CONTENTS

<b>PART A</b>	<b>PRELIMINARY.....</b>	<b>1</b>
1.1	INTRODUCTION .....	1
1.2	KEY ENVIRONMENTAL ISSUES.....	1
<b>PART B</b>	<b>SITE ANALYSIS .....</b>	<b>3</b>
2.1	SITE LOCATION AND CHARACTERISTICS .....	3
2.2	EASEMENTS AND ENCUMBRANCES .....	5
2.3	SITE CONTEXT .....	7
<b>PART C</b>	<b>PROJECT SUMMARY.....</b>	<b>10</b>
3.1	AIMS AND OBJECTIVES.....	10
3.2	DESCRIPTION OF THE PROPOSED DEVELOPMENT .....	10
3.3	DESCRIPTION OF THE PROPOSED OPERATIONS.....	11
3.4	CAPITAL INVESTMENT VALUE .....	12
3.5	CONSULTATION .....	12
<b>PART D</b>	<b>JUSTIFICATION .....</b>	<b>13</b>
4.1	PROJECT NEED .....	13
4.2	CONSIDERATION OF ALTERNATIVES .....	13
<b>PART E</b>	<b>LEGISLATIVE AND POLICY FRAMEWORK.....</b>	<b>15</b>
5.1	ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999 .....	15
5.2	ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979.....	15
5.3	ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000 .....	16
5.4	PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1979.....	16
5.5	WATER MANAGEMENT ACT 2000.....	16
5.6	BIODIVERSITY CONSERVATION ACT 2016 .....	16
5.7	STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011.....	16
5.8	STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007.....	17
5.9	STATE ENVIRONMENTAL PLANNING POLICY NO. 33 – HAZARDOUS AND OFFENSIVE DEVELOPMENT.....	17
5.10	STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND .....	17
5.11	A METROPOLIS OF THREE CITIES – GREATER SYDNEY REGION PLAN.....	18
5.12	CENTRAL DISTRICT PLAN .....	19
5.13	AUBURN LOCAL ENVIRONMENTAL PLAN 2010 .....	20
5.14	AUBURN DEVELOPMENT CONTROL PLAN 2010 .....	22
<b>PART F</b>	<b>ENVIRONMENTAL ASSESSMENT.....</b>	<b>24</b>
6.1	KEY ENVIRONMENTAL ASSESSMENT ISSUES .....	24
6.2	OTHER ASSESSMENT ISSUES .....	25
<b>PART G</b>	<b>CONCLUSION .....</b>	<b>28</b>

## SCOPING REPORT FOR SEARS

Proposed Warehouse and Distribution Centre  
11 & 13 Percy Street, Auburn (Lot 1 & 2 DP1183821)

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## APPENDICES

Appendix	Document
Appendix A	Titles searches and DPs
Appendix B	Preliminary proposal plans
Appendix C	Aboriginal cultural heritage advice

## FIGURES

Figure 1	Cadastral Map (Source: InfoTrack, 2013).....	4
Figure 2	Aerial Map (Source: Nearmap, 2020).....	4
Figure 3	Site Context (Source: SIX Maps, 2020).....	7
Figure 4	Street view of southern access handle (Source: Google, 2018) .....	8
Figure 5	Street view of existing development along Percy Street (Source: Google, 2018).....	8
Figure 6	Street view of northern access to handle (Source: Google, 2018).....	9
Figure 7	Conceptual Site Plan (Source: Nettleton Tribe, May 2020).....	11
Figure 8	Structure plan for the metropolis of three cities (Source: Greater Sydney Commission, 2018) 19	
Figure 9	Zoning Map (Source: NSW Legislation, 2020).....	21

## TABLES

Table 1 – Site Characteristics .....	3
Table 2 – Encumbrances on Title .....	5
Table 2 – Development Statistics .....	10
Table 3 – Planning Framework .....	15
Table 4 – Development Standards of ALEP2010 .....	21
Table 5 – Other Matters .....	25



## SCOPING REPORT FOR SEARS

Proposed Warehouse and Distribution Centre  
11 & 13 Percy Street, Auburn (Lot 1 & 2 DP1183821)

---

## PART A PRELIMINARY

### 1.1 INTRODUCTION

This scoping report is prepared by Willowtree Planning Pty Ltd (Willowtree Planning), on behalf of Fabcot Pty Limited (the Applicant), and submitted to the Department of Planning, Industry and Environment (DPIE) in support of a formal request for Secretary's Environmental Assessment Report (SEARs), pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The intent of this report is to guide the preparation of a State Significant Development (SSD) application for the proposed redevelopment of 11 and 13 Percy Street, Auburn, more formally described as Lot 1 DP1183821 and Lot 2 DP1183821 (subject site).

The subject site is within the Cumberland Local Government Area (LGA) and is zoned IN1 General Industrial under the provision of the *Auburn Local Environmental Plan 2010* (ALEP2010). The Applicant is proposing to construct and operate a Warehouse and Distribution Centre at the subject site, which is permissible with consent in the IN1 General Industrial zone.

The proposed Warehouse and Distribution Centre would result in a Capital Investment Value (CIV) of more than \$50 million, which satisfies the definition of SSD pursuant to Schedule 1, Part 25 of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP).

This scoping report has been prepared to request SEARs to inform the preparation of an Environmental Impact Statement (EIS) for SSD.

Environmental considerations relevant to the proposed development have been identified, pertaining to the following parameters:

- Legislative framework
- Land use
- Built form and design
- Traffic, access and parking
- Biodiversity / tree removal
- Flooding and stormwater
- Contamination
- Easements
- European heritage
- Aboriginal cultural heritage
- Waste
- Noise and vibration
- Socio economics

Full details of the proposed development, subject site and the relevant planning framework are set out in the ensuing sections of this report.

### 1.2 KEY ENVIRONMENTAL ISSUES

An environmental risk screening analysis has been carried out, to identify the potential environmental impacts of the proposal and determine which areas are likely to be of interest to key stakeholders. The key environmental assessment issues identified for more detailed assessment during the preparation of the EIS include:

- Traffic, access and parking in relation to potential impacts during demolition, construction and operation
- Flooding and stormwater, including potential impacts to surface and ground water quality during construction and operation, as well as changes in flood regime and impacts
- Contamination, including potential disturbance of known site contamination
- Noise and vibration impacts on sensitive receivers from construction and operation

## SCOPING REPORT FOR SEARS

Proposed Warehouse and Distribution Centre  
11 & 13 Percy Street, Auburn (Lot 1 & 2 DP1183821)

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Other environmental aspects that will be assessed within the EIS include:

- Built form and design
- Biodiversity / tree removal
- Easements
- European heritage
- Aboriginal cultural heritage
- Waste management
- Socio economics

Further details are included in **Part F** of this scoping report.

## SCOPING REPORT FOR SEARS

Proposed Warehouse and Distribution Centre  
11 & 13 Percy Street, Auburn (Lot 1 & 2 DP1183821)

## PART B SITE ANALYSIS

### 2.1 SITE LOCATION AND CHARACTERISTICS

The subject site is located in the suburb of Auburn, approximately 19 kilometres west of the Sydney Central Business District (CBD), forming part of the Cumberland LGA. The subject site is legally described as Lot 1 DP1183821 and Lot 2 DP1183821, more commonly known as 11 and 13 Percy Street, Auburn.

The subject site has an area of approximately 32,400m<sup>2</sup> and a frontage of 166m to Percy Street.

In its existing state, the subject site benefits from two (2) warehouse uses, both of which are provided vehicular access from Percy Street. Established vegetation comprises the front portion of the subject site along Percy Street. This area represents the approximate width (10m) of the registered right of way and right to construct and maintain railways or tramways, which is applicable to both sites.

An overview of site characteristics are included in Table 1, as follows.

Table 1 – Site Characteristics	
Component	Description
Address and legal description	Lot 1 DP1183821 and Lot 2 DP1183821, more commonly known as 11 and 13 Percy Street, Auburn
Site area	32,400m <sup>2</sup> (approx.)
Current use	The use relating to the warehouses located on the subject site was approved in 1999 under DA217/99, for Warehousing & Distribution of non-dangerous Goods for the purposes of commercial goods. Numerous DA's and CC's have also been lodged in relation to the use, including provision of additional office space upstairs, fire upgrades, additions to the existing buildings and site work and boundary re-alignment.
Access	Vehicular access to the subject site is via Percy Street. The subject site is within a highly accessible location in terms of an extensive local and regional road network, including the Great Western Highway/Parramatta Road, which is located approximately 450m north of the subject site and the M4 Motorway, which is 750m north of the subject site.
Vegetation	The subject site contains established vegetation along the Percy Street frontage. Vegetation is limited to scattered trees and shrubs and is not mapped under the NSW Biodiversity Values Map (accessed 30 April 2020).
Easements and encumbrances	A number of easements and encumbrances are registered on the property titles, including: <ul style="list-style-type: none"><li>▪ Right of way and right to construct and maintain tramways or railways;</li><li>▪ Covenant registered on the title;</li><li>▪ Lease for rights of way and easement for electricity purposes;</li><li>▪ Right of carriageway of variable width;</li><li>▪ Easement for water purposes;</li><li>▪ Easement for sewerage;</li><li>▪ Restriction on the use of the land.</li></ul> Further details are included in <b>Section 2.2</b> .
Heritage	The subject site is not identified as containing an item of heritage or being within a heritage conservation area. However the subject site

Proposed Warehouse and Distribution Centre  
11 & 13 Percy Street, Auburn (Lot 1 & 2 DP1183821)

The location of the subject site and existing site development(s) are depicted in **Figure 1** and **Figure 2**.





## SCOPING REPORT FOR SEARS

Proposed Warehouse and Distribution Centre  
11 & 13 Percy Street, Auburn (Lot 1 & 2 DP1183821)

### 2.1.1 11 Percy Street, Auburn

11 Percy Street, which is located to the front of the site is home to a specialist lighting supplier company. The use has been operational since 1988, supplying equipment and personnel for live entertainment, concert, film, theatre and architectural designs, in addition to installation and consultation.

Existing built form located on 11 Percy Street includes a number of two-storey skillion roofed red brick buildings located on the Percy Street frontage. A hardstand area is located in the south-western corner of the site which facilitates loading facilities. Undercroft parking is also located under the warehouse in this section of the site also. An internal access road appears to provide access around the perimeter of the site for both sites, which is shared along their respective adjoining boundaries.

### 2.1.2 13 Percy Street, Auburn

13 Percy Street, which is located to the rear of the site provides a plastic packaging supplies and materials warehouse, which has been operational for 62 years.

The existing built form at 13 Percy Street appears to be in the form of brick and colorbond warehouses, and provides at-grade hard stand car parking for both sites, with a significant amount of parking being provided in the north-western corner dedicated to 13 Percy Street.

Access to the site is obtained from Percy Street located to the north of the site and a 4m wide right of carriageway located to the south of the site, which provides access across 11 Percy Street to the rear.

## 2.2 EASEMENTS AND ENCUMBRANCES

The encumbrances noted within the Certificate of Title and Deposited Plan (DP) for each lot are summarised in **Table 2**, and a copy of the relevant documents included in **Appendix 1**.

Table 2 – Encumbrances on Title	
Type and Reference	Description and Location
<b>Lot 1 DP1183821</b>	
Reservations	Reservations and conditions in favour of the crown.
Right of Way (B215538) Right of Way (C717950)	Right of way and right to construct and maintain tramways or railways appurtenant the land.
Right of Way (D484492)	Right of way and right to construct and maintain tramways or railways burdened in the title.
Covenant (D484492)	Covenant registered on the title.
Positive Covenant (DP1183821)	Positive Covenant in relation to the maintenance of the Right of Way (identified "A" on the DP 1183821).
Lease (E61118) – Expires 31.07.2041 Lease of lease to: -AK971351 -AK971352	Lease to Sydney Electricity of substation Nos. 982 & 2801, rights of way and easement for electricity purposes over other parts of the land.
Lease (E61118) Lease of lease to: AK971571	Change of name to affecting lease E6118 lessee – now referred to as Alpha Distribution Ministerial Holding Corporation.
Right of Way (DP1183821)	Right of carriageway of variable width, appurtenant to the land.
Right of Way (DP1183821)	Right of carriageway of variable width (2.6m, 2.8m, 3m, 4.5m, 6m & 6.8m), affecting the part of the land.

## SCOPING REPORT FOR SEARS

Proposed Warehouse and Distribution Centre  
11 & 13 Percy Street, Auburn (Lot 1 & 2 DP1183821)

Right of Way (DP1183821)	Right of carriageway of variable width (2.6m, 2.8m, 3m, 4.5m, 6m and 6.8m), appurtenant the land.
Easement for water purposes (DP1183821)	Easement to drain water 3m wide. Easement to drain water over existing line of pipes, appurtenant the land. Easement for water supply purposes over existing line of pipes shown appurtenant the land.
Easement for sewerage (DP1183821)	Easement for sewerage purposes over existing line of pipes, shown so appurtenant and burdening on the title diagram.
Restriction on the use of the land	No building or structure can be placed on the land shown as the easement, for sewerage purposes over the existing line of pipes, without the prior consent of Sydney Water Corporation.
Restriction on the use of the land	The land is burdened by a restriction which outlines that no building or structure shall be erected, constructed or placed on the land shown as an easement for Water Supply Purposes, over existing line of pipes, without the prior consent in writing of Sydney Water Corporation.
<b>Lot 2 DP1183821</b>	
Exclusions	Land excludes minerals.
Reservations	Reservations and conditions in favour of the crown.
Restriction on the use of the land	No building or structure can be placed on the land shown as the easement for sewerage purposes, over the existing line of pipes, without the prior consent of Sydney Water Corporation.
Easement for water purposes (DP1183821)	Easement to drain water 3m wide. Easement to drain water over existing line of pipes appurtenant the land. Easement for water supply purposes over existing line of pipes shown appurtenant the land.
Easement for sewerage (DP1183821)	Easement for sewerage purposes over existing line of pipes, shown so appurtenant and burdening on the title diagram.
Right of Way (B215538) Right of Way (C717950)	Right of way and right to construct and maintain tramways or railways, appurtenant the land.
Right of Way (D484492)	Right of way and right to construct and maintain tramways or railways, burdened in the title.
Right of Way (DP1183821)	Right of carriageway of variable width, appurtenant to the land.
Right of Way (DP1183821)	Right of carriageway of variable width (2.6m, 2.8m, 3m, 4.5m, 6m & 6.8m), affecting the part of the land.
Right of Way (DP1183821)	Right of carriageway of variable width (2.6m, 2.8m, 3m, 4.5m, 6m & 6.8m), appurtenant the land.
Covenant (D484492)	As a copy of the dealing has not been received, the details of the covenant have not been reviewed as part of this assessment.
Positive Covenant (DP1183821)	Positive Covenant in relation to the maintenance of the Right of Way (identified "A" on the DP Plan 1183821).
Lease (E61118) – expires 31.07.2041 Lease of lease to: -AK971351 -AK971352	Lease to Sydney Electricity of substation Nos. 982 & 2801, rights of way and easement for electricity purposes over other parts of the land.
Lease (E61118) Lease of lease to: AK971571	Change of name to affecting lease E6118 lessee – now referred to as Alpha Distribution Ministerial Holding Corporation.

It is noted that this summary does not constitute a legal review of the Certificate of Titles or DPs.

## SCOPING REPORT FOR SEARS

Proposed Warehouse and Distribution Centre  
11 & 13 Percy Street, Auburn (Lot 1 & 2 DP1183821)

### 2.3 SITE CONTEXT

The immediate area surrounding the subject site comprises a range of industrial land use activities, such as warehouses and corporate parks. Beyond this, the site context includes an assortment of zones which facilitate residential development ranging from low to high density, B4 Mixed Uses and B6 Enterprise Corridor (Commercial Precinct), located on Parramatta Road.

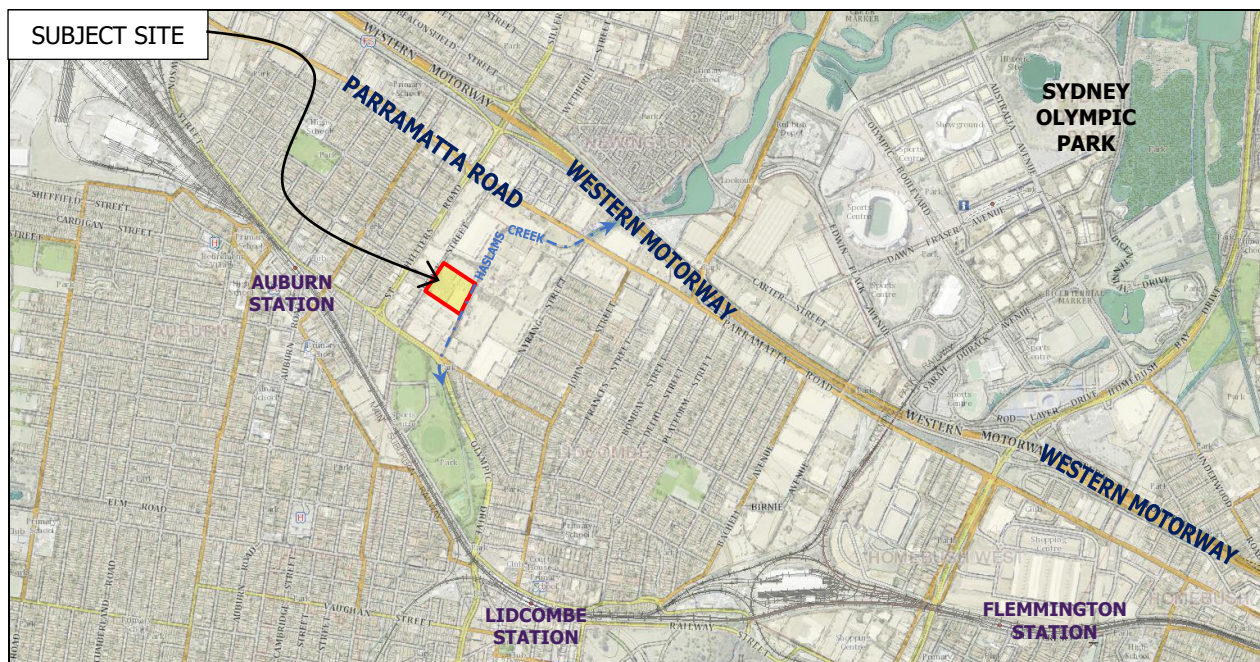
Hazlams Creek immediately adjoins the rear of the subject site; Haslams Creek exists as a concrete lined drain, along the eastern boundary of the subject site. Auburn park is located 700m west of the subject site. Wyatt Park is located 250m south-east of the subject site, which provides several recreational uses and services. Services such as a youth centre, scout hall, Parramatta and Auburn netball association, Lidcombe/Auburn cycle club and the Auburn athletics track are located within Wyatt Park area. Auburn Basketball and the Ruth Everuss Aquatic Centre are also provided in Wyatt Park, providing an array of uses to the surrounding areas. St Joseph's hospital is located 1km south-west of the subject site, in the Auburn town centre area.

Generally, the broader context of the subject site is typified by employment-generating land uses and also residential areas. The employment generating land uses are predominately located along the enterprise corridor on Parramatta Road and the industrial zone, in which the subject site is located.

The subject site is within a highly accessible location in terms of an extensive local and regional road network, including the Great Western Highway/Parramatta Road, which is located approximately 450m north of the subject site and the M4 Motorway, which is 750m north of the subject site.

The subject site is also highly serviced by public transport, being situated approximately 850m (by road) east of Auburn train station and 1.8km (by road) north-west of Lidcombe train station. An extensive bus network connects nearby streets to the surrounding suburbs and the wider region, the closest bus stop is located approximately 450m from the subject site, on Parramatta Road, and services both east and west directions.

A visual representation of the surrounding land is included in **Figure 3**.



**Figure 3** Site Context (Source: SIX Maps, 2020)



## SCOPING REPORT FOR SEARS

Proposed Warehouse and Distribution Centre  
11 & 13 Percy Street, Auburn (Lot 1 & 2 DP1183821)

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The subject site forms part of an 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 industrial precinct includes:

- Large warehouse buildings;
- Industrial estates containing a collective of warehouse tenancies;
- Manufacturing, freight and logistics uses; and
- Large format retail.



**Figure 4** Street view of southern access handle (Source: Google, 2018)



**Figure 5** Street view of existing development along Percy Street (Source: Google, 2018)



## SCOPING REPORT FOR SEARS

Proposed Warehouse and Distribution Centre  
11 & 13 Percy Street, Auburn (Lot 1 & 2 DP1183821)

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**Figure 6**      **Street view of northern access to handle** (Source: Google, 2018)

## SCOPING REPORT FOR SEARS

Proposed Warehouse and Distribution Centre  
11 & 13 Percy Street, Auburn (Lot 1 & 2 DP1183821)

## PART C PROJECT SUMMARY

### 3.1 AIMS AND OBJECTIVES

It is considered that the location of the proposed development is highly suited to a warehouse development given its proximity to regional road networks and other existing infrastructure. The following objectives have been identified as forming the basis of the proposed development:

- Design the subject site to achieve a viable economic return;
- Provide an employment-generating purpose-built warehouse and distribution facility for a future operator;
- Ensure minimal environmental and amenity impact;
- Ensure ongoing compliance with all operational legislative requirements; and
- Ensure development is compatible with surrounding development and both the local and regional context.

### 3.2 DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development would facilitate the construction of a Warehouse and distribution centre, with ancillary office spaces. The office spaces would be used by warehouse tenants only.

The overall scope of the proposed development is outlined as follows:

- Demolition of the existing buildings, associated structures and landscaping;
- Bulk earthworks and tree clearing;
- Construction of a 17.8m high warehouse;
- Construction of ancillary offices, across two (2) levels;
- Car and van parking, at grade and undercroft;
- Receiving docks at the rear of the warehouse;
- Delivery docks at the of the warehouse;
- Two (2) vehicle crossovers for cars;
- Three (3) vehicle crossovers for heavy vehicles;
- Operation on a 24-hour, 7-day basis.

Conceptual proposed development plans, prepared by Nettleton Tribe, are included in **Appendix B**.

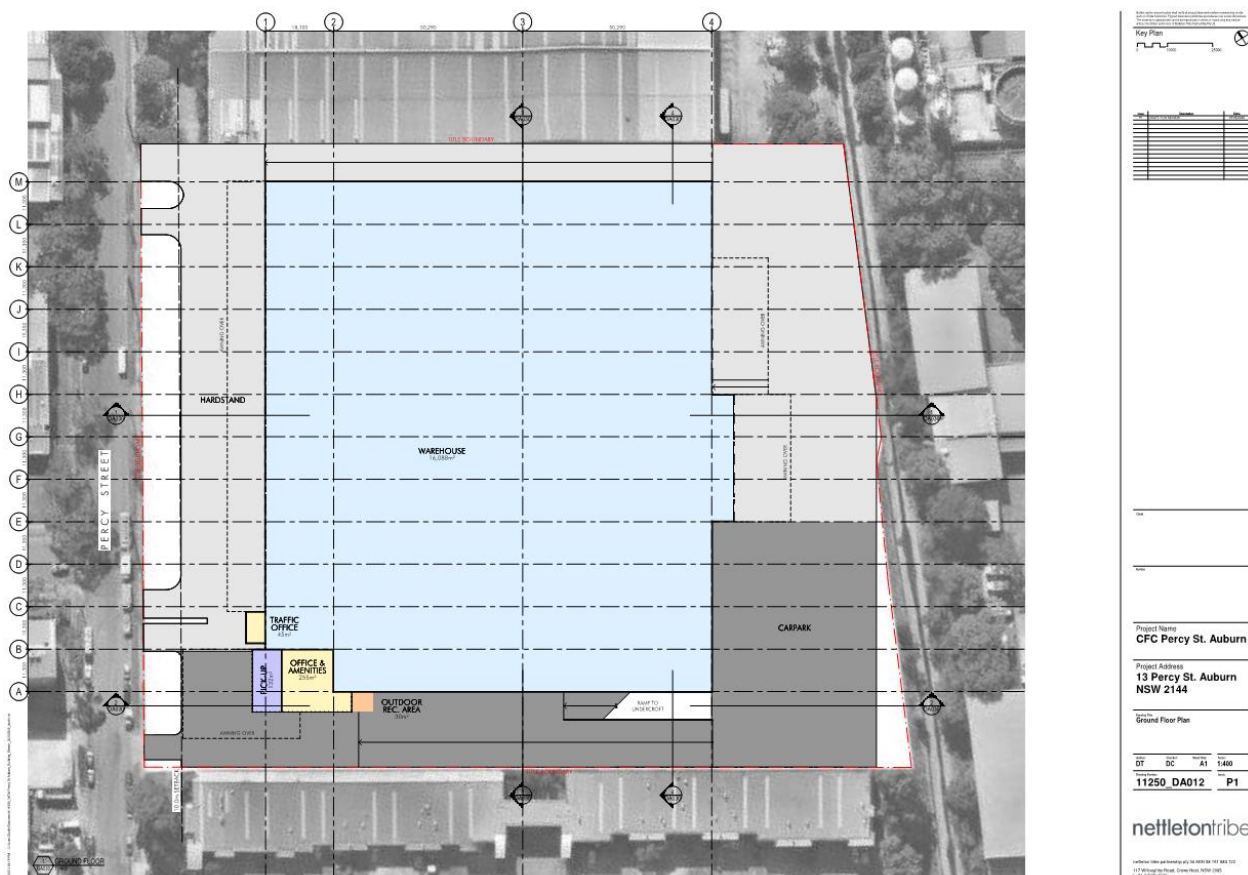
A summary of the proposed development is identified in **Table 2** below.

Table 3 – Development Statistics	
Design Element	Proposal
Site area	32,400m <sup>2</sup> (approx.)
Building type	Warehouse
Gross floor area	19,912m <sup>2</sup>
Building height	17.8m
Number of storeys	Two (2)
Number of tenancies/units	One (1)
Roads/driveways and access	Five (5) vehicle crossovers from Percy Street – access arrangements proposed to be separated as follows: <ul style="list-style-type: none"><li>▪ Separation of large vehicles from cars on the northern-most entry</li><li>▪ Vans/cars on the remainder</li></ul>

## SCOPING REPORT FOR SEARS

Proposed Warehouse and Distribution Centre  
11 & 13 Percy Street, Auburn (Lot 1 & 2 DP1183821)

Deliveries/dispatch	<ul style="list-style-type: none"> <li>Inbound deliveries are likely to utilise standard articulated 22 or 24 pallet pantechs, or 12 pallet rigid trucks</li> <li>Outbound deliveries (dispatch) would utilise 5.4m vans</li> <li>Business-to-business deliveries may utilise 12m rigid trucks</li> </ul>
Hours of operation	24 hours per day, seven days per week
Capital investment value	\$55-60 million (approx.)



**Figure 7** Conceptual Site Plan (Source: Nettleton Tribe, May 2020)

### 3.3 DESCRIPTION OF THE PROPOSED OPERATIONS

The intended use of the warehouse facility is to operate as a distribution centre for Woolworths.

Key operational details are summarised and provided as follows:

- The facility would comprise goods/items that would be picked-up (by delivery vehicles) and delivered to locations surrounding the warehouse.
- The facility would contain all categories of goods/items found within a standard supermarket. Goods/items would be stored within dedicated temperature-controlled zones.
- The facility would operate 24 hours per day, 7 days per week, including most public holidays.
- The facility would provide approximately 250 ongoing jobs. Additional staff may be employed at peak times of the year, such as at holiday periods.
- Staff roles would include receiving, picking, replenishment, fresh preparation, rubbish clearance, bakers, layout, technical and administration staff.
- Inbound deliveries would utilise standard articulated 22 or 24 pallet pantechs, or 12 pallet rigid trucks.
- Outbound deliveries would utilise 5.4m vans.

## SCOPING REPORT FOR SEARS

Proposed Warehouse and Distribution Centre  
11 & 13 Percy Street, Auburn (Lot 1 & 2 DP1183821)

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- Business-to-business deliveries may utilise 12m rigid trucks.

### 3.4 CAPITAL INVESTMENT VALUE

While costs for the proposed development have not yet been finalised, the CIV of this project is expected to be approximately \$55-60 million, with costs to be finalised once the more detailed design is confirmed.

As the expected value exceeds the \$50 million, the proposed development is considered SSD pursuant to Schedule 1, Part 25 of the SRD SEPP.

### 3.5 CONSULTATION

Consultation with relevant stakeholders will be undertaken whilst preparing a detailed EIS, in keeping with the Department's Major Project Community Consultation Guidelines. A comprehensive consultation process is scheduled, and authorities will be engaged individually through the preparation process.

The following key stakeholders are identified:

- Cumberland Council
- Aboriginal Land Council
- Endeavour Energy
- Environment, Energy and Science Directorate of the Department of Planning, Industry and Environment
- Local residents and businesses
- NRAR
- NSW Environment Protection Authority
- Roads and Maritime Services
- Sydney Water
- Transport for NSW

As at the time of this scoping report, the Applicant has met with Cumberland Council, including the Mayor, General Manager and Director of Planning. Prior to finalising the EIS, engagement with the abovementioned authorities is scheduled and a comprehensive community consultation process is underway.



## PART D JUSTIFICATION

### 4.1 PROJECT NEED

The intention of the proposal is to construct and operate a new Warehouse and Distribution Centre for Woolworths. The proposal will operate as a distribution facility for orders and deliveries. It is considered that the proposal:

- Allows for the development that is consistent with the aims of the Greater Sydney Region Plan.
- Has appropriate access to the regional road network;
- Is compatible with surrounding development and local context;
- Will generate employment opportunities, thus contributing to the growth of the central city district;
- Will result in minimal impact on the environment; and
- Will allow for the implementation of suitable mitigation measures where required.

The subject site is considered appropriate for the proposal as it allows for the warehousing in an existing precinct. The proposed design and layout of the built form seeks to maintain consistency with the character intended for the locality. This will be achieved by the resultant built form which reinforces the nature of the land use and is sensitive to the surrounding environment.

The proposed development could support the retention and maintenance of existing industrial land stocks and employment objectives, whilst promoting industry diversification (and generating new employment sources); and could generate more employment through the relevant planning, construction and maintenance stages.

### 4.2 CONSIDERATION OF ALTERNATIVES

The intent of the proposed development is to contribute towards the intended industrial character and nature of the area. The proposed development seeks to ensure it:

- Is compatible with surrounding development and the local context;
- Would provide increased operational efficiencies for storage and distribution of data;
- Would result in minimal impact on the environment; and
- Would allow for the implementation of suitable mitigation measures, where required.

Overall, the scale of the proposed development is considered suitable, and the built form would completely enhance and renew a dated land offering, into a modernised, state-of-the-art Warehouse and Distribution Centre.

The proposed design and layout of the built form seeks to maintain consistent with the zone objectives under *Auburn Local Environmental Plan 2010* (ALEP2010) and enhance the underlying industrial character intended for the identified land portion, which is zoned for such permissible land uses. Furthermore, this would be achieved by the resultant built form that would reinforce the nature of the land use and is sensitive to the surrounding environment.

The options considered and subsequently dismissed, in arriving to the current proposal with regard to the proposed development included:

#### ***(a) 'Do Nothing' Scenario***

This option was dismissed as the objectives of the Project would not be met, including the objective of facilitating an employment-generating development. If the proposal did not proceed, the site would be utilised for other related purposes, as the current configuration would not cater for the proposed use.

#### ***(b) Development on an Alternative Site***

## SCOPING REPORT FOR SEARS

Proposed Warehouse and Distribution Centre  
11 & 13 Percy Street, Auburn (Lot 1 & 2 DP1183821)

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Consideration was given to carrying out development on alternate sites, however these were dismissed as the subject site resulted in the most beneficial outcomes for the proposal as:

- it is located subject to the provision of *Central City District Plan* which seek to provide employment generating land uses;
- the site is suitably located with respect to sensitive land activities including residential development;
- all potential environmental impacts of the proposal can be suitably mitigated within the site;
- the proximity to the regional road network provides accessibility and linkages to the broader metropolitan area and regional areas of NSW;
- the proposal has significant employment generating potential, during both the construction and operational phase;
- suitable land size to cater for the proposed development and operation;
- the proposal does not adversely affect any area of heritage or archaeological significance; and
- the proposal can be developed with appropriate visual amenity achieved given its surrounding context.

The proposal is justified on the basis it is compatible with the locality in which it is proposed, resulting in economic benefits while managing and mitigating environmental impacts.

### ***(c) Different Site Configuration***

The configuration of the proposed development was chosen based on the subject site's existing characteristics, including street access, existing mature vegetation / landscaping (which will be retained where practicable, as well as the need to respond to the character of the surrounding IN1 General Industrial zone. It is noted, that a different site configuration would not achieve the desired outcome of the proposed use and would not respond to the abovementioned site opportunities and constraints. This option was therefore not considered appropriate.

Notwithstanding, the proposed development is justified on the basis, that it is compatible with the locality in which it is proposed, resulting in positive social and economic benefits, whilst appropriately managing and mitigating any potential environmental impacts requiring consideration.

## SCOPING REPORT FOR SEARS

Proposed Warehouse and Distribution Centre  
11 & 13 Percy Street, Auburn (Lot 1 & 2 DP1183821)

## PART E LEGISLATIVE AND POLICY FRAMEWORK

The following current and draft Commonwealth, State and Local planning controls and policies have been considered in the preparation of this scoping report:

Table 4 – Planning Framework	
Relevant Document	Location of Response
<b>Commonwealth Planning</b>	
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	<b>Section 0</b>
<b>State Planning</b>	
<i>Environmental Planning and Assessment Act 1979</i>	<b>Section 2</b>
<i>Environmental Planning and Assessment Regulation 2000</i>	<b>Section 5.3</b>
<i>Protection of the Environment Operations Act 1979</i>	<b>Section 5.4</b>
<i>Water Management Act 2000</i>	<b>Section 5.5</b>
<i>Biodiversity Conservation Act 2016</i>	<b>Section 5.6</b>
<i>State Environmental Planning Policy (State and Regional Development) 2011</i>	<b>Section 5.7</b>
<i>State Environmental Planning Policy (Infrastructure) 2007</i>	<b>Section 5.8</b>
<i>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</i>	<b>Section 5.9</b>
<i>State Environmental Planning Policy No. 55 – Remediation of Land</i>	<b>Section 5.10</b>
<b>Regional Planning</b>	
<i>A Metropolis of Three Cities – Greater Sydney Regional Plan</i>	<b>Section 5.11</b>
<i>Central City District Plan</i>	<b>Section 0</b>
<b>Local Planning</b>	
<i>Auburn Local Environmental Plan 2010</i>	<b>Section 5.13</b>
<i>Auburn Development Control Plan 2010</i>	<b>Section 5.14</b>

This planning framework is considered in detail in the following sections.

### 5.1 ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

Under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), any action (which includes a development, project or activity) that is considered likely to have a significant impact on Matters of National Environmental Significance (MNES) (including nationally threatened ecological communities and species and listed migratory species) must be referred to the Commonwealth Minister for the Environment. The purpose of the referral is to allow a decision to be made about whether an action requires approval on a Commonwealth level. If an action is considered likely to have significant impact on MNES, it is declared a “controlled action” and formal Commonwealth approval is required.

Whilst detailed investigations have not yet been undertaken, it is expected that the proposal should not warrant referral to the Commonwealth Minister for Environment.

### 5.2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Pursuant to Section 4.36(2) of the EP&A Act, a *State environmental planning policy may declare any development, or any class or description of development, to be State significant development.*

The proposed development constitutes SSD as detailed in **Section 5.7**.

## SCOPING REPORT FOR SEARS

Proposed Warehouse and Distribution Centre  
11 & 13 Percy Street, Auburn (Lot 1 & 2 DP1183821)

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### 5.3 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

The *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) prescribes requirements for an EIS in Schedule 2. The forthcoming EIS will be prepared in accordance with the form prescribed by the EP&A Regulation.

Further, the proposal does not constitute 'Designated Development', as defined by Schedule 3 of the EP&A Regulation.

### 5.4 PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1979

Schedule 1 of the *Protection of the Environment Operations Act 1979* (POEO Act) contains a core list of activities that require a licence before they may be undertaken or carried out. The definition of an 'activity' for the purposes of the POEO Act is:

*an industrial, agricultural or commercial activity or an activity of any other nature whatever (including the keeping of a substance or an animal)*

The EIS will include review of the relevant thresholds under Schedule 1 with respect to Dangerous Goods, including provisions for Diesel Fuel storage, which may trigger the requirement for an Environmental Protection Licence (EPL).

### 5.5 WATER MANAGEMENT ACT 2000

The objects of the *Water Management Act 2000* (WM Act) are to provide for the sustainable and integrated management of the water sources of the State for the benefit of both present and future generations.

The proposed development is within 40m of a watercourse, which requires consideration of the WM Act.

### 5.6 BIODIVERSITY CONSERVATION ACT 2016

The *Biodiversity Conservation Act 2016* (BC Act) is the key piece of legislation in NSW relating to the protection and management of biodiversity and threatened species. The purpose of the BC Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development. The BC Act is supported by a number of regulations, including the *Biodiversity Conservation Regulation 2017* (BC Regulation).

The BC Act requires consideration of whether a development or an activity is likely to significantly affect threatened species. Preliminary studies have been undertaken to assess the overall ecological context of the subject site, however further studies would be undertaken and addressed within the EIS regarding potential impacts to flora and fauna species.

### 5.7 STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011

The proposed is SSD, in accordance with Section 4.36 of the EP&A Act, being development with a CIV in excess of \$50 million for the purpose of a warehouse under clause (12) of SRD SEPP. In accordance with Schedule 1 of the SRD SEPP, development that has a CIV of more than \$50 million for the purpose of warehouses or distribution centres (including container storage facilities) at one location and related to the same operation are classified as SSD.

#### 12 Warehouses or distribution centres

- (1) *Development that has a capital investment value of more than \$50 million for the purpose of warehouses or distribution centres (including container storage facilities) at one location and related to the same operation.*



## SCOPING REPORT FOR SEARS

Proposed Warehouse and Distribution Centre  
11 & 13 Percy Street, Auburn (Lot 1 & 2 DP1183821)

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*(2) This clause does not apply to development for the purposes of warehouses or distribution centres to which clause 18 or 19 applies.*

The proposed development has an expected CIV exceeding \$50 million and is therefore identified as SSD for the purposes of the SRD SEPP.

### 5.8 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) includes provisions to achieve permissibility for the development of certain activities for a range of infrastructure types.

Clause 104 of ISEPP states that the following is classified as 'traffic generating activity':

- Warehouse or distribution centres over 8,000sqm in site area with frontage to any road;
- Any other purpose that generates 200 or more vehicles per hour with access to any road or 50 or more motor vehicles with access to a classified road.

As the site provides an area of 32,400m<sup>2</sup>, the proposal is identified as a traffic generating activity.

### 5.9 STATE ENVIRONMENTAL PLANNING POLICY NO. 33 – HAZARDOUS AND OFFENSIVE DEVELOPMENT

*State Environmental Planning Policy No. 33 – Hazardous and Offensive Development* (SEPP 33) ensures appropriate mitigation measures are employed to reduce the impact of development with hazardous or offensive industries. Any future proposal to store dangerous goods will be subject to assessment under SEPP 33.

### 5.10 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

Under the provisions of *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55), where a Development Application (in this instance, SSD Application) is made concerning land that is contaminated, the consent authority must not grant consent unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Detailed investigations are currently underway with respect to contamination on the subject site and appropriate reporting will be submitted with the SSD Application.

At the date of this scoping report, a Detailed Site Investigation (DSI) Report has been prepared by Geo-Logix and notification of site contamination has been made to the NSW EPA, under Section 60 of the Contaminated Land Management Act 1997, identifying two (2) contamination issues:

- 1) Trichloroethylene (TCE) and its degradant products in groundwater likely sourced from an adjacent upgradient property; and
- 2) Incidental fragments of bonded asbestos containing material on the ground surface in the southeast and northwest corners of the site.

TCE contaminated groundwater has not been found to present a potential risk to occupants of the proposed development and is unlikely to require remediation or management. An Asbestos Removal Control Plan / Remedial Action Plan will be developed for the removal of any fragments and to manage unexpected finds during redevelopment works.

## SCOPING REPORT FOR SEARS

Proposed Warehouse and Distribution Centre  
11 & 13 Percy Street, Auburn (Lot 1 & 2 DP1183821)

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Louise Walkden of Ramboll Australia has been engaged to undertake a non-statutory Contaminated Land Audit. The proposed approach is for Louise to provide Interim Audit Advice confirming the site can be made suitable for the proposed redevelopment to assist with the application process, and a Section A Site Audit Statement confirming the site is suitable for use upon removal of the bonded asbestos containing material.

It should be noted these works are still progressing and further information will form part of the EIS.

### 5.11 A METROPOLIS OF THREE CITIES – GREATER SYDNEY REGION PLAN

*A Metropolis of Three Cities – Greater Sydney Region Plan* (Greater Sydney Commission, 2018) divides the Sydney Region into three (3) Cities, with a vision of growth until 2056 (refer to Figure 6 below). The Plan aims to anticipate the housing and employment needs of a growing and vastly changing population. The overall vision pursues an objective of transforming 'Greater Sydney' into a Metropolis of Three Cities, including:

- The Western Parkland City;
- The Central River City; and,
- The Eastern Harbour City.

The division into three (3) cities puts workers and the wider community closer to an array of characteristics such as, intensive jobs, 'city-scale' infrastructure and services, entertainment and cultural facilities. By managing and retaining industrial land close to city centres and transport, this will ensure critical and essential services are readily available to support local businesses and community members and residents.

Once constructed and operational, the subject site would achieve economic growth and prosperity, as well as encourage employment-generating opportunities within an area zoned for such permissible purposes, that is considered relatively close in conjunction to residential communities, providing an ease of commute. The proposed development considers the employment-generating outcomes that can be achieved for the immediate and wider localities.

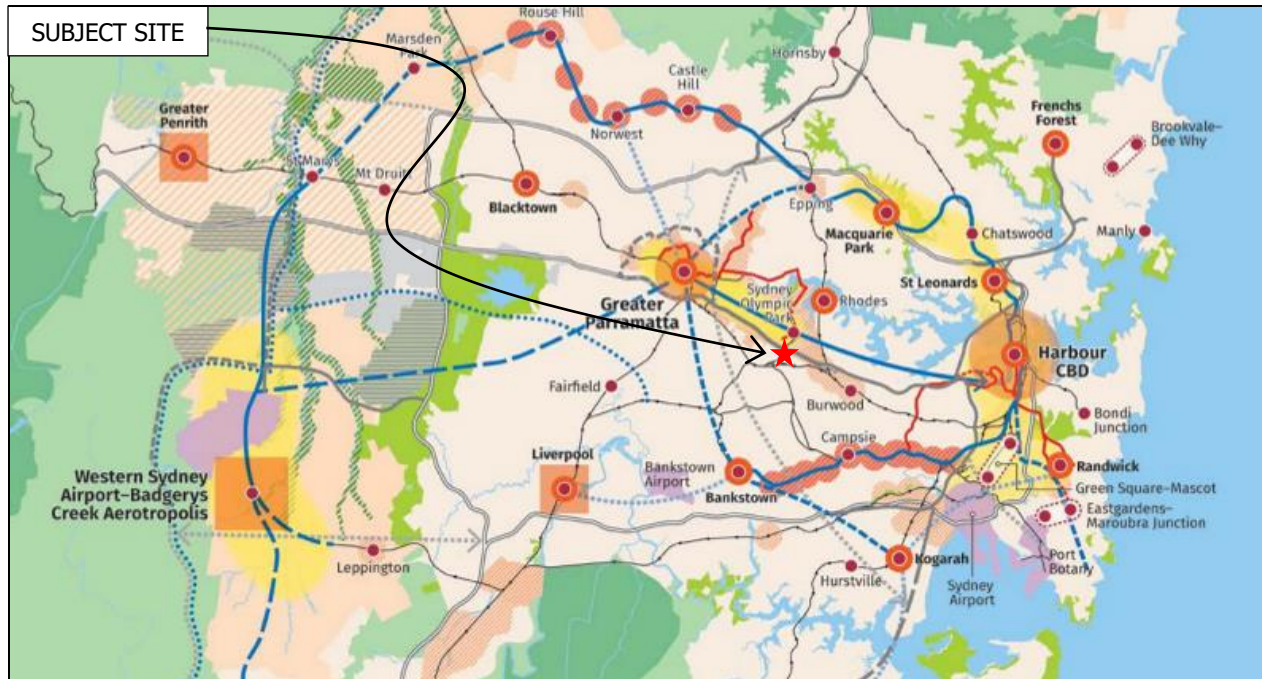
The proposed development also contributes to the four (4) standardised elements communicated across for all three (3) cities, including:

- Infrastructure and collaboration – the proposed development of the subject site for the purposes of a Warehouse and Distribution Centre, would provide a state-of-the-art facility, allowing for more efficient operations for orders and deliveries;
- Liveability – the proposed development encourages employment-generating opportunities and economic prosperity, which has positive influences on the wider locality;
- Productivity – the proposed development is situated in the Central City District Plan area; and,
- Sustainability – the proposed development would not exhibit or emit any detrimental impacts to its wider ecological surroundings.

In summary, the subject site contributes to the objectives set out in the *A Metropolis of Three Cities – Greater Sydney Region Plan* by promoting minor environmental impacts and the further promotion of employment-generating opportunities to the wider locality and community, positioned within the Cumberland LGA.

## SCOPING REPORT FOR SEARS

Proposed Warehouse and Distribution Centre  
11 & 13 Percy Street, Auburn (Lot 1 & 2 DP1183821)



**Figure 8** Structure plan for the metropolis of three cities (Source: Greater Sydney Commission, 2018)

### 5.12 CENTRAL DISTRICT PLAN

The *Central City District Plan* covers the Cumberland LGA. The Plan seeks to encourage and establish goals set out in *A Metropolis of Three Cities – Greater Sydney Region Plan*, mentioned above. The Plan is considered a 'bridge' between Regional and Local planning.

The subject site is situated within the *Central City District Plan*, which falls within the Central River City.

The *Central City District Plan* reinforces the four (4) planning priorities of the Greater Sydney Commission. The Plan establishes a number of priorities and actions to guide growth, development and change, relating to infrastructure and collaboration, liveability, productivity and sustainability.

The Greater Sydney Commission's mission statement further reinforces the Plan's concentrated aims by outlining its main strategies, namely:

- *Developing the economy with jobs and skills growth from unprecedented city-scale infrastructure investments;*
- *Supporting cohesive and socially dynamic communities with new social infrastructure like schools and community services, new cultural and sporting facilities;*
- *Establishing transport connections north, south, east and west from Parramatta to optimise Greater Parramatta's location in the centre of Greater Sydney;*
- *Transforming Westmead health and education precinct to an innovation district with greater diversity of knowledge-intensive jobs;*
- *Retaining industrial and urban services land and creating new skills with a 21st century clean-tech and advanced manufacturing cluster around precincts such as Camellia, Rydalmere, Silverwater and Auburn;*
- *Linking parks, bushland, playgrounds and waterways through the Greater Sydney Green Grid with enhanced opportunities for safe walking and cycling paths; and*
- *Enhancing the quality of, and access to, waterways such as Parramatta River, Duck River and South Creek.*

The proposed development would contribute to the objectives set out in the *Central City District Plan* by promoting a greater range of land uses of benefit to the community including the proposed development and other commensurate land uses; facilitating the provision of greater and improved infrastructure; and,

## SCOPING REPORT FOR SEARS

Proposed Warehouse and Distribution Centre  
11 & 13 Percy Street, Auburn (Lot 1 & 2 DP1183821)

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promoting additional employment-generating opportunities to the wider locality and community closer to home, whilst supporting an economically and environmentally sustainable operation.

### 5.13 AUBURN LOCAL ENVIRONMENTAL PLAN 2010

The site is subject to the provisions of ALEP2010. Relevant permissibility and development standards are summarised in the subsequent sections of this report.

#### ***Zoning and Permissibility***

The subject site is zoned IN1 General Industrial pursuant to ALEP2010. The objectives of the zone are:

- *To provide a wide range of industrial and warehouse land uses*
- *encourage employment opportunities*
- *minimise any adverse effect of industry on other land uses*
- *support and protect industrial land for industrial uses*
- *encourage economic growth of the locality*
- *to minimise adverse effects on the natural environment.*

As outlined above, the proposed development will satisfy all the objectives as it will continue to provide an employment generating land use in the form of a warehouse. Therefore, the existing industrial use of the land will be retained and the subject site will continue to provide employment at a larger scale to encourage and support the economic growth of the locality.

Within the IN1 zone the following are permissible without consent:

*Nil.*

Within the IN1 zone the following are permissible with consent:

*Building identification signs; Business identification signs; Depots; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Kiosks; Light industries; Markets; Neighbourhood shops; Oyster aquaculture; Places of public worship; Restaurants or cafes; Roads; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 4.*

Within the IN1 zone the following are prohibited:

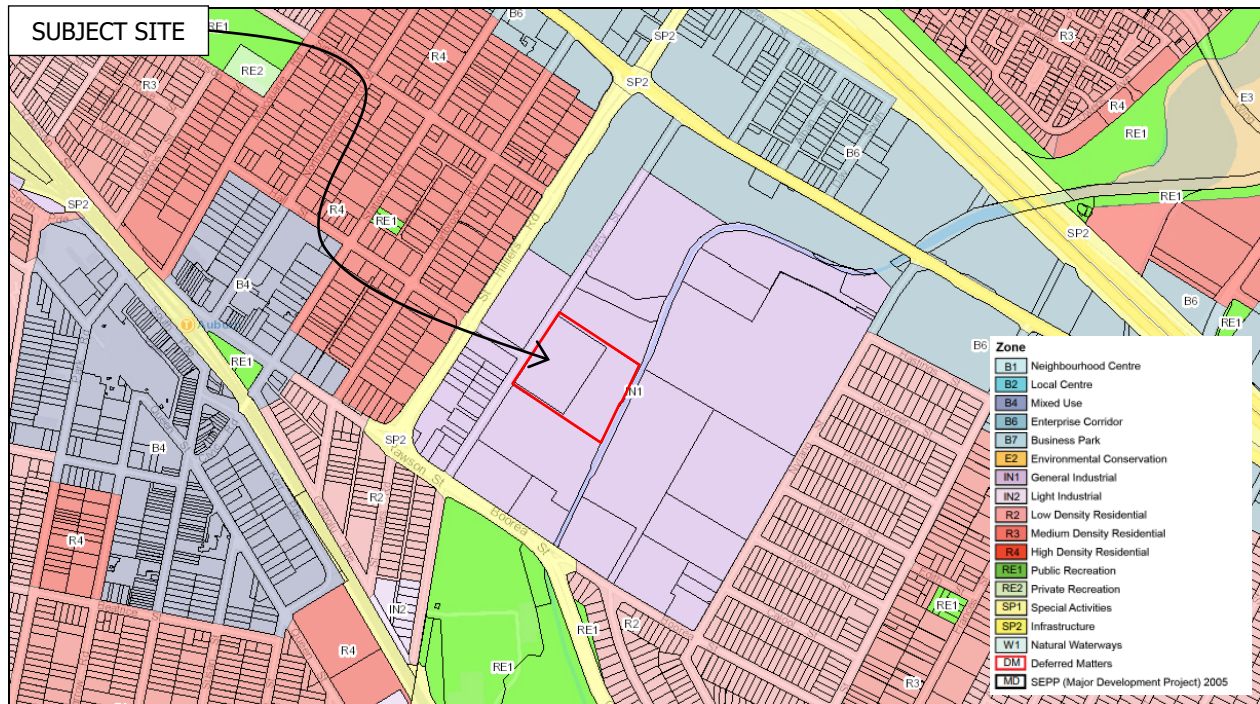
*Agriculture; Amusement centres; Animal boarding or training establishments; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Centre-based child care facilities; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Funeral homes; Health services facilities; Heavy industries; Highway service centres; Home occupations (sex services); Information and education facilities; Marinas; Mooring pens; Moorings; Office premises; Passenger transport facilities; Pond-based aquaculture; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Respite day care centres; Restricted premises; Retail premises; Rural industries; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities.*

Accordingly, the proposed use as a Warehouse and Distribution Centre is permitted with consent.



## SCOPING REPORT FOR SEARS

Proposed Warehouse and Distribution Centre  
11 & 13 Percy Street, Auburn (Lot 1 & 2 DP1183821)



**Figure 9** Zoning Map (Source: NSW Legislation, 2020)

### Development Standards

This section provides a summary of all ALEP2010 provisions, as they apply to the proposed development.

**Table 5 – Development Standards of ALEP2010**

Clause	Comment	Compliance
<b>Principle Development Standards</b>		
4.1 Minimum subdivision lot size	The site is subject to a minimum lot size of 1,500m <sup>2</sup> pursuant to the LEP map. As the subject site provides an area of approximately 32,400m <sup>2</sup> , the proposal can be accommodated on the site.	Yes
4.3 Height of buildings	The site is not subject to a maximum building height pursuant to ALEP2010.	Yes
4.4 Floor space ratio	The maximum FSR permitted for the site under the current planning control is 1:1. This will allow for a maximum GFA of 32,400m <sup>2</sup> for the site.	Yes
4.6 Exemptions to development standards	Based on the current design of the proposed development a Clause 4.6 variation will not be required.	N/A
<b>Miscellaneous provisions</b>		
5.3 Development near zone boundaries	Not applicable to the proposed development.	N/A
5.10 Heritage conservation	The subject site does not contain a heritage item and is not located in a heritage conservation area. However due consideration will be given to the adjoining heritage item.	Yes
<b>Additional local provisions</b>		

## SCOPING REPORT FOR SEARS

Proposed Warehouse and Distribution Centre  
11 & 13 Percy Street, Auburn (Lot 1 & 2 DP1183821)

6.1 Acid sulfate soils	The subject site is identified as comprising acid sulfate soils (Class 2 and Class 5) in the relevant ALEP2010 map and accordingly is subject to the provisions of Clause 6.1. An Acid Sulfate Soils Management Plan will be prepared for the proposed works in accordance with the <i>Acid Sulfate Soils Manual</i> .	Yes
6.2 Earthworks	Bulk earthworks design will be undertaken by a suitably qualified engineer.	Yes
6.3 Flood planning	The subject site is identified as a "Flood Planning Area" within the ALEP2010 Flood Planning Map and therefore is subject to Clause 6.3. The flood planning levels which are applicable to the land will need to be incorporated into the design to ensure that the design incorporates appropriate measures to manage risk to life from flood events and to also ensure the development will not significantly increase the potential flood affectation of other development or properties. The relevant flood planning level, plus 0.5m freeboard, will be required to be incorporated into the design. This can be easily accommodated on the site, considering the bulk and scale of development proposed and as no maximum height limit is pertinent to the land.	Yes
6.4 Foreshore building line	The subject site is affected by the foreshore building line and is identified as land located below the foreshore building line on the relevant ALEP2010 Map and accordingly is subject to the provisions of Clause 6.4. Development cannot be granted for a building to be located, wholly or partly, in the foreshore area unless in exceptional circumstances where the site cannot make it appropriate to do so. The proposed development offers appropriate separation between the land located below the foreshore and the foreshore building line to ensure that significant adverse impacts on flood behaviour and the environment do not result.	Yes
6.5 Essential services	Essential services are available at the subject site.	Yes

### 5.14 AUBURN DEVELOPMENT CONTROL PLAN 2010

The *Auburn Development Control Plan 2010* (ADCP2010) supplements ALEP2010 and provides more detailed provisions to guide development that requires Council approval. Any future DA must include an assessment of the proposal against the relevant sections of ADCP2010.

It is noted that few sections of ADCP2010 apply to the site, as it is located outside of all nominated local centres, corridors, special areas and specific sites. Therefore, it is primarily the general controls for the environment, engineering and parking and the part of the DCP which relates to Industrial Areas that apply.

## **SCOPING REPORT FOR SEARS**

Proposed Warehouse and Distribution Centre  
11 & 13 Percy Street, Auburn (Lot 1 & 2 DP1183821)

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The proposed development will consider the relevant controls of the ADCP2010, which will be articulated within the proposed built form design and further within the forthcoming EIS.

## **PART F ENVIRONMENTAL ASSESSMENT**

A screening analysis of the environmental issues applicable to the proposed development is presented below. This risk-based analysis has been used to identify the key environmental issues for further assessment and assist the preparation of the SEARs with respect to the proposed development.

The analysis is based on preliminary environmental assessment of the subject site only. The forthcoming EIS will address these items and other key environmental issues to a greater degree.

### **6.1 KEY ENVIRONMENTAL ASSESSMENT ISSUES**

#### **6.1.1 Traffic, access and parking**

The proposal offers five (5) vehicle crossovers from Percy Street, with the intention of separating heavy vehicles from cars/vans – access arrangements proposed separated as follows:

- heavy vehicles to utilise the northern-most access
- access for vans/cars on the remainder

The northern-most access would provide a single point of access for semi-articulated vehicles to easily enter and exit the site with minimal movements, and limited conflict with other site vehicles.

The EIS will provide a comprehensive assessment of the likely transport and traffic impacts of the proposed development, including the future traffic generation and infrastructure improvements to mitigate, minimise or manage the potential impacts.

A detailed Transport and Accessibility Impact Assessment report will be provided as part of the EIS.

Key considerations of the EIS would include:

- parking requirements (Council and RMS rates)
- existing and expected traffic impacts
- design of the proposed vehicular access points
- pedestrian safety and
- impacts on the surrounding street network

#### **6.1.2 Flooding and stormwater**

The subject site is identified as flood prone land. The following key matters relating to flooding and stormwater impacts will be considered as part of the EIS:

- Water quality – Stormwater drainage quality
- Hydrological flows – Stormwater drainage quantity
- Flood waters – General flooding and overland flow paths
- Land stability/structure – Erosion of soil
- Land topography

In summary, a combination of standard and site-specific measures will be implemented to minimise stormwater and flood impacts associated with the proposed Warehouse and Distribution Centre.

A Hydraulic and Hydrological Flooding Assessment will be carried out to determine the existing arrangements, the expected peak stormwater flow generated by the development, the capacity of the existing stormwater network to convey the additional runoff generated (if any) and any upstream and downstream flood impacts of the proposed development.

#### **6.1.3 Contamination**



## SCOPING REPORT FOR SEARS

Proposed Warehouse and Distribution Centre  
11 & 13 Percy Street, Auburn (Lot 1 & 2 DP1183821)

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Extensive investigations have been carried out for the subject site, in relation to contamination matters.

Detailed Site Investigation of the site has been undertaken by Geo-Logix that has identified two contamination issues:

- 1) Trichloroethylene (TCE) and its degradant products in groundwater likely sourced from an adjacent upgradient property; and
- 2) Incidental fragments of bonded asbestos containing material on the ground surface in the southeast and northwest corners of the site.

TCE contaminated groundwater has not been found to present a potential risk to occupants of the proposed development and is unlikely to require remediation or management. An Asbestos Removal Control Plan / Remedial Action Plan will be developed for the removal of any fragments and to manage unexpected finds during redevelopment works.

Louise Walkden of Ramboll Australia has been engaged to undertake a non-statutory Contaminated Land Audit. The proposed approach is for Louise to provide Interim Audit Advice confirming the site can be made suitable for the proposed redevelopment to assist with the application process, and a Section A Site Audit Statement confirming the site is suitable for use upon removal of the bonded asbestos containing material.

It should be noted these works are still progressing and such matters will form part of the EIS.

### 6.1.4 Noise and vibration

Sensitive receivers in the surrounding vicinity include residential land uses to the north of St Hilliers Road.

Demolition and construction noise and vibration would be dependent on the activities being undertaken. Operational noise would be generated by plant and equipment as well as truck movements, however given the distance to nearby sensitive receptors noise impacts are expected to be low.

A Noise and Vibration Impact Assessment will form part of the EIS to identify and provide a quantitative assessment of the main noise generating sources and activities during demolition, construction, and ongoing operations. Key considerations include:

- Establish existing ambient and background noise levels at the potentially most affected receiver locations
- Assess operational (24 – 7 operations) and construction noise impacts, based on relevant equipment and process
- Assess traffic noise consistent with EPA's Road Noise Policy
- Identify feasible and reasonable noise mitigation measures to address noise exceedances at sensitive receivers

## 6.2 OTHER ASSESSMENT ISSUES

While not identified as a key issue, the following matters have also been considered and will adopt further assessment as part of the EIS.

Table 6 – Other Matters	
Environmental Matter	Analysis
Legislative framework	The EIS will detail the applicable legislative and approvals framework for the application. It will also provide an assessment of the proposal against the relevant matters required by section 4.15 of the EP&A Act.
Land use	Detailed description and analysis for the Warehouse and Distribution Centre will be provided based on careful consideration of the benefits

## SCOPING REPORT FOR SEARS

Proposed Warehouse and Distribution Centre  
11 & 13 Percy Street, Auburn (Lot 1 & 2 DP1183821)

	<p>and potential impacts.</p> <p>As discussed in <b>Section 5.13</b>, a Warehouse or Distribution Centre is permissible with consent in the IN1 zone.</p>
Built form and design	<p>The EIS will outline how the potential visual impacts of the warehouse development are minimised. The final architectural package will detail the rationale for the siting and layout of the proposed development, including access arrangements.</p> <p>Consideration will be given to the proposed warehouse and its visual impact when viewed from the surrounding area. The overall design will consider architectural appearance and landscape treatment to provide an attractive street presentation.</p> <p>The EIS will also demonstrate how Crime Prevention Through Environmental Design (CPTED) and Ecologically Sustainable Development (ESD) principles have been incorporated into the siting and design of the proposed development.</p>
Biodiversity / tree removal	<p>The subject site is not mapped on the NSW Government Biodiversity Values Map (accessed 30 April 2020). Given that the subject site is fully developed and operational, it is considered that the proposed redevelopment will not have a significant impact on biodiversity values. A Biodiversity Development Assessment Report (BDAR) waiver will be sought, in accordance with Section 7.9 of the <i>Biodiversity Conservation Act 2016</i>.</p> <p>A select number of trees along Percy Street will require removal to facilitate the proposed development. An Arboricultural Impact Assessment will be prepared by a qualified Arborist to assess the existing trees on site and their suitability for retention as part of the proposed development.</p> <p>Detailed landscape plans will also be submitted with the EIS.</p>
Easements	<p>Several easements affect the site and will be managed as part of the design development process in the preparation of the EIS to ensure the requirements of these encumbrances can continue to be achieved. It is noted that the beneficiaries of these encumbrances will be engaged with as part of the pre-lodgement consultation process.</p> <p>Details of such easements are included in <b>Section 2.2</b>.</p>
European heritage	<p>The subject site is not identified as containing an item of heritage or being within a heritage conservation area. However the subject site does directly adjoin an archaeological heritage item, described as A55 – Canalisation of Haslams Creek, South of Parramatta Road – Item of local significance.</p> <p>Due consideration will be given to the adjoining heritage item, the possible impacts of the proposed development, and mechanisms required to protect its curtilage.</p>
Aboriginal cultural heritage	<p>The subject site has been extensively modified and disturbed by previous industrial activities. Given the highly disturbed nature of the subject site, it is considered unlikely that the proposed development would impact on indigenous and non-indigenous heritage.</p> <p>As such, the Applicant is seeking to exclude the requirement for an Aboriginal Cultural Heritage Assessment (ACHA), based on information provided by Austral Archaeology.</p> <p>A copy of the Aboriginal Cultural Heritage Advice, prepared by Austral</p>

## SCOPING REPORT FOR SEARS

Proposed Warehouse and Distribution Centre  
11 & 13 Percy Street, Auburn (Lot 1 & 2 DP1183821)

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	Archaeology, is included in <b>Appendix C</b> .
Waste	<p>A Construction Waste Management Plan and an Operational Waste Management Plan will be prepared and accompany the EIS. The plans will detail proposed waste management practices. Where possible, all demolition, construction and operational waste will be reused or recycled.</p> <p>Key considerations for the EIS include:</p> <ul style="list-style-type: none"><li>▪ Identification of waste streams generated during demolition, construction stages and through the ongoing operations</li><li>▪ Assess waste management impacts associated with demolition, construction and operational activities</li><li>▪ Identify management and mitigation measures for resource use and waste across the project, including disposal sites and transport impacts</li></ul>
Socio economics	<p>The EIS will identify and analyse the potential social and economic impacts of the development on the community and other relevant stakeholders.</p> <p>The proposed development is intended to positively impact on social and economic conditions, with construction jobs expected in the order of 440 persons (approx.) and operational jobs expected to accord with around 250 ongoing jobs.</p>

## SCOPING REPORT FOR SEARS

Proposed Warehouse and Distribution Centre  
11 & 13 Percy Street, Auburn (Lot 1 & 2 DP1183821)

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### PART G CONCLUSION

This scoping report has been prepared to request SEARs from the NSW DPIE for the proposed Warehouse and Distribution Centre at 11 and 13 Percy Street, Auburn, more formally described as Lot 1 DP1183821 and Lot 2 DP1183821.

The proposed development, as a Warehouse and Distribution Centre, would result in a CIV of more than \$50 million, thus satisfying the criteria of SSD, pursuant to Schedule 1, Part 25 of the SRD SEPP.

The subject site is within the Cumberland LGA and is complimented by surrounding developments of similar contextual importance. The subject site is therefore considered highly suitable for the proposed development, given industrial related uses proposed.

The proposed development is considered to align with the strategic objectives of the *A Metropolis of Three Cities – Greater Sydney Region Plan*, the *Central City District Plan* and the ALEP2010.

This scoping report demonstrates that the proposed development meets the criteria of SSD and includes the matters for consideration in the assessment of the proposal, including:

- Legislative framework
- Land use
- Built form and design
- Traffic, access and parking
- Biodiversity / tree removal
- Flooding and stormwater
- Contamination
- Easements
- European heritage
- Aboriginal cultural heritage
- Waste
- Noise and vibration
- Socio economics

Additionally, as noted throughout this report, the proposed development would be carried out in an environmentally and ecologically sustainable manner and would further implement suitable mitigation measures to ensure that the amenity and function of surrounding land uses would not be compromised.

It is requested that NSW DPIE issue formal SEARs for the preparation of an EIS for the proposed development as SSD.





WILLOW TREE  
PLANNING

**APPENDIX A**

Titles searches



LAND  
REGISTRY  
SERVICES

## Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/1183821

SEARCH DATE	TIME	EDITION NO	DATE
11/4/2019	2:42 PM	4	26/2/2014

### LAND

LOT 1 IN DEPOSITED PLAN 1183821  
AT AUBURN  
LOCAL GOVERNMENT AREA CUMBERLAND  
PARISH OF LIBERTY PLAINS COUNTY OF CUMBERLAND  
TITLE DIAGRAM DP1183821

### FIRST SCHEDULE

SHADYFIELD NOMINEES PTY LIMITED (T AH825766)

### SECOND SCHEDULE (19 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 B215538 RIGHT OF WAY & RIGHT TO CONSTRUCT & MAINTAIN  
TRAMWAYS OR RAILWAYS APPURTENANT TO THE LAND ABOVE  
DESCRIBED AFFECTING PART OF THE LAND SHOWN IN DP312222
- 3 C717950 RIGHT OF WAY AND RIGHT TO CONSTRUCT AND MAINTAIN  
TRAMWAYS OR RAILWAYS APPURTENANT TO THE LAND ABOVE  
DESCRIBED AFFECTING THE PROPOSED EASEMENT SHOWN IN  
DP188498
- 4 D484492 RIGHT OF WAY & RIGHT TO CONSTRUCT & MAINTAIN  
TRAMWAYS OR RAILWAYS AFFECTING PART OF THE LAND SHOWN  
SO BURDENED IN THE TITLE DIAGRAM
- 5 D484492 COVENANT
- 6 E61118 LEASE TO SYDNEY ELECTRICITY OF SUBSTATION PREMISES  
NOS.982 & 2801 AS SHOWN IN PLAN WITH E61118 TOGETHER  
WITH RIGHTS OF WAY AND EASEMENT FOR ELECTRICITY  
PURPOSES OVER OTHER PARTS OF THE LAND ABOVE DESCRIBED.  
EXPIRES 31.7.2041
- \* AK971351 LEASE OF LEASE E61118 TO BLUE ASSET PARTNER PTY  
LTD, ERIC ALPHA ASSET CORPORATION 1 PTY LTD, ERIC  
ALPHA ASSET CORPORATION 2 PTY LTD, ERIC ALPHA  
ASSET CORPORATION 3 PTY LTD & ERIC ALPHA ASSET  
CORPORATION 4 PTY LTD EXPIRES: SEE DEALING. CLAUSE  
2.3 (b) (ii).
- \* AK971352 LEASE OF LEASE AK971351 TO BLUE OP PARTNER PTY  
LTD, ERIC ALPHA OPERATOR CORPORATION 1 PTY LTD,  
ERIC ALPHA OPERATOR CORPORATION 2 PTY LTD, ERIC  
ALPHA OPERATOR CORPORATION 3 PTY LTD & ERIC ALPHA  
OPERATOR CORPORATION 4 PTY LTD EXPIRES: SEE  
DEALING. CLAUSE 12.1

END OF PAGE 1 - CONTINUED OVER



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/1183821

PAGE 2

SECOND SCHEDULE (19 NOTIFICATIONS) (CONTINUED)

- \* AK971502 MORTGAGE OF LEASE AK971351 TO ANZ FIDUCIARY SERVICES PTY LTD
- \* AK971571 CHANGE OF NAME AFFECTING LEASE E61118 LESSEE NOW ALPHA DISTRIBUTION MINISTERIAL HOLDING CORPORATION
- 7 DP1183821 RIGHT OF CARRIAGEWAY VARIABLE WIDTH AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 8 DP1183821 RIGHT OF CARRIAGEWAY 2.6, 2.8, 3, 4.5, 6 AND 6.8 METRE(S) WIDE AND VARIABLE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 9 DP1183821 RIGHT OF CARRIAGEWAY 2.6, 2.8, 3, 4.5, 6 AND 6.8 METRE(S) WIDE AND VARIABLE APPURTENANT TO THE LAND ABOVE DESCRIBED
- 10 DP1183821 EASEMENT TO DRAIN WATER 3 METRE(S) WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED
- 11 DP1183821 EASEMENT TO DRAIN WATER OVER EXISTING LINE OF PIPES APPURTENANT TO THE LAND ABOVE DESCRIBED
- 12 DP1183821 EASEMENT FOR SEWERAGE PURPOSES OVER EXISTING LINE OF PIPES AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 13 DP1183821 EASEMENT FOR SEWERAGE PURPOSES OVER EXISTING LINE OF PIPES APPURTENANT TO THE LAND ABOVE DESCRIBED
- 14 DP1183821 EASEMENT FOR WATER SUPPLY PURPOSES OVER EXISTING LINE OF PIPES AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 15 DP1183821 RESTRICTION(S) ON THE USE OF LAND REFERRED TO AND NUMBERED (7) IN THE S.88B INSTRUMENT
- 16 DP1183821 RESTRICTION(S) ON THE USE OF LAND REFERRED TO AND NUMBERED (8) IN THE S.88B INSTRUMENT
- 17 DP1183821 POSITIVE COVENANT
- 18 AI233943 LEASE TO CHAMELEON TOURING SYSTEMS PTY LIMITED EXPIRES: 30/9/2018. OPTION OF RENEWAL: FIVE YEARS.
- 19 AI409307 MORTGAGE TO HONEY BEAR PRODUCTIONS PTY LIMITED

NOTATIONS

UNREGISTERED DEALINGS: NIL

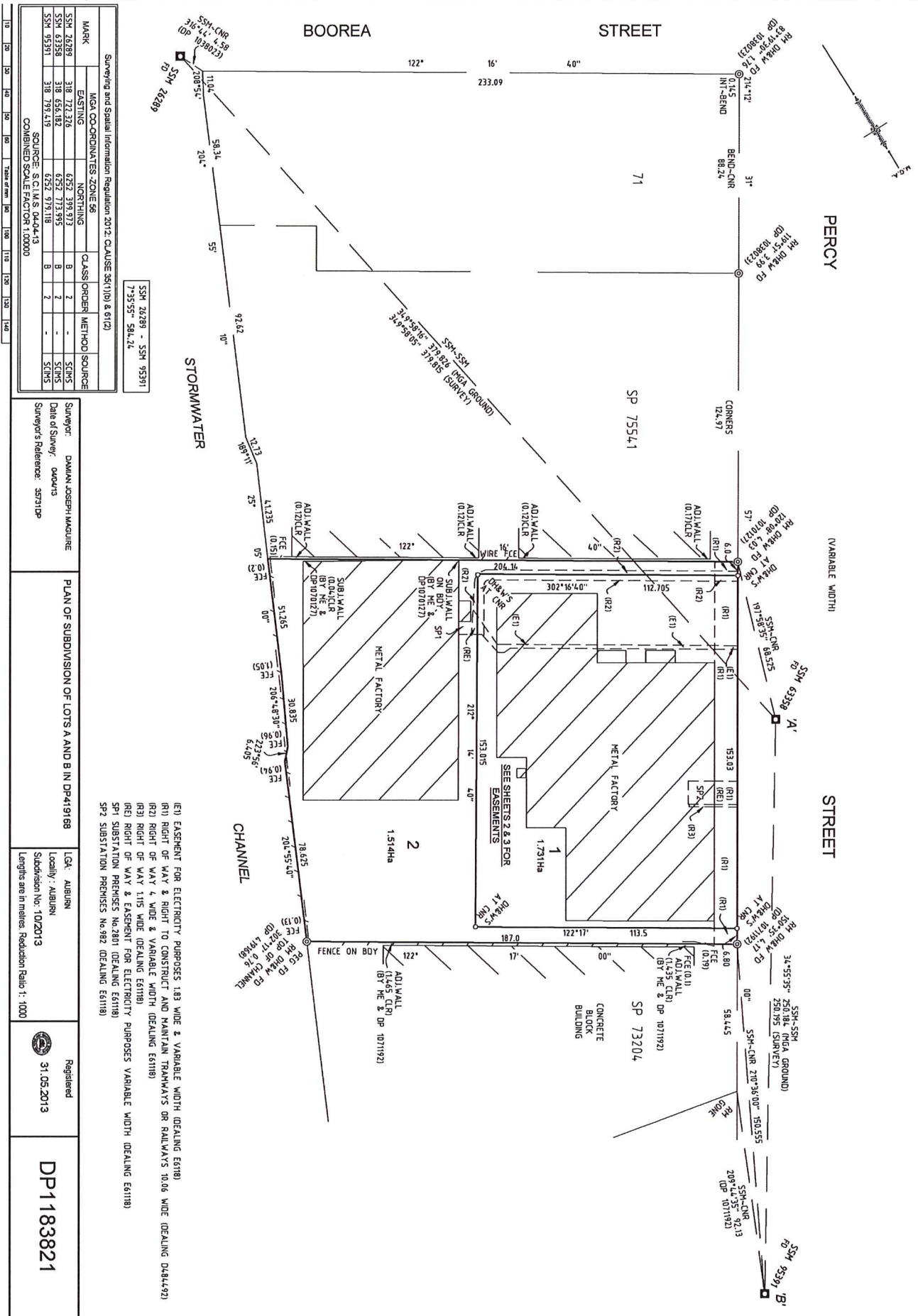
\*\*\* END OF SEARCH \*\*\*

190099

PRINTED ON 11/4/2019

\* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.





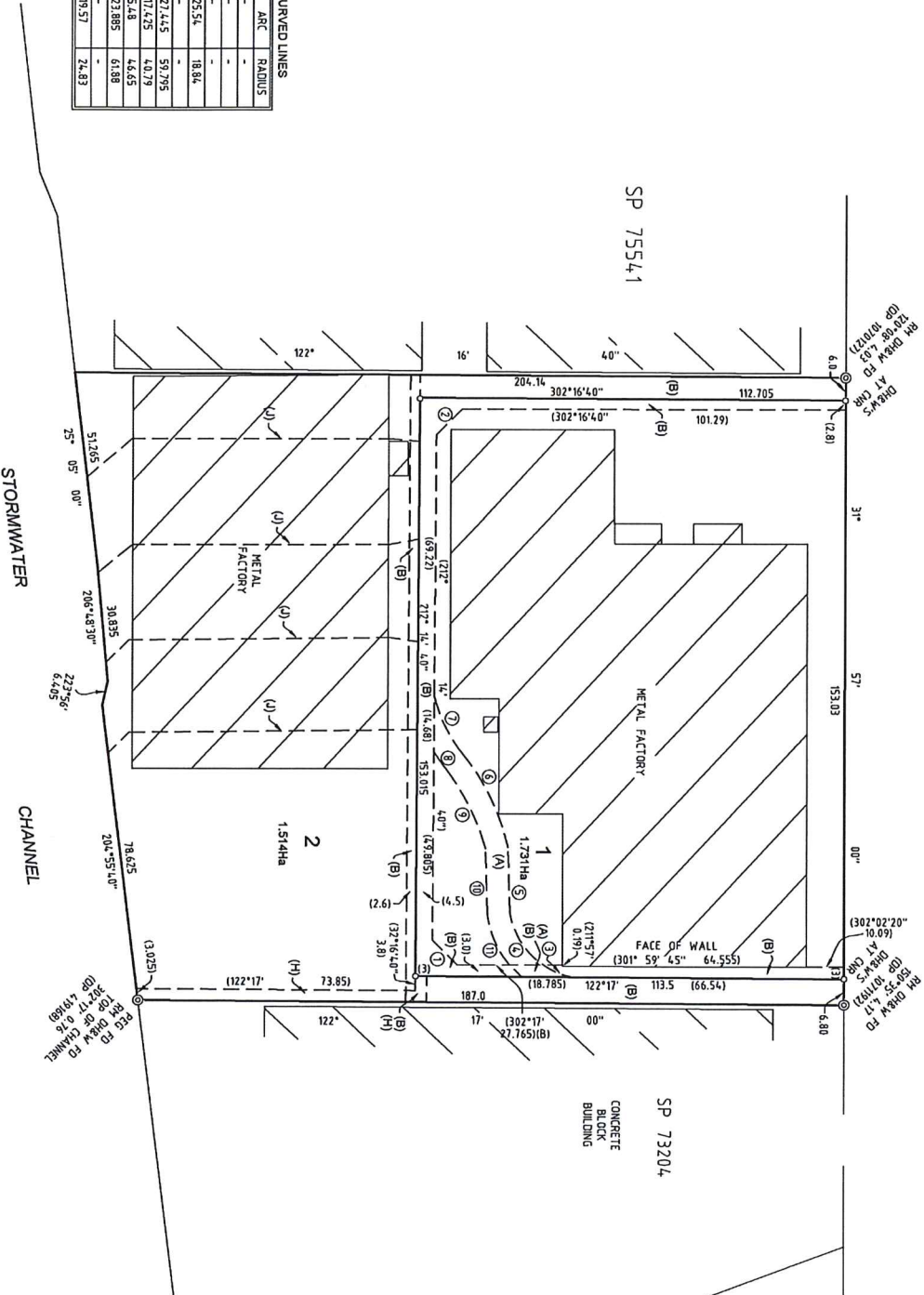
PERCY

(VARIABLE WIDTH)

STREET



SCHEDULE OF SHORT & CURVED LINES			
No.	BEARING	DISTANCE	RADIUS
1	167°15'	9.295	-
2	77°14'	9.805	-
3	130°31'	5.275	-
4	166°28'20"	23.63	25.54
5	200°08'40"	16.995	-
6	186°01'15"	27.205	27.445
7	185°37'40"	17.295	17.475
8	356°49'	5.37	5.48
9	5°29'50"	23.714	23.885
10	310°09'	17.19	-
11	3°03'15"	19.065	19.57



RIGHTS OF CARRIAGEWAY

- (A) RIGHT OF CARRIAGEWAY VARIABLE WIDTH
- (B) RIGHT OF CARRIAGEWAY 2.6, 2.8, 3.0, 4.5, 6.0, 6.8 WIDE & VARIABLE

EASEMENTS

- (H) EASEMENT TO DRAIN WATER 3.0 WIDE
- (J) EASEMENT TO DRAIN WATER OVER EXISTING LINE OF PIPES APPROXIMATE POSITION

10 20 30 40 50 60 70 80 90 100 110 120 130 140

Surveyor: DAMIAN JOSEPH HANQUIRE	PLAN OF SUBDIVISION OF LOTS A AND B IN DP419168	LGA: ALBURN	Registered
Date Survey: 04/03/13		Locality: ALBURN	31.05.2013
Surveyor's Reference: 35731P		Lengths are in metres. Reduction Ratio 1: 800	
DP1183821			


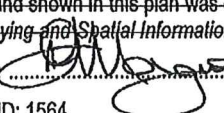





PLAN FORM 6 (2012)

WARNING: Creasing or folding will lead to rejection

ePlan

DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 1 of 3 sheet(s)
<p>Registered:  31.05.2013</p> <p>Title System: TORRENS</p> <p>Purpose: SUBDIVISION</p>	<p>Office Use Only</p> <h1 style="margin: 0;">DP1183821</h1> <p>Office Use Only</p>	
<p><b>PLAN OF SUBDIVISION OF LOTS A&amp;B</b></p> <p><b>DP 419168</b></p>	<p>LGA: AUBURN</p> <p>Locality: AUBURN</p> <p>Parish: LIBERTY PLAINS</p> <p>County: CUMBERLAND</p>	
<p style="text-align: center;"><b>Crown Lands NSW/Western Lands Office Approval</b></p> <p>I, ..... (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature: .....</p> <p>Date: .....</p> <p>File Number: .....</p> <p>Office: .....</p>	<p style="text-align: center;"><b>Survey Certificate</b></p> <p>I, Damian Joseph Magulre          of LOCKLEY LAND TITLE SOLUTIONS, PO BOX 400 GLADESVILLE 1675          a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>, certify that:</p> <p><i>*(a) The land shown in the plan was surveyed in accordance with the Surveying and Spatial Information Regulation 2012, is accurate and the survey was completed on 4-4-13</i></p> <p><i>*(b) The part of the land shown in the plan (*being/*excluding ^ .....          was surveyed in accordance with the Surveying and Spatial Information Regulation 2012, is accurate and the survey was completed on ..... the part not surveyed was compiled in accordance with that Regulation.</i></p> <p><i>*(c) The land shown in this plan was compiled in accordance with the Surveying and Spatial Information Regulation 2012.</i></p> <p>Signature:  Dated: 4-4-13</p> <p>Surveyor ID: 1564</p> <p>Datum Line: 'A' - 'B'</p> <p>Type: *Urban/*Rural</p> <p>The terrain is *Level-Undulating / *Steep-Mountainous.</p> <p><small>*Strike through if Inapplicable.          ^Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</small></p>	
<p style="text-align: center;"><b>Subdivision Certificate</b></p> <p>I, .....          *Authorised Person/*General Manager/*Accredited Certifier, certify that the provisions of s.109J of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature:  .....</p> <p>Accreditation number: .....</p> <p>Consent Authority: AUBURN CITY COUNCIL</p> <p>Date of endorsement: 9/5/2013</p> <p>Subdivision Certificate number: 10/2013</p> <p>File number: DA 371/2012</p> <p><small>*Strike through if Inapplicable.</small></p>	<p>Statements of intention to dedicate public roads, public reserves and drainage reserves.</p>	
<p>Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A</p>	<p>Plans used in the preparation of survey/compilation.</p> <p>DP 419168          DP 1070127          DP 1071192          DP 1101941</p> <p style="text-align: center;"><small>If space is insufficient continue on PLAN FORM 6A</small></p> <p>Surveyor's Reference: 35731DP</p>	




PLAN FORM 6A (2012)

WARNING: Creasing or folding will lead to rejection

ePlan

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 2 of 3 sheet(s)

Registered:  31.05.2013 PLAN OF SUBDIVISION OF LOTS A & B DP 419168		Office Use Only  <h1>DP1183821</h1>
Subdivision Certificate number: .....10/2013..... Date of Endorsement: .....9/5/2013.....		Office Use Only  This sheet is for the provision of the following information as required: <ul style="list-style-type: none"> <li>• A schedule of lots and addresses - See 60(c) <i>SSI Regulation 2012</i></li> <li>• Statements of intention to create and release affecting interests in accordance with section 88B <i>Conveyancing Act 1919</i></li> <li>• Signatures and seals- see 195D <i>Conveyancing Act 1919</i></li> <li>• Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.</li> </ul>

PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT, 1919, IT IS INTENDED TO CREATE:

1. RIGHT OF CARRIAGEWAY VARIABLE WIDTH (A)
2. RIGHT OF CARRIAGEWAY 2,6, 2.8, 3.0, 4.5, 6 & 6.8 WIDE AND VARIABLE (B)
3. EASEMENT TO DRAIN WATER 3.0 WIDE (H)
4. EASEMENT TO DRAIN WATER OVER EXISTING LINE OF PIPES (J)
5. EASEMENT FOR SEWERAGE PURPOSES OVER EXISTING LINE OF PIPES (K), (L) & (M)
6. EASEMENT FOR WATER SUPPLY PURPOSES OVER EXISTING LINE OF PIPES (P)
7. RESTRICTION ON USE OF LAND
8. RESTRICTION ON USE OF LAND
9. POSITIVE COVENANT

LOT	STREET NUMBER	STREET NAME	STREET TYPE	LOCALITY
1	11	Percy	Street	Auburn
2	13	Percy	Street	Auburn

If space is insufficient use additional annexure sheet


Surveyor's Reference: 35731DP

PLAN FORM 6A (2012)

WARNING: Creasing or folding will lead to rejection

ePlan

DEPOSITED PLAN ADMINISTRATION SHEET Sheet 3 of 3 sheet(s)

Office Use Only  
Registered:  31.05.2013

PLAN OF SUBDIVISION OF LOTS A & B  
DP 419168

DP1183821

Office Use Only  
This sheet is for the provision of the following information as required:  
• A schedule of lots and addresses - See 60(c) SSI Regulation 2012  
• Statements of intention to create and release affecting interests in accordance with section 88B Conveyancing Act 1919  
• Signatures and seals- see 195D Conveyancing Act 1919  
• Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

Subdivision Certificate number: 10/2013  
Date of Endorsement: 9/5/2013

EXECUTED by  
Motive Properties Pty Limited  
ACN 095 413 460  
in accordance with Section 127  
of the Corporations Act

SOLE  
Signature of Director

ADAM KAPLAN  
NAME (please print)

SOLE  
Signature of Director/secretary

ADAM KAPLAN  
NAME (please print)

SIGNED SEALED AND DELIVERED  
for and on behalf of ST. GEORGE  
BANK - A DIVISION OF WESTPAC  
BANKING CORPORATION ABN 30  
007 0457 141 by its attorney under power  
of attorney dated 17 January 2001  
in accordance with the 2002 Bank Act 4239 in the  
presence of  
Witness (signature)  
Angela Paulinson  
Name of Witness (print)

MORTGAGE

Witness (signature)  
Nguyen Pham  
Name of Witness (print)  
Compliance Manager  
Tier Three Attorney

EXECUTED BY CAPITAL FINANCE  
AUSTRALIA LIMITED ACN 069 663 136  
BY ITS DULY APPOINTED ATTORNEYS

MARCO CORRETTI  
William Roske  
Full Names.

PURSUANT TO POWER OF  
ATTORNEY OF WHICH THEY HAVE NO  
NOTICE OF REVOCATION  
IN THE PRESENCE OF:

Witness MICHAEL KINAFANI  
Level 3, 20 CHRISTIAN DRIVE  
BELLA VISTA, NSW 2153.

[Signature]  
Signature

[Signature]  
Signature

BOOK 4604  
NO 301

If space is insufficient use additional annexure sheet

Surveyor's Reference: 35731DP

ePlan

**Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B of the Conveyancing Act 1919**

**Lengths are in metres:**

(Sheet 1 of 5 sheets)

**Plan: DP1183821**

Plan of Subdivision of Lots A and B in DP419168

**Full name and address  
of the owner of the Land**

Motive Properties Pty Limited  
ACN 110 830 138

**Part 1 (Creation)**

Number of item shown in the intention panel on the plan	Identity of easement, profit à prendre, restriction or positive covenant to be created and referred to in the plan.	Burdened lot(s) or parcel(s):	Benefited lot(s), road(s) bodies or Prescribed Authorities:
1.	Right of Carriageway Variable Width (A)	1	2
2.	Right of Carriageway 2.6, 2.8, 3, 4.5, 6 and 6.8 Wide and variable (B)	1 2	2 1
3.	Easement to Drain Water 3 Wide (H)	2	1
4.	Easement to Drain Water Over Existing Line of Pipes (approximate position) (J)	2	1
5.	Easement for Sewerage Purposes Over Existing Line of Pipes (approximate position) (K) (L) and (M)	1 2	2 1
6.	Easement for Water Supply Purposes Over Existing Line of Pipes (approximate position) (P)	1	2

.....  
 General Manager/Authorised Person  
 Auburn Council



ePlan

Lengths are in metres:

(Sheet 2 of 5 sheets)

Plan: **DP1183821**

Plan of Subdivision of Lots A and B in DP419168

**Part 1 (Creation)(cont'd)**

Number of item shown in the intention panel on the plan	Identity of easement, profit à prendre, restriction or positive covenant to be created and referred to in the plan.	Burdened lot(s) or parcel(s):	Benefited lot(s), road(s) bodies or Prescribed Authorities:
7.	Restriction on the Use of Land	1 2	2 1
8.	Restriction on the Use of Land	1	2
9.	Positive Covenant	1 2	2 1

**Part 2 (Terms)**

1. Terms of Right of Carriageway Variable Width (A) numbered 1 in the plan.

A Right of Carriageway with the terms defined in Part 1 of Schedule 8 of the Conveyancing Act, 1919 however such Right of Carriageway is limited to a term of the life of the buildings on Lot 1 from the date of registration of this instrument.

2. Terms of Right of Carriageway numbered 2 in the plan.

A Right of Carriageway with the terms defined in Part 1 of Schedule 8 of the Conveyancing Act, 1919.

3. Terms of Easement to Drain Water 3 Wide (H) numbered 3 in the plan.

An Easement to Drain Water with the terms defined in Part 3 of Schedule 8 of the Conveyancing Act, 1919.

4. Terms of Easement to Drain Water Over Existing Line of Pipes (approximate Position)(J) numbered 4 in the plan.

An Easement to Drain Water with the terms defined in Part 3 of Schedule 8 of the Conveyancing Act, 1919.

.....  
 General Manager/Authorised Person  
 Auburn Council



Lengths are in metres:

(Sheet 3 of 5 sheets)

Plan: **DP1183821**

Plan of Subdivision of Lots A and  
B in DP419168

**Part 2 (Terms)(cont'd)**

**5. Terms of Easement for Sewerage Purposes Over Existing Line of Pipes  
(approximate position) (K) (L) and (M) numbered 5 in the plan**

Full and free right for every person who is at any time entitled to an estate or interest in possession in the land herein indicated as the dominant tenement or any part thereof with which the right shall be capable of enjoyment and every person authorised by them, from time to time and at all times by means of pipes to drain sewage and other waste material and fluid in any quantities across and through the land herein indicated as the servient tenement, together with the right to use, for the purpose of the easement, any line of pipes already laid within the servient tenement for the purpose of draining sewage or any pipe or pipes in replacement or in substitution therefor and together with the right for the grantee and every person authorised by them with any tools, implements, or machinery, necessary for the purpose, to enter upon the servient tenement and to remain there for any reasonable time for the purpose of laying, inspecting, cleansing, repairing, maintaining or renewing such pipe line or any part thereof and for any of the aforesaid purposes to open the soil of the servient tenement to such extent as may be necessary provided that the grantee and the persons authorised by them will take all reasonable precautions to ensure as little disturbance as possible to the surface of the servient tenement and will restore that surface as nearly as practicable to its original condition and this easement shall not be released varied or modified without the written consent of Sydney Water Corporation.

**6. Terms of Easement for Water Supply Purposes Over Existing Line of Pipes  
(approximate position) (P) numbered 6 in the plan**

Full and free right for every person who is at any time entitled to an estate or interest in possession in the land herein indicated as the dominant tenement or any part thereof with which the right shall be capable of enjoyment and every person authorised by them, from time to time and at all times by means of pipes to drain water supply in any quantities across and through the land herein indicated as the servient tenement, together with the right to use, for the purpose of the easement, any line of pipes already laid within the servient tenement for the purpose of supplying water or any pipe or pipes in replacement or in substitution therefor and together with the right for the grantee and every person authorised by them with any tools, implements, or machinery, necessary for the purpose, to enter upon the servient tenement and to remain there for any reasonable time for the purpose of laying, inspecting, cleansing, repairing, maintaining or renewing such pipe line or any part thereof and for any of the aforesaid purposes to open the soil of the servient tenement to such extent as may be necessary provided that the grantee and the person authorised by them will take all reasonable

.....  
General Manager/Authorised Person  
Auburn Council

Lengths are in metres:

(Sheet 4 of 5 sheets)

Plan: **DP1183821**

Plan of Subdivision of Lots A and  
B in DP419168

**Part 2 (Terms)(cont'd)**

precautions to ensure as little disturbance as possible to the surface of the servient tenement and will restore that surface as nearly as practicable to its original condition and this easement shall not be released varied or modified without the written consent of Sydney Water Corporation.

**7. Terms of Restriction on the Use of Land numbered 7 in the plan**

No building or other structure shall be erected, constructed or placed on the land shown as Easement for Sewerage purposes over existing line of pipes (K) and Easement for Sewerage Purposes Variable Width (M) without the prior consent in writing of Sydney Water Corporation first had and obtained nor otherwise than in strict compliance with such conditions as the said Sydney Water Corporation may impose and this restriction shall not be released varied or modified without the written consent of the said Sydney Water Corporation.

**8. Terms of Restriction on the Use of Land numbered 8 in the plan**

No building or other structure shall be erected, constructed or placed on the land shown as Easement for Water Supply Purposes over existing line of pipes (P) without the prior consent in writing of Sydney Water Corporation first had and obtained nor otherwise than in strict compliance with such conditions as the said Sydney Water Corporation may impose and this restriction shall not be released varied or modified without the written consent of the said Sydney Water Corporation.

**9. Terms of Positive Covenant numbered 9 in the plan.**

9.1 The costs of maintenance and repair in respect of the Right of Carriageway Variable Width (A) hereby created are to be borne by the owners of Lot 1 and Lot 2 for the time being in equal shares.

9.2 If the owner of one of the Lots incurs costs referred to in subclause 9.1 the owner of the other Lot may demand in writing from the other owner the amount that the owner is liable to contribute under that subclause to those costs.

9.3 A demand under subclause 9.2 must be accompanied by receipts or invoices or copies of receipts or invoices that evidence the expenditure to which the demand relates.

9.4 If an owner fails to comply with any such demand within 7 days after it has been made, the amount demanded may be recovered in a court of competent jurisdiction as a debt due to the owner making the demand.

.....  
General Manager/Authorised Person  
Auburn Council  
Ref: 35731PercySt88B7Apr.doc



ePlan

Lengths are in metres:

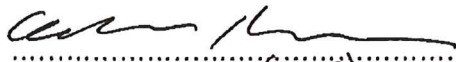
(Sheet 5 of 5 sheets)

Plan: **DP1183821**

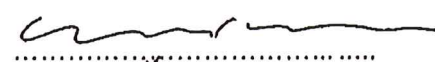
Plan of Subdivision of Lots A and  
B in DP419168

EXECUTED by  
Motive Properties Pty Limited  
ACN 110 830 138  
in accordance with Section 127  
of the Corporations Act

)  
)  
)  
)  
)

  
Signature of Director (SOLE)

Adam KAPLAN  
NAME (please print)


  
Signature of Director/secretary  
SOLE

Adam KAPLAN  
NAME (please print)

Execution by Mortgagees

EXECUTED BY CAPITAL FINANCE  
AUSTRALIA LIMITED ACN 069 663 136  
BY ITS DULY APPOINTED ATTORNEYS

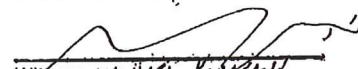
MASH CORBETT  
William Rooke  
Full Names:

  
Signature

  
Signature

PURSUANT TO POWER OF  
ATTORNEY OF WHICH THEY HAVE NO  
NOTICE OF REVOCATION  
IN THE PRESENCE OF:

BOOK 4604  
NO 301

  
Witness MICHAEL KARABANT  
LEVEL 3 20 LEXINGTON DRIVE  
BENTLEY NSW 2153



Witness (signatory)  
Angela Rawlison  
Name of Witness (print)

ATTORNEY  
Name:  
Title:  
Date:

Ky Phong Pham  
Compliance Manager  
Tier Three Attorney

SIGNED SEALED AND DELIVERED  
for and on behalf of ST. GEORGE  
BANK - A DIVISION OF WESTPAC  
BANKING CORPORATION ABN 33  
007 0457 141 by its attorney under power  
of attorney dated 17 January 2001  
registration No. 332 Book 4299 in the  
Presence of:

) By executing this document the attorney  
) states that they have received no notice  
) of revocation of the power of attorney  
)  
)  
)



# LAND REGISTRY Title Search SERVICES



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 2/1183821

SEARCH DATE	TIME	EDITION NO	DATE
12/4/2019	4:35 PM	4	29/12/2017

NO CERTIFICATE OF TITLE HAS ISSUED FOR THE CURRENT EDITION OF THIS FOLIO.  
CONTROL OF THE RIGHT TO DEAL IS HELD BY COMMONWEALTH BANK OF AUSTRALIA.

## LAND

LOT 2 IN DEPOSITED PLAN 1183821  
AT AUBURN  
LOCAL GOVERNMENT AREA CUMBERLAND  
PARISH OF LIBERTY PLAINS COUNTY OF CUMBERLAND  
TITLE DIAGRAM DP1183821

## FIRST SCHEDULE

MOTIVE PROPERTIES PTY LIMITED

## SECOND SCHEDULE (17 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 B215538 RIGHT OF WAY & RIGHT TO CONSTRUCT & MAINTAIN  
TRAMWAYS OR RAILWAYS APPURTENANT TO THE LAND ABOVE  
DESCRIBED AFFECTING PART OF THE LAND SHOWN IN DP312222
- 3 C717950 RIGHT OF WAY AND RIGHT TO CONSTRUCT AND MAINTAIN  
TRAMWAYS OR RAILWAYS APPURTENANT TO THE LAND ABOVE  
DESCRIBED AFFECTING THE PROPOSED EASEMENT SHOWN IN  
DP188498
- 4 D484492 RIGHT OF WAY & RIGHT TO CONSTRUCT & MAINTAIN  
TRAMWAYS OR RAILWAYS AFFECTING PART OF THE LAND SHOWN  
SO BURDENED IN THE TITLE DIAGRAM
- 5 D484492 COVENANT
- 6 E61118 LEASE TO SYDNEY ELECTRICITY OF SUBSTATION PREMISES  
NOS.982 & 2801 AS SHOWN IN PLAN WITH E61118 TOGETHER  
WITH RIGHTS OF WAY AND EASEMENT FOR ELECTRICITY  
PURPOSES OVER OTHER PARTS OF THE LAND ABOVE DESCRIBED.  
EXPIRES 31.7.2041
- AK971351 LEASE OF LEASE E61118 TO BLUE ASSET PARTNER PTY  
LTD, ERIC ALPHA ASSET CORPORATION 1 PTY LTD, ERIC  
ALPHA ASSET CORPORATION 2 PTY LTD, ERIC ALPHA  
ASSET CORPORATION 3 PTY LTD & ERIC ALPHA ASSET  
CORPORATION 4 PTY LTD EXPIRES: SEE DEALING. CLAUSE  
2.3 (b) (ii).
- AK971352 LEASE OF LEASE AK971351 TO BLUE OP PARTNER PTY  
LTD, ERIC ALPHA OPERATOR CORPORATION 1 PTY LTD,  
ERIC ALPHA OPERATOR CORPORATION 2 PTY LTD, ERIC

END OF PAGE 1 - CONTINUED OVER



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 2/1183821

PAGE 2

SECOND SCHEDULE (17 NOTIFICATIONS) (CONTINUED)

- ALPHA OPERATOR CORPORATION 3 PTY LTD & ERIC ALPHA  
OPERATOR CORPORATION 4 PTY LTD EXPIRES: SEE  
DEALING. CLAUSE 12.1
- AK971502 MORTGAGE OF LEASE AK971351 TO ANZ FIDUCIARY  
SERVICES PTY LTD
- AK971571 CHANGE OF NAME AFFECTING LEASE E61118 LESSEE NOW  
ALPHA DISTRIBUTION MINISTERIAL HOLDING CORPORATION
- 7 DP1183821 RIGHT OF CARRIAGEWAY VARIABLE WIDTH APPURTENANT TO  
THE LAND ABOVE DESCRIBED
- 8 DP1183821 RIGHT OF CARRIAGEWAY 2.6, 2.8, 3, 4.5, 6 AND 6.8  
METRE(S) WIDE AND VARIABLE AFFECTING THE PART(S) SHOWN  
SO BURDENED IN THE TITLE DIAGRAM
- 9 DP1183821 RIGHT OF CARRIAGEWAY 2.6, 2.8, 3, 4.5, 6 AND 6.8  
METRE(S) WIDE AND VARIABLE APPURTENANT TO THE LAND  
ABOVE DESCRIBED
- 10 DP1183821 EASEMENT TO DRAIN WATER 3 METRE(S) WIDE AFFECTING THE  
PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 11 DP1183821 EASEMENT TO DRAIN WATER OVER EXISTING LINE OF PIPES  
AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE  
DIAGRAM
- 12 DP1183821 EASEMENT FOR SEWERAGE PURPOSES OVER EXISTING LINE OF  
PIPES AFFECTING THE PART(S) SHOWN SO BURDENED IN THE  
TITLE DIAGRAM
- 13 DP1183821 EASEMENT FOR SEWERAGE PURPOSES OVER EXISTING LINE OF  
PIPES APPURTENANT TO THE LAND ABOVE DESCRIBED
- 14 DP1183821 EASEMENT FOR WATER SUPPLY PURPOSES OVER EXISTING LINE  
OF PIPES APPURTENANT TO THE LAND ABOVE DESCRIBED
- 15 DP1183821 RESTRICTION(S) ON THE USE OF LAND REFERRED TO AND  
NUMBERED (7) IN THE S.88B INSTRUMENT
- 16 DP1183821 POSITIVE COVENANT
- 17 AN15218 MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA

NOTATIONS

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UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*

190123

PRINTED ON 12/4/2019

\* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.

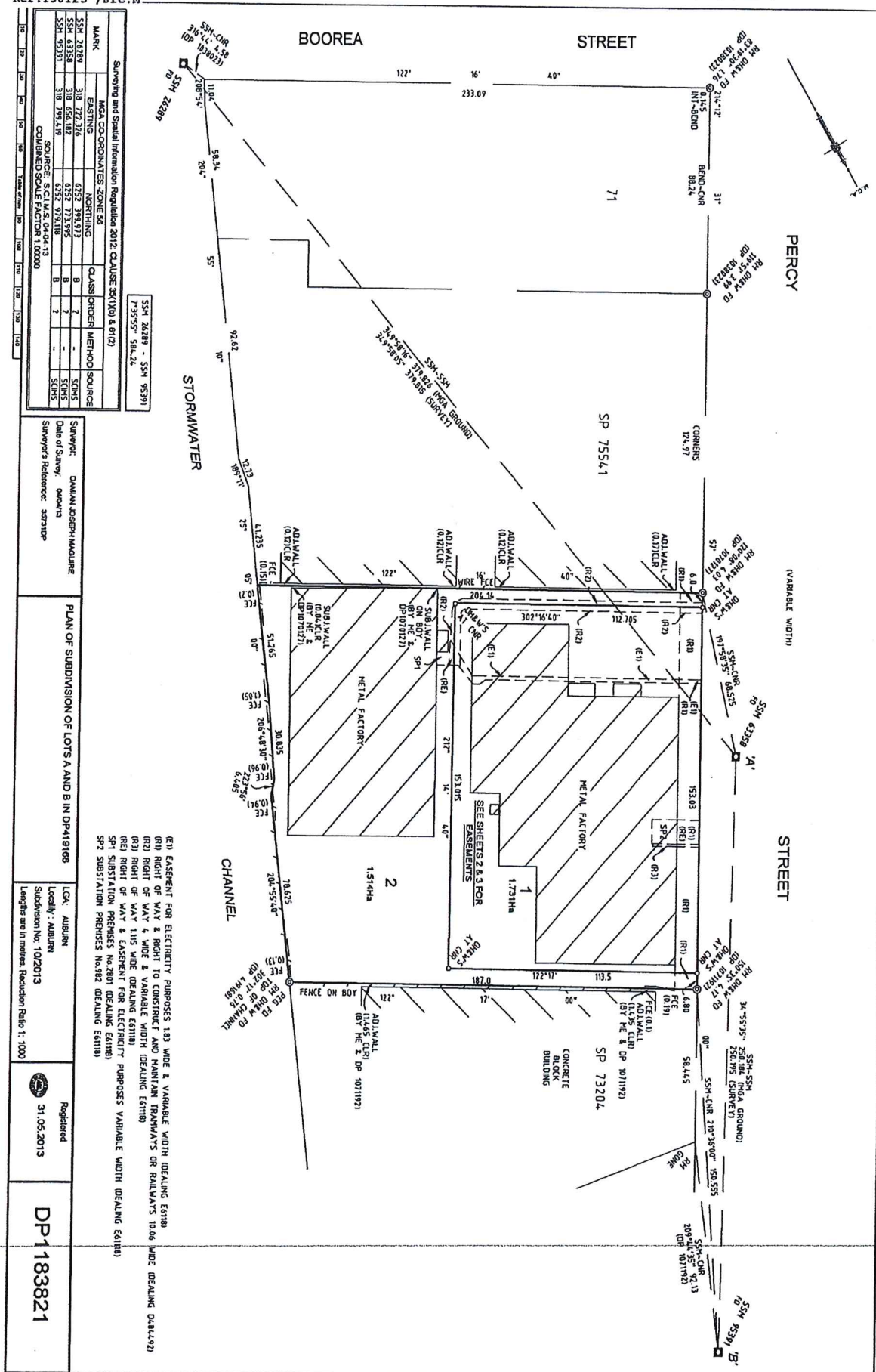
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Ref:190123 /Src:M

PLAN FORM 2 (A2)

DP118382

**WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION**

oPlan Shoot 1 of 3 shoots

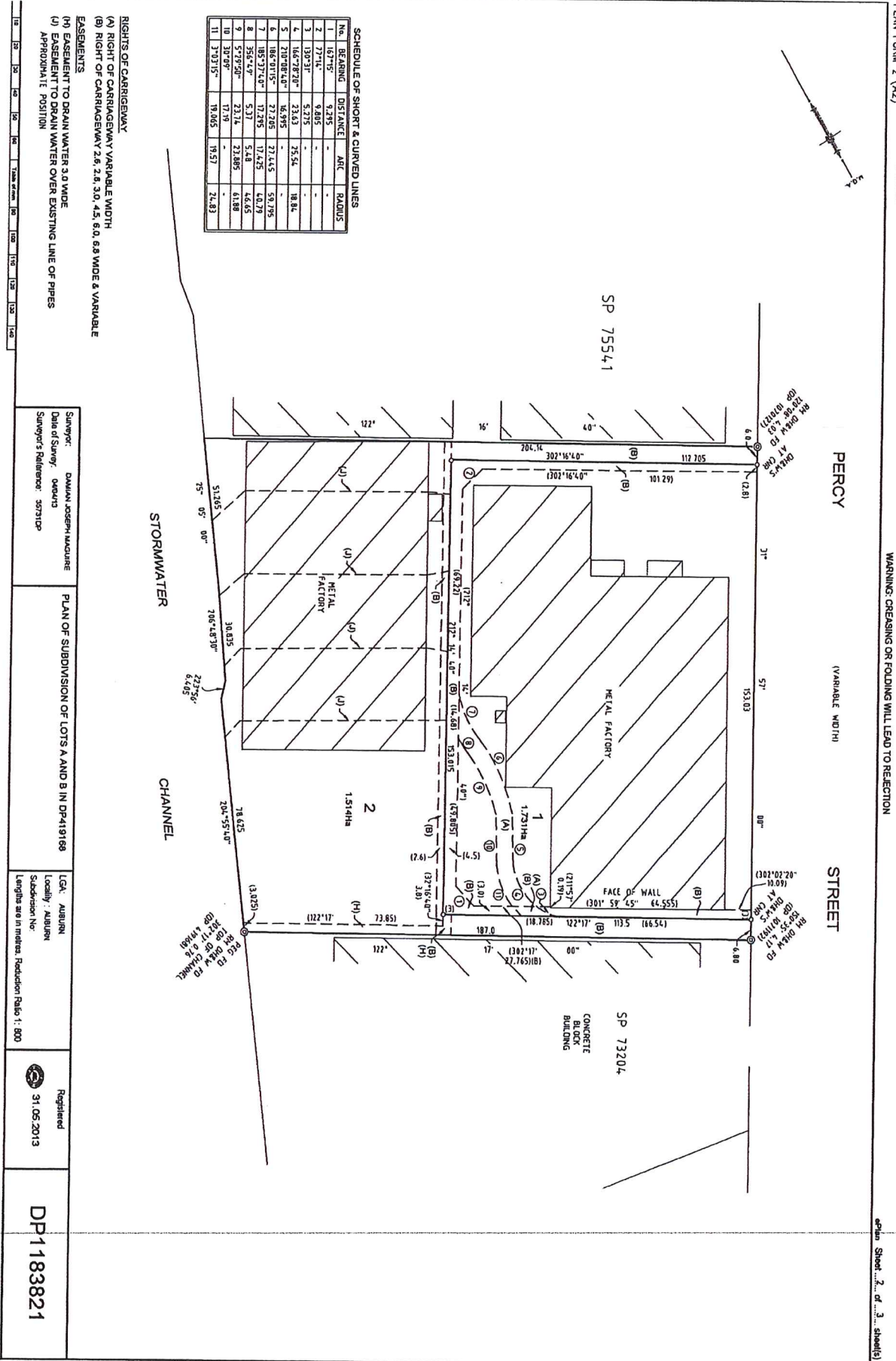


PLAN FORM 2 (A2)

DP1183821

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Sheet 2 of 3 (sheet)



10 20 30 40 50 60 70 80 90 100 110 120 130 140

Surveyor: DANIEL JOSEPH MANNING Date of Survey: 04/04/13 Surveyor's Reference: 30713CP	PLAN OF SUBDIVISION OF LOTS A AND B IN DP419168	LGA: AUSTRALIA Locality: AUSTRALIA Subdivision No: 31.05.2013 Lengths are in metres. Reduction Ratio 1: 800	Registered 31.05.2013	DP1183821
--	---	--	--------------------------	-----------

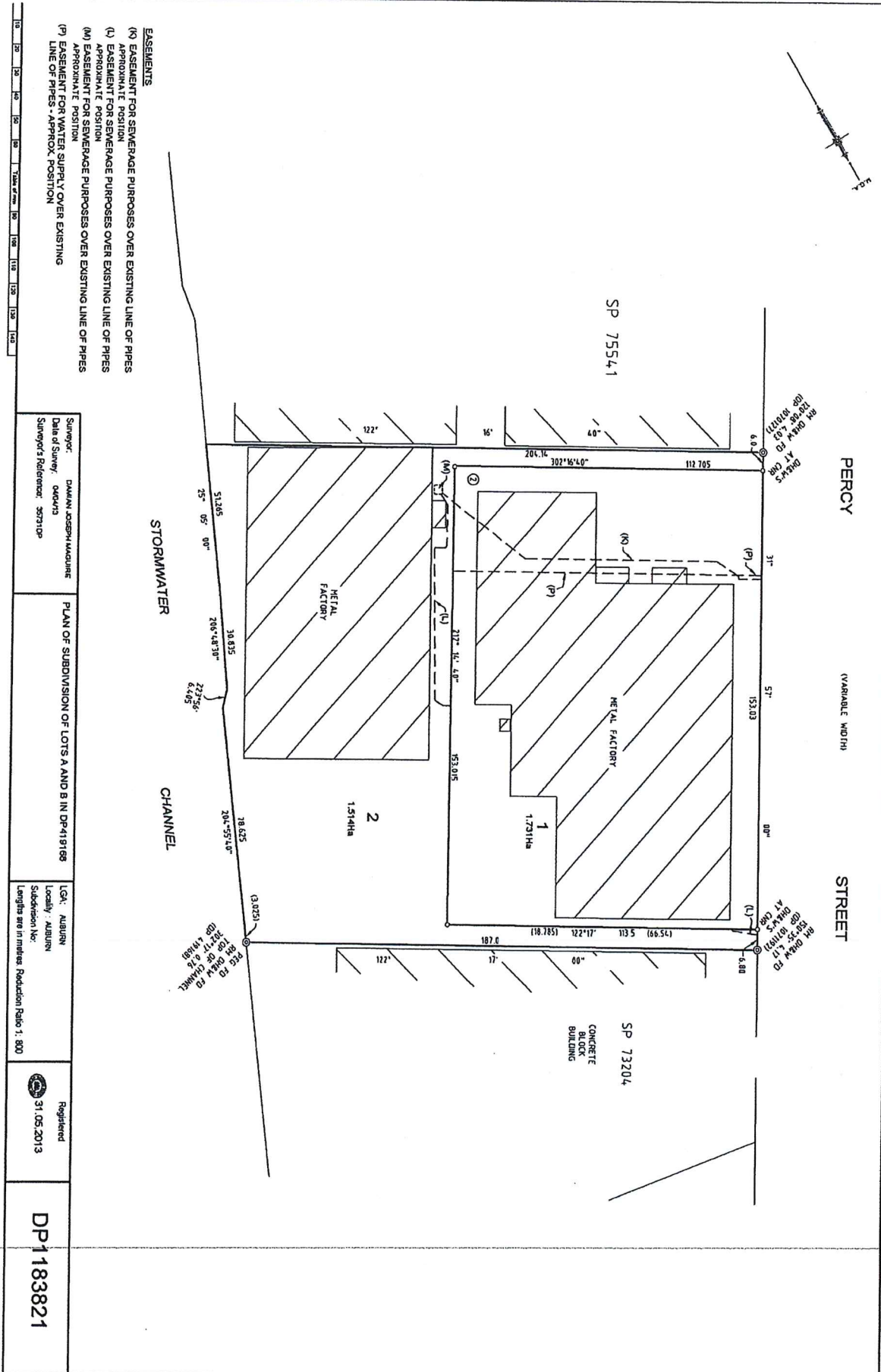


PLAN FORM 2 (A2)

DP1183821

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Sheet 3 of 3 sheets





PLAN FORM 6 (2012)

WARNING: Creasing or folding will lead to rejection

ePlan

DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 1 of 3 sheet(s)
<p>Registered:  31.05.2013</p> <p>Title System: TORRENS</p> <p>Purpose: SUBDIVISION</p> <p><b>PLAN OF SUBDIVISION OF LOTS A&amp;B</b></p> <p><b>DP 419168</b></p>	<p style="text-align: center;">Office Use Only</p> <p style="font-size: 24pt; font-weight: bold; text-align: center;">DP1183821</p> <p style="text-align: center;">Office Use Only</p>	
<p style="text-align: center;">Crown Lands NSW/Western Lands Office Approval</p> <p>I, ..... (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature: .....</p> <p>Date: .....</p> <p>File Number: .....</p> <p>Office: .....</p>	<p style="text-align: center;">Survey Certificate</p> <p>I, Damian Joseph Maguire  of LOCKLEY LAND TITLE SOLUTIONS, PO BOX 400 GLADESVILLE 1675  a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>, certify that:</p> <p>*(a) The land shown in the plan was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2012</i>, is accurate and the survey was completed on <u>4-4-13</u></p> <p>*(b) The part of the land shown in the plan (<sup>being</sup>/<sup>excluding</sup> ^.....) was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2012</i>, is accurate and the survey was completed on..... the part not surveyed was compiled in accordance with that Regulation.</p> <p>*(c) The land shown in this plan was compiled in accordance with the <i>Surveying and Spatial Information Regulation 2012</i>.</p> <p>Signature:  Dated: <u>4-4-13</u></p> <p>Surveyor ID: 1564</p> <p>Datum Line: 'A' - 'B'</p> <p>Type: *Urban/*Rural</p> <p>The terrain is *Level-Undulating / *Slope-Mountainous.</p> <p>*Strike through if Inapplicable.</p> <p>^Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</p>	
<p style="text-align: center;">Subdivision Certificate</p> <p>I, .....  *Authorised Person/*General Manager/*Accredited Certifier, certify that the provisions of s.109J of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature:  .....</p> <p>Accreditation number: .....</p> <p>Consent Authority: <u>AUBURN CITY COUNCIL</u></p> <p>Date of endorsement: <u>9/5/2013</u></p> <p>Subdivision Certificate number: <u>10/2013</u></p> <p>File number: <u>DA 371/2012</u></p> <p>*Strike through if Inapplicable.</p>	<p>Plans used in the preparation of survey/compilation.</p> <p>DP 419168</p> <p>DP 1070127</p> <p>DP 1071192</p> <p>DP 1101941</p>	
<p>Statements of intention to dedicate public roads, public reserves and drainage reserves.</p>	<p>If space is insufficient continue on PLAN FORM 6A</p>	
<p>Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A</p>	<p>Surveyor's Reference: 35731DP</p>	

PLAN FORM 6A (2012)

WARNING: Creasing or folding will lead to rejection

ePlan

DEPOSITED PLAN ADMINISTRATION SHEET Sheet 2 of 3 sheet(s)

Registered:  31.05.2013

Office Use Only

Office Use Only

PLAN OF SUBDIVISION OF LOTS A & B  
DP 419168

DP1183821

- This sheet is for the provision of the following information as required:
- A schedule of lots and addresses - See 60(c) SSI Regulation 2012
  - Statements of intention to create and release affecting interests in accordance with section 88B Conveyancing Act 1919
  - Signatures and seals- see 195D Conveyancing Act 1919
  - Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

Subdivision Certificate number: 10/2013

Date of Endorsement: 9/5/2013

PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT, 1919, IT IS INTENDED TO CREATE:

1. RIGHT OF CARRIAGEWAY VARIABLE WIDTH (A)
2. RIGHT OF CARRIAGEWAY 2.6, 2.8, 3.0, 4.5, 6 & 6.8 WIDE AND VARIABLE (B)
3. EASEMENT TO DRAIN WATER 3.0 WIDE (H)
4. EASEMENT TO DRAIN WATER OVER EXISTING LINE OF PIPES (J)
5. EASEMENT FOR SEWERAGE PURPOSES OVER EXISTING LINE OF PIPES (K), (L) & (M)
6. EASEMENT FOR WATER SUPPLY PURPOSES OVER EXISTING LINE OF PIPES (P)
7. RESTRICTION ON USE OF LAND
8. RESTRICTION ON USE OF LAND
9. POSITIVE COVENANT

LOT	STREET NUMBER	STREET NAME	STREET TYPE	LOCALITY
1	11	Percy	Street	Auburn
2	13	Percy	Street	Auburn

If space is insufficient use additional annexure sheet


Surveyor's Reference: 35731DP

PLAN FORM 6A (2012)

WARNING: Creasing or folding will lead to rejection

ePlan

DEPOSITED PLAN ADMINISTRATION SHEET Sheet 3 of 3 sheet(s)

Registered:  31.05.2013  
Office Use Only

PLAN OF SUBDIVISION OF LOTS A & B  
DP 419168

DP1183821  
Office Use Only

This sheet is for the provision of the following information as required:

- A schedule of lots and addresses - See 60(c) SSI Regulation 2012
- Statements of intention to create and release affecting interests in accordance with section 88B Conveyancing Act 1919
- Signatures and seals- see 195D Conveyancing Act 1919
- Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

Subdivision Certificate number: 10/2013  
Date of Endorsement: 9/5/2013

EXECUTED by  
Motive Properties Pty Limited  
ACN 095 413 460  
in accordance with Section 127  
of the Corporations Act

SALE  
Signature of Director

Adam Kaplan  
NAME (please print)

SALE  
Signature of Director/secretary

Adam Kaplan  
NAME (please print)

SHENED SEALED AND DELIVERED  
for and on behalf of ST. GEORGE  
BANK - A DIVISION OF WESTPAC  
BANKING CORPORATION A/N 53  
007 0457 141 by its attorney under power  
of attorney dated 17 January 2001  
registered in the 322 Book 429 to the  
Registrar of Deeds

Witness (signing)  
Angela Paulson  
Name of Witness (print)

EXECUTED BY CAPITAL FINANCE  
AUSTRALIA LIMITED ACN 069 663 136  
BY ITS DULY-APPOINTED ATTORNEYS

MASH CORBET  
William Roske  
Full Names

PURSUANT TO POWER OF  
ATTORNEY OF WHICH THEY HAVE NO  
NOTICE OF REVOCATION  
IN THE PRESENCE OF:

Witness MICHAEL KANABAL  
LEVEL 3 20 LEXINGTON DRIVE  
BELLA VISTA, NSW 2153.

MORTGAGE

Witness (signing)  
Kaplan, Pham  
Name of Witness (print)  
Compliance Manager  
Tier Three Attorney

If space is insufficient use additional annexure sheet

Surveyor's Reference: 35731DP





WILLOW TREE  
PLANNING

**APPENDIX B**

Preliminary proposal plans

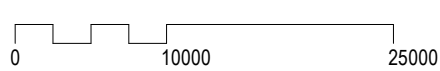


GFA AREA SCHEDULE

Warehouse	16,088m <sup>2</sup>
Office	827m <sup>2</sup>
Traffic Office	45m <sup>2</sup>
Pick-Up	132m <sup>2</sup>
Mezzanine Area	2,820m <sup>2</sup>
Total	19,912m <sup>2</sup>

Builder and/or subcontractors shall verify all project dimensions before commencing on-site work or off-site fabrication. Figure dimensions shall take precedence over scaled dimensions. This drawing is copyright and cannot be reproduced in whole or in part or by any medium without the written permission of Nettleton Tribe Partnership Pty Ltd.

Key Plan



Issue	Description	Date
P1	DRAFT FOR REVIEW	07/05/2020

Client

Builder

Project Name  
CFC Percy St. Auburn

Project Address  
13 Percy St. Auburn  
NSW 2144

Drawing Title  
Undercroft Plan

Author: DT	Checker: DC	Sheet Size: A1	Scale: 1:400
Drawing Number: 11250_DA011	Issue: P1		

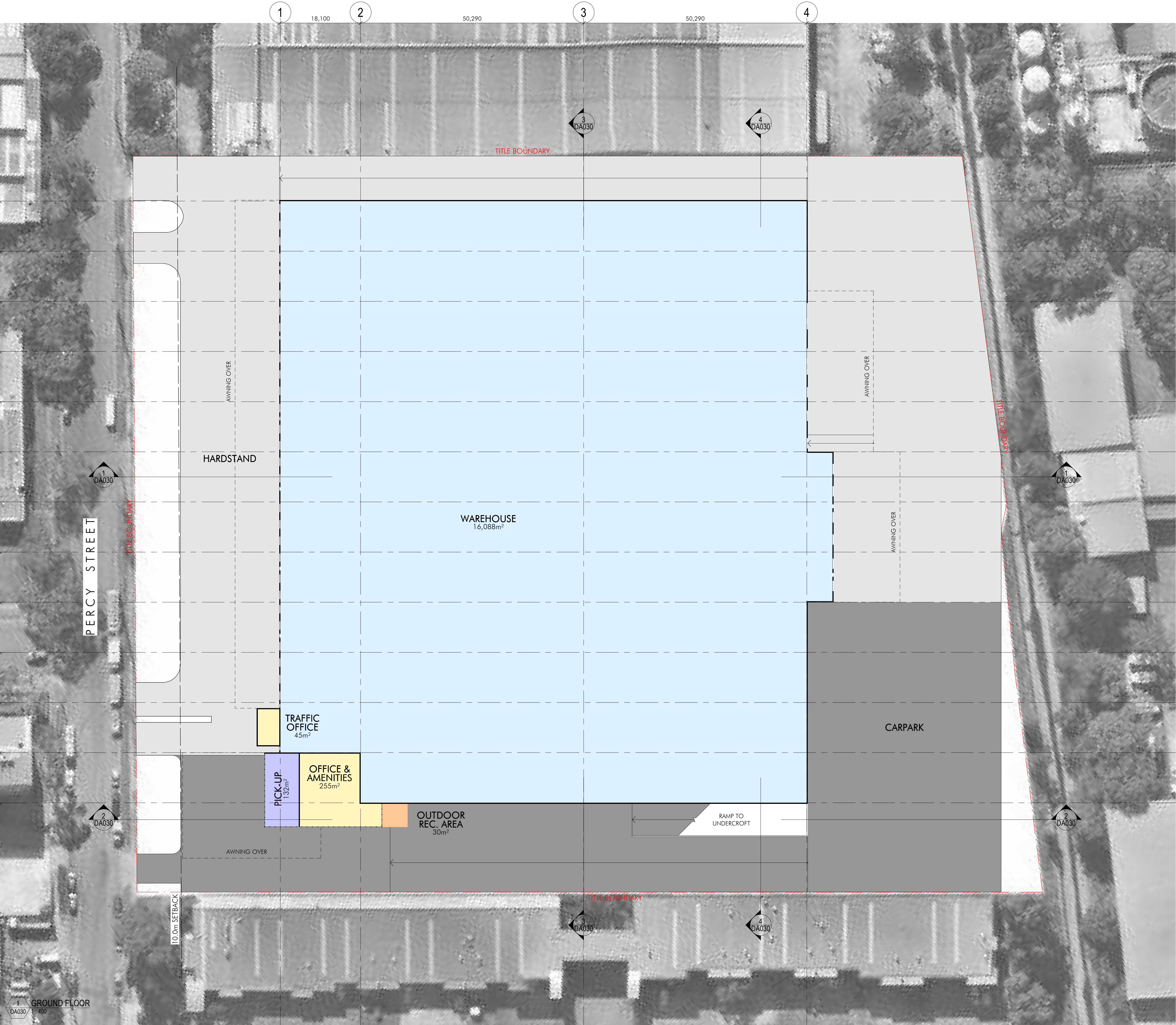
nettletontribe

nettleton tribe partnership pty ltd ABN 58 161 683 122  
117 Willoughby Road, Crows Nest, NSW 2065  
t +61 2 9431 6431  
e: sydney@nettletontribe.com.au w: nettletontribe.com.au



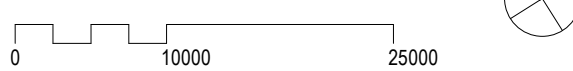


7/10/2020 3:26:19 PM C:\Users\Daniel\Documents\1250\_WCM Percy St Auburn\_Buidling\_Sketch\_20200505.dgn



Builder and/or subcontractors shall verify all project dimensions before commencing on-site work or off-site fabrication. Figure dimensions shall take precedence over scaled dimensions. This drawing is copyright and cannot be reproduced in whole or in part or by any medium without the written permission of Nettleton Tribe Partnership Pty Ltd.

Key Plan



Issue	Description	Date
P1	DRAFT FOR REVIEW	07/05/2020

Client

Builder

Project Name  
CFC Percy St. Auburn

Project Address  
13 Percy St. Auburn  
NSW 2144

Drawing Title  
Ground Floor Plan

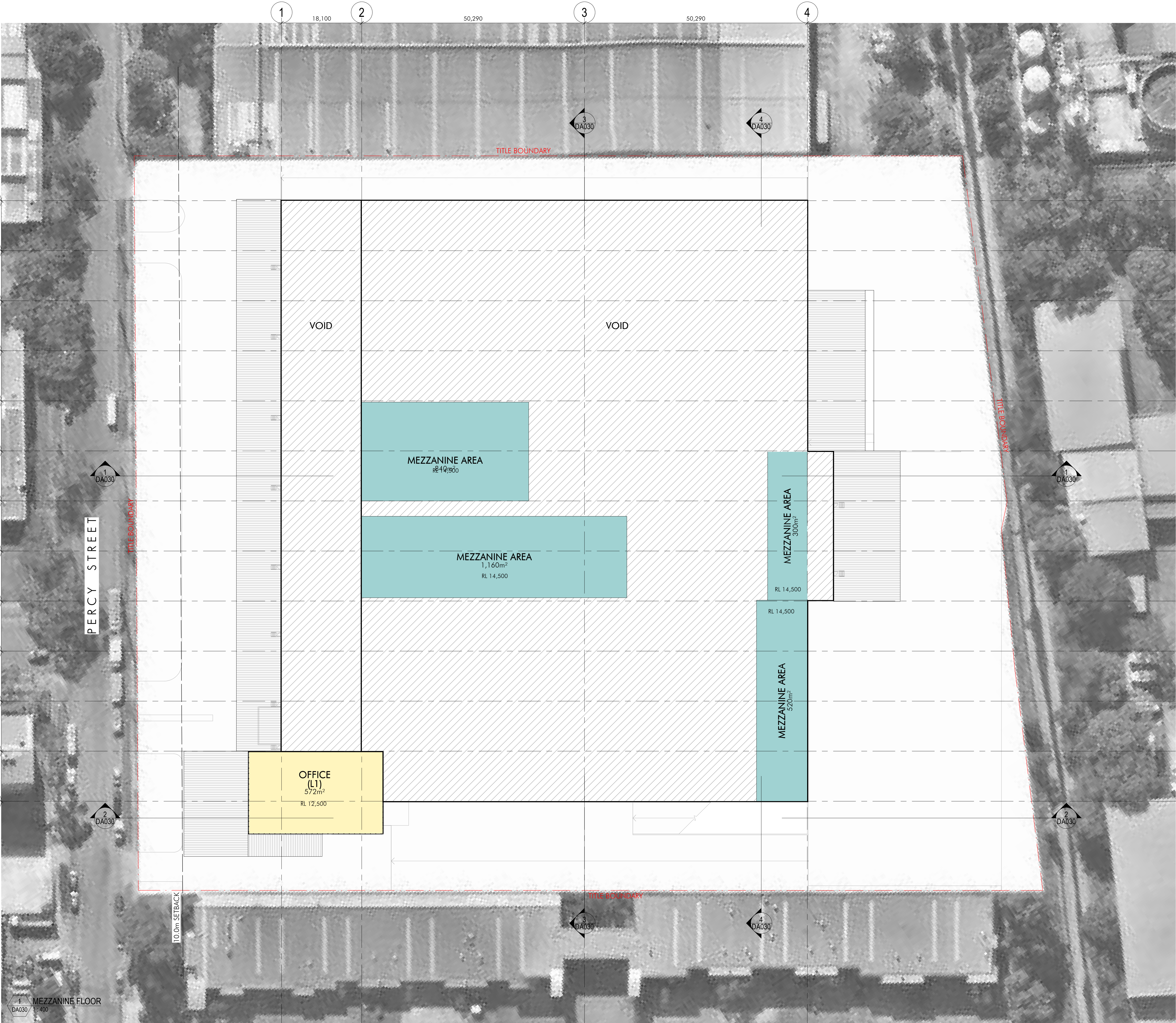
Author: DT	Checker: DC	Sheet Size: A1	Scale: 1:400
Drawing Number: 11250_DA012	Issue: P1		

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nettleton tribe partnership Pty Ltd ABN 58 161 683 122  
117 Willoughby Road, Crows Nest, NSW 2065  
t +61 2 9431 6431  
e: sydney@nettletontribe.com.au w: nettletontribe.com.au

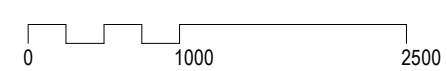


7/25/2020 3:26:17 PM C:\Users\Daniel\Documents\11250\_WCM Percy St Auburn\_Bldg\_Sketch\_20200505.dgn



Builder and/or subcontractors shall verify all project dimensions before commencing on-site work or off-site fabrication. Figure dimensions shall take precedence over scaled dimensions. This drawing is copyright and cannot be reproduced in whole or in part or by any medium without the written permission of Nettleton Tribe Partnership Pty Ltd.

Key Plan



Issue	Description	Date
P1	DRAFT FOR REVIEW	07/05/2020

Client

Builder

Project Name  
CFC Percy St. Auburn

Project Address  
13 Percy St. Auburn  
NSW 2144

Drawing Title  
Mezzanine Floor Plan

Author: DT	Checker: DC	Sheet Size: A1	Scale: 1:400
Drawing Number: 11250_DA013	Issue: P1		

nettletontribe

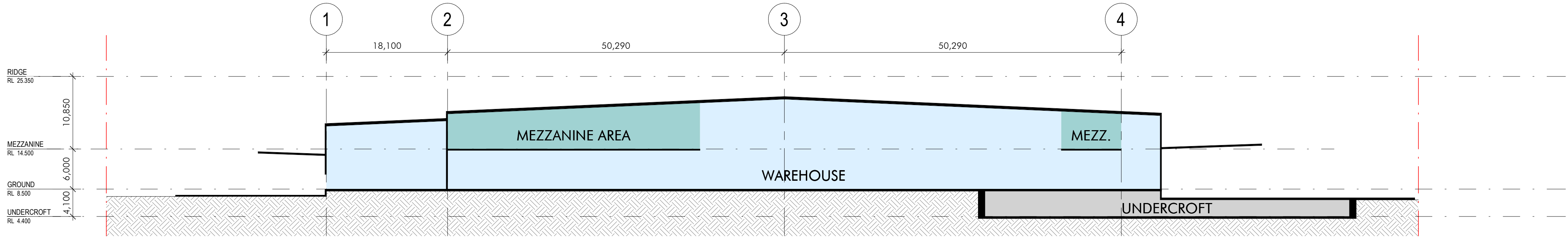
nettleton tribe partnership Pty Ltd ABN 58 161 683 122  
117 Willoughby Road, Crows Nest, NSW 2065  
t +61 2 9431 6431  
e: sydney@nettletontribe.com.au w: nettletontribe.com.au



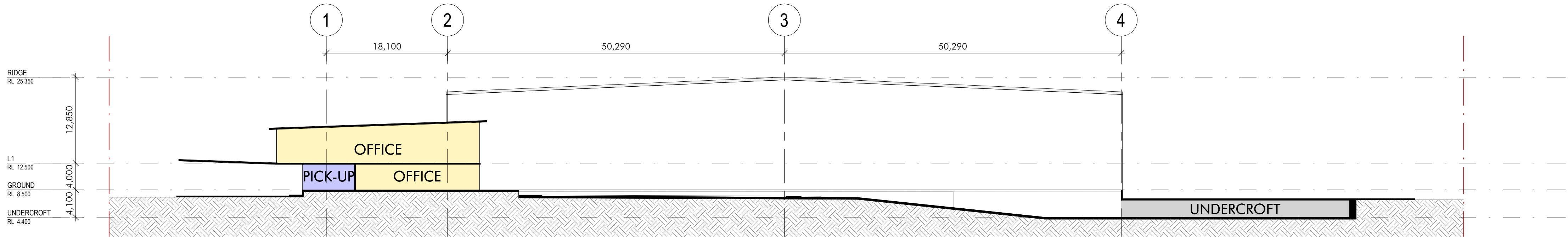
Key Plan



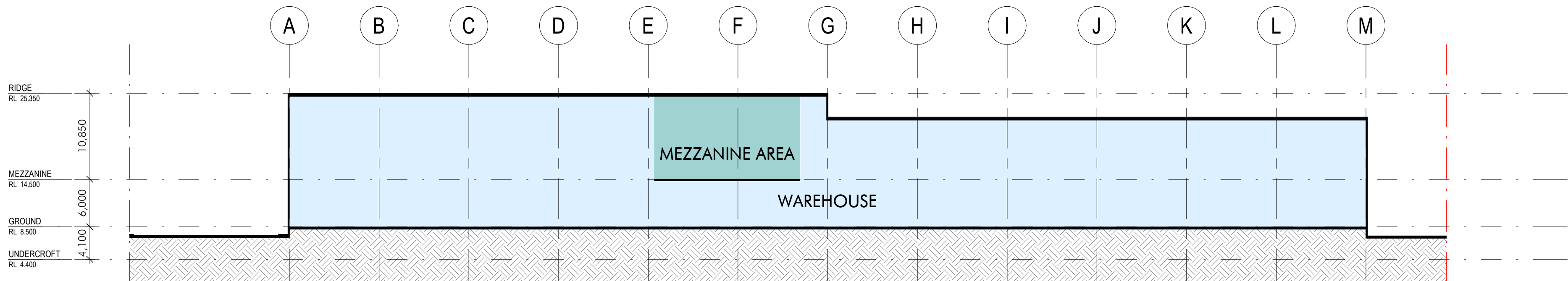
Issue	Description	Date
P1	DRAFT FOR REVIEW	07/05/2020



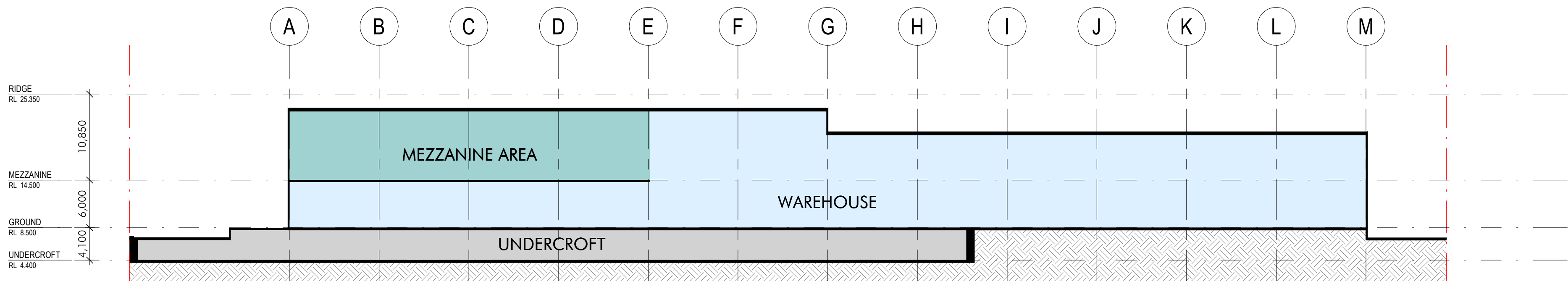
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DA011 / 1 : 400



2 Section - 02  
DA011 / 1 : 400



3 Section - 03  
DA011 / 1 : 400



4 Section - 04  
DA011 / 1 : 400

Client

Builder

Project Name  
CFC Percy St. Auburn

Project Address  
13 Percy St. Auburn  
NSW 2144

Drawing Title  
Sections

Author: DT	Checker: DC	Sheet Size: A1	Scale: 1:400
Drawing Number: 11250_DA030	Issue: P1		

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WILLOW TREE  
PLANNING

**APPENDIX C**

Aboriginal Cultural Heritage Advice



Reference: 2034

26 May 2020

Michael Rumble  
Regional Development Manager - Non Retail  
Woolworths Limited  
1 Woolworths Way  
Bella Vista, NSW 2153

Dear Michael,

**RE: ABORIGINAL CULTURAL HERITAGE ADVICE FOR  
11 – 13 PERCY STREET, AUBURN, NSW**

Austral Archaeology Pty Ltd (Austral) has been commissioned by Woolworths Limited (the proponent) to provide Aboriginal cultural heritage advice for the proposed warehouse and distribution centre at 11-13 Percy Street, Auburn New South Wales (NSW) [study area].

The proponent is intending to undertake the project as a State Significant Development (SSD) and has requested that Austral provide advice relating to the Aboriginal cultural heritage values that may be present and the relevant technical studies that are typically required to support an Environment Impact Statement (EIS) as part of an SSD application.

In particular, the proponent is seeking to exclude the standard Secretary Environmental Assessment Requirements (SEARs) requirement for an Aboriginal Cultural Heritage Assessment (ACHA). Based upon a review of available information for the study area, Austral can support this for the following reasons:

- Based on a search of the Aboriginal Information Management System (AHIMS), there are no known Aboriginal sites within or a radius of 200 metres from the study area (AHIMS ID. 508391).
- The study area consists of Lots 1 and 2 DP1183821, which are located on the original alignment of Haslam's Creek. The creek was realigned and backfilled between 1951 and 1975 when the study area was developed for industrial purposes. The development of the site is likely to have resulted in extreme levels of disturbance through historical land uses. Historical impacts included the clearance of vegetation, realignment of Haslam's Creek, several phases of construction and installation of underground tanks and services which would have removed the original topsoils and subsoils and transformed the historical landscape into an industrial zone.
- The Detailed Site Investigation Report (Geo-Logix 2019) contains a comprehensive geotechnical investigation; this has identified that the historical land use of the study area has removed all topsoil across the study area. Fill was encountered across the entire study area up to a depth of 1.8 metres; this overlaid sandy clays or clayey sands with no evidence for topsoil identified. Alluvial sediments were located within the infilled channel associated with Haslam's Creek (Geo-Logix 2019, p.29).
- Based on the identified impacts of historical land use, it is highly unlikely that any original soil profiles that would contain Aboriginal archaeological resources have survived within the study area.
- Based on the above information, if commissioned as part of the process, an assessment completed under the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (Department of Environment, Climate Change and Water 2010) would not recommend any further investigation for the study area. The outcome would be for the development to "proceed with caution" through the implementation of an unexpected finds protocol.

Given the highly disturbed nature of the study area, the project has a limited potential to impact upon Aboriginal cultural heritage. It is recommended that a more comprehensive review of Aboriginal cultural heritage is prepared as part of the Request for SEARs to confirm the advice in this letter.

Please do not hesitate to contact me on 0490 190 290 if you wish to discuss any aspect of this submission.

Yours sincerely,



Alexander Beben

Director

Austral Archaeology Pty Ltd

ABN: 55 629 860 975

M: 0490 190 290

E: [alexb@australarch.com.au](mailto:alexb@australarch.com.au)

## REFERENCES

Department of Environment, Climate Change and Water 2010, 'Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales'.

Geo-Logix 2019, 'Detailed Site Investigation Report: 11-13 Percy Street, Auburn.'