



APPENDIX B STATUTORY COMPLIANCE TABLE

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 proposed modification 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 modified development will maintain the appropriate ESD design strategies as detailed in the attached ESD report (Appendix R).</p> <p>The modified development will maintain the staged delivery of the estate, ensuring the orderly development of the industrial land.</p> <p>The modifications do not seek to change the impacts to ecological areas and potential habitat areas.</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>The modifications will not change the potential impacts to Aboriginal heritage.</p> <p>The modified built form and alignment of the warehouse buildings will maintain the core design concepts of the approved development. Details of the revised building design is demonstrated in Section 4.2 of the Modification Report.</p> <p>The appropriate community notification will be undertaken as part of the modified development as detailed in Section 6 of the Modification Report.</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 (Transport and Infrastructure) 2021 ▪ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ▪ State Environmental Planning Policy (Planning Systems) 2021 ▪ State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 	State Environmental Planning Instruments have been assessed in the statutory compliance table sections below.	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
Section 4.55	<p><i>(1A) Modifications involving minimal environmental impact 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, the proposed modifications will result in a development that is substantially the same as the development for which consent was originally granted. Specifically:</p> <p>The approved use, being a warehouse and logistics facility, will be maintained and will see minimal changes to the worker capacities.</p> <p>The proposed modifications to the landscaping will maintain the overall screening and amenity benefits. The proposal will result in a total of 8,401sqm of tree canopy across Lot 1 and 2,006sqm of tree canopy across Lot 3.</p> <p>The increase in building height at Warehouse 1 will not be discernible from the neighbouring view points and will not result in any adverse impacts.</p> <p>The proposed changes to warehouse GFA, and quantum of car parking will see minimal change to access, operations and environmental impacts.</p>	

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		<p>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.</p> <p>The proposal as modified will continue to align with the aims and objectives of relevant State and local planning instruments and planning guidelines.</p> <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. This includes an assessment against the traffic, air quality, noise and vibration and ecology impacts. Further details on the environmental impacts are provided in Section 7.2 of the EIS.</p>	

Statutory Reference	Statutory Consideration	Relevance	Compliance
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 modification does not seek to change the approved warehouse and distribution centre and industrial land 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> <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 proposed modification maintains consistency with the zone objectives as it facilitates an employment generating land use at the site with ancillary office space. As detailed in Section 7 of the Modification Report, there are minor or negligible adverse impacts to the surrounding land uses and the environment that will otherwise be appropriately mitigated. The Proposal remains highly consistent with the objectives of the IN1 zone.	Yes

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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 modification will ensure the approved development addresses the Principles of ESD and will appropriately maintain the environmental values of the area while establishing the appropriate energy and water efficiency systems. Refer to Section 7.2.1 and Appendix R which detail the ESD commitments.	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>	The proposed modification will see an increase in the maximum building height at Warehouse 1 from 14 to 18.4m at the maximum plant height. A Visual Impact Assessment (Appendix L) was prepared and Section 7.2.4 of the Modification Report concludes that the modification will not result in any discernible impacts to the surrounding area. As such, the change in building height for Warehouse 1 will not impact the amenity of adjacent residential areas.	N/A

Statutory Reference	Statutory Consideration	Relevance	Compliance
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 across the building in accordance with the approved SSD and the appropriate rainwater management is detailed at Section 7.2.6 and Appendix O .	Yes
Clause 2.22 – Development Adjoining Residential Land	<p>Development adjoining residential land:</p> <p>Wherever appropriate, proposed buildings are compatible with the height, scale, siting and character of existing residential buildings in the vicinity.</p> <p>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</p> <p>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.</p>	<p>The site location is not adjacent to residentially zoned land. As such, it is recognised that existing dwellings on adjacent lots are likely to, over time, be redeveloped for industrial and warehouse purposes. Notwithstanding an assessment against this clause has been undertaken.</p> <p>The proposed modification to the built works will result in negligible impacts to the building's integration with the compatible scale in the area. The size and location of the warehouses remain commensurate with that originally approved.</p> <p>The proposed modifications will result in negligible impacts to the visual appearance of the building from the limited areas from which the building can be seen from residential dwellings. The relevant</p>	<p>Yes</p> <p>Yes</p>

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<p>Noise generation from fixed sources or motor vehicles associated with the development will be effectively insulated or otherwise minimised.</p> <p>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</p> <p>The development will provide adequate off-street parking, relative to the demand for parking likely to be generated.</p> <p>The site of the proposed development will be suitably landscaped, particularly between any building and the street alignment.</p>	<p>landscape buffer and screening will be maintained.</p> <p>The relevant noise mitigation measures will be implemented. Refer to Section 7.2.5 and Appendix O.</p> <p>The proposed development will not result in any adverse amenity impacts by way of operations.</p> <p>The off-street parking available at the site is appropriate for the modified building form and demand generated. Refer to Section 7.2.7 and Appendix M.</p> <p>The proposed development will provide landscaping in accordance with the DCP requirements.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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. The modification does not seek to disrupt the delivery of the utility infrastructure.	Yes
Clause 2.25 - Development on or in the Vicinity	Development on or in the Vicinity of Proposed Transport Infrastructure Routes	The modification will not impact any future infrastructure route.	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
of Proposed Transport 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 Principles	<p>In determining a development application that relates to land to which this Policy applies, the consent authority must take into consideration whether or not:</p> <ul style="list-style-type: none"> 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 modified warehouse design has previously been designed with external materials and finishes that complement the surrounding natural and built form of the locality. The materials selected, and as approved in the assessment of SSD-10436 are considered to be durable, hardwearing, low maintenance and evoke smart building design. The proposed development does not seek to change the existing design, materiality and landscape buffer at the site.	Yes
Clause 2.34 Development of land within or adjacent to	(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	Modification to be referred to TfNSW.	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
transport investigation area	<p>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> <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>		
Clause 2.35 Development within the Mamre Road Precinct	<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>	Modification to be referred to TfNSW.	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<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>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>The site 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, as currently approved.</p>	<p>Yes</p>

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<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>(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>		

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<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>(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.</p>	<p>The site is located 4km north-east from the Western Sydney Nancy-Bird Walton Airport.</p> <p>The proposed modification does not introduce any additional elements that would attract birdlife to the site.</p>	<p>Yes</p>
<p>Clause 2.40 Earthworks</p>	<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>Significant changes to pad levels are not required or proposed as part of this modification. Any change in earthworks will be minor compared to that originally approved, resulting in the shifting location of retaining walls to reflect updated lot layouts and dimensions.</p> <p>Assessment of these matters remains consistent with that of the original application. Water quality and stormwater management measures will be informed by conditions of consent to SSD 10448.</p>	<p>Yes</p>

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<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>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>A detailed flood study has been undertaken as part of the original SSD. Flood risk can be managed on the site with appropriate measures to ensure no negative cumulative impacts. The proposed modification will not compromise the approved flood risk management strategies.</p>	<p>Yes</p>

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<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>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</p>	<p>The appropriate consideration and management procedures for the proper water efficiency systems are detailed in Section 7.2.6 and Appendix O. The stormwater quality and water sensitive design approach is consistent with that approved in SSD 10448.</p>	<p>Yes</p>

Statutory Reference	Statutory Consideration	Relevance	Compliance
	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	<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 modified development will deliver 5 x flush wall mounted business identification signs across the Warehouse 1 and 3 elevations. These signs will be in the same general location and size as the approved signage at the south and west elevations.</p> <p>The modified development will include updated pylon, wayfinding signs in accordance with the revised Access Road 2 alignment as well as the updated truck and carpark access locations. The design and size of the pylon signs will remain unchanged.</p> <p>Accordingly, the modified signage will be consistent with the criteria specified in Schedule 5 as it will be appropriate for the industrial area, will not affect the visual quality of the surrounding area, will not affect any views or vistas, will be of a compatible scale and will not impact the safety of pedestrians or traffic.</p>	Yes

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State Environmental Planning Policy (Transport and Infrastructure) 2021			
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>	<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. All traffic entering and exiting from Lots 1 and 3 will do so via Access Road 1 which connects to Mamre Road.</p> <p>Modification to be referred to TfNSW.</p>	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>	The proposed modification will be referred to TfNSW.	N/A

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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>		

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	<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 (Vegetation in Non-Rural Areas) 2017			
Part 2	The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 aims to protect the amenity of non-rural areas and associated biodiversity value of vegetation.	No tree removal forms part of this modification therefore the considerations to biodiversity offsets are not relevant to this DA.	N/A
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 proposed modifications do not propose to introduce the storage of additional hazardous or potentially offensive materials.	Yes

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Chapter 3 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>	Site remediation was approved via SSD 10448. Remediation works in accordance with those approved provisions will be undertaken prior to commencement of works on site in accordance with the primary development consent.	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>	The modified Stage 1 development works has an estimated capital investment value of \$110,895,727 and accordingly, is classified as a State significant development (SSD) under Schedule 1, cause 10 of the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP). Accordingly, the proposed modification maintains the development's classification as SSD.	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
State Environmental Planning Policy (Western Parkland City) 2021			
Part 4.3 - 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 site is located within the ANEC 20-25 Contour. The modified development does not include any noise sensitive uses.	Yes
Part 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 site is located within the 180 – 210m AHD OLS. The modified development will be well below the OLS surface.	Yes
Part 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 site is located within the 8km wildlife buffer zone. The modified development will not result in any further impacts to potential habitat areas.	Yes
Part 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 as part of this modified development.	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

Statutory Reference	Statutory Consideration	Relevance	Compliance
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 will maintain 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 proposed modification does not seek any adjustments to the approved riparian corridor realignment and will not affect any approved tree removal or biodiversity management strategies. The modification will not change the impacts to the potential habitats across the subject site.	Yes
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 proposed modification does not seek any adjustments to the approved riparian corridor realignment 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	No changes is proposed to the approved water cycle management strategy approved as part of SSD	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<p>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 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>6) Development must not adversely impact soil salinity or sodic soils and shall balance the needs of groundwater dependent ecosystems.</p>	<p>10448. The proposal remains consistent with the approval and these principles.</p>	

Statutory Reference	Statutory Consideration	Relevance	Compliance																		
	<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>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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Statutory Reference	Statutory Consideration	Relevance	Compliance
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.	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 modification will not change the AIE's response to the flooding risks. The FIRA for the original approval remains applicable.	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 was undertaken as part of the SSD-10448 proposal. The extent of civil works proposed as part of MOD 1 does not extend beyond that contemplated under SSD-10448. Therefore, 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	A non-aboriginal heritage impact statement was prepared as part of the SSD-10448 proposal. The assessment confirmed that site has nil-low potential to contain archaeological resources and there will be appropriate vegetation	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
		screening from the closest heritage item Bayley Park – House (Penrith LEP, Item 104). The modification 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>A Bushfire Hazard Assessment has been prepared by Blackash Bushfire Consulting which assesses the modified development against the requirements of the NSW planning framework for development in Bushfire Prone Areas (BPA).</p> <p>The proposal 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>	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 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.	No change is proposed to the salinity management approach proposed and approved by SSD 10448.	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. The proposed modification does not seek to change the previous assessment of the development against the contamination consideration.	Yes
2.11 Aviation Safeguarding	1) An Aviation Safeguarding Assessment is to be submitted with development applications detailing compliance with aviation safeguarding measures	The proposed development 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 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

Statutory Reference	Statutory Consideration	Relevance	Compliance											
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 modified development will not substantially change any of the connections to the telecommunication, water or sewer networks. The location of the external substations at lot 1 will be subject to confirmation with endeavour energy.	Yes											
2.15 Transport Investigation Areas	a) To safeguard the future transport infrastructure essential to the delivery of the Precinct.	The site is not identified as Transport Investigation Area marked “A” or “B”.	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	1,000m²	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 modified development will feature an updated subdivision layout to reflect the updated road layout. The adjusted industrial super lots will maintain compliant 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.	The modified building orientations will not result in further impacts to identified view corridors.	Yes											

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<p>Development applications should demonstrate how the natural features of the site have influenced the design.</p> <p>2) Site design shall retain visual connection with the blue-green network, ridge lines and vistas.</p> <p>3) The design of lots adjoining Mamre Road, Southern Link Road, and Aldington/Abbotts Road shall promote a high-quality landscape character.</p> <p>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.</p>	<p>The modified development will maintain the appropriate vegetation planting and will not result in further impacts towards blue/green grid views.</p> <p>The modified building layout includes an appropriately adjusted landscape plan which will maintain a high quality of landscape.</p> <p>The proposed modification does not include any changes to the approved retaining wall design</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
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.	The site 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	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.	An updated Framework Sustainable Travel Plan has been prepared by Ason Group which details the overarching requirements for a future Sustainable / Green Travel Plan package for the Estate. Refer Appendix N .	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
	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)	The modified development will maintain the timing delivery of Access Roads 1 and 2 at the site.	Yes
	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.	The modified development will maintain the east-west connection through the site, consistent with the general alignment identified in the DCP.	Yes
	6) Internal local roads are to be designed to: <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. 	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.	Yes
	9) Access points shall be located to optimise safety, traffic flow and landscape opportunity, as well as end user operations. All parking shall be provided either on site or in centralised offroad locations.	An RSA has been prepared to inform the Traffic Assessment at Appendix M . This identifies the revised access points to the warehouse will maintain safety and	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
	10) Direct vehicle access to Mamre Road, Southern Link Road and distributor roads (Aldington Road/ Abbotts Road) is not permitted.	traffic-flow performance across the local and wider road network. All parking will be provided on-site. No direct access to Mamre Road is proposed.	Yes
	11) All intersections within the internal road network shall incorporate traffic facilities, which promote safe and efficient pedestrian, cyclist and traffic movement.	The modified development does not seek to alter any of the approved internal, intersection facilities.	Yes
	12) The internal road pattern is to facilitate 'through-roads' with cul-de-sacs to be avoided unless dictated by topography or other constraints.	A cul-de-sac is proposed at Access Road 2 which provide the appropriate vehicular access and through-way across the northern end of the site.	Yes
	14) Internal road network intersections are to be provided at the following minimum intervals: o Local to local industrial road – 40m-60m; o Local to collector/distributor road – 100-200m; and o Collector/distributor to sub-arterial – 400m-500m.	The modified alignment for Access Road 2 will maintain a 50m separation from the Access Road 4 intersection.	Yes
	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 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 Traffic Impact Assessment (Appendix M)	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
	16) Development applications shall detail the volume, frequency and type of vehicle movements.	The typical traffic generation is detailed in the traffic impact assessment (Appendix M).	Yes
	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).	The traffic impact assessment (Appendix M) identifies the proposed design is in accordance with the relevant Australian Standards.	Yes
	18) Road design is to address the Guide for Traffic Generating Development (former RTA 2002).	Noted.	
	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 modified development 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 proposed development 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 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 road has the appropriate width to allow for broken down vehicles.	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
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 proposed development does not impact the delivery of the Intermodal Terminal. The modification will not affect any connections to or the dedication of the intermodal terminal.	N/A
3.4.3 Public Transport, Pedestrian and Cycle Network	<p>4) 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.</p> <p>6) All footpaths are to be consistent with the relevant requirements of Walking Space Guide - Towards Pedestrian Comfort and Safety (NSW Government).</p> <p>8) Street lighting in accordance with the provisions of AS1158 should be provided in all streets.</p>	<p>The modified development will not affect the neighbouring 'bus only' road and stations.</p> <p>The modified development will include minimum average lux levels in the warehouse, office, awning and carpark. All street lighting will be designed in accordance with AS1158.</p>	<p>Yes</p> <p>Yes</p>
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. 	<p>Engineering works within the road reserves have been undertaken in accordance with the following, in a manner consistent with the approved works</p> <p>AS 3500.3 – Plumbing and drainage – Stormwater drainage</p> <p>Commonwealth of Australia (Geoscience Australia), Australian Rainfall and Runoff: A guide to flood estimation, 2019</p>	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
		<p>Mamre Road Precinct Development Control Plan 2021</p> <p>Western Sydney Planning Partnership, Western Sydney Engineering Design Manual, December 2020</p>	
4.1 Site Analysis	1) All development applications are to be accompanied by a Site Analysis Plan.	The proposed modification 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 modifications to the building height will not result in any discernible interference with the adjoining landscaping, pedestrian paths, rural residential areas or riparian corridors. Details are provided in Section 7.2.4 and Appendix L .	Yes
	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.	The modified development is beyond 250m from a rural-residential zone. The proposed 18.4m and 16m roof ridge height falls below the identified 20m maximum in the DCP.	Yes
	4) Taller building elements over 15m should be set back from the street frontage.	The modified warehouse 1 building will have a pitched roof with a centre ridge line. As such, the	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: The Precinct, particularly when viewed from elevated locations and view lines identified in Figure 10; Wianamatta-South Creek; and 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>elements over 15m will be further setback from the street frontage.</p> <p>The modified development will be of a small scale in which there will be no overshadowing impacts.</p> <p>The proposed rooftop mechanical plants will project above the 16m ridge height (to a height of 18.4m) but will not exceed the 20m guideline contained in the DCP.</p> <p>A visual impact assessment has been prepared by Clouston Associates and is detailed in Appendix L.</p> <p>The modified development will maintain the appropriate positioning of the warehouse buildings within the natural site topography.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
4.2.2 Building Setbacks	1) Building setbacks are to be in accordance with the standards outlined in Table 10.	The revised development will establish building setbacks that are generally compliant with the DCP's numerical requirements. The revised Warehouse 1 building alignment will deliver setbacks well in excess of the minimum identified	Consistent with Objectives.

Statutory Reference	Statutory Consideration	Relevance	Compliance																								
	<table><tr><th colspan="2">Table 10. Building setback requirements</th></tr><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> <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):</p> <ul style="list-style-type: none">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;oro Drainage works. <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> <p>4) Setbacks may incorporate an off-street parking area if it can be demonstrated that the location of the car parking area:</p> <ul style="list-style-type: none">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	Table 10. Building setback requirements		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.	<p>in the DCP (see the attached ‘SSDA MOD 1 OVERALL SITE PLAN’ at Appendix D). The appropriate level of landscaping will be provided within the landscape setbacks.</p> <p>The south side setback for Warehouse 3 is not proposed to change from that originally approved. Accordingly, the setback will continue to see minor variance to the numerical control. This setback will continue to respond to the fire safety considerations of the site and will maintain consistency with the control’s objectives.</p> <p>The modified development 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>	
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Statutory Reference	Statutory Consideration	Relevance	Compliance
	<p>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>5) The design of setbacks and hardstand areas should seek to minimise the visual impacts of the development (see also 4.2.3 Landscaping).</p>	<p>The hardstand and setback areas will continue to deliver landscape buffers, consistent with the original development.</p>	
<p>4.2.3 Landscaping</p>	<p>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.</p> <p>2) A Landscape Plan prepared by a Landscape Architect is to be submitted with all development applications.</p> <p>3) Landscaped area is to be provided in accordance with Table 11.</p>	<p>The Lot 1 will achieve tree canopy coverage of 14%.</p> <p>The Lot 3 will achieve tree canopy coverage of 5%.</p> <p>The total concept plan area will achieve a tree canopy coverage of 14% across the estate to meet the DCP requirement.</p> <p>A landscape plan has been prepared by Site Image and is attached in Appendix E.</p> <p>The modified development will maintain compliance with the landscape setback requirements. This includes a 10m landscape setback to Mamre Road, 2.5m rear setback.</p> <p>The provision of side and rear landscape setbacks will be</p>	<p>Yes on balance</p> <p>Yes</p>

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> <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: Deep soil (one metre or more in depth, connected subsoil) – 100% Shallow soil (less than one metre in depth, not connected to subsoil) – 75% Permeable pavement – 50% 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>	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>maintained in accordance with the requirements of emergency vehicle access, asset protection zones, fire rating and BCA standards</p> <p>Permeable paving is not proposed due to long term durability and maintenance concerns. The modified development will see Lot 1 with a pervious surface area of approximately 10% and Lot 3 with a pervious surface area of 17%.</p> <p>The proposed modification does not seek to change the approved level of works to existing remnant vegetation or paddock trees.</p> <p>The modified front setbacks will accommodate the same tree</p>	<p>Yes</p> <p>Yes</p> <p>Yes</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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Statutory Reference	Statutory Consideration	Relevance	Compliance
	<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>8) Developments adjoining existing sensitive receivers (e.g. educational establishments) shall be designed to mitigate impacts on sensitive receivers such as through generous buffer zones and landscaping, and locating noise generating activities away from the sensitive interface, as well as traffic management measures to improve safety and minimise conflicts.</p> <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>species which will deliver the appropriate canopy height.</p> <p>The modified development will continue to deliver tree plantings across the north and west setbacks were possible, with consideration of other access and parking requirements.</p> <p>The modified development will continue to deliver the appropriate vegetation screening and buffers which will mitigate any acoustic impacts. Further details is provided in Section 7.2.5 of the Modification Report.</p> <p>The modified development at warehouse 1 will deliver approximately 1 island tree per 11 car park spaces. This minor discrepancy to the numeric control will provide the appropriate level of heat island mitigation.</p> <p>The modified development will continue to screen vehicular areas with vegetated buffers and setbacks.</p>	<p>Yes</p> <p>Consistent with Objectives</p> <p>Yes</p> <p>Yes</p>

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<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: Be consistent with the preferred trees identified in Appendix C; Consider the use of local native vegetation communities; Re-use of native plants or topsoil removed during earthworks; Contribute to the management of soil salinity, water levels and soil erosion; Ensure tree species being low maintenance and drought tolerant; Consider the capacity of the species to contribute to tree canopy cover; 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; Incorporate a diverse range of flora species for to increase species resilience; and Consider service authority requirements in easement locations.</p> <p>15) No plant species that are considered a Weed of National Significance and/or a Noxious Weed in New South Wales shall be used.</p>	<p>This modification will not change the approved paving, landscape structure materials or the selection of trees and landscape plants.</p> <p>A range of native species have been specified, in a manner consistent with those approved by SSD 10448.</p> <p>These are not proposed.</p>	<p>Yes</p> <p>Yes</p>
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>The modified development will deliver an outdoor break out space and balcony area at Warehouse 1. The modified Warehouse 3 will include an outdoor breakout space. The outdoor breakout spaces across the modified development will be accessible from the main office.</p>	<p>Yes</p>

Statutory Reference	Statutory Consideration	Relevance	Compliance
	2) In locating communal areas, consideration should be given to the outlook, natural features of the site, and neighbouring buildings.	The modified breakout space at Warehouse 1 will provide an outlook towards the nearby vegetated areas as well as providing passive surveillance to the at-grade carpark area.	
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)).	The modified development will continue to target and environmental outcome equivalent to a 5 Star Green Star.	Yes
	2) Buildings shall be oriented so building frontage is parallel with the primary street frontage.	The modified building alignment will continue to be parallel with the relevant street frontages.	Yes
	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.	The proposed modification will deliver the appropriate landscaping in alignment with the building orientation.	Yes
	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.	The modified parking arrangement at will be located at the side, rear setbacks or will be substantially screened and will not be directly visible from the public domain.	Yes
	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.	The modified development will maintain the general design of the office glazing and administration areas, facilitating the appropriate surveillance.	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<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>12) Entrances to buildings must be highlighted by architectural features consistent with the overall design of the building.</p> <p>13) Courtyard and screen walls shall be in the same material as the building facades.</p> <p>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.</p>	<p>The proposed modification will maintain the approved finishes and colours as well as the glazed articulation at the main office space. This will provide a visually attractive outcome.</p> <p>An ESD report has been prepared at Appendix R which details the energy efficient principles to be employed.</p> <p>The main office buildings/entrances will have a visually distinct, angular glazed design, consistent with the approved development.</p> <p>No changes are proposed to the screen wall materiality.</p> <p>The roof elements and mechanical plant have been reviewed for visual impact. The assessment concludes that they will not create a detrimental or reduced visual impact from that originally approved.</p> <p>The main office buildings will have a visually distinct and highly visible,</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<p>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.</p> <p>16) Roof forms should help to visually articulate the use within the building. This may include transitions between foyer, office and larger warehouse uses.</p> <p>17) Roof design must provide natural illumination to the interior of the building.</p> <p>18) Development applications shall demonstrate Ecological Sustainable Design (ESD) measures have been incorporated into the design.</p>	<p>angular glazed design, consistent with the approved development.</p> <p>The roof form between the warehouse and office areas will be distinguishable.</p> <p>Translucent materials at the rooftops will facilitate natural illumination.</p> <p>An updated ESD report has been prepared at Appendix R which demonstrates the modified development will generally maintain the approved ESD strategies of the original development.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
4.2.6 Design of Storage Areas	1) Storage areas are to be located within the building, where practical.	The modified development will maintain storage areas be located internally.	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 proposed modifications do not propose to introduce the storage of additional hazardous or potentially offensive materials. If any future tenant requires the storage of dangerous goods on site, a preliminary hazard analysis would be required to be prepared and	N/A

Statutory Reference	Statutory Consideration	Relevance	Compliance
		submitted with a further application for assessment and approval.	
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 modified development includes 5 x flush building identification signs and pylon wayfinding signs in adjusted locations to account for the revised Access Road 2 and internal driveway access locations. The proposed materials and design of the flush and pylon signs will not be changed as part of this modification. All the modified signage will be wholly contained in the site. The number of identification signs for the Warehouse buildings is equal or less than the approved development will deliver the appropriate identification with consideration of the size of the Warehouse buildings as well as the	Yes
	2) Free standing pylon signage must not exceed 10m in height from finished ground level and 2m width. No signage is permitted in the bottom 2m of the structure.	The proposed development includes pylon signs that are built to a maximum height of 12m. This is consistent with the approved pylon signage.	Consistent with Objectives
	3) Building identification signage should have a maximum advertising area of up to 0.5 square metres for every metre of lineal street frontage.	The proposed modification will not change the dimensions of the building identification signage and	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<p>4) Sky signs and roof signs that project vertically above the roof of a building are not permitted.</p> <p>5) Flat mounted wall signs for business identification signage are to be no higher than 15 metres above finished ground level.</p> <p>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.</p> <p>7) Signs are to be contained fully within the confines of the wall or awning to which it is mounted.</p> <p>8) In the case of multiple occupancy of a building or site: Each development should have a single directory board listing each occupant of the building or site; Only one sign is to be placed on the face of each premises either located on or over the door; and Multiple tenancies in the same building should use consistent sign size, location and design to avoid visual clutter and promote business identification.</p> <p>9) Illuminated signs are not to detract from the architecture of the building during daylight.</p>	<p>will be appropriately proportioned to the street frontage area.</p> <p>No sky signs and roof signs are proposed.</p> <p>The proposed flat mounted signs wall signs will be lower than 15m above the FGL.</p> <p>The modified flush façade signs will be located on the warehouse elevations at an appropriate location, similar to the approved warehouse signage.</p> <p>The proposed flush signs will be located fully within the wall in which they are mounted.</p> <p>The appropriate occupants will be identified across the modified pylon, wayfinding signs. Only one sign is proposed to be located at the top of the main building entrances.</p> <p>The proposed modification will not change the level of illumination and type of illumination across the signage. The illumination will not detract from the building and the</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<p>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.</p> <p>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.</p> <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>relevant cabling will be appropriately concealed.</p> <p>The signage illumination can be adjusted if necessary or subject to a curfew if deemed necessary.</p> <p>No changes to the level and type of illumination is proposed for the signage across the site. The bulk of modified signs will be facing the internal access roads and no changes are proposed to the sign facing Mamre Road.</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 modified development will not affect the site's ability to provide surveillance, visibility, lighting or perceived level of safety.</p> <p>The modified 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 updated development will continue to provide energy efficient lighting systems The proposed development will include minimum average lux levels in the warehouse, office, awning and</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>carpark. All street lighting will be designed in accordance with AS1158.</p> <p>The modified development will continue to provide clear paths of travel throughout the internal road and external warehouse areas.</p> <p>The modified landscaping will continue to be comprised of the approved species. The adjusted layout of landscaping will not compromise the 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 proposed development 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 proposed lighting will meet security requirements without excessive energy consumption. In accordance with the updated ESD, the development is recommended</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.	to feature on-site Renewable Energy Production for Warehouse 1 including a 500 kW Solar System and 200kWh battery proposed. 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 proposed modification will not affect or adjust the approved fencing throughout the site except to address the adjusted lot boundaries.	Yes
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	No machinery is identified as part of the modified development. An updated noise assessment has been prepared by SLR Consulting which provides a revised analysis consistent with the method of the previously prepared noise assessment. The updated acoustic report includes an assessment of traffic generation and the appropriate	N/A Yes Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<p>Acoustic Report should outline the proposed noise amelioration strategies and management methods.</p> <p>4) An Acoustic Report shall be prepared for developments within 500m of rural-residential areas and other sensitive receivers, including educational establishments.</p> <p>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.</p> <p>7) Building design is to incorporate noise amelioration features. Roof elements are to control potential breakout noise, having regard to surrounding topography.</p> <p>8) Boundary fences are to incorporate noise amelioration features and control breakout noise having regard to developments adjoining rural-residential areas.</p> <p>9) Development shall comply with the relevant Australian Standards for noise and vibration.</p>	<p>management methods. Further detail is provided in Section 7.2.5.</p> <p>The acoustic report includes an assessment of the neighbouring sensitive receivers, including rural-residential and educational areas.</p> <p>The acoustic report addresses the proposal in light of the approved noise limits which have been set having regard to cumulative impacts.</p> <p>Mitigation measures for rooftop plant have been incorporated in the original SSD-10448 consent requirements. These are maintained where necessary. No additional mitigation measures are recommended as a result of this modification.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</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.	The proposed modification will not affect the typical operating hours of the warehouse and industry buildings (approved at 24 hours a day / 7 days per week).	Yes
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.	An updated air quality assessment was prepared (Appendix P) which determines the proposal will result in neutral or low impact to the air	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<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>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.</p>	<p>quality. This includes an updated assessment during the construction phase of development.</p> <p>The assessment and management method maintain consistency with the approved development and original air quality impact assessment. No update to mitigation or monitoring methods are required.</p>	Yes
4.4.1 Development on Sloping Sites	<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>Only minor changes are proposed to earthworks from the benching levels approved in SSD-10448. The proposal responds to these requirements.</p>	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<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>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>		

Statutory Reference	Statutory Consideration	Relevance	Compliance		
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).	Erosion and sediment control measures are provided in the Civil Infrastructure Report at Appendix J . A RSCP is also required by condition D25 of the consent.	Yes		
4.5 Waste Minimisation and Management	1) Development applications shall include a Waste and Resource Recovery Management Plan (WRRMP) 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 modified development will not change the approved waste management plan approved for the development and will not change the waste generation rates.	Yes		
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.	The modified parking has been prepared in accordance with the Mamre Road DCP parking rate and achieves compliance with the relevant rates.	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)	The design of the car parking has been prepared to achieve compliance with the relevant Australian Standards. Further detail	Yes	
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.				

Statutory Reference	Statutory Consideration	Relevance	Compliance
	<p>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.</p> <p>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.</p> <p>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.</p> <p>9) Vehicle access is to be integrated into the building design as to be visually recessive.</p> <p>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.</p>	<p>is provided in the Transport Statement at Appendix M.</p> <p>Car parking is provided close to office locations. Clear pedestrian access paths are provided between the carparking areas and the building entry. The eastern carparking at Lot 1 is likely to support warehouse staff who can access the warehouse directly.</p> <p>The modification does not seek to change the materiality of the car parking areas for heavy vehicles. Permeable paving is not proposed due to long term durability and maintenance concerns.</p> <p>Vehicle access is provided in an integrated way with the overall development.</p> <p>Vehicular access assessment has been conducted for 30m A-double (i.e., 30m Performance Based Standards (PBS) Level 2 Type B vehicle)</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

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 updated swept paths analysis at Appendix M 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 modified signage plan has been prepared in accordance with the revised parking and access arrangements to assist visitors in locating parking areas.	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 modified car park area will maintain 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 revised vehicular access layout and 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.	The appropriate hard-stand areas for on-site loading is facilitated across the modified building layout.	
	20) All loading and unloading areas are to be: Integrated into the design of developments; Separated from car parking and waste storage and collection areas; Located away from the circulation path of other vehicles; and Designed for commercial vehicle circulation and access.	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- Where the building is strata-titled, the facilities are to be available to all occupants.	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 modified development does not seek to change the provision of bicycle facilities approved in the original development.</p>	Consistent with objectives
Site Area	Design Vehicle						
Greater than 20,000m ²	30m PBS Level 2 Type B						

Statutory Reference	Statutory Consideration	Relevance	Compliance
	26) Bicycle parking, facilities and storage must be in convenient locations, visible, secure, and provide weather protection for the bicycle.		
4.6.2 Driveways	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.	The revised access and intersection location have been assessed under the revised RSA (Appendix M). These modified vehicular access areas will continue to operate safely and effectively in accordance with the relevant Australian Standards. The modified driveway locations will appropriately integrate with the existing traffic volumes.	Yes
	2) Driveways and access roads shall be designed in accordance with AS2890.1 and 2 - 2004.		
	3) The design of driveways shall consider traffic volumes on the surrounding road network and to and from the development.		
	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.	The modified 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.	Yes
	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.	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	Yes

Statutory Reference	Statutory Consideration	Relevance	Compliance
		entry or exit for these vehicles will be accommodated by the modified development.	