

WILLOWTREE PLANNING



31 March 2022

SSD-10470-Mod-1

OUR REF: WTJ20-158

Industry Assessments
Department of Planning and Environment
4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW 2140

Attn: Ms Zoe Halpin

**AMENDMENT OF MODIFICATION APPLICATION (SSD-10470-MOD-1)
WOOLWORTHS WAREHOUSE AND DISTRIBUTION CENTRE AUBURN
PROPERTY AT 11 & 13 PERCY STREET, AUBURN**

Dear Ms Halpin,

Willowtree Planning Pty Ltd write on behalf of Fabcot Pty Ltd (the Applicant) regarding the current Modification Application for alterations and additions to Woolworths Warehouse and Distribution Centre Auburn (**SSD-10470-Mod-1**).

On 24 March 2022, a request for additional information was received from NSW Department of Planning and Environment (DPE), requesting the following:

- *Please provide details of your amendment request as outlined in your email correspondence of 22 March 2022, including updated plans, a justification for the changes and any environmental impacts associated with the amendments.*
- *Please clarify the purpose of the manual gates located on the inbound van entry and egress, outbound van entry and egress and pickup entry/egress/truck egress. Additionally, please clarify the hours of operation of the facility, and subsequently the hours that the manual gates will be open.*

1.0 RESPONSE ITEMS

In response to the abovementioned matters, the following information is provided.

Item 1 – Details of amendment request

Pursuant to Section 113 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), this letter seeks to make an amendment to the modification application, in the form of amended plans.

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Further to discussions with DPE, the proposed development has progressed through more detailed design, which has resulted in some minor amendments to the Architectural Plans package (**Attachment 1**). The specific amendments have been highlighted on the plans and include reconfiguration of the plant layout on the southern side of the development. **TABLE 1** and **TABLE 2** have been extracted from the Response to Submissions (RTS) Report and updated, to clearly articulate the further amendments proposed (as shown in [salmon](#)).

The proposal, as amended, maintains substantially the same development, as outlined below, and is certainly of minimal environmental impact, as required by Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Reference should be made to **Section 2.0** through to **Section 5.0** for further detail.

Item 2 – Clarify the function of manual gates

The purpose of the manual gates is to secure the facility on days where it will be closed. Whilst the facility is to operate 24/7, as approved under **SSD-10470**, it is planned to close on specific holidays, such as Christmas and Easter. The manual gates will allow the site to be secured during such closures. Outside of these days, the manual gates will remain open.

Separate to this are the boom gates, which will be in place to control traffic into certain areas of the facility, such as staff parking areas and delivery vehicle docks. Boom gates will be fitted with an intercom system that will be manned by the site security office. The boom gates can be remotely opened in the event that an unauthorised vehicle needs to enter, turn around and exit the site.

2.0 DESCRIPTION OF AMENDMENTS

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

The purpose of the proposed plan amendments (HV compound expansion, expansion of switch room and relocation of solar inverter room to L1) is to allow for the future provision of electric delivery vehicles rather than diesel.

As shown in **Figure 1** and **Figure 2** below (previous proposal shown in [red](#) underneath), the key differences include:

1. Change solar room to storage room at ground level, adjacent to switch room;
2. New solar room relocated to upper level of plant area (above storage room);
3. Addition of future substation; and
4. Reconfiguration of the backup generator location and loss of one (1) van space to accommodate the abovementioned amendments.

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



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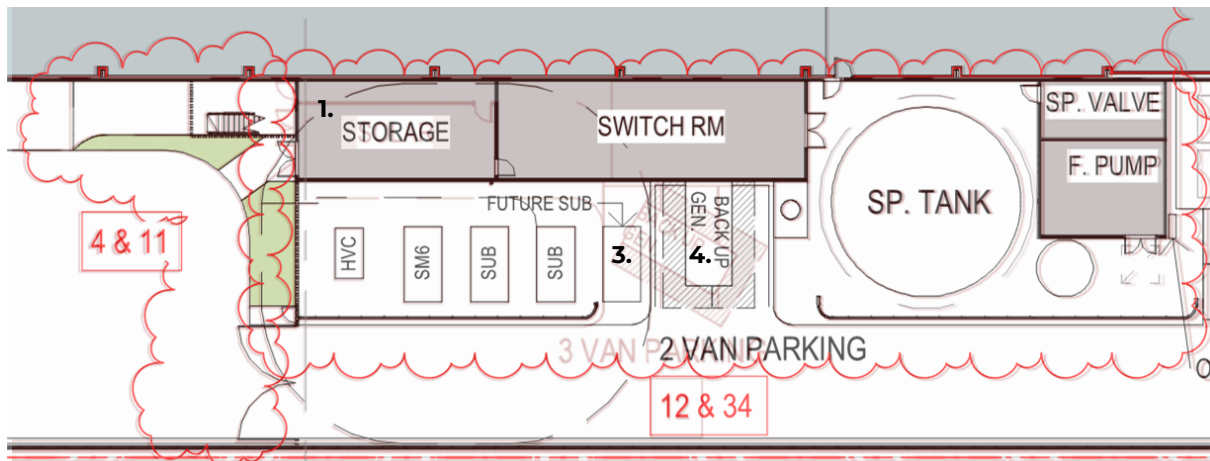


Figure 1. Revised Plant Area Layout (Source: Nettleton Tribe, 2022)

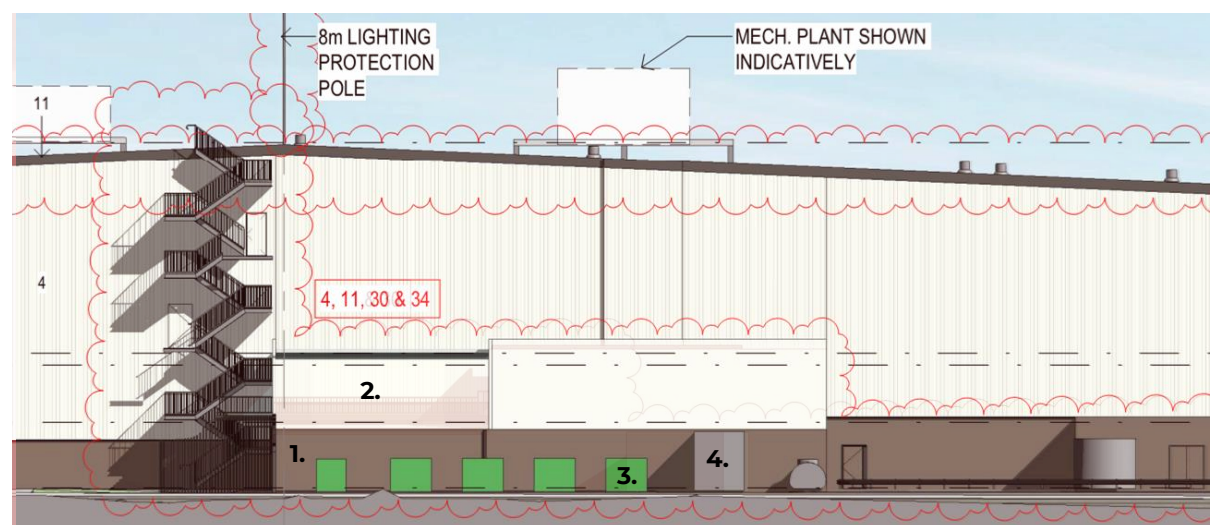


Figure 2. Revised Plant Area Elevation (Source: Nettleton Tribe, 2022)

3.0 AMENDED DEVELOPMENT SUMMARY

TABLE 1 offers a summary of the proposed modifications, including the proposed amendments.

TABLE 1: 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	144 staff parking bays

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TABLE 1: MODIFIED PROJECT SUMMARY

Project Element	Approved	Proposed
	6 pickup bays (for customers) 103 van parking spaces	8 pickup bays (for customers) + 8 holding bays 87 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		

TABLE 2 provides an updated register of changes proposed under the Modification Application.

TABLE 2: 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 (refer to item 34 below)	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
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



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TABLE 2: ITEMS TO BE MODIFIED

Item	Description	Justification
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	Wayfinding
32	Add two (2) signs – sign 6 and sign 7	Wayfinding
33	Relocate south-east stair to Haslams Creek level	As a result of relocated van space (item 12)
34	Addition of another substation and SM6 unit	Futureproofing for the provision of electric delivery vehicles in the future
34	Storage room at ground level, adjacent to switch room	Futureproofing for the provision of electric delivery vehicles in the future – future electric vehicle switch room
34	Solar room relocated to upper level of plant area (above storage room)	To allow for the abovementioned future provision of electric delivery vehicles
34	One (1) van park removed from southern plant area	Required due to amendments to the southern plant area
Internal changes		
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

4.0 LEGISLATIVE & POLICY FRAMEWORK

The following section provides a subsequent review of the relevant statutory planning framework to ensure that the proposal, as amended, continues to accord with such requirements.

4.1.1 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 proposal, as amended, is consistent with the provisions of Section 4.55(1A) of the EP&A Act provided in the original Modification Application.



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4.1.2 Environmental Planning & Assessment Regulation 2021

This proposed amendment is made under Section 113 of the EP&A Regulation, which confirms that an applicant may, at any time before a modification application is determined, apply to the consent authority for an amendment to the modification application.

The proposed amendment is made via the Major Projects Portal.

4.1.3 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.

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

In addition, the proposed amendments are approximately 77 m from the Haslams Creek channel.

4.1.5 State Environmental Planning Policies

The proposal, as amended under Section 113 of the EP&A Regulation, does not alter the findings of the relevant State Environmental Planning Policy (SEPP) assessments undertaken in the RTS Report and the earlier Modification Report.

4.1.6 Cumberland Local Environmental Plan 2021

The new *Cumberland Local Environmental Plan 2021* (CLEP2021) came into effect on 5 November 2021. The site is subject to the provisions of CLEP2021. Relevant permissibility and development standards, as they relate to the amended proposal, are summarised in the following subsections.

Zoning and Permissibility

The subject site is zoned IN1 General Industrial pursuant to CLEP2021, refer to **Figure 3**.



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

Nil.

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



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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 approved use as a warehouse and distribution centre is permitted with consent.

Development Standards

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

TABLE 3: 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 amended, would maintain 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



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TABLE 3: DEVELOPMENT STANDARDS OF CLEP2021

Clause	Comment	Compliance
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		
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 and further amended, seeks to maintain the ultimate built form and ecologically sustainable development provisions of the original SSD-10470 application.	Yes



5.0 FINDINGS AND CONCLUSION

Based on the findings of the original EIS and further matters considered as part of this modification Application, RTS and amendments under Section 113 of the EP&A Regulation, it is concluded that the proposed development maintains consistency 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 amendment request, the 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, 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 are considered worthy of support by the NSW DPE.

We trust this information is sufficient for NSW DPE to finalise their assessment and determination of **SSD-10470-Mod-1**. However, should you need to discuss further, please do not hesitate to contact the undersigned via email at eburton@willowtp.com.au.

Yours faithfully,



Eleisha Burton
Senior Associate
Willowtree Planning Pty Ltd

enc **Attachment 1** – Updated Architectural Plans (25 March 2022)

