



SIGMA WAREHOUSE & DISTRIBUTION FACILITY OAKDALE SOUTH ESTATE SITE 3A - SSDA 7719

**SECTION 96(1A) MODIFICATION
APPLICATION - MOD 1**

16 FEBRUARY 2018
PREPARED FOR SIGMA COMPANY LTD



URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Associate Director	Jacqueline Parker
Consultant	Dayle Bennett
Project Code	SA7035
Report Number	EIS - SIGMA MOD 1

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EXECUTIVE SUMMARY

This Modification Report has been prepared by Urbis on behalf of the applicant, Sigma Company Ltd, and is submitted to the New South Wales Department of Planning and Environment (DP&E) in support of a modification under section 96(1A) of the Environmental Planning & Assessment Act, 1979 (EP&A Act) to a State Significant Development (SSD) approval SSD 7719 issued on 28 July 2017 for Oakdale South Estate (OSE) Stage 3 – Sigma Pharmaceutical Warehouse and Distribution Facility.

SSD 7719 sought approval for works relating to the development of Site 3A within Precinct 3 of the OSE including the construction, fit-out and use of a warehouse and distribution site. This section 96(1A) modification application to SSDA 7719 seeks approval for revisions to the approved development of Site 3A and is herein referred to as MOD 1.

The Modification Report describes the site and the proposed modifications, provides relevant background information, and assesses the development against relevant legislation, environmental planning instruments, and planning policies and the original SEARs issued for SSD 7719.

The specialist technical studies provided to support SSDA 7719 have been amended where relevant to this section 96 modification application and have informed assessment of the potential environmental impacts within this Modification Report. Revised mitigation measures have also been included within this Modification Report to address any identified impacts on the site and surrounding environment which result from the proposed section 96 modification.

The proposed modification of the OSE Stage 3 Development entails:

- Conversion of the ancillary office area from 2-storey to 1-storey, resulting in an enlargement of the office footprint and reduction of the overall office GFA;
- Increase in the number of recessed truck docks on the building's northern elevation from 2 to 6, and relocation further east along the same frontage;
- Grading-over of the landscaped area at the north-eastern corner of the site for use as truck hardstand and turning area, currently zoned E2 – *Environmental Conservation* (subject to a Planning Proposal).

The proposal is consistent with the relevant legislative and policy framework including the *Environmental Planning and Assessment Act 1979* and *State Environmental Planning Policy (Western Sydney Employment Area)*.

The relevant impacts identified to be relevant to this MOD 1 include:

- Layout and design;
- Traffic impacts; and
- Landscaping and amendments to land currently zoned E2 - *Environmental Conservation*.

Having regard to the above, the assessment of the proposed modification application has not identified any significant additional environmental, social or economic impacts.

The findings of this section 96(1A) Modification Report and the revised technical reports identify the proposed development as modified can be accommodated without generating impacts over and above those which were previously approved under SSD 7719 and are considered appropriate by relevant legislation.

A positive assessment and determination of the project should prevail for the following reasons:

- The proposed development will result in a land use that is consistent with the zoning of the land and contribute an employment generating use in line with strategic goals for the Western Sydney Employment Area.
- The proposal demonstrates consistency with the relevant environmental planning instruments including strategic planning policy, and State and local planning legislation, regulation and policies.
- The proposal will operate within the operational bounds assessed and considered to be satisfactory as determined in the approval of SSDA 7719.

- It has been demonstrated that the proposed works will result in minimal environmental impacts and will result in substantially the same development as approved by SSDA 7719.
- It has been demonstrated that all impacts can be appropriately managed or mitigated through the recommendations outlined in the sections of this report.

Given the merits of the proposal, it is requested that the Minister approve the modifications subject to the mitigation measures outlined in this report.

1. INTRODUCTION

This modification application is lodged on behalf of Sigma Company Ltd under the provisions of Section 96(1A) of the EP&A Act. It seeks to modify the SSD Approval (SSD 7719) for the construction, fit out and use of a warehouse and distribution facility on Development Site 3A, within Precinct 3 of the Oakdale South Estate.

Further design development, confirmation of operational requirements and an increase in distribution volumes have necessitated the following modifications of the existing consent:

- Conversion of the office area from 2-storey to 1-storey, resulting in the enlargement of the office footprint and reduction of the overall office GFA;
- Increase in the number of recessed truck docks on the building's northern elevation from 2 to 6, and relocation further east along the same frontage; and
- Grading-over of the landscaped area at the north-eastern corner of the site for use as truck hardstand and turning area.

This report includes the following information:

- Description of the site, its context and approvals history.
- A description of the proposed modifications, including the amendments to the conditions of the approval.
- Planning compliance assessment taking into account the environmental planning instruments, policies and guidelines relevant to the site and the proposed modification.
- An Environmental Assessment relative to applicable SEARs issued for the original SSD DA application and pre-lodgement discussions with the DP&E.

This planning report has been prepared based on the following updated plans and specialist reports, which have been lodged with the Section 96(1A) application:

- Architectural Drawings prepared by SBA Architects – Appendix A;
- Landscape Concept prepared by Site Image Landscape Architects – Appendix B;
- BCA Assessment Report prepared by Blackett Maguire + Goldsmith – Appendix C;
- Civil Drawings prepared by AT&L Associates – Appendix D;
- Civil Report prepared by AT&L Associates – Appendix E; and
- Traffic Assessment prepared by Ason Group – Appendix F.

The technical reports and plans submitted with the original SSDA have been reviewed and updated to address the proposed modifications to SSD 7719. These updated technical studies conclude that there are no material changes in impact arising from the proposed modification that were considered as part of the original SSDA assessment.

Where modified impacts are identified in these reports, the issue is addressed in this application. Where confirmation is provided that the nature of the impact is the same as that originally approved, no specific mention is made of that issue but correspondence to that effect is appended to the report for confirmation.

2. SITE AND SURROUNDS

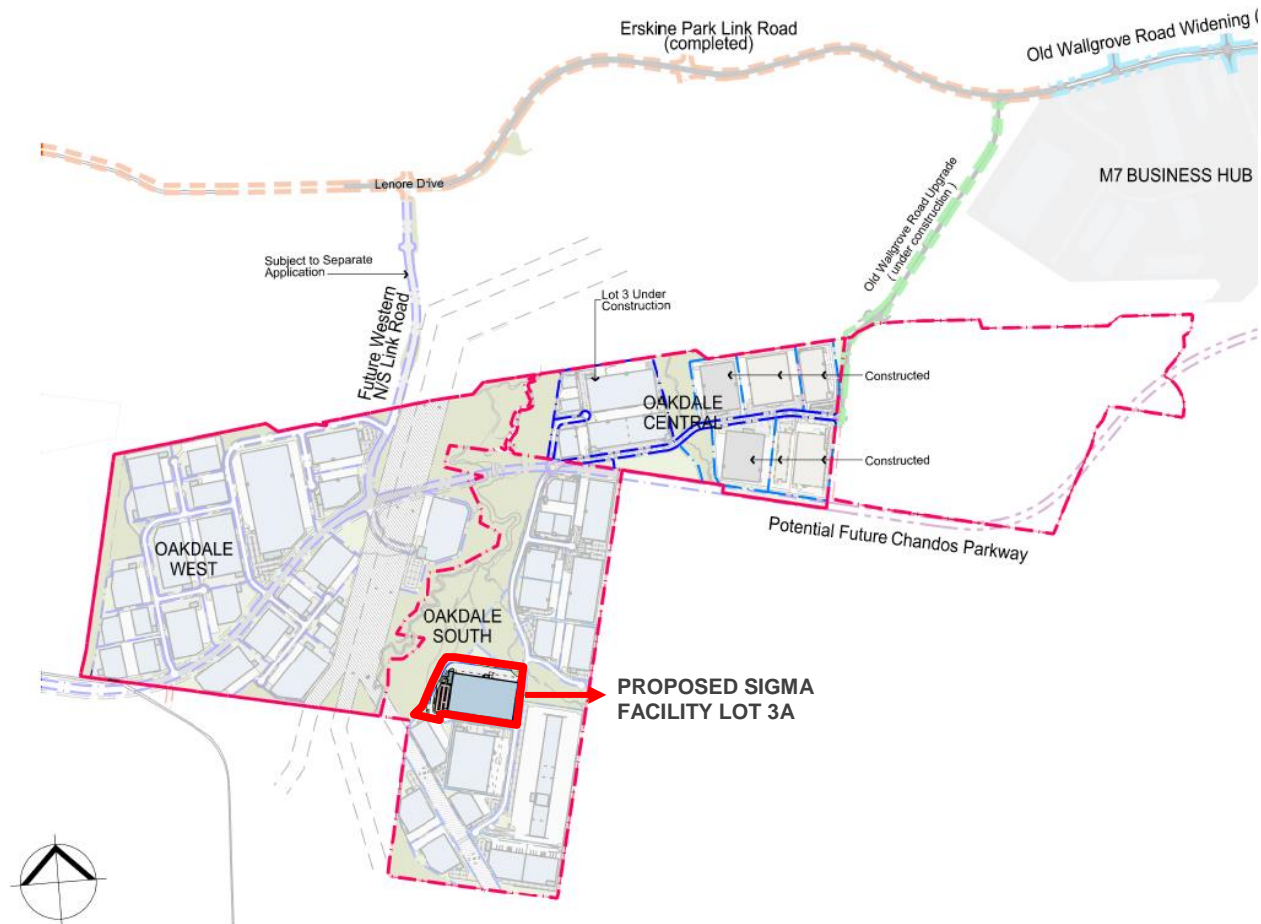
The subject site is located on Site 3A of Precinct 3, within the Oakdale South Estate (OSE). The OSE is a 117ha industrial site located within the Western Sydney Employment Area (WSEA) and is the second of four stages of the broader 'Oakdale Estate' under the management of Goodman Limited.

The OSE is located within the Penrith Local Government Area (LGA) and is comprised of 2 allotments, legally described as Lot 12 DP 1178389 and Lot 87 DP 752041. Refer to **Figure 1** below, which depicts the Oakdale Estate, the OSE in context and Site 3A where the proposal is located.

Development Site 3A has an area of 7.04 hectares with vehicular access provided from Estate Road 4 and emergency access to Estate Road 1. The subject site is bound by Estate Road 01 to east, Estate Road 4 to the south and Estate Road 6 to the north. Sites 3B and 3C are to the south of the site on the opposite side of Estate Road 4. Land zoned E2 Environmental Conservation is located to the west and north-west, and Amenity precinct and Estate Road 6 to the north.

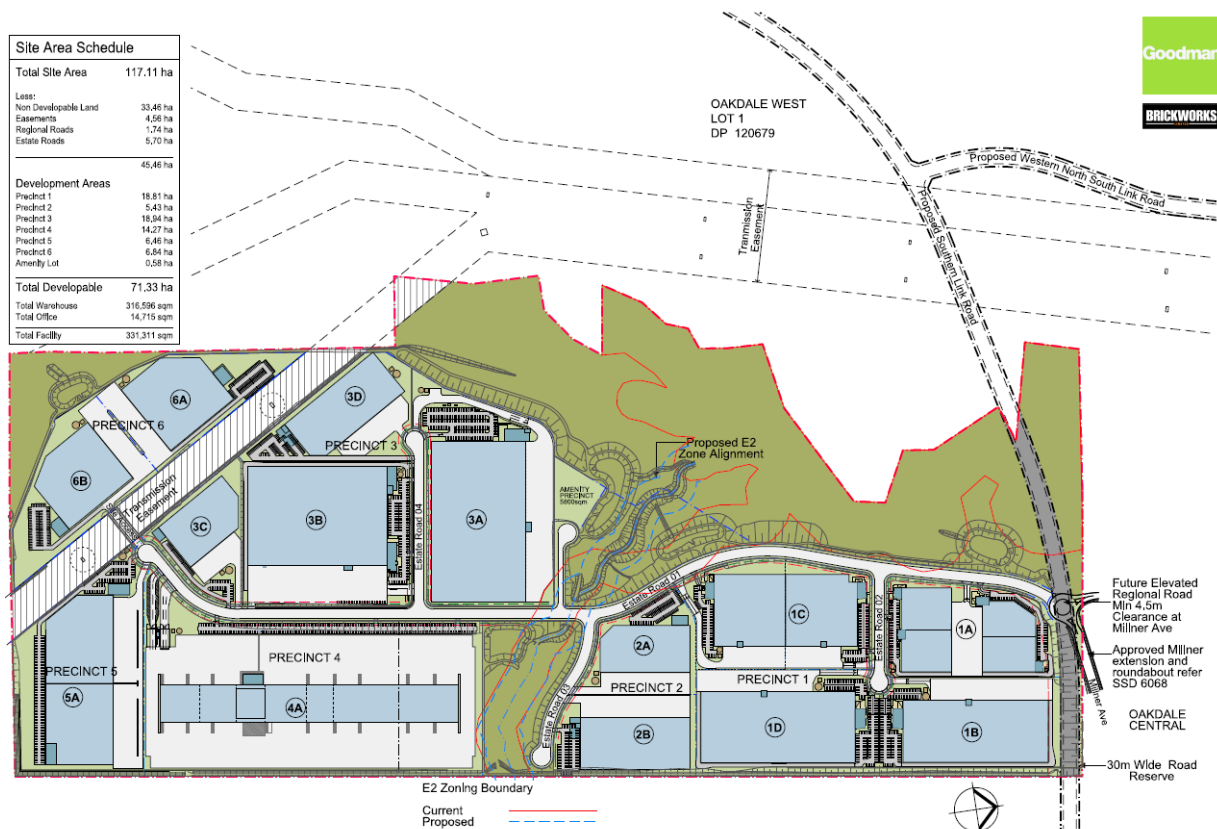
The majority of site 3A is zoned for Industrial purposes. The very north eastern most corner of Site 3A, contains a small portion of E2 zoned land, which is subject to a planning proposal to amend this zoning to IN2 consistent with the remainder of site 3A. The proposed works to this land can be approved upon gazettal of the Planning Proposal. Refer to **Figure 2** overleaf detailing the approved OSE masterplan layout and Site 3A.

Figure 1 – Oakdale Estate Lands



Source: SBA Architects

Figure 2 – OSE layout, Site 3A outlined in Red



Source: SBA Architects

2.1. APPROVAL HISTORY

2.1.1. SSD 6917 – Staged SSDA for the OSE

A State Significant Development (SSD6917) was issued on 26 October 2016 for Concept Plan and Stage 1 Estate and Precinct Development works within the OSE. This approval was amended by SSD 6917 MOD 1 approved on 21 April 2017.

A site-specific development controls were approved as part of the Concept and Stage 1 SSDA for the OSE. These provided built form controls to guide the future development of the OSE which includes Site 3A. Condition B11 of the Development Consent for SSD 6917 requires that development within the OSE is consistent with the development controls.

The Concept Proposal and Stage 1 (SSD6917) has subsequently been modified a further 3 times (therefore 4 times in total) as follows:

- MOD 3 – approved on 5 October 2017, to amend Condition E27, permitting out of hours importation of fill material to the Oakdale South Industrial Estate.
- MOD 4 – approved on 18 December 2017, to alter the estate road network, layout and area of Precincts 1 and 2 to reflect the needs of future operators of the site. The application also included modifications to the approved warehouse built form within Precinct 1.
- MOD 5 – approved on 23 November 2017, to update Condition E37 to remove a contradiction in the wording of the consent.

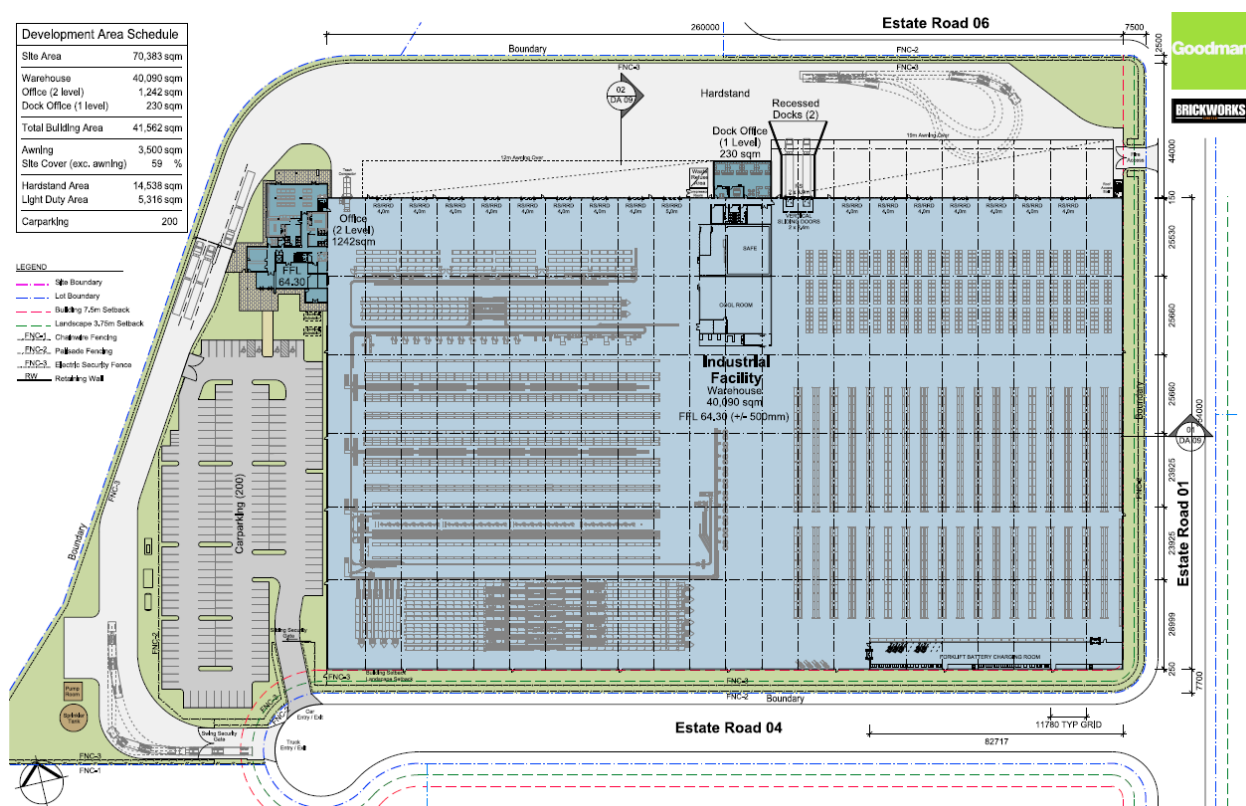
2.1.2. SSD 7719 – Warehouse and Distribution Facility for Sigma Pharmaceuticals

On 28 July 2017, SSD approval (SSD 7719) was granted for the construction, fit out and operation of a pharmaceutical warehouse and distribution facility comprised of a warehouse building, ancillary office, hardscape area, carparking, landscaping and signage on Site 3A. The approval granted consent for the following:

- 40,090sqm of warehouse and storage space with ancillary office across two levels providing 1,472sqm of office and security office space.
- A loading dock office 230sqm.
- Cool rooms and freezer rooms with an overall area of 480sqm, and 100sqm vault for high value pharmaceuticals.
- A 44m wide truck pavement.
- A separate truck entry/exit with security gate providing access from Estate Road 4 which accesses the proposed loading docks via perimeter driveway along the western boundary of the site.
- Car parking for 200 cars located in the western part of the site accessed via security gate from a separate driveway to the east of the proposed truck entry/exit point from Estate Road 4.
- Pump room, tank and fire brigade parking for fire safety purposes adjacent to the western boundary of the site. A dedicated fire services access is proposed from Estate Road 1.
- Electric fence around perimeter of the site. The electric fence sits inside the proposed boundary palisade fence.
- Substation generator between the proposed car parking area and the service vehicle driveway to the west of the site.
- Operation of the facility 24 hours, 7 days a week and staffing by 150 warehouse team members across 2 shifts and 15 offices based staff.

The site will be used by Sigma for warehousing and distribution of its pharmaceutical products, including prescription and over the counter medicines, FMCG and general merchandise products. A site plan of the approved development is provided at **Figure 3**.

Figure 3 – Approved Sigma Site Plan



Source: SBA Architects

2.1.3. Planning Proposal – E2 Zone Amendment

A Planning Proposal (PP) was submitted to the DP&E on 19 October 2017 to amend the *E2 - Environmental Conservation* zone boundary shown in the zoning map of the *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (WSEA SEPP). The PP seeks to amend the E2 zone boundary, which currently cuts through the north-eastern corner of Site 3A, to follow the approved creek alignment relocated to the north of Site 3A, which was approved as part of the SSD 6917 MOD 1 to ensure the future environmental protection of the creek. The PP seeks to then rezone the north-east corner of Site 3A to IN2 consistent with the remainder of the site. Whilst there was no specific condition stated in the consent, a commitment was made by Goodman to realign the riparian zone in the approved Environmental Impact Statement. The DP&E formally accepted the PP on 6 December 2017, which is anticipated to go on public exhibition in early 2018.

3. SECTION 96(1A) MODIFICATION

3.1. DEVELOPMENT OBJECTIVES

The development objectives are to realise a high-quality warehouse and distribution centre on Site 3A of the OSE which will be used for the purposes of storage and distribution pharmaceutical products associated with Sigma's NSW operations. The facility will be a significant distribution facility for Sigma within NSW.

The proposed use is aligned with the ultimate vision for the OSE to develop as a high quality, regional warehouse and logistics hub which maximises the employment generating potential of the land to create an efficient, attractive and productive employment zone for Western Sydney.

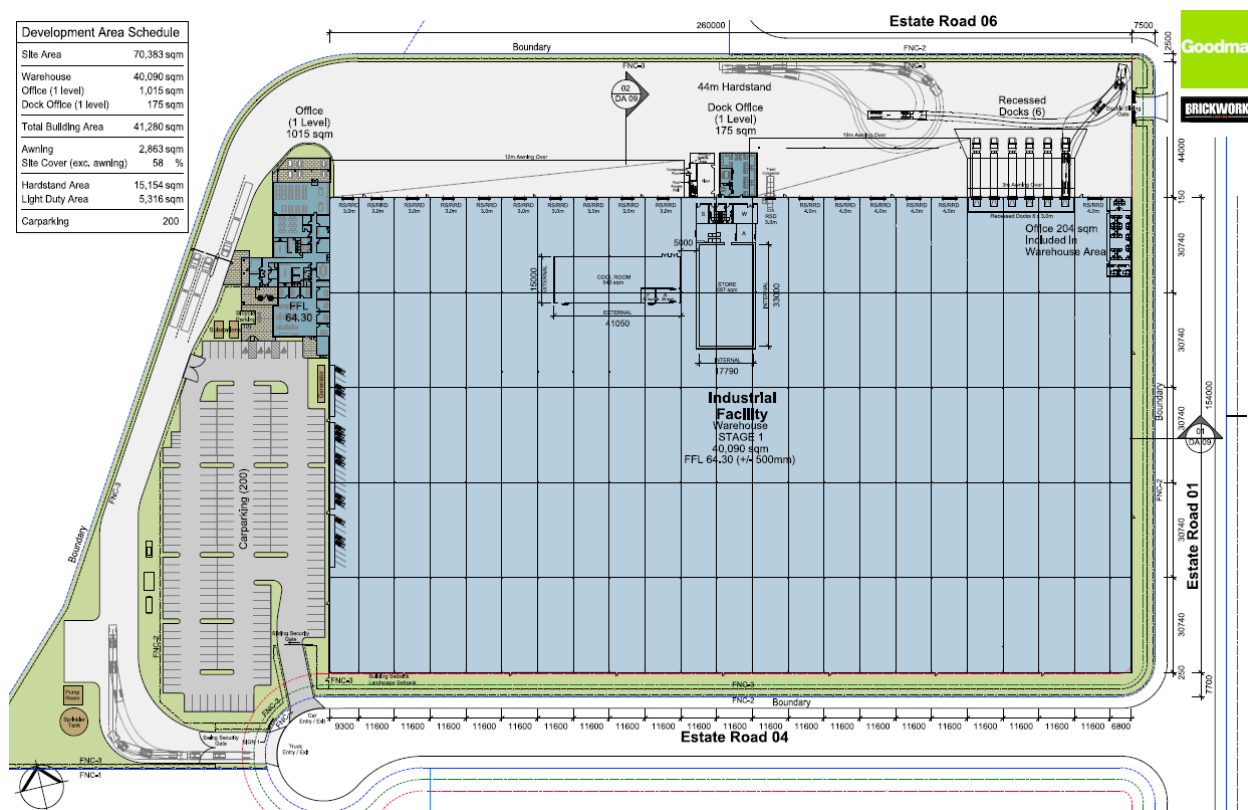
3.2. OVERVIEW OF PROPOSED MODIFICATIONS

The proposal seeks to modify SSD 7719, including:

- Conversion of the form of the ancillary office area from 2-storey to 1-storey, and expansion of the single storey building footprint.
- Decrease GFA of ancillary office from 1,472 sqm to 1,190 sqm;
- Relocation and increase in the number of recessed truck docks on the building's northern elevation from 2 to 6. The docks will be relocated further south along the same frontage;
- Amendment of the awning design along the northern elevation of the warehouse;
- Signage associated with the facility including:
 - One 4m high x 1.2m wide x 0.3m deep illuminated pylon sign containing business identification signage within the landscape setback adjacent to the entrance on Estate Road 04;
 - Two 7m wide x 2.5m high illuminated business identification sign (Sigma Healthcare) on the north and east elevation of the warehouse (one on each elevation); and
 - One 3m wide x 1m high illuminated business identification sign (Sigma Healthcare) on the south elevation of the ancillary office.
- Grading-over of the landscaped area at the north-eastern corner of the site for use as truck hardstand and turning area;
- Relocation of the Fire Access vehicular crossing northwards towards the north-eastern corner;
- Reconfiguration of the carparking layout; and
- Amendments to the associated landscaping works surrounding the ancillary office and north eastern corner of Site 3A.

Architectural Drawings prepared by SBA Architects are attached at Appendix A and Landscape Concept Plans prepared by Site Image Landscape Architects are attached at Appendix B. Refer to **Figure 4** overleaf for a copy of the proposed site plan.

Figure 4 – Proposed Site Plan



Source: SBA Architects

3.3. NUMERIC OVERVIEW

A summary of the numerical changes to Site 3A is provided in Table 1.

Table 1 – Site 3A Numerical Changes compared to SSDA 7719

Element	Approved SSDA 7719	Proposed MOD 1
Site Area (Site 3A)	70,383 sqm	70,383 sqm
Total Warehouse GFA	40,090 sqm	40,090 sqm
Total Ancillary Office GFA	1,472 sqm	1,190 sqm
Total GFA	41,562 sqm	41,280 sqm
Awning	3,178 sqm	2,863 sqm
Site Coverage (excluding Awning)	59%	58%
Hardstand Area	14,538 sqm	15,154 sqm
Light Duty Area	5,316 sqm	5,316 sqm
Carparking	200 spaces	200 spaces

3.4. PROPOSED MODIFICATIONS TO THE CONDITIONS OF APPROVAL

The Development Consent of SSD 7719 is proposed to modified as follows:

In the Appendices

Delete and replace the table in Appendix A - Schedule of Approved Drawings as follows:

APPENDIX A – SCHEDULE OF APPROVED DRAWINGS

Architectural Drawings Prepared by SBA Architects			
Drawing No.	Issue	Date	Title
OAK 3A DA 00	I	09 December 2017	Cover Sheet & Location Plan
OAK 3A DA 01	O	09 February 2018	Site Plan
OAK 3A DA 02	W	09 February 2018	Warehouse Plan
OAK 3A DA 03	L	09 February 2018	Roof Plan
OAK 3A DA 04	J	08 December 2017	Office Plan
OAK 3A DA 06	L	09 February 2018	Dock Office Plan
OAK 3A DA 07	E	27 September 2017	Office Elevations
OAK 3A DA 08	N	09 February 2018	Warehouse Elevations
OAK 3A DA 09	J	09 October 2017	Warehouse Sections
OAK 3A DA 10	F	08 February 2018	Signage Plan
Landscape Drawings prepared by Site Image Landscape Architects			
000	L	21 November 2017	Cover Sheet
001	L	21 November 2017	Landscape Site Plan
101	L	21 November 2017	Landscape Plan
102	L	21 November 2017	Landscape Plan
103	L	21 November 2017	Landscape Plan
104	M	21 November 2017	Landscape Plan
501	I	8 September 2016	Landscape Plan

3.5. JUSTIFICATION FOR THE PROPOSED MODIFICATION

The approved warehouse and distribution centre on Site 3A of the OSE was designed to accommodate Sigma's specific needs at the time. Modifications to the approved development are required to accommodate Sigma's NSW current operational needs. At the time of lodgement Sigma had adopted a similar fit out and layout of the warehouse to its recently completed Brisbane and Perth distribution centres. Sigma have since completed a more accurate volume forecast for their NSW operations, in addition to a tailored operational design of the interior of the Site 3A warehouse.

The forecast revealed that fewer office based staff were required, resulting in the need to convert the ancillary office from 2 storeys to 1 storey. Sigma anticipate that their distribution volume will increase in NSW, and will result in a greater volume of inbound stock delivered as full pallets. Hence the requirement for an increase in recessed docks, which will allow more efficient unloading of stock and faster turnaround times.

The proposed modifications are justified for the following reasons:

- **Updated Requirements for Sigma:** The updated needs of the tenant of the subject warehouse and the subsequent operational requirements have informed the amendments to the warehouse and distribution facility of Site 3A and changes to the land on which the hardstand area is located.
- **Investment and employment generation:** The proposal as modified will continue to generate significant private sector investment in the area and indirect benefits for productivity of the local economy. A key government priority, evident across a range of portfolios, is the generation of jobs in the Western Sydney region. The efficient and effective development of the Oakdale South Estate for employment-related uses is clearly consistent with the key strategic objective of government to support the growth of Western Sydney.

As demonstrated above, there is strategic merit for the proposed modification.

4. STATUTORY PLANNING FRAMEWORK

This section assesses and responds to the relevant legislative and policy frameworks in accordance with the EP&A Act, Regulations and the SEARs. The following environmental planning instruments, policies and guidelines have been considered in the assessment of this modification proposal:

- *Environmental Planning and Assessment Act 1979*;
- *State Environmental Planning Policy (State and Regional Development) 2011*;
- *State Environmental Planning Policy (Western Sydney Employment Area) 2009*;
- *State Environmental Planning Policy (Infrastructure) 2007*;
- *State Environmental Planning Policy No.55 (Remediation of Land)*; and
- *State Environmental Planning Policy No.64 (Advertising and Signage)*.

4.1. SECTION 96(1A) OF THE EP&A ACT

Section 96 of the EP&A Act provides a mechanism for the modification of development consents. This section of the Act sets out the statutory requirements and heads of consideration for the assessment of such a modification application, depending on whether the application is made under section 96(1A), 96(1) or 96(2).

As is relevant to this application, pursuant to section 96(1A), a consent authority may, subject to and in accordance with the Regulations, modify a development consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1), (2) and (5) do not apply to such a modification

4.1.1. Minimal Environmental Impact

The proposed modification is for minor changes to the development of Site 3A, which do not significantly alter the context, scale, built form or amenity of the approved development. As demonstrated by the accompanying updated consultant information provided within the appendices, the SSD 7719 as proposed to be modified by MOD 1 will have minimal additional environmental impacts over and above that which has already been assessed as acceptable in the original development application and subsequent modifications.

4.1.2. Substantially the Same Development

The proposed modifications (MOD 1) will be substantially the same development as that originally approved in SSD 7719.

From a quantitative and qualitative perspective, the proposed modifications will not substantially alter the approved development for the following reasons:

- The proposal will retain the same use of Site 3A as a warehouse and distribution hub, consistent with the aims of the WSEA SEPP;

- In the context of the site's size, the changes to the site layout and built form are of a minor nature;
- There will be a reduction in overall building form and buildable GFA of 227 sqm; and
- The level of environmental impact resulting from this section 96 modification application (MOD 1) is minimal and consistent with that approved by way of SSD 7719.

For ease of comparison, Table 3 sets out the approved development and proposed modified development for the development of Site 3A (MOD1). The table demonstrates that the development as proposed to be modified for this component of the project remains substantially the same as the originally approved.

Table 2 – SSD 7719 Approval and Proposed Modifications

	SSD 7719 Works Approved	Proposed Works MOD 1 (Indication of % change since original consent)	Consistent/ Substantially the same
Indicative Development Figures	<ul style="list-style-type: none"> • Site Area – 70,383 sqm 	<ul style="list-style-type: none"> • No Change 	✓
	<ul style="list-style-type: none"> • Warehouse GFA – 40,090 sqm 	<ul style="list-style-type: none"> • No Change 	✓
	<ul style="list-style-type: none"> • Office GFA – 1,472 sqm 	<ul style="list-style-type: none"> • Office GFA – 1,190 (-19.1%) 	✓ Substantially the same
	<ul style="list-style-type: none"> • Total GFA – 41,562 sqm 	<ul style="list-style-type: none"> • Total GFA – 41,280 sqm (-0.7%) 	✓ Substantially the same
Planning and Development Controls	<ul style="list-style-type: none"> • Zoned IN1 – General Industry and E2 – Environmental Protection under State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP). 	<ul style="list-style-type: none"> • No Change • (note E2 land is in the process of being rezoned to IN2, making hardstand permissible on the north-eastern corner of the site) 	✓
	<ul style="list-style-type: none"> • Maximum building height – 13.7m 	<ul style="list-style-type: none"> • No Change 	✓
	<ul style="list-style-type: none"> • Site Coverage – 59% 	<ul style="list-style-type: none"> • Site Coverage – 58% (-1%) 	✓ Substantially the same
	<ul style="list-style-type: none"> • Hardstand area – 14,538 sqm 	<ul style="list-style-type: none"> • Hardstand area - 15,154 sqm (+4%) 	✓ Substantially the same
	<ul style="list-style-type: none"> • Landscaped setback to regional roads to be average of 10m 	<ul style="list-style-type: none"> • No Change 	✓
	<ul style="list-style-type: none"> • Landscaped setback to local roads to be average of 7m. 	<ul style="list-style-type: none"> • No Change 	✓
	<ul style="list-style-type: none"> • Car Parking – 1 space per 300m² for warehousing, 1 space per 40m² for office. 	<ul style="list-style-type: none"> • No Change 	✓

4.2. ASSESSMENT OF ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed modifications to the approval of SSD 7719 are such that it is considered there will be no material alteration to the level of compliance achieved with the above EPI's, as shown in Table 3 below.

Table 3 – Statement of Consistency with Environmental Impacts

Schedule/Clause	Provision	Consistency
SEPP (State and Regional Development)		
Schedule 1	<p>Schedule 1, Group 12 of the SRD SEPP identifies development for the purposes of 'warehouses or distribution centres' to be SSD if it:</p> <p><i>'has a capital investment value of more than \$50 million for the purpose of warehouse or distribution centres (including container storage facilities) at one location and related to the same operation.'</i></p> <p>The works comprising Stage 1 of the SSDA for the OSE (incorporating infrastructure and building works) will have a value of approximately \$398,534,000 million.</p>	The proposed modifications to the approval of SSD6917 will remain consistent with this SEPP and is appropriately characterised as SSD.
SEPP (Western Sydney Employment Area) 2009		
Clause 3 – Aims	Aims to protect and enhance the land to which the Policy applies (the Western Sydney Employment Area) for employment purposes.	The proposal continues to seek consent for employment uses consistent with the overarching aim of the WSEA SEPP.
Clause 10 – Land Use Zoning	The OSE is zoned IN1 – <i>General Industry</i> and E2 – <i>Environmental Conservation</i> pursuant to this clause.	<p>As part of the modification to the concept plan there was changes to the layout due to the realignment of the pads and creek. Goodman committed to realigning the E2 – Environmental Zone to match the change of layout via a Planning Proposal. It is noted that SSD7719 would have sought consent for hardstand in the North-Eastern corner but for the E2 zone.</p> <p>Consent is now sought for the hardstand but it is acknowledged that approval cannot be granted to this element of the proposal until gazettal of the PP which will rezone the north-eastern corner of the site to IN2.</p>

Schedule/Clause	Provision	Consistency
Clause 18 – Development Control Plans	Requires that a DCP be in place before consent can be granted for development within the WSEA	A site specific DCP was approved by way of SSD 6917. No changes are proposed to these development controls.
Clause 20 – Ecologically Sustainable Development	<p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that the development contains measures designed to minimise:</p> <p>The consumption of potable water, and Greenhouse gas emissions.</p>	No changes are proposed to the ESD measures approved by way of SSD 6917.
Clause 21 – Height of Buildings	<p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that:</p> <p>Building heights will not adversely impact on the amenity of adjacent residential areas, and</p> <p>Site topography has been taken into consideration.</p>	No changes are proposed to the maximum height of buildings. Nevertheless, the impact of building height has been assessed as acceptable having regard to the amenity of adjacent residential areas.
Clause 22 – Rainwater Harvesting	The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that adequate arrangements will be made to connect the roof areas of buildings to such rainwater harvesting scheme (if any) as approved by the Director-General.	No changes are proposed to the provisions for rainwater harvesting.
Clause 23 – Development Adjoining Residential Land	This clause applies to any land to which this Policy applies that is within 250 metres of land zoned primarily for residential purposes.	N/A
Clause 24 – Development Involving Subdivision	<p>The consent authority must not grant consent to the carrying out of development involving the subdivision of land unless it has considered the following:</p> <p>The implications of the fragmentation of large lots of land,</p> <p>Whether the subdivision will affect the supply of land for employment purposes,</p>	The proposed modifications to SSD 7719 do not include any changes to the approved subdivision boundaries.

Schedule/Clause	Provision	Consistency
	Whether the subdivision will preclude other lots of land to which this Policy applies from having reasonable access to roads and services.	
Clause 25 – Public Utility Infrastructure	The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.	Provision of public utility infrastructure will be maintained. These services will continue to be provided within the Estate in a manner consistent with that originally approved.
Clause 26 – Proposed Transport Infrastructure Routes	The consent authority must, before determining any such development application, consider any comments made by the Director-General as to the compatibility of the development to which the application relates with the proposed transport infrastructure route concerned.	No changes are proposed to the provision of transport infrastructure routes as part of this modification application.
Clause 29 – Industrial Release Area	Despite any provision of this Policy, the consent authority must not grant consent to development on land to which this clause applies unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services (including the Erskine Park Link Road Network) in relation to which this Policy applies.	A current VPA arrangement is in place for Oakdale South Estate and sets out the required SIC contributions.
Clause 31 – Design Principles	<p>In determining a development application that relates to land to which this Policy applies, the consent authority must take into consideration whether or not:</p> <p>The development is of a high-quality design, and</p> <p>A variety of materials and external finishes for the external facades are incorporated, and</p> <p>High quality landscaping is provided, and</p> <p>The scale and character of the development is compatible with other</p>	The adopted site specific DCP is not being modified. A high-quality landscape will be provided to reflect the modified Estate layout, to a quality consistent with the original approval.

Schedule/Clause	Provision	Consistency
	employment-generating development in the precinct concerned.	
State Environmental Planning Policy (Infrastructure) 2007		
Schedule 3 – Traffic Generating Developments to be referred to the RMS	<p>The <i>Infrastructure SEPP</i> aims to facilitate the effective delivery of infrastructure across the State by providing a consistent planning regime for infrastructure and the provision of services.</p> <p>The SEPP deals with traffic generating development and requires referral and concurrence of the NSW RMS for certain development which is expected to generate significant traffic.</p>	<p>Schedule 3 of the Infrastructure SEPP identifies ‘traffic generating development’ which must be referred to the RMS for concurrence. The schedule includes development for the purposes of industry incorporating 20,000m² or more of gross floor area (GFA).</p> <p>The approved SSD will create 40,090m² of warehousing GFA. The project was referred to the RMS as part of the SSDA process. Subsequent referral may occur as part of this modification application.</p>
State Environmental Planning Policy No. 33 – Hazardous and Offensive Development		
Part 3 – Potentially hazardous or potentially offensive development	<p><i>SEPP 33</i> requires the consent authority to consider whether an industrial proposal is a potentially hazardous or a potentially offensive industry. In doing so, the consent authority must give careful consideration to the specific characteristics and circumstances of the development, its location and the way in which the proposed activity is to be carried out. Any application to carry out potentially hazardous development must be supported by a preliminary hazard analysis (PHA).</p>	<p>As previously assessed the overall proposal is not potentially hazardous or potentially offensive development.</p> <p>The proposed development on Site 3A includes storage of dangerous goods materials, but does not trigger SEPP 33 thresholds and is not considered to be hazardous nor offensive.</p>
State Environmental Planning Policy No. 55 (Remediation of Land)		
Clause 7- Contamination and remediation to be considered in determining development application	<p><i>SEPP 55</i> seeks to provide a State-wide planning approach to the remediation of contaminated land.</p> <p>Clause 7(1)(a) of the SEPP requires that the consent authority, when assessing a development application, consider whether the land is contaminated and</p>	<p>The original ESA findings apply consistently to the proposed modifications.</p> <p>The proposed development does not result in a change of use to the land from that approved under SSDA 6917. Potential contamination and its management has been considered</p>

Schedule/Clause	Provision	Consistency
	<p>whether it is suitable for the proposed use.</p> <p>It also requires that consent authority review a report specifying the findings of a preliminary contamination investigation of the land concerned when considering an application which involves a change of use of the land.</p>	<p>and documented in the original EIS and SSDA.</p> <p>There will be no change to the development pads as approved – as a result there is no change to the contamination status of the soils since completion of the ESA submitted with the original SSDA.</p>
State Environmental Planning Policy No. 64 – Advertising and Signage		
Clause 8 – Granting of Consent for Signage	<p>Under clause 8 of <i>SEPP 64</i>, a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:</p> <p><i>that the signage is consistent with the aims/objectives of the Policy, and that the signage satisfies the assessment criteria specified in Schedule 1 of the SEPP.</i></p>	<p>Signage proposed as part of the SSDA will comprise a combination of building identification signage and pylon signage. Signage details are provided below and in the Signage Plan OAK 3A Da 10 (C) provided within the Architectural Plans at Appendix A.</p> <p>Part 2 of SEPP 64 provides that a consent authority must consider the matters in Schedule 1 of the SEPP prior to granting consent to development involving signage. The assessment criteria under Schedule 1 of the SEPP are addressed Table 4 below.</p>

The proposed signage is compatible with the intended use and signage quality for the area and as such is appropriate for the site and consistent with the requirements of *SEPP 64 - Advertising and Signage*. This is demonstrated in the assessment of the proposed signage against the Schedule 1 Assessment Criteria in Table 4 below.

Table 4 – SEPP 64 Schedule 1 Assessment Criteria

Criteria	Proposal Compliance
1 Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes. The subject site is within an industrial precinct and as such industrial business signage is considered compatible.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Yes, it is consistent with outdoor industrial business advertising.
2 Special areas	
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,	No, the site is suitably removed from sensitive receptors including residential areas, and open space. Signage will be oriented to the Estate roads

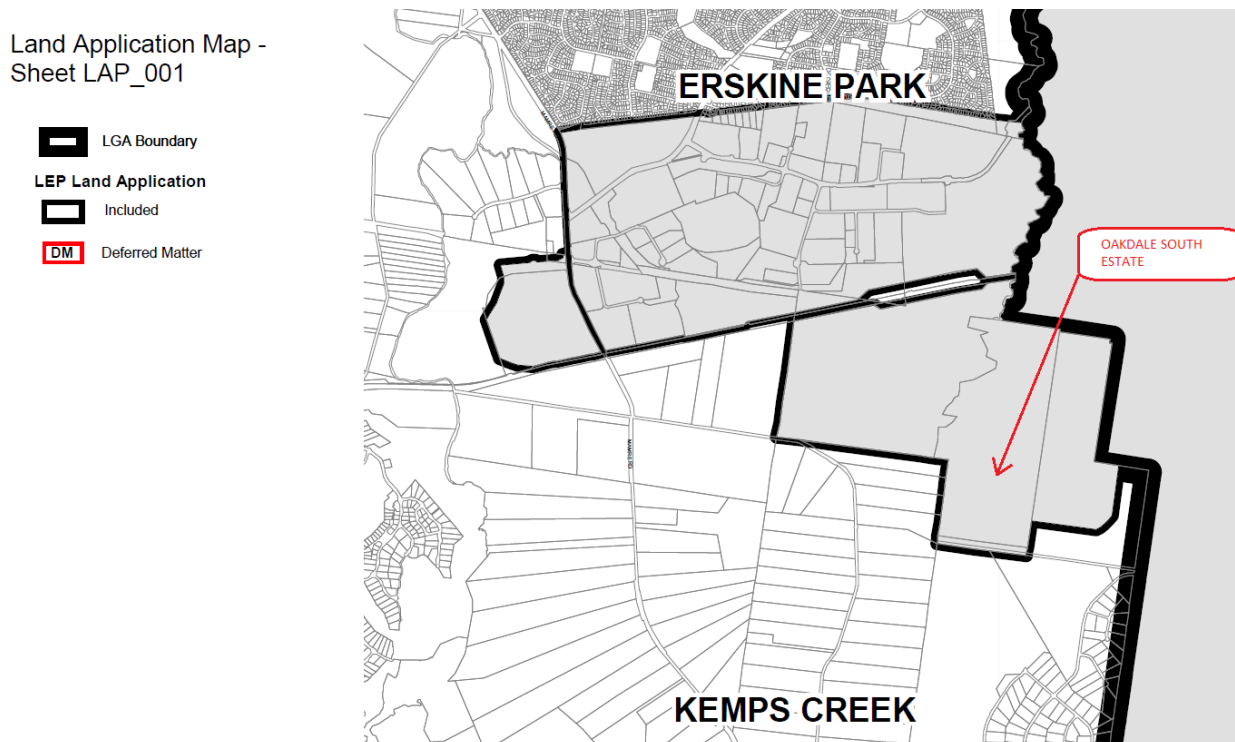
Criteria	Proposal Compliance
waterways, rural landscapes or residential areas?	and site entrance, not towards surrounding open space or residential precincts.
3 Views and vistas	
Does the proposal obscure or compromise important views?	No, the building on which the signage will be positioned will not obstruct any important views.
Does the proposal dominate the skyline and reduce the quality of vistas?	No, the proposed signage will be generally within the proposed building envelope and not dominate the skyline.
Does the proposal respect the viewing rights of other advertisers?	The signage will not obstruct the viewing rights of other advertisers.
4 Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signage is appropriate for the setting and the location within an industrial precinct.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes, the signage is to be used to provide an identity to a building without becoming visually dominant.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	No existing advertising on the site. The signage layout provides a rational approach to building and business identification on the site.
Does the proposal screen unsightliness?	No, the signage is not proposed as a screen.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No.
Does the proposal require ongoing vegetation management?	No.
5 Site and building	
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?	The proposed signage will be of suitable scale and design for the intended purposes. The sizing, location and appearance of the proposed signs have been incorporated into a cohesive design strategy for the site and the overall building structure.
Does the proposal respect important features of the site or building, or both?	The signage will not present as the dominant visual feature of the approved OSE.
6. Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral	None proposed.

Criteria	Proposal Compliance
part of the signage or structure on which it is to be displayed?	
7. Illumination	Illumination is proposed to signs S1, S2 and S3 as detailed within the Architectural Plans. The applicant will ensure that the proposed illumination will meet the requirements of the relevant Australian Standards.
8. Safety	
Would the proposal reduce the safety for any public road?	The signage will not be located or positioned to impact the safety of any public road.
Would the proposal reduce the safety for pedestrians or bicyclists?	The signage is not considered to reduce safety for pedestrians or bicyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public area?	The sign will not cause disruption of any sightlines from public area.

4.2.1. Local Planning Controls

As shown on the Land Application Map accompanying Penrith LEP 2010 at **Figure 5** the Penrith LEP 2010 applies to the OSE.

Figure 5 – Penrith LEP Land Application Map Extract



Source: Penrith City Council

Clause 8(2) of the WSEA SEPP provides that the SEPP prevails to the extent of any inconsistency with any local environmental plan (LEP) or environmental planning instrument (EPI).

Pursuant to Clause 11 of the SRD SEPP, DCPs do not apply to SSD and as such do not require consideration in the assessment of the proposed development of Development Site 3A of the OSE. Site specific development controls were approved as part of the Concept and Stage 1 SSDA for the OSE. These built form controls are intended to guide the future development of the OSE.

These controls are included within Condition B11 of the Development Consent for SSD 6917 which requires that all development within the OSE be consistent with the development controls as detailed within Table 5.

Table 5 – Site Specific DCP Assessment Table – Condition B11 SSD 6917

Development Aspect	Control	Site 3A
Setbacks	<p>To Southern Link Road - 20m</p> <p>Estate roads within the Oakdale South Estate – 7.5m</p> <p>Rear and Side Boundaries – 5m</p> <p>Side Boundaries within the Oakdale South Estate – 0m (subject to compliance with fire rating requirements)</p>	<p>No frontage to southern link road.</p> <p>Setback to Estate Road 1 (Collector Road) – Predominantly 7.5m to warehouse.</p> <p>Setback to Estate Road 4 (local estate road) – 7.7m to warehouse.</p> <p>Side and rear setbacks exceed 5m.</p>
Building Height	15m	The building height proposed is 13.7m ridge height with a 2-degree roof pitch to the eaves.
Minimum Lot Size	5,000sqm	No change is proposed to the lot size.
Minimum Frontage	<p>40m. (excluding cul-de-sacs):</p> <p>Minimum lot width at building line: 35m</p>	<p>Both road frontages exceed 40m.</p> <p>The proposal exceeds the minimum lot width at the building line.</p>
Site Coverage	Maximum site coverage: 65%	Site coverage is 58%.
Signage	Maximum 1 per elevation of each warehouse building and orientated away from residential areas.	Signage is proposed along the northern (1 sign) and eastern elevation (1 sign) of the warehouse building and 1 sign is proposed on the southern elevation of the ancillary office. All signage is located well away from any residential areas.
Car Parking	<p>On-site car parking for the OSE to be provided at the following rates:</p> <ul style="list-style-type: none"> 1 space per 300m² of warehouse GFA 1 space per 40m² of Office GFA 2 disabled spaces for every 100 car parking spaces. 	<p>Warehouse – 134 spaces required.</p> <p>Office – 37 spaces required.</p> <p>Parking is proposed to be provided at the following rates:</p> <ul style="list-style-type: none"> 200 spaces 4 accessible spaces. <p>The TIA provided at Appendix D notes that provision of more car parking than the</p>

Development Aspect	Control	Site 3A
		<p>required rate is acceptable. Furthermore, the proposed parking meets the specific requirements of the end user of the proposed development.</p> <p>The proposed car parking recognises the needs of modern warehousing operations and the unique characteristics and typical operation of the WSEA.</p> <p>200 spaces have been approved for this development. No change is proposed.</p>
Landscaping	Minimum 10m landscape setback to eastern boundary	Landscaping exceeds the average of 50% along the setback along the local estate road frontages/ A 2.5m landscape setback is provided along the rear boundary.

5. ASSESSMENT OF KEY IMPACTS

5.1. OVERVIEW

The Secretary's Environmental Assessment Requirements issued in association with the original SSD application were reviewed to identify the key issues likely to be of relevance in the assessment of the modified proposal. In addition, during pre-lodgement discussions the Department provided a consolidated list of the key issues to assess within this report. These include:

- Layout and design;
- Traffic impacts; and
- Landscaping and amendments to the north eastern corner of the lot (currently zoned E2 at the time of this report preparation).

Each of the potential impacts arising from the proposed modification is assessed in detail within the following sections of the report, supported by relevant specialist consultant input.

5.2. LAYOUT AND DESIGN

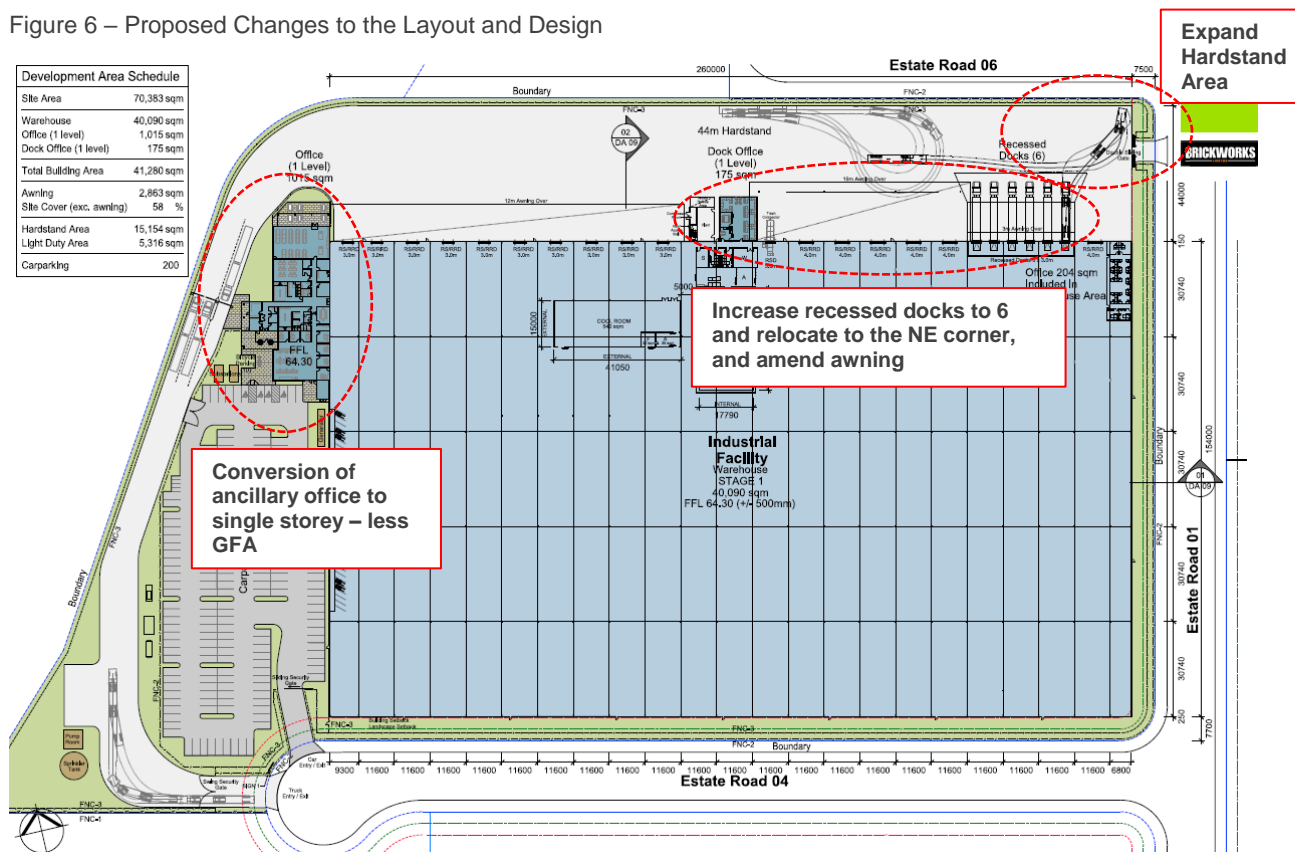
The modified design and layout of the Sigma warehouse and distribution facility includes the following changes:

- Conversion of the ancillary office from 2-storeys to 1 storey, reducing the GFA and overall office building footprint.
- Relocation of the recessed loading docks to the north-eastern corner of the warehouse building and increase in recessed docks from 2 to 6.
- Amendment of the 19m wide awning along the northern frontage of the warehouse building.
- Expansion of the grading of the hardstand area to the north-eastern corner of the site.

All truck access is provided from the private road consistent with the approval. The fire truck emergency access point located to the north east of the warehouse will be relocated further north towards the corner of the site.

The stormwater runoff will be negligible and contained within the already approved stormwater system, which will utilise the already constructed OSD/bio-retention basin C. No additional impacts will result from the reconfiguration of the buildings on site.

Figure 6 – Proposed Changes to the Layout and Design



Source: SBA Architects

5.3. TRANSPORT AND ACCESS

A Traffic and Parking Assessment (Appendix E) has been undertaken by Ason Group, to provide an assessment of the traffic, parking and access implications of the proposed modifications.

Ason Group rely on the same methodology as applied in the report accompanying the approved development. The assessment concludes that the proposed modifications will have negligible traffic impacts and will remain substantially the same as the approved development.

The traffic assessment undertook a comparison of the operational traffic generated by the approved and modified development. Table 6 below shows the approved SSDA traffic and parking data compared to the Modification proposal.

Table 6 – Proposed and Approved Traffic Generation Comparison

	GFA (sqm)	Peak Hour Traffic Generation (veh/hr)	Parking Requirements
Approved SSDA7719	41,562	68	200 provided
Proposed Modification	41,280	67	200 provided
Net Change	(-) 282	(-) 1	N/A

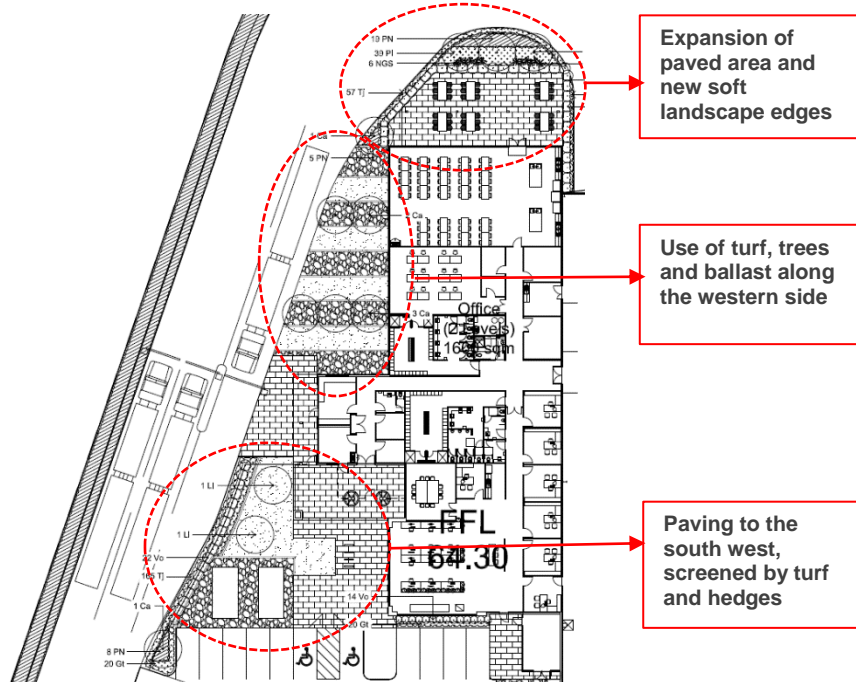
Ason Group concluded that the minor reduction in floor area of the modification will result in a very minor decrease (-1 vehicle/hr) in traffic generation by the development. The report also concludes that despite the reduction in the total building floor area, a total of 200 car parking spaces (including 4 accessible space) will be maintained, which is the same as the current conditions of the SSD 7719 approval.

5.4. LANDSCAPING AND AMENDMENTS TO THE E2 ZONE

The proposed modification of the ancillary office will require the modification of the landscaped area that surrounds the building, fronts the carparking area and hardstand area. The main components of the modified landscaping scheme are listed as follows:

- The paved area located adjacent to the northern elevation of the ancillary office will be expanded and screened along its edges with turf, hedges and dense trees.
- A mix of landscaped turf and ballast areas with trees along the western elevation of the office.
- Paving is proposed around the south-western portion of the office leading to the car park. The edge of this area will be screened with hedging and softened with turf and trees.

Figure 7 – Proposed Modifications to Ancillary Office Landscaping

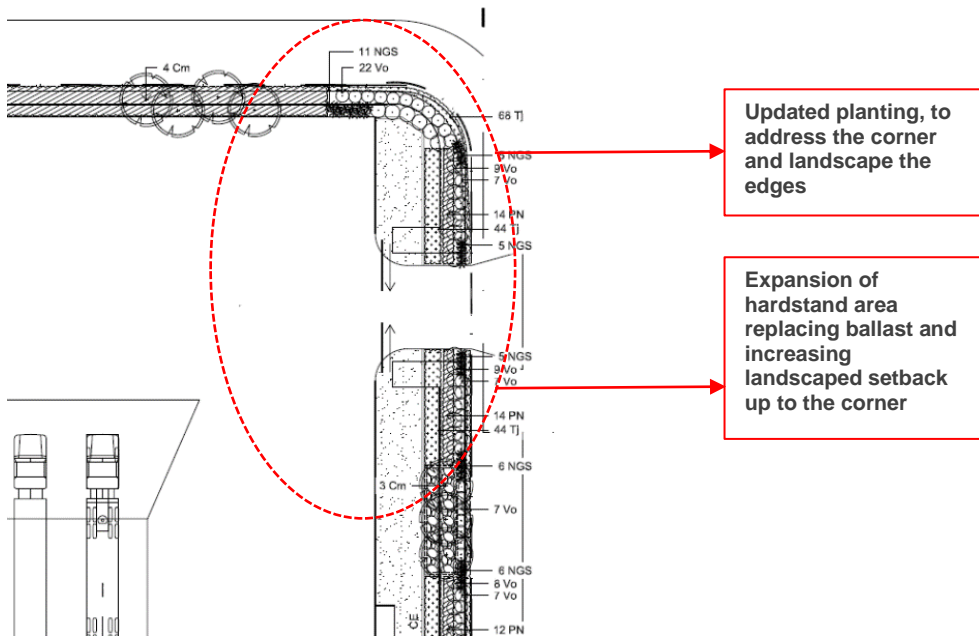


Source: Site Image Landscape Architecture

The proposed modification to the north-eastern corner will require the reduction of the landscaped area that previously responded to the existing riparian corridor zoned E2 – *Environmental Conservation*. It will involve further reconfiguration due to the relocation of the Fire Access further north (closer to the corner). The main components of the landscaping scheme are listed as follows:

- The corner will be planted with a mix of grasses and hedges which address the corner element and edges.
- Grading of the hardstand area is expanded and squared off to enable truck turning and access. The eastern edge of the hardstand area will be landscaped with a turfed setback and layered planting matching the landscaped setback along the eastern edge of the site.

Figure 8 – Proposed Modifications to Landscaping at the North-Eastern Corner



Source: Site Image Landscape Architecture

The amendments to the north-eastern corner enable an increase in turf and soft landscaping. This is achieved by extending the landscaped setback up to the corner element. The landscaped setback provides turf and layered planting along the edge of the expanded hardstand area. The hardstand replaces the ballast (gravel) cover that was approved as part of SSD7719, and increases the area for truck usage. Visually, the hardstand surface has substantially the same appearance as the ballast (gravel). The visual impact of the expanded hardstand area will be mitigated by the increased landscaped setback, which provides an additional buffer between the grading and Estate Road 01. The landscaped setback is contiguous with the setback along the eastern boundary of the site, providing a consistent landscaped interface with Estate Road 01.

The amended landscaping continues to improve the overall amenity and operation of the site, enabling use of screened outdoor areas and an expanded hardstand area for truck usage.

The modifications to the landscaping and proposed non-permeable surfaces will continue to utilise the approved stormwater drainage strategy. All stormwater runoff from Site 3A is to flow off the site, draining via Lot & Estate Roads underground drainage networks into the bio-retention basin C north of the amenity precinct.

5.5. ECONOMIC AND SOCIAL IMPACTS

Due to the minor nature of the additions and reconfiguration of the Sigma warehouse and distribution facility any social or economic impacts are considered negligible.

The modified proposal will continue to support the operation of the Oakdale South Estate and also contribute to the growth of the industrial sector in the Western Sydney region. The proposed development is expected to generate over 100 operational jobs and significant full time equivalent jobs are anticipated during construction.

6. SECTION 79C(1) ASSESSMENT

This section assesses the development as proposed to be modified by MOD 1 against the heads of Section 79C(1) of the Act.

6.1. ENVIRONMENTAL PLANNING INSTRUMENT

The proposed modification has been assessed against all relevant environmental planning instruments as detailed at **Section 4.2**.

6.2. DRAFT ENVIRONMENTAL PLANNING INSTRUMENT

There are no relevant draft environmental planning instruments.

6.3. DEVELOPMENT CONTROL PLAN

Development Control Plans are not applicable to this SSD DA. The proposal has been assessed against the site-specific development controls contained within SSD 7719 and is consistent with these provisions.

6.4. PLANNING AGREEMENT

There are no planning agreements applicable to the proposed modification.

6.5. REGULATIONS

All relevant regulations have been considered in the preparation of this modification application.

6.6. LIKELY IMPACTS OF THE DEVELOPMENT

The likely impacts of the proposed modification have been assessment in detail within the supporting specialist consultant reports and plans, as described in **Section 5**.

6.7. SUITABILITY OF THE SITE

The site is considered suitable for the development given the following:

- The site zoning permits the proposed development and is compatible with surrounding development.
- Adequate separation from sensitive land uses including residential to the south.
- All potential environmental impacts of the proposal can be suitably mitigated within the site.
- Proximity to the regional road network.

6.8. SUBMISSIONS

Any submission received as part of the public notification period must be considered in accordance with the Section 79C(1)(d). If submissions are made, the Proponent would respond to them as required by the Department.

6.9. PUBLIC INTEREST

The proposal has been assessed against the current planning framework for the site and is consistent with the objectives of the Western Sydney Employment Area. The assessment has demonstrated that no significant adverse impacts will result to the surrounding area. The proposal is in the public interest.

7. CONCLUSION

This modification application is lodged on behalf of Sigma Company under the provisions of Section 96(1A) of the Act. It seeks to modify the SSD approval (SSD 7719) for the construction, fit out and use of a warehouse and distribution facility, associated office, truck hardstand area, parking, signage and landscaping located at Development Site 3A, within Precinct 3 of the Oakdale South Estate.

This proposal has thoroughly considered the modifications in terms of the immediate built context and statutory planning compliance, and found that the proposal is satisfactory and acceptable for the following reasons:

- The proposed modifications result in a building and landscape design that is substantially the same as the approved development. The modified proposal is appropriate for the site and locality, and will not adversely impact on the visual and environmental amenity for users of surrounding sites, located within the Oakdale South Estate.
- The modified proposal includes appropriate landscaping, building material diversity and adequate building articulation to ensure the architectural quality of the Oakdale South Estate is maintained and enhanced. The modifications to the warehouse relocate and increase the recessed docks to suit Sigma's operations.
- The expansion of the grading onto the north-eastern corner of the site is subject to the gazettal of a planning proposal, which has been lodged with the DP&E. The planning proposal seeks to amend the E2 – Environmental Conservation zone to match the approved SSD 6917 MOD 1 which reconfigured the OSE layout and riparian corridor. The north east corner of the site will be rezoned to IN2 as part of this Planning Proposal.
- The character, height and scale of the warehouse and office structure is consistent with the site-specific DCP controls and will continue to blend in with the existing adjoining and nearby industrial sites.
- The proposed modifications facilitate a decrease in the office floor, increase loading docks and expanded hardstand area, which is suited to the local market. The proposal will provide job opportunities for over 100 staff, local economic growth and contribute to the achievement of the Western Sydney employment targets.
- The proposal as modified will continue to generate significant private sector investment in the area and indirect benefits for productivity of the local economy. A key government priority, evident across a range of portfolios, is the generation of jobs in the Western Sydney region. The efficient and effective development of the Oakdale South Estate for employment-related uses is clearly consistent with the key strategic objective of government to support the growth of Western Sydney.
- The proposed modifications have been found to be acceptable in terms of environmental, economic and social impacts.

For these reasons, it is considered that the modifications are appropriate and are worthy of approval.

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APPENDIX A ARCHITECTURAL DRAWINGS

APPENDIX B LANDSCAPE CONCEPT DRAWINGS

APPENDIX C

BCA ASSESSMENT REPORT

APPENDIX D CIVIL DRAWINGS

APPENDIX E CIVIL REPORT

APPENDIX F TRAFFIC IMPACT ASSESSMENT



BRISBANE

Level 7, 123 Albert Street
Brisbane QLD 4000
Australia
T +61 7 3007 3800

MELBOURNE

Level 12, 120 Collins Street
Melbourne VIC 3000
Australia
T +61 3 8663 4888

PERTH

Level 14, The Quadrant
1 William Street
Perth WA 6000
Australia
T +61 8 9346 0500

SYDNEY

Level 23, Darling Park Tower 2
201 Sussex Street
Sydney NSW 2000
Australia
T +61 2 8233 9900