



APPENDIX C UPDATED STATUTORY COMPLIANCE TABLE

*Note: This statutory compliance table makes references to the Appendices provided as part of the original MOD3 and WH9 SSD lodgment packages (herein referred to as – **EIS**) as well as the Appendices as part of the Amendment Development Report package (herein referred to as – **ADR**)*

Table 1 Mandatory Considerations Table

Statutory Reference	Statutory Consideration	Relevance	Compliance
Environmental Planning and Assessment Act 1979			
Section 1.3	<ul style="list-style-type: none"> ▪ <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> ▪ <i>to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i> ▪ <i>to promote the orderly and economic use and development of land,</i> ▪ <i>to promote the delivery and maintenance of affordable housing,</i> ▪ <i>to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</i> ▪ <i>to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i> ▪ <i>to promote good design and amenity of the built environment,</i> ▪ <i>to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i> 	<p>The proposal will ensure the delivery of the intended employment land uses at the site, providing a number of economic and social benefits to the area.</p> <p>The proposal will establish the appropriate ESD design strategies as detailed in the attached ESD report (Appendix L – EIS) as well as the updated ESD Report (Appendix T – ADR).</p> <p>The proposal will maintain the staged delivery of the estate, ensuring the orderly development of the industrial land.</p> <p>The proposal will not change the impacts to ecological areas and potential habitat areas from the</p>	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<ul style="list-style-type: none"> ▪ <i>to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i> ▪ <i>to provide increased opportunity for community participation in environmental planning and assessment</i> 	<p>approved concept proposal for the overall master plan.</p> <p>The proposal will not result in any change the potential impacts to aboriginal heritage that will be addressed in the approved concept proposal and site preparation works (SSD-10448).</p> <p>The modified built form of the warehouses across the estate and the Warehouse 9 built form will maintain the core design concepts of the concept proposal, details of the building design are demonstrated in Section 3 of the EIS.</p> <p>The appropriate community notification has been undertaken as detailed in Section 5 of the EIS.</p>	
Section 4.15	<p>Relevant environmental planning instruments include:</p> <ul style="list-style-type: none"> ▪ State Environmental Planning Policy (Resilience and Hazards) 2021 ▪ State Environmental Planning Policy (Industry and Employment) 2021 ▪ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ▪ State Environmental Planning Policy (Western Parkland City) 2021 ▪ State Environmental Planning Policy (Transport and Infrastructure) 2021 	State Environmental Planning Instruments have been assessed in the statutory compliance table sections below.	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 Penrith Local Environmental Plan 2010 		
Section 4.55	<p><i>(1A) Modifications involving minimal environmental impact</i></p> <p><i>A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—</i></p> <p><i>(a) it is satisfied that the proposed modification is of minimal environmental impact, and</i></p> <p><i>(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)</i></p>	<p>From a quantitative and qualitative perspective, MOD 3 will result in a development that is substantially the same as the development for which consent was originally granted. Specifically:</p> <ul style="list-style-type: none"> The approved use of the site, for a warehouse and distribution facility, will be maintained; The proposed changes to the number of warehouse's and distribution of GFA over the estate. Car parking rates provided to the site largely consistent with the approval and the Mamre Road Precinct DCP parking standards. The expected traffic generation from the site will be consistent with previous approvals. 	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
		<ul style="list-style-type: none"> ▪ There will be minimal change to access, operations and environmental impacts. ▪ The amendments do not diminish or detract from the design quality, or compromise the design intent, of the development for which the development consent was granted. ▪ The proposal as modified will continue to align with the aims and objectives of relevant State and local planning instruments and planning guidelines. <p>Minimal Environmental Impacts: Overall, the proposed modifications will have minimal additional environmental impacts over and above what has already been assessed and deemed as acceptable in the original development application.</p> <p>This includes an assessment against the traffic, transport and parking and noise and vibration, visual impact, stormwater, bushfire,</p>	

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		<p>contamination and geotechnical matters.</p> <p>Further details on the environmental impacts are provided in Section 6 of the EIS and Amendment Development Report and the accompanying updated technical reports in the Appendices.</p>	
State Environmental Planning Policy (Industry and Employment) 2021			
Clause 2.1 – Aims of chapter	Aims to protect and enhance the land within the WSEA for employment purposes.	The proposal seeks to maintain and support development for employment purposes at the site, consistent with the overarching aim of the WSEA Chapter of the SEPP.	Yes
Clause 2.8 – Land Use Zones	The site is zoned IN1 – General Industrial	The proposal does not seek to change the approved warehouse and distribution centre use which is permissible with consent in the zone.	Yes
Clause 2.10 – Zone Objectives	<p>General Industrial – Zone Objectives</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> 	<p>The proposal is consistent with the zone objectives as it facilitates a warehouse distribution centre which is an employment generating land use at the site with ancillary office space.</p> <p>As detailed in Section 6 of the EIS and Section 6 of the Amended</p>	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<ul style="list-style-type: none"> <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> 	<p>Development Report, there are minor or negligible adverse impacts to the surrounding land and the environment that will otherwise be appropriately mitigated.</p> <p>The proposal is highly consistent with the objectives of the IN1 zone.</p>	
Clause 2.17 – Requirement for development control plans	Requires that a DCP be in place before consent can be granted for development within the WSEA.	The Mamre Road Precinct DCP was adopted in November 2021 which applies to the land. This requirement has been satisfied.	Yes
Clause 2.19 – 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> <ul style="list-style-type: none"> the consumption of potable water, and greenhouse gas emissions. 	The development provides a ESD report (Appendix L – EIS) and updated ESD Report (Appendix T – ADR) that addresses this clause by appropriately maintaining the environmental values of the area while establishing the appropriate energy and water efficiency systems.	Yes
Clause 2.20 – Height of Building	<p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that:</p> <p>(a) building heights will not adversely impact on the amenity of adjacent residential areas, and</p> <p>(b) site topography has been taken into consideration.</p>	<p>The proposed warehouse 9 construction will have a building height of 14.6m.</p> <p>The Visual Impact Assessment (VIA) has been prepared by Clouston associates (Appendix G - EIS) and the updated VIA</p>	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
		viewpoints (Appendix M – ADR). The VIA concludes that the impacts of the proposal will be negligible to the surrounding residential receivers and viewpoints.	
Clause 2.21 – 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 may be approved by the Director-General.	Rainwater tanks are provided to the building in accordance with the ESD report (Appendix L – EIS) and updated ESD Report (Appendix T – ADR) to satisfy this clause.	Yes
Clause 2.22 – Development Adjoining Residential Land	Development adjoining residential land: Wherever appropriate, proposed buildings are compatible with the height, scale, siting and character of existing residential buildings in the vicinity.	<p>The site location is adjacent to residentially zoned land. However, it is recognised that existing dwellings on adjacent lots are likely to, over time, be redeveloped for industrial and warehouse purposes. Notwithstanding the proposal maintains a respectful height, scale and sitting within the AIE and the surrounding context.</p> <p>As detailed in the VIA (Appendix G – EIS) and the updated VIA viewpoints (Appendix M – ADR) the built form respects the height, scale and sitting within the surrounding context.</p>	<p>Yes</p> <p>Yes</p>

Statutory Reference	Statutory Consideration	Relevance	Compliance
	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.	The proposal does not seek to amend the approach to the general storage approach within the industrial estate. The Warehouse 9 development seeks to locate storage, goods, plant, equipment and other material within a building or screen were necessary.	Yes
	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.	A visual impact assessment (Appendix G - EIS) and the updated VIA viewpoints (Appendix M – Amended Development) has been prepared that illustrates the scale of the buildings within its context is appropriate.	Yes
	Noise generation from fixed sources or motor vehicles associated with the development will be effectively insulated or otherwise minimised.	A Noise and Vibration report has been prepared (Appendix I – EIS) and Acoustic Modelling Memo (Appendix Q – ADR) that illustrates noise levels at the nearest sensitive receivers are predicted to comply with the relevant NPfl criteria.	Yes
	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.	The proposal does not seek to change the operations to result in any changes to nearby amenity impacts by way of operations.	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
	The development will provide adequate off-street parking, relative to the demand for parking likely to be generated.	As detailed in the Transport and Accessibility Impact Assessment (Appendix H – EIS) and Updated Traffic Impact Assessment (Appendix K – ADR) appropriate off-street parking available at the site to the relative demand.	Yes
	The site of the proposed development will be suitably landscaped, particularly between any building and the street alignment.	A landscape plan has been provided (Appendix F – EIS) and Updated Landscape Area Plan (Appendix I – ADR) illustrates sufficient landscaping has been provided in accordance with the DCP requirements.	Yes
Clause 2.24 – 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.	All necessary public utility infrastructure and services are being provided to the site in accordance with the approved stage 1 of SSD-10448. MOD 3 will not disrupt the delivery of the utility infrastructure.	Yes
Clause 2.25 - Development on or in the Vicinity of Proposed Transport	Development on or in the Vicinity of Proposed Transport Infrastructure Routes	The proposal will not affect any future infrastructure route.	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
Infrastructure Routes			
Clause 2.28 - Industrial Release Area	Despite any other provision of this Policy, the consent authority must not 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 the land to which this Policy applies	DPE has advised Mirvac that, as the Aerotropolis SIC has been determined, a satisfactory arrangements certificate no longer needs to be issued.	Yes
Clause 2.30 – Design Principle	<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"> the development is of a high-quality design, a variety of materials and external finishes for the external facades are incorporated, high quality landscaping is provided, and the scale and character of the development is compatible with other employment-generating development in the precinct concerned. 	The Warehouse 3 development incorporates a modern design with high quality finishes and landscaping that complement the surrounding natural and built form of the locality. The materials selected are considered to be durable, hardwearing, low maintenance and evoke smart building design.	Yes
Clause 2.34 Development of land within or adjacent to transport investigation area	<p>(1) 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.</p> <p>(2) In determining whether to provide concurrence, Transport for NSW is to take into account the likely effect of the development on—</p> <p>(a) the practicability and cost of carrying out transport projects on the land in the future, and</p>	As MOD 3 seeks to change the subdivision layout and GFA that could affect the surrounding transport networks it is expected the modification will be referred to TfNSW.	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<p>(b) without limiting paragraph (a), the structural integrity or safety of, or ability to operate, transport projects on the land in the future, and</p> <p>(c) without limiting paragraph (a), the land acquisition costs and the costs of construction, operation or maintenance of transport projects on the land in the future, and</p> <p>(d) in relation to Transport Investigation Area A—current or future development and operation of an intermodal terminal, including whether the development for which consent is sought is likely to impede access to or from an intermodal terminal.</p>		
<p>Clause 2.35 Development within the Mamre Road Precinct</p>	<p>(1) 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.</p> <p>(2) In determining whether to provide concurrence, Transport for NSW is to take into account the likely effect of the development on—</p> <p>(a) 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</p> <p>(b) the operation of an integrated freight network, including whether the development is likely to impede access to or from the integrated freight network, and</p> <p>(c) the practicability and cost of carrying out transport projects on the land in the future.</p>	<p>As MOD 3 seeks to change the subdivision layout and GFA that could affect the surrounding transport networks it is expected the modification will be referred to TfNSW.</p> <p>As the Warehouse 9 development has a gross floor area over 8,000m² the development is categorised as traffic generating development and thus will be referred to Transport for NSW.</p> <p>This application has been accompanied with a traffic impact assessment (Appendix H) and concludes the impacts will be negligible.</p>	<p>Yes</p>

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<p>Clause 2.36 Development in areas subject to aircraft noise</p>	<p>(1) The objectives of this section are as follows—</p> <p>(a) to prevent certain noise sensitive developments from being located near the Airport and its flight paths,</p> <p>(b) 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,</p> <p>(c) 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.</p> <p>(2) This section applies to development—</p> <p>(a) on land that is—</p> <p>(i) in the vicinity of the Airport and its flight paths, and</p> <p>(ii) in either an ANEF contour of 20 or greater or an ANEC contour of 20 or greater, and</p> <p>(b) that the consent authority considers is likely to be adversely affected by aircraft noise.</p> <p>(3) Before determining a development application for development to which this section applies, the consent authority—</p> <p>(a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and</p> <p>(b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021:2015, and</p>	<p>The AIE is located within the ANEF 20-25 as shown on the ANEF Maps associated with the Aerotropolis.</p> <p>The proposal does not include residential development and is suitably located within this ANEF contour.</p>	<p>Yes</p>

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<p>(c) must be satisfied that the development will meet the indoor design sound levels set out in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021:2015.</p> <p>(4) Despite another provision of this Chapter, development consent must not be granted to development on land to which this section applies for the purposes of a place of public worship, a centre-based child care facility or a TAFE establishment or for residential development.</p> <p>(5) In this section—</p> <p>ANEC contour means a contour on the Australian Noise Exposure Concept Map for the Airport, published on the Department's website.</p> <p>ANEF contour means a noise exposure contour shown as an ANEF contour on the Noise Exposure Forecast Contour Map for the Airport prepared by the Department of the Commonwealth responsible for airports.</p> <p>AS 2021:2015 means AS 2021:2015, Acoustics—Aircraft noise intrusion—Building siting and construction.</p> <p>(6) For the purposes of this section, a reference to ANEF in AS 2021:2015 is taken to include a reference to ANEC.</p>		
<p>Clause 2 38 Development of land adjacent to Airport</p>	<p>(1) The objectives of this section are as follows—</p> <p>(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,</p> <p>(b) to protect the community from undue risk from that operation.</p> <p>(2) This section applies to development on land, any part of which is less than 13 kilometres from a boundary of the Airport.</p>	<p>The AIE is located 4km north-east from the Western Sydney Nancy-Bird Walton Airport.</p> <p>The proposal does not introduce any additional elements that would attract birdlife to the site.</p>	<p>Yes</p>

Statutory Reference	Statutory Consideration	Relevance	Compliance
	(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.		
Clause 2.40 Earthworks	<p>Before granting development consent for earthworks, the consent authority must consider the following matters—</p> <p><i>(a) the likely disruption of, or detrimental effect on, existing drainage patterns and soil stability in the locality,</i></p> <p><i>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</i></p> <p><i>(c) the quality of the fill or the soil to be excavated, or both,</i></p> <p><i>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</i></p> <p><i>(e) the source of fill material and the destination of excavated material,</i></p> <p><i>(f) the likelihood of disturbing relics,</i></p> <p><i>(g) the proximity to and potential for adverse impacts on a waterway, drinking water catchment or environmentally sensitive area,</i></p> <p><i>(h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,</i></p> <p><i>(i) the proximity to and potential for adverse impacts on a heritage item, an archaeological site, or a heritage conservation area,</i></p> <p><i>(j) the visual impact of earthworks as viewed from the waterways.</i></p>	<p>MOD 3 seeks to slightly amend the earthworks levels across the subject portion of the site, however they will remain largely balanced cut to fill from that originally approved.</p> <p>Updated civil plans have been prepared by AT&L (Appendix N – EIS) that detail negligible impacts to drainage patterns.</p> <p>The earthworks proposed reduce overall cut and fill to the site and allow buildings to be developed on the site that include level pads.</p> <p>Overall, the proposed changes to earthworks are supportable.</p>	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
<p>Clause 2.41 Development on flood prone land</p>	<p>(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—</p> <p>(a) the development will adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(b) the development will alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain, and</p> <p>(c) the development will enable safe occupation of the flood prone land, and</p> <p>(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</p> <p>(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</p> <p>(f) the development is compatible with the flow conveyance function of the floodway, and</p> <p>(g) the development is compatible with the flood hazard, and</p> <p>(h) in the case of development consisting of the excavation or filling of land, the development—</p> <p>(i) will detrimentally affect the existing drainage patterns and soil stability in the locality, and</p> <p>(ii) will adversely impact or alter flood behaviour.</p>	<p>A detailed flood study has been undertaken as part of the concept proposal SSD-10448. Flood risk can be managed on the site with appropriate measures to ensure no negative cumulative impacts. The proposal will not compromise the approved flood risk management strategies (Appendix S – EIS).</p>	<p>Yes</p>

Statutory Reference	Statutory Consideration	Relevance	Compliance
<p>Clause 2.44 Stormwater, water quality and water sensitive design</p>	<p>The consent authority must consider the following matters before granting consent:</p> <p>(a) water sensitive design principles are incorporated into the design of the development, and</p> <p>(b) riparian, stormwater and flooding measures are integrated, and</p> <p>(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</p> <p>(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</p> <p>(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 (f) the development includes measures to retain, rehabilitate and restore riparian land.</p>	<p>A Stormwater Management Strategy is provided at Appendix N – EIS which details the rainwater reuse, stormwater quality management measures and the respective water tanks and grease pollutant traps that will be established across the precinct. Civil stormwater plans have been prepared (Appendix N - EIS) which identified the methods of management of the stormwater is generally consistent with the concept proposal approved under SSD-10448. Revised MUSIC modelling, post processing spreadsheet and report outlining the proposed interim waterway health strategy and demonstrating compliance with the Technical Guidance for achieving Wianamatta-South Creek stormwater management targets (DPE 2022) has been prepared at Appendix L – ADR.</p> <p>This strategy includes provision of estate detention basin including ‘filterra’ proprietary bio-retention system and warehouse 1 & 3 rainwater tanks and Gross Pollutant</p>	<p>Yes</p>

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		<p>Traps (GPTs) as approved under the initial SSD-10448 and MOD2.</p> <p>These interim waterway health measures would be provided prior to issuance of occupancy certificate, unless otherwise agreed with DPE, noting the development may be integrated into the regional stormwater system as required in Condition B6.</p> <p>It is considered that the above amended approach to stormwater management and waterway health is acceptable to DPE and EHG and will meet the appropriate technical guidance on this matter.</p>	
3.6 Granting of consent to signage	<p>A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—</p> <p>(a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and</p> <p>(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.</p>	<p>The proposed signage as part of the Warehouse 9 development will be consistent with the provisions of Schedule 5 as it will be:</p> <ul style="list-style-type: none"> flush against the warehouse building and will not intrude or visually affect any environmentally sensitive areas, heritage areas, conservation areas or rural landscapes. It will not intrude 	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
		<p>into any important views, skylines or viewing rights of other advertisers.</p> <ul style="list-style-type: none"> ▪ The proposed location and scale of the signage is typical for a warehouse site and is generally consistent with the signage approved at the Stage 1 warehouse developments in the AIE. ▪ The signage will provide visual interest onto the warehouse façade but it will not screen any unsightly features on the building. ▪ The flush signage will not affect any existing or proposed landscaping. ▪ The 1 x proposed signage which will be LED illuminated will be facing inwards towards the AIE and will not affect the safety of the surrounding roads. The signage will not distract drivers or pedestrians as it is a typical for a warehouse estate. 	
State Environmental Planning Policy (Transport and Infrastructure) 2021			

Statutory Reference	Statutory Consideration	Relevance	Compliance
Clause 2.118 Development with frontage to a classified road	<p>(1) The objectives of this section are—</p> <p>(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and</p> <p>(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</p> <p>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</p> <p>(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</p> <p>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</p> <p>(i) the design of the vehicular access to the land, or</p> <p>(ii) the emission of smoke or dust from the development, or</p> <p>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</p> <p>(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</p>	Mamre Road is a classified road. No changes are proposed to the approved intersection works with Mamre Road from those approved in SSD 10448.	Yes
2.121 Traffic generating development	<p>(1) This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—</p> <p>(a) new premises of the relevant size or capacity, or</p>	MOD 3 will be referred to TfNSW. The Warehouse 9 development has a gross floor area greater the 8,000m ² and therefore is categorised as traffic generating	Yes

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	<p>(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.</p> <p>(2) In this section, relevant size or capacity means—</p> <p>(a) in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or</p> <p>(b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.</p> <p>(3) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this section applies that this Chapter provides may be carried out without consent unless the authority or person has—</p> <p>(a) given written notice of the intention to carry out the development to TfNSW in relation to the development, and</p> <p>(b) taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given.</p> <p>(4) Before determining a development application for development to which this section applies, the consent authority must—</p> <p>(a) give written notice of the application to TfNSW within 7 days after the application is made, and</p> <p>(b) take into consideration—</p>	<p>development and will be referred to TfNSW.</p>	

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<p>(i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and</p> <p>(ii) the accessibility of the site concerned, including—</p> <p>(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</p> <p>(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and</p> <p>(iii) any potential traffic safety, road congestion or parking implications of the development.</p> <p>(5) The consent authority must give TfNSW a copy of the determination of the application within 7 days after the determination is made.</p>		
State Environmental Planning Policy (Resilience and Hazards) 2021			
Chapter 3	<p>Requires the consent authority to consider whether an industrial proposal is a potentially hazardous or a potentially offensive industry.</p> <p>In doing so, the consent authority must give careful consideration to the specific characteristics and circumstances of the development, its location and the way in which the proposed activity is to be carried out. Any application to carry out potentially hazardous development must be supported by a preliminary hazard analysis (PHA).</p>	The proposal does not seek to introduce the storage of hazardous or potentially offensive materials.	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
Chapter 4 Remediation of Land	<p>A consent authority must not consent to the carrying out of any development on land unless 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 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.</p> <p>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.</p>	<p>Site remediation was approved via SSD 10448. The proposal does not include any changes to earthworks that would change the conclusion of the contamination status of the site. The appropriate remediation and management works will support the proposal.</p>	Yes
State Environmental Planning Policy (Planning Systems) 2021			
Chapter 2 Clause 8	<p>The SEPP identifies certain types of development as SSD under Clause 8 of the SEPP. Specifically, Clause 8(1b) of SRD SEPP relevantly states that:</p> <p><i>(1) Development is declared to be State significant development for the purposes of the Act if— (b) the development is specified in Schedule 1 or 2.</i></p> <p>Schedule 1 of the SEPP identifies the general classes of SSD including development for the purposes of 'warehouse and distribution centres' with a capital investment value (CIV) of more than \$50 million at one location and related to the same operation as SSD.</p>	<p>MOD 3 has an estimated capital investment value of \$110,895,727 and accordingly, is classified as a State significant development (SSD) under Schedule 1, clause 10 of the State Environmental Planning Policy (Planning Systems) 2021. Accordingly, the MOD 3 maintains the development's classification as SSD.</p> <p>The Warehouse 9 development has an estimated capital investment value of \$70,731,768 and accordingly, is classified as a State</p>	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
		significant development (SSD) under Schedule 1, clause 10 of the State Environmental Planning Policy (Planning Systems) 2021.	
State Environmental Planning Policy (Biodiversity and Conservation) 2021			
Chapter 2 – Vegetation Clearance	The aims of this Chapter are— (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.	The proposal does not propose any additional tree or vegetation removal beyond that approved under the original SSD-10448. As such, it will not give rise to any further impacts.	Yes
Chapter 6 – Bushland Areas in Urban Areas	The general aim of this Chapter is to protect and preserve bushland within the urban areas.	The proposal will not result in any removal of bushland as the site was formerly farmland, and there will be not additional impacts upon any of the areas identified in Chapter 6, Section 6.1, Clause 2 beyond those assessed as part of the original SSD.	Yes
Chapter 13 – Strategic Conservation Planning	The aims of this Chapter are as follows— (a) to ensure development in the nominated areas is consistent with the biodiversity certification under the Biodiversity Conservation Act 2016, Part 8 and strategic assessment under the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth, Part 10, (b) to facilitate appropriate development on biodiversity certified areas,	The proposal is: ▪ Consistent with Biodiversity Conservation Act 2016; and ▪ Environment Protection and Biodiversity Conservation Act 1999	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<p>(c) to identify and protect areas with high biodiversity value or regionally significant biodiversity that can support ecological functions, including threatened ecological communities, species and areas with important connectivity or ecological restoration potential,</p> <p>(d) to avoid or minimise impacts from future development on biodiversity values in areas with high biodiversity value,</p> <p>(e) to support the acquisition of priority areas with high biodiversity value as conservation lands in perpetuity.</p>	<ul style="list-style-type: none"> The proposal also minimises impacts of development on biodiversity values in area. A BDAR Waiver request for SSD-46516461 has been approved on 17 November 2022 by 'DPE Biodiversity and Conservation'. A copy of the determination is attached at Appendix J – ADR. 	
State Environmental Planning Policy (Western Parkland City) 2021			
Clause 4.17 - Development controls— Airport safeguards	(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.	The AIE is located within the ANEC 20-25 Contour. The modified development does not include any noise sensitive uses.	Yes
Clause 4.19 Wildlife Hazards	(1) The objective of this clause is to regulate development on land surrounding the Airport where wildlife may present a risk to the operation of the Airport	The AIE lies within an 8km wildlife buffer zone. The proposed uses on the site will not increase risk of wildlife strikes associated with Airport operations. The proposed development are not considered to change the conclusion with regards to wildlife	Yes
Clause 4.20 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.	No wind turbines are proposed.	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
Clause 4.22 Airspace operations	<p>(3) Development consent must not be granted to development to which this clause applies unless—</p> <p>(a) the consent authority has consulted the relevant Commonwealth body, and</p> <p>(b) the relevant Commonwealth body advises the consent authority that—</p> <p>(i) the development will penetrate the prescribed airspace but it does not object to the development, or</p> <p>(ii) the development will not penetrate the prescribed airspace.</p>	The AIE is located within the 180 – 210m AHD OLS. The built form of the proposed warehouses will be well below the OLS surface.	Yes
Penrith Local Environmental Plan 2010			
The WSEA SEPP 2009 is the primary environmental planning instrument applying to the site and the proposed development. Penrith LEP 2010 does not apply to the land.		N/A	N/A
Development Control Plan: Mamre Road Precinct DCP 2021			
2.1 Mamre Road Precinct Structure Plan	1) Development applications are to be generally consistent with the Precinct Structure Plan (Figure 2), the water cycle management strategy and local road network strategy.	The modified lot and internal road alignment and Warehouse 9 construction is consistent with the precinct structure plan.	Yes
2.2 Biodiversity	This section of the DCP considers lands that form part of the blue-green network that combines hydrological, ecological and urban resilience through a network of green infrastructure (Government Architect 20171). The purpose of the blue green grid is to protect and manage biodiversity, cultural and landscape values across Greater Sydney.	The proposal does not seek any adjustments to the nearby riparian corridor, tree removal or biodiversity management strategies. A BDAR Waiver request for SSD-46516461 has been approved on 17 November 2022 by 'DPE Biodiversity and Conservation'. A copy of the	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
		determination is attached at Appendix J – ADR.	
2.3 Riparian Land	<p>1) Within a mapped riparian corridor (field-validated), as identified in Figure 2, existing native vegetation is to be retained, rehabilitated and managed in accordance with the controls below, except where clearing is required for essential infrastructure e.g. roads.</p> <p>2) Modifications to a natural (or historic) waterbody and waterfront land requires the approval of Natural Resources and Assessment Regulator (NRAR), including the enhancement of the ecological outcomes of the watercourse, hydrological benefits and ensure the long-term geomorphic stability of the watercourse. 3) Waterways of Strahler Order 2 and higher will be maintained in a natural state, including the maintenance and restoration of riparian area and habitat, such as fallen debris.</p>	The proposal development does not seek any adjustments to the nearby riparian corridor and will not affect any approved tree removal or biodiversity management strategies.	Yes
2.4 Integrated Water Cycle Management	<p>1) Development applications must demonstrate compliance with the stormwater quality targets in Table 4 and the stormwater flow targets during construction and operation phases in Table 5 and Table 6 at the lot or estate scale to ensure the NSW Government's waterway objectives (flow and water quality) for the Wianamatta-South Creek catchment are achieved (see Appendix D). Where the strategy for waterway management is assessed at an estate level, the approval should include for individual buildings within the estate, which may be the subject of future applications.</p> <p>2) The stormwater flow targets during operation phase (Table 5) include criteria for a mean annual runoff volume (MARV) flow-related option and a flow duration-related option. Applicants must demonstrate compliance with either option. 3) Development applications must include a Water Management Strategy (WMS) detailing the proposed Water Sensitive Urban Design (WSUD) approach, how the WMS complies with stormwater targets (i.e. MUSIC modelling), and how these measures will be implemented, including ongoing management and maintenance</p>	<p>Civil Reports are provided at Appendix N – EIS which details the rainwater reuse, stormwater quality management measures and detention basins that will be established across the precinct.</p> <p>Rainwater reuse is proposed to be undertaken in accordance with DCP rates. Gross pollutant traps, detention basins, biofiltration systems are proposed to manage the water flow requirements and the water quality targets.</p> <p>The proposal also satisfies the WSUD infrastructure requirements</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<p>responsibilities. Conceptual designs of the stormwater drainage and WSUD system must be provided to illustrate the functional layout and levels of the WSUD systems to ensure the operation has been considered in site levels and layout.</p> <p>4) The design and mix of WSUD infrastructure shall consider ongoing operation and maintenance. Development applications must include a detailed lifecycle cost assessment (including capital, operation/maintenance, and renewal costs over 30 years) and Maintenance Plan for WSUD measures.</p> <p>5) WSUD infrastructure may be adopted at a range of scales (i.e. allotment, street, estate, or sub-precinct scale) to treat stormwater, integrate with the landscape and maximise evaporative losses to reduce development flow runoff. Vegetated WSUD measures, naturalised trunk drainage and rainwater/stormwater reuse are preferred. Acceptable WSUD measures to retain stormwater within the development footprint and subdivision are shown in Table 7.</p>	<p>through the use of evaporative roof irrigation.</p> <p>Revised MUSIC modelling, post processing spreadsheet and report outlining the proposed interim waterway health strategy and demonstrating compliance with the Technical Guidance for achieving Wianamatta-South Creek stormwater management targets (DPE 2022) has been prepared at Appendix L – ADR.</p> <p>This strategy includes provision of estate detention basin including ‘filterra’ proprietary bio-retention system and warehouse 1 & 3 rainwater tanks and Gross Pollutant Traps (GPTs) as approved under the initial SSD-10448 and MOD2.</p> <p>These interim waterway health measures would be provided prior to issuance of occupancy certificate, unless otherwise agreed with DPE, noting the development may be integrated into the regional stormwater system as required in Condition B6.</p> <p>It is considered that the above amended approach to stormwater</p>	<p>Yes</p>

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<p>6) Development must not adversely impact soil salinity or sodic soils and shall balance the needs of groundwater dependent ecosystems.</p> <p>7) Infiltration of collected stormwater is generally not supported due to anticipated soil conditions in the catchment. All WSUD systems must incorporate an impervious liner unless a detailed Salinity and Sodicity Assessment demonstrates infiltration of stormwater will not adversely impact the water table and soil salinity (or other soil conditions).</p> <p>8) Where development is not serviced by a recycled water scheme, at least 80% of its non potable demand is to be supplied through allotment rainwater tanks.</p> <p>9) Where a recycled water scheme (supplied by stormwater harvesting and/or recycled wastewater) is in place, development shall: Mamre Road Precinct – Development Control Plan (November 2021) NSW Department of Planning, Industry and Environment 18 o Be designed in a manner that does not compromise waterway objectives, with stormwater harvesting prioritised over reticulated recycled water; o Bring a purple pipe for recycled water to the boundary of the site, as required under Clause 33G of the WSEA SEPP. Not top up rainwater tanks with recycled water unless approved by Sydney Water; and o Design recycled water reticulation to standards required by the operator of the recycled water scheme.</p>	<p>management and waterway health is acceptable to DPE and EHG and will meet the appropriate technical guidance on this matter.</p> <p>The proposal will be undertaken with the appropriate measures to mitigate any adverse soil salinity or groundwater impacts (see Appendix R and T – EIS).</p> <p>The proposed soil management detailed in Appendix Q – EIS will ensure the proposal minimized any potential infiltration into the soil.</p> <p>As detailed in the attached Civil Reports (Appendix N – EIS), the proposed development will be supported by on-site rainwater tanks that will be able to facilitate 80% of its non-potable demand.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Statutory Reference	Statutory Consideration	Relevance	Compliance																		
	<p>Table 4. Stormwater quality targets</p> <table><tr><th>Parameter</th><th>Target</th></tr><tr><td>Gross pollutants (anthropogenic litter >5mm and coarse sediment >1mm)</td><td>90% reduction (minimum) in mean annual load from unmitigated development</td></tr><tr><td>Total suspended solids (TSS)</td><td>90% reduction in mean annual load from unmitigated development</td></tr><tr><td>Total Phosphorus (TP)</td><td>80% reduction in mean annual load from unmitigated development</td></tr><tr><td>Total Nitrogen (TN)</td><td>65% reduction in mean annual load from unmitigated development</td></tr></table> <p>Table 5. Stormwater flow targets - Construction Phase</p> <table><tr><th></th><th>Construction Phase Target</th></tr><tr><td>TSS and pH</td><td>All exposed areas greater than 2500 square metres must be provided with sediment controls designed, implemented and maintained to a standard achieving at least 80% of the average annual runoff volume of the contributing catchment treated (i.e. 80% hydrological effectiveness) to 50mg/L TSS or less, and pH in the range 6.5–8.5.</td></tr><tr><td>Oil, litter and waste contaminants</td><td>No release of oil, litter or waste contaminants.</td></tr><tr><td>Stabilisation</td><td><p>Prior to completion of works for the development, and prior to removal of sediment controls, all site surfaces must be effectively stabilised including all drainage systems.</p><p>An effectively stabilised surface is defined as one that does not, or is not likely to result in visible evidence of soil loss caused by sheet, rill or gully erosion or lead to sedimentation water contamination.</p></td></tr></table>	Parameter	Target	Gross pollutants (anthropogenic litter >5mm and coarse sediment >1mm)	90% reduction (minimum) in mean annual load from unmitigated development	Total suspended solids (TSS)	90% reduction in mean annual load from unmitigated development	Total Phosphorus (TP)	80% reduction in mean annual load from unmitigated development	Total Nitrogen (TN)	65% reduction in mean annual load from unmitigated development		Construction Phase Target	TSS and pH	All exposed areas greater than 2500 square metres must be provided with sediment controls designed, implemented and maintained to a standard achieving at least 80% of the average annual runoff volume of the contributing catchment treated (i.e. 80% hydrological effectiveness) to 50mg/L TSS or less, and pH in the range 6.5–8.5.	Oil, litter and waste contaminants	No release of oil, litter or waste contaminants.	Stabilisation	<p>Prior to completion of works for the development, and prior to removal of sediment controls, all site surfaces must be effectively stabilised including all drainage systems.</p> <p>An effectively stabilised surface is defined as one that does not, or is not likely to result in visible evidence of soil loss caused by sheet, rill or gully erosion or lead to sedimentation water contamination.</p>		
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2.5 Flood Prone Land	1) A comprehensive Flood Impact Risk Assessment (FIRA) (prepared by a qualified hydrologist and hydraulic engineer) is to be submitted with development applications on land identified as fully or partially flood affected.	<p>A Flood Risk Assessment and Flood Impact Assessment was prepared by Stantec in July 2022. A review of the FIRA with consideration of the proposed development is provided at Appendix S – EIS.</p> <p>The flood impact risk assessment prepared for the original SSD DA concludes that negligible impacts on downstream properties during the 2 year ARI, 5 year ARI, 100 year ARI, 200 year ARI and 500 year ARI. The proposal will not change the AIE’s response to the flooding risks. The FIRA for the original approval remains applicable.</p>	Yes																		

Statutory Reference	Statutory Consideration	Relevance	Compliance
2.6 Aboriginal Heritage	2) Any development application within land that contains a known Aboriginal cultural heritage site and/or areas of moderate and moderate–high archaeological potential (refer Figure 5) must consider and comply with the requirements of the NPW Act and related guidelines. An Aboriginal Cultural Heritage Assessment in accordance with Heritage NSW guidelines (e.g. Code of Practice for Archaeological Investigation of Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010) shall be completed to inform future assessment and approval requirements for the activity (if any).	An assessment of impact on aboriginal cultural heritage accompanies this development (Appendix X – EIS). As the proposal does not seek for earthworks beyond that approved under the concept proposal approved under SSD-10448, there will be no change in impact to potential aboriginal cultural heritage artifacts on the land.	Yes
2.7 Non-Aboriginal Heritage	1) A Heritage Impact Statement shall be lodged with a development application for subdivision, buildings or works in the vicinity of heritage items listed under the WSEA SEPP	<p>An assessment of impact on aboriginal cultural heritage accompanies this development (Appendix X – EIS). The extent of civil works proposed as part of MOD 3 or the Warehouse 9 development does not extend beyond that contemplated under SSD-10448.</p> <p>The assessment confirmed that site has nil-low potential to contain archaeological resources and there will be appropriate vegetation screening from the closest heritage item Bayley Park – House (Penrith LEP, Item 104).</p>	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
		The proposal will not impact the non-aboriginal interface of the proposed development.	
2.8 Bushfire Prone Land	<p>1) Land identified as 'bushfire prone land' on the Penrith City Council Bushfire Prone Land Map is to address the bush fire protection measures in the Rural Fire Service publication Planning for Bushfire Protection 2019 (PBP) (as amended).</p> <p>2) A Bushfire Assessment Report, prepared in accordance with PBP, must accompany all development applications on land identified as bush fire prone land.</p>	<p>The proposal will maintain the established strategies and protection measures established as part of the original SSD DA. MOD 3 is generally consistent with the previous bushfire report prepared by Australian Bushfire Protection Planners Pty Ltd (17 October 2019) which was established as part of the approved, development.</p> <p>The Warehouse 9 site is not identified as bushfire prone, however is in close proximity for nearby bushfire zone land within the concept proposal for the broader AIE estate. A bushfire assessment report has been prepared (Appendix Y – EIS). The bushfire report identifies appropriate bushfire protection measures in accordance with the Rural Fire Service publication Planning for Bushfire Protection 2019 (PBP) (as amended).</p>	Yes
2.9 Salinity	1) Development applications shall include a detailed salinity analysis and Salinity Management Plan, noting the relatively low permeability and saline clay soils	A Salinity analysis was prepared in Appendix T – EIS which includes	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
	dominant in the area. The analysis is to consider the stormwater management measures proposed in accordance with Section 2.4 to limit the mobilisation of salts in the catchment.	<p>the Salinity Management Plan to ensure that there is minimal infiltration and there are no substantial, adverse impacts to and from the existing soil condition.</p> <p>No change in mitigation measures is required from those included in SSD-10448.</p>	
2.10 Contaminated Land	1) Prior to granting development consent, the consent authority must be satisfied that the site is suitable, or can be made suitable, for the proposed use having regard to land contamination.	<p>The original SSDA established a Remediation Action Plan that confirms the site is able to be remediated to suit the intended development purpose.</p> <p>An assessment of the Detailed Site Investigation against the proposed development is provided at Appendix U – EIS which confirms the remediation action plan (Appendix W – EIS) will appropriately ensure there are no impacted materials remaining on-site to pose any risk to health or the environment.</p>	Yes
2.11 Aviation Safeguarding	1) An Aviation Safeguarding Assessment is to be submitted with development applications detailing compliance with aviation safeguarding measures	The proposal will not result in further lands that will accommodate bird species nor will the proposed built form or uses affect aviation safety.	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
2.12 Development Adjacent to the Warragamba Pipelines	1) Where development (including subdivision) is proposed adjacent to the Warragamba Pipelines corridor, applicants shall consult with Water NSW. Development is to be consistent with Guidelines for development adjacent to the Upper Canal and Warragamba Pipelines (WaterNSW). Any written requirements of Water NSW shall be submitted with the development application, including how the requirements have been addressed.	MOD 3 does not seek to change the previous assessment of the development against the contamination consideration. The Warehouse 9 site is not adjacent to the Warragamba pipelines corridor	N/A
2.13 Electricity Transmission Line Easements	1) Development on land affected by the Electricity Transmission Line Easements (refer Figure 8) must be in accordance with the relevant electricity supply authority's requirements.	As part of the original application, Mirvac has engaged Endeavour Energy. Any further correspondence is to be undertaken as required. The site is not affected by transmission easements.	Yes
2.14 Utilities Services	1) Applicants shall liaise with relevant service providers to ensure satisfactory arrangements have been made to service the development, in accordance with the relevant service providers requirements. This includes water, recycled water, sewer, drainage, electricity, gas (where required) and telecommunications.	As part of the original application, Mirvac has engaged Endeavour Energy. Any further correspondence is to be undertaken as required. The development will not substantially change any of the connections to the telecommunication, water or sewer networks from that of the concept proposal and stage 1 works as approved under SSD-10448.	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance											
2.15 Transport Investigation Areas	a) To safeguard the future transport infrastructure essential to the delivery of the Precinct.	AIE is not identified as Transport Investigation Area marked “A” or “B” under Clause 33B of the WSEA SEPP.	N/A											
3.1 Subdivision	<div>1) Subdivision is to be in accordance with the controls in Table 8.</div> <div>Table 8. Subdivision controls</div> <table><tr><th>Subdivision element</th><th>Area</th><th>Control</th></tr><tr><td rowspan="2">Minimum Allotment Size</td><td>IN1 General Industrial</td><td>1,000m²</td></tr><tr><td>E2 Environmental Conservation</td><td>Single contiguous lot</td></tr><tr><td>Minimum Frontage</td><td>IN1 General Industrial</td><td>40m (excluding cul-de-sacs) and 35m minimum lot width at building line</td></tr></table>	Subdivision element	Area	Control	Minimum Allotment Size	IN1 General Industrial	1,000m ²	E2 Environmental Conservation	Single contiguous lot	Minimum Frontage	IN1 General Industrial	40m (excluding cul-de-sacs) and 35m minimum lot width at building line	<div>MOD 3 will feature an updated subdivision layout and updated road layout.</div> <div>The adjusted industrial super lots will maintain compliance with the minimum allotment size and frontage identified in the DCP.</div>	Yes
Subdivision element	Area	Control												
Minimum Allotment Size	IN1 General Industrial	1,000m ²												
	E2 Environmental Conservation	Single contiguous lot												
Minimum Frontage	IN1 General Industrial	40m (excluding cul-de-sacs) and 35m minimum lot width at building line												
3.2 Views and Visual Impacts	<div>1) The design of subdivisions and building orientation should respond to the significant landscape elements and view corridors identified in Figure 11, including Mount Vernon, Wianamatta-South Creek and Ropes Creek. Development applications should demonstrate how the natural features of the site have influenced the design.</div> <div>2) Site design shall retain visual connection with the blue-green network, ridge lines and vistas.</div> <div>3) The design of lots adjoining Mamre Road, Southern Link Road, and Aldington/Abbotts Road shall promote a high-quality landscape character.</div> <div>5) All retaining walls must include mature tree planting along the top of the retaining wall to mitigate the visual impact of buildings when viewed from sensitive locations (refer Figure 9). Sufficient deep soil shall be available to accommodate a mature screening tree</div>	<div>The Visual Impact Assessment (VIA) has been prepared by Clouston associates (Appendix G – EIS) with additional, updated VIA viewpoints (Appendix M – ADR) which has considered the assessment of the master plan of the approved concept proposal (SSD-10448) and modifications. The VIA concluded impacts of the proposal will be negligible to the surrounding.</div> <div>Modifications to the retaining walls as part of MOD 3 will not be visible to the public domain.</div>	Yes											

Statutory Reference	Statutory Consideration	Relevance	Compliance
3.3 Interface with Mount Vernon rural-residential area	1) Development applications for land within 250m of the southern and south-eastern Precinct boundary (refer Figure 10) are to include a Landscape Plan and Visual Impact Assessment by suitably qualified designers which demonstrate a sympathetic transition to Mount Vernon, including appropriate cross-sections illustrating visual mitigation strategies.	AIE is no located within 250m of the southern and south-eastern Precinct boundary and will result in any visual impact on the Mount Vernon residential area.	Yes
3.4.1 Road Network, Hierarchy and Design	<p>1) Development applications shall be accompanied by a Traffic and Transport Report. The Traffic and Transport Report shall include a Green Travel Plan and Travel Access Guide, and assess the impact of projected pedestrian and vehicular traffic associated with the proposal, and outline the extent and nature of traffic facilities necessary to preserve or improve the safety and efficiency of the road system.</p> <p>2) Subdivision and development are to consider the coordinated staging and delivery of final road infrastructure throughout the precinct. Development consent will only be granted to land serviced by a suitable road network with traffic capacity to service the development (to the satisfaction of the relevant roads authority)</p>	<p>An Updated Traffic and transport report has been prepared (Appendix K – ADR) which details the travel access, traffic for the site. The traffic generation, vehicle types and access arrangements is detailed in the traffic impact assessment. The Warehouse 9 development will result in a consistent outcome with the established traffic rates across the estate and will not result in any substantial traffic impacts in accordance with the TfNSW rates.</p> <p>The proposed staging will ensure there is adequate road access to service the developments across the AIE. Section 6.2.1.5 of the Amended Development Report includes details on construction traffic in the instance construction works for Warehouse 9 commences prior to completion of the Stage 1 works.</p>	<p>Yes</p> <p>Yes</p>

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<p>3) The Precinct shall be developed generally in accordance with the desired road network structure and hierarchy (Figure 12). The road network will comprise the arterial roads of Mamre Road and the future Southern Link Road (Movement Corridors), Aldington Road/ Abbotts Road (distributor road) and an indicative internal industrial local and collector road network.</p> <p>6) Internal local roads are to be designed to:</p> <ul style="list-style-type: none"> - Create a permeable network based on a modified grid system; - Provide access to and facilitate the development of adjoining properties; o Provide a pedestrian and cycle network that minimises travel distances and conflicts with industrial traffic; - Maximise connectivity to and from open space and employment service hubs; - Take account of topography, view corridors, site drainage, and vegetation; - Provide frontage to and maximise surveillance of open space and riparian corridors; - Provide views to landscape features and visual connections to activity nodes; and - Maximise the effectiveness of water sensitive urban design measures. <p>10) Direct vehicle access to Mamre Road, Southern Link Road and distributor roads (Aldington Road/ Abbotts Road) is not permitted.</p> <p>11) All intersections within the internal road network shall incorporate traffic facilities, which promote safe and efficient pedestrian, cyclist and traffic movement.</p>	<p>The assessment concludes that MOD 3 will maintain the east-west connection through the site, consistent with the general alignment identified in the DCP.</p> <p>The modified internal road layout will facilitate access to the modified warehouse buildings, will continue to deliver the supplementary pedestrian and cycle access, will not compromise any WSUD design measures and will not adversely impact any open space, view corridors or landscape features.</p> <p>No new direct access to Mamre Road is proposed.</p> <p>The modified development will change the location of Access Road 4 however the intersection</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<p>15) Development shall, where appropriate, be designed to:</p> <ul style="list-style-type: none"> o Allow all vehicles to either leave or enter the site in a forward direction; o Accommodate heavy vehicle parking and manoeuvring areas; o Avoid conflict with staff, customer and visitor vehicular movements; and o Ensure satisfactory and safe operation with the adjacent road system. <p>16) Development applications shall detail the volume, frequency and type of vehicle movements.</p>	<p>design will remain the same as that originally approved, however in the new location.</p> <p>The modified access roads, car park and handstand areas will allow heavy vehicles to leave or enter in a forward direction with safe operations. This is detailed in the Updated Traffic Impact Assessment (Appendix K – ADR).</p> <p>The typical traffic generation is detailed in the Updated Traffic Impact Assessment (Appendix K – ADR).</p>	Yes
	<p>17) The design of manoeuvring areas for large vehicles shall consider the Australian Standard 2890 series and Performance Based Standards An Introduction for Road Managers (National Heavy Vehicle Regulator – May 2019).</p> <p>18) Road design is to address the Guide for Traffic Generating Development (former RTA 2002).</p>	<p>The Updated Traffic Impact Assessment (Appendix K – ADR).identifies the proposed design is in accordance with the relevant Australian Standards.</p> <p>Noted</p>	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
	19) Road design must comply with the road configurations in Table 8 and corresponding typical road cross-sections (Figure 12, Figure 13, Figure 14, Figure 15, and Figure 16).	The proposal will deliver the appropriate road carriageway, tree planting and pedestrian path consistent with the configurations identified in the DCP.	Yes
	20) The road network is to be designed for 30m Performance Based Standards (PBS) Level 2 Type B vehicles and tested for a 36.5m PBS Level 3 Type A vehicles.	The proposal is designed in accordance with the 30m Performance Base Standard.	Yes
	21) To accommodate the design vehicle (i.e. B-double and B-triple) the standard kerb return radius will need to increase from 12.5m to 15.0m.	The proposal's road kerb radius has been designed to accommodate the appropriate vehicle access.	Yes
	22) Road design shall consider arrangements for broken down vehicles and incident response.	The proposal's roads have the appropriate width to allow for broken down vehicles.	Yes
3.4.2 Western Sydney Intermodal Terminal and Freight Network	1) Development is to enable the delivery of the Intermodal Terminal and dedicated freight network	The proposal does not impact the delivery of the Intermodal Terminal.	N/A
3.4.3 Public Transport,	1) The road network is to be designed in accordance with this DCP, to ensure public transport (i.e. buses) can be accommodated along key roads to support early adoption of good travel practices by future workers.	The proposal will not affect the neighbouring 'bus only' road and stations.	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
Pedestrian and Cycle Network	8) Street lighting in accordance with the provisions of AS1158 should be provided in all streets.	The proposal will continue to deliver providing street lighting to the pedestrian routes within the site and street lighting is provided to internal roads in accordance with stage 1 of the concept proposed approved under SSD-10448.	Yes
3.5 Council Engineering Works and Construction Standards	<p>1) Engineering works shall be consistent with Council's standards, as amended:</p> <ul style="list-style-type: none"> ▪ Stormwater Drainage Specifications for Building Developments; ▪ Council's Water Sensitive Urban Design (WSUD) Technical Guidelines; ▪ Engineering Design Specifications for Civil Works; and ▪ Engineering Construction Specifications for Civil Works. 	The proposed stormwater management, WSUD and Civil Works are detailed in Appendix N and CC – EIS. These have been prepared in accordance with the relevant standards and guidelines.	Yes.
4.1 Site Analysis	1) All development applications are to be accompanied by a Site Analysis Plan.	The proposal will not affect the site analysis prepared for the original SSD.	Yes
4.2 Built form design controls	<p>1) Building height should respond to the natural landscape and scale of adjoining development, with lower elements towards the street, pedestrian paths, adjoining rural residential areas, environmental and open space areas, riparian corridors and ridgelines.</p> <p>2) Buildings should not exceed a maximum height of 16m from the existing ground level within 250m of a rural-residential zone. For all other sites, a maximum building height of 20m from existing ground level is permitted.</p> <p>4) Taller building elements over 15m should be set back from the street frontage.</p>	<p>The proposed warehouse 9 development will have a building height of 14.6m.</p> <p>The Visual Impact Assessment (VIA) has been prepared by Clouston associates (Appendix G - EIS) with additional, updated VIA viewpoints (Appendix M – ADR). The VIA concluded impacts of the proposed MOD 3 warehouse layout and the Warehouse 9 construction</p>	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<p>5) Building height must ensure direct solar access to public domain, including street trees and footpaths, open space and environmental areas, between the hours of 11:00am and 2:00pm at the winter solstice, 21 June. Shadow diagrams must demonstrate this outcome.</p> <p>6) Building services located on the roof (such as HVAC, lift motor room, exhaust fans, etc) must be accommodated within the maximum permissible height of the building and away from the street frontage or sensitive interfaces where possible.</p> <p>7) A Visual Impact Assessment is to be submitted with development applications demonstrating that development will not have a significant adverse impact on the scenic quality of: o The Precinct, particularly when viewed from elevated locations and view lines identified in Figure 10; Wianamatta-South Creek; and o Adjoining rural-residential areas.</p> <p>8) Buildings should be sited on mid-slope to minimise visual impact on ridges and to be in harmony with the existing landscape. Where possible, buildings should be designed to "step" physically up or down the site in keeping with the existing topography.</p>	<p>would result in negligible impacts to the surrounding area and views.</p> <p>The proposed warehouse 9 development is beyond 250m from a rural-residential zone and below 15m in height. It will not adversely affect the solar access of any surrounding public spaces.</p> <p>The development will be of a small scale in which there will be no overshadowing impacts.</p>	
4.2.2 Building Setbacks	<p>1) Building setbacks are to be in accordance with the standards outlined in Table 10.</p>	<p>The revised development under MOD 3 will establish building setbacks that are generally compliant with the DCP's numerical requirements. This includes the following (approx.):</p> <p>Warehouse 6</p> <ul style="list-style-type: none"> ▪ 14.5m to the side (north) ▪ 8m to the rear (west) 	Refer to Comment

Statutory Reference	Statutory Consideration	Relevance	Compliance																						
	<div><p>Table 10. Building setback requirements</p><table><tr><th>Location</th><th>Distance (m)</th></tr><tr><td>Lots fronting designated roads (Mamre Road and Potential Southern Link Road)</td><td>20</td></tr><tr><td>Lots fronting key access roads (distributor and collector roads)</td><td>12</td></tr><tr><td>Lots fronting all other roads (local estate roads)</td><td>7.5</td></tr><tr><td>Secondary road frontages (corner lots)</td><td>5</td></tr><tr><td>Rear and side boundaries</td><td>5</td></tr><tr><td>Lots adjoining existing rural-residential development in Mount Vernon</td><td>Refer to Section 3.3</td></tr><tr><td>Lots adjoining Warragamba Water Supply Pipeline (unless specified elsewhere in this DCP)</td><td>5</td></tr><tr><td>Lots adjoining the proposed Intermodal Terminal (setback from any boundary that adjoins the Intermodal Terminal site)</td><td>20</td></tr><tr><td>Lots adjoining the proposed WSFL corridor</td><td>5</td></tr><tr><td>Lots adjoining land zoned E2 Environmental Conservation, RE1 Public Recreation, and RE2 Private Recreation (unless otherwise specified elsewhere in this DCP)</td><td>10m from the edge of E2, RE1 and RE2 land, unless separated by a road, and then no setback is required.</td></tr></table></div>	Location	Distance (m)	Lots fronting designated roads (Mamre Road and Potential Southern Link Road)	20	Lots fronting key access roads (distributor and collector roads)	12	Lots fronting all other roads (local estate roads)	7.5	Secondary road frontages (corner lots)	5	Rear and side boundaries	5	Lots adjoining existing rural-residential development in Mount Vernon	Refer to Section 3.3	Lots adjoining Warragamba Water Supply Pipeline (unless specified elsewhere in this DCP)	5	Lots adjoining the proposed Intermodal Terminal (setback from any boundary that adjoins the Intermodal Terminal site)	20	Lots adjoining the proposed WSFL corridor	5	Lots adjoining land zoned E2 Environmental Conservation, RE1 Public Recreation, and RE2 Private Recreation (unless otherwise specified elsewhere in this DCP)	10m from the edge of E2, RE1 and RE2 land, unless separated by a road, and then no setback is required.	<div><ul style="list-style-type: none">9.5m to the local estate road frontage (east)14.5m to the side (south).<p>Warehouse 7</p><ul style="list-style-type: none">12m to the side collector road (north)5m to the rear, secondary road frontage (west)12m to the local estate road frontage (east)3m to 39m to the side (south).<p>Warehouse 8</p><ul style="list-style-type: none">20m to Mamre Road frontage39.5m to the rear (south)24m to the local estate road frontage (north)18m to the side (east).<p>Warehouse 9</p><ul style="list-style-type: none">25.3m to Mamre Road frontage</div>	
Location	Distance (m)																								
Lots fronting designated roads (Mamre Road and Potential Southern Link Road)	20																								
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Statutory Reference	Statutory Consideration	Relevance	Compliance
	<p>2) Notwithstanding control (1) above, the following development is permitted within the defined setback for any road (excluding Mamre Road and proposed Southern Link Road): o Landscaping; o Maintenance/rehabilitation of biodiversity corridors or areas; o Utility services installation; o Cross-overs; o Fire access roads; o Approved signage; o Street furniture; or o Drainage works.</p> <p>3) Side and rear boundary setbacks may incorporate accessways and driveways (not permitted in setbacks to designated roads), where an alternative arrangement cannot be achieved. Setbacks to public roads may incorporate loading dock manoeuvring areas and associated hard stand if set behind a landscape setback of at least 6.0m to the property boundary.</p>	<ul style="list-style-type: none"> ▪ 40m to the rear (south) ▪ 21m to the local estate road frontage (north) ▪ 30m to the side (east). <p>It is noted that there is a minor encroachment at Warehouse 7 to the required side setback of 5m to the south. The bulk of the lot layout will maintain a 39m side setback which is well in excess of the DCP requirement. There is also substantial separation distance over 30m between the intruding portion of the warehouse and the neighbouring warehouse building. As such, the proposed lot 7 arrangement will provide the required visual separation and quality intended under the DCP objectives.</p> <p>Consistent with the approved concept plan, the proposal will accommodate landscaping, off-street parking and hardstand areas where appropriate. Areas in which parking is provided are of the appropriate width and will continue to be set behind a landscape setback, generally consistent with the</p>	<p>Yes</p> <p>Yes</p>

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<p>4) Setbacks may incorporate an off-street parking area if it can be demonstrated that the location of the car parking area: o Is within a setback at least 13.0m in depth, as measured from the property boundary to the building line, and set behind a landscape setback at least 6.0m in depth; o Promotes the function and operation of the development; o Enhances the overall design of the development by implementing design elements, including landscaping, that will screen the parking area and is complementary to the development; and o Does not detract from the streetscape values of the locality.</p>	<p>approved development. The revised parking will not affect the streetscape values of the locality.</p> <p>The accessway at the side setbacks to Mamre Road aims to facilitate fire access and the appropriate level of landscape setback will be provided.</p> <p>The proposal will continue to accommodate landscaping, off-street parking and hardstand areas where appropriate. Areas in which parking is provided are of the appropriate width and will continue to be set behind a landscape setback, generally consistent with the approved development. The revised parking will not affect the streetscape values of the locality.</p> <p>The hardstand and setback areas will continue to deliver landscape buffers, consistent with the original development.</p>	<p>Yes</p>

Statutory Reference	Statutory Consideration	Relevance	Compliance
	5) The design of setbacks and hardstand areas should seek to minimise the visual impacts of the development (see also 4.2.3 Landscaping).		
4.2.3 Landscaping	1) Development proposals must demonstrate a 10% tree canopy on development lot (excluding public roads and any non-industrial land). This includes preserving existing trees, where possible, and adding to the existing canopy to provide green infrastructure and amenity. This control can be measured at estate or lot scale, depending on the subject land of the development application. Where the tree canopy strategy is established at an estate level, the approval should establish the framework for individual lots, where future development applications will be required. If the control is satisfied at an estate scale, the 10% tree canopy control does not need to apply again to individual lots, if they are consistent with the concept plan or estate approval.	The amended development will achieve a tree canopy coverage of 12 on an estate wide calculation which meet the DCP requirements. This demonstrated in the Updated Tree Canopy Plan (Appendix E – ADR)	Yes
	2) A Landscape Plan prepared by a Landscape Architect is to be submitted with all development applications.	Updated landscape plans have been prepared by Site Image and is attached in Appendix H and I – ADR .	Yes
	3) Landscaped area is to be provided in accordance with Table 11.	The provision of side and rear landscape setbacks will be maintained in accordance with the requirements of emergency vehicle access, asset protection zones, fire rating and BCA standards. Warehouse 6 – rear setback (to the west) with 1.4m of landscaping to the retaining wall. The landscaping separation between the south elevation and the neighbouring lot is 3m.	Refer to comment

Statutory Reference	Statutory Consideration	Relevance	Compliance																
	<p>Table 11. Minimum landscape requirements</p> <table><tr><th>Location</th><th>Requirement</th></tr><tr><td>Lots fronting designated roads (Mamre Road and proposed Southern Link Road)</td><td>10m landscape setback to the road frontage</td></tr><tr><td>Lots fronting key access roads (distributor and collector roads)</td><td>6m or average 50% of the front setback from the site boundary along the road frontage</td></tr><tr><td>Lots fronting all other roads (local estate roads)</td><td>Average of 50% of the front setback along the road frontage</td></tr><tr><td>Rear boundary</td><td>2.5m from the rear boundary</td></tr><tr><td>Side boundary</td><td>No minimum requirement</td></tr><tr><td>Lots adjoining existing rural-residential development in Mount Vernon</td><td>Refer to Section 3.3.</td></tr><tr><td>Lots adjoining land zoned E2 Environmental Conservation, RE1 Public Recreation, and RE2 Private Recreation (unless otherwise specified elsewhere in this DCP)</td><td>5m landscape setback from the edge of the E2, RE1 and RE2 zoned land, unless separated by a road</td></tr></table>	Location	Requirement	Lots fronting designated roads (Mamre Road and proposed Southern Link Road)	10m landscape setback to the road frontage	Lots fronting key access roads (distributor and collector roads)	6m or average 50% of the front setback from the site boundary along the road frontage	Lots fronting all other roads (local estate roads)	Average of 50% of the front setback along the road frontage	Rear boundary	2.5m from the rear boundary	Side boundary	No minimum requirement	Lots adjoining existing rural-residential development in Mount Vernon	Refer to Section 3.3.	Lots adjoining land zoned E2 Environmental Conservation, RE1 Public Recreation, and RE2 Private Recreation (unless otherwise specified elsewhere in this DCP)	5m landscape setback from the edge of the E2, RE1 and RE2 zoned land, unless separated by a road	<p>Warehouse 7 – rear setback (to the south) with 1.6m of landscaping to the retaining wall. The landscaping separation between the south elevation and the neighbouring lot is 3.1m.</p> <p>Warehouse 9 – rear setback (to the south) to 9m of landscaping</p> <p>Warehouse 8 – rear setback (to the south) with 1.6m of landscaping to the retaining wall. The landscaping separation between the south elevation and the neighbouring lot is 3.1m.</p> <p>As identified above, while the rear setback does not strictly comply with the required landscape setback requirement, the amount of landscaping provided within the separation distance will provide the appropriate streetscape design. Additionally, as the rear setbacks of the warehouses are facing towards other warehouse buildings within the estate, they will not affect any views in the region and the provision tree screenings at these setbacks is not deemed to be necessary. The proposed</p>	
Location	Requirement																		
Lots fronting designated roads (Mamre Road and proposed Southern Link Road)	10m landscape setback to the road frontage																		
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Lots adjoining land zoned E2 Environmental Conservation, RE1 Public Recreation, and RE2 Private Recreation (unless otherwise specified elsewhere in this DCP)	5m landscape setback from the edge of the E2, RE1 and RE2 zoned land, unless separated by a road																		

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<p>4) A minimum 15% of the site area is to be pervious surfaces, achieved through landscaping and/or the use of permeable paving materials. Perviousness is to be calculated in accordance with the following index: o Deep soil (one metre or more in depth, connected subsoil) – 100% o Shallow soil (less than one metre in depth, not connected to subsoil) – 75% o Permeable pavement – 50% o Hardstand – 0%</p> <p>5) Existing remnant vegetation and paddock trees shall be retained within setback areas and enhanced as an integral part of the landscaping proposals for each development.</p> <p>6) Landscaped front setbacks should include canopy trees whose mature height is in scale with the proposed development.</p> <p>7) Setbacks shall include suitable tree planting along the northern and western elevations of buildings to provide shadow and cool the building.</p>	<p>modification will continue to exceed the targeted 10% tree canopy coverage.</p> <p>The amended development will result in a provision of 20.9% pervious surfaces across the estate. The pervious surfaces provided are comprised of deep soil landscape areas.</p> <p>The proposal does not seek to change the approved level of works to existing remnant vegetation or paddock trees.</p> <p>The intended tree species will grow to the appropriate height as detailed in H and I – ADR</p> <p>The MOD 3 lot layout will allow the setbacks to accommodate appropriate tree species. The Warehouse 9 development will include tree landscaping across the</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<p>9) Tree planting in the form of island planter beds shall be provided at a rate of one planter bed per 10 car spaces within car parks to reduce the heat island effect of hard surfaces that are a minimum 1.5m dimension.</p> <p>10) Evergreen shrubs and trees shall screen car parks, vehicular manoeuvring areas, garbage areas, storage areas from the street frontage.</p> <p>11) Paving, structures and wall materials should complement the architectural style of buildings.</p> <p>12) The selection and location of proposed trees and other landscaping plants is to: o Be consistent with the preferred trees identified in Appendix C; o Consider the use of local native vegetation communities; o Re-use of native plants or topsoil removed during earthworks; o Contribute to the management of soil salinity, water levels and soil erosion; o Ensure tree species being low maintenance and drought tolerant; o Consider the capacity of the species to contribute to tree canopy cover; o Ensure invasive turf (including Kikuyu) is not used in areas adjoining remnant vegetation within environmental conservation and recreation areas and riparian corridors, or within landscape buffers; o Incorporate a diverse range of flora species for to increase species resilience; and o Consider service authority requirements in easement locations.</p>	<p>north setback and across the western carpark.</p> <p>The provision of tree planter islands across the Warehouse 9 car parking areas will provide 28 tree planter islands to meet MRDCP requirements.</p> <p>The proposal will screen vehicular areas with vegetated buffers and setbacks consistent with the concept approval.</p> <p>The landscaping across the site will integrate with the contemporary warehouse design.</p> <p>A range of native species have been specified, in a manner consistent with those approved by the concept masterplan.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Statutory Reference	Statutory Consideration	Relevance	Compliance
	15) No plant species that are considered a Weed of National Significance and/or a Noxious Weed in New South Wales shall be used.	These are not proposed.	Yes
4.2.4 Communal Areas	<p>1) Each building shall be provided with at least 1 communal area for the use and enjoyment of employees and visitors to that development. The space shall be commensurate with the scale of the development and be accessible from the main office.</p> <p>2) In locating communal areas, consideration should be given to the outlook, natural features of the site, and neighbouring buildings.</p>	<p>MOD 3 will not change the masterplan's consideration of an outdoor amenity area which may be integrated with open landscaped area and Café amenities within the estate site.</p> <p>The Warehouse 9 development will provide communal areas on both the ground and first floor and accessible to outdoors and office spaces.</p>	Yes
4.2.5 Building Design	<p>1) Developments with a construction cost of \$1 million or more are to demonstrate a commitment to achieving no less than 4 stars under Green Star or 4.5 stars under the Australian Building Greenhouse Rating system (now part of the National Australian Built Environment Rating System (NABERS)).</p> <p>2) Buildings shall be oriented so building frontage is parallel with the primary street frontage.</p> <p>3) Siting and building orientation shall consider landscaping requirements (refer Section 4.2.3), including the best location for tree planting to shade and screen development.</p>	<p>The Warehouse 9 development will target and environmental outcome equivalent to a 4 Star Green Star.</p> <p>The building alignment is designed to be parallel with the relevant street frontages.</p> <p>The MOD 3 and Warehouse 9 development will deliver the appropriate landscaping in alignment with the building orientation.</p> <p>The MOD 3 and Warehouse 9 parking arrangement at will be located at the side, rear setbacks or</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<p>5) Buildings should be oriented so that loading, servicing and large areas of car parking (i.e. greater than 20 spaces) are accommodated to the rear or the side of the site and not directly visible from the public domain.</p> <p>6) The design of facades along the primary street frontage(s) should strengthen passive surveillance and streetscape character, such as through the use of glazing for the office or administration components of the building.</p> <p>7) External finishes should contain a mix of materials and colours and low reflectivity to minimise glare and reflection.</p> <p>8) Elevations visible from the public domain must be finished with materials and colours and articulation that enhance the appearance of that façade and provide an attractive and varied streetscape.</p> <p>10) Large expanses of wall or building mass should be relieved by the use of articulation, variation in construction materials, fenestration or alternative architectural enhancements (refer Figure 19 and Figure 20).</p> <p>11) Energy efficient design principles shall be employed in all building designs (Figure 21).</p>	<p>will be substantially screened and will not be directly visible from the public domain.</p> <p>The Warehouse 9 development will maintain the general design of the office glazing and administration areas, facilitating the appropriate surveillance.</p> <p>The development includes a mixture of consistent finishes and colours as well as the glazed articulation at the main office space. This will provide a visually attractive outcome. Additional detail on the high-quality building design and materiality is provided in Section 6.2.4 of the Amended Development Report.</p> <p>An ESD report has been prepared at Appendix L – EIS and updated ESD Report (Appendix T – ADR) which details the energy efficient principles to be employed.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Statutory Reference	Statutory Consideration	Relevance	Compliance
	12) Entrances to buildings must be highlighted by architectural features consistent with the overall design of the building.	The Warehouse 9 main office buildings/entrances will have a visually distinct, angular glazed design, consistent with the approved development.	Yes
	13) Courtyard and screen walls shall be in the same material as the building facades.	Any screening across Warehouse 9 will be comprised of materials and finishes consistent with the rest of the warehouse development.	Yes
	14) The design and location of roof elements and plant and mechanical equipment, including exhausts, is to minimise visual impact from the street or from elevated locations, such as screening with an integrated built element such as parapets.		
	15) The design of the main office and administration components shall: o Be located at the main frontage of the building and be designed as an integral part of the overall building, rather than a 'tack on' addition; o Have a designated entry point that is highly visible and directly accessible from visitor parking and the main street frontage; and o Incorporate the principles of Universal Design.	The Warehouse 9 main office buildings/entrances will have a visually distinct, angular glazed design, consistent with the approved development.	Yes
	16) Roof forms should help to visually articulate the use within the building. This may include transitions between foyer, office and larger warehouse uses.	The Warehouse 9 roof elements and mechanical plant have been reviewed for visual impact. The roof form between the warehouse and office areas will be distinguishable.	Yes
	17) Roof design must provide natural illumination to the interior of the building.	Translucent materials at the rooftops will facilitate natural illumination.	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
	18) Development applications shall demonstrate Ecological Sustainable Design (ESD) measures have been incorporated into the design.	An updated ESD report has been prepared at Appendix L – EIS and updated ESD Report (Appendix T – ADR) which demonstrates the Warehouse 9 development will be designed in accordance with the relevant ESD strategies.	Yes
4.2.6 Design of Storage Areas	1) Storage areas are to be located within the building, where practical.	The Warehouse 9 will locate all storage areas internally. With regard to the other warehouses modified by MOD 3 they are to be considered for detailed design DA for warehouses. Sufficient floor area is provided to the modified warehouse building envelopes to provide internal storage.	Yes
4.2.7 Storage, Transportation, Handling and Processing of Chemical Substances	1) Development involving the storage, transportation and processing of chemical substances shall have regard to the requirements of State Environmental Planning Policy No. 33 - Hazardous and Offensive Development.	The proposal does not propose to introduce the storage of hazardous or potentially offensive materials.	N/A
4.2.8 Signage and Estate Entrance Walls	1) All advertising is required to be: Constructed of high quality, durable materials; Considered in conjunction with the design and construction of buildings; Restricted generally to one sign identifying the name of the occupants and/or products manufactured or produced on the site; and Contained wholly within the site.	The Warehouse 9 development includes 3 x flush building identification signs. The proposed materials and design of the flush signs is consistent with the estate and is typical for warehouse developments. All the signage will	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<p>3) Building identification signage should have a maximum advertising area of up to 0.5 square metres for every metre of linear street frontage.</p>	<p>be wholly contained in the site. Considering the scale of the warehouse building and multiple vehicle entrances, the provision of multiple signs is considered appropriate.</p> <p>It is noted that there is a minor non-compliance with the Mamre Road DCP, in terms of the extent of the business identification signage on the Mamre Road frontage of the proposed warehouse building. Although it is considered that the extent of this façade could accommodate two signs, it is now proposed to remove one of the proposed signs at this location. The future operator of the warehouse is currently considering which of the two proposed signs they would wish to remove, so at this stage the Warehouse 9 Architectural Plans have not been updated to reflect this. A condition of consent can be imposed requiring that only one of the signs be installed.</p>	<p>Refer to comment.</p>

Statutory Reference	Statutory Consideration	Relevance	Compliance
	4) Sky signs and roof signs that project vertically above the roof of a building are not permitted.	No sky signs and roof signs are proposed.	Yes
	5) Flat mounted wall signs for business identification signage are to be no higher than 15 metres above finished ground level.	The proposed flat mounted signs wall signs will be lower than 15m above the FGL.	Yes
	6) Signs should generally be confined to the ground level of the building, awning or fascia, unless it can be demonstrated that the building is of a scale, architectural style and in a location that would be enhanced by signage at different elevations.	The flush façade signs will be located on the warehouse elevations at an appropriate location, similar to the approved warehouse signage.	Yes
	7) Signs are to be contained fully within the confines of the wall or awning to which it is mounted.	The proposed flush signs will be located fully within the wall in which they are mounted.	Yes
	9) Illuminated signs are not to detract from the architecture of the building during daylight	The proposed LED lighting will be designed to be typical for a warehouse building, consistent with the estate. The illumination will not detract from the building and the relevant cabling will be appropriately concealed.	Yes
	10) Illumination (including cabling) of signs is to be either: o Concealed; o Integral with the sign; o Provided by means of carefully designed and located remote or spot lighting.		
	11) A curfew may be imposed on the operation of illuminated signs where continuous illumination may adversely impact the amenity of residential buildings or the environment.	The signage illumination can be adjusted if necessary or subject to a curfew if deemed necessary.	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<p>12) Up-lighting of signs is prohibited. External lighting of signs is to be downward pointing and focused directly on the sign and is to minimise the escape of light beyond the sign.</p> <p>13) A maximum of one illuminated sign is permitted on each elevation of each building.</p> <p>14) Illuminated signage shall be oriented away from residential receivers</p>	<p>The lighting of one of the signs will be LED lighting to meet requirements.</p> <p>1 x illuminated sign is proposed across the building and it will be facing towards the AIE towards other warehouse buildings to be developed as part of the estate. It will not affect any residential receivers.</p>	<p>Yes</p> <p>Yes</p>
4.2.9 Safety and Surveillance	<p>2) Buildings should be designed to overlook public domain areas and provide casual surveillance.</p> <p>3) Building entrances should be orientated towards the street to ensure visibility between entrances, foyers, car parking areas and the street.</p> <p>4) Appropriate lighting should be provided to all cycle and pedestrian paths, bus stops, car parks and buildings.</p>	<p>The proposed Warehouse 9 office areas will have the appropriate levels of glazing to provide casual surveillance.</p> <p>The Warehouse 9 building layout will maintain orientation of the entrances to the car parking areas and entrance areas with the appropriate level of glazing.</p> <p>The Warehouse 9 development will provide energy efficient lighting systems The proposed development will include minimum average lux levels in the warehouse, office, awning and carpark. All street lighting will be</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<p>5) Development should provide clear sight lines and well-lit routes between buildings and the street, and along pedestrian and cycle networks within the public domain.</p> <p>6) Consideration should be given to the use of landscape elements so as to not compromise the perceived level of safety.</p>	<p>designed in accordance with AS1158.</p> <p>The Warehouse 9 development will provide clear paths of travel throughout the internal road and external warehouse areas.</p> <p>The layout of landscaping across the Warehouse 9 site will provide the appropriate level of amenity and safety offered by the landscaping.</p>	<p>Yes</p> <p>Yes</p>
4.2.10 Lighting	<p>1) Lighting details shall be provided as part of development applications.</p> <p>2) Lighting design should address the principles of CPTED where there is significant pedestrian activity, late night work-shifts or safety and security issues.</p> <p>3) Adequate lighting shall be provided to meet security requirements without excessive energy consumption. Lighting powered by solar batteries or other renewable energy sources and the use of sensor lighting, both internally and externally, is encouraged.</p>	<p>The proposal will include minimum average lux levels in the warehouse, office, awning and carpark. All street lighting will be designed in accordance with AS1158. The level of lighting provided will facilitate passive surveillance and security.</p> <p>The lighting will meet security requirements without excessive energy consumption. In accordance with the ESD, the development is recommended to feature on-site Renewable Energy Production for Warehouse 9 including a 500 kW Solar System.</p>	<p>Yes</p> <p>Yes</p>

Statutory Reference	Statutory Consideration	Relevance	Compliance
	4) Lighting is to be designed or directed so as to not cause light spill onto adjoining sites or sensitive receivers, such as rural-residential areas.	The lighting will be designed in accordance with the relevant standards and will not spill onto neighbouring rural-residential areas.	Yes
4.2.11 Fencing	a) To ensure that the design and location of fencing is integrated within the development and is suitable for its purpose and setting. b) To ensure that the security needs of the development are satisfied in a manner which complements the surrounding landscape design and streetscape quality. c) To ensure fencing is located behind the landscaped front setback and is of a high quality. d) To provide security where appropriate while maintaining open lines of sight from the street.	The proposal will deliver fencing at the appropriate locations in alignment with the landscaped setbacks and security requirements.	Yes
4.3.1 Noise and Vibration	<p>1) Any machinery or activity considered to produce noise emissions from a premise shall be adequately sound-proofed so that noise emissions are in accordance with the provisions of the Protection of the Environment Operations Act 1997.</p> <p>2) Noise should be assessed in accordance with Noise Policy for Industry (EPA, 2017) and NSW Road Noise Policy (Department of Environment, Climate Change and Water, 2011).</p> <p>3) An Acoustic Report by a qualified acoustical engineer must be submitted where proposed development, including traffic generated by that development, will create noise and/or vibration impacts, either during construction or operation, that impacts on adjoining developments or nearby rural-residential areas. The Acoustic Report should outline the proposed noise amelioration strategies and management methods.</p>	<p>A noise assessment has been prepared (Appendix I – EIS) and an Acoustic Memo (Appendix Q – ADR) which details the noise emission from the proposal is predicted to comply with the requirements of the NPfl.</p> <p>The assessment has considered the Noise policy and the surrounding uses including the closest residential property.</p> <p>The report was prepared by SLR Consulting and confirmed the relevant noise management measures will be established to mitigate any acoustic impacts.</p>	<p>Yes</p> <p>Yes</p>

Statutory Reference	Statutory Consideration	Relevance	Compliance
	4) An Acoustic Report shall be prepared for developments within 500m of rural-residential areas and other sensitive receivers, including educational establishments.	The acoustic report includes an assessment of the neighbouring sensitive receivers, including rural residential and educational areas.	Yes
	5) Acoustic Reports for individual developments must assess cumulative noise impacts, including likely future noise emissions from the development and operation of the Precinct. The consultant should liaise with the relevant consent authority to determine acceptable amenity goals for individual industrial developments and background noise levels.	Cumulative impacts of the broader estate of the concept proposed approved under SSD-10448 have been considered as part that relevant assessment and the proposal is consistent with that work. A correction of 10 dB has been subtracted from the predicted noise levels to account for screening from future warehouse structures on other estates between the AIE site and the receivers, consistent with the approved NIAs. (Acoustic Memo Appendix Q – ADR).	Yes
	7) Building design is to incorporate noise amelioration features. Roof elements are to control potential breakout noise, having regard to surrounding topography.	Mitigation measures for rooftop plant have been incorporated in the Concept proposal (SSD-10448) consent requirements. These are maintained where necessary.	Yes
	8) Boundary fences are to incorporate noise amelioration features and control breakout noise having regard to developments adjoining rural-residential areas.		
	9) Development shall comply with the relevant Australian Standards for noise and vibration.	Updated modelling accounts for the location of 2m high noise barriers	

Statutory Reference	Statutory Consideration	Relevance	Compliance
		<p>which have been modelled along the western edge of the Lot 1, parts of the northern and western edges of Lot 8, and parts of the western and southern edges of Lot 9.</p> <p>The barrier locations will be confirmed as designs are finalised during detailed design.</p>	
4.3.2 Trading and Operating Hours of Premises	1) The consent authority shall have regard to the likely impact of the trading hours of a particular activity on the amenity of adjoining sensitive receivers including rural-residential areas and educational establishments.	MOD 3 will not affect the typical trading hours of the warehouse buildings (approved as 24 hours a day / 7 days per week use of the warehouse buildings). The Warehouse 9 development seeks to operate 24 hours a day / 7 days per week use of the warehouse buildings in accordance with the concept proposal approved under SSD-10448.	Yes
4.3.3 Air Quality	<p>1) Any development likely to, or capable of, generating air emissions must comply with the Protection of the Environment Operations Act 1997 and associated regulations.</p> <p>2) An Air Quality and Odour Assessment is required for development that may have an adverse impact on local and regional air quality, including construction impacts on adjoining rural-residential areas.</p>	<p>An air quality assessment has been prepared and accompanies this application (Appendix J – EIS). The assessment determines the proposal will result in neutral or low impact to the air quality.</p>	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<p>3) The Air Quality and Odour Assessment should be in accordance with the Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (EPA 2017) and/or The Technical framework - assessment and management of odour from stationary sources in NSW (EPA 2006) and include but not be limited to:</p> <ul style="list-style-type: none"> o Characterisation of all emissions; o Measures to mitigate air impacts, including best practice measures; and o Details of any monitoring programs to assess performance of any mitigation measures and to validate any predictions as a result of the assessment. 		
<p>4.4.1 Development on Sloping Sites</p>	<p>1) Site planning is to respond to the natural topography of the site and protect vegetation, particularly where it is important to site stability.</p> <p>2) Where practicable, site design shall balance cut and fill and minimise the extent of earthworks and need for retaining walls (refer Section 3.1).</p> <p>3) A Geotechnical Report is to be submitted with applications proposing to change site levels.</p> <p>4) Excavation and fill shall be adequately retained and drained in accordance with Council's Engineering Works and Construction Standards.</p> <p>5) Level transitions must be managed between lots and not at the interface to the public domain.</p> <p>6) Finished ground levels adjacent to the public domain or public road shall be no greater than 1.0m above the finished road level (or public domain level).</p> <p>7) Where a level difference must exceed 1.0m and adjoins the public domain or public road, the retaining wall must be tiered. Each retaining wall tier element shall be no more than 2.0m. A 1.5m wide deep soil zone with suitable landscaping is to be provided between each tier. An indicative tiered retaining wall is shown in Figure 23. The maximum cumulative height of any retaining walls adjoining the public domain is 6.0m.</p>	<p>A Soil Impact Assessment has been prepared by PSM Consulting (Appendix Q – EIS) which has considered the earthworks. It does not raise any issue with site stability.</p> <p>The report concludes the proposal achieve a balanced earthworks on the site and no works proposed within the riparian area making the findings of the original report prepared remain valid.</p> <p>No change in mitigation measures proposed from those included in SSD-10448.</p>	<p>N/A</p>

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<p>8) The toe (fill retaining wall) or top (cut retaining wall) of all retaining walls are to be setback 2.0m into the property boundary and the setback is to be suitably landscaped.</p> <p>9) The highest retaining wall element is to be suitably fenced for safety.</p> <p>10) Imported fill it is to be Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) and validated by a suitably qualified person.</p> <p>11) Where possible, fill material should be sourced from within the Precinct.</p> <p>12) On sloping sites, site disturbance is to be minimised by using split level or pier foundation building designs.</p> <p>13) All retaining walls proposed for the site are to be identified in the development application for the proposed development.</p> <p>14) Retaining wall design and materials shall complement architectural and landscape design.</p> <p>15) Topsoil shall be preserved on site and suitably stockpiled and covered for re-use.</p> <p>16) Earthworks in the floodplain must address Section 2.5 and Clause 33H of the WSEA SEPP.</p>		
4.4.2 Erosion and Sediment Control	1) Development applications must include an Erosion and Sediment Control Plan (ESCP) prepared by a Certified Professional in Erosion and Sediment Control (CPESC).	Civil plans have been prepared at&l (Appendix N – EIS) that provides the location of sediment control fencing.	Yes
4.5 Waste Minimisation	1) Development applications shall include a Waste and Resource Recovery Management Plan (WRRMP) 6 developed by an appropriate specialist. The WRRMP is to outline the waste likely to be generated by the development and	The proposal has been accompanied by a waste management plan (Appendix V – EIS) which details the waste from	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance		
and Management	methods of managing the generation, storage and disposal of wastes in an integrated way during construction and operation.	construction and the proposed use at Warehouse 9.			
4.6.1 Parking and Manoeuvring Areas	1) On-site car parking is to be provided to a standard appropriate to the intensity of the proposed development as set out in Table 11. Parking is to meet AS 2890 and AS 1428.	As detailed in the updated traffic and transport assessment report (Appendix H – ADR) parking has been prepared in accordance with the Mamre Road DCP parking rate and achieves compliance with the relevant rates. The amended development will provide 196 parking spaces which will satisfy the requirements for the Winnings tenant operations as well as 61 provisional parking spaces. Accordingly, the amended proposal will have a total of 257 car parking spaces across Lot 9 and 1,137 parking spaces across the overall estate, satisfying the DCP parking requirement.	Yes		
	<table><tr><td>Industries</td><td>1 space per 200m² of gross floor area or 1 space per 2 employees, whichever is the greater</td></tr></table>			Industries	1 space per 200m ² of gross floor area or 1 space per 2 employees, whichever is the greater
	Industries			1 space per 200m ² of gross floor area or 1 space per 2 employees, whichever is the greater	
	<table><tr><td>Warehouses or distribution centres</td><td>1 space per 300m² of gross floor area or 1 space per 4 employees, whichever is the greater.</td></tr></table>			Warehouses or distribution centres	1 space per 300m ² of gross floor area or 1 space per 4 employees, whichever is the greater.
	Warehouses or distribution centres			1 space per 300m ² of gross floor area or 1 space per 4 employees, whichever is the greater.	
<table><tr><td>Accessible Parking</td><td>Accessible car spaces should be in accordance with the <i>Access to Premises Standards, Building Code of Australia</i> and AS2890.</td></tr></table>	Accessible Parking	Accessible car spaces should be in accordance with the <i>Access to Premises Standards, Building Code of Australia</i> and AS2890.			
Accessible Parking	Accessible car spaces should be in accordance with the <i>Access to Premises Standards, Building Code of Australia</i> and AS2890.				
<table><tr><td>Bicycle Parking</td><td>1 space per 600m² of gross floor area of office and retail space (over 1200m² gross floor area) 1 space per 1000m² of gross floor area of industrial activities (over 2000m² gross floor area)</td></tr></table>	Bicycle Parking	1 space per 600m ² of gross floor area of office and retail space (over 1200m ² gross floor area) 1 space per 1000m ² of gross floor area of industrial activities (over 2000m ² gross floor area)			
Bicycle Parking	1 space per 600m ² of gross floor area of office and retail space (over 1200m ² gross floor area) 1 space per 1000m ² of gross floor area of industrial activities (over 2000m ² gross floor area)				
	4) The design of car parks and spaces must comply with the relevant Australian Standards.	The design of the car parking achieves compliance with the relevant Australian Standards. Car parking is provided close to office locations. Pedestrian ways	Yes		

Statutory Reference	Statutory Consideration	Relevance	Compliance
	5) The movement of pedestrians throughout the car park shall be clearly delineated and be visible for all users of the car park to minimise conflict with vehicles.	have been provided for safe access within carparks and from the public domain into the building.	Yes
	6) Car parking areas for heavy vehicles should be constructed of hard standing, all weather material, with parking bays and circulation aisles clearly delineated. Permeable paving materials should be used where practicable.	The appropriate materiality of the car parking areas for heavy vehicles. Permeable paving is not proposed at Warehouse 9 due to long term durability and maintenance concerns.	Yes
	7) The design of parking and access areas is to address WSUD principles (refer Section 2.4), including the use of permeable pavement materials in light vehicle parking areas.		
	9) Vehicle access is to be integrated into the building design as to be visually recessive.	Vehicle access is provided in an integrated way with the overall development.	Yes
	10) Vehicular access must be swept path tested for the largest vehicle that will access a particular site e.g. 30m PBS Level 2 Type B or 36.5m PBS Level 3 Type A vehicles.	Vehicular access assessment has been conducted for 30m A-double (i.e., 30m Performance Based Standards (PBS) Level 2 Type B vehicle)	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
	11) Turning circles shall accommodate the largest type of truck reasonably expected to service the site. A standard truck must be able to complete a 3-point or semi-circular turn on-site without interfering with parked vehicles, buildings, landscaping, storage and work areas.	The swept paths analysis at Appendix H – EIS identifies that 3-point turns can be conducted on-site.	Yes
	12) Internal directional signs are to be provided to assist site visitors in locating parking areas.	The proposal will provide the appropriate directional signs to be established under the concept approval.	Yes
	13) Car park design is to promote passive surveillance, incorporate active measures (e.g. cameras and security patrols) where necessary, and minimise dark areas through lighting.	The proposal includes open car park area will provide the appropriate level of openness to facilitate passive surveillance.	Yes
	15) Provision should be made for all vehicles to enter and exit a secure (i.e. boom-gated) area in a forward direction.	The vehicular access layout at Warehouse 9 include car parking arrangement will allow vehicles to enter and exit in a forward direction.	Yes
	17) The design of car parks should ensure staff/visitor parking is given safe separation from loading dock circulation areas for heavy vehicles.	The car park areas and loading dock areas for heavy vehicles will be separated and distinct.	Yes
	19) Development shall provide on-site loading facilities to accommodate the anticipated heavy vehicle demand for the site.		
	20) All loading and unloading areas are to be: o Integrated into the design of developments; o Separated from car parking and waste storage and collection areas; o Located away from the circulation path of other vehicles; and o Designed for commercial vehicle circulation and access.	The appropriate hard-stand areas for on-site loading is facilitated across the modified building layout. These areas will be located separate from the car parking areas and will be designed for heavy vehicle access.	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance				
	<p>21) Vehicular access to the loading / unloading area(s) is preferred off rear lanes, side streets and right of ways. Where appropriate, consider a single vehicular access point for the loading/unloading area(s) and waste collection area(s).</p> <p>23) Potential entrapment points shall be avoided (e.g. blind corners, wide columns) and lighting and mirrors used when unavoidable.</p> <p>24) Access, parking, manoeuvring and loading facilities shall be in accordance with AS 2890 and Performance Based Standards An introduction for road managers (National Heavy Vehicle Register, May 2019) to accommodate vehicle types outlined in Table 12. The design shall have regard to the Standard Vehicle Turning Templates of the former RMS publication Policies Guidelines and Procedures for Traffic Generating Developments.</p> <table><tr><th>Site Area</th><th>Design Vehicle</th></tr><tr><td>Greater than 20,000m²</td><td>30m PBS Level 2 Type B</td></tr></table> <p>25) The following bicycle destination facilities for staff are to be provided: o</p> <ul style="list-style-type: none">- For ancillary office and retail space with a gross floor area over 2500m2 , at least 1 shower cubicle with ancillary change rooms;- For industrial activities with a gross floor area over 4000m2 , at least 1 shower cubicle with ancillary change rooms;- Change and shower facilities are to be located close to the bicycle storage areas; and	Site Area	Design Vehicle	Greater than 20,000m ²	30m PBS Level 2 Type B	<p>Vehicular access to the loading and unloading areas will continue to be provided from the internal access roads.</p> <p>This has been addressed in the design.</p> <p>Vehicular access assessment has been conducted for 30m A-double (i.e., 30m Performance Based Standards (PBS) Level 2 Type B vehicle) which found the appropriate access could be accommodated.</p> <p>The Warehouse 9 development will deliver 67 bicycle spaces and EOTF across the ancillary office spaces.</p>	<p>Refer to comment</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Site Area	Design Vehicle						
Greater than 20,000m ²	30m PBS Level 2 Type B						

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<p>- Where the building is strata-titled, the facilities are to be available to all occupants.</p> <p>26) Bicycle parking, facilities and storage must be in convenient locations, visible, secure, and provide weather protection for the bicycle.</p>		
4.6.2 Driveways	<p>1) The road access to the site must provide for safe entry and exit, with appropriate traffic sight distance. All vehicles should enter/exit the site in a forward direction.</p> <p>2) Driveways and access roads shall be designed in accordance with AS2890.1 and 2 - 2004.</p> <p>3) The design of driveways shall consider traffic volumes on the surrounding road network and to and from the development.</p>	<p>The access and intersection location have been assessed under the traffic impact assessment (Appendix H- EIS). These vehicular access areas will continue to operate safely and effectively in accordance with the relevant Australian Standards. The driveway locations will appropriately integrate with the existing traffic volumes.</p>	Yes
	<p>4) Driveways should be: Provided from lanes and secondary streets rather than the primary street; Located taking into account any services within the road reserve, such as power poles, drainage inlet pits and existing street trees; Designed to avoid conflict between heavy vehicle and staff, customer and visitor vehicular and cycle movements, preferably by providing separate access driveways; Located to minimise amenity impacts to adjacent rural-residential development; Designed to avoid direct access across a site boundary with a major road. Auxiliary lanes (deceleration and acceleration) may need to be provided to minimise conflicts between entering / leaving traffic and fast moving through traffic; and For driveways with high traffic volumes, located away from major roads, intersections, opposite other intense developments, high pedestrian zones, and where right turn movements would obstruct traffic.</p>	<p>The driveways will be provided from the proposed, internal access roads and will not conflict with the neighbouring rural residential areas or the major roads. Separate access will be provided between the carpark and the heavy vehicle load/unloading areas, minimizing conflict between these two vehicular movements.</p>	Yes
		<p>Vehicular access assessment has been conducted for 30m A-double (i.e., 30m Performance Based Standards (PBS) Level 2 Type B vehicle). Access for single-way</p>	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
	5) Driveway widths must have swept turning paths tested for larger vehicle types such as 30m PBS Level 2 Type B vehicles and 36.5m PBS Level 3 Type A vehicles where appropriate.	entry or exit for these vehicles will be accommodated by the development.	

CONDITIONS FOR FUTURE DEVELOPMENT APPLICATIONS - SSD 10448

Condition	Document
<p>Condition B1 - Traffic Impact Assessment:</p> <p>Future DAs shall be accompanied by a traffic impact assessment (TIA). The TIA must:</p> <p>assess the impacts on the safety and capacity of the surrounding road network and access points during construction and operation of the relevant stage in accordance with relevant TfNSW guidelines;</p> <p>include traffic monitoring data collected under Condition D3 and incorporate the relevant findings into this assessment;</p>	<p>Traffic Impact Assessment – Appendix H – EIS and Updated Traffic Impact Assessment (Appendix K – ADR)</p>

Condition	Document
<p>demonstrate internal roads and car parking complies with relevant Australian Standards and the car parking rates in Condition B2;</p> <p>demonstrate the Mamre Road/Access Road 1 intersection can accommodate operational traffic associated with the relevant stage;</p> <p>detail the scope and timing of any required road or intersection upgrades to service the relevant stage if the assessment under sub-clause (d) identifies that additional upgrades are required; and</p> <p>detail measures to promote non-car travel modes, including a Sustainable Travel Plan identifying pedestrian and cyclist facilities to service the relevant stage of the development.</p>	
<p>Condition B2 - Car Parking:</p> <p>Car parking must be provided in accordance with the RMS Guide to Traffic Generating Developments and at the following rates:</p> <p>warehouse and distribution centre: 1 space per 300 m2</p> <p>office: 1 space per 40 m2</p> <p>café: 1 space per 10 m2.</p>	<p>Traffic Impact Assessment – Appendix H – EIS and Updated Traffic Impact Assessment (Appendix K – ADR)</p>
<p>Condition B3 - Access:</p> <p>Future developments on the site must meet the following requirements:</p> <p>internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of Australian Standards AS 1428.1 Design for Access and Mobility - General Requirements for Access - New Building Work, AS 2890.1, AS 2890.2 and AS 2890.6;</p>	<p>Traffic Impact Assessment – Appendix H – EIS and Updated Traffic Impact Assessment (Appendix K – ADR)</p>

Condition	Document
<p>the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant Austroads guidelines;</p> <p>vehicles must not queue on the public road network;</p> <p>heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;</p> <p>all vehicles are wholly contained on site before being required to stop;</p> <p>all loading and unloading of materials is carried out on-site;</p> <p>all vehicles enter and exit the site in a forward direction;</p> <p>all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network; and</p> <p>the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.</p>	
<p>Condition B4 - Bicycle Parking and End-of-Trip Facilities:</p> <p>Bicycle parking and end-of-trip facilities is to be provided with suitable pedestrian connections linking these facilities with the offices/ warehouses in accordance with relevant guidelines and standards.</p>	<p>Traffic Impact Assessment – Appendix H – EIS and Updated Traffic Impact Assessment (Appendix K – ADR)</p>
<p>Condition B5</p> <p>Future DAs must make appropriate provision for the freight network identified in the MRP DCP, including the alignment and width of the corridor and access to the network within the site, to the satisfaction of TfNSW.</p>	<p>On Plans at Appendix R – ADR & in Compliance Table above</p>

Condition	Document
<p>Condition B6</p> <p>Future development on the site must achieve compliance with the Integrated Water Cycle Management (IWCM) controls in the MRP DCP in accordance with the <i>Draft Technical Guidance for achieving Wianamatta South Creek Stormwater Management Targets</i> (NSW Government, 2022). The Applicant must ensure sufficient land is reserved for stormwater management purposes, unless the Applicant provides evidence that an agreement is in place to demonstrate that the development is integrated into the regional stormwater system.</p>	<p>Stormwater Report – Appendix N – EIS and Updated Stormwater Management (Appendix L) ADR</p>
<p>Condition B7</p> <p>Future DAs must include an update to the Stormwater Management Strategy (SMS) required under Condition D30(e). The strategy must:</p> <ul style="list-style-type: none"> be prepared by a suitably qualified chartered professional engineer with experience in modelling, design, and supervision of WSUD systems in consultation with the relevant stormwater management authority; consider the approved or as modified stormwater management system for preceding stages of the development, including compliance of this system with the IWCM controls of the MRP DCP (refer to Condition D30); demonstrate the relevant stage can comply with the IWCM controls of the MRP DCP; include an assessment of any impacts on salinity and sodic soils from the future development including any proposed WSUD infrastructure; and detail what infrastructure may be required to connect to a precinct-wide stormwater management system for the relevant stage. 	<p>Stormwater Report – Appendix N - EIS</p>

Condition	Document
<p>Condition B8</p> <p>Prior to the issue of a Construction Certificate (or at a time otherwise permitted by the contributions plan or agreed by Council) for any future stage of the Development, the Applicant must pay contributions to Council as required in accordance with the Penrith City Mamre Road Precinct Development Contributions Plan 2022, or any other contributions plan as in force when the later consent takes effect.</p> <p><i>Note: Subject to agreement between Council and the Applicant, local contributions may be satisfied by a planning agreement or works-in-kind agreement between Council and the Applicant.</i></p>	Not required at this stage
<p>Condition B9</p> <p><i>The Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Aerotropolis) Determination 2022</i> requires special infrastructure contributions to be made for development on rezoned land within the Western Sydney Aerotropolis Special Infrastructure Contributions Area (within the meaning of that Determination). Accordingly, any special infrastructure contribution imposed by a condition of consent to a subsequent development application in relation to the site to which this consent applies is to be determined in accordance with that Determination, or any subsequent determination of the Minister under section 7.23 of the <i>Environmental Planning and Assessment Act 1979</i> (NSW), as in force when the later consent takes effect.</p>	Not required at this stage
<p>Condition B10</p> <p>Future DAs must be accompanied by a Noise and Vibration Impact Assessment. The assessment must:</p> <p>identify the noise and vibration impacts during construction and operation;</p> <p>demonstrate compliance with the noise limits in Condition A16;</p> <p>provide an analysis of all external plant and equipment, including but not limited to, forklifts, air conditioners and refrigeration systems and on-site vehicle movements;</p>	Noise Report – Appendix I – EIS and Acoustic Modelling Memo (Appendix Q) ADR

Condition	Document
<p>incorporate noise mitigation measures, such as increased building setbacks, building insulation, noise barriers, layout of truck loading areas or source controls, to demonstrate the noise limits in Condition A16 can be achieved;</p> <p>recommend mitigation and management measures (excluding measures at receivers) to be implemented to minimise noise during construction and operation.</p>	
<p>Condition B11 - Landscaping</p> <p>Landscaping design for future developments must comply with the relevant requirements under the MRP DCP.</p>	<p>Updated Landscape Plans at Appendix H & I – ADR & Confirmed in Compliance Table above</p>
<p>Condition B12 - Landscaping</p> <p>Future development must be accompanied by a Landscape Plan consistent with the key principles and plant species described in the Landscape Plans titled Aspect Industrial Estate, Mamre Road, Kemps Creek Landscape Masterplan, Dated October 2020.</p>	<p>Updated Landscape Plans – Appendix H – ADR</p>
<p>Condition B13 - Outdoor Lighting</p> <p>Future development must ensure compliance with Australian Standards <i>AS/NZS 1158.3.1:2005 Pedestrian Area (Category P) Lighting</i> and <i>AS/NZS 4282:2019 Control of Obtrusive Effects of Outdoor Lighting</i>.</p>	<p>EIS</p>
<p>Condition B14 - Signage</p>	<p>EIS</p>

Condition	Document
<p>Future development must include details of any external advertising signage and demonstrate compliance with the requirements of Condition D40 and Chapter 3 of the State Environmental Planning Policy (Industry and Employment) 2021 (or any substituted SEPP).</p>	
<p>Condition B 15 - Glazing</p> <p>The visible light reflectivity from building materials used in façades along Mamre Road and the internal road frontages must meet the minimum requirements of the MRP DCP.</p>	<p>Compliance Table above</p>
<p>Condition B16</p> <p>The Applicant shall ensure future DAs comply with:</p> <p>the relevant provisions of <i>Planning for Bushfire Protection</i> (NSW RFS, 2019);</p> <p>the construction standards and asset protection zone requirements recommended in the Bushfire Assessment for the Proposed Aspect Industrial Estate, prepared by Australian Bushfire Protection Planners Pty Limited, dated 6 October 2020; and</p> <p>Australian Standard <i>AS2419.1-2005 Fire hydrant installations System design, installation, and commissioning</i>.</p>	<p>Bushfire Report – Appendix Y - EIS</p>
<p>Condition B17</p> <p>The Applicant must obtain relevant approvals from Endeavour Energy, or relevant service provider, prior to the construction of any electricity utility works to service each stage of the development.</p>	<p>Not required at this stage</p>
<p>Condition B18</p> <p>Before the commencement of operation of any future developments, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the <i>Sydney Water Act 1994</i> (NSW).</p>	<p>Not required at this stage</p>

Condition	Document
<p>Condition B19 - External Walls and Cladding:</p> <p>The external walls of all future buildings must comply with the relevant requirements of the BCA.</p>	BCA Report – Appendix K - EIS
<p>Condition B20 - External Walls and Cladding:</p> <p>Future development involving the construction of external walls must ensure that the products and systems proposed for use or used in the construction of external walls (including finishes and claddings such as synthetic or aluminium composite panels) comply with the requirements of the BCA.</p> <p><i>Note: Documentary evidence that these comply with the BCA will need to be provided to the Certifier prior to the issue of any construction certificate for these works and prior to the Occupation Certificate. A copy of the documentation given to the Certifier will also be required to be provided to the Planning Secretary within seven days after the Certifier accepts it.</i></p>	BCA Report – Appendix K - EIS
FUTURE DEVELOPMENT APPLICATIONS	
<p>Condition A4</p> <p>In accordance with section 4.22 of the EP&A Act, each subsequent stage of the Concept Proposal (excluding Stage 1 development) is to be subject to future development applications (DAs). Future DAs are to be consistent with the terms of this consent.</p>	EIS
<p>Condition A6</p> <p>The Applicant must ensure any future development of the site is consistent with the Mamre Road Precinct Development Control Plan 2021 (NSW Government, 2021) (MRP DCP).</p>	Compliance Table above
<p>Condition A14 – Future Infrastructure Requirements</p> <p>The Applicant must prepare an Infrastructure Review to support each future stage of the Concept Proposal. The Infrastructure Review must demonstrate the surrounding road infrastructure can accommodate the relevant stage and other approved developments in the MRP. The Infrastructure Review must:</p>	Updated Traffic Impact Assessment – Appendix K – ADR

Condition	Document
<p>(a) detail traffic volumes from all operating stages of the Concept Proposal;</p> <p>(b) include background traffic volumes from key roads within the MRP, including Mamre Road;</p> <p>(c) assess the operating performance of key intersections in the MRP, including Mamre Road and Access Road 1;</p> <p>(d) detail the current level of approved development within the MRP, including total approved GFA;</p> <p>(e) consider consistency with the latest approved Concept Proposal traffic volumes;</p> <p>(f) demonstrate the road network has sufficient capacity to accommodate the proposed stage of the Concept Proposal, and if the proposed stage would trigger the need for any road upgrades, including those identified in the traffic modelling for the MRP;</p> <p>(g) if road upgrades are required to support the proposed stage, identify the timing and mechanisms to contribute to the delivery of the required road upgrades.</p>	