

Appendix C

Statutory Compliance Table

Statutory Requirement	Relevance and Assessment	Location
NSW Acts of Parliament		
Environmental Planning and Assessment Act 1979		
Section 1.3 – Objects of the Act		
a. <i>to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,</i>	The proposed development will result in the increase in economic welfare of the community through the creation of jobs, while managing any potential social impacts.	Section 6.17 Appendix MM
b. <i>to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	The proposed development will facilitate the ecological sustainable development of the Site, with economic, environmental and social consideration integrated into the proposed development.	Section 6.5 Appendix BB
c. <i>to promote the orderly and economic use and development of land,</i>	The proposed development constitutes the orderly and economic development of the site.	Section 6.17 Appendix MM
d. <i>to promote the delivery and maintenance of affordable housing,</i>	Not applicable.	-
e. <i>to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</i>	The proposed development will not impact on the conservation of threatened and other species of native animals and plants, ecological communities and their habitats.	Section 6.6 Appendix R Appendix CC
f. <i>to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	The proposed development is unlikely to impact built or cultural heritage given no heritage item are identified on or surrounding the site. Further, the site has been identified as contain low potential for archaeological finds.	Section 6.15 Section 6.16 Appendix V Appendix KK Appendix LL

<i>g. to promote good design and amenity of the built environment,</i>	The proposed development promotes good design, with the built form contributing towards a high quality industrial estate providing good design on employment land.	Section 6.1 Section 6.2 Appendix B Appendix H
<i>h. to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>	The proposed will promote the proper construction and maintenance of the building with ESR aiming to create a high quality warehouse development for future tenants.	-
<i>i. to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i>	Not applicable.	-
<i>j. to provide increased opportunity for community participation in environmental planning and assessment.</i>	The proposed development will provide the opportunity for the local community and stakeholders to participate in consultation of the planning phase.	Section 5.0 Appendix U
Section 4.15 – Evaluation		
1. Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application— <i>a. the provisions of—</i> <i>i. any environmental planning instrument, and</i>	This Environmental Impact Statement (EIS) has assessed the proposal in accordance with the relevant NSW environmental planning instruments. The assessment demonstrates the proposal is in accordance with the relevant provisions and consistent with the relevant objectives.	Section 4.0
<i>ii. any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>	The EIS has assessed the proposal in accordance with the relevant State and Local planning instruments as detailed in this table. The assessment demonstrates the proposal is in accordance with the objectives of the provisions of the draft policies.	
<i>iii. any development control plan, and</i>	An assessment against the Mamre Road Precinct (MRP) Development Control Plan (DCP) has been prepared.	Appendix S
<i>(iiia.) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</i>	As part of the Westlink Stage 1 development, VPA's are being negotiated with State and local government for the upgrade of the external road network.	Section 1.4 Section 6.21 Appendix Z
<i>iv. the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,</i>	The EIS has been prepared in accordance with Division 5 of the <i>Environmental Planning and Assessment Regulation 2021</i> which outlines requirements for State significant development.	EIS

b. <i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality</i>	The potential impacts of the proposed development have been assessed within the EIS and supporting technical consultant appendices. The assessment has had regard to the environmental impacts on both the natural and built environments, and social and economic impacts in the locality.	Section 6.0 Supporting Technical Appendices
c. <i>the suitability of the site for the development,</i>	<p>Having regard to the characteristics of the Site and its location, the Proposal is considered suitable in that:</p> <ul style="list-style-type: none"> • The site is zoned as IN1 within the MRP which has been identified and recognised as appropriate for the development of an industrial precinct; • The proposed development involves an industrial estate and an associated internal road network, which is consistent with the zoning and the intentions of the MRP and the approved developments in the vicinity of the site and desired future character; • The proposed development is for employment uses, complementary to the WSEA and Western Sydney Aerotropolis and the soon to be operational WSI Airport, ensuring logistics and warehousing is available in close proximity; • The surrounding area will be developed for industrial purposes consistent with this proposal, ensuring a well-structured and accessible employment precinct is established to provide for ongoing jobs for workers within the broader Western Sydney Area; and • The bulk earthworks for the site have been carefully considered to ensure a balanced cut and fill is achieved and deliver the best outcome minimising any visual impact and providing integrated landscaping. 	Section 7.6
d. <i>any submissions made in accordance with this Act or the regulations</i>	Any submissions received will be considered by the applicant following exhibition of the application.	-
e. <i>the public interest</i>	<p>The proposed development is in the public interest as it:</p> <ul style="list-style-type: none"> • Will deliver employment floorspace within the MRP which was rezoned in 2020 for employment purposes, while also facilitating future employment floorspace within the Westlink Industrial Estate; • Will deliver approximately 90 jobs during construction and 200 during operation including an estimated \$68.8 million in direct value add during construction and \$119.2 million per year in direct value added during operation; • Will support demand for warehousing and industrial facilities in western Sydney in close proximity to WSI Airport and the greater Sydney motorway network; • Will align with the needs of modern tenant and business requirements, supporting the long-term potential and objectives of the MRP and the WSEA and Western Sydney Aerotropolis more broadly; and • Will appropriately and effectively mitigate any environmental impacts. 	Section 7.7

Section 4.41 – Approvals etc legislation that does not apply

1. *The following authorisations are not required for State significant development that is authorised by a development consent granted after the commencement of this Division (and accordingly the provisions of any Act that prohibit an activity without such an authority do not apply)—*
 - f. *(Repealed)*
 - g. *a permit under section 201, 205 or 219 of the Fisheries Management Act 1994,*
 - h. *an approval under Part 4, or an excavation permit under section 139, of the Heritage Act 1977,*
 - i. *an Aboriginal heritage impact permit under section 90 of the National Parks and Wildlife Act 1974,*
 - j. *(Repealed)*
 - k. *a bush fire safety authority under section 100B of the Rural Fires Act 1997,*
 - l. *a water use approval under section 89, a water management work approval under section 90 or an activity approval (other than an aquifer interference approval) under section 91 of the Water Management Act 2000.*
2. *Division 8 of Part 6 of the Heritage Act 1977 does not apply to prevent or interfere with the carrying out of State significant development that is authorised by a development consent granted after the commencement of this Division.*

The proposed development does not include any legislative approvals that would otherwise be required if the development was not SSD.

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Section 4.42 – Approvals etc legislation that does not apply

1. *An authorisation of the following kind cannot be refused if it is necessary for carrying out State significant development that is authorised by a development consent under this Division and is to be substantially consistent with the consent—*
 - a. *an aquaculture permit under section 144 of the Fisheries Management Act 1994,*
 - b. *an approval under the Coal Mine Subsidence Compensation Act 2017, section 22,*
 - c. *a mining lease under the Mining Act 1992,*
Note—
Under section 380A of the Mining Act 1992, a mining lease can be refused on the ground that the applicant is not a fit and proper person, despite this section.
 - d. *a production lease under the Petroleum (Onshore) Act 1991,*
Note—
Under section 24A of the Petroleum (Onshore) Act 1991, a production lease can be refused on the ground that the applicant is not a fit and proper person, despite this section.
 - e. *an environment protection licence under Chapter 3 of the Protection of the Environment Operations Act 1997 (for any of the purposes referred to in section 43 of that Act),*
 - f. *a consent under section 138 of the Roads Act 1993,*

An approval under Section 138 of the Roads Act 1993 is required for the extension of Aldington Road, Abbotts Road and driveway crossovers.

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g. a licence under the Pipelines Act 1967.

Biodiversity and Conservation Act 2016

Section 7.9 – Biodiversity Assessment for State Significant Development

1. This section applies to—
 - a. an application for development consent under Part 4 of the *Environmental Planning and Assessment Act 1979* for State significant development,
2. Any such application is to be accompanied by a biodiversity development assessment report unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.
3. The environmental impact statement that accompanies any such application is to include the biodiversity assessment required by the environmental assessment requirements of the Planning Agency Head under the *Environmental Planning and Assessment Act 1979*.

A Bio-certification letter has been prepared by Biosis that confirms the site is on land designated as Certified – Urban Capable Land under the Cumberland Plain Conservation Plan (CPCP) and the preparation of a Biodiversity Development Assessment Report (BDAR) is not required.

**Section 6.6
Appendix R**

Section 7.14 – State Significant Development or Infrastructure

1. This section applies to an application for development consent for State significant development under Part 4 of the *Environmental Planning and Assessment Act 1979*, or an application for approval for State significant infrastructure under Part 5.1 of the *Environmental Planning and Assessment Act 1979*, that is required under Division 2 to be accompanied by a biodiversity development assessment report.
2. The Minister for Planning, when determining in accordance with the *Environmental Planning and Assessment Act 1979* any such application, is to take into consideration under that Act the likely impact of the proposed development on biodiversity values as assessed in the biodiversity development assessment report. The Minister for Planning may (but is not required to) further consider under that Act the likely impact of the proposed development on biodiversity values.

The site is on land designated as Certified – Urban Capable Land under the CPCP and the preparation of a Biodiversity Development Assessment Report (BDAR) is not required. A Bio-certification letter and Riparian Assessment Report has been prepared by Biosis to adequately assess the biodiversity impact of the proposed development.

**Section 6.6
Appendix R
Appendix CC**

NSW Statutory Instruments

Environmental Planning and Assessment Regulation 2021

Part 8 – Infrastructure and Environment Impact Assessment

Part 8 of the *Environmental Planning and Assessment Regulation 2021* include relevant statutory requirements under:

- Division 2 Environmental assessment requirements for State significant development, designated development and activities.

The EIS and SSDA has been prepared to address the relevant provisions under Part 8 of the *Environmental Planning and Assessment Regulation 2021*.

EIS

- Division 5 Environmental impact statements.

NSW Environmental Planning Instruments

State Environmental Planning Policy (Planning Systems) 2021

Section 2.6 – Declaration of State Significant Development

1. *Development is declared to be State significant development for the purposes of the Act if—*
 - a. *the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and*
 - b. *the development is specified in Schedule 1 or 2.*

Schedule 1

12 Warehouses or distribution centres

1. *Development that has a capital investment value of more than the relevant amount for the purpose of warehouses or distribution centres (including container storage facilities) at one location and related to the same operation.*
2. *This section does not apply to development for the purposes of warehouses or distribution centres to which section 18 or 19 applies.*
3. *In this section—*
4. *relevant amount means—*
 - a. *for development in relation to which the relevant environmental assessment requirements are notified under the Act on or before 31 May 2023—\$30 million, or*
 - b. *for any other development—\$50 million.*

As the proposed development is for the purposes of a Warehouse or distribution centre, the relevant environmental assessment requirements were notified under the Act before 31 May 2023 and it has warehouse and distribution centre with a cost in excess of \$30 Million, it is declared SSD.

**Section 4.1
Appendix F**

1. *Development control plans (whether made before or after the commencement of this Chapter) do not apply to—*
 - a. *State significant development, or*
 - b. *development for which a relevant council is the consent authority under section 4.37 of the Act.*
2. *A requirement of an environmental planning instrument that a development control plan be prepared before development consent can be granted to development does not apply to—*
 - a. *State significant development, or*
 - b. *development for which a relevant council is the consent authority under the Act, section 4.37.*

The MRP DCP applies under *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP). An assessment against the Mamre Road Precinct (MRP) Development Control Plan (DCP) has been prepared.

Appendix S

State Environmental Planning Policy (Transport and Infrastructure) 2021		
Section 2.122 – Traffic-generating development		
<p>1. <i>This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—</i></p> <ul style="list-style-type: none"> <i>a. new premises of the relevant size or capacity, or</i> <i>b. an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.</i> 	<p>Section 2.122 requires the consent authority to provide the RMS with written notice of the development application for developments considered a 'traffic generating activity'. The Proposal is a 'traffic generating activity' as it is for a Warehouse or distribution centre with a Site area of more than 8,000sqm.</p>	-
State Environmental Planning Policy (Industry and Employment) 2021		
Clause 2.10 Zone Objectives and Land Use Table		
<p>1. <i>The Table at the end of this section specifies for each zone—</i></p> <p>Zone IN1 General Industrial</p> <p>1. <i>Objectives of zone</i></p> <ul style="list-style-type: none"> <i>• To facilitate a wide range of employment-generating development including industrial, manufacturing, warehousing, storage and research uses and ancillary office space.</i> <i>• To encourage employment opportunities along motorway corridors, including the M7 and M4.</i> <i>• To minimise any adverse effect of industry on other land uses.</i> <i>• To facilitate road network links to the M7 and M4 Motorways.</i> <i>• To encourage a high standard of development that does not prejudice the sustainability of other enterprises or the environment.</i> <i>• To provide for small-scale local services such as commercial, retail and community facilities (including child care facilities) that service or support the needs of employment-generating uses in the zone.</i> <i>• The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</i> 	<p>The site is zoned IN1 General Industrial. The proposed <i>Warehouse and distribution centre</i> use is permissible with consent. The proposed development is consistent with the zone objectives in that it will encourage industrial employment opportunities and facilitate a wide range of employment generating land uses. Specifically, the proposed development is consistent with the objectives of the IN1 Zone as:</p> <ul style="list-style-type: none"> • It will facilitate employment generating development including warehousing and ancillary office space; • It will provide a high number of employment opportunities within close proximity to the M7, M4 and future M12 Motorways; • It does not result in significant adverse impact to the adjoining Mount Vernon rural-residential area; and • It will provide a high-quality development that does no prejudice environmental sustainability. 	Section 4.2
Clause 2.12 Subdivision – consent requirements		
<i>Land to which this Chapter applies may be subdivided, but only with consent.</i>	The proposed development includes the subdivision of land and as such consent is required.	Appendix Q
Clause 2.14 Demolition requires development consent		
<i>The demolition of a building or work may be carried out only with development consent.</i>	The proposed development includes the demolition of all existing structures on the site and as such consent is required.	Appendix B

Clause 2.17 Requirements for development control plans (DCP)		
<ol style="list-style-type: none"> 1. <i>Except in such cases as the Secretary may determine by notice in writing to the consent authority or as provided by section 2.18, the consent authority must not grant consent to development on any land to which this Chapter applies unless a development control plan has been prepared for that land.</i> 2. <i>The requirements specified in Schedule 2 apply in relation to any such development control plan.</i> 3. <i>For the purposes of section 3.44(3) of the Act, a development control plan that is required by this section may be prepared and submitted by 60% of the owners of the land to which the plan applies.</i> 4. <i>The Minister is authorised, for the purposes of section 3.44(5)(b) of the Act, to act in the place of the relevant planning authority in accordance with that section.</i> 5. <i>Without limiting subsection (2), if a development control plan is required to be prepared for part of a precinct only, the development control plan must—</i> <ol style="list-style-type: none"> a. <i>demonstrate the manner in which it integrates with planning for the whole of the precinct, and</i> b. <i>take into account any other development control plans applying to the precinct.</i> 	<p>The MRP DCP has been prepared for the entirety of the MRP by the DPE and encompasses the subject site. The design and built form of the proposed development has been developed with the requirements of the MRP DCP.</p> <p>A comprehensive analysis of the proposed developments compliance with the MRP DCP is provided. It is noted that a MRP DCP variations are sought and subsequently justified.</p>	Appendix S
Clause 2.19 Ecologically Sustainable Development		
<p><i>The consent authority must not grant consent to development on land to which this Chapter applies unless it is satisfied that the development contains measures designed to minimise—</i></p> <ol style="list-style-type: none"> a. <i>the consumption of potable water, and</i> b. <i>greenhouse gas emissions.</i> 	<p>The proposed development has sought to minimise both consumption of potable water and greenhouse gas emissions.</p>	Section 6.5 Appendix W
Clause 2.20 Height of Buildings		
<p><i>The consent authority must not grant consent to development on land to which this Chapter applies unless it is satisfied that—</i></p> <ol style="list-style-type: none"> a. <i>building heights will not adversely impact on the amenity of adjacent residential areas, and</i> b. <i>site topography has been taken into consideration.</i> 	<p>The maximum building height proposed is 16.8m, the site topography has been considered through the design development of the proposed development.</p> <p>The existing site contains significant undulating typography, existing ground levels across the site range from RL4 3 to the west to RL 93 to the east with slopes generally between 10-20 degrees with peaks running in a north-easterly direction and peak in excess of 20 degrees. In order to deliver in-demand large format warehouse and distribution centres and industrial floorspace as intended under the MRP rezoning, large flat building pads need to be constructed with the MRP DCP also requiring balanced cut and fill.</p> <p>As a result, retaining walls are proposed to manage the east-west slope, where retaining walls front the public domain they have been tiered and landscaped to minimise the visual impact of the Proposal. A Visual Impact Assessment has been completed by Geoscapes and has adequately assessed the proposed development.</p> <p>The proposed development has considered the Mount Vernon rural-residential area to the east through the development of the development. The proposed</p>	Appendix B Appendix K Appendix S Appendix Y

development includes a 30m setback between Lot 5 and the eastern boundary, with the setback featuring dense landscaping planting and batters and retaining walls to manage the elevation change. Importantly, it is noted that the proposed development sits below the Mount Vernon rural-residential area.

Clause 2.21 Rainwater Harvesting

The consent authority must not grant consent to development on land to which this Chapter 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 may be approved by the Secretary.

Rainwater tanks and an OSD tank is proposed on Lot 2 in the interim until the regional stormwater infrastructure is completed.

Appendix N

Clause 2.22 Development adjoining residential land

This section applies to any land to which this Chapter applies that is within 250 metres of land zoned primarily for residential purposes.

The site comprises land within 250m of residential land. The proposed built form (Warehouse 2) is not located within the 250m zone.

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2. *The consent authority must not grant consent to development on land to which this section applies unless it is satisfied that—*

- a. *wherever appropriate, proposed buildings are compatible with the height, scale, siting and character of existing residential buildings in the vicinity, and*
- b. *goods, plant, equipment and other material resulting from the development are to be stored within a building or will be suitably screened from view from residential buildings and associated land, and*
- c. *the elevation of any building facing, or significantly exposed to view from, land on which a dwelling house is situated has been designed to present an attractive appearance, and*
- d. *noise generation from fixed sources or motor vehicles associated with the development will be effectively insulated or otherwise minimised, and*
- e. *the development will not otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight glare, security lighting or the like, and*
- f. *the development will provide adequate off-street parking, relative to the demand for parking likely to be generated, and*
- g. *the site of the proposed development will be suitably landscaped, particularly between any building and the street alignment.*

The specific matters to Clause 2.22 (2) are addressed below:

- a. Although not proposed under this application, the future built form and layout of the future Lot 5 development has been considered through the design development of the Stage 2 SSDA. The future development will be situated below the adjoining Mount Vernon area as a result of the varying elevation between the sites. Additionally, high activity external uses of the hardstand and loading dock will be primarily situated to the west away from the rural-residential area.
- b. The future Lot 5 development will not include the detail design of plant and is to be developed during the detailed development stage of the project. The noise impacts associated with plant will be preliminary assessed. The plant of the proposed development will be appropriately located and treated to minimise the impact to the adjoining Mount Vernon rural-residential area.
- c. The eastern elevation of the future Lot 5 development will not directly face the Mount Vernon rural-residential due to the difference in elevation. The Proposal will appropriately include dense landscape planting within the 30m setback that will provide future screening to future Lot 5 development.
- d. Noise generation from the future development will be minimised through the design development process with the future warehouse articulated to include the hardstand and loading dock area away from the proposed development. As such, the noise impact from the proposed development are considered satisfactory.

Appendix B
Appendix I
Appendix K

- e. The future development will not cause any inappropriate nuisances, it will be proposed to operate 24/7, consistent with the type of development proposed. Through the design development of the future proposed development the articulation of the Lot 5 Warehouse has been developed to minimise the potential impacts to the adjacent Mount Vernon rural-residential area. It is also noted that the proposed development will be situated below the rural-residential area and include a 30 metres setback with landscaping.
- f. The development would include off-street parking and has provided an adequate amount of parking to meeting the future demand.
- g. The proposed development will be appropriately landscaped. The landscape setbacks, tiered retaining walls and 30m setback to the Mount Vernon rural-residential area will all include high-quality and generous landscaping.

Clause 2.23 Development involving subdivision

The consent authority must not grant consent to the carrying out of development involving the subdivision of land unless it has considered the following—

- a. *the implications of the fragmentation of large lots of land,*
- b. *whether the subdivision will affect the supply of land for employment purposes,*
- c. *whether the subdivision will preclude other lots of land to which this Chapter applies from having reasonable access to roads and services.*

The proposed subdivision has been facilitated to most appropriately orientate the lots to deliver employment generating land uses, as well as integrate the broader Westlink Industrial Estate. As such, it is considered that the proposed subdivision layout will not have any adverse impacts on the supply of land for employment generating purposes.

Appendix Q

Clause 2.24 Public Utility Infrastructure

1. *The consent authority must not grant consent to development on land to which this Chapter 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.*
2. *In this section, public utility infrastructure includes infrastructure for any of the following—*
 - a. *the supply of water,*
 - b. *the supply of electricity,*
 - c. *the supply of natural gas,*
 - d. *the disposal and management of sewage.*
3. *This section does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this section.*

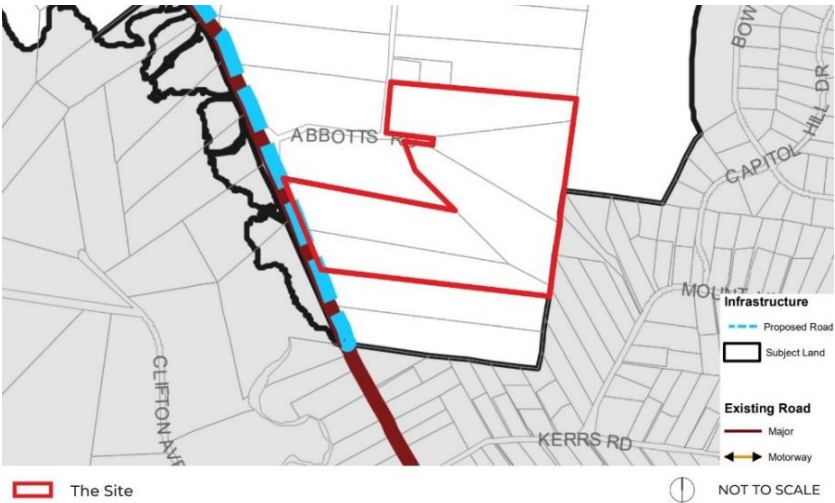
The Civil Infrastructure Report has assessed the public utility infrastructure requirements needed to support the proposed development. The assessment concludes that wastewater, potable water, power and telecommunications can be made available to the site to support the proposed development.

**Section 6.18
Appendix M**

Clause 2.25 Development on or in vicinity of proposed transport infrastructure routes

1. This section applies to any land to which this Chapter applies that is situated on or in the vicinity of a proposed transport infrastructure route as shown on the Transport and Arterial Road Infrastructure Plan Map.
2. The consent authority must refer to the Secretary of the Department of Planning any application for consent to carry out development on land to which this section applies.
3. The consent authority must, before determining any such development application, consider any comments made by the Secretary as to the compatibility of the development to which the application relates with the proposed transport infrastructure route concerned.

As part of the site is in the vicinity of a proposed transport infrastructure route (refer below image), the consent authority must refer the SSDA to the Secretary of the DPE for comment.



Clause 2.27 Relevant acquisition authority

1. The objective of this section is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions).
2. The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).
3. Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

The site adjoins Mamre Road. As part of the widening of Mamre Road Transport for NSW have the ability to acquire land as illustrated on the Land Reservation Acquisition Map. The proposed development has been design in accordance with the future Mamre Road widening.

Appendix B
Appendix I

Clause 2.28 Industrial Release Area – satisfactory arrangements for the provision of regional transport infrastructure services

1. This section applies to the land shown edged heavy black on the Industrial Release Area Map, but does not apply to any such land if the whole or any part of it is in a special contributions area (as defined by section 7.1 of the Act).
2. The object of this section is to require assistance to authorities of the State towards the provision of regional transport infrastructure and services (including the Erskine

Satisfactory arrangements are proposed to be satisfied by way of works-in-kind (by way of a Voluntary Planning Agreement) for the upgrade of the Mamre Road and Abbott Road intersection or payment of the Aerotropolis SIC.

Section 6.21

<p><i>Park Link Road Network) to satisfy needs that arise from development on land to which this section applies.</i></p> <p>3. <i>Despite any other provision of this Chapter, the consent authority must not consent to development on land to which this section applies unless the Secretary 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 the land to which this Chapter applies.</i></p> <p>4. <i>Subsection (3) only applies if the land that is the subject of the application for development consent was not being used for industrial purposes immediately before the application was made.</i></p> <p>5. <i>Subsection (3) does not apply in relation to—</i></p> <p style="margin-left: 20px;"><i>a. any land that is reserved exclusively for a public purpose, or</i></p> <p style="margin-left: 20px;"><i>b. any development that is, in the opinion of the consent authority, of a minor nature.</i></p>		
Clause 2.30 Design Principles		
<p><i>In determining a development application that relates to land to which this Chapter applies, the consent authority must take into consideration whether or not—</i></p> <p style="margin-left: 20px;"><i>a. the development is of a high quality design, and</i></p> <p style="margin-left: 20px;"><i>b. a variety of materials and external finishes for the external facades are incorporated, and</i></p> <p style="margin-left: 20px;"><i>c. high quality landscaping is provided, and</i></p> <p style="margin-left: 20px;"><i>d. the scale and character of the development is compatible with other employment-generating development in the precinct concerned.</i></p>	<p>The proposed development has been designed so as to maximise utility and functionality, which is reflective of its industrial land use. It is also scaled appropriately to integrate into the built form topography of the surrounding locality and therefore demonstrates compatibility with the other employment generating land uses.</p>	<p>Section 3.3</p> <p>Section 6.1</p> <p>Section 6.2</p> <p>Appendix H</p>
Clause 2.31 Preservation of trees or vegetation		
<p>1. <i>The objective of this section is to preserve the amenity of the area through the preservation of trees and other vegetation.</i></p> <p>2. <i>This section applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this section by a development control plan made under Division 3.6 of the Act.</i></p>	<p>The site does not contain prescribed trees by an existing development control plan.</p>	<p>-</p>
Clause 2.34 Development of land within or adjacent to transport investigation area		
<p><i>Consent must not be granted to development in the area marked “Transport Investigation Areas A and B” on the Land Zoning Map that has a capital investment value of more than \$200,000 without the concurrence of Transport for NSW.</i></p>	<p>The site is not located within a Transport Investigation Area.</p>	<p>-</p>
Clause 2.35 Development within the Mamre Road Precinct		

<ol style="list-style-type: none"> 1. <i>Consent must not be granted to development on the land identified on the Land Application Map as Precinct 12 (Mamre Road) that has a capital investment value of more than \$200,000 without the concurrence of Transport for NSW.</i> 2. <i>In determining whether to provide concurrence, Transport for NSW is to take into account the likely effect of the development on—</i> <ol style="list-style-type: none"> a. <i>the compatibility of the proposed development with the delivery of an integrated freight network, including use of fire access roads and connection to the fire access roads of adjoining land, and</i> b. <i>the operation of an integrated freight network, including whether the development is likely to impede access to or from the integrated freight network, and</i> c. <i>the practicability and cost of carrying out transport projects on the land in the future.</i> 	<p>The site is located within the MRP and has a CIV greater than \$200,000, as such concurrence with TfNSW is required under this clause.</p> <p>-</p>
Clause 2.36 Development in areas subject aircraft noise	
<ol style="list-style-type: none"> 1. <i>The objectives of this section are as follows—</i> <ol style="list-style-type: none"> a. <i>to prevent certain noise sensitive developments from being located near the Airport and its flight paths,</i> b. <i>to assist in minimising the impact of aircraft noise from the Airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,</i> c. <i>to ensure that land use and development in the vicinity of the Airport do not hinder, or have other adverse impacts on, the ongoing, safe and efficient operation of the Airport.</i> 3. <i>This section applies to development—</i> <ol style="list-style-type: none"> a. <i>on land that is—</i> <ol style="list-style-type: none"> i. <i>in the vicinity of the Airport and its flight paths, and</i> ii. <i>in either an ANEF contour of 20 or greater or an ANEC contour of 20 or greater, and</i> iii. <i>that the consent authority considers is likely to be adversely affected by aircraft noise.</i> 	<p>The site is not located within the 20 ANEF contour or greater area.</p> <p>-</p>
Clause 2.37 Airspace operations	
<ol style="list-style-type: none"> 1. <i>The objectives of this section are as follows—</i> <ol style="list-style-type: none"> a. <i>to provide for the effective and ongoing operation of the Airport by ensuring that such operation is not compromised by proposed development that penetrates the prescribed airspace for the Airport,</i> b. <i>to protect the community from undue risk from that operation.</i> 2. <i>If a development application is received and the consent authority is satisfied that the proposed development will penetrate the prescribed airspace, before granting development consent, the consent authority must consult with the relevant Commonwealth body about the application.</i> 3. <i>The consent authority may grant development consent for the development if the relevant Commonwealth body advises that—</i> 	<p>The proposed development will not penetrate the prescribed airspace of the future Western Sydney Airport.</p> <p>-</p>

- a. the development will penetrate the prescribed airspace but it has no objection to its construction, or
 - b. the development will not penetrate the prescribed airspace.
4. To avoid doubt, the consent authority must not grant development consent for the development if the relevant Commonwealth body advises that the development will penetrate the prescribed airspace and should not be constructed.

Clause 2.38 Development of land adjacent to airport

1. The objectives of this section are as follows—
 - a. to provide for the effective and ongoing operation of the Airport by ensuring that such operation is not compromised by proposed development in close proximity to the Airport,
 - b. to protect the community from undue risk from that operation.
2. This section applies to development on land, any part of which is less than 13 kilometres from a boundary of the Airport.
3. The consent authority must not grant consent for development to which this section applies unless the consent authority is satisfied that the proposed development will not attract birds or animals of a kind and in numbers that are likely to increase the hazards of operating an aircraft.

The proposed development is within 13km from the Airport boundary but is not considered likely to attract birds or animals of a kind and in numbers that are likely to increase the hazards of operating an aircraft.

Appendix R

Clause 2.40 Earthworks

1. The objectives of this section are as follows—
 - a. to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,
 - b. to allow earthworks of a minor nature without separate development consent.
2. Development consent is required for earthworks unless—
 - a. the work is exempt development under this Chapter or another applicable environmental planning instrument, or
 - b. the work is ancillary to other development for which development consent has been given.
3. Before granting development consent for earthworks, the consent authority must consider the following matters—
 - a. the likely disruption of, or detrimental effect on, existing drainage patterns and soil stability in the locality,
 - b. the effect of the proposed development on the likely future use or redevelopment of the land,
 - c. the quality of the fill or the soil to be excavated, or both,
 - d. the effect of the proposed development on the existing and likely amenity of adjoining properties,
 - e. the source of fill material and the destination of excavated material,
 - f. the likelihood of disturbing relics,

Consent is sought for bulk earthworks and vegetation removal. The earthworks methodology is outlined in the Civil Infrastructure and Water Management Strategy (**Appendix G**). The proposed earthworks are considered appropriate as they:

- a. Existing drainage patterns and soil stability have been assessed;
- b. The proposed development is entirely appropriate for the land noting the Mamre Road Precinct has been rezoned for industrial development, with the proposal being consistent with the Precinct vision as described within the MRP DCP;
- c. The proposed development includes balanced cut and fill, with all import materials will comply with the requirements of the requirements of the import fill protocol and geotechnical specifications for the development;
- d. The proposed development will not significantly impact the amenity to the adjoining Mount Vernon rural residential area as earthworks will only be undertaken within the proposed construction hours and the existing elevations do not result in significant view impacts;
- e. As above, the cut and fill balance on the site is balanced. Fill to be exported from the site will sought to be used within the MRP or surrounding areas;

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- g. the proximity to and potential for adverse impacts on a waterway, drinking water catchment or environmentally sensitive area,
- h. appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,
- i. the proximity to and potential for adverse impacts on a heritage item, an archaeological site, or a heritage conservation area,
- j. the visual impact of earthworks as viewed from the waterways.

- f. The likelihood of relics being distributed is considered unlikely, an unexpected finds protocol will be implemented as a mitigation measure;
- g. There are no waterways, catchments or environmentally sensitive areas near to the site that will be impacted by the proposal.
- h. Mitigation measures are proposed to mitigate the impact of development. Substantial design work has been carried out to avoid and minimise impacts through adjustments to the design of the proposal;
- i. The site does not include any heritage items, the proposed earthworks will not impact the heritage items to the north and north-west; and
- j. No waterways are located in proximity to the site.

Clause 2.41 Development on flood prone land

1. This section applies to development requiring consent that is carried out on flood prone land.
2. Consent is not to be granted to the carrying out of development to which this section applies unless the consent authority has taken into consideration whether or not—
 - a. the development will adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
 - b. the development will alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain, and
 - c. the development will enable safe occupation of the flood prone land, and
 - d. the development will detrimentally affect the floodplain environment or cause avoidable erosion, siltation, salinity, destruction of riparian vegetation or a reduction in the stability of the riverbank/watercourse, and
 - e. the development will be likely to result in unsustainable social and economic costs to the flood affected community or general community, as a consequence of flooding, and
 - f. the development is compatible with the flow conveyance function of the floodway, and
 - g. the development is compatible with the flood hazard, and
 - h. in the case of development consisting of the excavation or filling of land, the development—
 - i. will detrimentally affect the existing drainage patterns and soil stability in the locality, and
 - ii. will adversely impact or alter flood behaviour.

As aforementioned, the site is subject to the 20yr ARI, 100yr ARI, 200yr ARI, 500yr ARI and PMF flooding events, albeit to a minor degree.

Appendix II

Clause 2.42 Heritage Conservation

1. Objectives The objectives of this section are as follows—
 - a. to conserve the environmental heritage of the Western Sydney Employment Area,
 - b. to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,

No heritage items are located on the site, and the site is not located within a Heritage Conservation Area. It is noted that heritage items are located to the north-west of the site.

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- c. to conserve archaeological sites,
 - d. to conserve Aboriginal objects and Aboriginal places of heritage significance.
2. Requirement for consent Development consent is required for any of the following—
- a. demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—
 - i. a heritage item,
 - ii. an Aboriginal object,
 - iii. a building, work, relic or tree within a heritage conservation area,
 - b. altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 3 in relation to the item,
 - c. disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
 - d. disturbing or excavating an Aboriginal place of heritage significance,
 - e. erecting a building on land—
 - i. on which a heritage item is located or that is within a heritage conservation area, or
 - ii. on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
 - f. subdividing land—
 - i. on which a heritage item is located or that is within a heritage conservation area, or
 - ii. on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

An Aboriginal Cultural Heritage Assessment Report has been prepared and identifies no significant aboriginal heritage items on the site.

A Heritage Impact Statement has been prepared and concludes there are no items of heritage significance within or adjacent to the study area, therefore there are no heritage impacts resulting from the proposed works.

Clause 2.43 Consent for clearing native vegetation

1. A person must not clear native vegetation on land in Zone C2 Environmental Conservation or Zone RE1 Public Recreation without development consent.
2. Development consent under this section is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation caused by the clearing of the vegetation—
 - a. that there is no reasonable alternative available to the disturbance of the native vegetation,
 - b. that any impact of the proposed clearing on biodiversity values is avoided or minimised,
 - c. that the disturbance of the native vegetation will not increase salinity,
 - d. that native vegetation inadvertently disturbed for the purposes of construction will be re-instated where possible on completion of construction,
 - e. that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid a net loss of remnant native vegetation,
 - f. that the clearing of the vegetation is unlikely to cause or increase soil erosion, salination, land slip, flooding, pollution or other adverse land or water impacts.

No clearing of vegetation in zone C2 Environmental Conservation or RE1 – Public Recreation is proposed. Consent is otherwise sought for removal of all vegetation to complete the proposed bulk earthworks.

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3. *The consent authority must, when determining a development application in respect of the clearing of native vegetation on land zoned E2 Environmental Conservation have regard to the objectives for development in that zone.*

Clause 2.44 Stormwater, water quality and water sensitive design

1. *The objective of this section is to avoid or minimise the adverse impacts of stormwater on the land on which development is to be carried out, adjoining properties, riparian land, native bushland, waterways, groundwater dependent ecosystems and groundwater systems.*
2. *Before granting development consent to development on land to which this Chapter applies, the consent authority must take into consideration whether—*
- a. water sensitive design principles are incorporated into the design of the development, and*
 - b. riparian, stormwater and flooding measures are integrated, and*
 - c. the stormwater management system includes all reasonable management actions to avoid adverse impacts on the land to which the development is to be carried out, adjoining properties, riparian land, native bushland, waterways, groundwater dependent ecosystems and groundwater systems, and*
 - d. if a potential adverse environmental impact cannot be feasibly avoided, the development minimises and mitigates the adverse impacts of stormwater runoff on adjoining properties, riparian land, native bushland, waterways, groundwater dependent ecosystems and groundwater systems, and*
 - e. the development will have an adverse impact on—*
 - i. the water quality or quantity in a waterway, including the water entering the waterway, and*
 - ii. the natural flow regime, including groundwater flows to a waterway, and*
 - iii. the aquatic environment and riparian land (including aquatic and riparian species, communities, populations and habitats), and*
 - iv. the stability of the bed, banks and shore of a waterway, and*
 - v. the development includes measures to retain, rehabilitate and restore riparian land.*
3. *For the purposes of subsection (2)(a), the water sensitive design principles are as follows—*
- a. protection and enhancement of water quality, by improving the quality of stormwater runoff from catchments,*
 - b. minimisation of harmful impacts of development on water balance and on surface and groundwater flow regimes,*
 - c. integration of stormwater management systems into the landscape in a manner that provides multiple benefits, including water quality protection, stormwater retention and detention, public open space, habitat improvement and recreational and visual amenity,*
 - d. retention, where practical, of on-site stormwater for use as an alternative supply to mains water, groundwater or river water.*

A Water and Stormwater Management Plan has been prepared by AT&L that outlines the proposed stormwater management strategy. It includes an interim and ultimate strategy that will effectively manage stormwater and meet the MRP DCP targets.

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Section 3.6 – Granting Consent to Signage

1. A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—
 - a. that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and
 - b. that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.

The proposed signage is consistent with the objectives of the section 3.1(1)(a) in that it will provide business identification and wayfinding signage that is entirely compatible, provide efficient communication and is of a high quality design and finish. An assessment of the proposed signage against schedule 5 is provided below.

Section 3.9 Appendix B

Schedule 5

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?

The proposed estate signage is compatible with the desired future character as it appropriately identifies the site and tenants, while also providing wayfinding. The proposed external signage zones are located on the elevations of the proposed warehouse and distribution centre and are therefore consistent with the intended use.

-

Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?

There is currently no theme for outdoor advertising in the area, noting the future character is for industrial development and the proposed signs are for business identification and wayfinding purposes.

-

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, waterways, rural landscapes or residential areas?

The proposed signage and signage zones will not detract from the amenity or visual quality of the area which is due to undergo substantial transformation due to the recent rezoning of the area as part of the MRP. The proposed signage has been thoughtfully considered and will feature a high quality finish.

-

Views and Vistas

Does the proposal obscure or compromise important views?

No, the proposed signage is appropriately sized and located to dominate the skyline. The proposed signage zones are fully located within the proposed elevations of the development. As such, the proposed signage does not obscure or compromise important views or reduce the quality of vistas.

-

Does the proposal dominate the skyline and reduce the quality of vistas?

Does the proposal respect the viewing rights of other advertisers?

Streetscape, setting or landscape

Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?

Yes, the proposed signage and signage zones are scaled to be highly visible for road users to navigate the proposed industrial warehouse development. While not appearing out of scale, setting or landscape.

-

Does the proposal reduce clutter by rationalising and simplifying existing advertising?

Not applicable. There is no existing advertising on the site.

-

<i>Does the proposal screen unsightliness?</i>	The proposed development does not screen unsightliness however provides for identification of the estate as well as future tenants within the proposed buildings.	-
<i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i>	The proposed signage zones do not protrude above the proposed buildings.	-
<i>Does the proposal require ongoing vegetation management?</i>	No.	-
Site and building		
<i>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?</i>	The proposed signage and signage zones has been thoughtfully considered to provide estate and future tenant identification. They are entirely compatible with the characteristics of the site and the proposed warehouse buildings which are large scale and large floor areas consistent with the future character of the MRP.	-
<i>Does the proposal respect important features of the site or building, or both?</i>	Yes. The proposed signage and signage zones are consistent with the design and features of the buildings.	-
<i>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</i>	The proposed signage zones provide for opportunities for future tenants to identify their business on the elevations of their leased warehouses. The estate signs have been carefully designed to seamlessly integrate with the configuration of the estate.	-
Associated devices and logos with advertisements and advertising structures		
<i>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?</i>	Not applicable. The proposed signage does not include associated devices, logos or any form of advertising. The signage zones sit on the elevations of the buildings and are future to future detailed designs	-
Illumination		
<i>Would illumination result in unacceptable glare?</i>	No. The proposed signage are to be backlit with no direct light, as such there will be no presence of glare.	-
<i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i>	No, the proposed signage are to be backlit with no direct light, as such it will not affect safety.	-
<i>Would illumination detract from the amenity of any residence or other form of accommodation?</i>	No, the proposed illumination signage will provide accurate identification of the estate and future tenants assisting with wayfinding. It will not affect any form of accommodation.	-
<i>Can the intensity of the illumination be adjusted, if necessary?</i>		-

<i>Is the illumination subject to a curfew?</i>	This will not be necessary considering the proposed signage is backlit with no direct light, providing accurate identification of the estate and future tenants assisting with wayfinding.	-
Safety		
<i>Would the proposal reduce the safety for any public road?</i>	No, the proposed signage and signage zones has been designed and position to assist motorists, pedestrians and cyclists in identifying the industrial estate. The proposed signage zones are located substantial distances from existing and proposed public roads and would not reduce safety for public roads.	-
<i>Would the proposal reduce the safety for pedestrians or bicyclists?</i>		-
<i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</i>	No, the signage and signage zones are not positioned to obstruct sightlines from existing or proposed public roads. The proposed signage zones are located substantial distances from existing and proposed public roads.	-

State Environmental Planning Policy (Resilience and Hazards) 2021		
Section 4.6 – Contamination and Remediation to be considered in determining development application		
<p><i>In determining an application to carry out development to which this Part applies, the consent authority must consider (in addition to any other matters specified in the Act or in an environmental planning instrument applying to the development)—</i></p> <p><i>(a) current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and</i></p> <p><i>(b) whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and</i></p> <p><i>(c) in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and</i></p> <p><i>(d) any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and</i></p> <p><i>(e) any likely future use of the land surrounding the development.</i></p>	<p>Section 3.12 of the Resilience and Hazards SEPP outlines that in determining an application, the consent authority must consider if the proposed development is potentially hazardous or offensive development.</p> <p>The proposed development is not identified as being potentially hazardous development.</p>	Section 6.12
<p>1. A consent authority must not consent to the carrying out of any development on land unless—</p> <p>a. it has considered whether the land is contaminated, and</p> <p>b. if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</p>	<p>Section 4.6 stipulates that a consent authority must not consent to the carrying out of development unless:</p> <ul style="list-style-type: none"> It has considered whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out; and 	Appendix L Section 6.13

- c. *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- 2. *Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- 3. *The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*

- If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is suitable that the land will be remediated before the land is used for that purpose.

A Remedial Action Plan has been prepared by Douglas Partners which confirms that the site can be made suitable for the proposed development of the site.

State Environmental Planning Policy (Precincts–Western Parkland City) 2021

Section 4.17 – Aircraft noise

- (1) *The objectives of this section are—*
 - (a) *to prevent certain noise sensitive development on land near the Airport, and*
 - (b) *to minimise the impact of aircraft noise for other noise sensitive development, and*
 - (c) *to ensure that land use and development near the Airport do not hinder or have other adverse impacts on the ongoing, safe and efficient 24 hours a day operation of the Airport.*
- (2) *Development consent must not be granted to noise sensitive development if the development is to be located on land that is in an ANEF or ANEC contour of 20 or greater.*
- (3) *Subsection (2) applies despite the following—*
 - (a) *Part 2, Divisions 7 and 8 of State Environmental Planning Policy (Affordable Rental Housing) 2009,*
 - (b) *Chapter 3 of State Environmental Planning Policy (Housing for Seniors or People with Disability) 2004,*
 - (c) *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.*
- (4) *Despite subsection (2), development consent may be granted to development for the purposes of dwelling houses on land that is in an ANEF or ANEC contour of 20 or greater if—*
 - (a) *immediately before the commencement of this Chapter—*
 - (i) *there were no dwellings on the land, and*

The proposed development is considered as 'Other Industrial' which can be accommodated within ANEF zones as per the Australian Standard (AS2021-2015),

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(ii) development for the purposes of dwelling houses was permitted on the land, and

(b) the consent authority is satisfied that the development will meet the indoor design sound levels.

(4A) Subsection (2) does not apply to development for the purposes of subdivision of land in an ANEF or ANEC contour of 20 or greater if the development application was made before 1 October 2020.

Section 4.18 – Building wind shear and turbulence

(1) The objective of this section is to safeguard Airport operations from wind shear and turbulence generated by buildings.

(2) This section applies to development—

(a) on land shown as the “Windshear Assessment Trigger Area” on the Lighting Intensity and Wind Shear Map, and

(b) that penetrates the 1:35 surface.

(2A) Development consent must not be granted to the development unless the consent authority has consulted the relevant Commonwealth body.

(3) For the purposes of this section, development penetrates the 1:35 surface if the distance from the runway centreline to the closest point of the building is less than or equal to 35 times the height above runway level of the building.

The proposed development site will be located beyond the airport boundary and will not have the risk of generating windshear and turbulence at the airport. The buildings and the cranes will not have an impact upon the airport.

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Section 4.19 – Wildlife hazards

(1) The objective of this section is to regulate development on land surrounding the Airport where wildlife may present a risk to the operation of the Airport.

(2) Development consent must not be granted to relevant development on land in the 13 km wildlife buffer zone unless the consent authority—

(a) has consulted the relevant Commonwealth body, and

(b) has considered a written assessment of the wildlife that is likely to be present on the land and the risk of the wildlife to the operation of the Airport provided by the applicant, which includes—

(i) species, size, quantity, flock behaviour and the particular times of day or year when the wildlife is likely to be present, and

(ii) whether any of the wildlife is a threatened species, and

(iii) a description of how the assessment was carried out, and

(c) is satisfied that the development will mitigate the risk of wildlife to the operation of the Airport, including, for example, measures relating to—

(i) waste management, landscaping, grass, fencing, stormwater or water areas, or

(ii) the dispersal of wildlife from the land by the removal of food or the use of spikes, wire or nets.

The proposed development site is planned to be located is currently farm allotments and open vegetation paddocks. The industrial estate will consume a significant amount of this grassland and farming activity, effectively reducing the amount of wildlife present in the area that could cause a hazard to overflying aircraft.

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- (3) Despite subsection (2), development for the following purposes is prohibited on land in the 3 km wildlife buffer zone—
- (a) livestock processing industries,
 - (b) turf farming,
 - (c) waste or resource management facilities that consist of outdoor processing, storage or handling of organic or putrescible waste.

Section 4.20 – Wind turbines

- (1) The objective of this section is to regulate the construction of wind turbines and wind monitoring towers on land within 30 kilometres of the Airport.
- (2) Development for the following purposes is prohibited on land in the 3 km zone—
- (a) electricity generating works comprising a wind turbine,
 - (b) wind monitoring towers that are not ancillary or incidental to the Airport.
- (3) Development consent must not be granted to development for the purposes of a large wind monitoring tower in the 3–30 km zone unless the consent authority has consulted the relevant Commonwealth body.
- (4) Development consent must not be granted to development for the purposes of a electricity generating works comprising a wind turbine on land in the 3–30 km zone unless the consent authority—
- (a) has consulted the relevant Commonwealth body, and
 - (b) has considered a written assessment of the risk of the development to the safe operation of the Airport provided by the applicant, and
- (c) is satisfied that the development will adequately mitigate the risk to the safe operation of the Airport.

No wind turbines are planned for the site. Therefore, the site will be in compliance with the requirements.

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Section 4.21 – Lighting

- (1) The objective of this section is to safeguard Airport operations from the risk of lighting and reflectivity distractions for pilots.
- (2) Development consent must not be granted to development for the following purposes on land shown as the “6km Lighting Intensity Radius”, a “Light Control Zone” or a “Runway Boundary” on the Lighting Intensity and Wind Shear Map unless the consent authority has consulted the relevant Commonwealth body—
- (a) installation and operation of external lighting (whether coloured or white lighting) in connection with development for the following purposes—
 - (i) classified roads,
 - (ii) freight transport facilities,
 - (iii) heavy industrial storage establishments,
 - (iv) recreation facilities (major),
 - (v) recreation facilities (outdoor),

The nearest point of the amended development site is approximately 7.5 km from the centre of Runway 05L/23R and does not lie within any of the NASF light zones and therefore no special lighting requirements apply. The building and the cranes will not have the risk of distractions to pilots from lighting in the vicinity of WSA airport.

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(b) installation and operation of external lighting in connection with construction works that is likely to be obtrusive or create light spill outside the land on which the construction works are carried out.

Section 4.22 – Airspace operations

- (1) The objectives of this section are—
- (a) to provide for the effective and ongoing operation of the Airport by ensuring that its operation is not compromised by development that penetrates the prescribed airspace for the Airport, and
 - (b) the relevant Commonwealth body does not object to the development.
- (2) This section applies to development on land shown on the Obstacle Limitation Surface Map that is a controlled activity within the meaning of Part 12, Division 4 of the Airports Act 1996 of the Commonwealth.
- (3) Development consent must not be granted to development to which this section applies unless—
- (a) the consent authority has consulted the relevant Commonwealth body, and
 - (b) the relevant Commonwealth body advises the consent authority that—
 - (i) the development will penetrate the prescribed airspace but it does not object to the development, or
 - (ii) the development will not penetrate the prescribed airspace.

Planned activity within the proposed development is not likely to produce such an exhaust plume and therefore not have an impact on WSA. With maximum building heights projected to be beneath 188m AHD there will not be any infringements of the PANS-OPS for Western Sydney Airport. There is also adequate clearance for typical construction cranes to be used on the site. Further, the proposed development site will not have any impact upon the performance of ATC Communications systems installed at WSA. It is located outside the Building Restricted Areas (BRA) and will not have any impact upon the performance of navigation aids installed at WSA.

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Section 4.23 – Public safety

- (1) The objective of this section is to regulate development on land on which there is an appreciable risk to public safety from the operation of the Airport.
- (2) Development for the following purposes is prohibited on land shown as the “public safety area” on the Public Safety Area Map—
- Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Commercial premises; Community facilities; Correctional centres; Crematoria; Eco-tourist facilities; Education establishments; Entertainment facilities; Function centres; Funeral homes; Health services facilities; Heavy industrial storage establishments; Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Service stations; Tourist and visitor accommodation
- (3) Development consent must not be granted to development for a purpose not specified in subsection (2) on land shown as the “public safety area” on the Public Safety Area Map unless the consent authority—
- (a) has considered a written assessment of the risk of the development to persons provided by the applicant, which includes—

The proposed development site is located outside of the designated PSAs associated with the runways at WSA.

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- (i) the risk to persons on the land in the event of an emergency or other incident at or around the Airport, including an incident involving an aircraft landing or taking off from the Airport, and
 - (ii) the likely number of people who will use or otherwise be present on the land, and
 - (iii) the compatibility of the development with the risk, including in relation to the number of people who will use or otherwise be present on the land, and
- (b) is satisfied that the development will adequately mitigate the risk to persons on the land, including by limiting the number of people or vehicles.

State Environmental Planning Policy (Sustainable Buildings) 2022

3.2 Development consent for non-residential development

(1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—

- (a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,
- (b) a reduction in peak demand for electricity, including through the use of energy efficient technology,
- (c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,
- (d) the generation and storage of renewable energy,
- (e) the metering and monitoring of energy consumption,
- (f) the minimisation of the consumption of potable water.

(2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.

The development has been designed to minimise waste from demolition and construction (refer **Appendix JJ**), reduce peak electricity demand through energy efficient fixtures (refer **Appendix BB**), reduce artificial lighting and heating through passive design, and will monitor energy consumption. Water consumption will be minimised through water efficient fixtures. **Appendix OO** provides for a calculation of the life cycle carbon for the development.

Appendix BB
Appendix JJ
Appendix OO

Penrith Local Environmental Plan 2010

As the subject site contains to remain wholly within the WSEA Land Application Area, the provisions of the Industry and Employment SEPP prevails over the *Penrith Local Environmental Plan 2010*. Therefore, the provisions of the Penrith LEP do not apply to the proposed development.

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Mamre Road Precinct Development Control Plan

An assessment of the proposed development against the MRP DCP has been prepared.

Appendix S