



**APPENDIX H**

**STATE ENVIRONMENTAL PLANNING  
POLICY (WESTERN SYDNEY  
AEROTROPOLIS) 2020 COMPLIANCE  
TABLE**

Statutory Reference	Relevant Consideration	Commentary	Compliance?
<b>State Environmental Planning Policy (Western Sydney Aerotropolis) 2020</b>			
Clause 3 – Aims of Policy	The aims of this Policy are as follows—	The proposed development has been assessed and is consistent with the objectives and principles of the WSAP. A detailed assessment is provided as part of the consistency assessment to satisfy s275c of the EP&A Regulations within this compliance table.	Yes
	(a) to facilitate development in the Western Sydney Aerotropolis in accordance with the objectives and principles of the Western Sydney Aerotropolis Plan		
	(b) to promote sustainable, orderly and transformational development in the Western Sydney Aerotropolis,	Whilst the site is not identified on the Aerotropolis SEPP Land Application Map, the development proposes an employment generating land use that is committed to the adoption of best practice ESD principles on a site that has been planned for long-term industrial use.	Yes
	(c) to ensure development is compatible with the long-term growth and development of the Western Sydney Airport (including in relation to the operation of the Airport 24 hours a day) and other critical transport infrastructure,	Whilst the project is not identified on the Aerotropolis SEPP Land Application Map, the proposal can respect the relevant airport safeguarding framework as is demonstrated below. The industrial building in which the proposal will occupy was approved under SSD-10436 and was specifically arranged to ensure lower building heights and employment densities can be provided in areas subject to aviation constraints to minimise impact to airport operations.	Yes
	(d) to promote employment and world-class innovation and provide for residential development in suitable locations,	The proposal provides capacity for local Western Sydney jobs over various stages, the breakdown includes:	Yes

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		<ul style="list-style-type: none"> <li>Phase 1 – 60 staff</li> <li>Phase 2 – 887 staff</li> <li>Phase 3 – 114 staff</li> </ul>	
	(e) to recognise the physical and cultural connection of the local Aboriginal community to the land and to incorporate local Aboriginal knowledge, culture and tradition into development,	Given the proposal is for fit-out works there has been limited potential/scope for physical and cultural connection of the local Aboriginal community. Despite this, extensive consultation was undertaken in the approval of the industrial built form and landscape in the original approval under SSD-10436.	Yes
	(f) to preserve land for future infrastructure development,	The project does not impact upon land required for future infrastructure.	Yes
	(g) to protect, maintain and enhance, and to minimise the impact of development on, trees and vegetation, soil quality and the health of waterways and to contribute to the conservation of biodiversity,	Detailed technical work has been undertaken to determine the level of impact of the proposed development on the natural environment under the assessment of both this application and SSD-10436. The extensive assessment within Section 6 of the EIS indicates that the proposed Jalco development will not cause undue environmental impact, not will Lot 201 as approved under SSD-10436 or as subsequently modified.	Yes
	(h) to recognise and protect the ecological and cultural value of Wianamatta–South Creek.	The proposal is not within proximity of Wianamatta–South Creek and will not impact it as part of the proposal.	N/A

<b>Statutory Reference</b>	<b>Relevant Consideration</b>	<b>Commentary</b>	<b>Compliance?</b>
Clause 6 – Relationship with Environmental Planning Instruments Generally	(2) A local environmental plan does not apply to land shown on the Land Application Map.	The Penrith LEP does not apply to the development and as such has not been considered in relation to any aspect of the project.	
Clause 12 – Land Use Zones	<p>The land use zones under this Policy are as follows—</p> <ul style="list-style-type: none"> <li>▪ Enterprise</li> <li>▪ Agribusiness</li> <li>▪ Mixed Use</li> <li>▪ SP2 Infrastructure</li> <li>▪ Environment and Recreation</li> </ul>	The site is not zoned under the Aerotropolis SEPP.	N/A
Clause 16 – Subdivision	Land to which this Policy applies may be subdivided, but only with development consent.	Subdivision is not proposed as a part of this application.	N/A
Clause 17 – Demolition Requires Development Consent	The demolition of a building or work may be carried out only with development consent.	No demolition is proposed as part of this application with the site preparation works being approved and undertaken as part of SSD-10436.	N/A
Clause 19 – Aircraft Noise	<p>(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.</p> <p>noise sensitive development means development for the following purposes—</p> <p>a. centre-based child care facilities,</p>	Noise sensitive development as identified under clause 19 is not proposed as part of this application.	Yes

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	<ul style="list-style-type: none"> <li>b. educational establishments,</li> <li>c. exhibition homes,</li> <li>d. exhibition villages,</li> <li>e. funeral homes,</li> <li>f. hospitals,</li> <li>g. information and education facilities,</li> <li>h. places of public worship,</li> <li>i. residential accommodation,</li> <li>j. respite day care centres,</li> <li>k. school-based child care (other than in an existing school).</li> </ul>		
<p>Clause 20 – Building Wind Shear &amp; Turbulence</p>	<p>(2) Development consent must not be granted to the following development unless the consent authority has consulted the relevant Commonwealth body—</p> <ul style="list-style-type: none"> <li>a. development on land shown on the Lighting Intensity and Wind Shear Map,</li> <li>b. development that penetrates the 1:35 surface.</li> </ul> <p>(3) For the purposes of this clause, 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.</p>	<p>The site is not identified on the Aerotropolis SEPP Lighting Intensity and Wind Shear Map. Similarly, the proposed built form of the development is limited to the fit-out of a previously approved warehouse under SSD-10436. Given the sites distance from the WSA and the nature of the development the proposal will have no impact on the operation of the WSA.</p>	<p>Yes</p>

Statutory Reference	Relevant Consideration	Commentary	Compliance?
Clause 21 – Wildlife Hazards	<p data-bbox="499 268 1216 379">(2) Development consent must not be granted to relevant development on land in the 13 km wildlife buffer zone unless the consent authority</p> <ul style="list-style-type: none"> <li data-bbox="544 403 1193 475">a. has consulted the relevant Commonwealth body, and</li> <li data-bbox="544 499 1216 978">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— <ul style="list-style-type: none"> <li data-bbox="611 675 1216 786">i. species, size, quantity, flock behaviour and the particular times of day or year when the wildlife is likely to be present, and</li> <li data-bbox="611 810 1149 882">ii. whether any of the wildlife is a threatened species, and</li> <li data-bbox="611 906 1149 978">iii. a description of how the assessment was carried out, and</li> </ul> </li> <li data-bbox="544 1010 1193 1345">c. is satisfied that the development will mitigate the risk of wildlife to the operation of the Airport, including, for example, measures relating to— <ul style="list-style-type: none"> <li data-bbox="611 1145 1137 1217">i. waste management, landscaping, grass, fencing, stormwater or water areas, or</li> <li data-bbox="611 1241 1182 1345">ii. the dispersal of wildlife from the land by the removal of food or the use of spikes, wire or nets.</li> </ul> </li> </ul>	<p data-bbox="1238 268 1877 531">The subject site has been identified as being located within the 13-km wildlife buffer. The development type however is not listed as relevant development. The proposal which is the fit-out and operation of a chemical manufacturing facility and will not result in any additional presence of wildlife that could create potential hazards for the operation of the WSA.</p>	Yes

Statutory Reference	Relevant Consideration	Commentary	Compliance?
Clause 22 – Wind Turbines	(1) The objective of this clause is to regulate the construction of wind turbines and wind monitoring towers on land within 30 kilometres of the Airport.	Not applicable.	N/A
Clause 23 – Lighting	<p>(2) Development consent must not be granted to development for the following purposes on land shown on the Lighting Intensity and Wind Shear Map unless the consent authority has consulted the relevant Commonwealth body—</p> <p>a. installation and operation of external lighting (whether coloured or white lighting) in connection with development for the following purposes—</p> <p>i. classified roads,</p> <p>ii. freight transport facilities,</p> <p>iii. heavy industrial storage establishments,</p> <p>iv. recreation facilities (major),</p> <p>v. recreation facilities (outdoor),</p> <p>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.</p>	The proposed development has not been identified as on Lighting Intensity and Wind Shear Map, nor is it categorised as any of land uses under clause 2(a).	Yes
Clause 24 – Airspace Operations	(2) This clause 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.	The site has been identified as within the prescribed airspace of the WSA including the horizontal section of the OLS surface of approximately 223.2 AHD. The	Yes

Statutory Reference	Relevant Consideration	Commentary	Compliance?
	<p>Note—</p> <p>Controlled activities include the construction or alteration of buildings or other structures that penetrate the prescribed airspace. Controlled activities cannot be carried out without an approval under Part 12, Division 4 of the Airports Act 1996 of the Commonwealth</p>	development will therefore require consultation with the relevant Commonwealth body.	
	<p>(3) Development consent must not be granted to development to which this clause applies unless—</p> <ul style="list-style-type: none"> <li>a. the consent authority has consulted the relevant Commonwealth body, and</li> <li>b. the relevant Commonwealth body advises the consent authority that— <ul style="list-style-type: none"> <li>i. the development will penetrate the prescribed airspace but it does not object to the development, or</li> <li>ii. the development will not penetrate the prescribed airspace.</li> </ul> </li> </ul>	Commonwealth Body will be required to be consulted as part of the SSDA in relation to the OLS.	TBC
	<p>(4) Development consent must not be granted to development to which this clause applies if the relevant Commonwealth body advises that the development will penetrate the prescribed airspace and should not be carried out.</p>	This will be a matter for the relevant Commonwealth Body to determine.	TBC



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Clause 25 – Public Safety	<p>(2) Development for the following purposes is prohibited on land shown as the “public safety area” on the Public Safety Area Map—</p> <p>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; Tourist and visitor accommodation</p>	The site has not been identified on the Public Safety Area Map.	Yes
	<p>(3) Development consent must not be granted to development for a purpose not specified in subclause (2) on land shown as the “public safety area” on the Public Safety Area Map unless the consent authority—</p> <p>a. has considered a written assessment of the risk of the development to persons provided by the applicant, which includes—</p> <p>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</p>	Development consent is not sought for a land use as designated under subclause (2) of clause 25. Nor has the site been identified on the Public Safety Area Map.	Yes

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	<p>aircraft landing or taking off from the Airport, and</p> <p>ii. the likely number of people who will use or otherwise be present on the land, and</p> <p>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.</p>		