



Appendix C Statutory Compliance Table

Table 1 Mandatory Considerations Table

Statutory Reference	Statutory Consideration	Relevance	Compliance
Environmental Planning and Assessment Act 1979			
Section 1.3	▪ <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> ▪ <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>	The proposal as modified will ensure the delivery of the intended employment land uses at the site, providing economic and social benefits to the area. The proposal will continue to establish the appropriate ESD design strategies as detailed in the attached ESD report approved under the SSDA. The proposal will continue to maintain the staged delivery of the estate, ensuring the orderly development of the industrial land. The proposal will not change the impacts to ecological areas and potential habitat areas from the approved concept proposal for the overall master plan. 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). The Warehouse 2 built form design as modified is proposed to be delivered consistent with the core design of the concept proposal and will deliver a high-quality warehouse building within the AIE.	Yes
Section 4.15	Relevant environmental planning instruments include: ▪ 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 Policy (Planning Systems) 2021 ▪ Penrith Local Environmental Plan 2010	The relevant environmental planning instruments have been assessed in the statutory compliance table sections below.	Yes
State Environmental Planning Policy (Industry and Employment) 2021			

Statutory Reference	Statutory Consideration	Relevance	Compliance
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	General Industrial – Zone Objectives <i>To facilitate a wide range of employment-generating development including industrial, manufacturing, warehousing, storage and research uses and ancillary office space.</i> <i>To encourage employment opportunities along motorway corridors, including the M7 and M4.</i> <i>To minimise any adverse effect of industry on other land uses.</i> <i>To facilitate road network links to the M7 and M4 Motorways.</i> <i>To encourage a high standard of development that does not prejudice the sustainability of other enterprises or the environment.</i> <i>To provide for small-scale local services such as commercial, retail and community facilities (including child care facilities) that service or support the needs of employment-generating uses in the zone.</i>	The proposal is consistent with the zone objectives as it facilitates a warehouse distribution centre with ancillary office space, providing employment generating space at the site. There are minor or negligible adverse impacts to the surrounding land and the environment. Any minor impacts will be appropriately mitigated. The proposal is highly consistent with the objectives of the IN1 zone.	Yes
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	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: - the consumption of potable water, and - greenhouse gas emissions.	An ESD report was prepared for the SSDA which identifies the relevant energy and water efficiency systems that will be implemented as part of the development.	Yes
Clause 2.20 – Height of Building	The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that: (a) building heights will not adversely impact on the amenity of adjacent residential areas, and (b) site topography has been taken into consideration.	The proposed Warehouse 2 construction will have a building height of 13.8m. A Visual Impact Assessment (VIA) letter of support was provided as part of the SSDA. The letter concluded that the proposal will be generally consistent with the approved concept approval and the established LCVIA (dated 16.09.2022). As such, the proposal as modified will not result in any adverse impacts to the surrounding residential receivers and viewpoints.	Yes
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 will be provided to the building in accordance with the ESD report recommendations to satisfy this clause.	Yes
Clause 2.22 – Development Adjoining	Development adjoining residential land:	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	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
Residential Land	Wherever appropriate, proposed buildings are compatible with the height, scale, siting and character of existing residential buildings in the vicinity. 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 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. Noise generation from fixed sources or motor vehicles associated with the development will be effectively insulated or otherwise minimised. 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 development will provide adequate off-street parking, relative to the demand for parking likely to be generated. The site of the proposed development will be suitably landscaped, particularly between any building and the street alignment.	purposes. Notwithstanding the proposal maintains a respectful height, scale and sitting within the AIE and the surrounding context. As detailed in the VIA letter of support submitted with the SSDA the built form respects the height, scale and sitting within the surrounding context. The proposal does not seek to amend the approach to screening within the industrial estate. The Warehouse 2 development seeks to locate storage, goods, plant, equipment and other material within a building or with the appropriate screening. A Noise and Vibration report has been prepared for the modification which illustrates the noise levels at the nearest sensitive receivers as a result of the proposed development will comply with the relevant NPfl criteria and SSD-10448 noise limit conditions under Condition 16A. The proposed operations are consistent with that approved under SSD-10448 and will not result in any changes to nearby amenity impacts by way of operations. As detailed in the Transport Statement was prepared for the SSDA which identifies the appropriate off-street parking available at the site in accordance with the Mamre Road DCP rates. A landscape plan was provided for the SSDA that 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 SSD-10448, Stage 1 development. The proposed development will not disrupt the delivery of the utility infrastructure.	Yes
Clause 2.25 - Development on or in the Vicinity of Proposed Transport Infrastructure Routes	Development on or in the Vicinity of Proposed Transport Infrastructure Routes	The proposal will not affect any future infrastructure route.	Yes
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	DPHI has advised Mirvac that, as the Aerotropolis SIC has been determined, a satisfactory arrangement certificate no longer needs to be issued.	Yes
Clause 2.30 – Design Principle	In determining a development application that relates to land to which this Policy applies, the consent authority must take into consideration whether or not: - 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 2 development as modified, continues to incorporate 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

Statutory Reference	Statutory Consideration	Relevance	Compliance
Clause 2.34 Development of land within or adjacent to transport investigation area	(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. (2) In determining whether to provide concurrence, Transport for NSW is to take into account the likely effect of the development on— (a) the practicability and cost of carrying out transport projects on the land in the future, and (b) without limiting paragraph (a), the structural integrity or safety of, or ability to operate, transport projects on the land in the future, and (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 (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.	The proposed warehouse development will feature a total GFA in excess of 20,000sqm. Accordingly, this development will be referred to Transport for NSW as part of the SSDA assessment process.	Yes
Clause 2.35 Development within the Mamre Road Precinct	(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. (2) In determining whether to provide concurrence, Transport for NSW is to take into account the likely effect of the development on— (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 (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 (c) the practicability and cost of carrying out transport projects on the land in the future.	The proposed warehouse development will feature a total GFA in excess of 20,000sqm. Accordingly, this development will be referred to Transport for NSW as part of the SSDA assessment process. The SSDA was accompanied by a Traffic Impact Statement which concludes the traffic generated by the proposal will be consistent with the established rates and will not result in any adverse impacts.	Yes
Clause 2.36 Development in areas subject to aircraft noise	(1) The objectives of this section are as follows— (a) to prevent certain noise sensitive developments from being located near the Airport and its flight paths, (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, (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. (2) This section applies to development— (a) on land that is— (i) in the vicinity of the Airport and its flight paths, and (ii) in either an ANEF contour of 20 or greater or an ANEC contour of 20 or greater, and (b) that the consent authority considers is likely to be adversely affected by aircraft noise.	The AIE is located within the ANEF 20-25 as shown on the ANEF Maps associated with the Aerotropolis. The proposal does not include residential development and is suitably located within this ANEF contour.	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
	(3) Before determining a development application for development to which this section applies, the consent authority— (a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and (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 (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. (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. (5) In this section— ANEC contour means a contour on the Australian Noise Exposure Concept Map for the Airport, published on the Department's website. 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. AS 2021:2015 means AS 2021:2015, Acoustics—Aircraft noise intrusion—Building siting and construction. (6) For the purposes of this section, a reference to ANEF in AS 2021:2015 is taken to include a reference to ANEC.		
Clause 2 38 Development of land adjacent to Airport	(1) The objectives of this section are as follows— (a) to provide for the effective and ongoing operation of the Airport by ensuring that such operation is not compromised by proposed development in close proximity to the Airport, (b) to protect the community from undue risk from that operation. (2) This section applies to development on land, any part of which is less than 13 kilometres from a boundary of the Airport. (3) The consent authority must not grant consent for development to which this section applies unless the consent authority is satisfied that the proposed development will not attract birds or animals of a kind and in numbers that are likely to increase the hazards of operating an aircraft.	The AIE is located 4km north-east from the Western Sydney Nancy-Bird Walton Airport. The proposal does not introduce any additional elements that would attract birdlife to the site.	Yes
Clause 2.40 Earthworks	Before granting development consent for earthworks, the consent authority must consider the following matters— <i>(a) the likely disruption of, or detrimental effect on, existing drainage patterns and soil stability in the locality,</i>	This modification does not seek to provide any changes to earthworks.	N/A

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<i>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</i> <i>(c) the quality of the fill or the soil to be excavated, or both,</i> <i>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</i> <i>(e) the source of fill material and the destination of excavated material,</i> <i>(f) the likelihood of disturbing relics,</i> <i>(g) the proximity to and potential for adverse impacts on a waterway, drinking water catchment or environmentally sensitive area,</i> <i>(h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,</i> <i>(i) the proximity to and potential for adverse impacts on a heritage item, an archaeological site, or a heritage conservation area,</i> <i>(j) the visual impact of earthworks as viewed from the waterways.</i>		
Clause 2.41 Development on flood prone land	(2) Consent is not to be granted to the carrying out of development to which this section applies unless the consent authority has taken into consideration whether or not— (a) the development will adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and (b) the development will alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain, and (c) the development will enable safe occupation of the flood prone land, and (d) the development will detrimentally affect the floodplain environment or cause avoidable erosion, siltation, salinity, destruction of riparian vegetation or a reduction in the stability of the riverbank/watercourse, and (e) the development will be likely to result in unsustainable social and economic costs to the flood affected community or general community, as a consequence of flooding, and (f) the development is compatible with the flow conveyance function of the floodway, and (g) the development is compatible with the flood hazard, and (h) in the case of development consisting of the excavation or filling of land, the development— (i) will detrimentally affect the existing drainage patterns and soil stability in the locality, and (ii) will adversely impact or alter flood behaviour.	The modification will not create any additional flooding impacts to the site.	N/A
Clause 2.44 Stormwater, water quality	The consent authority must consider the following matters before granting consent: (a) water sensitive design principles are incorporated into the design of the development, and	This modification does not seek to make any changes to stormwater management on the site.	N/A

Statutory Reference	Statutory Consideration	Relevance	Compliance
and water sensitive design	(b) riparian, stormwater and flooding measures are integrated, and (c) the stormwater management system includes all reasonable management actions to avoid adverse impacts on the land to which the development is to be carried out, adjoining properties, riparian land, native bushland, waterways, groundwater dependent ecosystems and groundwater systems, and (d) if a potential adverse environmental impact cannot be feasibly avoided, the development minimises and mitigates the adverse impacts of stormwater runoff on adjoining properties, riparian land, native bushland, waterways, groundwater dependent ecosystems and groundwater systems, and (e) the development will have an adverse impact on— (i) the water quality or quantity in a waterway, including the water entering the waterway, and (ii) the natural flow regime, including groundwater flows to a waterway, and (iii) the aquatic environment and riparian land (including aquatic and riparian species, communities, populations and habitats), and (iv) the stability of the bed, banks and shore of a waterway, and (f) the development includes measures to retain, rehabilitate and restore riparian land.		
3.6 Granting of consent to signage	A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied— (a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.	The modification does not seek to implement any changes to signage approved on the site.	N/A
State Environmental Planning Policy (Transport and Infrastructure) 2021			
Clause 2.118 Development with frontage to a classified road	(1) The objectives of this section are— (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads. (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— (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of— (i) the design of the vehicular access to the land, or (ii) the emission of smoke or dust from the development, or (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and	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

Statutory Reference	Statutory Consideration	Relevance	Compliance
	(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.		
2.121 Traffic generating development	(1) This section applies to development specified in Column 1 of the Table to Schedule 3 that involves— (a) new premises of the relevant size or capacity, or (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity. (2) In this section, relevant size or capacity means— (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 (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. (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— (a) given written notice of the intention to carry out the development to TfNSW in relation to the development, and (b) taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given. (4) Before determining a development application for development to which this section applies, the consent authority must— (a) give written notice of the application to TfNSW within 7 days after the application is made, and (b) take into consideration— (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 (ii) the accessibility of the site concerned, including— (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and (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 (iii) any potential traffic safety, road congestion or parking implications of the development.	The proposed warehouse development will feature a total GFA in excess of 20,000sqm. Accordingly, this development will be referred to Transport for NSW as part of the SSDA assessment process.	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
	(5) The consent authority must give TfNSW a copy of the determination of the application within 7 days after the determination is made.		
State Environmental Planning Policy (Resilience and Hazards) 2021			
Chapter 3	Requires the consent authority to consider whether an industrial proposal is a potentially hazardous or a potentially offensive industry. 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).	The proposal as modified does not seek to introduce the storage of hazardous or potentially offensive materials.	N/A
Chapter 4 Remediation of Land	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. 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.	Site remediation was approved via SSD 10448. The proposal as modified 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.	Yes
State Environmental Planning Policy (Planning Systems) 2021			
Chapter 2 Clause 8	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: <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> 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.	The proposed works have an estimated CIV of \$32,705,562 (excl. GST) with SEARs issued prior to 31 May 2023.	Yes
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 as modified 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	The aims of this Chapter are as follows—	The proposal is:	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
Conservation Planning	(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, (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, (d) to avoid or minimise impacts from future development on biodiversity values in areas with high biodiversity value, (e) to support the acquisition of priority areas with high biodiversity value as conservation lands in perpetuity.	- Consistent with Biodiversity Conservation Act 2016; and - Environment Protection and Biodiversity Conservation Act 1999 - The proposal also minimises impacts of development on biodiversity values in area. Refer to the BDAR Waiver submitted with the SSDA.	
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 is 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
Clause 4.22 Airspace operations	(3) Development consent must not be granted to development to which this clause applies unless— (a) the consent authority has consulted the relevant Commonwealth body, and (b) the relevant Commonwealth body advises the consent authority that— (i) the development will penetrate the prescribed airspace but it does not object to the development, or (ii) the development will not penetrate the prescribed airspace.	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
State Environmental Planning Policy (Sustainable Buildings) 2022			
Clause 3.2 Development consent for non-residential development	(1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following— (a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,	The Waste and ESD reports submitted with the SSDA set out that the proposal utilises: (a) Construction materials re-use, recycling and suitable disposal including return to manufacturer (b) Lower operational energy demand via improved thermal performance	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
	(b) a reduction in peak demand for electricity, including through the use of energy efficient technology, (c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design, (d) the generation and storage of renewable energy, (e) the metering and monitoring of energy consumption, (f) the minimisation of the consumption of potable water. (2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.	(c) A reduction in the requirements for artificial lighting and power through energy efficient systems and lighting control (d) Generation of on site renewable energy through a 200kW solar system (e) Tenant energy metering (f) Best practice water efficiency measures. An embodied emissions report accompanies this SSDA modification.	
Penrith Local Environmental Plan 2010			
	The State Environmental Planning Policy (Industry and Employment) 2021 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 proposed Warehouse 2 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.	Yes
2.3 Riparian Land	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. 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.	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	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.	The proposal will be delivered in accordance with the intended proposed stormwater management measures, across the AIE and EEP sites, which will be wholly located within the respective development footprints and lot subdivisions across the sites. This modification does not seek to make any amendments to the civil design of the development.	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
	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 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. 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 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. 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. 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. 6) Development must not adversely impact soil salinity or sodic soils and shall balance the needs of groundwater dependent ecosystems. 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). 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. 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.		

Statutory Reference	Statutory Consideration	Relevance	Compliance																		
	Table 4. Stormwater quality targets <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> Table 5. Stormwater flow targets - Construction Phase <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> 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. 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. </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	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. 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.		
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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.	A Flood Impact Assessment was prepared with the SSDA which assess the impact of the staged Lot 2 SSDA on design flood levels, velocities, hazards and any flood impacts to the surrounding lots in the 2 yr ARI, 5 yr ARI, 100 yr ARI, 200 yr ARI, 500 yr ARI and PMF. The modifications do not propose any additional impacts to flooding on the site.	Yes																		
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 accompanied the SSDA. 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	An assessment of impact on aboriginal cultural heritage accompanied the SSDA. The extent of civil works proposed as part of Warehouse 2 development does not extend beyond that contemplated under SSD-10448. 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). The proposal as modified will not impact the non-aboriginal interface of the proposed development.	Yes																		
2.8 Bushfire Prone Land	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).	The proposal as modified will maintain the established strategies and protection measures established as part of the original SSDA. The proposed Warehouse 2 building construction is consistent with the approved estate layout previous bushfire report prepared by Australian Bushfire Protection Planners Pty Ltd (17 October 2019) which was established as part of the approved, development.	Yes																		
	2) A Bushfire Assessment Report, prepared in accordance with PBP, must accompany all development applications on land identified as bush fire prone land.	The proposed modifications will not create any additional impacts in relation to bushfire risk on the site.																			
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 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.	The proposed modifications do not seek to make any amendments to earthworks which will impact salinity.	Yes																		

Statutory Reference	Statutory Consideration	Relevance	Compliance											
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.	The original SSDA established a Remediation Action Plan that confirms the site is able to be remediated to suit the intended development purpose. A Detailed Site Investigation was submitted with the SSDA which confirms the Remediation Action Plan will appropriately ensure there are no impacted materials remaining on-site to pose any risk to health or the environment. The proposed modification does not seek to amend the approved earthworks and remediation on site.	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											
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.	The Warehouse 2 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.	Mirvac has engaged Endeavour Energy during the SSDA. 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.	Mirvac has engaged Endeavour Energy during the SSDA. Any further correspondence is to be undertaken as required. The development as modified will not change any of the connections to the telecommunication, water or sewer networks approved under SSD-10448.	Yes											
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 the State Environmental Planning Policy (Industry and Employment) 2021.	N/A											
3.1 Subdivision	1) Subdivision is to be in accordance with the controls in Table 8. <table><caption>Table 8. Subdivision controls</caption><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	1,000m²	E2 Environmental Conservation	Single contiguous lot	Minimum Frontage	IN1 General Industrial	40m (excluding cul-de-sacs) and 35m minimum lot width at building line	The proposal does not seek to change the subdivision or road layout as approved under SSD-10448. The proposal does not affect the compliance with the minimum allotment size and frontage identified in the DCP.	Yes
Subdivision element	Area	Control												
Minimum Allotment Size	IN1 General Industrial	1,000m²												
	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	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. 2) Site design shall retain visual connection with the blue-green network, ridge lines and vistas. 3) The design of lots adjoining Mamre Road, Southern Link Road, and Aldington/Abbotts Road shall promote a high-quality landscape character.	A Visual Impact Assessment (VIA) letter of support was provided within the SSDA The VIA concludes that the proposal was generally consistent with the approved concept approval and the supporting LCVIA conclusions (dated 16.09.2022). The letter concluded impacts of the proposal will be negligible to the surrounding. The proposal does not include any retaining walls. The proposed modification will not increase any visual impacts with a minor height increase of 100mm and two additional plant units which will not be visible from the public domain.	Yes											

Statutory Reference	Statutory Consideration	Relevance	Compliance
	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		
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 not located within 250m of the southern and south-eastern Precinct boundary and will not result in any visual impact on the Mount Vernon residential area.	Yes
3.4.1 Road Network, Hierarchy and Design	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. 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) 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/ Abbots Road (distributor road) and an indicative internal industrial local and collector road network. 6) Internal local roads are to be designed to: - 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. 10) Direct vehicle access to Mamre Road, Southern Link Road and distributor roads (Aldington Road/ Abbots Road) is not permitted. 11) All intersections within the internal road network shall incorporate traffic facilities, which promote safe and efficient pedestrian, cyclist and traffic movement. 15) Development shall, where appropriate, be designed to: 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.	The modifications do not seek to alter the approved access, parking or traffic arrangements on the site.	N/A

Statutory Reference	Statutory Consideration	Relevance	Compliance
	16) Development applications shall detail the volume, frequency and type of vehicle movements. 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). 18) Road design is to address the Guide for Traffic Generating Development (former RTA 2002). 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). 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. 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. 22) Road design shall consider arrangements for broken down vehicles and incident response.		
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, Pedestrian and Cycle Network	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. 8) Street lighting in accordance with the provisions of AS1158 should be provided in all streets.	The proposal will not affect the neighbouring 'bus only' road and stations. The proposal will continue to deliver providing street lighting to the pedestrian routes within the site in accordance with stage 1 of the concept proposed approved under SSD-10448.	Yes
3.5 Council Engineering Works and Construction Standards	1) Engineering works shall be consistent with Council's standards, as amended: - 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 modification does not seek to alter the approved stormwater management strategy.	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	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.	The proposed alteration seeks to increase the roofline height by 100mm in the northern portion of the site, to accommodate the additional insulation required for the temperature-control space. This will increase the overall height to 13.8m in the northern part of the warehouse, which is below the maximum building height permitted for the site.	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
	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. 4) Taller building elements over 15m should be set back from the street frontage. 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. 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. 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. 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.	As the proposed height increase is situated within the middle portion of the AIE, it is therefore not visible from the public domain located on Mamre Road. As such, the proposed minor increase in height will not significantly impact visual amenity.	
4.2.2 Building Setbacks		The modification does not seek to alter the approved building footprint, including setbacks.	N/A
4.2.3 Landscaping		The modification does not seek to alter the approved landscaping.	N/A
4.2.4 Communal Areas		The modification does not seek to alter the approved provision of communal areas.	N/A
4.2.5 Building Design	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)). 2) Buildings shall be oriented so building frontage is parallel with the primary street frontage. 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. 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. 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. 7) External finishes should contain a mix of materials and colours and low reflectivity to minimise glare and reflection. 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.	The proposed modification does not seek to amend the ESD and committed Greenstar or NABERS rating on the site. An Embodied Emissions Report has been prepared and accompanies this modification. The modification does not seek to amend the approved materiality or external design of the development with the exception of the minor increase in roofline and rooftop plant which are considered minor and acceptable amendments due to the location of the site and the negligible visual impacts from the public domain.	N/A

Statutory Reference	Statutory Consideration	Relevance	Compliance
	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). 11) Energy efficient design principles shall be employed in all building designs (Figure 21). 12) Entrances to buildings must be highlighted by architectural features consistent with the overall design of the building. 13) Courtyard and screen walls shall be in the same material as the building facades. 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. 16) Roof forms should help to visually articulate the use within the building. This may include transitions between foyer, office and larger warehouse uses. 17) Roof design must provide natural illumination to the interior of the building. 18) Development applications shall demonstrate Ecological Sustainable Design (ESD) measures have been incorporated into the design.		
4.2.6 Design of Storage Areas		The proposed modification will continue to locate all storage areas internally.	N/A
4.2.7 Storage, Transportation, Handling and Processing of Chemical Substances		The modification does not seek 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. 3) Building identification signage should have a maximum advertising area of up to 0.5 square metres for every metre of lineal street frontage. 4) Sky signs and roof signs that project vertically above the roof of a building are not permitted. 5) Flat mounted wall signs for business identification signage are to be no higher than 15 metres above finished ground level. 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. 7) Signs are to be contained fully within the confines of the wall or awning to which it is mounted.	No amendments to approved signage are proposed.	N/A

Statutory Reference	Statutory Consideration	Relevance	Compliance
	9) Illuminated signs are not to detract from the architecture of the building during daylight 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. 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. 13) A maximum of one illuminated sign is permitted on each elevation of each building. 14) Illuminated signage shall be oriented away from residential receivers		
4.2.9 Safety and Surveillance		The proposed modification does not seek to alter any approved glazing, parking orientations, lighting systems or landscaping.	N/A
4.2.10 Lighting		This modification does not seek to alter any approved lighting designs.	N/A
4.2.11 Fencing		The modification does not seek to alter the approved fencing.	N/A
4.3.1 Noise and Vibration	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. 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). 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. 4) An Acoustic Report shall be prepared for developments within 500m of rural-residential areas and other sensitive receivers, including educational establishments. 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. 7) Building design is to incorporate noise amelioration features. Roof elements are to control potential breakout noise, having regard to surrounding topography. 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.	A Noise and Vibration Assessment Report has been prepared by SLR Consulting to evaluate cumulative noise emissions from the entire estate, which includes the proposed modification to Warehouse 2. The results from this assessment found that the proposed modifications to Warehouse 2 do not exceed any operational noise limits of sleep disturbance thresholds at any sensitive receiver locations and complies with the noise criteria of Condition B33 of SSD-10448. As such, no further mitigation measures are necessary beyond those already identified in previous approvals.	Yes
4.3.2 Trading and Operating Hours of Premises		The approved operation hours are 24 hours a day / 7 days per week. This modification does not seek to alter these hours.	N/A

Statutory Reference	Statutory Consideration	Relevance	Compliance
4.3.3 Air Quality	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. 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. 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: 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.	An Air Quality Assessment Statement was prepared by SLR to assess the implications of the proposed modification which may result in negative impacts to air quality. The report outlines that the proposed modifications to Warehouse 2 do not significantly alter the conclusions of the Air Quality Impact Assessment provided for the initial, approved SSDA. SLR therefore confirm that the predicted impacts are well within relevant air quality criteria and do not warrant additional mitigation nor further detailed assessment.	Yes
4.4.1 Development on Sloping Sites		This modification does not seek to alter the approved Geotechnical Assessment letter and does not involve any new earthworks.	N/A
4.4.2 Erosion and Sediment Control		This modification does not seek to alter the approved Erosion and Sediment Control Plan and does not involve any new earthworks.	N/A
4.5 Waste Minimisation and Management	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 methods of managing the generation, storage and disposal of wastes in an integrated way during construction and operation.	The approved SSDA assessed waste on the site and included a Waste Management Plan which details the management requirements for waste generated from the construction and the operation of Warehouse 2.	Yes
4.6.1 Parking and Manoeuvring Areas		This modification does not seek to alter the approved traffic, parking and access on the site.	N/A