

Ref: **SSD-10470 MOD 1**
WTJ20-158



WILLOWTREE PLANNING

RESPONSE TO SUBMISSIONS: WOOLWORTHS WAREHOUSE AND DISTRIBUTION CENTRE AUBURN MODIFICATION 1 (SSD-10470-MOD-1)

11 AND 13 PERCY STREET, AUBURN
LOT 1 AND 2 DP1183821

Prepared by Willowtree Planning Pty Ltd
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3 February 2022

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WILLOWTREE
PLANNING

RESPONSE TO SUBMISSIONS REPORT

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

SSD-10470-MOD-1

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PART A PRELIMINARY

1.1 PROJECT OVERVIEW

A Modification Application has been prepared and submitted by Willowtree Planning Pty Ltd (Willowtree Planning) on behalf of Fabcot Pty Limited (Fabcot), to the NSW Department of Planning and Environment (DPE) in support of the proposed modification to the approved Warehouse and Distribution Centre at 11 and 13 Percy Street, Auburn (subject site), legally described as Lot 1 and 2 DP1183821.

The Warehouse and Distribution Centre was approved as State Significant Development (SSD), granted under delegation by the Minister of Planning on 25 June 2021. The SSD (**SSD-10470**) concerned approved the following aspects of development;

Construction and 24-hour operation of a Warehouse and Distribution Centre, comprising:

- demolition of two existing buildings, associated structures and landscaping;
- remediation work;
- bulk earthworks and tree clearing;
- construction and operation of a warehouse with ancillary offices and customer pick up component; and
- car parking, docking areas, associated infrastructure, site access points and landscaping.

As a result of the construction tender process and further detailed design some minor modifications to approved built form have been sought, including revision of:

- Car parking layout
- Plant and equipment
- Pick up store and waiting bays
- Internal office layout
- Additional landscaping
- Additional gates
- Detailed fit out layout
- Additional building access(es)

The proposed modifications do not include any significant changes to the built form or scale of the approved development and attributed purely to further refinement of the ultimate operational outcomes.

The proposal, as modified, is commensurate with the objectives of the approved development, allowing for warehousing and distribution activities, whilst minimising the impact on the surrounding environment.

The revised scheme, subject to this Modification Application, harnesses the operational requirements of the end user, and aligns with the approved development of **SSD-10470**.

1.2 APPLICATION PROCESS OVERVIEW

Modified development consent is being sought for the proposal, as SSD, under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Pursuant to Clause 120 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), the NSW DPE notified a number of agencies of the proposed modification.

The notification period ended on 15 December 2021, during which a number of submissions were provided to the NSW DPE, as discussed herein.



Submissions received by NSW DPE outside the exhibition period have also been addressed in this document.

1.3 PURPOSE OF THIS REPORT

The purpose of this Response to Submissions (RTS) Report is to detail and respond to matters raised in the submissions received for **SSD-10470-MOD-1**.

The RTS Report has been set out to address each submission matter, and is structured as follows:

PART A	provides an overview of the project, the application process and the RTS Report purpose and structure;
PART B	provides a detailed response table of the submissions received;
PART C	provides responses to each of the issues raised in submissions received;
PART D	provides a revised project summary and addresses an additional environmental assessment requirements;
PART E	provides an updated legislative and policy assessment, where required;
PART F	provides a summary of the findings and recommendations;
APPENDIX A	provides copies of any supporting information required by the received submissions.

1.4 CHANGES TO THE PROPOSAL AS NOTIFIED

Following the exhibition phase, and upon further detailed design, some minor amendments have been made to the proposal. These amendments include:

- Slight reconfiguration of southern plant area; and
- Additional signage (assisting navigation of delivery and dispatch vehicles).

Refer to **Appendix A** to view the updated proposal plans.

These changes are made pursuant to Clause 121B of the EP&A Act.

A full explanation of the proposed changes is provided within **PART D** of this RTS Report.



PART B SUMMARY OF SUBMISSIONS

2.1 SUBMISSIONS PROCESS

The proposal was notified from 30 November 2021 to 15 December 2021, during which a number of submissions were provided to the NSW DPE.

Clause 121A of the EP&A Regulation permits the consent authority to request additional information from the applicant. This RTS Report aims to fulfil the request from NSW DPE and other agencies.

Submissions received by NSW DPE outside the exhibition period have also been addressed in this report.

2.2 SUBMISSIONS RECEIVED

A total of four (4) submissions were received during the notification period, all of which have been received from government agencies, as summarised below:

- NSW DPE
- NSW Environment Protection Authority (EPA)
- Cumberland City Council
- Transport of NSW (TfNSW)

Of the four (4) submissions, we note the following:

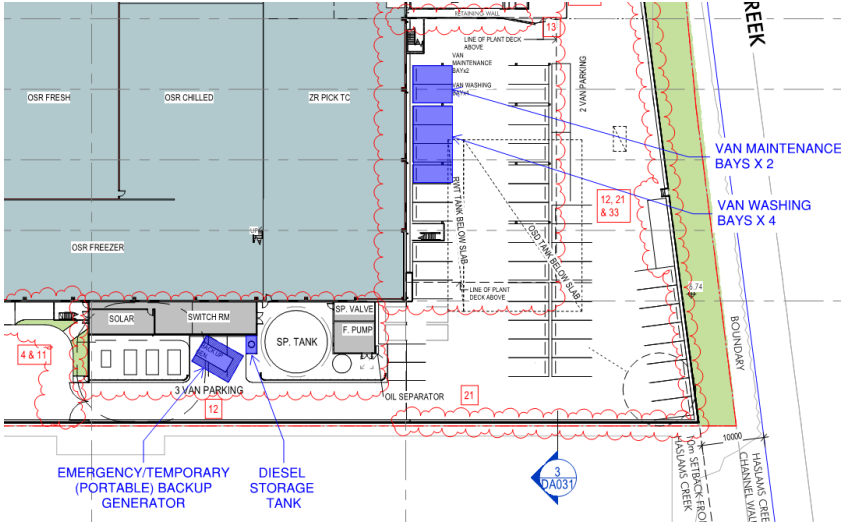
- Two (2) submissions provide support, no comment and/or conditions of consent
- Two (2) submissions provide comment and request additional information



PART C RESPONSE TO SUBMISSIONS

3.1 RESPONSE TO AGENCY SUBMISSIONS

This section seeks to tabulate all submissions received from government agencies and provide a detailed response to each matter.

TABLE 1: RESPONSE TO AGENCY SUBMISSIONS			
SUBMITTER	MATTERS RAISED	COMMENTS / REQUESTS	FORMAL RESPONSE
NSW DPE	General	Please provide clarification on the location of the additional diesel tank (item 12 of table 4), and the additional maintenance and wash bays (item 14 of table 4).	The location of the additional diesel tank and maintenance and wash bays are highlighted in FIGURE 1 below.  FIGURE 1. LOCATION OF PROPOSED DIESEL TANK AND MAINTENANCE AND WASH BAYS (SOURCE: NETTLETON TRIBE, 2022)



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		<i>Please provide a justification for the additional boom gates, including justification that they will not generate any additional vehicle queuing or traffic impacts.</i>	The proposed boom gates are an operational requirement of Woolworths, to ensure the safety of their site. Among other things, the boom gates are intended to restrict access to different parts of the site, ensuring that these areas are only accessed by their intended staff/suppliers. Such restrictions intend to prevent unauthorised access to restricted areas; e.g. to prevent members of the public from driving into the staff parking/outbound delivery vehicle dock/inbound delivery vehicle dock. The Traffic Assessment, prepared by Colston Budd Rogers & Kafes Pty Ltd, as part of the Modification Application has thoroughly assessed any potential impacts of the boom gate access controls. The proposed boom gates are located within the site, with appropriate queuing available. Inbound access: The proposed inbound docks will generate some 10 to 15 articulated vehicles two-way per day. This is equivalent to on average only one articulated vehicle entering and exiting the site per hour over the day. These articulated vehicles will access the site via the northernmost access driveway. The boom gate controls will be located some 35 metres into the site, providing appropriate queuing area to accommodate an articulated vehicle on approach to the controls within the site. Outbound access: During peak periods the outbound docks will generate some 40 delivery vans per hour two-way during the morning and afternoon periods. These delivery vehicles will access the site via the central access driveway. The 95th percentile queue for a single boom gate control would be some one to two vehicles. The boom gate controls will be located some 15 metres into the site, providing appropriate queuing area to accommodate two delivery vans on approach to the controls within the site.
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Cumberland City Council	Planning	<i>It is unclear when the modification was lodged with the Department for consideration. However, it is identified in the statement of effects that the Auburn Local Environmental Plan 2010 and the Auburn Development Control Plan still applies to the site.</i> <i>The Cumberland Local Environmental Plan 2021 was gazetted on Friday 5 November 2021 and the Cumberland Development Control Plan came into effect on the same day.</i> <i>Depending on the time of lodgement, the applicant may need to update the statement of effects to reflect the change in planning instruments applicable to the site.</i>	The Modification Application was submitted to NSW DPE via the major projects portal on 2 November 2021, however the application fee was not paid until 29 November 2021. Given the timing crossover, the <i>Cumberland Local Environment Plan 2021</i> (CLEP2021) and the <i>Cumberland Development Control Plan 2021</i> (CDCP2021) have been considered and addressed in Section 5.2.1 and Section 5.2.2 of this RTS Report.
	Engineering	<i>The proposed gates within the queuing areas which are specific within the traffic report shall be in an open position during the approved business hours to prevent queuing in Percy Street.</i> <i>It is noted that Conditions B14 (b) and (d) of the development consent generally addresses such matters but it is requested that the condition be retained.</i> <i>Otherwise, no other engineering concerns are raised.</i>	Conditions B14 (b) and (d) of the development consent will be retained and adhered to.
	Acoustic	<i>An Acoustic Assessment statement has been prepared by Acoustic Logic (report no: 20200597.3/2010A/R3/AW) which has addressed the potential noise impacts of the proposed modification.</i> <i>The main impact from the proposed modification is the external plant rooms and it is identified that the modified plant area will not impact on the ability to comply with the project trigger levels. A detailed design and final selection of mechanical plant is yet to be completed.</i> <i>The installation of the plant may be treated via standard acoustic treatment to meet acceptable noise levels</i>	No action or further assessment required.
	SEPP 33	<i>The application includes the installation of dangerous goods on site and therefore SEPP 33 must be addressed.</i>	No action or further assessment required.



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		<i>A SEPP 33 assessment report has been prepared by Riskcon Engineering (reference no: RCE 20063_Woolworths_SEPP33_Final_17Sep21_Rev (2)) and dated 17 September 2021 to address the requirements of the State Policy.</i> <i>The report identifies that the quantities of dangerous goods does not meet the thresholds in 'Applying SEPP 33 (NSW Planning)' and therefore is not classed as potentially hazardous. Therefore, a preliminary hazardous analysis is not required. However general recommendations have been submitted for the site. The recommendations should be adhered to for the use of the premises.</i>	
TfNSW	General	<i>TfNSW has reviewed the submitted Fire Engineering Brief Questionnaire. In this regard, TfNSW would raise no objections, based on the consideration that this does not modify the approved traffic generation and therefore is not likely to adversely impact the classified road network. The previous comments in the TfNSW response dated 15 February 2021 remain applicable.</i>	No action or further assessment required.
NSW EPA	General	<i>The NSW EPA has advised the proposal does not constitute a Scheduled Activity under Schedule 1 of the Protection of the Environment Operations Act 1997 (POEO Act).</i> <i>As such, the EPA does not consider that the proposal will require an Environment Protection Licence under the POEO Act.</i> <i>The EPA has no further interest in this proposal. Cumberland City Council should be consulted for future enquiries.</i>	No action or further assessment required.



3.2 RESPONSE TO PUBLIC AND OTHER STAKEHOLDER SUBMISSIONS

No public submissions were received for the Modification Application.



PART D SUMMARY OF CHANGES

In reviewing the submissions received from various agencies, some amendments to the project are proposed. However, it is noted that most matters required further clarification, rather than design changes for the project. Items for clarification and their related responses are provided within **PART C** of this RTS Report.

The following subsections outline the project amendments and any necessary environmental assessment and/or commentary.

4.1 MODIFICATION SUMMARY

TABLE 2 offers a summary of the proposed modifications, including any additional modifications.

TABLE 2: MODIFIED PROJECT SUMMARY		
Project Element	Approved	Proposed
Site Area	32,453 m ²	No change
GFA	20,615 m ²	20,140 m ²
▪ Warehouse	19,228 m ²	18,305 m ²
▪ Office	1,220 m ²	1,600 m ²
▪ Pick up	135 m ²	235 m ²
FSR	0.636:1	0.62:1
Building Height		
▪ Warehouse	16.85 m (maximum RL 24.65 ±)	No change
▪ Plant	N/A	20.7 m (maximum RL 28.5 ±) *
Vegetation clearing	33 trees	No change
Parking	150 staff parking bays 6 pickup bays (for customers) 103 van parking spaces	144 staff parking bays 8 pickup bays (for customers) + 8 holding bays 88 van parking spaces
Manoeuvrability	Full manoeuvrability for a 20 m articulated vehicle (AV)	No change
Traffic demand	160 (120 cars and 40 delivery vans) vtpm during both AM and PM peak	Additional 10 vtpm (customer pickup) during peak periods
Landscaping	2,430 m ² or 7.5 %	2,424 m ² or 7.47 %
Signage	5 business identification signs	7 business identification signs **
Hours of operation	24 hours/day, 7 days/week	No change
Notes: * increase attributed to the inclusion of rooftop plant only ** 2 additional directional signs are proposed		

4.2 DETAILS OF MODIFICATION (AS AMENDED)

As part of the detailed design development (for construction), internal and external changes are proposed to satisfy construction, structural, fire safety and accessibility requirements. The proposed modifications to **SSD-10470** capture the following specific items.

Any amendments made (pursuant to Clause 121B of the EP&A Act) since the modification application are clearly articulated below, as highlighted in **salmon**.



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TABLE 3: ITEMS TO BE MODIFIED		
Item	Description	Justification
External changes		
1	Carpark layout change – due to additional mechanical plant rooms and boomgate	Design development
2	Extend roof over level 1 office entry	Design development
3	Add external egress stair, awning over pick up bays and plant deck	Requirement for fire egress
4	Add external egress stair to access mezzanine floors and roof	Requirement for fire egress
5	Add mechanical exhaust and plant on roof and remove translucent roof sheets	Design development
6	Reduce inbound dock awning	Design development
7	Add mechanical and refrigeration plant rooms to rear elevated plant deck, including associated egress stair	Design development
8	Removal of existing concrete channel (demolition)	Design development
9	Add pickup store and pickup bays, including reconfiguration of pickup bays	Higher efficiency configuration and additional staff safety
11	Add landscape area adjacent to pick up bays	Aesthetics to screen building services
12	Amend southern plant area layout	Design development
12	Minor change to solar and switch room layout	Design development
12	Substation and HVC update	Design development
12	Reduce permanent generator to single large generator, including added portable generator	Design development
12	Add diesel tank for backup generators	Design development
12	Add armco around substation and sprinkler plant area	Design development and protection of plant
12	One (1) van parking space relocated to sit horizontally adjacent to parking at the Haslams Creek boundary	Required due to amendments to the southern plant area – maintaining van parking no.
13	Higher precast wall to support the rear elevated plant deck	Design development
14	Add maintenance and wash bays	Design development
15	Add external stair to inbound dock area	Requirement for fire egress
16/17	Add security gates and boom gates	Design development
20	Mechanical louvre added	Design development
21	Add heavy duty guardrail to suspended slab edges	Safety requirement
22	Replace transparent wall sheeting to longline metal cladding	Design development
23	Extend pickup graphic (sign 5)	Design development
24	CFC sheeting is removed from Office ground elevation	Design development
26	Increase in size – outbound loading dock and van parking	Design development
27	Add two (2) mechanical plant rooms to car parking deck	Design development
28	Add three (3) flag poles at Percy Street frontage	Design development
29	Add two (2) lightening protection poles to roof	Safety requirement
30	Add generator on slab above switch and solar rooms	Design development
31	Amend sign 3 and sign 4	Refer to Section 4.2.1.1
32	Add two (2) signs – sign 6 and sign 7	Refer to Section 4.2.1.1
33	Relocate south-east stair to Haslams Creek level	As a result of relocated van space (item 12)
Internal changes		



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TABLE 3: ITEMS TO BE MODIFIED

Item	Description	Justification
10	Amend internal office layout	Design development
18	Minor increase to level 1 office lobby, including additional stair adjacent to recreation area	Design development
	Add detailed fitout layout	Design development

Details of the proposed modifications are clouded in red on the Architectural Plans prepared by Nettleton Tribe Partnership, contained within **Appendix 1** of this Modification Report.

4.2.1 Built Form

Following the review and consideration of submissions received and through further detailed design, some design changes have been accommodated, where necessary. Such design changes include the provision of additional business identification signage and slight reconfiguration of mechanical plant.

4.2.1.1 Signage

The proposal seeks to amend the provision of approved signage, through the inclusion of two (2) additional signs and slight modification of two (2) approved signs, to promote the safe and efficient use of site. Due to the proposed amendments, consideration and assessment against the *State Environmental Planning Policy No 64 – Advertising and Signage* (SEPP 64) is provided.



FIGURE 2. COMPARISON OF BUILDING PERSPECTIVES (SOURCE: NETTLETON TRIBE, 2021)

All proposed signage is located within the boundaries of the subject site.

The signage parameters for the proposed development, as amended, are detailed in **TABLE 4**.

TABLE 4: PROPOSED SIGNAGE DETAILS

Sign ID	Dimensions (width x height)	No.	Description
Sign 1	No change	1	No change – As per approved development.

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TABLE 4: PROPOSED SIGNAGE DETAILS			
Sign ID	Dimensions (width x height)	No.	Description
Sign 2	No change	1	No change – As per approved development.
Sign 3	No change	1	Sought to be illuminated. No change in dimensions or content.
Sign 4	1.8 m x 6.0 m	1	This sign was approved as a 1.7 m x 2.3 m freestanding sign. However, to ensure that customer pickups can easily navigate the site, a larger freestanding, illuminated, sign is proposed (refer below). The increase in scale of this sign will ensure that pickup customers can easily navigate themselves on approach to the site.  APPROVED MODIFIED 4 Sign 4 1:50 4 Sign 4 1:50
Sign 5	No change	1	No change – As per modification application.
Sign 6	1.7 m x 2.3 m	1	New sign to dictate site ingress navigation for inbound truck deliveries.
Sign 7	1.7 m x 2.3 m	1	New sign to dictate site egress navigation for outbound truck dispatch.

The proposed development, as amended, seeks consent for signage for the purposes of business identification, which is considered to meet the aims and objectives of SEPP 64 for the following reasons:

- The proposed signage relates directly to the approved use of the subject site and will subsequently enhance the viability of the future operations of the site.
- The proposed signage is compatible with the built form, exhibiting a similar scale and design to the approved development.
- The proposed signage will positively contribute to the locality through high quality design, construction and finish.



- Considering the existing industrial precedent and the nature of the approved development, the proposed signage will integrate with the existing built form, in terms of sitting, scale and design.

The above **FIGURE 2** demonstrates the minimal difference in presentation from the street, between the approved development and the modified development proposed.

The proposed signage, as amended, is considered compatible with the SEPP 64 aims and objectives.

Pursuant to SEPP 64, business identification signs are to be assessed under Schedule 1. The assessment criteria under Schedule 1 of SEPP 64 are addressed in **Section 5.1.9** of this RTS Report.

4.2.1.2 Plant Area

The proposal seeks to slightly modify the layout of the plant room further to what has been proposed as part of the Modification Application. The footprint of this plant area is consistent with the current proposal, however the layout within is altered.

As shown below (previous proposal shown in blue underneath), the key differences include:

1. The layout and size of the solar and switch rooms;
2. The relocation of the diesel storage tank;
3. The HV infrastructure area has been amended to include an additional HV compartment, as required by Ausgrid (note: 2 of the 4 rectangles represent the substations); and
4. The location/orientation of the backup generator – this is a temporary (portable) backup generator, which will only be imported to site in the event that it is required.

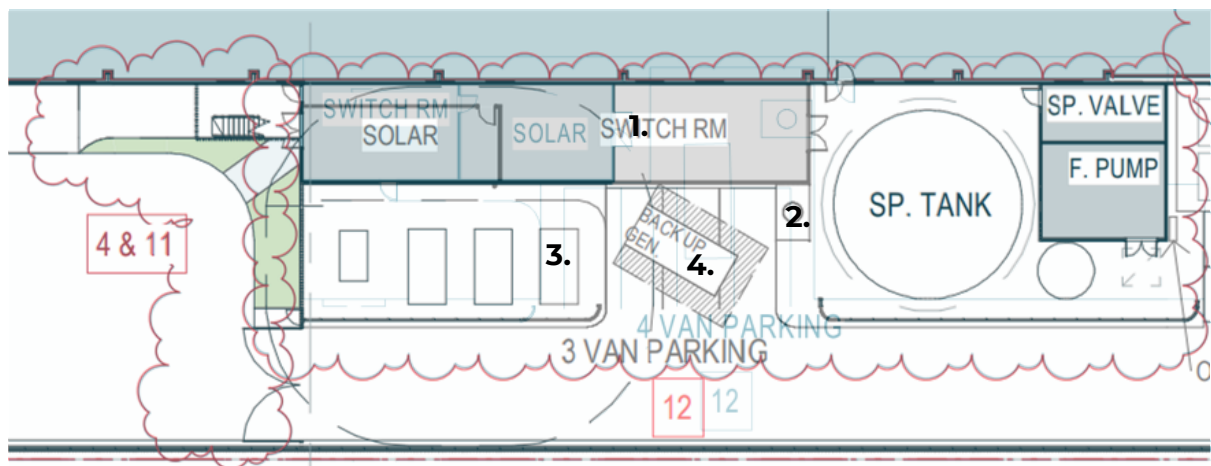


FIGURE 3. REVISED PLANT AREA LAYOUT (SOURCE: NETTLETON TRIBE, 2022)

The plant area, as amended, is generally in accordance with the current proposal.



PART E LEGISLATIVE & POLICY FRAMEWORK

This Part of the RTS Report addresses and responds to the legislative and policy requirements relevant to the proposed development at the site, in accordance with the EP&A Act. The statutory planning framework relevant to the proposed modified development at the site includes:

State Planning Context

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Protection of the Environment Operations Act 1997*
- *Water Management Act 2000*
- *Biodiversity Conservation Act 2016*
- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy No 19 – Bushland in Urban Areas*
- *State Environmental Planning Policy No 33 – Hazardous and Offensive Development*
- *State Environmental Planning Policy No 55 – Remediation of Land*
- *State Environmental Planning Policy No 64 – Advertising and Signage*

Local Planning Context

- *Cumberland Local Environmental Plan 2021*
- *Cumberland Development Control Plan 2021*

This proposal has been carefully assessed against the requirement and objectives of all of the above planning statutory and policy documents. A detailed analysis is set out in the following sections:

5.1 STATE PLANNING CONTEXT

5.1.1 Environmental Planning & Assessment Act 1979

The EP&A Act is the principal planning and development legislation in NSW. The modifications sought to development consent **SSD-10470** warrants consideration of the provisions of Section 4.55(1A) of the EP&A Act. The provisions of Section 4.55(1A) of the EP&A Act are provided in the original Modification Application.

5.1.2 Environmental Planning & Assessment Regulation 2000

Pursuant to Clause 115 of the EP&A Regulation all appropriate documentation has been submitted as a part of this Modification Application.

5.1.3 Protection of the Environment Operations Act 1997

Schedule 1 of the *Protection of the Environment Operations Act 1997* (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 proposed development, as modified, does not trigger any thresholds within Schedule 1 of the POEO Act.



5.1.4 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. However, pursuant to Clause 4.41(1)(g) of the EP&A Act, *a water use approval under section 89, a water management work approval under section 90 or an activity approval (other than an aquifer interference approval) under section 91* of the WM Act, is not required for SSD that is authorised by a development consent.

In addition, Haslams Creek is a concrete-lined channel, and therefore works within 40m of the channel are not considered a Controlled Activity.

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

The *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP) continues to apply to the proposed development, with the proposal, as modified, maintaining SSD status.

5.1.6 State Environmental Planning Policy (Infrastructure) 2007

5.1.6.1 Clause 104 – Traffic generating development

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) repeals the former *State Environmental Planning Policy No. 11 – Traffic Generating Development* and, pursuant to Clause 104, provides for certain proposed developments known as Traffic Generating Development, to be referred to TfNSW for concurrence.

TfNSW have raised no objections to the proposed modifications.

5.1.7 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

The proposal, as modified, seeks to include a 5,000L above ground diesel tank, south of the approved development (refer to

FIGURE 1 for location). As such, further consideration of *the State Environmental Planning Policy No. 33 – Hazardous and Offensive Development* (SEPP 33) thresholds is required.

Riskcon Engineering have reviewed and updated their SEPP 33 Report to include the provision of the proposed diesel tank; refer to **Appendix 6** of the original Modification Report.

The facility, including the proposed modification, is not classified as potentially hazardous, therefore it is not necessary to prepare a Preliminary Hazard Analysis, as SEPP 33 does not apply.

5.1.8 State Environmental Planning Policy No. 55 – Remediation of Land

The proposed modifications do not necessitate any changes to the approved remediation strategy for the subject site. As such, the conditions of consent related to remediation are to remain unchanged.

5.1.9 State Environmental Planning Policy No. 64 – Advertising Structures and Signage

The proposal seeks to amend the provision of approved signage, through the inclusion of two (2) additional signs and slight modification of two (2) approved signs (refer to **TABLE 4**), to promote the



safe and efficient use of site. Due to the proposed amendments, consideration and assessment against the *State Environmental Planning Policy No 64 – Advertising and Signage* (SEPP 64) is provided. The signage parameters for the proposed development are detailed in **TABLE 4**.

Pursuant to Clause 8 of SEPP 64, a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- *that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and*
- *that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1*

These matters are addressed in detail, within **TABLE 5**. The proposed signage, as amended, is compatible with the SEPP 64 aims and objectives.

Pursuant to SEPP 64, business identification signs are to be assessed under Schedule 1. The assessment criteria under Schedule 1 of SEPP 64 are addressed in **TABLE 5**.

TABLE 5: SEPP 64 – SCHEDULE 1 ASSESSMENT CRITERIA	
Criteria	Comment
1 Character of the area	
<i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i>	YES The proposed signage is compatible with the character of the site and its immediate surrounds and will support the operation of the proposed facility.
<i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i>	YES As above, the proposed signage will accord with the character of the area.
2 Special areas	
<i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</i>	NO The proposed signage does not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas. The proposed signage would be of high-quality design and finish, minimising any potential visual impacts to the public domain.
3 Views and vistas	
<i>Does the proposal obscure or compromise important views?</i>	NO The proposed signage includes wall advertisements and low free standing signs (for wayfinding), which would not obscure or compromise any important views.
<i>Does the proposal dominate the skyline and reduce the quality of vistas?</i>	NO The proposed signage includes wall advertisements and low free standing signs (for wayfinding), which would not protrude into the skyline.



TABLE 5: SEPP 64 – SCHEDULE 1 ASSESSMENT CRITERIA

Criteria	Comment
<i>Does the proposal respect the viewing rights of other advertisers?</i>	YES The signage would not obstruct any other signage in the vicinity of the subject site.
4 Streetscape, setting or landscape	
<i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i>	YES The signage has been designed to be compatible with the commercial, industrial and warehousing character of the immediate neighbouring properties and overall context of the locality. In this respect, the proposed signage is of a scale commensurate to those surrounding development and associated signage and thus is deemed appropriate for the streetscape, setting and landscape.
<i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i>	YES The signage is to be used to provide identity to the business and assist with wayfinding for site users and create visual interest to the streetscape and landscape setting whilst not dominating the streetscape or views from the public domain.
<i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i>	YES The signage seeks to integrate with the proposed built form on the subject site, remaining consistent with the established signage within the surrounding area whilst also improving the legibility on site. The proposed signage is complementary to the design of the development and does not result in any 'visual clutter'.
<i>Does the proposal screen unsightliness?</i>	N/A The proposal involves a new warehouse and distribution facility, and therefore does not aim to screen unsightliness.
<i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i>	NO The proposed signage would not protrude above buildings, structures or tree canopies.
<i>Does the proposal require ongoing vegetation management?</i>	NO The proposed signage would not require ongoing vegetation management.
5 Site and building	
<i>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</i>	YES The signage is of suitable scale and design for its intended purpose to effectively identify the business operating on-site. The proposed signage will integrate with the proposed built form and façade design to adhere to visual coherence. Additionally, the signage will also remain consistent with the existing streetscape that represent the land uses along Percy Street. The scale of the proposed signage is considered to be commensurate with the size of the site and the building to which it will be affixed.



TABLE 5: SEPP 64 – SCHEDULE 1 ASSESSMENT CRITERIA

Criteria	Comment
<i>Does the proposal respect important features of the site or building, or both?</i>	YES The signage has been designed to integrate with the proposed built form and would not be the predominant visual feature of the subject site. The proposed signage is respectful of the proposed built form.
<i>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</i>	YES The proposed signage has been designed to integrate with the proposed built form and to improve legibility for staff and customers alike. The design is considered satisfactory for the intended business identification purposes.
6 Associated devices and logos with advertisements and advertising structures	
<i>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</i>	YES No safety devices or platforms are proposed. However, the proposed signage would be illuminated. The Woolworths logo is proposed on the signs, and used as part of the business identification signage and does not dominate the facade or frontage of the building.
7 Illumination	
<i>Would illumination result in unacceptable glare?</i>	NO The illumination from the proposed signage would not result in unacceptable glare.
<i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i>	NO The illumination from the proposed signage would not affect safety for pedestrians, vehicles or aircraft.
<i>Would illumination detract from the amenity of any residence or other form of accommodation?</i>	NO The subject site does not adjoin sensitive land uses such as residential.
<i>Can the intensity of the illumination be adjusted, if necessary?</i>	YES The proposed illumination could be adjusted if required. The proposed signage would be internally lit, with the brightness to remain relatively low through appropriate monitoring. The proposed illumination would remain consistent with the existing streetscape and adjoining signs. However, it is not considered necessary to adjust the illumination as the size and location of the illuminated signs would not cause unreasonable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation.
<i>Is the illumination subject to a curfew?</i>	NO The proposed illumination would not create any disturbance for the surrounding properties due to its location within an industrial area. As such the implementation of a curfew is not necessary.
8 Safety	
<i>Would the proposal reduce the safety for any public road?</i>	NO



TABLE 5: SEPP 64 – SCHEDULE 1 ASSESSMENT CRITERIA	
Criteria	Comment
	The proposed signage is not considered to have any adverse impact upon the safety for any public road including those on Percy Street.
<i>Would the proposal reduce the safety for pedestrians or bicyclists?</i>	NO The proposed signage would not reduce the safety of pedestrians or bicyclists.
<i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</i>	NO The proposed signage would not obscure sightlines from public areas and therefore would not reduce the safety of pedestrians. The signage is to be used to provide identity to a building and identifying the tenant. This adds visual interest to the streetscape and landscape setting.

In addition to the above, Part 3 of SEPP 64 outlines a number of additional matters to be considered for certain signs. This Part does not apply to Business Identification Signage and is therefore not applicable to the proposed development.

Based on the above, where the proposed signage, as modified, is undertaken in accordance with the specified parameters, the development would be consistent with the provisions of SEPP 64.

5.2 LOCAL PLANNING CONTEXT

5.2.1 Cumberland Local Environmental Plan 2021

The new CLEP2021 came into effect on 5 November 2021. The site is subject to the provisions of CLEP2021. Relevant permissibility and development standards are summarised in the following subsections of this RTS Report.

5.2.1.1 Zoning and permissibility

The subject site is zoned IN1 General Industrial pursuant to CLEP2021, refer to **FIGURE 4**.

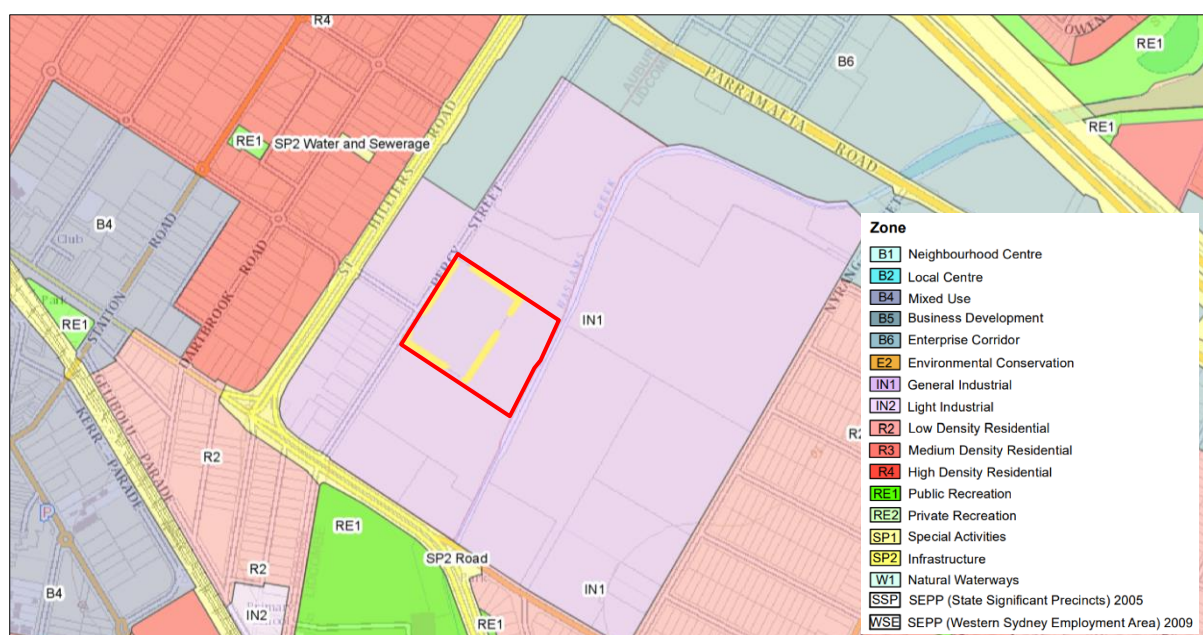


FIGURE 4. LAND ZONING MAP (SOURCE: NSW LEGISLATION, 2022)

The objectives of the IN1 zone are:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*

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

As demonstrated in this Modification Application, the proposal as modified would not adversely affect surrounding land uses.

Within the IN1 zone the following are permissible without consent:

Nil.

Within the IN1 zone the following are permissible with consent:

Centre-based child care facilities; Depots; Food and drink premises; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Respite day care centres; Roads; Rural supplies; School-based child care; Tank-based aquaculture; Timber yards; Warehouse or distribution centres; Any other development not specified in item 2 or 4

Within the IN1 zone the following are prohibited:

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Early education and care facilities; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home businesses; Home industries; Home occupations; Home occupations (sex services); Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Passenger transport facilities; Pond-based aquaculture; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; 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.

5.2.1.2 Development standards

This subsection provides a summary of all CLEP2021 provisions, as they apply to the proposed development.



RESPONSE TO SUBMISSIONS REPORT

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

SSD-10470-MOD-1

TABLE 6: DEVELOPMENT STANDARDS OF CLEP2021

Clause	Comment	Compliance
Principle development standards		
4.1 Minimum subdivision lot size	The site is subject to a minimum lot size of 1,500 m ² pursuant to the LEP map. As the subject site provides an area of approximately 32,453 m ² , 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 CLEP2021.	Yes
4.4 Floor space ratio	The maximum FSR permitted for the site under the current planning control is 1:1. With the combined site having an area of 32,453 m ² , the allowable maximum GFA of 32,453 m ² for the site. The proposed development, as modified, would result in a GFA of 20,140 m ² and FSR of just 0.62:1.	Yes
4.6 Exemptions to development standards	This proposal does not require a Clause 4.6 contravention.	N/A
Miscellaneous provisions		
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 is given to the adjoining archaeological heritage item of Haslams Creek. A Historical Heritage Assessment was prepared by Austral Archaeology as part of the original SSD-10470 application, in support of the approved development. The proposal, as modified, is consistent with the Historical Heritage Assessment, and would not generate additional impacts to Haslams Creek.	Yes
5.21 Flooding planning	The subject site is identified as a "Flood Planning Area" within the CLEP2021 Flood Planning Map and therefore is subject to Clause 5.21. The flood planning levels which are applicable to the land have been 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 approved design is maintained as part of this proposed modification, responding to flood requirements, as prepared by Henry & Hymas Engineers under SSD-10470. The proposal maintains the suspended slab in order to not impact on flood storage volumes or impede the movement of flood water.	Yes
Additional local provisions		



TABLE 6: DEVELOPMENT STANDARDS OF CLEP2021		
Clause	Comment	Compliance
6.1 Acid sulfate soils	The subject site is identified as comprising acid sulfate soils (Class 2 and Class 5) in the relevant CLEP2021 map and accordingly is subject to the provisions of Clause 6.1. An Acid Sulfate Soils Management Plan was prepared, by Geo-Logix as part of the original SSD-10470 application, in accordance with the <i>Acid Sulfate Soils Manual</i> .	Yes
6.2 Earthworks	Bulk earthworks design has been prepared by Henry & Hymas Engineers and approved under SSD-10470 . The proposed development, as modified, does not seek to alter the approved bulk earthworks design.	Yes
6.3 Limited development on foreshore area	The proposed development has been designed to provide 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. The foreshore building line is located approximately 8.8 m from the eastern corner and 3.3 m from the southern corner of the subject site. The proposed development, as modified, maintains the approved setback of 9.2 m from the eastern corner and 6.0 m from the southern corner of the subject site, which is outside of the foreshore area.	Yes
6.4 Essential services	Essential services are available at the subject site, as determined in the original SSD-10470 application.	Yes
6.7 Stormwater management	Stormwater management measures remain as per the original SSD-10470 application.	Yes
6.12 Urban heat	The proposal, as modified, seeks to maintain the ultimate built form and ecologically sustainable development provisions of the original SSD-10470 application.	Yes

5.2.2 Cumberland Development Control Plan 2021

The CDCP2021 supplements CLEP2021 and provides more detailed provisions to guide development.

The development controls include setbacks, urban design, stormwater drainage, landscaping, parking and access.

As is noted in Part 2, Clause 11 of the SRD SEPP, which governs an SSD Application:

Development control plans (whether made before or after the commencement of this Policy) do not apply to:

(a) State Significant Development

The proposed development, as modified, is consistent with the relevant provisions of the CDCP2021.



PART F CONCLUSION

Based on the findings of the original EIS and further matters considered as part of this Modification Application and RTS, it is concluded that the proposed development is consistent with the Objects of the EP&A Act, under Section 1.3, particularly the notion of promoting the orderly and economic development of the land.

The proposal has been prepared after taking into consideration the following key issues:

- The development history of the subject site;
- Previously approved **SSD-10470**;
- The context of the site and locality;
- The relevant heads of consideration under Section 4.55(1A) of the EP&A Act; and
- The aims, objectives and provisions of the relevant statutory and non-statutory planning instruments.

As detailed in this RTS Report and the earlier Modification Report, the proposed modification is consistent with the objectives and controls of the relevant instruments and policies in place. No significant adverse environmental, economic or social impacts have been identified as likely to arise from the proposed modifications intended. Rather, the proposal, as modified, would provide for positive impacts, including the operational efficiencies and the generation of employment opportunities in the warehousing and distribution sector, namely for the purposes of facilitating an ongoing operation for warehousing and distribution.

The proposed modification is permissible within the IN1 General Industrial zone and is compatible with the zone objectives. As demonstrated throughout this RTS Report and the earlier Modification Report, the amendments proposed would not promote any adverse environmental impacts. Additionally, the matters for consideration under Section 4.15(1) of the EP&A Act (as prescribed for **SSD-10470**) have been satisfactorily addressed, providing that the proposed built-form and intended use are compatible with the surrounding environment.

In light of the above, the modifications proposed for **SSD-10470** are considered worthy of support by the NSW DPE.

