

APPENDIX C – STATUTORY COMPLIANCE TABLE

Statutory Reference	Relevant Consideration	Relevance	Section in EIS
Environmental Pla	nning & Assessment Act 1979		
Section 1.3 – Objectives of the Act	a) 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,	The proposal will provide higher order employment opportunities on currently underutilised land in the Marsden Park Industrial Precinct and will support the broader growth of the North West Growth Area (NWGA).	Section 4
	 to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment, 	The proposal seeks to redevelop the site for uses which will provide significant jobs for the local and broader western Sydney communities. The staged development of the land will ensure that detailed design is undertaken that considers all potential economic, environmental and social impacts.	
	c) to promote the orderly and economic use and development of land,	The proposed development is to be staged in terms of its planning, development, and construction to promote the orderly and economic use and development of the land. This approach is necessary in relation to the precinct as it offers the flexibility needed to respond to changes in the market and the ability to respond to opportunistic conditions that may arise in meeting the specific needs and preferences of potential tenants and end-users.	
	d) to promote the delivery and maintenance of affordable housing,	The proposal does not include residential land uses as it is located within a B7 zone within the Marsden Park Industrial Precinct under the Chapter 3 of the WPC SEPP which prohibits the development residential uses.	
	e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	As detailed in Section 6 of this EIS, a suite of technical studies have been undertaken to determine the environmental impact of the warehouse and distribution centre use on the surrounding natural environment. The technical studies have confirmed that there is limited environmental impact associated with the proposal. Where there is an impact present, these mitigation measures have been implemented as detailed in Section 6 and Appendix F of the EIS to ensure that it does not cause an unacceptable impact on the surrounding natural environment	
	f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	In preparation of this SSDA, a range of technical studies are being undertaken to identify the presence of built and cultural heritage and ensure their sustainable management. Refer to Section 6 for an environmental impact assessment of potential built, cultural, and Aboriginal cultural heritage.	
	g) to promote good design and amenity of the built environment,	The proposed development is supported by an Architectural Design Statement (Appendix C of the EIS) and Landscape Plan (Appendix Q of the EIS) which ensures the proposal delivers the highest standard of architectural and landscape design. The site has been master planned to ensure that the future stages of the development will collectively promote good design and amenity outcomes.	
	 to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants, 	The detailed design of the warehouse buildings and offices will comprise of high-quality materials. The health and safety of all occupants remains a top priority of the development, as such, several	



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		technical studies have been undertaken to ensure that the development remains safe both in the construction phase and operational phase, these include:	
		■ BCA	
		 Fire Safety 	
		 Waste Management Plans 	
	 to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State, 	N/A to this proposal.	
	j) to provide increased opportunity for community participation in environmental planning and assessment.	Consultation was undertaken as required by the SEARs. Additionally, the application is required to be notified for a minimum of 28 days which will allow for further consultation opportunities for community participation in the assessment of the application.	
Section 4.15 –	Relevant Environmental Planning Instruments:	See details below in the below relevant sections of this table.	
Evaluation	 State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) 		
	 State Environmental Planning Policy (Precincts – Western Parkland City) 2021 (WPC SEPP) 		
	 State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP) 		
	 State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP) 		
	State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)		
	Draft Environmental Planning Instruments:	No draft EPI's have been identified as relevant to this application.	
	Relevant Planning Agreement or Draft Planning Agreement:	A VPA to provide essential infrastructure will be discussed with local and State authorities.	
	Development Control Plans:	See details below in the relevant section of this table.	
	 Blacktown City Council Growth Centre Precincts Development Control Plan 2010 (Growth Centre Precinct DCP) 		
	 the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality. 	The likely impacts of the development including the environmental impacts on the natural and built environments, and social an economic impact on the locality is assessed in detail within the EIS.	Section 6



Statutory Reference	Relevant Consideration	Relevance	Section in EIS
	c) the suitability of the site for the development,	The suitability of the site for the proposed development is demonstrated throughout the EIS.	Sections 2, 4, 6 & 7
	d) any submissions made in accordance with this Act or the regulations,	Submissions will be considered following exhibition of the application.	N/A
	e) the public interest.	The proposed development is compliant with the relevant planning instruments and controls applying to the site. The proposal will not create any adverse social, economic or environmental impacts which cannot be mitigated via the proposed mitigation measures in this application. On balance, the benefits of the development outweigh any adverse impacts and as such, the development is in the public interest.	Section 7
Environmental Plan	nning & Assessment Regulation 2021 (EP&A Reg)		
Part 8 Division 5	Part 8 Division 5 of the EP&A Reg provides that environmental assessment requirements will be issued by the Secretary with respect to the proposed EIS.	The EIS has been prepared to address the requirements of Part 8 Division 5 of the EP&A Reg and SEARs.	Appendix A
Section 275	Requirements for development applications for the North West and South West growth centres of Sydney Region. For the purposes of section 4.12(1) of the Act, a person cannot apply to a consent authority for consent to carry out development on land within a precinct of a growth centre that the Minister has declared under clause 276 to be released for urban development unless the application is accompanied by an assessment of the consistency of the proposed development with the relevant growth centre structure plan.	The proposed development has responded to the Marsden Park Industrial Precinct Indicative Layout Plan and the North West Growth Area: Land Use and Infrastructure Implementation Plan as detailed against the plans objectives in the below section of this Table and Section 4 of the EIS.	Section 4
Biodiversity Conse	ervation Act 2016 (BC Act)		
Section 7.14	The likely impact of the proposed development on biodiversity values as assessed in the Biodiversity Development Assessment Report. The Minister for Planning may (but is not required to) further consider under that BC Act the likely impact of the proposed development on biodiversity values.	The SEARs require the preparation of a BDAR or a BDAR waiver. A Biodiversity Assessment has been prepared in accordance with the NSW BC Act. The investigation identified that the site does not contain any significant vegetation to be protected and hence no biodiversity values will be impacted as a result of the proposed development.	Section 6.2.3 Appendix S
State Environment	al Planning Policies (SEPP)		
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021 The State Environmental Planning Policy (Planning Systems) 2021 identifies and established assessment frameworks for SSD and State Significant Infrastructure (SSI). Projects that fall within these categories are subject to an alternative assessment and approval process with the Minister for Planning being the consent authority.	The proposed estate works and development of 311 South Street, has a total estimated capital investment value of \$67,250,33 of which \$36,147,512 relates to Warehouse 1 and associated civil works, and \$31,102,825 related to Warehouse 2 and associated civil works (Appendix J). Accordingly, the development is classified as a State Significant Development (SSD) under Schedule 1, Clause 12 of the Planning Systems SEPP. Pursuant to Section 4.5(a) of the EP&A Act, the Minister of Planning and Open Spaces is the	Section 1.2 Appendix J
	Schedule 1 Clause 12 of the WPC SEPP identifies the general classes of SSD including development for the purposes of 'warehouse and distribution centres'	consent authority for SSD unless the Independent Planning Commission is declared the consent authority.	



Statutory Reference	Relevant Consideration	Relevance	Section in EIS
Transport and	with a capital investment value (CIV) of more than \$30 million at one location and related to the same operation as SSD. Other notable provisions of the WPC SEPP including: Clause 2.10 which states that Development Control Plans do not apply to SSD. State Environmental Planning Policy (Transport and Infrastructure) 2021	Transport for NSW has been consulted as part of the preparation of the EIS and concept design,	Section 5
Infrastructure SEPP	The Transport and Infrastructure SEPP is the primary planning instrument addressing the provision and operation of infrastructure across NSW. The SEPP provides planning pathways for various types of infrastructure within prescribed zones. Traffic generating development specified in Clause 2.121 requires referral to TfNSW, this includes: Car parking for 200 or more spaces Industry involving additional GFA that exceeds 20,000sqm	and the project would be referred to Transport for NSW as part of the SSD DA process.	Appendix H
WPC SEPP	 State Environmental Planning Policy (Precincts – Western Parkland City) 2021 Chapter 3 Clause 3.1 – Aims of Policy a) to co-ordinate the release of land for residential, employment and other urban development in the North West Growth Centre, the South West Growth Centre, the Wilton Growth Area and the Greater Macarthur Growth Area, b) to enable the Minister from time to time to designate land in growth centres as ready for release for development, c) to provide for comprehensive planning for growth centres, d) to enable the establishment of vibrant, sustainable and liveable neighbourhoods that provide for community well-being and high quality local amenity, e) to provide controls for the sustainability of land in growth centres that has conservation value, f) to provide for the orderly and economic provision of infrastructure in and to growth centres, g) to provide development controls in order to protect the health of the waterways in growth centres, 	The site is zoned under Chapter 3 of the WPC SEPP which is the principal EPI which applies to the land. The site is zoned B7 Business Park under the WPC SEPP. The proposed land use of Warehouse or Distribution Centre and Light Industries are permissible within the B7 zone. The existing SP2 Infrastructure zoning will be retained within the proposed development which incorporates the South Street widening and the proposed north-south collector road. The proposal aligns with the aims of the WPC SEPP and the Marsden Park Industrial Precinct in that it will facilitate the orderly occupation of the subject site in a way that caters to the current and future needs of the North West Growth Area. As per the key drivers of the Marsden Park Industrial Precinct Indicative Layout Plan, industrial uses or warehousing will generate employment and kickstart development. The proposed Master Plan has been informed by existing built and natural elements within the site with recognition to the cultural connection to the local Aboriginal and European heritage and will look to incorporate this local knowledge, culture and tradition into the development. The proposal will ensure that the subject site is adequality serviced and prepared to facilitate the early occupation of the site.	Section 4.1



Statutory Reference	Relevant Consideration	Relevance	Section in EIS
	h) to protect and enhance land with natural and cultural heritage value,i) to provide land use and development controls that will contribute to the conservation of biodiversity.		
	Appendix 3 Marsden Park Industrial Precinct Plan Clause 2.1 – Land Use Zones The site is zoned B7 Business Park under the WPC SEPP where warehouse and distribution uses are permissible.	The proposed development is permissible with consent in the B7 Business Park zone. The proposal aligns with the objectives of the B7 zone as it will encourage employment generating uses and opportunities as well as providing a range of light industrial uses supported by office facilities. The proposal will not limit the future capability of the site adapt to the future demands of the site rather it will catalyse future development capabilities of the site. All future developments must also demonstrate consistency with the objectives of the zone. A portion of the site is zoned SP2 Infrastructure along the North-South Collector Road corridor. There is no development proposed under this zone.	N/A
	Clause 2.6 – Subdivision – consent requirements Land to which this Policy applies may be subdivided, but only with development consent.	Subdivision is not proposed as part of this application.	Section 3.2.6.2
	Clause 2.6A – Demolition The demolition of a building or work may be carried out only with development consent.	Demolition of the site is permitted with development consent under Clause 2.6A of the WPC SEPP.	Section 3.2.6.2
	Clause 4.4 – Floor space ratio The objective of this clause is to control the bulk and scale of buildings within the Marsden Park Industrial Precinct by setting maximum floor space ratios for development within Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B5 Business Development, Zone B7 Business Park and Zone IN2 Light Industrial.	The proposed Floor Space Ratio (FSR) for the site is 0.4:1 which is below the existing FSR control of 1:1 under the WPC SEPP.	Section 4.1
	Clause 5.1 – Relevant acquisition authority The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions)	The site contains the North-South Collector Road which is an identified as part of the Indicative Layout Plan for the Marsden Park Industrial Precinct as well as the Tallawong to St Marys rail corridor alignment. It is understood arrangements for land acquisition of these areas within the site will be discussed with authorities later in the process.	N/A
Transport and Infrastructure SEPP	State Environmental Planning Policy (Transport and Infrastructure) 2021 Chapter 4 Clause 4.1 – Aims of Policy a) to identify land that is intended to be used in the future as an infrastructure corridor,	Chapter 4 Major infrastructure corridors of the Transport and Infrastructure SEPP aims to identify land that is intended to be used in the future as an infrastructure corridor and establish appropriate planning controls for the land to allow the ongoing use and development until it is needed for the future infrastructure corridor.	Section 3.2.2.2



Statutory Reference	Relevant Consideration	Relevance	Section in EIS
	 b) to establish appropriate planning controls for the land for the following purposes— c) to allow the ongoing use and development of the land until it is needed for the future infrastructure corridor, d) to protect the land from development that would adversely impact on or prevent the land from being used as an infrastructure corridor in the future. 	The Transport and Infrastructure SEPP requires master plans, development applications and complying development applications on or adjacent to these corridors to obtain concurrence from, or be referred to, Transport for NSW prior to consent being granted. The site is traversed by an identified corridor for the future Tallawong to St Marys corridor along the south eastern corner of the site. As such the proposal requires future concurrence from Transport for NSW prior to consent being granted.	
Resilience and Hazards SEPP Industry and Employment SEPP	Chapter 3 Hazardous and offensive development – Resilience and Hazards SEPP Chapter 3 of the Resilience and Hazards SEPP ensures appropriate mitigation measures are employed to reduce the impact of development with hazardous or offensive industries.	The proposal is for a master planned warehouse and distribution complex which is intended for warehousing and distribution focus. The proposal itself is not potentially hazardous or potentially offensive development. Should an operator seek to occupy the premises within the subject site for purposes that would be classified as potentially offensive or hazardous, a PHA would be required to be prepared and submitted with a further application for assessment and approval.	Section 4.3
	Chapter 4 Remediation of land – Resilience and Hazards SEPP Chapter 4 of the Resilience and Hazards SEPP aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.	Chapter 4 of the Resilience and Hazards SEPP introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed it if is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. Initial environmental investigations have concluded that the site is unlikely to be constrained by any significant contamination. There are however potential sources of contamination which exist within the site but are not expected to preclude the proposed development of the site. Development at the site will be informed and supported by detailed contamination investigations undertaken in accordance with the provisions of the Resilience and Hazards SEPP. If land is contaminated, the site will be suitably remediated prior to development to reduce the risk of harm to human life or to other aspects to the environment. It is assumed that the site can be remediated and prepared suitable for future urban development. Remediation of the subject site is encompassed in the proposal under the environmental management of the estate works.	Section 6.2.1 Appendix I Appendix W
	Chapter 3 Advertising and signage – Industry and Employment SEPP Chapter 3 of the Industry and Employment SEPP aims to ensure any proposed signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of high-quality design and finish.	A proposed signage plan has been prepared for the Concept Master Plan and will be included in the final lodgement package at Appendix C .	Appendix C
	Character of the Area: Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposal is a permissible use which fulfills the objectives of the B7 zone. It will positively contribute to the employment objectives of the Marsden Park Industrial Precinct.	



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	Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	A detailed visual impact assessment has demonstrated that the bulk, scale and form of the proposal, when combined with the landscaping strategy, sits appropriately in the large scale employment setting of the area.	
	 Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? 	The proposal does not detract from the amenity or visual quality of special areas as there are no environmentally sensitive areas, heritage areas, natural or other conservation, open space areas, waterways or rural landscapes in surrounding or in close proximity to the site. The proposal will however have a direct interface with future residential areas planned to the north and east of the south. These interfaces will be mitigated through landscaping (Appendix Q) and architecturally designed façade (Appendix C) to contribute to urban character of the adjoining land uses. The proposal achieves an urban outcome for the site whilst also complying with objectives of the B7 zone.	
	 Views & Vistas Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers? 	The proposal does not obscure any significant views or vistas in the area. The height and scale of the development is appropriate for the setting of the Marsden Park Industrial Precinct.	
	 Streetscape, Setting or Landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management? 	The proposal addresses the streetscape through an architecturally designed facade treatment. Although these are large buildings, they have been sited and located in a landscape which has been specifically designed for this use.	
	 Site & Building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? 	The proposed built form reflects the warehousing and distribution function of the facility. It seeks to provide an appropriate built form for the locality. There will be designed estate signage for the facility which is based on tenant identification and not advertising.	



Statutory Reference	Relevant Consideration	Relevance	Section in EIS
	 Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both? 		
	 Associated Devices and Logos with Advertising and Advertising Structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	A proposed signage plan has been prepared for the Concept Master Plan and will be included in the final lodgement package at Appendix C . The signage plan identifies proposed location of signage as well as indicative locations and size of artwork on the warehouse facades. The indicative location for artwork is also depicted in the architectural elevations in Appendix C and Appendix Q . Further details of the tenant identification signage and wayfinding signage will be incorporated as part of later stages once tenants have been identified. Signage will have been designed to suit the architectural language of the proposal.	
	Illumination	The proposal will be appropriately illuminated in a manner which minimises light spill and glare.	
	Would illumination result in unacceptable glare?		
	Would illumination affect safety for pedestrians, vehicles or aircraft?		
	• Would illumination detract from the amenity of any residence or other form of accommodation?		
	Can the intensity of the illumination be adjusted, if necessary?		
	Is the illumination subject to a curfew?		
	 Safety Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	A detailed transport impact assessment has been submitted with the proposal which will be subject to a future safety audit as part of the detailed design.	
BLEP 2015	Blacktown Local Environmental Plan 2015	The SEARs do not require consideration to be given to the BLEP 2015. It is noted that since the gazettal of the Precinct within the WPC SEPP, the BLEP 2015 no longer applies to the site and no further assessment is required.	N/A
Mandatory Matter	s for Consideration		
Better Placed	In August 2017, the GANSW released Better Placed, the integrated design policy for NSW. Better Placed seeks to establish priorities and objectives that shape design to create well-designed built environments.	The Urban Design report completed by Urbis to provide an in-depth analysis of the existing site context and urban design considerations as part of the proposed development. It takes into consideration the existing site conditions and key challenges to create an optimal design outcome for the site in the broader context of the Marsden Park Industrial Precinct.	Section 6.1.2 Appendix L



Statutory Reference	Relevant Consideration	Relevance	Section in EIS
	It presents a collection of priorities and objectives that aspire to shape design that addresses key challenges and directions and creates good design outcomes for NSW. Seven distinct objectives have been identified to create environments that are:		
	Better fit – contextual, local and of its place.		
	2. Better performance – sustainable, adaptable and durable.		
	3. Better for community – inclusive, connected and diverse.		
	4. Better for people – safe comfortable and liveable.		
	5. Better working – functional, efficient and fit for purpose.		
	6. Better value – creating and adding value.		
	7. Better look and feel – engaging, inviting and attractive.		
Draft Connecting to Country Framework	 Draft Connecting with Country Framework – Objectives Objective 1 - Connect with Country by identifying and connecting places of Aboriginal significance. Objective 2 – Reflect the original landscape of the Cumberland Plain through revegetation techniques informed by Aboriginal knowledge of native flora and planting practices, and the preferred species. Objective 3 – Care for Country by creating opportunities for cultural care and land management. Objective 4 – Integrate places of Aboriginal significance into the urban structure, urban design and landscape. Objective 5 – Where possible, provide a physical connection between locally and culturally significant places. Objective 6 – Use cultural naming, language and narratives specific to a precinct or local area. Objective 7 – Identify and integrate Country through the urban design and development process. Objective 8 – Acknowledge local cultural groups in the design and location of cultural facilities and centres. 	The ACHAR completed as part of the EIS at Appendix GG includes consultation with registered Aboriginal parties. The site is not identified to contain any areas of Aboriginal significance identified within Marsden Park Industrial Precinct under the DCP.	Section 6.1.9 Appendix GG
Water Management Act 2000	WM Act 2000 – Objectives to apply the principles of ecologically sustainable development, and	The Biodiversity Assessment for the proposed development identifies that the land does not contain any waterfront land as defined under the Water Management Act (2000).	Section 6.2.3 Appendix S



Statutory Reference	Relevant Consideration	Relevance	Section in EIS
	 to protect, enhance and restore water sources, their associated ecosystems, ecological processes and biological diversity and their water quality, and 		
	 to recognise and foster the significant social and economic benefits to the State that result from the sustainable and efficient use of water, including— 		
	 (d) to recognise the role of the community, as a partner with government, in resolving issues relating to the management of water sources, 		
	 (e) to provide for the orderly, efficient and equitable sharing of water from water sources, 		
	 (f) to integrate the management of water sources with the management of other aspects of the environment, including the land, its soil, its native vegetation and its native fauna, 		
	 (g) to encourage the sharing of responsibility for the sustainable and efficient use of water between the Government and water users, 		
	 (h) to encourage best practice in the management and use of water.a physical connection between locally and culturally significant places. 		
	 Objective 6 – Use cultural naming, language and narratives specific to a precinct or local area. 		
	 Objective 7 – Identify and integrate Country through the urban design and development process. 		
	Objective 8 – Acknowledge local cultural groups in the design and location of cultural facilities and centres.		
Draft CPCP	Draft Cumberland Plain Conservation Plan	The Biodiversity Assessment for the proposed development identifies that the land is biodiversity	Section 6.2.3
	In August 2020 the DPIE released an Explanation of Intended Effect under section 3.30 of the EP&A Act recommending the creation of a new SEPP for strategic conservation planning. In order to support the new SEPP, the DPIE has created the Draft Cumberland Plain Conservation Plan (CPCP). The CPCP has been developed to meet requirements for strategic biodiversity certification under the Biodiversity Conservation Act 2016 and strategic assessment under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) across the Cumberland Plain in Western Sydney.	certified which does not require further assessment of impacts under the Biodiversity Conservation Act 2016.	Appendix S