



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

**SECTION 4.55 (1A) MODIFICATION**

28 SEPTEMBER 2018  
MODIFICATION

PREPARED FOR SIGMA COMPANY LTD



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Report Number	EIS – SIGMA MOD 2

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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 4.55 (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 4.55(1A) modification application to SSDA 7719 seeks approval for revisions to the approved development of Site 3A and is herein referred to as MOD 2.

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 4.55 modification application and have informed assessment of the potential environmental impacts within this Modification Report.

The proposed modification of the OSE Stage 3 Development entails:

- Grading-over of the landscaped area at the north-eastern corner of the site for use as truck hardstand and turning area
- Amendment of Conditions 7 and 8 of the Development Consent regarding regular reporting and access to information.

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 2 include:

- Layout and design;
- Traffic impacts; and
- Changes to landscaping and amendments to the hardstand area.

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 4.55(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 outlined in this report.

# 1. INTRODUCTION

This modification application is lodged on behalf of Sigma Company Ltd under the provisions of Section 4.55(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.

The proposed modifications seek to enable:

- Grading-over of the landscaped area at the north-eastern corner of the site for use as truck hardstand and turning area.
- Amendment of Conditions 7 and 8 of the Development Consent regarding regular reporting and access to information.

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 against 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 4.55 (1A) application:

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

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

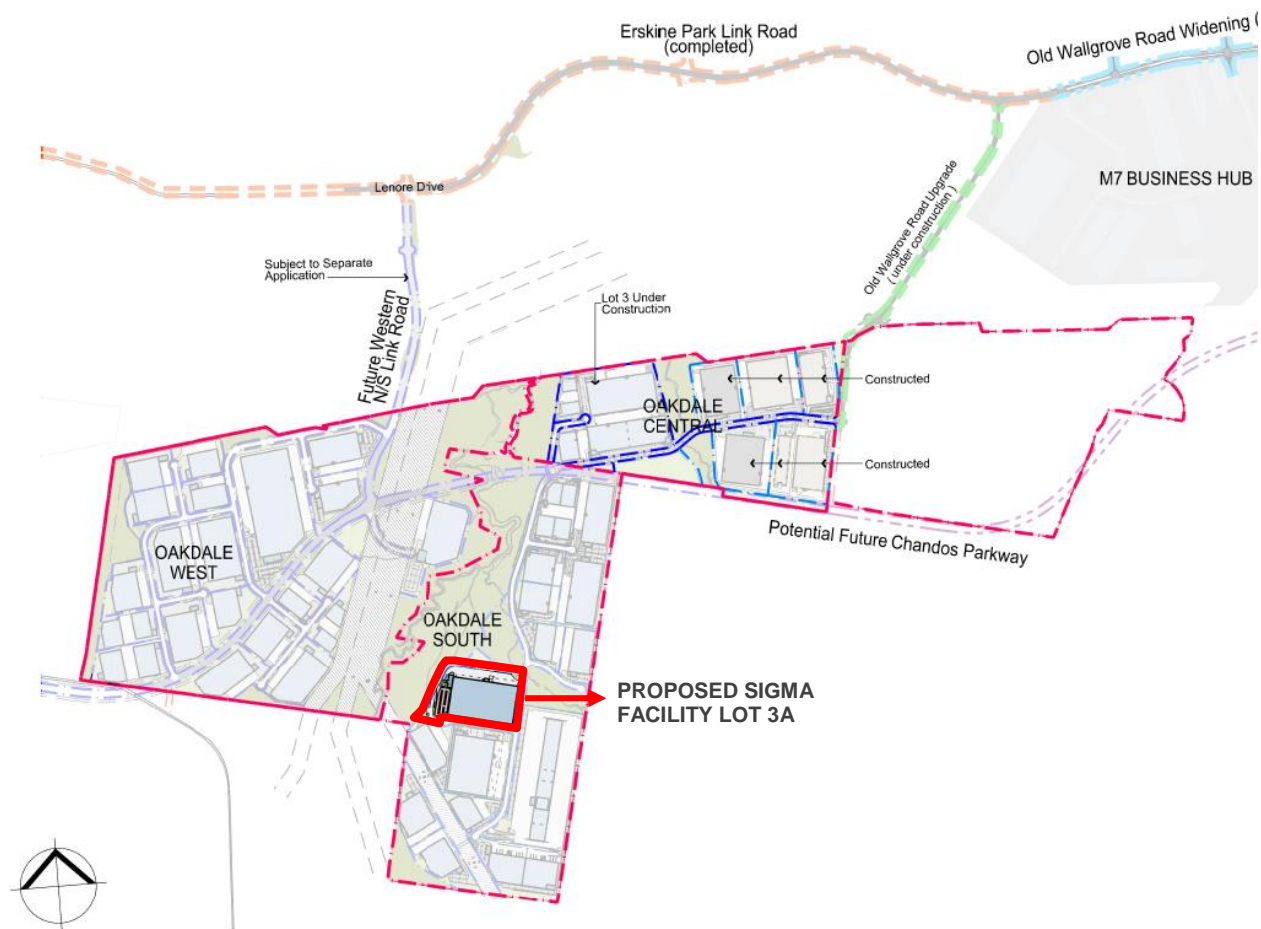
The subject site is located on Site 3A of Precinct 3, within the Oakdale South Estate (OSE). The OSE is a 117ha industrial site located within the Western Sydney Employment Area (WSEA) and is the second of four stages of the broader 'Oakdale Estate' under the management of Goodman Limited.

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.

Refer to **Figure 2** overleaf detailing the approved OSE masterplan layout and Site 3A.

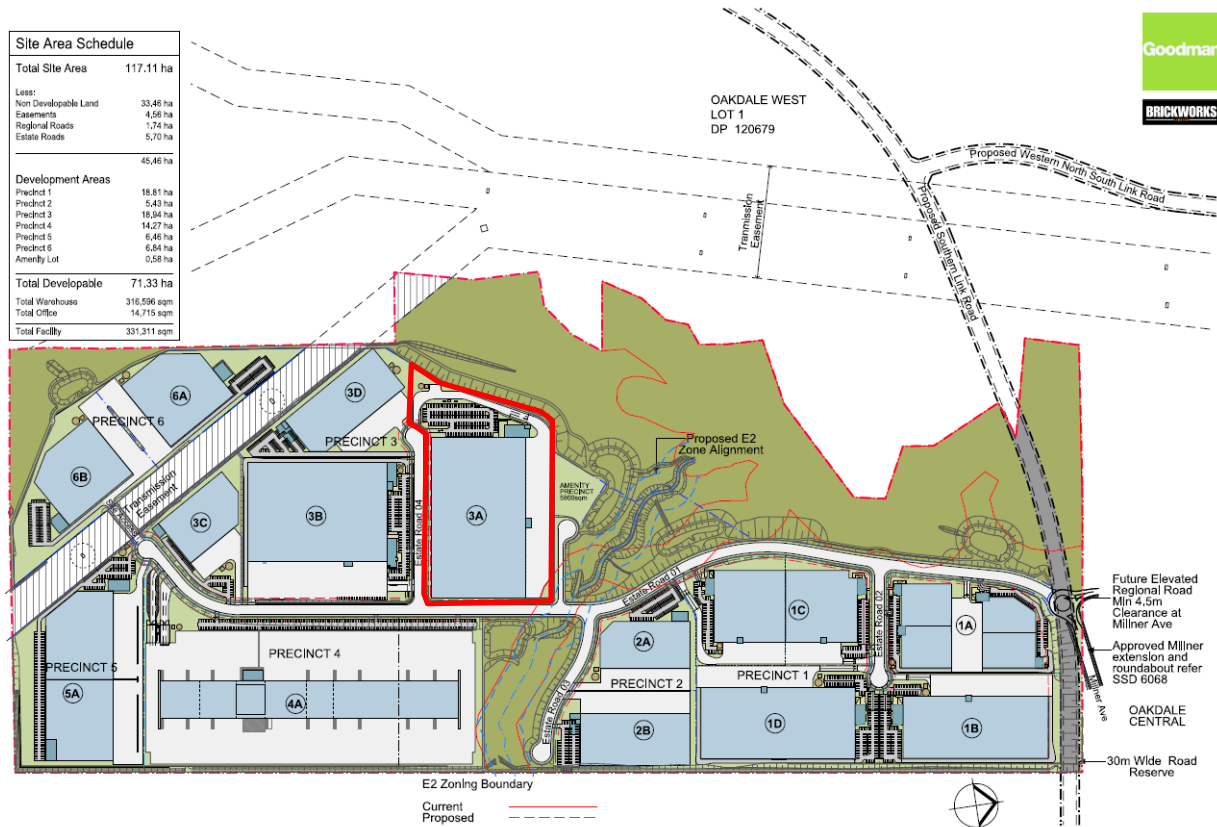
Figure 1 – Oakdale Estate Lands



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.
- MOD 6 – approved on 15 June 2018, to modify SSD6917 to update the Vegetation Management Plan (VMP), Biodiversity Offset Strategy and update Conditions E46 & E47, relating to ecosystem credits and the VMP.

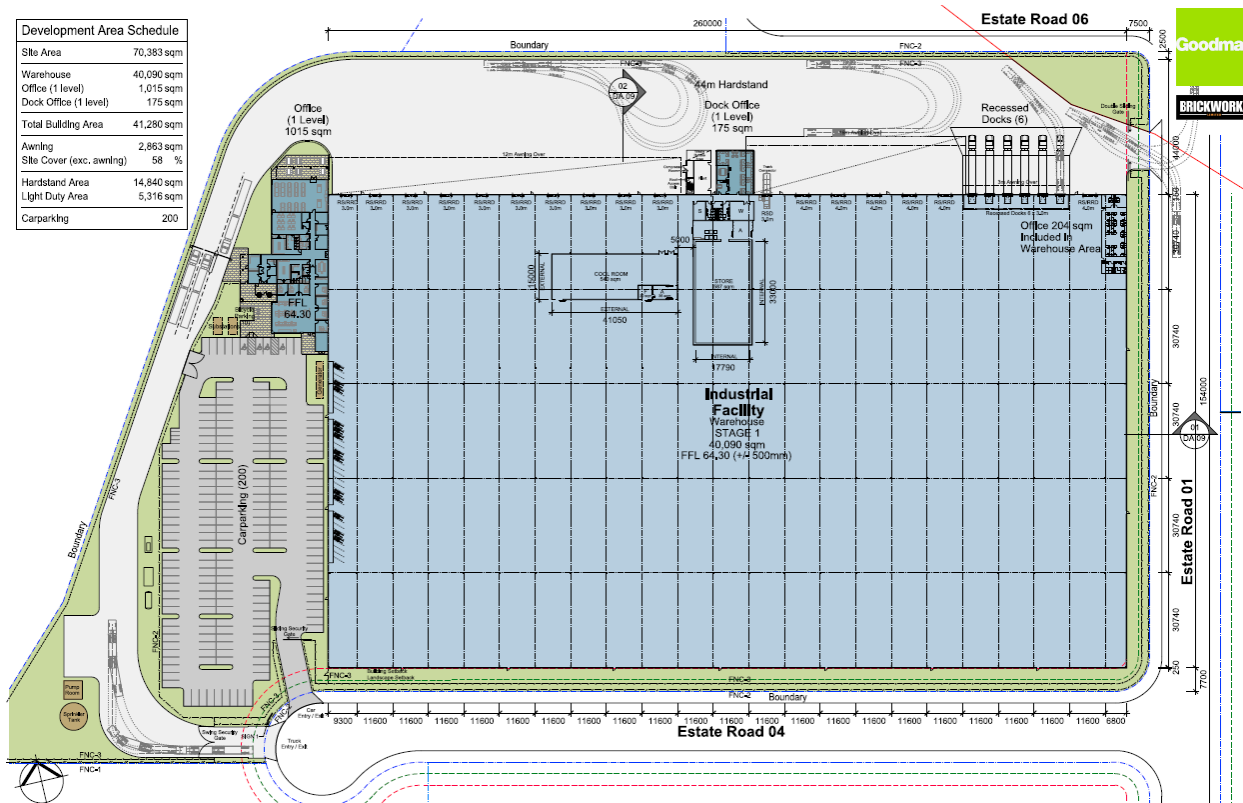
### 2.1.2. SSD 7719 – Warehouse and Distribution Facility for Sigma Pharmaceuticals

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. SSD 7719 – MOD 1

On 27 June 2018, the Independent Planning Commission granted approval for a modification to SSD 7719. The approval granted consent for the following:

- Conversion of the ancillary office from 2-storey to 1-storey, resulting in the enlargement of the office footprint and reduction of the overall office GFA.
- Increase the number of recessed truck docks on the northern elevation of the building from 2 to 6, and relocation further east along the same frontage;
- Modification of Appendix A – Schedule of Approved Drawings;
- Increase the amount and size of signage; and
- Addition of windows on the north-eastern corner of the warehouse building.

### 2.1.4. 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 sought 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 rezone the north-east corner of Site 3A to IN2 consistent with the remainder of the site.

The PP is currently awaiting final sign off from the Minister of Planning. It is anticipated that the amendment to the site zoning is imminent.

### 3. SECTION 4.55(1A) MODIFICATION

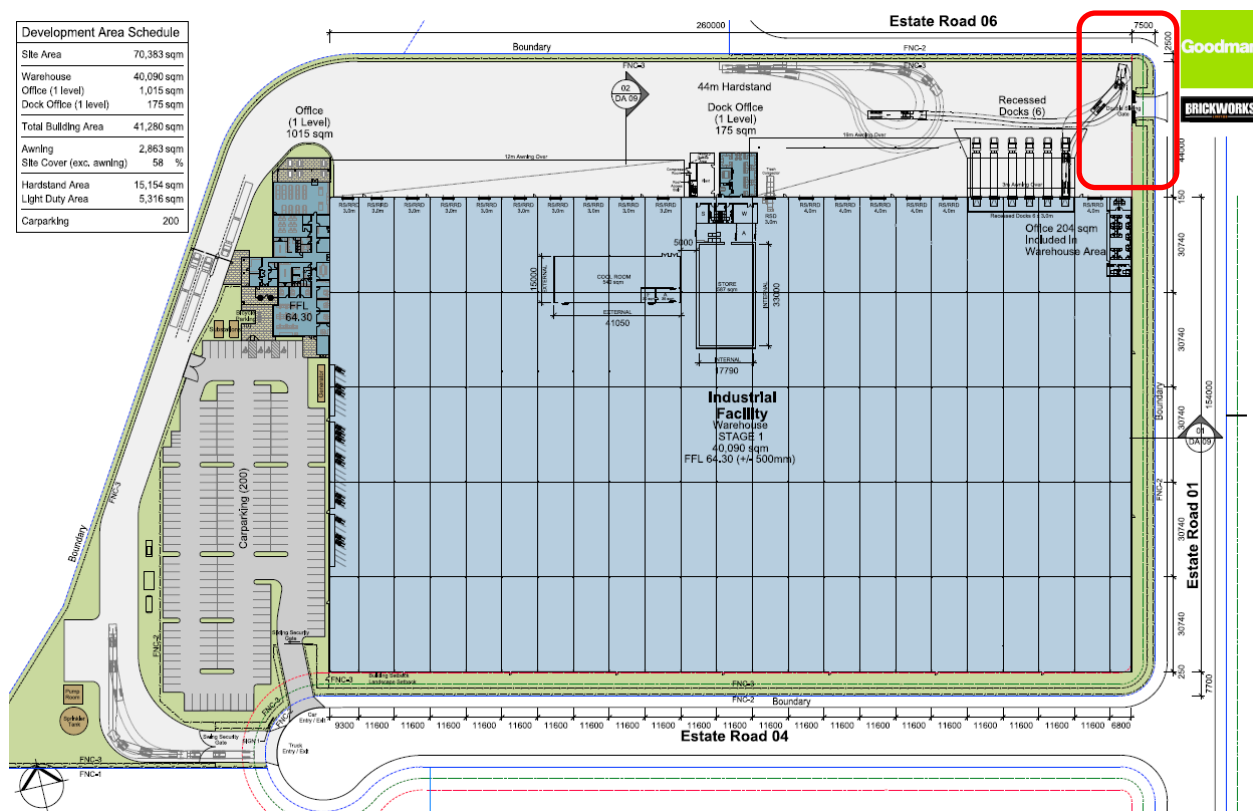
#### 3.1. PROPOSED DESIGN CHANGE

The proposal seeks to modify SSD 7719, including:

- Grading-over of the landscaped area at the north-eastern corner of the site for use as truck hardstand and turning area; and
- Relocation of the Fire Access vehicular crossing northwards towards the north-eastern corner. It is noted that the main site access/egress point for delivery truck movements will remain via Estate Road 04.

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** for a copy of the proposed site plan.

Figure 4 – Proposed Site Plan



Source: SBA Architects

#### 3.2. NUMERIC OVERVIEW

A summary of the numerical changes to Site 3A is provided in Table 1. The only numerical change relates to the increase in hardstand area.

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

Element	Approved SSDA 7719	Approved MOD 1	Proposed MOD 2
Site Area (Site 3A)	70,383 sqm	70,383 sqm	70,383 sqm
Total Warehouse GFA	40,090 sqm	40,090 sqm	40,090 sqm

Element	Approved SSDA 7719	Approved MOD 1	Proposed MOD 2
Total Ancillary Office GFA	1,472 sqm	1,190 sqm	1,190 sqm
Total GFA	41,562 sqm	41,280 sqm	41,280 sqm
Awning	3,178 sqm	2,863 sqm	2,863 sqm
Site Coverage (excluding Awning)	59%	58%	58%
Hardstand Area	14,538 sqm	14,840 sqm	15,154 sqm
Light Duty Area	5,316 sqm	5,316 sqm	5,316 sqm
Carparking	200 spaces	200 spaces	200 spaces

### 3.3. PROPOSED MODIFICATIONS TO THE CONDITIONS OF APPROVAL

Proposed modifications to the Development Consent of SSD 7719 is outlined below. Text proposed to be deleted is indicated by ~~strike through~~ and text proposed to be added is indicated by **bold text**. For ease of reference, all amendments are highlighted by red text.

#### 3.3.1. Condition C7

The applicant wishes to remove Condition C7 as there will be no storage of raw materials or manufacturing undertaken on the property. The site will operate as a distribution centre that facilitates the delivery of retail quantities of products to pharmacies on a daily basis by courier type vans. It is considered that there will be minimal to non-existent prospects of there being any environmental breach caused by the development. Therefore, this condition should be removed.

~~C7. The Applicant must provide regular reporting on the environmental performance of the Development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.~~

#### 3.3.2. Condition C8

The applicant wishes to modify Condition C8 to enable the information required to be made publicly available via their new offices at the Distribution Centre rather than on the Sigma website. Due to the nature of Sigma Healthcare, the website has been designed for pharmacies and businesses seeking to join one of Sigma's groups or services. The design and intent of the website was not meant for viewing by members of the general public, as its focus has always been targeted towards Sigma's clients and businesses. In addition, Sigma does not have a website manager employed to regularly update the information on the website.

This condition should be amended to:

C8. The Applicant must make the following information publicly available ~~on its website~~ **at the offices of the Distribution Centre** and keep the information up to date:

- (a) the EIS;
- (b) current statutory approvals for the Development;
- (c) approved strategies, plans or programs;
- (d) a complaints register, updated on an annual basis; and
- (e) any other matter required by the Secretary.

*Note: This condition does not require any confidential information to be made available to the public*



### 3.3.3. 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
<del>OAK 3A DA 00</del>	<del>J</del>	<del>2 May 2018</del>	<del>Cover Sheet</del>
<b>OAK 3A DA 00</b>	<b>K</b>	<b>3 September 2018</b>	<b>Cover Sheet</b>
<del>OAK 3A DA 01</del>	<del>P</del>	<del>19 April 2018</del>	<del>Site Plan</del>
<b>OAK 3A DA 01</b>	<b>Q</b>	<b>3 September 2018</b>	<b>Site Plan</b>
<del>OAK 3A DA 02</del>	<del>Y</del>	<del>19 April 2018</del>	<del>Warehouse Plan</del>
<b>OAK 3A DA 02</b>	<b>Z</b>	<b>3 September 2013</b>	<b>Warehouse Plan</b>
OAK 3A DA 03	M	19 April 2018	Roof Plan
OAK 3A DA 04	J	8 December 2017	Office Plan
OAK 3A DA 06	L	9 February 2018	Dock Office Plan
OAK 3A DA 07	F	27 September 2017	Office Elevations
<del>OAK 3A DA 08</del>	<del>Q</del>	<del>19 April 2018</del>	<del>Warehouse Elevations</del>
<b>OAK 3A DA 08</b>	<b>R</b>	<b>3 September 2018</b>	<b>Warehouse Elevations</b>
OAK 3A DA 09	J	2 May 2018	Warehouse Sections
<del>OAK 3A DA 10</del>	<del>G</del>	<del>19 April 2018</del>	<del>Signage Plan</del>
<b>OAK 3A DA 10</b>	<b>J</b>	<b>3 September 2018</b>	<b>Signage Plan</b>
<b>OAK 3A DA 11</b>	<b>A</b>	<b>27 September 2018</b>	<b>Perspective View</b>
FB 001	A	May 2017	Finishes Board Exterior
Landscape Drawings prepared by Site Image Landscape Architects			
<del>000</del>	<del>N</del>	<del>14 May 2018</del>	<del>Cover Sheet</del>
<b>000</b>	<b>L</b>	<b>27 November 2017</b>	<b>Cover Sheet</b>
<del>001</del>	<del>N</del>	<del>14 May 2018</del>	<del>Landscape Site Plan</del>
<b>001</b>	<b>L</b>	<b>27 November 2017</b>	<b>Landscape Site Plan</b>
<del>101</del>	<del>M</del>	<del>14 May 2018</del>	<del>Landscape Plan</del>
<b>101</b>	<b>L</b>	<b>27 November 2017</b>	<b>Landscape Plan</b>
<del>102</del>	<del>N</del>	<del>14 May 2018</del>	<del>Landscape Plan</del>
<b>102</b>	<b>L</b>	<b>27 November 2017</b>	<b>Landscape Plan</b>
<del>103</del>	<del>M</del>	<del>14 May 2018</del>	<del>Landscape Plan</del>
<b>103</b>	<b>L</b>	<b>27 November 2017</b>	<b>Landscape Plan</b>
<del>104</del>	<del>N</del>	<del>14 May 2018</del>	<del>Landscape Plan</del>
<b>104</b>	<b>M</b>	<b>27 November 2017</b>	<b>Landscape Plan</b>
501	I	8 September 2016	Landscape Plan

## 3.4. 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 and the rezoning of the north-eastern corner of the site from E2 to IN2. At the time of original DA lodgement Sigma had adopted a design and layout that reflected the E2 zone extent at the north-eastern corner of the site, notwithstanding that SSDA 6917 approved relocation of the creek and riparian zone from Site 3A, anticipating the future zoning and use of the entirety of Site 3A for industrial purposes.

The E2 zoned land at the north-eastern corner of the site will be rezoned imminently to IN2, allowing conversion of the landscaping area to hardstand.

Sigma anticipates 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 expansion of the hardstand area that

will better facilitate truck circulation and loading at the recessed docks, allowing 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*; and
- *State Environmental Planning Policy No.55 (Remediation of Land)*.

### 4.1. SECTION 4.55(1A) OF THE EP&A ACT

Section 4.55 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 4.55(1A), 4.55(1) or 4.55(2).

As is relevant to this application, pursuant to section 4.55(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 alter the context, scale, built form or amenity of the approved development. The minor modification to the hardstand area will have a minimal visual impact to the site, when viewed from outside as the concrete replacing the ballast has a similar appearance. In addition, the stormwater runoff will continue to be accommodated and managed. The modifications will increase the efficiency of the operations to the facility enabling better vehicular circulation and loading.

As demonstrated by the accompanying updated consultant information provided within the appendices, the SSD 7719 as proposed to be modified by MOD 2 will have negligible 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 2) 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 are of a minor nature;
- There will be a minor increase in the hardstand area of 616 sqm (+4%); and
- The level of environmental impact resulting from this section 4.55 modification application (MOD 2) is minimal and consistent with that approved by way of SSD 7719.

## 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 EPIs, as shown in Table 2 below.

Table 2 – Statement of Consistency with Environmental Impacts

Schedule/Clause	Provision	Consistency
<b>SEPP (State and Regional Development)</b>		
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.
<b>SEPP (Western Sydney Employment Area) 2009</b>		
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.	As part of the modification to the concept plan there were 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

Schedule/Clause	Provision	Consistency
		<p>hardstand in the North-Eastern corner but for the E2 zone.</p> <p>Consent is now sought for the hardstand given that portion of the site has recently been rezoned to IN2 Light Industrial.</p>
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. The proposal is consistent with the 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</p> <p>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>	<p>No changes are proposed to the maximum height of buildings.</p> <p>Nevertheless, the impact of building height has been assessed as acceptable having regard to the amenity of adjacent residential areas.</p>
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	The consent authority must not grant consent to the carrying out of development involving the subdivision of	The proposed modifications to SSD 7719 do not include any changes to the approved subdivision boundaries.



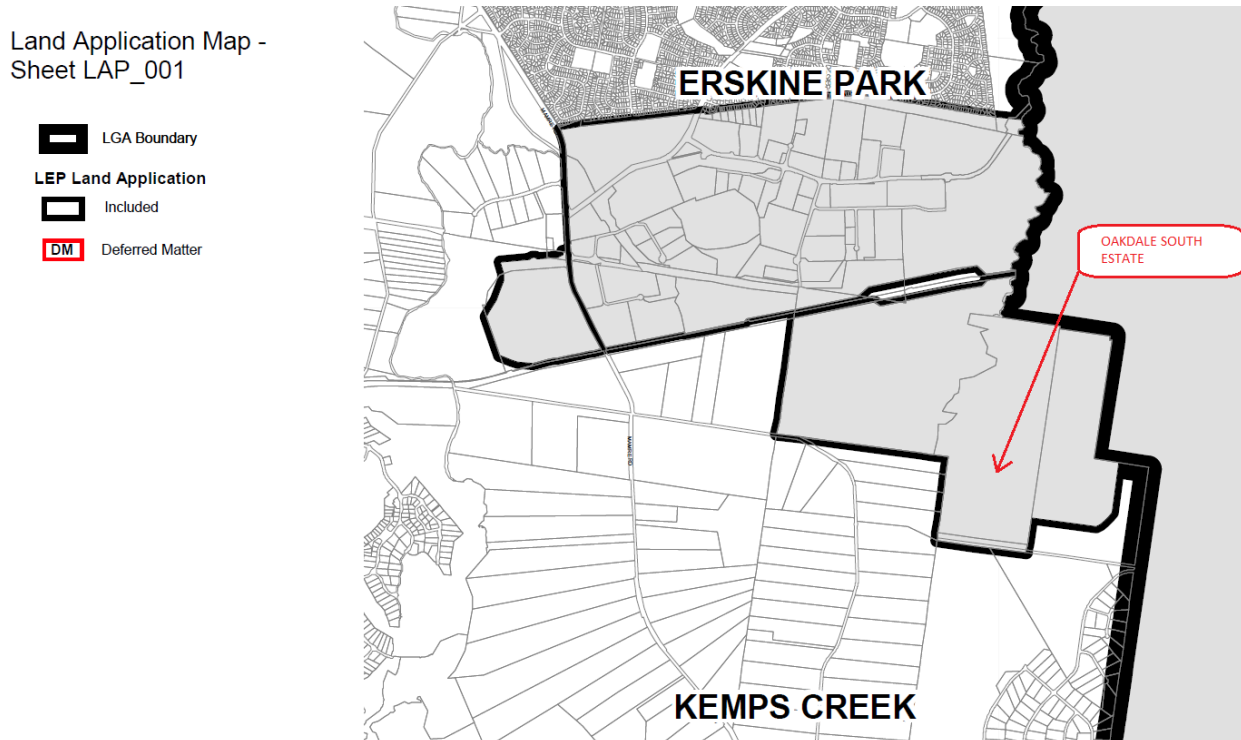
Schedule/Clause	Provision	Consistency
Involving Subdivision	<p>land unless it has considered the following:</p> <p>The implications of the fragmentation of large lots of land,</p> <p>Whether the subdivision will affect the supply of land for employment purposes,</p> <p>Whether the subdivision will preclude other lots of land to which this Policy applies from having reasonable access to roads and services.</p>	
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> <ul style="list-style-type: none"> <li>- The development is of a high-quality design, and</li> </ul>	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
	<ul style="list-style-type: none"> <li>- A variety of materials and external finishes for the external facades are incorporated, and</li> <li>- High quality landscaping is provided, and</li> <li>- The scale and character of the development is compatible with other employment-generating development in the precinct concerned.</li> </ul>	
<b>State Environmental Planning Policy (Infrastructure) 2007</b>		
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 20,000m<sup>2</sup> or more of gross floor area (GFA).</p> <p>This proposed modification does not alter the size of the warehouse or propose intensification of the operation.</p>
<b>State Environmental Planning Policy No. 55 (Remediation of Land)</b>		
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 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>The original Environmental Site Assessment (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 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>

#### 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 3 – Site Specific DCP Assessment Table – Condition B11 SSD 6917

Development Aspect	Control	Site 3A
<b>Setbacks</b>	To Southern Link Road - 20m	No frontage to southern link road.
	Estate roads within the Oakdale South Estate – 7.5m	Setback to Estate Road 1 (Collector Road) – Predominantly 7.5m to warehouse.
	Rear and Side Boundaries – 5m	Setback to Estate Road 4 (local estate road) – 7.7m to warehouse.
	Side Boundaries within the Oakdale South Estate – 0m (subject to	Side and rear setbacks exceed 5m.  Note no change to built form as part of this modification.

Development Aspect	Control	Site 3A
	compliance with fire rating requirements)	
<b>Building Height</b>	15m	No change is proposed to the approved building height.
<b>Minimum Lot Size</b>	5,000sqm	No change is proposed to the lot size.
<b>Minimum Frontage</b>	40m. (excluding cul-de-sacs):  Minimum lot width at building line: 35m	Both road frontages exceed 40m.  The proposal exceeds the minimum lot width at the building line.  Note no change to the built form as part of this modification.
<b>Site Coverage</b>	Maximum site coverage: 65%	Site coverage remains at approved 58% (excludes awning).
<b>Signage</b>	Maximum 1 per elevation of each warehouse building and orientated away from residential areas.	No change is proposed to the approved signage.
<b>Car Parking</b>	On-site car parking for the OSE to be provided at the following rates: <ul style="list-style-type: none"> <li>• 1 space per 300m<sup>2</sup> of warehouse GFA</li> <li>• 1 space per 40m<sup>2</sup> of Office GFA</li> <li>• 2 disabled spaces for every 100 car parking spaces.</li> </ul>	No change is proposed.
<b>Landscaping</b>	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.  The 7.5m setback along Estate Road 01 has been extended to the north-eastern corner.

## **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.

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:

- Expansion of the grading of the hardstand area to the north-eastern corner of the site.
- Relocation of the Fire Access vehicular crossing northwards towards the north-eastern corner.

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.

### **5.3. TRANSPORT AND ACCESS**

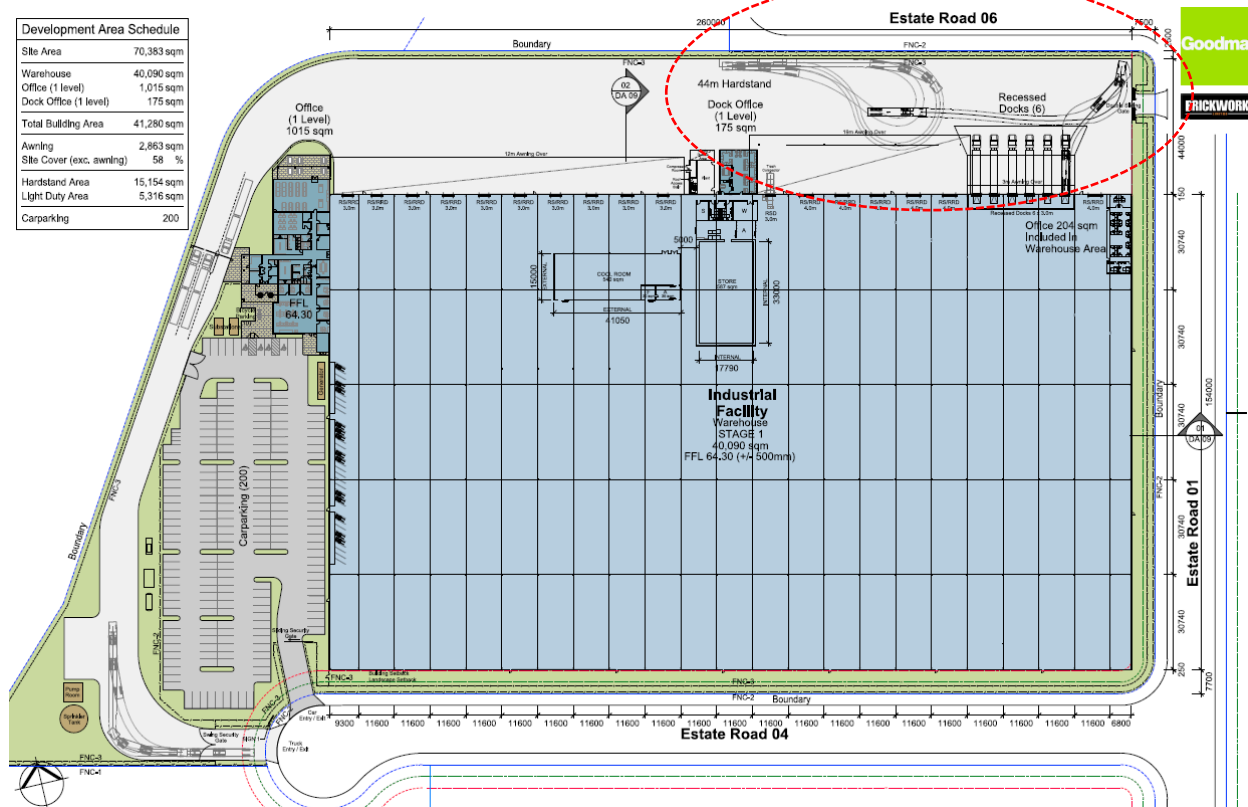
A Traffic and Parking Assessment (Appendix C) has been undertaken by Ason Group, to provide an assessment of the traffic, parking and access implications of the proposed modifications.

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 swept path analysis for the site that demonstrates vehicular movements and circulation as a result of the expanded hard stand area and relocation of the vehicular crossing are acceptable. The analysis concluded that the expanded hardstand area will enable increased vehicular circulation and access to the recessed docks of the warehouse building. Figure 6 overleaf indicates the swept paths.



Figure 6 – Proposed Changes to the Layout and Design



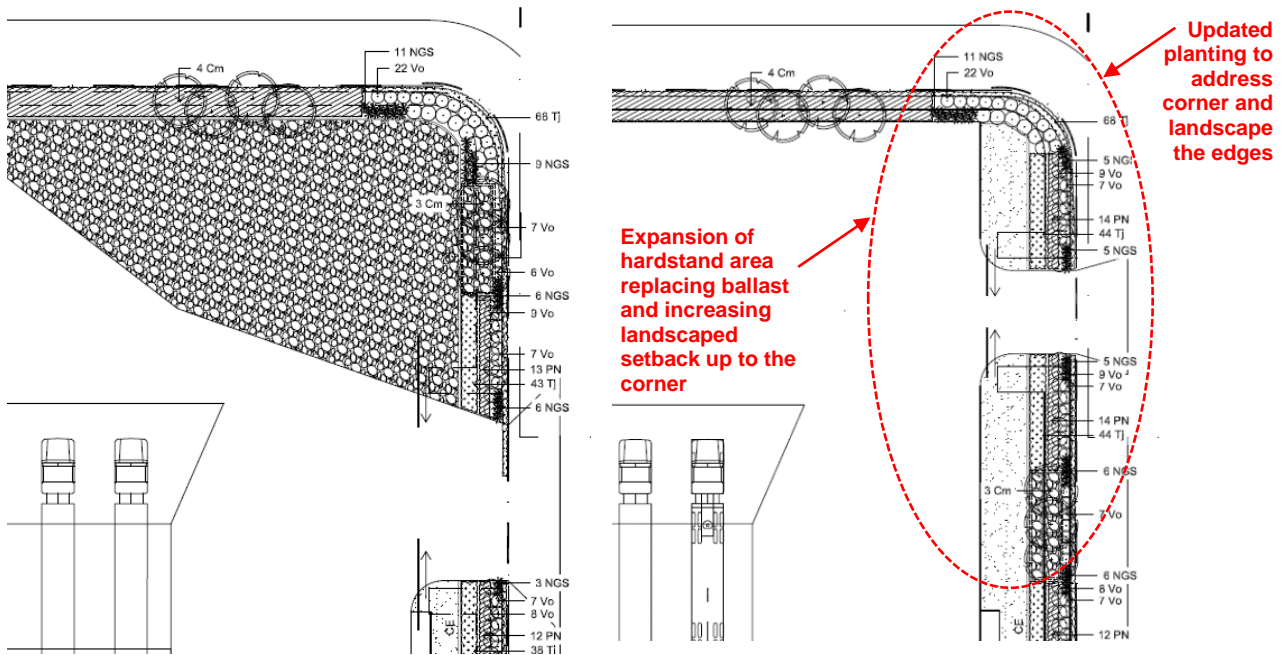
Source: SBA Architects

## 5.4. LANDSCAPING

The proposed modification to the north-eastern corner will require the reduction and replacement of the ballast (gravel) covered area that previously responded to the existing riparian corridor zoned E2 – *Environmental Conservation*. It is noted that part of the site is now zoned IN2 Light Industrial. The proposal 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 7 – Comparison of Landscaping at North East (NE) Corner



Picture 1 – Approved Landscaping at NE Corner

Picture 2 – Proposed Modifications to NE 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. Refer to Figure 8 below which provides a photomontage of the proposal and amended landscaping.

Figure 8 – Photomontage of Proposal, Including Modification to Corner



Source: SBA Architects

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.

## 5.5. STORMWATER MANAGEMENT

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 Road underground drainage networks into the bio-retention basin C north of the amenity precinct.

Despite the minor increase to the hardstand area (+314 sqm) at the north-eastern corner of the site, the amount of runoff generated from Lot 3A can still be accommodated in bio-retention Basin C. This is demonstrated in the Civil Report & Drawings prepared by AT&L (Appendix D & E), which states that:

*This basin has been designed and sized to take into account an entire catchment which includes the development of Lot 3A. As a result, no further OSD is required for this lot.*

The proposed modifications will not impact the stormwater management system approved under SSD 7719.

## 5.6. ECONOMIC AND SOCIAL IMPACTS

Due to the minor nature of the hardstand and landscape reconfiguration, 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 4.55(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 and setbacks to ensure the architectural quality of the Oakdale South Estate is maintained and enhanced. The modifications to the hardstand area support efficient operations of the Sigma's facility.
- The expansion of the grading onto the north-eastern corner of the site follows rezoning of that portion of the site from E2 Environmental Conservation to IN2 Light Industrial.
- The proposal as modified will continue to support generation of significant private sector investment in the area which provides 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

TRAFFIC IMPACT ASSESSMENT

**APPENDIX D      CIVIL REPORT**



# APPENDIX E      CIVIL DRAWINGS





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