



# ***CFC Group Large Format Retail Facility***

*State Significant  
Development  
Modification Assessment  
(SSD-9511-MOD-1)*



January 2020

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### **Cover photo**

View of the proposed CFC Group Large Format Retail Facility, viewed from Bringelly Road (Environmental Impact Statement SSD 18\_9511 prepared by Ethos Urban dated 24 September 2018)

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# Glossary

Abbreviation	Definition
Applicant	CIP Constructions (NSW) Pty Ltd
BRBH	Bringelly Road Business Hub
Consent	Development Consent
Council	Liverpool City Council
Department	Department of Planning, Industry and Environment
District Plan	<i>Western City District Plan</i>
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
km	kilometre
Minister	Minister for Planning and Public Spaces
m	metre
POM	<i>Western Sydney Parklands Plan of Management 2030</i>
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
RTS	Response to Submissions
Regional Plan	<i>A Metropolis of Three Cities – the Greater Sydney Region Plan</i>
SEE	Statement of Environmental Effects titled <i>Bringelly Road Business Hub, Leppington SSD 9511 Section 4.55(1A) Modification Application</i> dated 16 October 2019 prepared by Ethos Urban
SSD	State Significant Development
VIA	Visual Impact Assessment
WSP	Western Sydney Parklands
WSPT	Western Sydney Parklands Trust



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# 1. Introduction

This report provides an assessment of an application to modify the State significant development (SSD) consent for the CFC Group Large Format Retail Facility, Horningsea Park.

The modification application seeks approval to amend the approved signage along the building's façade and introduce a way-finding pylon sign within the frontage of the site. The modification also seeks to install an awning above the waste disposal area. The purpose of the modification is to meet the needs of future tenants of the Large Format Retail Facility being CEA, JCB, Dynapac and Atlas Copco.

The application has been lodged by CIP Constructions (NSW) Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

## 1.1 Background

The Applicant is constructing a large format retail facility to be used primarily for the display and sale of machinery and construction equipment. The facility will also have associated warehouse and workshop components for the storage, assembly, repair and maintenance of inventory. The site forms part of an approved business park known as Bringelly Road Business Hub (BRBH) located in the southern portion of the Western Sydney Parklands (WSP) in Horningsea Park.



Figure 1 | Site Location

## 1.2 Subject Site

The 2.2 hectare site is currently a 'greenfield' site with construction work being undertaken for the CFC Group facility as well as the Steelforce Warehouse Facility, on Lot 8. The site is located 36 kilometres (km) west of the Sydney city centre, eight km south-west of the Liverpool town centre and is approximately four km to the northwest



of the intersection of the M5 and M7 motorways (see **Figure 1**). The site is located on Lot 6 of the BRBH. Access to the site is via Skyline Crescent to the south, which connects to Bringelly Road in Horningsea Park.

The site is surrounded by a variety of existing land uses and riparian zones (see **Figure 2**) including:

- lot 8 of BRBH to the east of the site which has development consent for the construction and operation of the Steelforce Warehouse Facility.
- two rural residential properties to the east of the site, one of which is reported to be abandoned
- Bringelly Road directly to the south. On the southern side of Bringelly Road are agricultural allotments and further to the south is the South-West Rail Link
- a riparian corridor and Bedwell Park, a man-made wetland built in 1997, directly to the north. The wetland receives water flowing from surrounding land located to the north, west and south including from the site, nearby residential development, surrounding WSP land and Cowpasture Road
- the BRBH to the west of the site. Further west of the BRBH are agricultural and rural residential uses, within the WSP and identified in the *Western Sydney Parklands Plan of Management 2030* (POM) as a future sport and active recreation hub and a tourism hub.

The closest residential receiver is the rural residential property approximately 180 metres (m) to the east of the site.



**Figure 2** | Site Location

### 1.3 Approval History

On 21 December 2018, development consent was granted by the Executive Director, Key Sites and Industry Assessment, as delegate for the then Minister for Planning, for the construction and operation of the CFC Group Large Format Retail Facility (SSD 9511). The development consent permits the construction and operation of a large format retail facility to be used primarily for the display and sale of machinery and construction equipment, however, will also have associated warehouse and workshop components for the storage, assembly, repair and maintenance of inventory.

The development is located on Lot 6 of an approved business park, BRBH (SSD 6324), which was granted development consent on 13 January 2016 for a concept proposal and stage 1 works. The BRBH is comprised of

'large format retail', 'light industry', 'service station', 'takeaway food and drink premises' and 'restaurant and café' land uses.

The development consent for the CFC Group Large Format Retail Facility has not been modified.

The modification application seeks approval to make alterations to the approved signage located on the façade of the building, as well as the installation of a way-finding pylon sign at the frontage of the site. The modification also seeks to install an awning above the waste disposal area located at the rear of the building. The Applicant considers that the additional and amended signage is essential to meet the needs of the future tenants for the site, with the installation of an awning above the waste disposal area providing weather protection for the tenants using the area.



## 2. Proposed Modification

The Applicant has lodged an application under section 4.55(1A) of the EP&A Act to modify SSD 9511. The purpose of the application is to make alterations to the signage associated with the tenancies on site, as well as the installation of an awning above the waste disposal area.

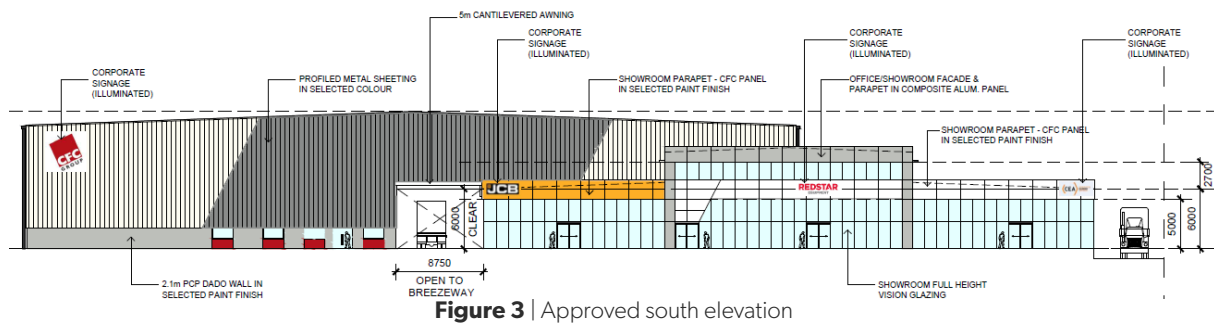
The approved plans, which form part of the development consent, depict four corporate signs on the southern façade of the building.

The Applicant seeks to alter the design of the four approved signs, incorporate three additional signs on the façade of the building, as well as erect an eight metre high pylon sign within the frontage of the site. To facilitate the erection of the pylon sign, the car entry/exit point is required to be shifted slightly to the west. In addition, the Applicant also seeks to install an awning, 4m x 29m, above the waste disposal area located at the rear of the warehouse.

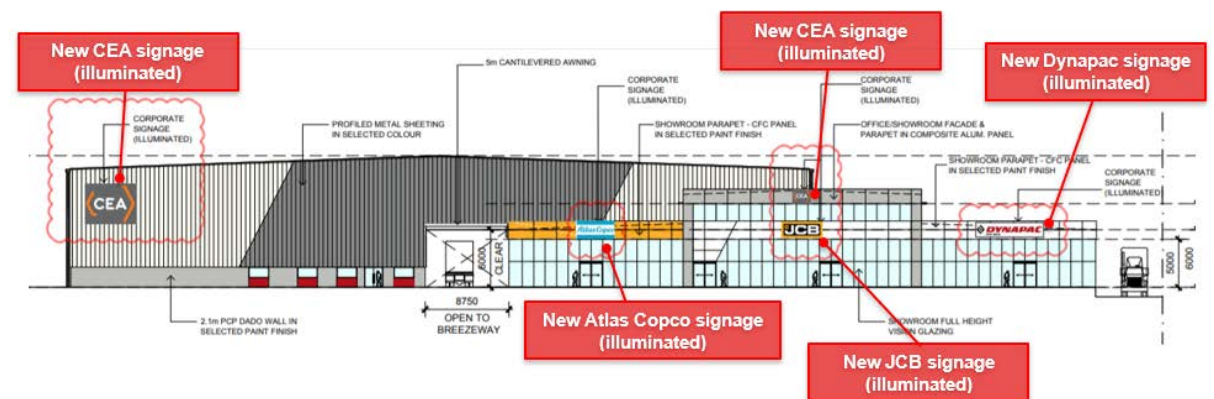
The modification has been described in full in the Statement of Environmental Effects (SEE) included in **Appendix A**, and is illustrated on **Figure 3**, **Figure 4**, **Figure 6** and **Figure 7** and summarised in **Table 1**.

**Table 1** | Proposed Modification

Modification Aspects	Approved	Proposed
<b>Building signage</b>	Four external corporate signs	Seven external signs, including five illuminated signs 8m tall illuminated pylon sign
<b>Waste disposal area</b>	Open area at the rear of the warehouse	Installation of 4m x 29m awning



**Figure 3** | Approved south elevation



**Figure 4** | Proposed south elevation



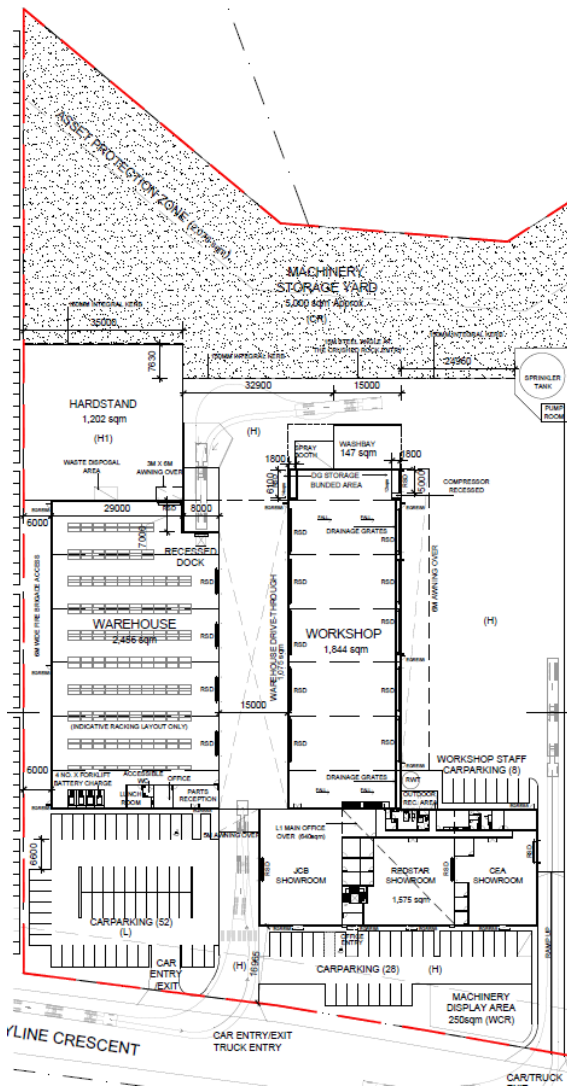


Figure 5 | Approved site plan

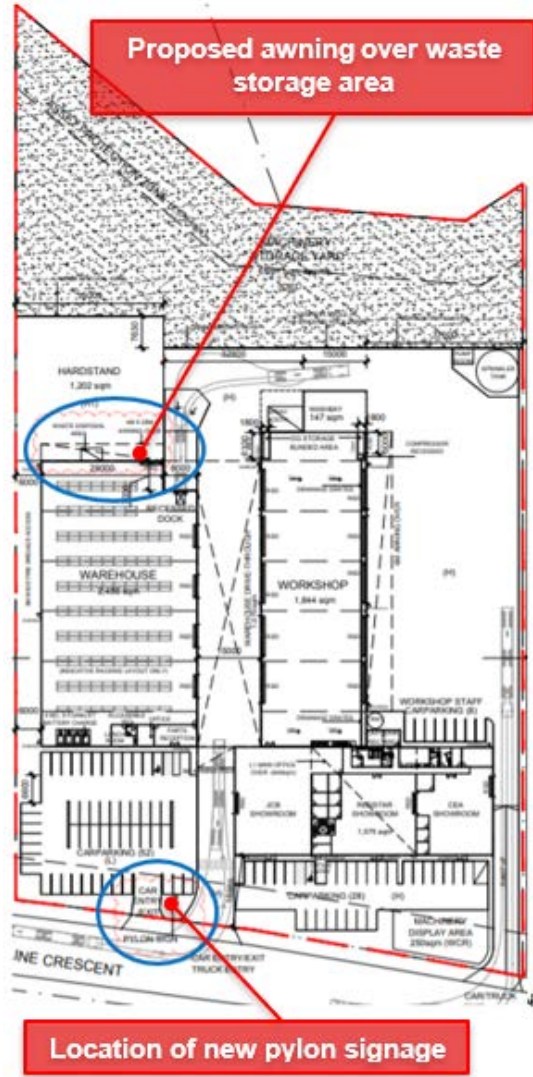


Figure 6 | Proposed site plan, areas of change highlighted

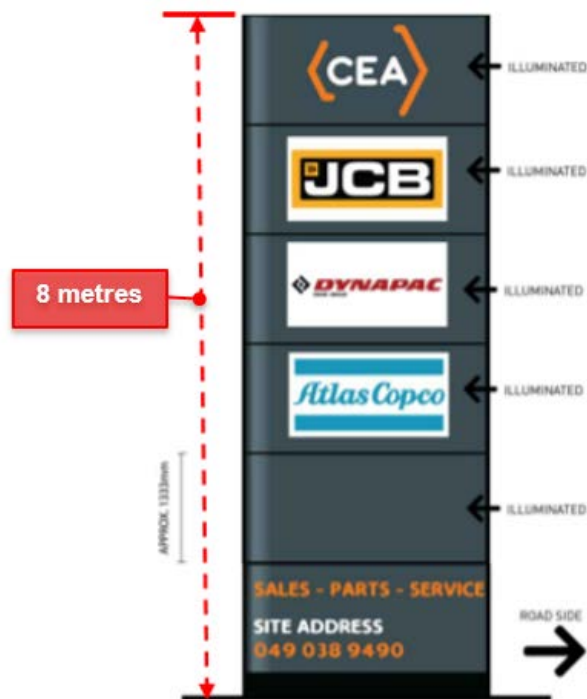


Figure 7 | Proposed pylon sign



### 3. Strategic Context

The Department has considered the strategic context of the site and is satisfied the proposed modification is consistent with relevant strategic planning documents including *A Metropolis of Three Cities – the Greater Sydney Region Plan* (Regional Plan), the *Western City District Plan* (District Plan) and the POM.

The proposed modification is consistent with the goals, directions and actions outlined in the Regional Plan as it would:

- facilitate industrial development and large format retail in an approved business hub, ensuring industrial land is planned, retained and managed (Objective 23).

The proposed modification seeks to make minor alterations to the signage of the approved large format retail facility. This will benefit in the operation of uses on site, which will further contribute to meeting the strategic outcomes of the POM. In particular, the proposal is consistent with Strategic Direction 4 which seeks to provide income generating leases on 2% of the WSP, to provide funds for the ongoing management and development of the WSP.

The proposed modification would continue to be consistent with the District Plan, particularly the Planning Priority W10, maximising freight and logistics opportunities and planning and managing industrial and urban services land. The proposed modification is consistent with the strategic intent for the land, which identifies it for the purposes of industrial development, therefore the development of the site for the purposes of a Large Format Retail Facility will contribute to the Greater Sydney economy as an industrial land use.



## 4. Statutory Context

### 4.1 Scope of Modifications

The Department has reviewed the scope of the modification application and considers the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not significantly increase the environmental impacts of the project as approved
- is substantially the same development as originally approved
- would not involve any further disturbance outside the already approved disturbance areas for the project.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

### 4.2 Consent Authority

The Minister for Planning and Public Spaces (Minister) is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 11 October 2017, the Director, Industry Assessments, may determine the application under delegation as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are no public submissions in the nature of objections.



## 5. Engagement

### 5.1 Department's Engagement

Clause 117(3B) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to SSD. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website on 16 October 2019 and was referred to Liverpool City Council (Council) and the Western Sydney Parklands Trust (WSPT).

### 5.2 Summary of Submissions

**WSPT** did not raise any concerns and did not object to the modification.

**Council** provided a submission and raised concerns relating to the proposed advertising signage and potential visual impacts. Council requested the Applicant prepare a Visual Impact Assessment (VIA) to assess the visual impacts of the signage, particularly from viewpoints in residential areas and transport corridors.

### 5.3 Response to Submissions

The Applicant provided a Response to Submissions (RTS) on 2 December 2019. The RTS was provided to Council, and was made available on the Department's website. A copy of the RTS is included in **Appendix A**.

The RTS included a VIA prepared by the Applicant, which assessed the visual impacts of the signage from eight locations.

Council confirmed the Applicant satisfactorily addressed the concerns raised in their submission, as such noting no objection to the modification.



## 6. Assessment

The Department has assessed the merits of the proposed modification. During this assessment, the Department has considered the:

- SEE provided to support the proposed modification (see **Appendix A**)
- original development application, supporting documents and assessment report
- submissions from Council and WSPT (see **Appendix A**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act

The Department's assessment of the proposed amendments to approved signage is provided in **Table 2**.

**Table 2** | Assessment of amendment to signage

Issue	Findings	Recommended Condition
Compliance with BRBH Design Guidelines	<ul style="list-style-type: none"><li>• The BRBH has established design guidelines to provide guidance in the design and assessment of future buildings within the estate.</li><li>• The guidelines provide objectives relating to built form, signage and site access amongst other design and construction elements.</li><li>• The proposed amendments to the signage and minor relocation of the car entry/exit point have the potential to be inconsistent with the design guideline objectives.</li><li>• The Applicant considers the proposed signage seeks to integrate with the design of the building, modifying the signage to meet the needs of future tenants whilst considering the approved building design.</li><li>• The Applicant assessed the proposed modification against the design objectives and concludes the amended signage and site entry/exit remains consistent with the objectives.</li><li>• The pylon sign at the frontage of the site has the potential to distract motorists and cause traffic conflicts.</li><li>• To address this, the Applicant proposes to relocate the entry/exit point slightly to the west to ensure adequate separation and clear sightlines between the proposed access points and the pylon signs</li><li>• Council raised concerns regarding the visual impacts of the new signage and requested the Applicant prepare a VIA to assess the visual impacts of the signage from viewpoints in the area.</li><li>• In response, the Applicant submitted a VIA which considered eight viewpoints. The VIA</li></ul>	<ul style="list-style-type: none"><li>• No additional conditions required</li></ul>

concluded that the signage would have an acceptable visual impact, without causing a nuisance.

- Council reviewed the VIA submitted by the Applicant and raised no further concerns regarding the changes sought to the signage.
- The Department is satisfied that the alterations to the signage on the building façade, the erection of the pylon sign and the relocation of the entry/exit point are consistent with the BRBH design guidelines. Furthermore, the operation of the site can be managed through existing conditions.





## 7. *Evaluation*

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. On balance, the Department considers the proposed modification is appropriate on the basis that the:

- proposed modification would not increase the environmental impacts of the development as approved
- proposed changes are consistent with the original approval, given the application seeks to make changes to the signage and incorporate a covered awning, with no additional changes are sought to the built form
- changes can be managed through the existing conditions of consent.

The Department is satisfied the modification should be approved, subject to compliance with the existing conditions for the approved development.



## 8. Recommendation

It is recommended that the Director, Industry Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD-9511-MOD-1 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application
- **modify** the consent SSD 9511
- **signs** the attached instrument of the modification (**Appendix C**).

Recommended by:

**Ania Dorocinska**

Senior Environmental Assessment Officer  
Industry Assessments

Recommended by:

**Sally Munk**

A/Team Leader  
Industry Assessments



## 9. Determination

The recommendation is: **Adopted by:**

**Chris Ritchie**

Director

Industry Assessments

24/1/2020



# Appendices

## Appendix A – List of Documents

Statement of Environmental Effects –

<https://www.planningportal.nsw.gov.au/major-projects/project/25586>

Submissions –

<https://www.planningportal.nsw.gov.au/major-projects/project/25586>

Response to Submissions –

<https://www.planningportal.nsw.gov.au/major-projects/project/25586>

## Appendix B – Consolidated Consent

## Appendix C – Notice of Modification