

## ASSESSMENT REPORT

### Section 4.55(1A) Modification

#### Sigma Pharmaceutical Warehouse and Distribution Facility (SSD 7719 MOD 1)

#### 1. INTRODUCTION

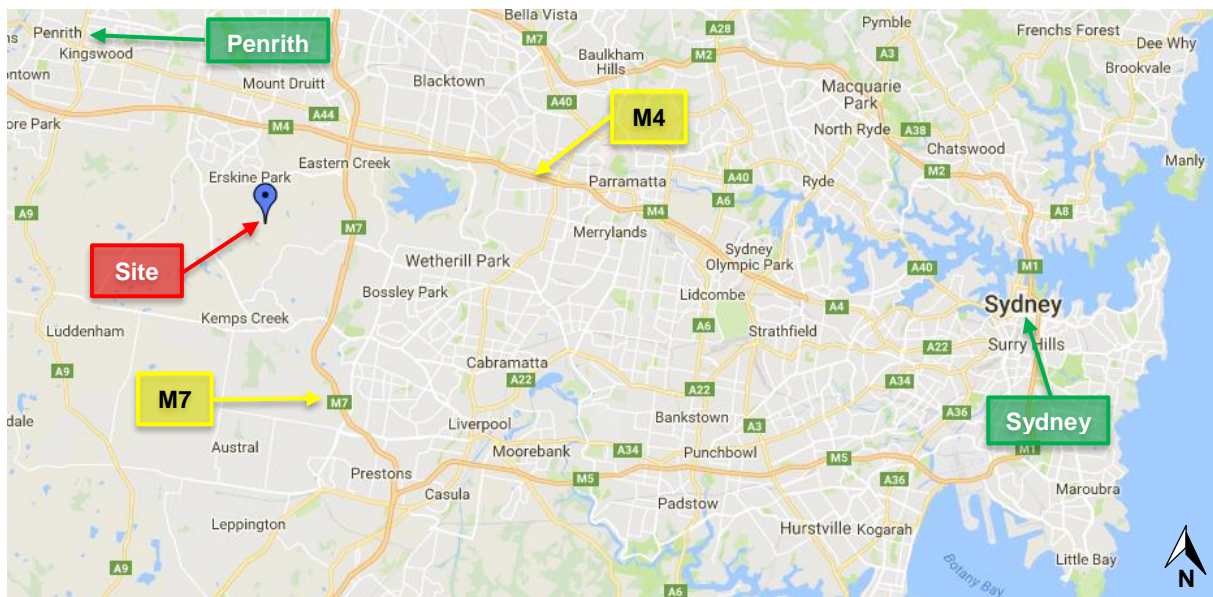
This report assesses an application by Sigma Company Ltd (the Applicant) to modify the approved Sigma Pharmaceutical Warehouse and Distribution Facility (SSD 7719). The application has been lodged pursuant to 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

#### 2. BACKGROUND

On 26 October 2016, the Executive Director, Key Sites and Industry Assessments approved a concurrent Concept Proposal and Stage 1 Development Application (DA) for a warehousing and employment precinct (SSD 6917) known as the Oakdale South Industrial Estate (Oakdale South). The Concept Proposal established 15 building envelopes for warehouse and distribution facilities across six development precincts; conceptual subdivision, landscaping, stormwater and infrastructure designs; conceptual site levels; conceptual car parking and biodiversity offset requirements. The Stage 1 DA includes the construction and use of warehouse buildings within Precinct 1, estate wide bulk earthworks, access roads, infrastructure services, parking and landscaping.

On 28 July 2017, the Executive Director, Key Sites and Industry Assessments approved the Sigma Pharmaceutical Warehouse and Distribution Facility (SSD 7719) on Site 3A of Oakdale South, at Kemps Creek in the Penrith local government area (LGA). The consent allows for the storage and distribution of pharmaceutical products and to operate 24 hours a day, seven days a week.

The site is located approximately 40 kilometres (km) west of the Sydney city centre, 12 km south-east of Penrith, 5 km south of the M4 and 4 km west of the M7 Motorway (see **Figure 1**).



**Figure 1: Site Location**

The site is also located within the Western Sydney Employment Area (WSEA) which is strategically identified industrial and employment land under State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP).

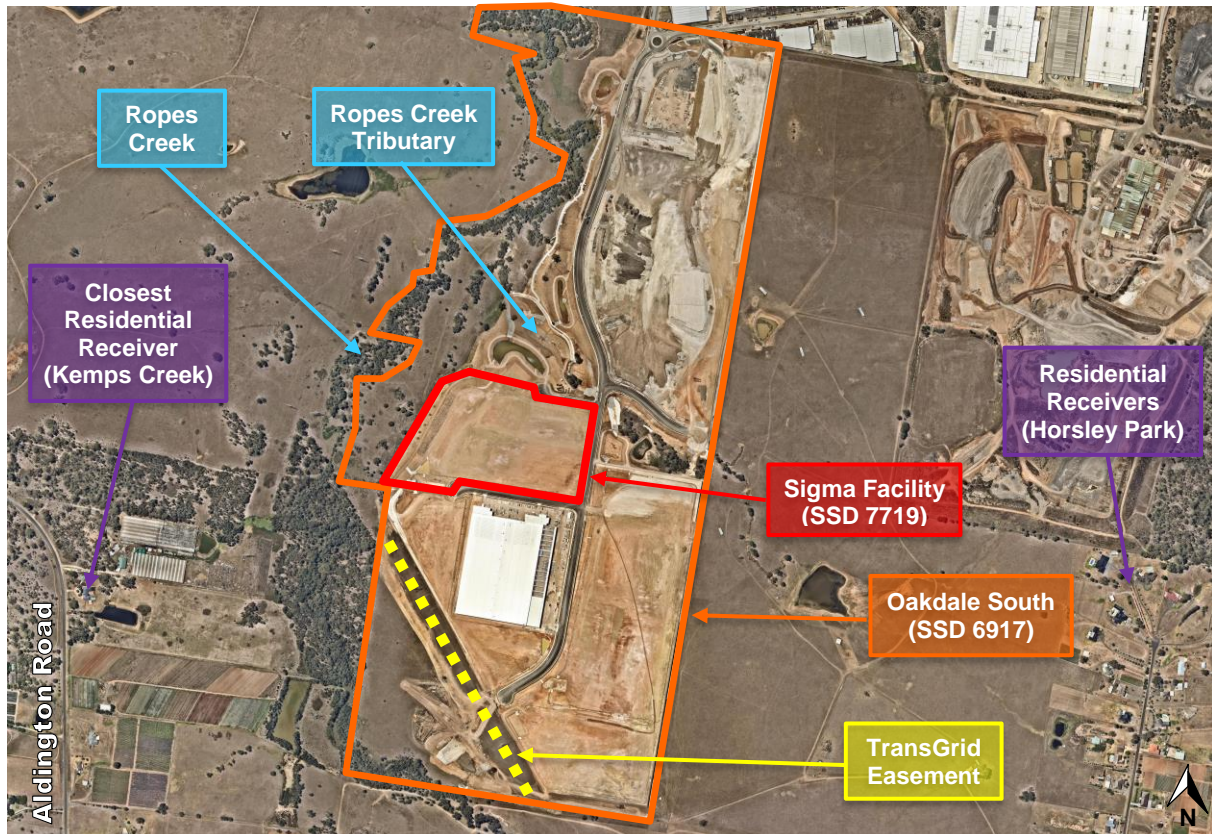
## 2.1 Site Description

The site is legally described as Lot 12 in Deposited Plan 1178389 and is approximately 7.04 hectares (ha) in area.

The site has been cleared in preparation for construction. Ropes Creek and an unnamed tributary are located to the west and north of the site respectively. High voltage electricity transmission lines are located to the south.

Several residential receivers are located near the site in the suburbs of Kemps Creek, Mount Vernon and Horsley Park, with the closest located 500 metres (m) to the south-east on Aldington Road.

The site features and closest residential receivers are shown in **Figure 2**.

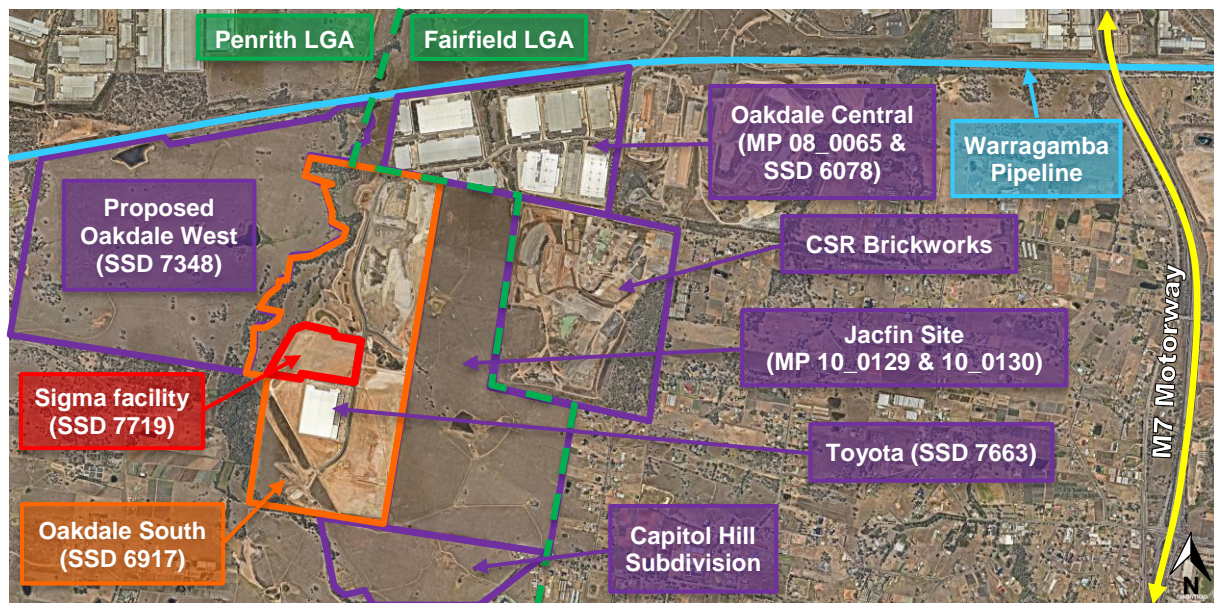


**Figure 2:** Site Features and Sensitive Receiver Locations

Surrounding land uses include those associated with industrial activities in the WSEA to the north, east and west and residential land uses are located further to the east, south and south-west. Land uses in the vicinity of the site are depicted in **Figure 3** and include the:

- Toyota Spare Parts Warehouse and Distribution Centre (SSD 7663) to the immediate south
- Oakdale Central Industrial Estate (MP 08\_0065 & SSD 6078) to the north
- proposed Oakdale West Industrial Estate (SSD 7348) to the west
- Jacfin Horsley Park warehousing hub (MP 10\_0129 and MP 10\_0130) to the east
- residential subdivision known as the Capitol Hill Subdivision to the south.





**Figure 3: Surrounding Land Uses**

### 3. PROPOSED MODIFICATION

The Applicant has lodged an application under section 4.55(1A) of the EP&A Act to modify the building and site layout for the approved Sigma facility.

The approved Sigma facility includes a two-story main office and a one-story dock office, both exterior to the warehouse building. The proposed modifications to this ancillary office space include an overall decrease in the ancillary office gross floor area (GFA) and the conversion of the main office from two-storeys to one-storey. As a result, minor changes to the carpark layout and landscaping would be required.

Other aspects of the proposed modification include:

- the addition of an internal office space within the north-east corner of the warehouse building and accompanying windows
- a decrease in the awning footprint
- four additional recessed truck docks
- two additional business identification warehouse signs.

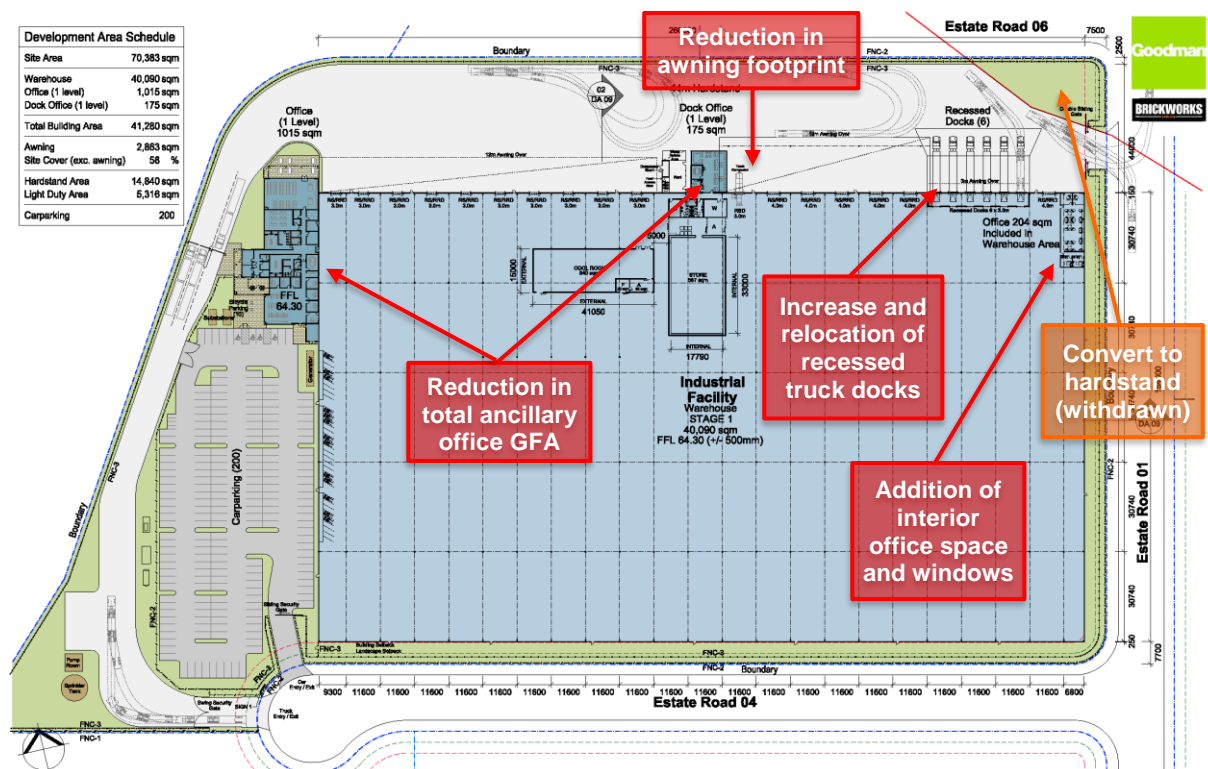
The Applicant has indicated these changes are necessary to better reflect market projections for its NSW operations that were identified during the detailed design phase of the development. The original warehouse layout was based on its other distribution facilities in Brisbane and Perth. The Applicant's market projections for NSW found a decrease in the required office-base staff, resulting in the proposed decrease in overall office space. The projections also found an increase in distribution volume, necessitating the proposed increase in the number of recessed truck docks.

Originally, the modification application sought to convert the north-east corner of the site from landscape to hardstand. However, this aspect of the modification was withdrawn due to time constraints as it is subject to a Planning Proposal submitted to the Department on 19 October 2017. The Planning Proposal seeks to re-zone this area from E2 Environmental Conservation to IN1 General Industrial to match the re-alignment of the Ropes Creek Tributary approved as part of the Oakdale South Concept Plan and Stage 1 DA (SSD 6917). The Planning Proposal is currently under assessment.

The modification is described in full in the modification application included in **Appendix B**, is summarised in **Table 1** and is illustrated on **Figure 4** and **Figure 5**.

**Table 1: Summary of the Proposed Modification**

Aspect	Approved	Proposed
Total building GFA	<ul style="list-style-type: none"> <li>total GFA of 41,562 square metres (m<sup>2</sup>)</li> </ul>	<ul style="list-style-type: none"> <li>total GFA of 41,280 m<sup>2</sup> (-282 m<sup>2</sup>)</li> </ul>
Office	<ul style="list-style-type: none"> <li>2-storey main office with 1,242 m<sup>2</sup> GFA</li> <li>1-storey dock office with 230 m<sup>2</sup> GFA</li> </ul>	<ul style="list-style-type: none"> <li>1-storey main office with 1,015 m<sup>2</sup> of GFA (-227 m<sup>2</sup>)</li> <li>1-storey dock office with 175 m<sup>2</sup> GFA (-55 m<sup>2</sup>)</li> <li>additional interior office located within the north-east corner of warehouse with 204 m<sup>2</sup> GFA</li> <li>windows on first level of north-east corner to accommodate additional interior office</li> </ul>
Awnings	<ul style="list-style-type: none"> <li>awning along northern elevation with a footprint of 3,178 m<sup>2</sup></li> </ul>	<ul style="list-style-type: none"> <li>awning along northern elevation with a footprint of 2,863 m<sup>2</sup> (-315 m<sup>2</sup>)</li> </ul>
Recessed truck docks	<ul style="list-style-type: none"> <li>2 recessed truck docks</li> </ul>	<ul style="list-style-type: none"> <li>6 recessed truck docks (+4) relocated closer to Estate Road 01</li> </ul>
Signage	<ul style="list-style-type: none"> <li>1 x 'S1' 1.2 m wide by 4 m high illuminated business identification pylon sign</li> <li>2 x 'S2' 7 m wide by 2.5 m high illuminated business identification warehouse signs</li> </ul>	<ul style="list-style-type: none"> <li>1 x 'S1' 1.2 m wide by 4 m high illuminated business identification pylon sign</li> <li>2 x 'S2' 14 m wide by 5 m high Sigma Healthcare and 5.5 m wide by 5 m high CHS illuminated business identification warehouse signs</li> <li>1 x 'S3' 3 m wide by 1 m high Sigma Healthcare and 1.2 m wide by 1 m wide CHS illuminated business identification warehouse sign</li> <li>1 x 'S4' 11 m wide by 4 m high Sigma Healthcare and 4.5 m wide by 4 m high CHS illuminated business identification warehouse sign</li> </ul>



**Figure 4: Proposed Warehouse Plan (Key Changes Highlighted in Red)**

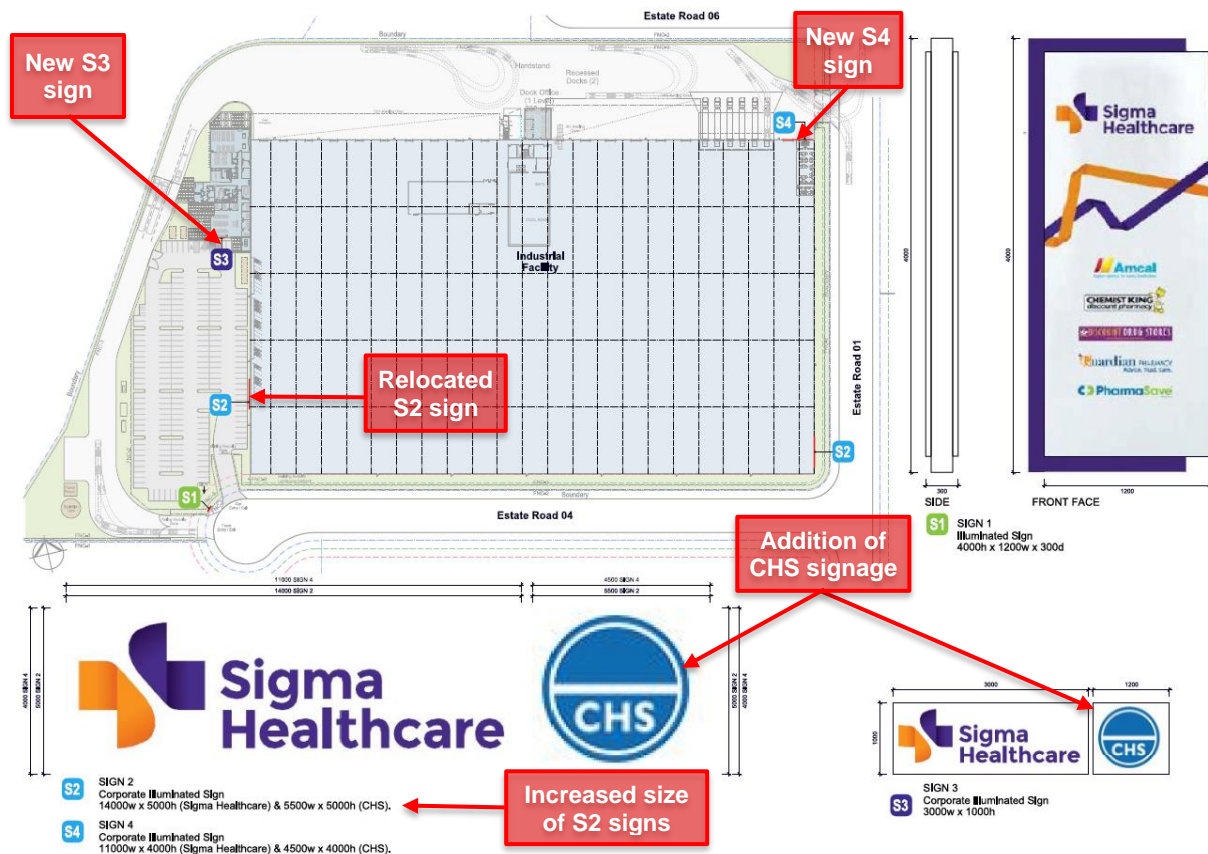


Figure 5: Proposed Signage Plan (Changes Highlighted in Red)

#### 4. STATUTORY CONTEXT

##### 4.1 Consent Authority

The Minister for Planning was the consent authority for the original SSD application, and is consequently the consent authority for the modification application.

However, as reportable political donations were made by the Applicant, the Independent Planning Commission (the Commission) is the consent authority for the purposes of section 4.55 of the EP&A Act.

##### 4.2 Section 4.55(1A)

The Department has reviewed the scope of the modification application and is satisfied that the proposed modification would result in minimal environmental impacts and relates to substantially the same development as the original development consent on the basis that:

- the primary function and purpose of the approved project would not change as a result of the proposed modification
- the modification is of a scale that warrants the use of section 4.55(1A) of the EP&A Act
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of approval.

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.

#### 5. CONSULTATION

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 State significant development. Accordingly, the application was not notified or advertised, however, it was made publicly available on the Department's website on 21 February 2018, and referred to Penrith City Council (Council), the Office of Environment and Heritage (OEH) and the Department of Primary Industries (DPI) for comment.



A total of two submissions were received during the notification period, none of which objected to the proposed modification.

**Council** did not object to the modification and provided recommended engineering conditions. Council's submission originally raised concerns regarding the proposed hardstand in the north-east corner of the site and the potential visual impacts associated with the removal of the landscaping in this area. However, the removal of this landscaped area was withdrawn from the proposed modification.

**DPI** did not object to the modification and noted the Applicant should undertake any works within watercourses or waterfront lands in accordance with *Guidelines for Controlled Activities on Waterfront Land* (DPI Water 2012).

## 6. RESPONSE TO SUBMISSIONS

The Applicant provided a Response to Submissions (RTS) on the issues raised during the notification of the proposed modification (see **Appendix B**). The RTS was made publicly available on the Department's website and was provided to the submitters to consider whether it adequately addressed the issues raised.

## 7. ASSESSMENT

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

- modification application and RTS provided to support the proposed modification (**Appendix B**)
- assessment report for the original development application
- submissions from State government authorities and Council (**Appendix C**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department considers the modification would only have minor impacts as it involves small amendments to the warehouse layout and signage. The proposed modification does not increase the total building area. The Department's assessment is provided in **Table 2**.

**Table 2: Assessment of the Proposed Modification**

Issue	Assessment	Recommendation
Signage	<ul style="list-style-type: none"> <li>• The proposed modification increases the overall amount of signage, which has the potential to result in visual impact due to its size, content and illumination.</li> <li>• The proposed signage for the warehouse is depicted in <b>Figure 5</b>.</li> <li>• The Department undertook an assessment of the proposed signage against the criteria of State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64), which is summarised in <b>Appendix D</b>.</li> <li>• The Department is generally satisfied the proposed signage would be consistent with SEPP 64.</li> <li>• However, the Department was concerned the proposed signage on the western façade of the development. This signage is illuminated and oriented towards the Ropes Creek riparian corridor, having the potential to impact upon fauna.</li> <li>• In response to the Department's concern, the Applicant proposed to illuminate this signage during certain hours.</li> <li>• The Department agrees that restricting the illumination of the western facing signage to certain hours would minimise the potential impacts to the riparian corridor.</li> <li>• The Department notes the neighbouring Toyota facility (SSD 7663) includes a 5.8 m high by 20.8 m wide illuminated business identification warehouse sign, similar in size to the largest sign for the proposed modification.</li> <li>• The Department considers the proposed signage also meets the requirements of the underlying Concept Proposal (SSD 6917), which specifies that a maximum of one illuminated sign is permitted on each warehouse elevation. Illuminated signs must also be oriented away from residential receivers.</li> </ul>	<ul style="list-style-type: none"> <li>• Update Appendix A of the consent to include the updated signage plan.</li> <li>• Require the Applicant to restrict illumination of the western facing signs to daylight hours.</li> </ul>

Issue	Assessment	Recommendation
	<ul style="list-style-type: none"> <li>The Department's assessment concludes the proposed signage would provide adequate business identification and wayfinding for customers and other road users.</li> <li>The Department considers the revised signage plan meets the requirements of the Concept Proposal (SSD 6917) and the assessment requirements of SEPP 64.</li> <li>The Department recommends the conditions be modified to incorporate the revised signage plan and to include restrictions on the signage illumination to daylight hours.</li> </ul>	
Visual	<ul style="list-style-type: none"> <li>The proposed modification would result in changes to the warehouse built form and consequently its presentation to the street.</li> <li>The proposed site plan is depicted in <b>Figure 4</b>.</li> <li>The modification application includes revised warehouse and office elevations, prepared by SBA Architects. The modification application seeks to: <ul style="list-style-type: none"> <li>- amend the awnings along the northern warehouse façade</li> <li>- relocate and increase the number of recessed truck docks</li> <li>- add windows on the north-east corner of the warehouse</li> <li>- amend the ancillary office layout and reduce to one-storey.</li> </ul> </li> <li>The Applicant undertook an assessment of the proposed modification against the development controls of the Concept Proposal (Condition B10 of SSD 6917). The assessment concluded the character, height and scale of the amended warehouse would be consistent with the development controls.</li> <li>The Department considers the warehouse façade would be visible by road users and customers, but not by local residents. The development is consistent with the local character as it is located within an industrial precinct.</li> <li>The Department's assessment concludes the proposed warehouse amendments would not result in additional impacts beyond what has been assessed as part of the original application (SSD 7719) and the Concept Proposal (SSD 6917).</li> <li>The Department recommends the approved plans within the consent be updated to reflect the proposed modification.</li> </ul>	Update Appendix A of the consent to include the relevant updated plans.
Manoeuvrability	<ul style="list-style-type: none"> <li>The proposed modification involves relocating the recessed truck docks closer to north-east corner of the site (see <b>Figure 4</b>), which has the potential to impact upon site manoeuvrability.</li> <li>The Department raised concerns regarding site manoeuvrability and noted the recessed truck docks would be closer to the landscaped area, having the potential to impede the ability of trucks accessing these docks.</li> <li>The recessed truck docks would also be closer to the emergency access, having the potential to impede emergency vehicles access to the site.</li> <li>The Applicant provided updated swept path diagrams at the Department's request.</li> <li>The Department's assessment concludes the updated swept path diagrams demonstrate the longest vehicle could safely manoeuvre around the site and emergency vehicle access would not be impeded.</li> <li>The existing conditions of consent require the Applicant to ensure the swept path of the longest vehicle utilising the site is in accordance with AUSTROADS guidelines.</li> <li>The Department considers the existing conditions of consent can suitably manage site manoeuvrability.</li> </ul>	Manage via existing conditions.
Traffic and Parking	<ul style="list-style-type: none"> <li>The proposed modification reduces the total GFA of the development by 282 m<sup>2</sup>, which has the potential to impact upon traffic generation and parking requirements.</li> <li>The Applicant provided a Traffic and Parking Assessment which compared the traffic generation and parking requirements of the approved and proposed development. Traffic generation rates were calculated based on GFA in accordance with the RMS <i>Technical Direction TDT 2013/04a: Guide to Traffic Generating Developments – Updated traffic surveys</i>.</li> </ul>	Manage via existing conditions.

Issue	Assessment	Recommendation
	<ul style="list-style-type: none"> <li>The Traffic and Parking Assessment concluded the proposed modification would result in one less vehicle during the peak hour (67 vehicles) and no changes for parking (200 spaces).</li> <li>The Department's assessment concludes the minor reduction in the total GFA (approximately -0.6%) would result in negligible impacts to both traffic generation and parking requirements.</li> <li>No additional conditions are recommended.</li> </ul>	

## 8. CONCLUSION

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

- it would continue to meet the requirements of SEPP 64 and the Concept Proposal (SSD 6917)
- it would not increase the operational traffic generation or parking requirements
- truck and emergency vehicle movements would not be impeded
- it would result in minimal environmental impacts beyond the approved facility.

Following on from its assessment of the modification, the Department considers the modification application is approvable, subject to any conditions of consent. This assessment report is hereby presented to the Independent Planning Commission for determination.

Endorsed by:

  
Chris Ritchie 8/6/18.  
**Director**  
**Industry Assessments**

Endorsed by:

  
Anthea Sargeant 13/6/18  
**Executive Director**  
**Key Sites & Industry Assessments**



## **APPENDIX A – NOTICE OF MODIFICATION**

See link: [http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9108](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9108)

## **APPENDIX B – MODIFICATION APPLICATION**

See link: [http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9108](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9108)

## **APPENDIX C – SUBMISSIONS**

See link: [http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9108](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9108)



## APPENDIX D – COMPLIANCE WITH SCHEDULE 1 OF SEPP 64

Schedule 1 – Assessment Criteria	Compliance
<b>1 Character of the area</b>	
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 proposed signs are compatible with the future character of the locality as they are business identification signage within an industrial estate.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Yes, the proposed signage is consistent with the currently approved signage in regard to theme and design. It is also generally consistent with the theme and character of the area, being an industrial precinct.
<b>2 Special areas</b>	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The site is not located within any conservation areas or open space. The proposed signage is oriented towards the estate roads and car park.
<b>3 Views and vistas</b>	
Does the proposal obscure or compromise important views?	The proposed signs would not obscure or compromise any view.
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage would not dominate the skyline nor does it reduce the quality of the Oakdale South vista.
Does the proposal respect the viewing rights of other advertisers?	The proposed signs are not considered to compromise the viewing rights of other advertisers.
<b>4 Streetscape, setting or landscape</b>	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes, the site is located within an industrial estate. The neighbouring Toyota facility (SSD 7663) includes a 5.8 m high by 20.8 m wide illuminated business identification warehouse sign. This sign is similar in size to the largest illuminated warehouse business identification sign for the proposed Sigma modification (SSD 7719).
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes, the proposed signage contributes an appropriate level of visual interest.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	N/A
Does the proposal screen unsightliness?	Being a greenfield site there is no existing unsightliness to screen.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No, the pylon sign has a height of 4 m. The remaining signage is affixed on the warehouse elevations.
Does the proposal require ongoing vegetation management?	No
<b>5 Site and building</b>	
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?	Yes, the site is located within an industrial estate. The proposed signage covers a small portion of the warehouse facades.
Does the proposal respect important features of the site or building, or both?	Yes, the proposed signs are complimentary to the features of the proposed warehouse and office buildings.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal demonstrates an appropriate level of imagination and innovation.
<b>6 Associated devices and logos with advertisements and advertising structures</b>	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposal does not include any advertisements or advertising structures.
<b>7 Illumination</b>	
Would illumination result in unacceptable glare?	No, the proposed signs would be internally illuminated and would not result in unacceptable glare.

Schedule 1 – Assessment Criteria	Compliance
Would illumination affect safety for pedestrians, vehicles or aircraft?	The proposed signs would not affect safety for pedestrians, vehicles or aircraft.
Would illumination detract from the amenity of any residence or other form of accommodation?	The signage would be visible by road users and customers, but not local residents.
Can the intensity of the illumination be adjusted, if necessary?	N/A
Is the illumination subject to a curfew?	The signage oriented towards the Ropes Creek riparian corridor would be illuminated during daylight hours only. All other signage would be statically illuminated.
<b>8 Safety</b>	
Would the proposal reduce the safety for any public road?	The proposed signs would not affect road safety.
Would the proposal reduce the safety for pedestrians or cyclists?	The proposed signs would not affect pedestrian or cyclists' safety.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signs would not obscure any sightlines from public areas.